

SENATE BILL 230

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Linda M. Lopez and Patricia Roybal Caballero  
and Harold Pope, Jr. and Shannon D. Pinto

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO HUMAN RIGHTS; REQUIRING STATE AGENCIES TO DEVELOP AND IMPLEMENT POLICIES TO IDENTIFY, ASSESS AND DECREASE INSTITUTIONAL RACISM; PROVIDING CRITERIA BY WHICH STATE AGENCIES SHALL IMPLEMENT SUCH POLICIES; PROVIDING DUTIES FOR THE STATE PERSONNEL OFFICE.

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

SECTION 1. [NEW MATERIAL] DEVELOPMENT OF POLICIES TO DECREASE INSTITUTIONAL RACISM--DEFINITION.--

.218918.1AIC March 12, 2021 (9:24am)

underscoring 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. On or before December 31 of each year, the state personnel office shall:

(1) conduct an evaluation of race as self-identified by applicants, candidates and employees who are subject to the Personnel Act as related to hiring, promotion, retention and pay;

(2) develop policies to identify, assess, reduce and prevent inequities due to institutional racism in hiring, promotion and pay for those agencies with positions to which the provisions of the Personnel Act apply;

(3) conduct an analysis of state government employment datasets of race as self-identified by employees to track progress towards ending institutional racism; and

(4) develop and provide anti-institutional racism training for all employees subject to the Personnel Act

SJC→.←SJC SJC→that shall include:

(a) a historical perspective on New Mexico, spotlighting the many racial and ethnic subpopulations that live and work in New Mexico and the need for all New Mexicans to be aware of, appreciate and celebrate the cultural differences alive in the state;

(b) strategies that eliminate cultural prejudices and discrimination while strengthening the common threads that bind individuals into one state and one nation;

(c) strategies that improve engagement

.218918.1AIC March 12, 2021 (9:24am)

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

with employees, customers or clients from different cultural backgrounds; and

(d) strategies that counteract unconscious bias and foster a climate of diversity and inclusion in the state government workplace. ←SJC

B. On or before December 31 of each year, each state agency or state entity receiving state funding shall submit a plan to the appropriate interim committee dealing with courts, corrections and justice, the legislative finance committee and the legislature to address institutional racism as a part of the annual final budget or request for proposals submission for that agency or state entity. In fulfilling the requirements of this subsection, each state agency or state entity receiving state funding shall:

(1) assess its anti-institutional racism policies in hiring, promotion, retention, pay equity, community engagement and workplace participation;

(2) create steps in its hiring and promotion processes that incorporate the values of diversity, equity and inclusion;

(3) include a prominent statement on all job advertisements and annual reviews that:

(a) clearly articulates the state's commitment to reducing and preventing institutional racism; and

(b) states that all employees are

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

required to participate in anti-institutional racism training;  
and

(4) provide aggregate demographic statistics  
for all employees, including race for those employees who  
self-identify.

C. For the purposes of this section, "institutional  
racism" means actions that result in differential access to the  
goods, services and opportunities of society due to the  
existence of institutional programs, policies and practices  
that intentionally or unintentionally place certain racial and  
ethnic groups at a disadvantage in relation to other groups.

- 4 -