

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 462

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

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 OUTDOOR RECREATION; CREATING THE NEW MEXICO OUTDOOR RECREATION DIVISION IN THE ECONOMIC DEVELOPMENT DEPARTMENT AND THE OUTDOOR RECREATION ADVISORY COMMITTEE; CREATING THE SPECIAL PROJECTS AND OUTDOOR RECREATION INFRASTRUCTURE FUND; CREATING THE OUTDOOR EQUITY GRANT PROGRAM AND FUND; MAKING APPROPRIATIONS.

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

SECTION 1. Section 9-15-4 NMSA 1978 (being Laws 1983, Chapter 297, Section 4, as amended) is amended to read:

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"9-15-4. DEPARTMENT ESTABLISHED.--There is created in the executive branch the "economic development department". The department shall be a cabinet department and shall consist of, but not be limited to, [~~five~~] six divisions as follows:

- A. the administrative services division;
- B. the economic development division;
- C. the New Mexico film division;
- D. the technology enterprise division; [~~and~~]
- E. the trade and Mexican affairs division; and
- F. the New Mexico outdoor recreation division."

SECTION 2. A new section of the Economic Development Department Act is enacted to read:

"[NEW MATERIAL] NEW MEXICO OUTDOOR RECREATION DIVISION--
DUTIES--DIRECTOR.--

A. The New Mexico outdoor recreation division of the department shall:

- (1) increase outdoor recreation-based economic development, tourism and ecotourism in the state;
- (2) recruit out-of-state-based outdoor recreation businesses to locate in New Mexico;
- (3) promote stewardship and preservation of New Mexico's unique environment and cultural assets; and
- (4) promote education about and use of outdoor recreation assets to enhance public health.

B. The department, the tourism department, the

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state land office, the Rio Grande trail commission, the state parks division of the energy, minerals and natural resources department, the department of game and fish, the cultural affairs department, the Indian affairs department, the department of health and the department of transportation shall work in conjunction with the New Mexico outdoor recreation division to support the division's duties as they relate to the purposes of the respective departments and agencies.

C. For the purposes of this section:

(1) "ecotourism" means a form of tourism that involves visiting areas of ecological interest and is intended as a low-impact and often small-scale alternative to standard commercial tourism; and

(2) "outdoor recreation" means a recreational activity that occurs outdoors in a natural environment, including the use of trails, the natural landscape, water or snow resources or other natural resources in the activity."

SECTION 3. A new section of the Economic Development Department Act is enacted to read:

"[NEW MATERIAL] OUTDOOR RECREATION ADVISORY COMMITTEE--
CREATION--MEMBERSHIP--DUTIES.--"

A. The "outdoor recreation advisory committee" is created and administratively attached to the New Mexico outdoor recreation division of the department. The director of the New Mexico outdoor recreation division, or the director's designee, shall serve as the chair of the committee.

B. The outdoor recreation advisory committee shall be composed of no more than fifteen members appointed by the

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director of the New Mexico outdoor recreation division. The members of the committee shall include representatives of the outdoor recreation industry, the tourism department, the cultural affairs department, the energy, minerals and natural resources department, the state parks division of the energy, minerals and natural resources department, the department of game and fish and the Indian affairs department.

C. The members shall serve at the pleasure of the director.

D. Staff and other administrative support for the outdoor recreation advisory committee shall be provided by the administrative services division of the department.

E. Members of the outdoor recreation advisory committee are entitled to receive per diem and mileage as provided in the Per Diem and Mileage Act but shall receive no other perquisite, compensation or allowance."

SECTION 4. A new section of the Economic Development Department Act is enacted to read:

"[NEW MATERIAL] NEW MEXICO OUTDOOR RECREATION DIVISION-- SPECIAL PROJECTS AND OUTDOOR RECREATION INFRASTRUCTURE FUND-- CREATED.--The "special projects and outdoor recreation infrastructure fund" is created in the state treasury. The fund consists of appropriations, gifts, grants, donations, income from investment of the fund and money otherwise accruing to the fund. Money in the fund at the end of a fiscal year

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shall not revert to any other fund. The fund shall be administered by the New Mexico outdoor recreation division, and money in the fund is appropriated to the New Mexico outdoor recreation division for special projects and outdoor recreation infrastructure determined by the division to be necessary to carry out the purpose of the division. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the director of the New Mexico outdoor recreation division or the director's designee."

SECTION 5. Section 9-5B-1 NMSA 1978 (being Laws 1992, Chapter 91, Section 1) is amended to read:

"9-5B-1. SHORT TITLE.--~~[This act]~~ Chapter 9, Article 5B NMSA 1978 may be cited as the "New Mexico Youth Conservation Corps Act"."

SECTION 6. Section 9-5B-6 NMSA 1978 (being Laws 1992, Chapter 91, Section 6) is amended to read:

"9-5B-6. COMMISSION--POWERS AND DUTIES.--

A. The commission may:

- (1) accept gifts, devises, grants and donations from others to carry out the provisions of the New Mexico Youth Conservation Corps Act;
- (2) request assistance and staff support from the department;
- (3) employ such personnel as necessary to carry out the provisions of the New Mexico Youth Conservation Corps Act;
- (4) delegate responsibility for the

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administration and implementation of conservation projects, corps members' employment and supervision, project coordination and other program matters;

(5) establish work camps and long-term residential facilities to house corps members and their supervisors; and

(6) contact potential sponsors and funding sources for support.

B. The commission shall:

(1) adopt rules [~~and regulations~~] that are necessary for the proper administration of the New Mexico Youth Conservation Corps Act, including the outdoor equity grant program;

(2) administer and enforce the provisions of the New Mexico Youth Conservation Corps Act and rules [~~and regulations~~] adopted pursuant to Paragraph (1) of this subsection;

(3) develop and approve corps work projects, activities and contracts with project sponsors;

(4) administer the outdoor equity grant program;

[~~(4)~~] (5) establish standards, procedures and policies for selecting, hiring, providing compensation for and other personnel matters involving corps members and other personnel;

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[~~(5)~~] (6) foster partnerships and cooperation between the corps and New Mexico's secondary and post-secondary schools to assist corps members in obtaining education and job training; and

[~~(6)~~] (7) hire a program manager, who shall be the administrative officer of the corps."

SECTION 7. A new section of the New Mexico Youth Conservation Corps Act is enacted to read:

"[NEW MATERIAL] OUTDOOR EQUITY GRANT PROGRAM--CREATED--ADMINISTRATION--GRANT CRITERIA.--

A. The "outdoor equity grant program" is created in the department to be administered by the commission.

B. Each fiscal year, competitive grants shall be awarded to applicants for the sole purpose of funding outdoor recreation programs, in whole or in part, for youth up to the age of eighteen.

C. Annually, the commission shall establish a minimum and maximum number of grants available based on the funding appropriated to the outdoor equity grant program fund for that fiscal year.

D. The commission shall award grants to applicants through a competitive process and based upon the following minimum criteria:

(1) at least forty percent of the population served by the applicant are low-income youth up to the age of eighteen;

(2) the applicant has a well-developed, written plan to engage low-income youth in outdoor recreation

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activities; and

(3) the applicant has an educational plan to educate youth about climate and the environment as part of its outdoor recreation program.

E. The commission shall establish grant reporting requirements that meet the general purpose of this section.

F. For the purposes of this section:

(1) "applicant" means a county, municipality or other political subdivision of the state, a nonprofit organization or an Indian nation, tribe or pueblo that applies for an outdoor equity grant; and

(2) "outdoor recreation" means a recreational activity that occurs outdoors in a natural environment, including the use of trails, the natural landscape, water or snow resources or other natural resources in the activity."

SECTION 8. A new section of the New Mexico Youth Conservation Corps Act is enacted to read:

"[NEW MATERIAL] OUTDOOR EQUITY GRANT PROGRAM FUND--
CREATED.--

A. The "outdoor equity grant program fund" is created in the state treasury. All appropriations, gifts, devises, grants and donations received shall be deposited in the fund. Money in the fund is appropriated to the commission for the purpose of carrying out the outdoor equity grant program pursuant to the provisions of the New Mexico Youth

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Conservation Corps Act. Any money appropriated to the fund or accruing to it through gifts, grants, bequests or interest shall remain in the fund. Money in the fund shall not revert at the end of a fiscal year.

B. The fund shall be administered by the department. Disbursements from the fund shall be made only upon warrant drawn by the secretary of finance and administration pursuant to vouchers signed by the chair of the commission or the chair's designee for the purpose of carrying out the outdoor equity grant program pursuant to the provisions of the New Mexico Youth Conservation Corps Act."

SFC → ~~SECTION 9. APPROPRIATION.~~

~~A. One million five hundred thousand dollars (\$1,500,000) is appropriated from the general fund to the economic development department for expenditure in fiscal year 2020 for the operation of the New Mexico outdoor recreation division. Any unexpended or unencumbered balance remaining at the end of fiscal year 2020 shall revert to the general fund.~~

~~B. One hundred thousand dollars (\$100,000) is appropriated from the general fund to the outdoor equity grant program fund for expenditure in fiscal year 2020 and subsequent fiscal years for the New Mexico youth conservation corps commission to provide grants through the outdoor equity grant program. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~ ← SFC

SECTION SFC → 10 9 ← SFC. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.

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