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AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CREATING THE SUSTAINABLE  
ECONOMY TASK FORCE AND THE SUSTAINABLE ECONOMY ADVISORY  
COUNCIL; REQUIRING THAT THE SUSTAINABLE ECONOMY TASK FORCE  
DEVELOP A STRATEGIC PLAN TO TRANSITION THE STATE ECONOMY AWAY  
FROM RELIANCE ON NATURAL RESOURCE EXTRACTION; PROVIDING  
DUTIES; REQUIRING THAT DEPARTMENT SECRETARIES OF STATE  
AGENCIES COMPLY WITH THE STRATEGIC PLAN.

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

SECTION 1. SUSTAINABLE ECONOMY TASK FORCE--CREATED--  
STAFF.--

A. The "sustainable economy task force" is created  
and is administratively attached to the economic development  
department. The task force consists of the following voting  
members as follows:

(1) the commissioner of public lands or the  
commissioner's designee;

(2) the secretary of economic development or  
the secretary's designee;

(3) the secretary of finance and  
administration or the secretary's designee;

(4) the secretary of taxation and revenue or  
the secretary's designee;

(5) the secretary of energy, minerals and

1 natural resources or the secretary's designee;

2 (6) the secretary of Indian affairs or the  
3 secretary's designee;

4 (7) the secretary of workforce solutions or  
5 the secretary's designee;

6 (8) the secretary of general services or the  
7 secretary's designee;

8 (9) the secretary of higher education or the  
9 secretary's designee;

10 (10) the secretary of public education or  
11 the secretary's designee;

12 (11) the secretary of environment or the  
13 secretary's designee;

14 (12) the state investment officer or the  
15 state investment officer's designee; and

16 (13) the chair of the sustainable economy  
17 advisory council.

18 B. The chair of the task force shall be the  
19 secretary of economic development or the secretary's  
20 designee, and the vice chair of the task force shall be the  
21 member serving as the chair of the sustainable economy  
22 advisory council. The task force shall meet at the call of  
23 the chair.

24 C. The "sustainable economy advisory council" is  
25 created and is administratively attached to the economic

1 development department. The advisory council shall advise  
2 the sustainable economy task force on developing and  
3 achieving the goals of the strategic plan provided in Section  
4 2 of this 2021 act. The advisory council shall consist of  
5 the following members:

6 (1) one representative of local governments,  
7 appointed by the chair of the task force;

8 (2) two representatives of  
9 disproportionately impacted communities or organizations with  
10 experience working with disproportionately impacted  
11 communities, appointed by the chair of the task force;

12 (3) two representatives of organizations  
13 with experience in sustainable economic development planning  
14 and workforce development, appointed by the chair of the task  
15 force;

16 (4) one representative from industry and  
17 business sectors involved in achieving or that may be  
18 affected by the goals of the sustainable economy task force,  
19 appointed by the chair of the task force; and

20 (5) eight representatives of tribal  
21 governments or entities, appointed by the Indian affairs  
22 department.

23 D. The chair of the advisory council shall be  
24 elected by the members of the advisory council.

25 E. Members of the task force may receive per diem

1 and mileage pursuant to the Per Diem and Mileage Act.

2 F. The economic development department shall  
3 provide the necessary staff and administrative support to the  
4 task force.

5 G. As used in this section, "disproportionately  
6 impacted community" means a community or population of people  
7 for which multiple burdens, including environmental and  
8 socioeconomic stressors, inequity, poverty, high  
9 unemployment, pollution or discrimination, may act to  
10 persistently and negatively affect the health, well-being and  
11 environment of the community or population and includes  
12 tribal communities, communities of color and low-income rural  
13 communities and native people, people of color, women,  
14 immigrants, youth, formerly incarcerated people, lesbian,  
15 gay, bisexual, transgender and queer people and people with  
16 disabilities.

17 SECTION 2. SUSTAINABLE ECONOMY TASK FORCE--DUTIES--  
18 STRATEGIC PLAN--REPORTING.--

19 A. The sustainable economy task force shall:

20 (1) develop a strategic plan in fiscal year  
21 2022 to transition the state economy away from reliance on  
22 natural resource extraction; provided that the strategic plan  
23 shall adhere to the requirements set forth in Subsection C of  
24 this section and shall be updated annually through fiscal  
25 year 2027; and

1                   (2) no later than October 1 of each year,  
2 report on the strategic plan to the legislative finance  
3 committee, the revenue stabilization and tax policy committee  
4 and any other appropriate interim legislative committee.

5                   B. The sustainable economy task force may hire or  
6 contract with consultants or experts to provide the task  
7 force with information to assist in developing the strategic  
8 plan.

9                   C. The strategic plan, which shall be developed  
10 and updated annually by the sustainable economy task force,  
11 shall:

12                   (1) provide policies to promote:

13                   (a) the addition of new jobs statewide  
14 to replace jobs that rely on the extraction or development of  
15 natural resources;

16                   (b) diversifying the state's tax base  
17 to replace the revenue generated from the natural resource  
18 extraction sector, including policies promoting: 1) economic  
19 development; 2) state investments; 3) infrastructure  
20 development; and 4) determining alternative funding sources  
21 for education and hospitals; and

22                   (c) long-term economic growth;

23                   (2) address recommendations provided in  
24 current and future economic studies and development efforts,  
25 including those from state agencies, institutions of higher

1 learning, national laboratories and business incubators;

2 (3) be developed in consultation with the  
3 communities that will be affected by the provisions of the  
4 plan, including Indian nations, tribes and pueblos located  
5 wholly or partly in New Mexico, local governments and local  
6 communities; and

7 (4) include a plan to implement the  
8 recommendations of the study titled the "New Mexico Clean  
9 Energy Workforce Development Study" that was commissioned by  
10 the workforce solutions department and published in June 2020  
11 and expand the development of jobs with family-sustaining  
12 wages and benefits, opportunities for advancement and safe  
13 working conditions in industries engaged in sustainable  
14 economic development for New Mexico workers, prioritizing  
15 disproportionately impacted communities.

16 D. As used in this section, "disproportionately  
17 impacted community" means a community or population of people  
18 for which multiple burdens, including environmental and  
19 socioeconomic stressors, inequity, poverty, high  
20 unemployment, pollution or discrimination, may act to  
21 persistently and negatively affect the health, well-being and  
22 environment of the community or population and includes  
23 tribal communities, communities of color and low-income rural  
24 communities and native people, people of color, women,  
25 immigrants, youth, formerly incarcerated people, lesbian,

1 gay, bisexual, transgender and queer people and people with  
2 disabilities.

3 SECTION 3. Section 9-1-5 NMSA 1978 (being Laws 1977,  
4 Chapter 248, Section 5) is amended to read:

5 "9-1-5. SECRETARY--DUTIES AND GENERAL POWERS.--

6 A. The secretary is responsible to the governor  
7 for the operation of the department. It is the secretary's  
8 duty to manage all operations of the department and to  
9 administer and enforce the laws with which the secretary or  
10 the department is charged.

11 B. To perform the secretary's duties, the  
12 secretary has every power expressly enumerated in the laws,  
13 whether granted to the secretary or the department or any  
14 division of the department, except where authority conferred  
15 upon any division is explicitly exempted from the secretary's  
16 authority by statute. In accordance with these provisions,  
17 the secretary shall:

18 (1) except as otherwise provided in the  
19 Executive Reorganization Act, exercise general supervisory  
20 and appointing authority over all department employees,  
21 subject to any applicable personnel laws and regulations;

22 (2) delegate authority to subordinates as  
23 the secretary deems necessary and appropriate, clearly  
24 delineating such delegated authority and the limitations  
25 thereto;

1                   (3) organize the department into those  
2 organizational units the secretary deems will enable it to  
3 function most efficiently, subject to any provisions of law  
4 requiring or establishing specific organizational units;

5                   (4) within the limitations of available  
6 appropriations and applicable laws, employ and fix the  
7 compensation of those persons necessary to discharge the  
8 secretary's duties;

9                   (5) take administrative action by issuing  
10 orders and instructions, not inconsistent with the law, to  
11 assure implementation of and compliance with the provisions  
12 of law for whose administration or execution the secretary is  
13 responsible and to enforce those orders and instructions by  
14 appropriate administrative action or actions in the courts;

15                   (6) conduct research and studies that will  
16 improve the operations of the department and the provision of  
17 services to the residents of the state;

18                   (7) provide courses of instruction and  
19 practical training for employees of the department and other  
20 persons involved in the administration of programs with the  
21 objective of improving the operations and efficiency of  
22 administration;

23                   (8) prepare an annual budget of the  
24 department;

25                   (9) provide cooperation, at the request of



1 heads of administratively attached agencies and adjunct  
2 agencies, in order to:

3 (a) minimize or eliminate duplication  
4 of services and jurisdictional conflicts;

5 (b) coordinate activities and resolve  
6 problems of mutual concern; and

7 (c) resolve by agreement the manner and  
8 extent to which the department shall provide budgeting,  
9 recordkeeping and related clerical assistance to  
10 administratively attached agencies;

11 (10) implement, as much as legally  
12 permissible, the strategic plan developed by the sustainable  
13 economy task force as provided in Section 2 of this 2021 act;

14 (11) appoint, with the governor's consent, a  
15 "director" for each division. These appointed positions are  
16 exempt from the provisions of the Personnel Act. Persons  
17 appointed to these positions shall serve at the pleasure of  
18 the secretary;

19 (12) give bond in the penal sum of  
20 twenty-five thousand dollars (\$25,000) and require directors  
21 to each give bond in the penal sum of ten thousand dollars  
22 (\$10,000) conditioned upon the faithful performance of  
23 duties, as provided in the Surety Bond Act. The department  
24 shall pay the costs of these bonds; and

25 (13) require performance bonds of such

1 department employees and officers as the secretary deems  
2 necessary, as provided in the Surety Bond Act. The  
3 department shall pay the costs of these bonds.

4 C. The secretary may apply for and receive, with  
5 the governor's approval, in the name of the department any  
6 public or private funds, including but not limited to United  
7 States government funds, available to the department to carry  
8 out its programs, duties or services.

9 D. Where functions of departments overlap or a  
10 function assigned to one department could better be performed  
11 by another department, a secretary may recommend appropriate  
12 legislation to the next session of the legislature for its  
13 approval.

14 E. The secretary may make and adopt such  
15 reasonable procedural rules as may be necessary to carry out  
16 the duties of the department and its divisions. No rule  
17 promulgated by the director of any division in carrying out  
18 the functions and duties of the division shall be effective  
19 until approved by the secretary unless otherwise provided by  
20 statute. Unless otherwise provided by statute, no rule  
21 affecting any person or agency outside the department shall  
22 be adopted, amended or repealed without a public hearing on  
23 the proposed action before the secretary or a hearing officer  
24 designated by the secretary. The public hearing shall be  
25 held in Santa Fe unless otherwise permitted by statute.

1 Notice of the subject matter of the rule, the action proposed  
2 to be taken, the time and place of the hearing, the manner in  
3 which interested persons may present their views and the  
4 method by which copies of the proposed rule or proposed  
5 amendment or repeal of an existing rule may be obtained shall  
6 be published once at least thirty days prior to the hearing  
7 date in a newspaper of general circulation and mailed at  
8 least thirty days prior to the hearing date to all persons  
9 who have made a written request for advance notice of  
10 hearing. All rules shall be filed in accordance with the  
11 State Rules Act.

12 F. If this section conflicts with the powers and  
13 duties specifically given by statute to a particular  
14 secretary, the specific powers and duties shall control. If  
15 this section conflicts with other statutes specifically  
16 limiting the powers of a secretary, the specific limitations  
17 shall control."

18 SECTION 4. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2021. \_\_\_\_\_

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