

HOUSE BILL 28

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Melanie Ann Stansbury

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO CLIMATE; ENACTING THE RESOURCE SUSTAINABILITY AND SECURITY ACT; CREATING THE SUSTAINABILITY AND RESILIENCE COUNCIL; PROVIDING DUTIES; REQUIRING REPORTING; HSEIC→~~MAKING AN~~ ~~APPROPRIATION;~~←HSEIC DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Resource Sustainability and Security Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Resource Sustainability and Security Act:

.213498.2GLG

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

A. "agency" means a governmental entity within the executive branch of state government or under the direction of the office of the governor;

B. "climate change" means a change in the state of the climate that can be identified by changes in the mean or the variability of its properties and that persists for an extended period of time, typically decades or longer;

C. "council" means the sustainability and resilience council;

D. "greenhouse gas" means gaseous compounds that absorb infrared radiation emitted from earth's surface and trap heat in the earth's atmosphere, including carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride and sulfur hexafluoride;

E. "renewable energy" means energy produced by solar, wind, biomass, landfill gas, geothermal, geothermal heat pumps, microturbines, municipal solid waste or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project;

F. "resilience" means a capability to anticipate, prepare for, respond to and recover from significant multi-hazard threats with minimum damage to social well-being, the economy and the environment;

G. "risk" means a combination of the magnitude of a

.213498.2GLG

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

potential consequence of a climate change impact and the likelihood that the consequence will occur; and

H. "sustainability" means the ability to meet and sustain the needs of the present without compromising the future, by balancing considerations for economic, social and ecological well-being and equity.

SECTION 3. [NEW MATERIAL] SUSTAINABILITY AND RESILIENCE COUNCIL--CREATED.--

A. The "sustainability and resilience council" is created and is administratively attached to the energy, minerals and natural resources department.

B. The secretaries of energy, minerals and natural resources, environment and general services shall serve as the co-chairs of the council.

C. The council shall be composed of representatives of:

- (1) the energy, minerals and natural resources department;
- (2) the New Mexico department of agriculture;
- (3) the department of game and fish;
- (4) the office of the state engineer;
- (5) the interstate stream commission;
- (6) the department of health;
- (7) the department of transportation;
- (8) the homeland security and emergency

.213498.2GLG

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

management department;

(9) the economic development department;

(10) the state land office;

(11) the public regulation commission;

(12) the New Mexico renewable energy

transmission authority; and

(13) other state agencies, boards or

commissions as determined by the governor and co-chairs.

D. The co-chairs shall convene regular meetings of the council throughout the year, but no less than quarterly.

SECTION 4. [NEW MATERIAL] DUTIES--COUNCIL--CHIEF SUSTAINABILITY AND RESILIENCE OFFICER.--

A. The council shall:

(1) develop a government-wide plan to:

(a) ensure the long-term sustainability and resilience of New Mexico and its infrastructure and resources;

(b) prepare the state for climate change;

(c) reduce the vulnerability of natural and built systems, economic sectors, natural resources and communities to risks;

(d) promote long-term water and energy resource security; and

(e) support state economic development

.213498.2GLG

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

and diversification;

(2) support and provide guidance and technical assistance to state agencies in carrying out their duties pursuant to the Resource Sustainability and Security Act; and

(3) facilitate stakeholder engagement with Indian nations, tribes and pueblos, federal agencies, local governments, public safety entities, resource management authorities, nongovernmental organizations and other entities in the discretion of the co-chairs to carry out the Resource Sustainability and Security Act.

B. The governor, on the recommendation of the co-chairs of the council, shall appoint a chief sustainability and resilience officer who shall:

(1) staff and coordinate the activities of the council;

(2) serve as a liaison between agencies;

(3) monitor the progress of agencies in carrying out their duties pursuant to the Resource Sustainability and Security Act;

(4) advise the governor and legislature on progress in implementing the Resource Sustainability and Security Act; and

(5) prepare required plans and reports.

SECTION 5. [NEW MATERIAL] AGENCY DUTIES.--By no later than September 15, 2019, and with guidance from the council, an

.213498.2GLG

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

agency shall submit an initial sustainability and resilience plan to the chief sustainability and resilience officer and the council and commence implementation of the plan. The sustainability and resilience plan shall:

A. identify and assess environmental sustainability and climate-related impacts, needs and risks to the agency's:

- (1) ability to accomplish its missions, operations, policies and programs;
- (2) ability to serve its stakeholders; and
- (3) property, assets and fiscal and budgetary responsibilities;

B. provide an agency-specific plan, strategy, targets, policy actions, performance metrics and budgetary needs to enable the agency to plan for a more sustainable and resilient future, including the impacts, needs and risks identified in Subsection A of this section; and

C. identify specific, agency-wide targets and concrete actions the agency may undertake to:

- (1) improve water use efficiency and management, including by reducing potable water consumption, implementing water management strategies, installing water-efficient fixtures, reducing industrial, landscaping or agricultural water consumption or promoting water reuse and stormwater management;
- (2) increase energy efficiency, including by

.213498.2GLG

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

installing energy-efficient fixtures and appliances, installing infrastructure to use renewable energy sources, contracting for the purchase of renewable energy or undertaking other energy conservation and efficiency measures;

(3) reduce emissions of greenhouse gases, including by developing and implementing policies and practices to reduce emissions through agency operations, optimizing agency fleets and travel, using alternative fuel vehicles or pursuing opportunities with vendors to reduce emissions through manufacturing, utility delivery or other supply chain activities;

(4) promote pollution prevention and eliminate waste, including by minimizing the generation of waste and pollutants, diverting less waste, reducing paper use, reducing purchase of single-use plastics, increasing the use of compostable and organic materials or decreasing the use of chemicals;

(5) optimize building performance, including by implementing high-performance, sustainable building design, construction, operation, management, maintenance and deconstruction, reducing the consumption of energy, water and materials or optimizing the use of space;

(6) advance sustainable acquisition of products and services that are energy-efficient, water-efficient and environmentally preferable, contain recycled

.213498.2GLG

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

content and are non-toxic;

(7) ensure that climate change risks are fully integrated into infrastructure and natural resource planning and management;

(8) implement policies and use tools to help the agency prepare for, mitigate and adapt to climate change; and

(9) support New Mexico-based businesses and economic growth by purchasing goods and services that are produced within the state by New Mexico-owned and -operated businesses that use locally sourced materials and sustainable practices and processes.

SECTION 6. [NEW MATERIAL] REPORTS--BUDGETS.--

A. No later than September 15, 2020, the council shall provide a government-wide sustainability and resilience strategy to the governor and the legislature that includes:

(1) concrete targets, time frames, policies and procedures to achieve the purpose of the Resource Sustainability and Security Act;

(2) a clear strategy and actions that will be taken to achieve the targets;

(3) performance measures to track progress in achieving targets; and

(4) overall and agency-specific budgets needed to achieve targets HENRC→and cost savings←HENRC.

.213498.2GLG

underscored material = new

[bracketed material] = delete

Amendments: new = → bold, blue, highlight ←

delete = → bold, red, highlight, strikethrough ←

B. The council and agencies shall provide an annual sustainability and resilience plan, budget and performance measures to the governor and the legislature as part of the council's and agency's annual budget submissions that shall include, beginning in calendar year 2021, the items identified in Subsections A through C of Section 5 of the Resource Sustainability and Security Act.

HSEIC → ~~SECTION 7. APPROPRIATION.--Five hundred thousand dollars (\$500,000) is appropriated from the general fund to the energy, minerals and natural resources department for expenditure in fiscal year 2020 and subsequent fiscal years for the sustainability and resilience council to employ a chief sustainability and resilience officer and to staff and support the work of the sustainability and resilience council in carrying out the Resource Sustainability and Security Act. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~ ← HSEIC

HSEIC → ~~SECTION 8.~~ **Section 7.** ← HSEIC EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.