

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 462

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

AN ACT

RELATING TO OUTDOOR RECREATION; CREATING THE NEW MEXICO OUTDOOR RECREATION DIVISION IN THE ECONOMIC DEVELOPMENT DEPARTMENT AND THE OUTDOOR RECREATION ADVISORY COMMITTEE; CREATING THE SPECIAL PROJECTS AND OUTDOOR RECREATION INFRASTRUCTURE FUND; CREATING THE OUTDOOR EQUITY GRANT PROGRAM AND FUND; MAKING APPROPRIATIONS.

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

**SECTION 1.** Section 9-15-4 NMSA 1978 (being Laws 1983, Chapter 297, Section 4, as amended) is amended to read:

"9-15-4. DEPARTMENT ESTABLISHED.--There is created in the executive branch the "economic development department". The department shall be a cabinet department and shall consist of, but not be limited to, [~~five~~] six divisions as follows:

A. the administrative services division;

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- 1 B. the economic development division;
- 2 C. the New Mexico film division;
- 3 D. the technology enterprise division; ~~and~~
- 4 E. the trade and Mexican affairs division; and
- 5 F. the New Mexico outdoor recreation division."

6 SECTION 2. A new section of the Economic Development  
7 Department Act is enacted to read:

8 "[NEW MATERIAL] NEW MEXICO OUTDOOR RECREATION DIVISION--  
9 DUTIES--DIRECTOR.--

10 A. The New Mexico outdoor recreation division of  
11 the department shall:

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

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

16 (3) promote stewardship and preservation of  
17 New Mexico's unique environment and cultural assets; and

18 (4) promote education about and use of outdoor  
19 recreation assets to enhance public health.

20 B. The department, the tourism department, the  
21 state land office, the Rio Grande trail commission, the state  
22 parks division of the energy, minerals and natural resources  
23 department, the department of game and fish, the cultural  
24 affairs department, the Indian affairs department, the  
25 department of health and the department of transportation shall

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1 work in conjunction with the New Mexico outdoor recreation  
 2 division to support the division's duties as they relate to the  
 3 purposes of the respective departments and agencies.

4 C. For the purposes of this section:

5 (1) "ecotourism" means a form of tourism that  
 6 involves visiting areas of ecological interest and is intended  
 7 as a low-impact and often small-scale alternative to standard  
 8 commercial tourism; and

9 (2) "outdoor recreation" means a recreational  
 10 activity that occurs outdoors in a natural environment,  
 11 including the use of trails, the natural landscape, water or  
 12 snow resources or other natural resources in the activity."

13 SECTION 3. A new section of the Economic Development  
 14 Department Act is enacted to read:

15 "NEW MATERIAL] OUTDOOR RECREATION ADVISORY COMMITTEE--  
 16 CREATION--MEMBERSHIP--DUTIES.--

17 A. The "outdoor recreation advisory committee" is  
 18 created and administratively attached to the New Mexico outdoor  
 19 recreation division of the department. The director of the New  
 20 Mexico outdoor recreation division, or the director's designee,  
 21 shall serve as the chair of the committee.

22 B. The outdoor recreation advisory committee shall  
 23 be composed of no more than fifteen members appointed by the  
 24 director of the New Mexico outdoor recreation division. The  
 25 members of the committee shall include representatives of the

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1 outdoor recreation industry, the tourism department, the  
2 cultural affairs department, the energy, minerals and natural  
3 resources department, the state parks division of the energy,  
4 minerals and natural resources department, the department of  
5 game and fish and the Indian affairs department.

6 C. The members shall serve at the pleasure of the  
7 director.

8 D. Staff and other administrative support for the  
9 outdoor recreation advisory committee shall be provided by the  
10 administrative services division of the department.

11 E. Members of the outdoor recreation advisory  
12 committee are entitled to receive per diem and mileage as  
13 provided in the Per Diem and Mileage Act but shall receive no  
14 other perquisite, compensation or allowance."

15 SECTION 4. A new section of the Economic Development  
16 Department Act is enacted to read:

17 "[NEW MATERIAL] NEW MEXICO OUTDOOR RECREATION DIVISION--  
18 SPECIAL PROJECTS AND OUTDOOR RECREATION INFRASTRUCTURE FUND--  
19 CREATED.--The "special projects and outdoor recreation  
20 infrastructure fund" is created in the state treasury. The  
21 fund consists of appropriations, gifts, grants, donations,  
22 income from investment of the fund and money otherwise accruing  
23 to the fund. Money in the fund at the end of a fiscal year  
24 shall not revert to any other fund. The fund shall be  
25 administered by the New Mexico outdoor recreation division, and

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1 money in the fund is appropriated to the New Mexico outdoor  
 2 recreation division for special projects and outdoor recreation  
 3 infrastructure determined by the division to be necessary to  
 4 carry out the purpose of the division. Money in the fund shall  
 5 be disbursed on warrants signed by the secretary of finance and  
 6 administration pursuant to vouchers signed by the director of  
 7 the New Mexico outdoor recreation division or the director's  
 8 designee."

9 SECTION 5. Section 9-5B-1 NMSA 1978 (being Laws 1992,  
 10 Chapter 91, Section 1) is amended to read:

11 "9-5B-1. SHORT TITLE.--~~[This act]~~ Chapter 9, Article 5B  
 12 NMSA 1978 may be cited as the "New Mexico Youth Conservation  
 13 Corps Act"."

14 SECTION 6. Section 9-5B-6 NMSA 1978 (being Laws 1992,  
 15 Chapter 91, Section 6) is amended to read:

16 "9-5B-6. COMMISSION--POWERS AND DUTIES.--

17 A. The commission may:

- 18 (1) accept gifts, devises, grants and  
 19 donations from others to carry out the provisions of the New  
 20 Mexico Youth Conservation Corps Act;
- 21 (2) request assistance and staff support from  
 22 the department;
- 23 (3) employ such personnel as necessary to  
 24 carry out the provisions of the New Mexico Youth Conservation  
 25 Corps Act;

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1 (4) delegate responsibility for the  
2 administration and implementation of conservation projects,  
3 corps members' employment and supervision, project coordination  
4 and other program matters;

5 (5) establish work camps and long-term  
6 residential facilities to house corps members and their  
7 supervisors; and

8 (6) contact potential sponsors and funding  
9 sources for support.

10 B. The commission shall:

11 (1) adopt rules [~~and regulations~~] that are  
12 necessary for the proper administration of the New Mexico Youth  
13 Conservation Corps Act, including the outdoor equity grant  
14 program;

15 (2) administer and enforce the provisions of  
16 the New Mexico Youth Conservation Corps Act and rules [~~and~~  
17 ~~regulations~~] adopted pursuant to Paragraph (1) of this  
18 subsection;

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

21 (4) administer the outdoor equity grant  
22 program;

23 [~~(4)~~] (5) establish standards, procedures and  
24 policies for selecting, hiring, providing compensation for and  
25 other personnel matters involving corps members and other

1 personnel;

2                   ~~[(5)]~~ (6) foster partnerships and cooperation  
 3 between the corps and New Mexico's secondary and post-secondary  
 4 schools to assist corps members in obtaining education and job  
 5 training; and

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

8           **SECTION 7.** A new section of the New Mexico Youth  
 9 Conservation Corps Act is enacted to read:

10           "[NEW MATERIAL] OUTDOOR EQUITY GRANT PROGRAM--CREATED--  
 11 ADMINISTRATION--GRANT CRITERIA.--

12           A. The "outdoor equity grant program" is created in  
 13 the department to be administered by the commission.

14           B. Each fiscal year, competitive grants shall be  
 15 awarded to applicants for the sole purpose of funding outdoor  
 16 recreation programs, in whole or in part, for youth up to the  
 17 age of eighteen.

18           C. Annually, the commission shall establish a  
 19 minimum and maximum number of grants available based on the  
 20 funding appropriated to the outdoor equity grant program fund  
 21 for that fiscal year.

22           D. The commission shall award grants to applicants  
 23 through a competitive process and based upon the following  
 24 minimum 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. The commission shall establish grant reporting  
10 requirements that meet the general purpose of this section.

11 F. For the purposes of this section:

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

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

20 **SECTION 8.** A new section of the New Mexico Youth  
21 Conservation Corps Act is enacted to read:

22 "[NEW MATERIAL] OUTDOOR EQUITY GRANT PROGRAM FUND--  
23 CREATED.--

24 A. The "outdoor equity grant program fund" is  
25 created in the state treasury. All appropriations, gifts,

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1     devises, grants and donations received shall be deposited in  
 2     the fund. Money in the fund is appropriated to the commission  
 3     for the purpose of carrying out the outdoor equity grant  
 4     program pursuant to the provisions of the New Mexico Youth  
 5     Conservation Corps Act. Any money appropriated to the fund or  
 6     accruing to it through gifts, grants, bequests or interest  
 7     shall remain in the fund. Money in the fund shall not revert  
 8     at the end of a fiscal year.

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

16             **SECTION 9. APPROPRIATION.--**

17             A. One million five hundred thousand dollars  
 18     (\$1,500,000) is appropriated from the general fund to the  
 19     economic development department for expenditure in fiscal year  
 20     2020 for the operation of the New Mexico outdoor recreation  
 21     division. Any unexpended or unencumbered balance remaining at  
 22     the end of fiscal year 2020 shall revert to the general fund.

23             B. One hundred thousand dollars (\$100,000) is  
 24     appropriated from the general fund to the outdoor equity grant  
 25     program fund for expenditure in fiscal year 2020 and subsequent

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1 fiscal years for the New Mexico youth conservation corps  
2 commission to provide grants through the outdoor equity grant  
3 program. Any unexpended or unencumbered balance remaining at  
4 the end of a fiscal year shall not revert to the general fund.

5 SECTION 10. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2019.