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HOUSE BILL 304

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Angelica Rubio

AN ACT

RELATING TO OUTDOOR RECREATION; TRANSFERRING ADMINISTRATION OF THE OUTDOOR EQUITY GRANT PROGRAM AND FUND FROM THE NEW MEXICO YOUTH CONSERVATION CORPS COMMISSION TO THE NEW MEXICO OUTDOOR RECREATION DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT; AMENDING AND RECOMPILING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

**SECTION 1.** Section 9-5B-6 NMSA 1978 (being Laws 1992, Chapter 91, Section 6, as amended) 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;

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1 (2) request assistance and staff support from  
2 the department;

3 (3) employ such personnel as necessary to  
4 carry out the provisions of the New Mexico Youth Conservation  
5 Corps Act;

6 (4) delegate responsibility for the  
7 administration and implementation of conservation projects,  
8 corps members' employment and supervision, project coordination  
9 and other program matters;

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

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

15 B. The commission shall:

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

19 (2) administer and enforce the provisions of  
20 the New Mexico Youth Conservation Corps Act and rules adopted  
21 pursuant to Paragraph (1) of this subsection;

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

24 [~~(4) administer the outdoor equity grant~~  
25 ~~program~~];

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1                   ~~(5)~~ (4) establish standards, procedures and  
2 policies for selecting, hiring, providing compensation for and  
3 other personnel matters involving corps members and other  
4 personnel;

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

9                   ~~(7)~~ (6) hire a program manager, who shall be  
10 the administrative officer of the corps."

11           SECTION 2. Section 9-15-1 NMSA 1978 (being Laws 1983,  
12 Chapter 297, Section 1, as amended) is amended to read:

13           "9-15-1. SHORT TITLE.--Sections 9-15-1 through ~~[9-15-15]~~  
14 9-15-36 NMSA 1978 may be cited as the "Economic Development  
15 Department Act"."

16           SECTION 3. Section 9-15-14.1 NMSA 1978 (being Laws 2019,  
17 Chapter 117, Section 2) is amended to read:

18           "9-15-14.1. NEW MEXICO OUTDOOR RECREATION DIVISION--  
19 DUTIES--~~[DIRECTOR]~~ DEFINITIONS.--

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

22                           (1) increase outdoor recreation-based economic  
23 development, tourism and ecotourism in the state;

24                           (2) recruit out-of-state-based outdoor  
25 recreation businesses to locate in New Mexico;

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1 (3) promote stewardship and preservation of  
2 New Mexico's unique environment and cultural assets; ~~and~~

3 (4) promote education about and use of outdoor  
4 recreation assets to enhance public health; and

5 (5) administer the outdoor equity grant  
6 program.

7 B. The department, the tourism department, the  
8 state land office, the Rio Grande trail commission, the state  
9 parks division of the energy, minerals and natural resources  
10 department, the department of game and fish, the cultural  
11 affairs department, the Indian affairs department, the  
12 department of health and the department of transportation shall  
13 work in conjunction with the New Mexico outdoor recreation  
14 division to support the division's duties as they relate to the  
15 purposes of the respective departments and agencies.

16 C. For the purposes of ~~[this section]~~ administering  
17 functions of the New Mexico outdoor recreation division:

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

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

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1           SECTION 4. Section 9-5B-10.1 NMSA 1978 (being Laws 2019,  
2 Chapter 117, Section 7) is recompiled as part of the Economic  
3 Development Department Act and is amended to read:

4           "OUTDOOR EQUITY GRANT PROGRAM--CREATED--ADMINISTRATION--  
5 GRANT CRITERIA.--

6           A. The "outdoor equity grant program" is created in  
7 the department to be administered by the [~~commission~~] New  
8 Mexico outdoor recreation division of the department.

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

13           C. Political subdivisions of the state, Indian  
14 nations, tribes and pueblos and nonprofit organizations may  
15 apply for outdoor equity grants.

16           [~~G.~~] D. Annually, the [~~commission~~] New Mexico  
17 outdoor recreation division shall establish a minimum and  
18 maximum number of grants available based on the funding  
19 appropriated to the outdoor equity grant program fund for that  
20 fiscal year.

21           [~~D.~~] E. The [~~commission~~] New Mexico outdoor  
22 recreation division shall award grants to applicants through a  
23 competitive process and based upon the following minimum  
24 criteria:

25                           (1) at least forty percent of the population

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1 served by the applicant are low-income youth up to the age of  
2 eighteen;

3 (2) the applicant has a well-developed,  
4 written plan to engage low-income youth in outdoor recreation  
5 activities; and

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

9 [E.] F. The ~~[commission]~~ New Mexico outdoor  
10 recreation division shall establish grant reporting  
11 requirements that meet the general purpose of this section.

12 [~~F. For the purposes of this section:~~

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

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

21 SECTION 5. Section 9-5B-10.2 NMSA 1978 (being Laws 2019,  
22 Chapter 117, Section 8) is recompiled as part of the Economic  
23 Development Department Act and is amended to read:

24 "OUTDOOR EQUITY GRANT PROGRAM FUND--CREATED.--

25 A. The "outdoor equity grant program fund" is

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1 created in the state treasury. All appropriations, gifts,  
2 devises, grants and donations received shall be deposited in  
3 the fund. Money in the fund is ~~[appropriated]~~ subject to  
4 appropriation by the legislature to the ~~[commission for the~~  
5 ~~purpose of carrying out the]~~ department for the New Mexico  
6 outdoor recreation division to carry out the outdoor equity  
7 grant program ~~[pursuant to the provisions of the New Mexico~~  
8 ~~Youth Conservation Corps Act]~~. Any money appropriated to the  
9 fund or accruing to it through gifts, grants, bequests or  
10 interest shall remain in the fund. Money in the fund shall not  
11 revert at the end of a fiscal year.

12 B. The fund shall be administered by the  
13 department. Disbursements from the fund shall be made only  
14 upon warrant drawn by the secretary of finance and  
15 administration pursuant to vouchers signed by the ~~[chair of the~~  
16 ~~commission]~~ secretary of economic development or the ~~[chair's]~~  
17 secretary's designee for the purpose of carrying out the  
18 outdoor equity grant program ~~[pursuant to the provisions of the~~  
19 ~~New Mexico Youth Conservation Corps Act]~~."

20 SECTION 6. TEMPORARY PROVISION--TRANSFER OF  
21 APPROPRIATIONS, RECORDS AND CONTRACTS TO THE NEW MEXICO OUTDOOR  
22 RECREATION DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT.--On  
23 the effective date of this act:

24 A. all functions, appropriations, money, records  
25 and files of the New Mexico youth conservation corps commission

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1 relating to the outdoor equity grant program shall be  
2 transferred to the New Mexico outdoor recreation division of  
3 the economic development department;

4 B. all contractual obligations of the New Mexico  
5 youth conservation corps commission relating to the outdoor  
6 equity grant program shall be binding on the New Mexico outdoor  
7 recreation division; and

8 C. the rules, orders and decisions of the New  
9 Mexico youth conservation corps commission relating to the  
10 outdoor equity grant program shall remain in effect until  
11 repealed or amended.

12 SECTION 7. APPROPRIATION.--Fifty thousand dollars  
13 (\$50,000) is appropriated from the general fund to the economic  
14 development department for expenditure in fiscal year 2021 to  
15 hire an outdoor equity grant program manager. Any unexpended  
16 or unencumbered balance remaining at the end of fiscal year  
17 2021 shall revert to the general fund.