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HOUSE BILL 28

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

INTRODUCED BY

Melanie Ann Stansbury

AN ACT

RELATING TO CLIMATE; ENACTING THE RESOURCE SUSTAINABILITY AND SECURITY ACT; CREATING THE SUSTAINABILITY AND RESILIENCE COUNCIL; PROVIDING DUTIES; REQUIRING REPORTING; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Resource Sustainability and Security Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Resource Sustainability and Security Act:

A. "agency" means a governmental entity within the executive branch of state government or under the direction of the office of the governor;

B. "climate change" means a change in the state of the climate that can be identified by changes in the mean or

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1 the variability of its properties and that persists for an  
2 extended period of time, typically decades or longer;

3 C. "council" means the sustainability and  
4 resilience council;

5 D. "greenhouse gas" means gaseous compounds that  
6 absorb infrared radiation emitted from earth's surface and trap  
7 heat in the earth's atmosphere, including carbon dioxide,  
8 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,  
9 nitrogen trifluoride and sulfur hexafluoride;

10 E. "renewable energy" means energy produced by  
11 solar, wind, biomass, landfill gas, geothermal, geothermal heat  
12 pumps, microturbines, municipal solid waste or new  
13 hydroelectric generation capacity achieved from increased  
14 efficiency or additions of new capacity at an existing  
15 hydroelectric project;

16 F. "resilience" means a capability to anticipate,  
17 prepare for, respond to and recover from significant multi-  
18 hazard threats with minimum damage to social well-being, the  
19 economy and the environment;

20 G. "risk" means a combination of the magnitude of a  
21 potential consequence of a climate change impact and the  
22 likelihood that the consequence will occur; and

23 H. "sustainability" means the ability to meet and  
24 sustain the needs of the present without compromising the  
25 future, by balancing considerations for economic, social and

1 ecological well-being and equity.

2 SECTION 3. [NEW MATERIAL] SUSTAINABILITY AND RESILIENCE  
3 COUNCIL--CREATED.--

4 A. The "sustainability and resilience council" is  
5 created and is administratively attached to the energy,  
6 minerals and natural resources department.

7 B. The secretaries of energy, minerals and natural  
8 resources, environment and general services shall serve as the  
9 co-chairs of the council.

10 C. The council shall be composed of representatives  
11 of:

12 (1) the energy, minerals and natural resources  
13 department;

14 (2) the New Mexico department of agriculture;

15 (3) the department of game and fish;

16 (4) the office of the state engineer;

17 (5) the interstate stream commission;

18 (6) the department of health;

19 (7) the department of transportation;

20 (8) the homeland security and emergency

21 management department;

22 (9) the economic development department;

23 (10) the state land office;

24 (11) the public regulation commission;

25 (12) the New Mexico renewable energy

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1 transmission authority; and

2 (13) other state agencies, boards or  
3 commissions as determined by the governor and co-chairs.

4 D. The co-chairs shall convene regular meetings of  
5 the council throughout the year, but no less than quarterly.

6 SECTION 4. [NEW MATERIAL] DUTIES--COUNCIL--CHIEF  
7 SUSTAINABILITY AND RESILIENCE OFFICER.--

8 A. The council shall:

9 (1) develop a government-wide plan to:

10 (a) ensure the long-term sustainability  
11 and resilience of New Mexico and its infrastructure and  
12 resources;

13 (b) prepare the state for climate  
14 change;

15 (c) reduce the vulnerability of natural  
16 and built systems, economic sectors, natural resources and  
17 communities to risks;

18 (d) promote long-term water and energy  
19 resource security; and

20 (e) support state economic development  
21 and diversification;

22 (2) support and provide guidance and technical  
23 assistance to state agencies in carrying out their duties  
24 pursuant to the Resource Sustainability and Security Act; and

25 (3) facilitate stakeholder engagement with

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1 Indian nations, tribes and pueblos, federal agencies, local  
2 governments, public safety entities, resource management  
3 authorities, nongovernmental organizations and other entities  
4 in the discretion of the co-chairs to carry out the Resource  
5 Sustainability and Security Act.

6 B. The governor, on the recommendation of the co-  
7 chairs of the council, shall appoint a chief sustainability and  
8 resilience officer who shall:

9 (1) staff and coordinate the activities of the  
10 council;

11 (2) serve as a liaison between agencies;

12 (3) monitor the progress of agencies in  
13 carrying out their duties pursuant to the Resource  
14 Sustainability and Security Act;

15 (4) advise the governor and legislature on  
16 progress in implementing the Resource Sustainability and  
17 Security Act; and

18 (5) prepare required plans and reports.

19 SECTION 5. [NEW MATERIAL] AGENCY DUTIES.--By no later  
20 than September 15, 2019, and with guidance from the council, an  
21 agency shall submit an initial sustainability and resilience  
22 plan to the chief sustainability and resilience officer and the  
23 council and commence implementation of the plan. The  
24 sustainability and resilience plan shall:

25 A. identify and assess environmental sustainability

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1 and climate-related impacts, needs and risks to the agency's:

2 (1) ability to accomplish its missions,  
3 operations, policies and programs;

4 (2) ability to serve its stakeholders; and

5 (3) property, assets and fiscal and budgetary  
6 responsibilities;

7 B. provide an agency-specific plan, strategy,  
8 targets, policy actions, performance metrics and budgetary  
9 needs to enable the agency to plan for a more sustainable and  
10 resilient future, including the impacts, needs and risks  
11 identified in Subsection A of this section; and

12 C. identify specific, agency-wide targets and  
13 concrete actions the agency may undertake to:

14 (1) improve water use efficiency and  
15 management, including by reducing potable water consumption,  
16 implementing water management strategies, installing water-  
17 efficient fixtures, reducing industrial, landscaping or  
18 agricultural water consumption or promoting water reuse and  
19 stormwater management;

20 (2) increase energy efficiency, including by  
21 installing energy-efficient fixtures and appliances, installing  
22 infrastructure to use renewable energy sources, contracting for  
23 the purchase of renewable energy or undertaking other energy  
24 conservation and efficiency measures;

25 (3) reduce emissions of greenhouse gases,

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1 including by developing and implementing policies and practices  
2 to reduce emissions through agency operations, optimizing  
3 agency fleets and travel, using alternative fuel vehicles or  
4 pursuing opportunities with vendors to reduce emissions through  
5 manufacturing, utility delivery or other supply chain  
6 activities;

7 (4) promote pollution prevention and eliminate  
8 waste, including by minimizing the generation of waste and  
9 pollutants, diverting less waste, reducing paper use, reducing  
10 purchase of single-use plastics, increasing the use of  
11 compostable and organic materials or decreasing the use of  
12 chemicals;

13 (5) optimize building performance, including  
14 by implementing high-performance, sustainable building design,  
15 construction, operation, management, maintenance and  
16 deconstruction, reducing the consumption of energy, water and  
17 materials or optimizing the use of space;

18 (6) advance sustainable acquisition of  
19 products and services that are energy-efficient, water-  
20 efficient and environmentally preferable, contain recycled  
21 content and are non-toxic;

22 (7) ensure that climate change risks are fully  
23 integrated into infrastructure and natural resource planning  
24 and management;

25 (8) implement policies and use tools to help

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1 the agency prepare for, mitigate and adapt to climate change;  
2 and

3 (9) support New Mexico-based businesses and  
4 economic growth by purchasing goods and services that are  
5 produced within the state by New Mexico-owned and -operated  
6 businesses that use locally sourced materials and sustainable  
7 practices and processes.

8 SECTION 6. [NEW MATERIAL] REPORTS--BUDGETS.--

9 A. No later than September 15, 2020, the council  
10 shall provide a government-wide sustainability and resilience  
11 strategy to the governor and the legislature that includes:

12 (1) concrete targets, time frames, policies  
13 and procedures to achieve the purpose of the Resource  
14 Sustainability and Security Act;

15 (2) a clear strategy and actions that will be  
16 taken to achieve the targets;

17 (3) performance measures to track progress in  
18 achieving targets; and

19 (4) overall and agency-specific budgets needed  
20 to achieve targets.

21 B. The council and agencies shall provide an annual  
22 sustainability and resilience plan, budget and performance  
23 measures to the governor and the legislature as part of the  
24 council's and agency's annual budget submissions that shall  
25 include, beginning in calendar year 2021, the items identified



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1 in Subsections A through C of Section 5 of the Resource  
2 Sustainability and Security Act.

3 SECTION 7. APPROPRIATION.--Five hundred thousand dollars  
4 (\$500,000) is appropriated from the general fund to the energy,  
5 minerals and natural resources department for expenditure in  
6 fiscal year 2020 and subsequent fiscal years for the  
7 sustainability and resilience council to employ a chief  
8 sustainability and resilience officer and to staff and support  
9 the work of the sustainability and resilience council in  
10 carrying out the Resource Sustainability and Security Act. Any  
11 unexpended or unencumbered balance remaining at the end of a  
12 fiscal year shall not revert to the general fund.

13 SECTION 8. EMERGENCY.--It is necessary for the public  
14 peace, health and safety that this act take effect immediately.