

SENATE BILL 357

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

INTRODUCED BY

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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 EXECUTIVE DEPARTMENTS; REQUIRING CONFIRMED DEPARTMENT SECRETARIES TO FILE AN AFFIDAVIT OF NEW MEXICO RESIDENCY; PROVIDING FOR THE REMOVAL OF DEPARTMENT SECRETARIES WHO FAIL TO FILE AN AFFIDAVIT OF NEW MEXICO RESIDENCY OR FAIL TO MAINTAIN NEW MEXICO RESIDENCY.

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

SECTION 1. Section 9-1-4 NMSA 1978 (being Laws 1977,

.218811.1AIC March 3, 2021 (8:30am)

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Chapter 248, Section 4) is amended to read:

"9-1-4. CABINET DEPARTMENTS--STRUCTURE.--

A. Except as otherwise provided by law for its internal structure, the executive branch shall adhere to the following standard terms:

(1) the principal unit of the executive branch is a "department", headed by a "secretary" who shall be appointed by the governor with the consent of the senate and who shall serve at [~~his~~] the governor's pleasure;

(2) the principal unit of a department is a "division", headed by a "director" who shall be appointed by the secretary with the approval of the governor and who shall serve at the secretary's pleasure;

(3) the principal unit of a division is a "bureau", headed by a "chief" who is employed by the secretary and who is covered by, and subject to, the provisions of the Personnel Act; and

(4) the principal unit of a bureau is a "section", headed by a "supervisor" who is employed by the secretary and who is covered by, and subject to, the provisions of the Personnel Act.

B. An appointed secretary shall serve and have all of the duties, responsibilities and authority of that office during the period of time prior to final action by the senate confirming or rejecting [~~his~~] the secretary's appointment.

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C. No later than thirty days from the date of confirmation or the effective date of this 2021 act, whichever is later, a secretary shall file a signed affidavit with the governor stating the secretary's name and that the secretary is a resident of the state of New Mexico and will maintain SRC→an uninterrupted←SRC SRC→a←SRC residency within the state for the term of the secretary's appointment. A secretary shall be removed from that office for failure to submit an affidavit as required by this subsection or failure to maintain residency within the state.

D. For the purposes of this section, "resident" means a person who lives in and is domiciled in New Mexico."

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