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BILL

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

DISCUSSION DRAFT

FOR THE GOVERNMENT RESTRUCTURING TASK FORCE

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; CREATING THE COMMERCE DEPARTMENT; REPLACING THE ECONOMIC DEVELOPMENT DEPARTMENT, THE TOURISM DEPARTMENT AND THE WORKFORCE SOLUTIONS DEPARTMENT; PROVIDING POWERS AND DUTIES; ELIMINATING CERTAIN AUTHORITIES, BOARDS, COMMISSIONS, COUNCILS AND COMMITTEES; TRANSFERRING FUNCTIONS, APPROPRIATIONS, MONEY, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through 26 of this act may be cited as the "Commerce Department Act".

SECTION 2. [NEW MATERIAL] PURPOSE.--The purpose of the Commerce Department Act is to establish a single, unified

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1 department to administer laws and exercise functions formerly
2 administered and exercised by the economic development
3 department, the tourism department and the workforce solutions
4 department.

5 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the
6 Commerce Department Act:

- 7 A. "department" means the commerce department; and
- 8 B. "secretary" means the secretary of commerce.

9 SECTION 4. [NEW MATERIAL] DEPARTMENT CREATED--
10 ORGANIZATIONAL UNITS.--

11 A. The "commerce department" is created as a
12 cabinet department and includes the following organizational
13 units:

- 14 (1) office of the secretary;
- 15 (2) administrative services division,
16 including:
 - 17 (a) economic research and analysis
18 bureau; and
 - 19 (b) information technology bureau;
 - 20 (3) economic development division, including:
 - 21 (a) international trade bureau;
 - 22 (b) marketing bureau;
 - 23 (c) New Mexico film bureau; and
 - 24 (d) enterprise development bureau;
 - 25 (4) labor relations division, including:

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- 1 (a) human rights bureau;
- 2 (b) apprenticeship bureau; and
- 3 (c) labor and industrial bureau;
- 4 (5) tourism development division, including:
 - 5 (a) New Mexico magazine bureau; and
 - 6 (b) welcome centers bureau; and
 - 7 (6) work force transition services division.

8 B. The secretary may establish, merge or eliminate
9 organizational units of the department for better efficiency
10 and effectiveness, but a reorganization of statutory divisions
11 or bureaus shall be reported to the next regular session of the
12 legislature.

13 SECTION 5. [NEW MATERIAL] ADMINISTRATIVELY ATTACHED
14 AGENCIES.--

15 A. The following boards, commissions, committees,
16 administrations, authorities and councils are administratively
17 attached agencies of the department:

- 18 (1) apprenticeship council;
- 19 (2) economic development and tourism
20 commission;
- 21 (3) human rights commission;
- 22 (4) labor and industrial commission;
- 23 (5) New Mexico-Chihuahua commission;
- 24 (6) New Mexico-Sonora commission;
- 25 (7) spaceport authority;

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- 1 (8) state fair commission;
- 2 (9) workers' compensation administration; and
- 3 (10) state workforce development board.

4 B. The department shall provide administrative
5 services to administratively attached agencies.

6 SECTION 6. [NEW MATERIAL] SECRETARY OF COMMERCE.--The
7 chief executive and administrative officer of the department is
8 the "secretary of commerce". The secretary shall be appointed
9 by the governor with the consent of the senate. The secretary
10 shall hold that office at the pleasure of the governor and
11 shall serve in the executive cabinet.

12 SECTION 7. [NEW MATERIAL] SECRETARY--DUTIES AND GENERAL
13 POWERS.--

14 A. The secretary is responsible to the governor for
15 the operation of the department. It is the secretary's duty to
16 manage all operations of the department and to administer and
17 enforce the laws with which the secretary or the department is
18 charged.

19 B. To perform the secretary's duties, the secretary
20 has every power expressly enumerated in the laws, whether
21 granted to the secretary or the department or any division of
22 the department, except when authority conferred upon any
23 division is explicitly exempted from the secretary's authority
24 by statute. In accordance with these provisions, the secretary
25 shall:

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1 (1) except as otherwise provided in the
2 Commerce Department Act, exercise general supervisory and
3 appointing authority over all department employees, subject to
4 any applicable personnel laws and rules;

5 (2) delegate authority to subordinates as the
6 secretary deems necessary and appropriate, clearly delineating
7 such delegated authority and the limitations thereto;

8 (3) organize the department into those
9 organizational units that the secretary deems will enable it to
10 function most efficiently;

11 (4) within the limitations of available
12 appropriations and applicable laws, employ and fix the
13 compensation of those persons necessary to discharge the
14 secretary's duties;

15 (5) take administrative action by issuing
16 orders and instructions, not inconsistent with the law, to
17 assure implementation of and compliance with the provisions of
18 law for whose administration or execution the secretary is
19 responsible and to enforce those orders and instructions by
20 appropriate administrative action in the courts;

21 (6) conduct research and studies that will
22 improve the operations of the department and the provision of
23 services to the residents of the state;

24 (7) provide for courses of instruction and
25 practical training for employees of the department and other

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1 persons involved in the administration of programs, with the
2 objective of improving the operations and efficiency of
3 administration;

4 (8) prepare an annual budget of the department
5 based on the five-year economic development and tourism plans;

6 (9) provide budgeting, recordkeeping and
7 related clerical assistance to administratively attached
8 agencies; and

9 (10) appoint a "director" for each division.

10 These appointed positions are exempt from the provisions of the
11 Personnel Act. Persons appointed to these positions shall
12 serve at the pleasure of the secretary.

13 C. The secretary may apply for and receive in the
14 name of the department any public or private funds, including
15 United States government funds, available to the department to
16 carry out its programs, duties or services.

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

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

14 SECTION 8. [NEW MATERIAL] BUREAUS--CHIEFS.--The secretary
15 shall establish with each division such "bureaus" as deemed
16 necessary to carry out the provisions of the Commerce
17 Department Act. The secretary shall employ a "chief" to be the
18 administrative head of each bureau. The chief and all
19 subsidiary employees of the department shall be covered by the
20 Personnel Act unless otherwise provided by law.

21 SECTION 9. [NEW MATERIAL] ORGANIZATIONAL UNITS OF
22 DEPARTMENT--POWERS AND DUTIES SPECIFIED BY LAW--ACCESS TO
23 INFORMATION.--Those organizational units of the department and
24 the officers of those units specified by law shall have all of
25 the powers and duties enumerated in the specific laws involved.

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1 However, the carrying out of those powers and duties shall be
2 subject to the direction and supervision of the secretary, and
3 the secretary shall retain the final decision-making authority
4 and responsibility for the administration of any such laws as
5 provided in Subsection B of Section 7 of the Commerce
6 Department Act. The department shall have access to all
7 records, data and information of other state departments,
8 agencies and institutions, including its own organizational
9 units, not specifically held confidential by law. Any
10 information obtained by the department that is proprietary
11 technical information or related to the possible relocation or
12 expansion of a business shall be deemed confidential and
13 withheld from inspection pursuant to the Inspection of Public
14 Records Act.

15 SECTION 10. [NEW MATERIAL] COOPERATION WITH FEDERAL
16 GOVERNMENT--AUTHORITY OF SECRETARY--SINGLE STATE AGENCY
17 STATUS.--

18 A. The department is authorized to cooperate with
19 the federal government in the administration of employment,
20 training and public assistance programs under the jurisdiction
21 of the department in which financial or other participation by
22 the federal government is authorized or mandated under federal
23 laws, regulations, rules or orders. The secretary may enter
24 into agreements with agencies of the federal government to
25 implement employment, training and public assistance programs

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1 subject to availability of appropriated state funds and any
2 provisions of state laws applicable to such agreements or
3 participation by the state.

4 B. The governor or the secretary may designate the
5 department or any organizational unit of the department as the
6 single state agency for the administration of any employment,
7 training or public assistance program related to employment,
8 either by the governor's or the secretary's own discretion or
9 when such designation is a condition of federal financial or
10 other participation in the program under applicable federal
11 law, regulation, rule or order. No designation of a single
12 state agency under the authority granted in this section shall
13 be made in contravention of state law.

14 SECTION 11. [NEW MATERIAL] ECONOMIC DEVELOPMENT AND
15 TOURISM COMMISSION CREATED--MEMBERSHIP--ADMINISTRATIVELY
16 ATTACHED TO THE DEPARTMENT--POWERS AND DUTIES.--

17 A. The "economic development and tourism
18 commission" is created and is administratively attached to the
19 department. The department shall provide administrative
20 support for the commission. The commission is a planning
21 commission that provides advice to the department on policy
22 matters. The commission is responsible for the annual approval
23 and update of the state's five-year economic development and
24 tourism plans.

25 B. The commission consists of fifteen members who

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1 shall be qualified electors of the state, no more than eight of
2 whom at the time of their appointment shall be members of the
3 same political party and at least two of whom shall be Native
4 American. Members shall be appointed by the governor and
5 confirmed by the senate. Seven members shall be appointed from
6 their respective planning districts, three members shall be
7 appointed from their respective congressional districts, two
8 members shall be Native American and represent the interests of
9 Indian nations, tribes and pueblos and three members shall
10 represent the public at large. Appointments shall be made for
11 staggered five-year terms expiring on January 1 of the
12 appropriate year. The governor shall determine the terms at
13 the time of initial appointments. A vacancy on the commission
14 shall be filled by appointment by the governor in the same
15 manner as the original appointment for the unexpired term.

16 C. Annually, the governor shall designate a chair
17 of the commission from among the members. The commission shall
18 meet at the call of the chair, not less than once each calendar
19 quarter, and shall invite representatives of appropriate
20 legislative committees, other state agencies and interested
21 persons to its meetings for the purpose of information exchange
22 and coordination.

23 D. Commission members shall not vote by proxy. A
24 majority of the members constitutes a quorum for the conduct of
25 business.

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1 E. Members of the commission shall not be removed
2 except for incompetence, neglect of duty or malfeasance in
3 office; provided, however, that no removal shall be made
4 without notice of hearing and an opportunity to be heard having
5 first been given to the member being removed. The senate shall
6 be given exclusive original jurisdiction over proceedings to
7 remove members of the commission under such rules as it may
8 promulgate. The senate's decision in connection with such
9 matters shall be final.

10 F. Commission members are entitled to receive per
11 diem and mileage as provided in the Per Diem and Mileage Act
12 but shall receive no other compensation, perquisite or
13 allowance.

14 G. The commission shall:
15 (1) develop and recommend policies and provide
16 policy and program guidance for the department;
17 (2) review, modify and approve annual updates
18 to the state's five-year economic development and tourism plans
19 generated by the department;
20 (3) advise, assist and promote the department
21 on matters relating to economic development, tourism, tribal
22 tourism, technology, technology-based new business development
23 and technology commercialization projects, including small
24 business needs;
25 (4) review federal technology-based programs

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1 requiring state matching funds and authorize any expenditure or
2 pledge of the state match fund for such programs; and

3 (5) establish such rules for its own
4 operations as are necessary to achieve the purposes of the
5 Commerce Department Act. Rules of the commission shall be
6 adopted in the same procedural manner as rules of the
7 department are adopted and shall be filed in accordance with
8 the State Rules Act.

9 SECTION 12. [NEW MATERIAL] ADDITIONAL ECONOMIC
10 DEVELOPMENT DUTIES.--The department shall:

11 A. provide a coordinated statewide perspective with
12 regard to economic development activities;

13 B. work with and provide staff support to the
14 economic development and tourism commission in formulating and
15 implementing the state's five-year economic development plan;

16 C. maintain and update records on the status of all
17 completed and ongoing economic development projects of the
18 department;

19 D. develop, maintain and provide economic and
20 demographic information to the governor, the legislature, other
21 state agencies and local governments;

22 E. serve as lead agency in coordination of the
23 census program at the state data center;

24 F. provide a database for local and regional
25 economic development groups and serve as a comprehensive source

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1 of information and assistance to businesses wishing to locate
2 or expand in New Mexico;

3 G. actively encourage new economic enterprises to
4 locate in New Mexico and assist existing businesses to expand;

5 H. monitor the progress of state-supported economic
6 development activities and prepare annual reports of those
7 activities and their status and impact;

8 I. create and encourage methods designed to provide
9 rapid economic diversification development that will create new
10 employment opportunities for the residents of the state,
11 including the issuance of grants and loans to municipalities
12 and counties for economic enhancement projects;

13 J. provide for technology commercialization
14 projects as an incentive to industry locating or expanding in
15 the state;

16 K. support technology transfer programs;

17 L. promote New Mexico as a technology conference
18 center;

19 M. promote and market federal and state technology
20 commercialization programs;

21 N. develop and implement enhanced statewide
22 procurement programs;

23 O. provide support and assistance in the creation
24 and operation of development finance mechanisms such as
25 business development corporations to ensure capital

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1 availability for business expansion and economic
2 diversification; and

3 P. serve as the lead agency in coordination of the
4 census program at the state data center.

5 SECTION 13. [NEW MATERIAL] ADDITIONAL TOURISM PROMOTION
6 DUTIES.--The department shall:

7 A. provide a coordinated statewide perspective with
8 regard to tourism activities;

9 B. work with and provide staff support to the
10 economic development and tourism commission in formulating and
11 implementing the state's five-year tourism plan;

12 C. provide a database for local and regional
13 tourism groups and serve as a comprehensive source of
14 information and assistance to tourism-related businesses
15 wishing to locate, expand or do business in New Mexico;

16 D. monitor the progress of state-supported tourism
17 activities and prepare annual reports of those activities and
18 their status and impact; and

19 E. maintain and update records on the status of all
20 completed and ongoing tourism-related projects of the
21 department.

22 SECTION 14. [NEW MATERIAL] ADDITIONAL DUTIES--INDIAN
23 ARTS, CRAFTS AND CULTURE--PROMOTION.--The department shall:

24 A. encourage the preservation and development of
25 Indian arts and crafts among the Indian nations, tribes and

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1 pueblos of the state to increase the knowledge and appreciation
2 of those arts and crafts;

3 B. encourage the preservation of traditional rites
4 and ceremonials of Indian nations, tribes and pueblos to
5 increase knowledge and appreciation of those rites and
6 ceremonials; and

7 C. promote the intertribal ceremonial.

8 SECTION 15. [NEW MATERIAL] ADDITIONAL DUTIES--DEFENSE
9 CONVERSION TECHNOLOGY AND OTHER TECHNOLOGY.--

10 A. The department is the lead agency to promote
11 defense conversion technology, to coordinate the transfer of
12 defense technology and other technology from federal, state and
13 local government facilities to private sector industries and to
14 promote private-public partnership and business development
15 programs. The department shall coordinate or accept federal
16 and state funds appropriated for conversion of defense
17 technologies and to coordinate technology transfer in
18 accordance with the state's technology development plan.

19 B. The department may contract with appropriate
20 partnership intermediaries to assist in the coordination of
21 defense conversion duties.

22 C. The department shall:

23 (1) oversee the activities of the
24 manufacturing productivity center and manufacturing extension
25 programs;

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1 (2) coordinate the activities of small
2 business incubators to encourage the development and viability
3 of technology spin-off companies in the private sector;

4 (3) coordinate appropriate divisions in the
5 department to provide technology export assistance;

6 (4) coordinate small business development and
7 assistance programs for new and existing businesses;

8 (5) work with appropriate entities to identify
9 sources of funding for capital expenditure programs and initial
10 venture programs;

11 (6) coordinate the development of regional
12 technology clusters; and

13 (7) provide support and coordination
14 assistance as deemed necessary by the economic development and
15 tourism commission and the secretary to assist the state in
16 developing defense conversion industries.

17 SECTION 16. [NEW MATERIAL] DEPARTMENT COOPERATION WITH
18 LOCAL AND REGIONAL ECONOMIC DEVELOPMENT AGENCIES.--The
19 department shall cooperate with local and regional development
20 agencies, including:

21 A. coordinating activities of the department and
22 local or regional development agencies;

23 B. assisting in gathering information on local and
24 regional assets;

25 C. assisting in the establishment of procedures for

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1 handling potential clients;

2 D. assisting in the development of a plan for the
3 expansion of the local or regional economic base;

4 E. assisting in marketing the benefits of local
5 communities by providing matching funds through the state
6 cooperative advertising program, which shall include as
7 eligible expenses travel and related costs to attract new
8 business investment into the communities;

9 F. assisting in the establishment of programs to
10 attract new labor forces or to train local labor forces; and

11 G. identifying barriers to local or regional
12 economic development and developing plans to overcome such
13 barriers.

14 SECTION 17. [NEW MATERIAL] ADMINISTRATIVE SERVICES
15 DIVISION.--

16 A. The administrative services division shall
17 provide administrative services to the department, including:

18 (1) keeping all official records of the
19 department and administratively attached agencies;

20 (2) providing personnel administration,
21 financial management, procurement and budget preparation
22 services for the department and administratively attached
23 agencies; and

24 (3) performing economic research and analysis
25 for the department and the economic development and tourism

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1 commission.

2 B. The division shall, in addition to its other
3 duties, administer programs and grants that have been assigned
4 generally to the department by the governor or the economic
5 development and tourism commission or by statute.

6 SECTION 18. [NEW MATERIAL] TOURISM ENTERPRISE FUND--
7 CREATED--ADMINISTRATION.--The "tourism enterprise fund" is
8 created as a nonreverting fund in the state treasury. Money
9 appropriated to the fund or accruing to it through sales of
10 souvenirs and sundries at visitor centers, web-site-related
11 sales, television special program rights, gifts, grants, fees,
12 bequests or any other source shall be delivered to the state
13 treasurer and deposited in the fund. The fund shall be
14 administered by the department, and money in the fund is
15 appropriated to the department to carry out the duties of the
16 department. Disbursements from the fund shall be made only
17 upon warrant drawn by the secretary of finance and
18 administration pursuant to vouchers signed by the secretary of
19 commerce.

20 SECTION 19. [NEW MATERIAL] ECONOMIC DEVELOPMENT
21 DIVISION.--

22 A. The economic development division shall:
23 (1) enhance the business climate to encourage
24 the start-up, relocation, development and growth of technology-
25 based industry in New Mexico;

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- 1 (2) promote an expanded, diversified
2 technology-based economy, emphasizing areas that:
3 (a) derive from the state's
4 technological strengths;
5 (b) provide a commercial advantage;
6 (c) lend themselves to a distributed
7 technology-based industry network; and
8 (d) use imaginative state, federal and
9 private partnerships;
10 (3) support in-state industries and attract
11 new industries to New Mexico;
12 (4) formulate and submit to the economic
13 development and tourism commission a five-year state technology
14 development plan;
15 (5) develop agreements with federal research,
16 development, testing and evaluating organizations and
17 universities to facilitate the transfer and commercialization
18 of technology;
19 (6) recommend to the secretary proposed
20 projects and contracts in accordance with the policies,
21 procedures and guidelines established by the department;
22 (7) subject to the approval of the secretary,
23 apply for and accept any federal funds or grants and private
24 donations;
25 (8) develop requests for proposals in

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1 technology commercialization areas given priority in the
2 state's economic development and tourism plans; receive and
3 refer with commentary to the secretary proposals submitted in
4 response to requests for proposals; confer with research
5 investigators to assist them when needed; monitor progress on
6 state-funded research and development projects; maintain
7 contact with research and development offices of universities,
8 federal laboratories and private research operations; and
9 receive reports of individual projects;

10 (9) prepare an annual report on:

11 (a) the status of ongoing research and
12 development projects;

13 (b) the results obtained from completed
14 projects and the dissemination of those results; and

15 (c) other activities of the division;

16 (10) maintain and update records on the status
17 of all completed and ongoing projects;

18 (11) request from each entity under contract
19 with the division a detailed description of tasks and
20 associated budgets for review and approval by the economic
21 development and tourism commission; and

22 (12) perform such other duties as assigned by
23 the secretary.

24 B. Any information obtained by the economic
25 development division that is deemed by the director and the

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1 secretary to be proprietary technical or business information
2 shall be held in confidence. Proprietary technical or business
3 information shall not be deemed a public record under the
4 Public Records Act or be open to inspection under Section
5 14-2-1 NMSA 1978. The economic development division shall take
6 such steps as are necessary to safeguard the confidentiality of
7 the information.

8 C. Notwithstanding Sections 10-15-1 through 10-15-4
9 NMSA 1978 or any other law requiring meetings of public bodies
10 to be open to the public, meetings of the economic development
11 and tourism commission shall be closed when proprietary
12 technical or business information is discussed.

13 SECTION 20. [NEW MATERIAL] ENTERPRISE DEVELOPMENT BUREAU
14 DUTIES--BUSINESS INCUBATORS.--

15 A. The enterprise development bureau of the
16 economic development division shall:

17 (1) provide information and assistance to
18 businesses wishing to relocate to New Mexico or to expand
19 within New Mexico by providing a centralized information
20 service and assistance center;

21 (2) develop and maintain a comprehensive
22 statewide business information database and referral service;

23 (3) establish a mechanism for advertising the
24 existence of the bureau and its referral service;

25 (4) provide professional assistance and

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1 information regarding licensing, permitting and taxation
2 procedures; and

3 (5) establish a reporting procedure to monitor
4 the success of the referral service.

5 B. Business incubators receiving state funds shall
6 be required to pass a state incubator certification program
7 administered by the bureau. The bureau shall certify business
8 incubators that submit documentation to the bureau that the
9 incubator has:

10 (1) a mission statement that defines the
11 incubator's role to assist entrepreneurs and support the growth
12 of businesses;

13 (2) a formal feasibility study indicating an
14 appropriate market and local community support and a business
15 plan;

16 (3) an effective governing board or an
17 appropriate oversight advisory board committed to the
18 incubator's mission;

19 (4) qualified management and staff to achieve
20 the mission of the incubator and to help businesses;

21 (5) an ongoing business assistance program
22 that places the greatest value on client assistance and adds
23 value to client businesses by developing programs and
24 coordinating activities such as:

25 (a) technical assistance and consulting;

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1 (b) coaching and mentoring, business
2 training workshops and seminars;

3 (c) providing marketing assistance;

4 (d) fostering networking opportunities
5 and links with other business service providers; and

6 (e) providing assistance in obtaining
7 financing;

8 (6) a facility that encourages innovation and
9 provides dedicated space for incubator client firms with
10 flexible leases and that includes a common area meeting space
11 and business equipment;

12 (7) a process for client businesses that
13 involves a screening and selection process and graduation
14 policy for client companies;

15 (8) a system for program evaluation;

16 (9) all applicable required licenses and
17 permits and a functional accounting system; and

18 (10) membership in the national business
19 incubation association.

20 SECTION 21. [NEW MATERIAL] ARTISANS BUSINESS DEVELOPMENT
21 PROGRAM--FUND CREATED.--

22 A. The "New Mexico artisans business development
23 program" is created within the economic development division to
24 promote, in conjunction with the arts division of the cultural
25 affairs department, the New Mexico artisans industry by

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1 establishing a greater demand for New Mexico artisans' wares
2 and by providing technical and marketing assistance to New
3 Mexico artisans. The purposes of the program include:

4 (1) educational workshops and seminars in
5 cooperation with the small business development centers for
6 artisans to assist the centers in the development of their
7 businesses and marketing of their wares;

8 (2) an assessment of a full range of marketing
9 strategies for artisan wares and relating those wares to target
10 markets;

11 (3) production of a promotional brochure of
12 New Mexico artisans and their products;

13 (4) development and publishing of a marketing
14 catalog of New Mexico artisans;

15 (5) establishment of a network of state and
16 national distribution points and gift and trade shows for the
17 promotion and export of New Mexico artisans' wares;

18 (6) development of a state and national
19 marketing and exhibitions calendar;

20 (7) participation in state and national
21 promotional shows by New Mexico artisans; and

22 (8) development of a marketing network with
23 private-sector distributors, catalog producers and retailers.

24 B. The "New Mexico artisans business development
25 fund" is created as a nonreverting fund in the state treasury.

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1 The fund consists of appropriations, gifts, grants, donations
2 and income from investment of the fund. The fund shall be
3 administered by the enterprise development bureau, and
4 expenditures may be made from the fund on warrants issued by
5 the secretary of finance and administration pursuant to
6 vouchers signed by the secretary of commerce and economic
7 development to carry out the purposes of the New Mexico
8 artisans business development program.

9 SECTION 22. [NEW MATERIAL] TECHNOLOGY-BASED PROPOSALS--
10 STATE MATCH FUND--CREATED.--

11 A. The "state match fund" is created in the state
12 treasury. Money in the fund is appropriated to the department
13 to provide a pool of matching funds for technology-based
14 proposals submitted to the federal government on behalf of the
15 state. Money in the fund shall only be expended upon review
16 and approval of the economic development and tourism
17 commission.

18 B. No money in the fund appropriated to it or
19 accruing to it in any manner shall be transferred to another
20 fund or encumbered or dispersed in any manner except for the
21 purposes set forth in this section. Disbursements from the
22 fund shall only be made upon warrant drawn by the secretary of
23 finance and administration pursuant to vouchers signed by the
24 secretary of commerce or the secretary's authorized
25 representative.

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1 SECTION 23. ~~[NEW MATERIAL]~~ INTERNATIONAL TRADE BUREAU

2 DUTIES.--The international trade bureau is responsible for
3 conducting and coordinating the state's relations with other
4 countries and promoting New Mexico and its products and
5 services. The bureau shall:

6 A. coordinate activities of the department and
7 other state agencies as those activities relate to improving
8 New Mexico's relations and trade with other countries;

9 B. promote New Mexico to international investors;

10 C. promote New Mexico products and services to
11 potential international consumers;

12 D. establish a central registry for New Mexico
13 products and services;

14 E. develop, maintain and use a database of
15 potential domestic and international investors and consumers
16 for New Mexico and its products and services;

17 F. foster, coordinate and support private efforts
18 in the promotion of New Mexico and its businesses, products and
19 services to consumers in other countries; and

20 G. work with persons outside of state government to
21 formulate a trade promotion plan for inclusion in the
22 department's five-year economic development and tourism plans.

23 SECTION 24. ~~[NEW MATERIAL]~~ MEXICAN TRADE--INTERNATIONAL

24 TRADE BUREAU DUTIES.--The international trade bureau is
25 responsible for:

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1 A. conducting and coordinating the state's
2 relations with the Republic of Mexico and the state of
3 Chihuahua;

4 B. promoting New Mexico products and services in
5 Mexico;

6 C. coordinating activities of the department, the
7 cultural affairs department, the department of transportation,
8 the department of health, the department of environment, the
9 department of public safety, the New Mexico-Chihuahua
10 commission and the joint border research institute at New
11 Mexico state university as those activities relate to improving
12 New Mexico-Mexico relations and trade and encouraging or
13 funding appropriate border development;

14 D. establishing and annually updating the New
15 Mexico trade registry of New Mexico businesses and the products
16 and services they offer to consumers; and

17 E. providing periodic reports to the New Mexico
18 finance authority oversight committee on its activities and the
19 activities of the state pertaining to New Mexico-Mexico
20 relations, trade and border development.

21 SECTION 25. [NEW MATERIAL] MINORITY BUSINESS ASSISTANCE--
22 ECONOMIC DEVELOPMENT DIVISION DUTIES.--

23 A. As used in this section, "minority business"
24 means a business, with its principal place of business in New
25 Mexico:

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1 (1) the majority ownership of which is held by
2 persons who are residents of New Mexico and who are African
3 Americans, Hispanic Americans, Asian Americans or Native
4 Americans; and

5 (2) that employs twenty or fewer people.

6 B. The economic development division shall develop
7 and implement a minority business assistance program to
8 facilitate the entrance of minority businesses, located
9 throughout the state, into the marketplace. As part of the
10 development and implementation of the program, the division
11 shall:

12 (1) develop a process to define and identify
13 minority businesses that may benefit from additional assistance
14 and training in the areas of general business practices,
15 accounting principles, business ethics, technical expertise,
16 marketing and government procurement;

17 (2) develop a registry of well-established
18 businesses, persons within those businesses, retirees and other
19 persons that have the expertise and skills that may be needed
20 by minority businesses and that have expressed a desire to
21 volunteer as a mentor or otherwise to assist minority
22 businesses;

23 (3) develop an outreach and marketing program
24 so that minority businesses may become aware of the assistance
25 available and so that needed, experienced persons are aware of

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1 the opportunity to mentor and assist minority businesses;

2 (4) develop training materials and in-house
3 training expertise; and

4 (5) create a mentorship program in which
5 employees or agents of the division or department or volunteers
6 with business experience will visit minority businesses for the
7 purpose of training, mentoring, advising and otherwise
8 assisting the minority businesses in the development or
9 improvement of general business practices, accounting
10 principles, business ethics, technical expertise, marketing and
11 government procurement.

12 C. In performing its duties pursuant to this
13 section, the division may:

14 (1) to the extent money has been appropriated
15 for such purposes, develop a grant program for minority
16 businesses to acquire the expertise necessary to compete
17 effectively; and

18 (2) do all other things necessary and proper
19 to effectuate the purpose of this section.

20 D. All state agencies shall cooperate with the
21 division in carrying out the provisions of this section and
22 shall, as the opportunity arises, assist minority businesses
23 and encourage other businesses and persons to register as
24 volunteers pursuant to this section.

25 SECTION 26. [NEW MATERIAL] MINORITY BUSINESS ASSISTANCE

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1 FUND--CREATED.--The "minority business assistance fund" is
2 created as a nonreverting fund in the state treasury. The fund
3 consists of appropriations, gifts, grants, donations, bequests
4 and income from investment of the fund. Money in the fund is
5 subject to appropriation by the legislature to the department
6 for the purposes of carrying out the provisions of Section 25
7 of the Commerce Department Act. Disbursements from the fund
8 shall be made on warrant of the secretary of finance and
9 administration pursuant to vouchers signed by the secretary of
10 commerce or the secretary's designee.

11 SECTION 27. Section 3-60B-4 NMSA 1978 (being Laws 1985,
12 Chapter 88, Section 4, as amended) is amended to read:

13 "3-60B-4. MAIN STREET PROGRAM--CREATED--COORDINATOR--
14 POWERS AND DUTIES.--

15 A. [~~There is created~~] The "main street program" is
16 created in the [~~economic development~~] commerce department. The
17 secretary of [~~the economic development department~~] commerce
18 shall employ a "coordinator" to oversee the program.

19 B. The coordinator shall:

20 (1) carry out state responsibilities pursuant
21 to contract with the national main street center of the
22 national trust for historic preservation;

23 (2) coordinate activities of the program in
24 consultation with the historic preservation division of the
25 [~~office of~~] cultural affairs department;

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1 (3) advise the New Mexico community
2 development council on the development of criteria for requests
3 for proposals and selection of local government grantees for
4 the program to be funded through community development block
5 grants;

6 (4) monitor the progress of main street
7 projects;

8 (5) assist local main street project managers;
9 and

10 (6) perform other duties necessary to carry
11 out the provisions of the Main Street Act."

12 SECTION 28. Section 3-60C-4 NMSA 1978 (being Laws 2007,
13 Chapter 103, Section 4, as amended) is amended to read:

14 "3-60C-4. MAIN STREET REVOLVING LOAN COMMITTEE--COMMITTEE
15 AND DIVISION DUTIES.--

16 A. The "main street revolving loan committee" is
17 created, consisting of six members as follows:

18 (1) the director of the division or the
19 director's designee;

20 (2) the coordinator of the main street program
21 under the Main Street Act or the coordinator's designee;

22 (3) the chair of the cultural properties
23 review committee or the chair's designee;

24 (4) the director of the local government
25 division of the department of finance and administration or the

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1 director's designee;

2 (5) a member appointed by the governor with
3 expertise in small loans; and

4 (6) the chair of the board of directors of
5 friends of New Mexico mainstreet, inc., or the chair's
6 designee.

7 B. ~~[Public]~~ Members of the committee shall not ~~[be~~
8 ~~paid but shall be reimbursed for]~~ receive per diem and mileage
9 ~~[pursuant to the Per Diem and Mileage Act]~~ or other
10 compensation for their services.

11 C. The committee shall:

12 (1) elect a chair and such other officers as
13 it deems necessary;

14 (2) meet at the call of the chair but no less
15 than four times per year;

16 (3) by rule establish eligibility criteria for
17 properties and owners, establish procedures to govern the
18 application outreach and marketing of the loan program and
19 promulgate such other rules as are necessary to carry out the
20 provisions of the Main Street Revolving Loan Act;

21 (4) after considering the recommendations of
22 the division, make awards of loans or loan subsidies; and

23 (5) approve expenditures by the division for
24 marketing, managing and administering the loan program.

25 D. A member of the committee may participate in a

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1 meeting of the committee by means of a conference telephone or
2 other similar communications equipment as provided in the Open
3 Meetings Act. Participation by conference telephone or other
4 similar communications equipment shall constitute presence in
5 person at a meeting.

6 E. The division shall:

7 (1) review applications for loans and loan
8 subsidies and make recommendations to the committee;

9 (2) administer all loans and loan subsidies;

10 (3) serve as staff to the committee; and

11 (4) report annually to the governor, the
12 legislative finance committee and the legislature on loans
13 made, loan payments received and all other activities conducted
14 pursuant to the Main Street Revolving Loan Act."

15 SECTION 29. Section 5-10-3 NMSA 1978 (being Laws 1993,
16 Chapter 297, Section 3, as amended) is amended to read:

17 "5-10-3. DEFINITIONS.--As used in the Local Economic
18 Development Act:

19 A. "arts and cultural district" means a developed
20 district of public and private uses that is created pursuant to
21 the Arts and Cultural District Act;

22 B. "cultural facility" means a facility that is
23 owned by the state, a county, a municipality or a qualifying
24 entity that serves the public through preserving, educating and
25 promoting the arts and culture of a particular locale,

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1 including theaters, museums, libraries, galleries, cultural
2 compounds, educational organizations, performing arts venues
3 and organizations, fine arts organizations, studios and media
4 laboratories and live-work housing facilities;

5 C. "department" means the [~~economic development~~]
6 commerce department;

7 D. "economic development project" or "project"
8 means the provision of direct or indirect assistance to a
9 qualifying entity by a local or regional government and
10 includes the purchase, lease, grant, construction,
11 reconstruction, improvement or other acquisition or conveyance
12 of land, buildings or other infrastructure; public works
13 improvements essential to the location or expansion of a
14 qualifying entity; payments for professional services contracts
15 necessary for local or regional governments to implement a plan
16 or project; the provision of direct loans or grants for land,
17 buildings or infrastructure; technical assistance to cultural
18 facilities; loan guarantees securing the cost of land,
19 buildings or infrastructure in an amount not to exceed the
20 revenue that may be derived from the municipal infrastructure
21 gross receipts tax or the county infrastructure gross receipts
22 tax; grants for public works infrastructure improvements
23 essential to the location or expansion of a qualifying entity;
24 grants or subsidies to cultural facilities; purchase of land
25 for a publicly held industrial park or a publicly owned

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1 cultural facility; and the construction of a building for use
2 by a qualifying entity;

3 E. "governing body" means the city council, city
4 commission or board of trustees of a municipality or the board
5 of county commissioners of a county;

6 F. "local government" means a municipality or
7 county;

8 G. "municipality" means an incorporated city, town
9 or village;

10 H. "person" means an individual, corporation,
11 association, partnership or other legal entity;

12 I. "qualifying entity" means a corporation, limited
13 liability company, partnership, joint venture, syndicate,
14 association or other person that is one or a combination of two
15 or more of the following:

16 (1) an industry for the manufacturing,
17 processing or assembling of agricultural or manufactured
18 products;

19 (2) a commercial enterprise for storing,
20 warehousing, distributing or selling products of agriculture,
21 mining or industry, but, other than as provided in Paragraph
22 (5) or (6) of this subsection, not including any enterprise for
23 sale of goods or commodities at retail or for distribution to
24 the public of electricity, gas, water or telephone or other
25 services commonly classified as public utilities;

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1 (3) a business in which all or part of the
2 activities of the business involves the supplying of services
3 to the general public or to governmental agencies or to a
4 specific industry or customer, but, other than as provided in
5 Paragraph (5) of this subsection, not including businesses
6 primarily engaged in the sale of goods or commodities at
7 retail;

8 (4) an Indian nation, tribe or pueblo or a
9 federally chartered tribal corporation;

10 (5) a telecommunications sales enterprise that
11 makes the majority of its sales to persons outside New Mexico;

12 (6) a facility for the direct sales by growers
13 of agricultural products, commonly known as farmers' markets;

14 (7) a business that is the developer of a
15 metropolitan redevelopment project; and

16 (8) a cultural facility; and

17 J. "regional government" means any combination of
18 municipalities and counties that enter into a joint powers
19 agreement to provide for economic development projects pursuant
20 to a plan adopted by all parties to the joint powers
21 agreement."

22 **SECTION 30.** Section 6-21-31 NMSA 1978 (being Laws 1992,
23 Chapter 61, Section 31) is amended to read:

24 "6-21-31. POWERS AND DUTIES.--The New Mexico finance
25 authority oversight committee shall:

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1 A. monitor and oversee the operation of the New
2 Mexico finance authority;

3 B. meet on a regular basis to receive and review
4 reports from the authority on implementation of the provisions
5 of the New Mexico Finance Authority Act and to review and
6 approve [~~regulations~~] rules proposed for adoption pursuant to
7 that act;

8 C. monitor and provide assistance and advice on the
9 public project financing program of the New Mexico finance
10 authority;

11 D. oversee and monitor state and local government
12 capital planning and financing and take testimony from state
13 and local officials on state and local capital needs;

14 E. provide advice and assistance to the New Mexico
15 finance authority and cooperate with the executive branch of
16 state government and local governments on planning, setting
17 priorities for and financing of state and local capital
18 projects;

19 F. undertake an ongoing examination of the
20 statutes, constitutional provisions, regulations and court
21 decisions governing state and local government capital
22 financing in New Mexico; [~~and~~]

23 G. monitor and provide advice and assistance on
24 border economic development activities, particularly state and
25 local government capital planning and financing of border and

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1 port-of-entry capital projects; and

2 [G-] H. report its findings and recommendations,
3 including recommended legislation or necessary changes, to the
4 governor and to each session of the legislature. The report
5 and proposed legislation shall be made available on or before
6 December 15 each year."

7 SECTION 31. Section 6-25-3 NMSA 1978 (being Laws 2003,
8 Chapter 349, Section 3, as amended) is amended to read:

9 "6-25-3. DEFINITIONS.--As used in the Statewide Economic
10 Development Finance Act:

11 A. "authority" means the New Mexico finance
12 authority;

13 B. "department" means the [~~economic development~~]
14 commerce department;

15 C. "community development entity" means an entity
16 designed to take advantage of the federal new markets tax
17 credit program;

18 D. "economic development assistance provisions"
19 means the economic development assistance provisions of
20 Subsection D of Article 9, Section 14 of the constitution of
21 New Mexico;

22 E. "project revenue bonds" means bonds, notes or
23 other instruments authorized in Section 6-25-7 NMSA 1978 and
24 issued by the authority pursuant to the Statewide Economic
25 Development Finance Act on behalf of eligible entities;

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- 1 F. "economic development goal" means:
- 2 (1) assistance to rural and underserved areas
- 3 designed to increase business activity;
- 4 (2) retention and expansion of existing
- 5 business enterprises;
- 6 (3) attraction of new business enterprises; or
- 7 (4) creation and promotion of an environment
- 8 suitable for the support of start-up and emerging business
- 9 enterprises within the state;

10 G. "economic development revolving fund bonds"

11 means bonds, notes or other instruments payable from the fund

12 and issued by the authority pursuant to the Statewide Economic

13 Development Finance Act;

14 H. "eligible entity" means a for-profit or not-for-

15 profit business enterprise, including a corporation, limited

16 liability company, partnership or other entity, determined by

17 the department to be engaged in an enterprise that serves an

18 economic development goal and is suitable for financing

19 assistance;

20 I. "federal new markets tax credit program" means

21 the tax credit program codified as Section 45D of the Internal

22 Revenue Code, as that section may be amended or renumbered, and

23 regulations issued pursuant to that section;

24 J. "financing assistance" means project revenue

25 bonds, loans, loan participations or loan guarantees provided

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1 by the authority to or for eligible entities pursuant to the
2 Statewide Economic Development Finance Act;

3 K. "fund" means the economic development revolving
4 fund;

5 L. "mortgage" means a mortgage, deed of trust or
6 pledge of any assets as a collateral security;

7 M. "opt-in agreement" means an agreement entered
8 into between the department and a qualifying county, a school
9 district and, if applicable, a qualifying municipality that
10 provides for county, school district and, if applicable,
11 municipal approval of a project, subject to compliance with all
12 local zoning, permitting and other land use rules, and for
13 payments in lieu of taxes to the qualifying county, school
14 district and, if applicable, qualifying municipality as
15 provided by the Statewide Economic Development Finance Act;

16 N. "payment in lieu of taxes" means the total
17 annual payment, including any state in-lieu payment, paid as
18 compensation for the tax impact of a project, in an amount
19 negotiated and determined in the opt-in agreement between the
20 department and the qualifying county, the school district and,
21 if applicable, the qualifying municipality, which payment shall
22 be distributed to the county, municipality and school district
23 in the same proportion as property tax revenues are normally
24 distributed to those recipients;

25 O. "standard project" means land, buildings,

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1 improvements, machinery and equipment, operating capital and
2 other personal property for which financing assistance is
3 provided for adequate consideration, taking into account the
4 anticipated quantifiable benefits of the standard project, for
5 use by an eligible entity as:

6 (1) industrial or manufacturing facilities;

7 (2) commercial facilities, including
8 facilities for wholesale sales and services;

9 (3) health care facilities, including
10 hospitals, clinics, laboratory facilities and related office
11 facilities;

12 (4) educational facilities, including schools;

13 (5) arts, entertainment or cultural
14 facilities, including museums, theaters, arenas or assembly
15 halls; and

16 (6) recreational and tourism facilities,
17 including parks, pools, trails, open space and equestrian
18 facilities;

19 P. "project" means a standard project or a state
20 project;

21 Q. "qualifying municipality or county" means a
22 municipality or county that enters into an opt-in agreement;

23 R. "quantifiable benefits" means a project's
24 advancement of an economic development goal as measured by a
25 variety of factors, including:

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1 (1) the benefits an eligible entity contracts
2 to provide, such as local hiring quotas, job training
3 commitments and installation of public facilities or
4 infrastructure; and

5 (2) other benefits such as the total number of
6 direct and indirect jobs created by the project, total amount
7 of annual salaries to be paid as a result of the project, total
8 gross receipts and occupancy tax collections, total property
9 tax collections, total state corporate and personal income tax
10 collections and other fee and revenue collections resulting
11 from the project;

12 S. "school district" means a school district where
13 a project is located that is exempt from property taxes
14 pursuant to the Statewide Economic Development Finance Act;

15 T. "state in-lieu payment" means an annual payment,
16 in an amount determined by the department, that will be
17 distributed to a qualifying county, a school district and, if
18 applicable, a qualifying municipality in the same proportion as
19 property tax revenues are normally distributed to those
20 recipients;

21 U. "state project" means land, buildings or
22 infrastructure for facilities to support new or expanding
23 eligible entities for which financing assistance is provided
24 pursuant to the economic development assistance provisions; and

25 V. "tax impact of a project" means the annual

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1 reduction in property tax revenue to affected property tax
2 revenue recipients directly resulting from the conveyance of a
3 project to the department."

4 SECTION 32. Section 12-13A-1 NMSA 1978 (being Laws 2003,
5 Chapter 9, Section 1) is amended to read:

6 "12-13A-1. SHORT TITLE.--~~[This act]~~ Chapter 12, Article
7 13A NMSA 1978 may be cited as the "New Mexico-Chihuahua
8 Commission Act"."

9 SECTION 33. Section 12-13A-4 NMSA 1978 (being Laws 2003,
10 Chapter 9, Section 4) is amended to read:

11 "12-13A-4. NEW MEXICO-CHIHUAHUA COMMISSION CREATED--
12 MEMBERS--ADMINISTRATION.--

13 A. The "New Mexico-Chihuahua commission" is created
14 and is administratively attached to the ~~[economic development]~~
15 commerce department.

16 B. The members of the commission representing New
17 Mexico shall be:

18 (1) the governor of New Mexico;

19 (2) the secretary of ~~[economic development]~~
20 commerce;

21 [~~(3) the secretary of tourism;~~

22 ~~(4)] (3) other state officials as assigned by
23 the governor; and~~

24 [~~(5)] (4) no more than ten members of the
25 public appointed by the governor of New Mexico.~~

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1 C. The members of the commission representing
2 Chihuahua shall be appointed or assigned according to the
3 customary procedure of the executive branch of the government
4 of that state.

5 D. The [~~economic development~~] commerce department
6 shall provide administrative assistance to the commission as
7 needed.

8 E. The [~~economic development~~] commerce department
9 shall keep records of commission proceedings.

10 F. The co-chairs of the commission shall be the
11 governors of New Mexico and Chihuahua.

12 G. Meetings of the commission shall be at the call
13 of the co-chairs or pursuant to the request of a majority of
14 the members of the commission.

15 H. Terms for public members of the commission
16 appointed by the governor of New Mexico shall be for two years
17 with reappointment to additional terms at the discretion of the
18 governor.

19 I. A vacancy in a term of a commission member
20 representing New Mexico shall be filled by appointment by the
21 governor of New Mexico for the remainder of the term of the
22 position vacated.

23 J. The public members of the commission appointed
24 by the governor of New Mexico shall not receive per diem and
25 mileage [~~pursuant to the Per Diem and Mileage Act~~] or other

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1 compensation for performance of official duties required by the
2 commission [~~and shall receive no other compensation, perquisite~~
3 ~~or allowance~~]."

4 SECTION 34. Section 12-13B-1 NMSA 1978 (being Laws 2009,
5 Chapter 108, Section 1) is amended to read:

6 "12-13B-1. SHORT TITLE.--~~[This act]~~ Chapter 12, Article
7 13B NMSA 1978 may be cited as the "New Mexico-Sonora Commission
8 Act"."

9 SECTION 35. Section 12-13B-3 NMSA 1978 (being Laws 2009,
10 Chapter 108, Section 3) is amended to read:

11 "12-13B-3. NEW MEXICO-SONORA COMMISSION CREATED--
12 MEMBERS--ADMINISTRATION.--

13 A. The "New Mexico-Sonora commission" is created
14 and is administratively attached to the [~~economic development~~]
15 commerce department.

16 B. The members of the commission representing New
17 Mexico shall be:

18 (1) the governor of New Mexico;

19 (2) the secretary of [~~economic development~~]
20 commerce;

21 [~~(3) the secretary of tourism;~~

22 ~~(4)] (3) other state officials as assigned by
23 the governor; and~~

24 [~~(5)] (4) no more than nine members of the
25 public appointed by the governor of New Mexico.~~

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1 C. The members of the commission representing
2 Sonora shall be appointed or assigned according to regulations
3 and procedures governing commissions in that state.

4 D. The [~~economic development~~] commerce department
5 shall provide administrative assistance to the commission as
6 needed.

7 E. The [~~economic development~~] commerce department
8 shall keep a record of commission proceedings.

9 F. The co-chairs of the commission shall be the
10 governors of New Mexico and Sonora.

11 G. Meetings of the commission shall be at the call
12 of the co-chairs or pursuant to the request of a majority of
13 the members of the commission.

14 H. Terms for public members of the commission
15 appointed by the governor of New Mexico shall be for two years
16 with reappointment to additional terms at the discretion of the
17 governor.

18 I. A vacancy in a term of a commission member
19 representing New Mexico shall be filled by appointment by the
20 governor of New Mexico for the remainder of the term of the
21 position vacated.

22 J. The public members of the commission appointed
23 by the governor of New Mexico shall not receive per diem and
24 mileage [~~pursuant to the Per Diem and Mileage Act~~] or other
25 compensation for performance of official duties required by the

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1 commission [~~and shall receive no other compensation, perquisite~~
2 ~~or allowance~~]."

3 SECTION 36. Section 13-4-10.1 NMSA 1978 (being Laws 2009,
4 Chapter 206, Section 2) is amended to read:

5 "13-4-10.1. DEFINITIONS.--As used in the Public Works
6 Minimum Wage Act:

7 A. "director" means the director of the division;

8 B. "division" means the labor relations division of
9 the [~~workforce solutions~~] commerce department;

10 C. "fringe benefit" means payments made by a
11 contractor, subcontractor, employer or person acting as a
12 contractor, if the payment has been authorized through a
13 negotiated process or by a collective bargaining agreement,
14 for:

- 15 (1) holidays;
- 16 (2) time off for sickness or injury;
- 17 (3) time off for personal reasons or vacation;
- 18 (4) bonuses;
- 19 (5) authorized expenses incurred during the
20 course of employment;
- 21 (6) health, life and accident or disability
22 insurance;
- 23 (7) profit-sharing plans;
- 24 (8) contributions made on behalf of an
25 employee to a retirement or other pension plan; and

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1 (9) any other compensation paid to an employee
2 other than wages;

3 D. "labor organization" means an organization of
4 any kind, or an agency or employee representation committee or
5 plan, in which employees participate and that exists for the
6 purpose, in whole or in part, of dealing with employers
7 concerning grievances, labor disputes, wages, rates of pay,
8 hours of employment or conditions of work; and

9 E. "wage" means the basic hourly rate of pay."

10 SECTION 37. Section 13-4D-2 NMSA 1978 (being Laws 1992,
11 Chapter 74, Section 2) is amended to read:

12 "13-4D-2. PURPOSE.--The purpose of the Public Works
13 Apprentices and Training Act is to ensure funding, through
14 contributions made by employers, to establish an apprenticeship
15 program that will develop skilled building trades craftsmen in
16 occupations recognized by the bureau of apprenticeship and
17 training of the United States department of labor or the [New
18 Mexico] apprenticeship [~~council~~] bureau of the commerce
19 department. The funding will ensure adequate training during
20 economic downturns, increase the number of New Mexicans
21 possessing skills that will enhance their opportunities for
22 employment and maintain the high standards of craftsmanship in
23 [~~our~~] the state."

24 SECTION 38. Section 13-4D-3 NMSA 1978 (being Laws 1992,
25 Chapter 74, Section 3, as amended) is amended to read:

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1 "13-4D-3. DEFINITIONS.--As used in the Public Works
2 Apprentice and Training Act:

3 A. "approved apprentice and training programs"
4 means building trades apprenticeship and training programs in
5 New Mexico that are recognized by the bureau of apprenticeship
6 and training of the United States department of labor or the
7 [~~New Mexico~~] apprenticeship [~~council~~] bureau of the commerce
8 department;

9 B. "compliance statement" means a monthly record of
10 an employer's contributions paid into an approved apprentice
11 and training program in New Mexico or into the public works
12 apprentice and training fund;

13 C. "director" or "division" means the labor
14 relations division of the [~~workforce solutions~~] commerce
15 department; and

16 D. "employer" means a contractor, subcontractor or
17 any person acting as a contractor on a public works project, as
18 that term is defined in the provisions of the Construction
19 Industries Licensing Act."

20 SECTION 39. Section 13-4D-4 NMSA 1978 (being Laws 1992,
21 Chapter 74, Section 4) is amended to read:

22 "13-4D-4. ADMINISTRATION.--

23 A. The Public Works Apprentice and Training Act
24 shall be administered by the [~~public works bureau of the labor~~
25 ~~and industrial division of the labor department~~] division. The

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1 [bureau] division shall collect employers' contributions in
2 accordance with [~~this~~] that act, review employers' compliance
3 statements, review certified payroll reports to verify training
4 contributions, investigate allegations of and impose penalties
5 for employer noncompliance and disburse funds as provided in
6 Section [~~5 of the Public Works Apprentice and Training Act~~]
7 13-4D-5 NMSA 1978.

8 B. Public works construction projects, except for
9 street, highway, bridge, road, utility or maintenance contracts
10 with employers who elect not to participate in training, shall
11 not be constructed unless an employer agrees to make
12 contributions to approved apprentice and training programs in
13 New Mexico in which the employer is a participant or to the
14 public works apprentice and training fund administered by the
15 [~~public works bureau of the labor and industrial division of~~
16 ~~the labor department~~] division. Contributions shall be made in
17 the same manner and in the same amount as apprentice and
18 training contributions required pursuant to wage rate
19 determinations made by the [~~director~~] division.

20 C. The [~~director~~] division shall adopt rules [~~and~~
21 ~~regulations~~] necessary to implement the provisions of the
22 Public Works Apprentice and Training Act."

23 SECTION 40. Section 13-4D-5 NMSA 1978 (being Laws 1992,
24 Chapter 74, Section 5, as amended) is amended to read:

25 "13-4D-5. FUND CREATED--DISBURSEMENT OF FUNDS.--[~~There is~~
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1 ~~created~~] The "public works apprentice and training fund" [~~in~~]
2 is created in the state treasury. The fund shall be
3 administered by the [~~labor and industrial~~] division [~~of the~~
4 ~~labor department~~]. Contributions into the fund shall be as
5 provided under the provisions of Section 13-4D-4 NMSA 1978.
6 Funds contributed under the provisions of the Public Works
7 Apprentice and Training Act shall be distributed in the
8 following manner:

9 A. no more than fifteen percent of the funds may be
10 used by the [~~public works bureau of the labor and industrial~~]
11 division [~~of the labor department~~] to hire staff to administer
12 the funds collected by the division; and

13 B. the remainder of the funds shall be used for
14 approved apprentice and training programs in New Mexico. The
15 [~~labor and industrial~~] division [~~of the labor department~~] shall
16 develop an annual budget and, subject to appropriation by the
17 legislature in the general appropriation act, shall disburse
18 funds to approved apprentice and training programs in New
19 Mexico, taking into account participant contact hours of
20 classroom instruction and on-the-job training for the preceding
21 year, to be not less than ninety percent of one hundred
22 forty-four contact hours of classroom instruction per
23 participant per school year and not less than one thousand
24 hours of on-the-job training per twelve-month period.

25 Notwithstanding any language in the general appropriation act

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1 that otherwise limits budget adjustments, if the fund balance
2 available for disbursement to approved programs exceeds the
3 amount appropriated, pursuant to Sections 6-3-23 through 6-3-25
4 NMSA 1978, the [~~labor~~] commerce department may request budget
5 increases up to the excess fund balance for distribution to the
6 programs."

7 SECTION 41. Section 13-4D-6 NMSA 1978 (being Laws 1992,
8 Chapter 74, Section 6) is amended to read:

9 "13-4D-6. NOTICE TO EMPLOYERS--PUBLICATION OF
10 PROGRAMS.--

11 A. An employer's contribution requirement under
12 the provisions of the Public Works Apprentice and Training
13 Act shall be included with all minimum wage determinations
14 issued by the [~~labor and industrial~~] division [~~of the labor~~
15 ~~department~~] on all public works construction projects. The
16 [~~director~~] division shall also provide the contribution rate
17 for approved apprentice and training programs, and that
18 information shall be part of the public works construction
19 projects.

20 B. The [~~labor and industrial~~] division [~~of the~~
21 ~~labor department~~] shall publish a list of approved apprentice
22 and training programs in New Mexico."

23 SECTION 42. Section 13-4D-7 NMSA 1978 (being Laws 1992,
24 Chapter 74, Section 7) is amended to read:

25 "13-4D-7. NONCOMPLIANCE--PENALTIES.--An employer who

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1 willfully and knowingly fails to comply with the requirements
2 of the Public Works Apprentice and Training Act shall be
3 subject to the following penalties:

4 A. a noncomplying employer shall pay a civil
5 penalty of ten dollars (\$10.00) for every calendar day of
6 noncompliance, and the penalty shall be imposed and collected
7 for deposit into the public works apprentice and training
8 fund by the [~~public works bureau of the labor and industrial~~]
9 division [~~of the labor department~~];

10 B. a noncomplying employer shall have the unpaid
11 contributions, as required under the provisions of the Public
12 Works Apprentice and Training Act, withheld as provided in
13 Subsections A and B of Section 13-4-14 NMSA 1978; and

14 C. a noncomplying employer shall not be permitted
15 to bid on any public works contracts as provided in
16 Subsections A and B of Section 13-4-14 NMSA 1978."

17 SECTION 43. Section 13-4D-8 NMSA 1978 (being Laws 1992,
18 Chapter 74, Section 8) is amended to read:

19 "13-4D-8. APPEALS.--An alleged noncomplying employer
20 may appeal any of the penalties imposed upon [~~him~~] the
21 employer under the provisions of Section [~~7 of the Public~~
22 ~~Works Apprentice and Training Act~~] 13-4D-7 NMSA 1978 by
23 seeking an appeal as provided under the provisions of Section
24 13-4-15 NMSA 1978."

25 SECTION 44. Section 16-6-5 NMSA 1978 (being Laws 1977,

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1 Chapter 245, Section 18, as amended) is amended to read:

2 "16-6-5. STATE FAIR COMMISSION ADMINISTRATIVELY
3 ATTACHED TO [~~TOURISM~~] COMMERCE DEPARTMENT.--The state fair
4 commission is administratively attached [~~as defined in the~~
5 ~~Executive Reorganization Act~~] to the [~~tourism~~] commerce
6 department."

7 SECTION 45. Section 21-2-6 NMSA 1978 (being Laws 1978,
8 Chapter 54, Section 1, as amended) is amended to read:

9 "21-2-6. STATEWIDE PLANNING--PARTICIPATING AGENCIES AND
10 PERSONS.--

11 A. The [~~state commission~~] higher education
12 department in carrying out its planning activities for post-
13 secondary education shall consult with and invite the active
14 participation of:

15 (1) representatives of post-secondary
16 educational institutions of the several types enumerated in
17 Paragraph (2) of Subsection A of Section 21-2-2 NMSA 1978;

18 (2) the public education commission;

19 (3) the public education department;

20 (4) representatives of public and private
21 elementary and secondary schools;

22 (5) the secretary of [~~labor~~;

23 ~~(6) the tourism department~~] commerce;

24 [~~(7)~~] (6) the apprenticeship council;

25 [~~(8) the economic development department~~;

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1 ~~(9)~~ (7) the state advisory council on
2 vocational education;

3 ~~(10)~~ (8) the secretary of finance and
4 administration or the secretary's designee;

5 ~~(11)~~ (9) persons familiar with the
6 education needs of persons with a disability and persons
7 disadvantaged by economic, racial or ethnic status;

8 ~~(12)~~ (10) representatives of business,
9 industry, organized labor and agriculture;

10 ~~(13)~~ (11) the general public; and

11 ~~(14)~~ (12) private in-state post-secondary
12 institutions.

13 B. Whenever the planning activities carried out
14 under the provisions of Section 21-2-5 NMSA 1978 are
15 concerned with the types of post-secondary education
16 enumerated in Subparagraphs (a) through (e) of Paragraph (1)
17 of Subsection A of Section 21-2-2 NMSA 1978, the [~~state~~
18 ~~commission~~] commerce department shall directly involve the
19 public education commission and the public education
20 department in all planning activities."

21 SECTION 46. Section 21-19-10 NMSA 1978 (being Laws
22 1983, Chapter 299, Section 4, as amended) is amended to read:

23 "21-19-10. COMMUNITY DEVELOPMENT ASSISTANCE.--The
24 [~~economic development~~] commerce department shall provide
25 assistance to political subdivisions of the state so that

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1 they can construct or implement projects necessary to provide
2 services that will encourage the location of industry in the
3 political subdivisions. The department shall, for this
4 purpose, make low-interest loans to political subdivisions of
5 the state with the approval of the economic development and
6 tourism commission and after coordination with the local
7 government division of the department of finance and
8 administration pursuant to the New Mexico Community
9 Assistance Act."

10 SECTION 47. Section 21-19A-1 NMSA 1978 (being Laws
11 1992, Chapter 93, Section 1) is amended to read:

12 "21-19A-1. SHORT TITLE.--~~[This act]~~ Chapter 21, Article
13 19A NMSA 1978 may be cited as the "Apprenticeship Assistance
14 Act"."

15 SECTION 48. Section 21-19A-2 NMSA 1978 (being Laws
16 1992, Chapter 93, Section 2) is amended to read:

17 "21-19A-2. PURPOSE.--The purpose of the Apprenticeship
18 Assistance Act is to assist apprenticeship programs that will
19 develop skilled craftsmen in occupations recognized by the
20 ~~[bureau and the council]~~ federal and state bureaus to
21 accommodate the social and economic needs of the adult
22 citizens of New Mexico and to enhance the economic
23 development of the state."

24 SECTION 49. Section 21-19A-3 NMSA 1978 (being Laws
25 1992, Chapter 93, Section 3) is amended to read:

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1 "21-19A-3. DEFINITIONS.--As used in the Apprenticeship
2 Assistance Act:

3 ~~[A. "advisory committee" means the apprenticeship~~
4 ~~and training advisory committee to the division;~~

5 ~~B.]~~ A. "apprentice" means a person at least
6 sixteen years old who is approved by the ~~[council]~~
7 apprenticeship committee and is covered by a written
8 apprenticeship agreement with an employer or with an
9 association of employers or employees acting as agent for an
10 employer, which ~~[apprentice]~~ written agreement provides for
11 reasonably continuous employment of not less than two
12 thousand hours ~~[required for any]~~ in the given trade ~~[for~~
13 ~~that]~~ in which the person ~~[for his participation in]~~ is
14 apprenticed. Apprenticeship employment shall include an
15 approved schedule of work experience through employment and
16 ~~[for]~~ at least one hundred forty-four hours per year of
17 related ~~[supplemental]~~ instruction;

18 ~~[G.]~~ B. "apprenticeship committee" means the
19 sponsoring committee of each apprenticeable craft that is
20 responsible for that particular apprenticeship program;

21 ~~[D.]~~ C. "apprenticeship related instruction"
22 means skills taught off the job that are required by the
23 particular apprenticeable craft and that the apprentice needs
24 to complete ~~[his]~~ the apprenticeship as required by the
25 ~~[council and]~~ federal or state bureau;

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1 ~~[E. "bureau" means the bureau of apprenticeship~~
2 ~~and training of the United States department of labor;~~

3 ~~F. "council" means the state apprenticeship~~
4 ~~council;~~

5 ~~G.]~~ D. "division" means the instructional support
6 and vocational education division of the [~~state department~~
7 ~~of~~] public education department;

8 E. "federal bureau" means the bureau of
9 apprenticeship and training of the United States department
10 of labor;

11 ~~[H.]~~ F. "related instruction" means organized,
12 off-the-job instruction in theoretical or technical subjects
13 required for the completion of an apprenticeship for a
14 particular apprenticeable trade; and

15 G. "state bureau" means the apprenticeship bureau
16 of the labor relations division of the commerce department;
17 and

18 ~~[I.]~~ H. "supplementary" means new or upgrading
19 skill training for those already employed as journeymen
20 craftsmen."

21 **SECTION 50.** Section 21-19A-5 NMSA 1978 (being Laws
22 1992, Chapter 93, Section 5) is amended to read:

23 "21-19A-5. CRITERIA FOR APPRENTICESHIP PROGRAMS.--

24 A. An apprenticeship program shall be registered
25 by [~~the council or~~] the federal or state bureau.

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1 B. An apprenticeship program shall be under the
2 direction of an apprenticeship committee and structured
3 according to [~~CFR 29.29~~] federal labor standards for the
4 registration of apprenticeship programs. Committee members
5 are appointed by one or more employers of apprentices, one or
6 more employee representatives of an apprenticeable trade or a
7 combination of the above. If an apprenticeship committee is
8 composed of representatives of one or more employers and one
9 or more employee representatives, the number of committee
10 members designated by the employers shall be equal to the
11 number of committee members designated by the employee
12 representatives.

13 C. Each apprentice participating in a program
14 shall have signed a written apprenticeship agreement with the
15 apprenticeship committee stating the standards and conditions
16 of [~~his~~] employment and training, which standards shall
17 conform substantially with the standards of apprenticeship as
18 [~~registered~~] required by the [~~council or~~] federal bureau."

19 **SECTION 51.** Section 21-19A-6 NMSA 1978 (being Laws
20 1992, Chapter 93, Section 6) is amended to read:

21 "21-19A-6. RULES [~~AND REGULATIONS~~].--The division shall
22 make such rules [~~and regulations~~] as are necessary to carry
23 out the provisions of the Apprenticeship Assistance Act.

24 **SECTION 52.** Section 21-19A-8 NMSA 1978 (being Laws
25 1992, Chapter 93, Section 8) is amended to read:

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1 "21-19A-8. DUTIES OF [~~ADVISORY COMMITTEE~~] STATE
2 BUREAU.--The [~~advisory committee~~] state bureau shall [~~provide~~
3 ~~input into the development of~~] develop a statewide plan for a
4 comprehensive program of apprenticeship training, which shall
5 include but not be limited to the following:

6 A. formulas and administrative procedures to be
7 used in requesting appropriations of state funds for
8 apprenticeship training;

9 B. forms, formulas and administrative procedures
10 to be used in distributing available funds to apprenticeship
11 training programs, with the formulas based on data contained
12 in the update to the apprenticeship related instruction cost
13 study required by Section [~~10 of the Apprenticeship~~
14 ~~Assistance Act~~] 21-19A-10 NMSA 1978, and the formulas shall
15 be uniform in application to all program sponsors; and

16 C. the content and method of the public notice
17 required by the Apprenticeship Assistance Act."

18 **SECTION 53.** Section 21-19A-9 NMSA 1978 (being Laws
19 1992, Chapter 93, Section 9) is amended to read:

20 "21-19A-9. NOTICE OF AVAILABLE FUNDS.--In order to
21 ensure that all citizens of New Mexico have an equal
22 opportunity to benefit from apprenticeship training programs,
23 the division shall provide for statewide publication, in a
24 manner recommended by the [~~advisory committee~~] state bureau
25 and intended to give actual notice to all potential program

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1 sponsors, of the amount of funds that will be available to
2 support apprenticeship training programs during the current
3 and following fiscal years, the qualifications required of
4 program sponsors and apprenticeship committees and the
5 procedures to be followed in applying for state funds. The
6 notice may also include other information recommended by the
7 [~~advisory committee~~] state bureau and approved by the
8 division; provided that the division shall publish any
9 information concerning available funds given to a particular
10 program sponsor in a manner recommended by the [~~advisory~~
11 ~~committee~~] state bureau and intended to give actual notice to
12 all potential program sponsors statewide."

13 SECTION 54. Section 21-19A-10 NMSA 1978 (being Laws
14 1992, Chapter 93, Section 10) is amended to read:

15 "21-19A-10. DISTRIBUTION OF FUNDS.--

16 A. Upon recommendation of the [~~advisory~~
17 ~~committee~~] state bureau, the division shall adopt formulas
18 and administrative procedures to be used in requesting
19 appropriations of state funds as a budgetary line item for
20 the apprenticeship system of adult vocational education.

21 B. The [~~advisory committee~~] state bureau shall
22 prepare an update to the apprenticeship related instruction
23 cost study adopted by the division prior to each session of
24 the legislature.

25 C. Upon recommendation of the [~~advisory~~

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1 ~~committee~~ state bureau, the division shall adopt forms,
2 formulas and administrative procedures for the distribution
3 of available funds to apprenticeship training programs.
4 Distribution formulas shall be uniform in application to all
5 local program sponsors.

6 D. Upon recommendation of the ~~advisory~~
7 ~~committee~~ state bureau, the division shall reserve until
8 March 1 of each year a percentage of the funds appropriated
9 under the line item described in this section to be used
10 solely for apprenticeship related instruction programs. This
11 percentage shall be established by the formulas required by
12 this section. Reserved funds that are not obligated on March
13 1 may be used for preparatory and supplementary instruction
14 programs as well as related instruction programs.

15 E. No funds shall be distributed to an
16 apprenticeship committee until the apprenticeship committee
17 has filed all reports required by the Apprenticeship
18 Assistance Act and by the division. Funds shall not be
19 distributed to programs not in compliance with their approved
20 standards. Programs determined to be in noncompliance with
21 their standards will be required to refund all funds to the
22 division for the current fiscal year."

23 SECTION 55. Section 21-19A-11 NMSA 1978 (being Laws
24 1992, Chapter 93, Section 11) is amended to read:

25 "21-19A-11. AUDIT PROCEDURES.--

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1 A. All projects funded shall maintain a clear
2 audit trail of all money appropriated for the apprenticeship
3 system of adult vocational education. For each course that
4 is funded, the audit trail in the division shall include the
5 following records:

6 (1) the name of the sponsoring
7 apprenticeship committee;

8 (2) the name of the instructor;

9 (3) the number of students enrolled;

10 (4) the place and schedule of class
11 meetings;

12 (5) fiscal accountability as per division
13 requests; and

14 (6) certification by the [~~apprenticeship~~
15 ~~council or the~~] federal or state bureau for preparatory and
16 related instruction courses that the students enrolled are
17 registered apprentices.

18 B. Funds appropriated for the apprenticeship
19 system of adult vocational education shall not be commingled
20 with funds appropriated for other purposes.

21 C. All records, receipts, working papers and
22 other components of the audit trail shall be public records."

23 **SECTION 56.** Section 21-19A-12 NMSA 1978 (being Laws
24 1992, Chapter 93, Section 12) is amended to read:

25 "21-19A-12. BUDGET--DISBURSEMENT AND APPROPRIATION.--

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1 A. For the first two years after the effective
2 date of the Apprenticeship Assistance Act, the division shall
3 disburse funds for each apprenticeship committee, taking into
4 account the number of total monthly contact hours and based
5 on one dollar fifty cents (\$1.50) per participant contact
6 hour of related instruction, not to exceed two hundred twenty
7 hours per participant per year. Thereafter, funds shall be
8 distributed in accordance with Section [~~10 of the~~
9 ~~Apprenticeship Assistance Act~~] 21-19A-10 NMSA 1978.

10 B. The division shall require from the
11 apprenticeship committees such reports as it deems necessary
12 for the purpose of determining the number of total monthly
13 contact hours.

14 C. Funds appropriated under the Apprenticeship
15 Assistance Act shall be disbursed by the division, and the
16 division shall have sole control over the disbursement of
17 those funds; provided, however, the division shall not fund
18 any apprenticeship committee not certified by the [~~council or~~
19 ~~the~~] federal or state bureau."

20 **SECTION 57.** Section 21-19A-13 NMSA 1978 (being Laws
21 1992, Chapter 93, Section 13) is amended to read:

22 "21-19A-13. STATUS OF RECOMMENDATIONS.--

23 A. Recommendations of the [~~advisory committee~~
24 state bureau submitted to the division shall be acted on and
25 either accepted or rejected.

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1 B. A recommendation that is rejected shall be
2 returned immediately to the [~~advisory committee~~] state
3 bureau, accompanied by written notice of the reasons for
4 rejecting the recommendation. Upon such notice, the division
5 and the [~~advisory committee~~] state bureau shall meet within
6 fifteen days to resolve the issue, but if no resolution of
7 the recommendation is made, then the [~~superintendent of~~
8 ~~public instruction~~] secretary of public education shall
9 decide the matter. [~~His~~] The secretary's decision shall be
10 final."

11 **SECTION 58.** Section 9-26-14 NMSA 1978 (being Laws 2007,
12 Chapter 200, Section 14) is recompiled in Chapter 21, Article
13 21A NMSA 1978 and is amended to read:

14 "DISCLOSURE OF INFORMATION.--To the extent permitted by
15 federal law, upon the written request of a corporation
16 organized pursuant to the Educational Assistance Act, the
17 commerce department shall furnish the last known address and
18 the date of that address of every person certified to the
19 department as being an absent obligor of an educational debt
20 that is due and owed to the corporation or that the
21 corporation has lawfully contracted to collect. The
22 corporation and its officers and employees shall use such
23 information only for the purpose of enforcing the educational
24 debt obligation of such absent obligors and shall not
25 disclose that information or use it for any other purpose."

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1 SECTION 59. Section 28-1-2 NMSA 1978 (being Laws 1969,
2 Chapter 196, Section 2, as amended) is amended to read:

3 "28-1-2. DEFINITIONS.--As used in the Human Rights Act:

4 A. "person" means one or more individuals, a
5 partnership, association, organization, corporation, joint
6 venture, legal representative, trustees, receivers or the
7 state and all of its political subdivisions;

8 B. "employer" means any person employing four or
9 more persons and any person acting for an employer;

10 C. "commission" means the human rights
11 commission;

12 D. "director" or "bureau" means the human rights
13 bureau of the labor relations division of the [~~workforce~~
14 ~~solutions~~] commerce department;

15 E. "employee" means any person in the employ of
16 an employer or an applicant for employment;

17 F. "labor organization" means any organization
18 that exists for the purpose in whole or in part of collective
19 bargaining or of dealing with employers concerning
20 grievances, terms or conditions of employment or of other
21 mutual aid or protection in connection with employment;

22 G. "employment agency" means any person regularly
23 undertaking with or without compensation to procure
24 opportunities to work or to procure, recruit or refer
25 employees;

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1 H. "public accommodation" means any establishment
2 that provides or offers its services, facilities,
3 accommodations or goods to the public, but does not include a
4 bona fide private club or other place or establishment that
5 is by its nature and use distinctly private;

6 I. "housing accommodation" means any building or
7 portion of a building that is constructed or to be
8 constructed [~~which~~] and that is used or intended for use as
9 the residence or sleeping place of [~~any individual~~] a person;

10 J. "real property" means lands, leaseholds or
11 commercial or industrial buildings, whether constructed or to
12 be constructed, offered for sale or rent, and any land rented
13 or leased for the use, parking or storage of house trailers;

14 K. "secretary" means the secretary of [~~workforce~~
15 ~~solutions~~] commerce;

16 L. "unlawful discriminatory practices" means
17 those unlawful practices and acts specified in Section 28-1-7
18 NMSA 1978;

19 M. "physical or mental handicap" means a physical
20 or mental impairment that substantially limits one or more of
21 a person's major life activities. A person is also
22 considered to be physically or mentally handicapped if the
23 person has a record of a physical or mental handicap or is
24 regarded as having a physical or mental handicap;

25 N. "major life activities" means functions such

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1 as caring for one's self, performing manual tasks, walking,
2 seeing, hearing, speaking, breathing, learning and working;

3 O. "applicant for employment" means a person
4 applying for a position as an employee;

5 P. "sexual orientation" means heterosexuality,
6 homosexuality or bisexuality, whether actual or perceived;
7 and

8 Q. "gender identity" means a person's self-
9 perception, or perception of that person by another, of the
10 person's identity as a male or female based upon the person's
11 appearance, behavior or physical characteristics that are in
12 accord with or opposed to the person's physical anatomy,
13 chromosomal sex or sex at birth."

14 **SECTION 60.** Section 37-1-5 NMSA 1978 (being Laws 1947,
15 Chapter 44, Section 1, as amended) is amended to read:

16 "37-1-5. ACTIONS FOR WAGE AND HOUR VIOLATIONS.--A
17 civil action to enforce any provision of Chapter 50, Article
18 4 NMSA 1978 shall be commenced within three years after a
19 violation last occurs. The three-year period shall be tolled
20 during a labor relations division of the [~~workforce~~
21 ~~solutions~~] commerce department investigation of an employer,
22 but such an investigation shall not be deemed a prerequisite
23 to a person bringing a civil action, nor shall it operate to
24 bar a civil action brought pursuant to Chapter 50, Article 4
25 NMSA 1978."

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1 SECTION 61. Section 50-1-2 NMSA 1978 (being Laws 1931,
2 Chapter 9, Section 8, as amended) is amended to read:

3 "50-1-2. HEARINGS--LOCATION--NOTICE--CONDUCT--WITNESS
4 FEES--SUBPOENAS--PENALTY.--The [~~director of the~~] labor [~~and~~
5 ~~industrial~~] relations division of the commerce department
6 shall have the power to hold hearings upon and therein
7 examine witnesses, administer oaths and take testimony in all
8 matters specified in any complaint [~~with him~~] filed with the
9 division and relating to [~~his~~] the division's duties and the
10 requirements of Chapter 50, Article 1 NMSA 1978, which
11 hearings shall be held in some suitable place in the vicinity
12 in which the testimony to be taken is applicable, and may
13 issue [~~subpoena~~] subpoenas for and compel the attendance of
14 witnesses at such hearings; provided, however, that the
15 [~~director of the~~] labor [~~and industrial~~] relations division
16 shall serve upon the employer and such employees as [~~he~~] the
17 division deems necessary a written notice of the time, place,
18 purpose and scope of the hearing at least ten days prior to
19 the date thereof. At the hearing, the employer and any
20 employees to be affected by any of the matters and things
21 mentioned in the notice shall have the right to appear in
22 person or by counsel, to cross-examine witnesses and to
23 introduce such testimony as is competent, relevant and
24 material to the subject, purpose and scope of the hearing as
25 stated in the notice; provided, however, that [~~no~~] witness

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1 fees shall not be paid to [~~any~~] a witness unless [~~he~~] the
2 witness is required to testify at a place more than five
3 miles from [~~his~~] the witness's place of residence, in which
4 event the witness shall be paid the same fees as a witness
5 before a district court. Any person duly subpoenaed under
6 the provisions of this section who willfully refuses or
7 neglects to testify at the time and place named in the
8 subpoena shall be guilty of a misdemeanor and upon conviction
9 thereof shall be punished by a fine of not less than fifty
10 dollars (\$50.00) [~~nor~~] or more than five hundred dollars
11 (\$500) or by imprisonment in the county jail for a definite
12 term not less than ten days [~~nor~~] or more than thirty days or
13 by both such fine and imprisonment."

14 SECTION 62. Section 50-1-3 NMSA 1978 (being Laws 1931,
15 Chapter 9, Section 9) is amended to read:

16 "50-1-3. POWERS AND DUTIES OF DIVISION.-- [~~Said~~
17 ~~commissioner shall inform himself~~]

18 A. The director of the labor relations division
19 of the commerce department shall become informed of all laws
20 of the state [~~for the protection of~~] that:

21 (1) protect life and limb in any of the
22 industries of the state [~~all laws regulating~~];

23 (2) regulate the hours of labor, the
24 employment of minors and the payment of wages [~~and all other~~
25 ~~laws~~];

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1 (3) are enacted for the protection, health
2 and benefit of employees [~~and thereunder~~];

3 (4) foster, promote and develop the welfare
4 of wage earners;

5 (5) advance opportunities for profitable
6 employment;

7 (6) require, acquire and disseminate useful
8 information on all [~~subject~~] subjects connected with labor;
9 and

10 (7) assist in the enforcement of the
11 [~~workman's~~] workers' compensation laws and the employers'
12 liability acts of the state. [~~He shall have the power and~~
13 ~~authority, when in his judgment he deems it necessary, to]~~

14 B. The division may take assignment of wage
15 claims and prosecute actions for collection of wages or other
16 claims or demands of employees or ex-employees, who are
17 financially unable to employ counsel, in cases in which, in
18 the judgment of the [~~commissioner~~] division, such claims and
19 demands are valid and enforceable in the courts. [~~It shall~~
20 ~~be the duty of said labor commissioner to]~~

21 C. The division shall enforce all labor laws in
22 [~~the State of~~] New Mexico, the enforcement of which is not
23 specifically and exclusively vested in any other officer,
24 board or commission, state or federal [~~and~~]. Whenever, after
25 due inquiry, [~~he shall be~~] the division is satisfied that any

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1 such law has been violated or that any employee or ex-
2 employee, financially unable to employ counsel, has a just,
3 valid and enforceable claim for wages or other claims or
4 demands, [~~he~~] the division shall present the facts to the
5 district attorney of the county in which [~~such~~] the violation
6 occurred or wage claim accrued, and it shall be the duty of
7 [~~such~~] the district attorney to prosecute the same. [~~Said~~
8 ~~labor commissioner~~] The division shall also prosecute claims
9 arising as between employment agencies and those seeking
10 employment when, in [~~his~~] the division's judgment, they are
11 valid and enforceable in the courts."

12 SECTION 63. Section 50-1-4 NMSA 1978 (being Laws 1931,
13 Chapter 9, Section 10) is amended to read:

14 "50-1-4. ANNUAL REPORT.--The [~~commissioner~~] labor
15 relations division of the commerce department shall collect,
16 systematize and present in annual reports to the governor
17 statistical details relating to [~~his office~~] the division and
18 especially as bearing upon the commercial, social and
19 sanitary conditions of the employees and the means of escape
20 from dangers incident to their employment; the protection of
21 life and health in factory or other places of employment; the
22 labor of women and children and the hours of labor exacted
23 from them; and, in general, all matters [~~which~~] that tend to
24 affect the prosperity of the mechanical, manufacturing and
25 productive industries of this state and of the persons

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1 employed ~~[therein]~~ in those industries."

2 SECTION 64. Section 50-1-5 NMSA 1978 (being Laws 1931,
3 Chapter 9, Section 11) is amended to read:

4 "50-1-5. INSPECTIONS--OBSTRUCTING--NOTICE--OFFENSES--
5 PENALTIES.--~~[Said labor commissioner shall have the power to]~~

6 A. Inspectors of the labor relations division of
7 the commerce department may enter any store, factory,
8 foundry, mill, office, workshop, mine or public or private
9 works at any time during working hours and remain as long as
10 necessary ~~[for the purpose of gathering]~~ to gather facts and
11 statistics contemplated by ~~[this Act and]~~ Chapter 50, Article
12 1 NMSA 1978, to examine safeguards and methods of protection
13 from danger to employees and the sanitary conditions of the
14 buildings and surroundings and to make a record thereof
15 ~~[and].~~ Any owner, corporation, occupant or officer who
16 ~~[shall refuse such]~~ refuses entry to ~~[said labor commissioner~~
17 ~~his officers or agents shall be]~~ an inspector is guilty of a
18 misdemeanor and upon conviction ~~[thereof]~~ shall be punished
19 by a fine of not less than fifty dollars ~~[nor]~~ (\$50.00) or
20 more than five hundred dollars (\$500) or by imprisonment in
21 the county jail for a definite term not less than ten days
22 ~~[nor]~~ or more than thirty days or by both such fine and
23 imprisonment. ~~[Provided, that said labor commissioner or his~~
24 ~~agent or agents]~~

25 B. An inspector shall, upon entering any store,

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1 factory, foundry, mill, office, workshop, mine or any other
2 public or private works, notify the owner, manager,
3 superintendent or anyone in charge of such place of labor of
4 ~~[his]~~ the inspector's intention to make ~~[such]~~ a visit of
5 inspection, and ~~[such]~~ the owner, manager, superintendent or
6 party in charge shall have the right, either ~~[by himself]~~ in
7 person or by an agent, to accompany ~~[such commissioner or his~~
8 ~~agent or agents]~~ the inspector during the entire time ~~[he]~~
9 the inspector spends upon ~~[such]~~ the premises. ~~[And,~~
10 ~~provided, further, that]~~

11 C. It ~~[shall be]~~ is unlawful for any ~~[such labor~~
12 ~~commissioner, his agent or agents, during the term of office~~
13 ~~to which such commissioner shall have been appointed]~~
14 employee of the labor relations division, to either directly
15 or indirectly, verbally or by written or printed matter,
16 advocate the organization or changes in organization or the
17 attempt at disorganization of a labor organization or a labor
18 ~~[unions]~~ union or to officially do any act either for or
19 against any political party in ~~[the State of]~~ New Mexico.
20 ~~[Any commissioner, or his agent or agents]~~

21 D. An inspector or other employee of the division
22 who ~~[fail]~~ fails to give ~~[such]~~ notice of ~~[such]~~ a visit or
23 refuses ~~[such]~~ the owner, manager, superintendent or party in
24 charge, or ~~[his]~~ an agent, the right to accompany ~~[him]~~ the
25 inspector at all times on visits of inspection provided for

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1 ~~[herein]~~ in this section or who participates in the
2 organization, changing or disorganization of the labor union
3 or labor association, contrary to the provisions ~~[hereof]~~ of
4 this section, or who officially does any act for or against
5 any political party in ~~[the State of]~~ New Mexico ~~[during his~~
6 ~~term of office, shall be deemed]~~ is guilty of a misdemeanor
7 and upon conviction ~~[thereof]~~ shall be fined ~~[any sum]~~ in an
8 amount not less than fifty dollars ~~[nor]~~ (\$50.00) or more
9 than five hundred dollars (\$500) or by imprisonment in the
10 county jail ~~[of]~~ for a definite term not less than ten days
11 ~~[nor]~~ or more than thirty days or by both such fine and
12 imprisonment."

13 SECTION 65. Section 50-1-6 NMSA 1978 (being Laws 1931,
14 Chapter 9, Section 12) is amended to read:

15 "50-1-6. FREE EMPLOYMENT AGENCY.--The ~~[labor~~
16 ~~commissioner]~~ commerce department may, if deemed necessary,
17 maintain and operate a free employment agency for the purpose
18 of supplying labor to all branches of industry."

19 SECTION 66. Section 50-1-7 NMSA 1978 (being Laws 1931,
20 Chapter 9, Section 13, as amended) is amended to read:

21 "50-1-7. REPORTING VIOLATIONS OF LABOR AND INDUSTRIAL
22 LAWS.--[~~It is the duty of]~~ The director of the labor ~~[and~~
23 ~~industrial]~~ relations division of the ~~[labor]~~ commerce
24 department ~~[to]~~ shall report to the district attorney of the
25 district in which such violations occur any violation of

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1 labor and industrial laws of New Mexico ~~[and]~~. It is the
2 duty of the district attorneys of the several districts, upon
3 the complaint of the director, to prosecute all violations of
4 law ~~[which may be]~~ that are reported to the district attorney
5 by the director."

6 SECTION 67. Section 50-4-8 NMSA 1978 (being Laws 1937,
7 Chapter 109, Section 8, as amended) is amended to read:

8 "50-4-8. DUTIES OF THE ~~[LABOR COMMISSIONER]~~ DIRECTOR.--

9 A. ~~[It is the duty of the labor commissioner to]~~
10 The director of the labor relations division of the commerce
11 department shall investigate any violations of Sections
12 50-4-1 through 50-4-12 NMSA 1978 and ~~[to]~~ institute or cause
13 to be instituted actions for ~~[the]~~ their enforcement ~~[of the~~
14 ~~same]~~. The ~~[labor commissioner]~~ director may hold hearings
15 to ~~[satisfy himself as to]~~ determine the justice of any
16 claim, and ~~[he]~~ the director shall cooperate with any
17 employee in the enforcement of any claim against ~~[his]~~ the
18 employee's employer whenever, in the opinion of the ~~[labor~~
19 ~~commissioner]~~ director, the claim is just and valid.

20 B. It is the duty of all district attorneys to
21 prosecute all cases, both civilly and criminally, ~~[which]~~
22 that are referred to them by the ~~[labor commissioner]~~
23 director.

24 C. It shall not be a defense to any action brought
25 pursuant to this section that the plaintiff or complainant is

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1 an undocumented worker. It is not intended by this section
2 to create any right to collect unemployment compensation nor
3 to mandate any wage rate."

4 SECTION 68. Section 50-4-9 NMSA 1978 (being Laws 1937,
5 Chapter 109, Section 9) is amended to read:

6 "50-4-9. RECORDS, SUBPOENAS, ETC.--

7 [~~(a)~~] A. Every employer shall keep a true and
8 accurate record of hours worked and wages paid to each
9 employee. The employer shall keep such records on file for
10 at least one year after the entry of the record.

11 [~~(b)~~] B. The labor [~~commissioner and his authorized~~
12 ~~representatives~~] relations division of the commerce
13 department shall have the right at all reasonable times to
14 inspect such records for the purpose of ascertaining whether
15 the provisions of [~~this act~~] Sections 50-4-1 through 50-4-12
16 NMSA 1978 are complied with.

17 [~~(c)~~] C. Any interference with the [~~labor~~
18 ~~commissioner or his authorized representatives~~] division in
19 the performance of [~~their~~] its duties shall be deemed a
20 violation of [~~this act~~] Sections 50-4-1 through 50-4-12 NMSA
21 1978 and punished as such.

22 [~~(d)~~] D. The [~~labor commissioner and his authorized~~
23 ~~representatives~~] division shall have the power to administer
24 oaths and examine witnesses under oath, issue subpoenas,
25 compel the attendance of witnesses and the production of

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1 payroll records and take depositions and affidavits in any
2 proceedings before [~~said labor commissioner~~] the director.

3 [~~(e)~~] E. In case of failure of [~~any~~] a person to
4 comply with [~~any~~] a subpoena lawfully issued or upon the
5 refusal of [~~any~~] a witness [~~or witnesses~~] to testify [~~upon~~]
6 on any matter on which [~~he or they~~] the witness may be
7 lawfully interrogated, the [~~labor commissioner~~] director may
8 apply to the district court in the proper county or to the
9 judge thereof for a writ of attachment to compel [~~said~~] the
10 witness to respond to [~~said~~] the subpoena or to testify, as
11 the case may be."

12 **SECTION 69.** Section 50-4-11 NMSA 1978 (being Laws 1937,
13 Chapter 109, Section 12, as amended) is amended to read:

14 "50-4-11. WAGE CLAIMS--LIENS--ASSIGNMENT.--

15 A. The labor [~~commissioner shall have power and~~
16 ~~authority to~~] relations division of the commerce department
17 may:

18 (1) take assignments of wage claims of
19 employees against employers [~~and shall also have power to~~];

20 (2) take assignments of liens upon real or
21 personal property securing the claims of employees and
22 laborers [~~and shall have power and authority to~~]; and

23 (3) prosecute actions for the collection of
24 such claims and for the foreclosure of liens of such persons
25 securing such claims of persons who, in the judgment of the

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1 ~~[labor commissioner]~~ division, are entitled to the services
2 of the ~~[labor commissioner]~~ division and who, in ~~[his]~~ the
3 division's judgment, have claims or liens or both ~~[which]~~
4 that are valid and ~~[enforceable]~~ enforceable in the courts.

5 B. In cases where the ~~[commissioner]~~ division has
6 taken assignments of labor claims ~~[which]~~ that are lienable
7 under the lien laws of ~~[the state of]~~ New Mexico, ~~[he shall~~
8 ~~have power to]~~ the division may join any number of claimants
9 in one statement of claim or lien and, in case of suit, ~~[to]~~
10 may join any number of claimants in one cause of action."

11 **SECTION 70.** Section 50-4-12 NMSA 1978 (being Laws 1937,
12 Chapter 109, Section 13, as amended) is amended to read:

13 "50-4-12. WAGE CLAIM ACTIONS--COSTS--JURISDICTION--
14 REPRESENTATION BY DISTRICT ATTORNEY--APPEALS.--

15 A. In all actions brought by the ~~[director of the]~~
16 labor ~~[and industrial]~~ relations division of the ~~[labor]~~
17 commerce department as assignee under the provisions of
18 Section 50-4-11 NMSA 1978, the ~~[director]~~ division shall be
19 entitled to free process and shall not be obligated or
20 required to give any bond or other security for costs.

21 B. Any sheriff, constable or other officer
22 requested by the ~~[director]~~ division to serve any summons,
23 writ, complaint or order shall do so without requiring the
24 ~~[director]~~ division to pay any fees or furnish any security
25 or bond.

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1 C. Where all claims joined together do not exceed
2 in the aggregate the jurisdictional limit of the magistrate
3 or metropolitan court, the [~~director~~] division may institute
4 an action against the employer in any magistrate or
5 metropolitan court having jurisdiction without referring the
6 claim to the district attorney. In the event that during the
7 course of the proceedings representation by an attorney at
8 law becomes necessary or, in the [~~director's~~] division's
9 judgment, advisable, the [~~director~~] division shall so notify
10 the district attorney, and it shall then be the duty of the
11 district attorney or the district attorney's assistant to
12 appear for the [~~director~~] division in the cause.

13 D. In the event the cause is appealed by the
14 [~~director~~] division, no bond or other security shall be
15 required or fees charged the [~~director~~] division for court
16 costs or sheriff's fees in serving process."

17 SECTION 71. Section 50-4-16 NMSA 1978 (being Laws 1933,
18 Chapter 149, Section 6) is amended to read:

19 "50-4-16. TIME RECORDS--INSPECTION.--

20 A. Every employer to whom [~~this act applies~~]
21 Sections 50-4-13 through 50-4-18 NMSA 1978 applies shall be
22 required to keep a time record showing the number of hours
23 each [~~male~~] employee worked each day.

24 B. Such record shall be open at all reasonable
25 hours to the inspection of the [~~State labor commissioner, his~~]

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1 ~~agents or agent]~~ labor relations division of the commerce
2 department, record of which is required to be kept [~~as herein~~
3 ~~provided for~~]."

4 SECTION 72. Section 50-4-21 NMSA 1978 (being Laws 1955,
5 Chapter 200, Section 2, as amended) is amended to read:

6 "50-4-21. DEFINITIONS.--As used in the Minimum Wage
7 Act:

8 A. "employ" includes suffer or permit to work;

9 B. "employer" includes any individual, partnership,
10 association, corporation, business trust, legal
11 representative or any organized group of persons employing
12 one or more employees at any one time, acting directly or
13 indirectly in the interest of an employer in relation to an
14 employee, but shall not include the United States, the state
15 or any political subdivision of the state; provided, however,
16 that for the purposes of Subsection A of Section 50-4-22 NMSA
17 1978, "employer" includes the state or any political
18 subdivision of the state; and

19 C. "employee" includes an individual employed by an
20 employer, but shall not include:

21 (1) an individual employed in domestic service
22 in or about a private home;

23 (2) an individual employed in a bona fide
24 executive, administrative or professional capacity and
25 forepersons, superintendents and supervisors;

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1 (3) an individual employed by the United
2 States, the state or any political subdivision of the state;
3 provided, however, that for the purposes of Subsection A of
4 Section 50-4-22 NMSA 1978, "employee" includes an individual
5 employed by the state or any political subdivision of the
6 state;

7 (4) an individual engaged in the activities of
8 an educational, charitable, religious or nonprofit
9 organization where the employer-employee relationship does
10 not, in fact, exist or where the services rendered to such
11 organizations are on a voluntary basis. The employer-
12 employee relationship shall not be deemed to exist with
13 respect to an individual being served for purposes of
14 rehabilitation by a charitable or nonprofit organization,
15 notwithstanding the payment to the individual of a stipend
16 based upon the value of the work performed by the individual;

17 (5) salespersons or employees compensated upon
18 piecework, flat rate schedules or commission basis;

19 (6) students regularly enrolled in primary or
20 secondary schools working after school hours or on vacation;

21 (7) registered apprentices and learners
22 otherwise provided by law;

23 (8) persons eighteen years of age or under who
24 are not students in a primary, secondary, vocational or
25 training school;

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1 (9) persons eighteen years of age or under who
2 are not graduates of a secondary school;

3 (10) G.I. bill trainees while under training;

4 (11) seasonal employees of an employer
5 obtaining and holding a valid certificate issued annually by
6 the [~~director of the~~] labor relations division of the
7 [~~workforce solutions~~] commerce department. The certificate
8 shall state the job designations and total number of
9 employees to be exempted. In approving or disapproving an
10 application for a certificate of exemption, the [~~director~~]
11 division shall consider the following:

12 (a) whether such employment shall be at an
13 educational, charitable or religious youth camp or retreat;

14 (b) that such employment will be of a
15 temporary nature;

16 (c) that the individual will be furnished
17 room and board in connection with such employment, or if the
18 camp or retreat is a day camp or retreat, the individual will
19 be furnished board in connection with such employment;

20 (d) the purposes for which the camp or
21 retreat is operated;

22 (e) the job classifications for the
23 positions to be exempted; and

24 (f) any other factors that the [~~director~~]
25 division deems necessary to consider;

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1 (12) any employee employed in agriculture:

2 (a) if the employee is employed by an
3 employer who did not, during any calendar quarter during the
4 preceding calendar year, use more than five hundred man-days
5 of agricultural labor;

6 (b) if the employee is the parent, spouse,
7 child or other member of the employer's immediate family; for
8 the purpose of this subsection, the employer shall include
9 the principal stockholder of a family corporation;

10 (c) if the employee: 1) is employed as a
11 hand-harvest laborer and is paid on a piece-rate basis in an
12 operation that has been, and is customarily and generally
13 recognized as having been, paid on a piece-rate basis in the
14 region of employment; 2) commutes daily from the employee's
15 permanent residence to the farm on which the employee is so
16 employed; and 3) has been employed in agriculture less than
17 thirteen weeks during the preceding calendar year;

18 (d) if the employee, other than an
19 employee described in Subparagraph (c) of this paragraph: 1)
20 is sixteen years of age or under and is employed as a
21 hand-harvest laborer, is paid on a piece-rate basis in an
22 operation that has been, and is generally recognized as
23 having been, paid on a piece-rate basis in the region of
24 employment; 2) is employed on the same farm as the employee's
25 parent or person standing in the place of the parent; and 3)

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1 is paid at the same piece-rate as employees over age sixteen
2 are paid on the same farm; or

3 (e) if the employee is principally engaged
4 in the range production of livestock or in milk production;

5 (13) an employee engaged in the handling,
6 drying, packing, packaging, processing, freezing or canning
7 of any agricultural or horticultural commodity in its
8 unmanufactured state; or

9 (14) employees of charitable, religious or
10 nonprofit organizations who reside on the premises of group
11 homes operated by such charitable, religious or nonprofit
12 organizations for persons who have a mental, emotional or
13 developmental disability."

14 SECTION 73. Section 50-4-26 NMSA 1978 (being Laws 1955,
15 Chapter 200, Section 5, as amended) is amended to read:

16 "50-4-26. ENFORCEMENT--PENALTIES--EMPLOYEES'
17 REMEDIES.--

18 A. An employer who violates any of the provisions
19 of the Minimum Wage Act is guilty of a misdemeanor and upon
20 conviction shall be sentenced pursuant to the provisions of
21 Section 31-19-1 NMSA 1978.

22 B. The [~~director of the~~] labor relations division
23 of the [~~workforce solutions~~] commerce department shall
24 enforce and prosecute violations of the Minimum Wage Act.
25 The [~~director~~] division may institute in the name of the

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1 state an action in the district court of the county wherein
2 the employer who has failed to comply with the Minimum Wage
3 Act resides or has a principal office or place of business,
4 for the purpose of prosecuting violations. The district
5 attorney for the district wherein ~~[any]~~ a violation ~~[hereof]~~
6 occurs shall aid and assist the ~~[director]~~ division in the
7 prosecution.

8 C. In addition to penalties provided pursuant to
9 this section, an employer who violates any provision of
10 Section 50-4-22 NMSA 1978 shall be liable to the employees
11 affected in the amount of their unpaid or underpaid minimum
12 wages plus interest, and in an additional amount equal to
13 twice the unpaid or underpaid wages.

14 D. An action to recover such liability may be
15 maintained in any court of competent jurisdiction by any one
16 or more employees for and on behalf of the employee or
17 employees and for other employees similarly situated, or such
18 employee or employees may designate an agent or
19 representative to maintain such action on behalf of all
20 employees similarly situated.

21 E. The court in any action brought under Subsection
22 D of this section shall, in addition to any judgment awarded
23 to the plaintiff or plaintiffs, allow costs of the action and
24 reasonable attorney fees to be paid by the defendant. In any
25 proceedings brought pursuant to the provisions of this

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1 section, the employee shall not be required to pay any filing
2 fee or other court costs necessarily incurred in such
3 proceedings.

4 F. In addition to any remedy or punishment provided
5 pursuant to the Minimum Wage Act, a court may order
6 appropriate injunctive relief, including requiring an
7 employer to post in the place of business a notice describing
8 violations by the employer as found by the court or a copy of
9 a cease and desist order applicable to the employer."

10 SECTION 74. Section 50-4-27 NMSA 1978 (being Laws 1967,
11 Chapter 188, Section 5) is amended to read:

12 "50-4-27. AUTHORITY OF [~~LABOR COMMISSIONER~~] DIVISION TO
13 PROMULGATE RULES--HEARING ON RULES--NOTICE--PUBLICATION.--The
14 [~~state labor commissioner shall have the authority to~~] labor
15 relations division of the commerce department may promulgate
16 [~~and issue~~] rules [~~and regulations~~] necessary to administer
17 and accomplish the purposes of the Minimum Wage Act. Such
18 rules [~~and regulations~~] shall be adopted after notice and
19 public hearing. [~~A copy of the notice of hearing together~~
20 ~~with a copy of the proposed regulations shall be filed with~~
21 ~~the librarian of the supreme court library at least twenty~~
22 ~~days prior to the hearing. In addition, a copy of the notice~~
23 ~~of hearing shall be sent to all known interested persons.~~
24 ~~Any interested person shall have the right to appear and~~
25 ~~present evidence.]"~~

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1 SECTION 75. Section 50-4A-7 NMSA 1978 (being Laws 2009,
2 Chapter 14, Section 7) is amended to read:

3 "50-4A-7. ENFORCEMENT.--

4 A. The [~~workforce solutions~~] commerce department
5 [~~is authorized to~~] shall enforce the Promoting Financial
6 Independence for Victims of Domestic Abuse Act and [~~to~~]
7 investigate complaints made by persons who claim to be
8 aggrieved pursuant to the provisions of that act.

9 B. The [~~workforce solutions~~] commerce department
10 and the employee have the right to bring an action in
11 violation of the Promoting Financial Independence for Victims
12 of Domestic Abuse Act in a court of competent jurisdiction to
13 enjoin further violations, recover actual damages sustained
14 or both, together with costs and reasonable attorney fees."

15 SECTION 76. Section 50-6-14 NMSA 1978 (being Laws 1925,
16 Chapter 79, Section 15, as amended) is amended to read:

17 "50-6-14. STATE CHILD LABOR INSPECTOR--APPOINTMENT--
18 DIRECTION--QUALIFICATIONS.--There shall be a "state child
19 labor inspector", appointed by and subject to the director of
20 the labor [~~and industrial~~] relations division of the [~~labor~~]
21 commerce department. The inspector must be qualified by
22 special training and experience for this work and must pass a
23 satisfactory examination given by the [~~director of the labor~~
24 ~~and industrial division of the labor department~~] state
25 personnel office."

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1 SECTION 77. Section 50-7-4.1 NMSA 1978 (being Laws
2 1979, Chapter 204, Section 12, as amended) is amended to
3 read:

4 "50-7-4.1. ADMINISTRATION.--

5 A. The ~~[commissioner of labor shall appoint a~~
6 ~~director of]~~ apprenticeship ~~[to be responsible for~~
7 ~~effectuating]~~ bureau of the labor relations division of the
8 commerce department shall effectuate the policies set forth
9 in Section 50-7-1 NMSA 1978, ~~[to]~~ carry out the policies
10 approved by the apprenticeship council and otherwise ~~[to]~~
11 execute the provisions of Chapter 50, Article 7 NMSA 1978.
12 ~~[Such appointment shall be subject to confirmation by a~~
13 ~~majority vote of the council. The commissioner of labor~~
14 ~~shall appoint the director and such additional personnel as~~
15 ~~may be necessary, subject to such laws and practices as are~~
16 ~~applicable to appointment, service and compensation of~~
17 ~~employees of the state.~~

18 ~~Under the general direction of the commissioner of~~
19 ~~labor, the director in furtherance of the duties specified]~~

20 B. The bureau shall:

21 ~~[A.]~~ (1) encourage the voluntary participation
22 of employers and employees in the furtherance of the
23 objectives of Chapter 50, Article 7 NMSA 1978;

24 ~~[B.]~~ (2) devise necessary procedures and
25 records;

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1 [~~G~~] (3) prepare statistical reports regarding
2 apprenticeship;

3 [~~D~~] (4) issue information related to
4 apprenticeship; and

5 [~~E~~] (5) perform such other duties as are
6 necessary to carry out the intent of Chapter 50, Article 7
7 NMSA 1978."

8 SECTION 78. Section 50-14-2 NMSA 1978 (being Laws 1999,
9 Chapter 260, Section 2, as amended) is amended to read:

10 "50-14-2. DEFINITIONS.--As used in the Workforce
11 Development Act:

12 A. "board" means the state workforce development
13 board;

14 B. "chief elected official" means the chief elected
15 executive officer of a unit of general local government in a
16 local area, and in a case in which a local area includes more
17 than one unit of general local government, "chief elected
18 official" means the person designated under the agreement
19 described in Section 117 (c)(1)(B) of the federal Workforce
20 Investment Act of 1998;

21 C. "employment training program" means a program or
22 a part of a program, regardless of which state or local
23 agency administers it, that has as its primary purpose
24 assisting persons in obtaining or enhancing employment;

25 D. "local board" means a local workforce

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1 development board; and

2 E. "office" or "division" means the work force
3 transition services division of the [~~workforce solutions~~]
4 commerce department."

5 SECTION 79. Section 50-14-4 NMSA 1978 (being Laws 1999,
6 Chapter 260, Section 4, as amended) is amended to read:

7 "50-14-4. DUTIES OF THE BOARD.--

8 A. The board shall assist the governor in:

9 (1) developing a five-year state plan that
10 shall be updated annually and revised in accordance with the
11 requirements of the federal Workforce Investment Act of 1998;

12 (2) developing and improving the statewide
13 activities funded pursuant to the workforce investment system
14 and the one-stop delivery system, including development of
15 linkages to ensure coordination and nonduplication among the
16 programs and activities described in the federal Workforce
17 Investment Act of 1998;

18 (3) reviewing local plans;

19 (4) commenting annually on the measures taken
20 pursuant to Section 113(b)(14) of the federal Carl D. Perkins
21 Vocational and Applied Technology Education Act;

22 (5) developing allocation formulas for adult
23 and youth employment training program funds to local areas in
24 accordance with the federal Workforce Investment Act of 1998;

25 (6) developing comprehensive state performance

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1 measures to assess the effectiveness of work force investment
2 activities pursuant to the federal Workforce Investment Act
3 of 1998;

4 (7) designating local work force development
5 areas;

6 (8) developing the statewide employment
7 statistics system; and

8 (9) preparing reports and applications
9 required for submission to the federal government.

10 B. The board shall also:

11 (1) review, evaluate and report annually on
12 the performance of all work force development activities
13 administered by state agencies involved with work force
14 development;

15 (2) develop linkages with the public education
16 department and the [~~commission on~~] higher education
17 department to ensure coordination and nonduplication of
18 vocational education, apprenticeship, adult education,
19 employment training programs and vocational rehabilitation
20 programs with other work force development and training
21 programs; and

22 (3) provide policy advice regarding the
23 application of federal or state law that pertains to work
24 force development.

25 C. To assist the board in fulfilling its duties, it

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1 is authorized to establish committees, one of which shall be
2 a "coordination oversight committee". Except as provided for
3 the coordination oversight committee in Subsections D and E
4 of this section, the board shall appoint committee members
5 and assign duties to committees as the board deems
6 appropriate. The chair of the board shall appoint committee
7 chairs from among members of the board.

8 D. The coordination oversight committee shall
9 consist of the secretaries of [~~economic development~~]
10 commerce, human services, [~~labor and~~] public education and
11 higher education; a representative from community colleges;
12 [~~a representative from the commission on higher education~~] a
13 representative of labor; two legislators from different
14 political parties, one from the senate and one from the house
15 of representatives; the director of the [~~office~~] division;
16 and the committee chair.

17 E. The duties of the coordination oversight
18 committee include the following:

19 (1) the secretaries of [~~economic development,~~
20 ~~labor~~] commerce and human services shall propose five-, ten-
21 and fifteen-year regional and statewide strategic plans for
22 employment growth and training in New Mexico for the
23 committee's consideration and possible recommendation for
24 approval to the board as part of the state plan;

25 (2) the [~~secretary~~] secretaries of public

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1 education and [~~the representative from the commission on~~
2 higher education shall propose appropriate education plans
3 for secondary education that address the strategic plans
4 proposed by the secretaries of [~~economic development~~
5 commerce and human services [~~and labor~~] for the committee's
6 consideration and possible recommendation for approval to the
7 board as part of the state plan;

8 (3) the committee's proposals to the board
9 shall facilitate a career pathways culture and, at a minimum,
10 include reference to foundation skills as developed by the
11 United States secretary of labor's commission on achieving
12 necessary skills, a job analysis that the [~~economic~~
13 ~~development~~] commerce department shall produce after
14 consultation with incumbent workers and employers, an
15 available skills assessment and training targets;

16 (4) the [~~board~~] committee member from the
17 community colleges shall solicit input from the community
18 college constituency and work with regional and statewide
19 businesses and other partners and the [~~economic development~~]
20 commerce department to create career pathways and align
21 curriculum and facilitate plans with the [~~economic~~
22 ~~development~~] commerce department and human services
23 department [~~and labor department~~] strategic plans;

24 (5) the committee shall, after consultation
25 with the [~~state chief information officer~~] department of

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1 information technology, develop and propose strategies for
2 coordination of information technology for the purposes of
3 providing participants access to all appropriate state
4 services; collecting and managing data to allow reporting and
5 analysis of uniform performance data related to all
6 appropriate employment training programs; and sharing and
7 integrating appropriate work force data across agencies and
8 appropriate nongovernmental partners for identifying needs,
9 setting policy and coordinating strategies;

10 (6) the committee shall recommend for the
11 board's approval the coordination of program designs to avoid
12 duplication or unproductive segmentation of services; and

13 (7) the committee shall recommend for the
14 board's approval the coordination of state agency efforts to
15 progress toward comprehensive, customer-driven one-stop
16 centers through co-location of mandatory and recommended
17 partner service delivery points for work force development.

18 F. All state agencies involved in work force
19 development activities shall annually submit to the board for
20 its review and potential inclusion in the five-year plan
21 their goals, objectives and policies. The plan shall include
22 recommendations to the legislature on the modification,
23 consolidation, initiation or elimination of work force
24 training and education programs in the state."

25 SECTION 80. Section 50-14-9 NMSA 1978 (being Laws 2005,

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1 Chapter 111, Section 10, as amended) is amended to read:

2 "50-14-9. WORK FORCE TRANSITION SERVICES DIVISION.--

3 A. The "work force transition services division" is
4 created in the [~~workforce solutions~~] commerce department.

5 B. The division shall be the recipient of all
6 grants from the United States pursuant to the federal
7 Workforce Investment Act of 1998 and shall disburse those
8 grants consistent with that act and the Workforce Development
9 Act.

10 C. The division shall administer the provisions of
11 the Workforce Development Act and is the governor's designee
12 for the state with authority to administer New Mexico's
13 program pursuant to the federal Workforce Investment Act of
14 1998. In performance of that duty and the duties set forth
15 in Section 50-14-10 NMSA 1978, the division has the general
16 power to:

17 (1) sue and, subject to the provisions of the
18 Tort Claims Act, be sued;

19 (2) enter into contracts, joint powers
20 agreements and other contracts for work force development
21 services and administer related programs with other state
22 agencies; local governments; state institutions of higher
23 learning; Indian nations, tribes or pueblos; regional
24 provider networks; and corporations authorized to do business
25 in the state;

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1 (3) take administrative action by issuing
2 orders and instructions, not inconsistent with law, to ensure
3 implementation of and compliance with the provisions of law
4 for which the division is responsible and to enforce those
5 orders and instructions by appropriate administrative actions
6 or actions in courts;

7 (4) promulgate, following the procedure in
8 Subsection E of Section 9-1-5 NMSA 1978, reasonable rules
9 necessary to carry out the duties of the division; and

10 (5) take all other actions necessary to meet
11 the purposes of the Workforce Development Act."

12 **SECTION 81.** Section 50-15-2 NMSA 1978 (being Laws 2005,
13 Chapter 257, Section 2, as amended) is amended to read:

14 "50-15-2. DEFINITIONS.--As used in the Day Laborer Act:

15 A. "check cashing service" means a business that
16 for a fee offers to cash checks or other payment instruments
17 or that advertises that it cashes checks or other payment
18 instruments;

19 B. "day labor" means employment that is under a
20 contract between a day labor service agency and a third-party
21 employer, that is occasional or irregular and that is for a
22 limited time period;

23 C. "day labor service agency" means an entity,
24 including a labor broker or labor pool, that provides day
25 laborers to third-party employers and that charges the third-

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1 party employer for the service of providing day laborers for
2 employment offered by the employer;

3 D. "day laborer" means a person who contracts for
4 day labor employment with a day labor service agency;

5 E. "department" means the [~~workforce solutions~~]
6 commerce department;

7 F. "office worker" means a person employed to
8 perform clerical, secretarial or other semiskilled or skilled
9 work that is predominantly performed in an office setting;

10 G. "payment instrument" means a paycheck, payment
11 voucher or other negotiable instrument from an employer
12 provided to an employee to pay for hours worked; and

13 H. "third-party employer" means a person that
14 contracts with a day labor service agency for the employment
15 of day laborers."

16 SECTION 82. Section 51-1-2 NMSA 1978 (being Laws 1979,
17 Chapter 280, Section 11, as amended) is amended to read:

18 "51-1-2. DEFINITIONS.--As used in the Unemployment
19 Compensation Law:

20 A. "department" means the [~~workforce solutions~~]
21 commerce department;

22 B. "division" means the work force transition
23 services division of the department, the director of the
24 division or an employee of the division exercising authority
25 lawfully delegated to the employee by the director; and

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1 C. "secretary" means the secretary of [~~workforce~~
2 ~~solutions~~] commerce or an employee of the department
3 exercising authority lawfully delegated to the employee by
4 the secretary."

5 SECTION 83. Section 53-7B-3 NMSA 1978 (being Laws 2009,
6 Chapter 66, Section 3) is amended to read:

7 "53-7B-3. DEFINITIONS.--As used in the New Mexico
8 Research Applications Act:

9 A. "board" means the board of directors of the
10 research applications center;

11 B. "department" means the [~~economic development~~]
12 commerce department;

13 C. "research applications center" means the
14 nonprofit corporation created pursuant to the Nonprofit
15 Corporation Act and the New Mexico Research Applications Act;

16 D. "technological innovations" includes research,
17 development, prototype assembly, manufacturing, patenting,
18 licensing, marketing and sale of inventions, ideas,
19 practices, applications, processes, machines and technology
20 and related property rights of all kinds; and

21 E. "university" means:

22 (1) a New Mexico educational institution named
23 in Article 12, Section 11 of the constitution of New Mexico;

24 (2) a community college organized pursuant to
25 the Community College Act or pursuant to Chapter 21, Article

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1 14 NMSA 1978; or

2 (3) a technical and vocational institute
3 organized pursuant to the Technical and Vocational Institute
4 Act."

5 **SECTION 84.** Section 57-3C-2 NMSA 1978 (being Laws 2001,
6 Chapter 346, Section 2) is amended to read:

7 "57-3C-2. DEFINITIONS.--As used in the Patent and
8 Copyright Act:

9 A. "department" means the [~~economic development~~]
10 commerce department;

11 B. "patent" means the grant of certain property
12 rights in an invention, as defined in federal patent laws, to
13 an inventor that includes the right to exclude others from
14 making, using, offering for sale, selling or importing the
15 invention; and

16 C. "copyright" means the property rights, as
17 defined in federal copyright laws, in original works of
18 authorship."

19 **SECTION 85.** Section 58-31-1 NMSA 1978 (being Laws 2005,
20 Chapter 128, Section 1) is amended to read:

21 "58-31-1. SHORT TITLE.--~~[This act]~~ Chapter 58, Article
22 31 NMSA 1978 may be cited as the "Spaceport Development
23 Act"."

24 **SECTION 86.** Section 58-31-4 NMSA 1978 (being Laws 2005,
25 Chapter 128, Section 4) is amended to read:

1 "58-31-4. SPACEPORT AUTHORITY CREATED--MEMBERSHIP.--

2 A. The "spaceport authority" is created. The
3 authority is a state agency and is administratively attached
4 to the [~~economic development~~] commerce department.

5 B. The authority shall consist of seven voting and
6 [~~two~~] one nonvoting members, six of whom shall be appointed
7 by the governor with the consent of the senate; provided that
8 one of the appointed members shall be a resident of Sierra
9 county. No more than three appointed members shall belong to
10 the same political party. The seventh member shall be the
11 secretary of [~~economic development~~] commerce or the
12 secretary's designee. The lieutenant governor shall serve as
13 a nonvoting ex-officio member. [~~The executive director of~~
14 ~~the authority shall serve as a nonvoting member.~~] The chair
15 may appoint a nonvoting advisory committee to provide advice
16 and recommendations on authority matters.

17 C. The members appointed by the governor shall be
18 residents of the state and shall serve for terms of four
19 years, except for the initial appointees who shall be
20 appointed so that the terms are staggered after initial
21 appointment. Initial appointees shall serve terms as
22 follows: two members for two years, two members for three
23 years and two members for four years.

24 D. Appointed voting members of the authority
25 [~~shall~~] are entitled to be reimbursed for per diem and

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1 mileage in accordance with the provisions of the Per Diem and
2 Mileage Act that apply to [~~nonsalaried public officers,~~
3 ~~unless a different provision of that act applies to a~~
4 ~~specific member, in which case that member shall be paid~~
5 ~~under the applicable provision]~~ state employees. Members and
6 advisors shall receive no other compensation, perquisite or
7 allowance for serving as a member of or advisor to the
8 authority.

9 E. The secretary of [~~economic development]~~ commerce
10 or the secretary's designee shall serve as the chair of the
11 authority. Authority members shall elect any other officers
12 from the membership that the authority determines
13 appropriate.

14 F. The chair, four other authority voting members
15 appointed by the chair and the executive director of the
16 authority shall constitute the spaceport authority executive
17 committee. The committee shall have powers and duties as
18 delegated to it by the authority.

19 G. If a vacancy occurs among the appointed voting
20 members of the authority, the governor shall appoint a
21 replacement to serve out the term of the former member. If
22 an appointed member's term expires, the member shall continue
23 to serve until the member is reappointed or another person is
24 appointed and [~~confirmed by the senate to replace the member]~~
25 qualified.

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1 H. The authority shall meet at the call of the
2 chair and shall meet in regular session at least once every
3 three months.

4 I. The authority shall maintain written minutes of
5 all meetings of the authority and maintain other appropriate
6 records, including financial transaction records in
7 compliance with law and adequate to provide an accurate
8 record for audit purposes pursuant to the Audit Act."

9 **SECTION 87.** Section 67-16-3 NMSA 1978 (being Laws 1985,
10 Chapter 23, Section 3, as amended) is amended to read:

11 "67-16-3. DEFINITIONS.--As used in the Litter Control
12 and Beautification Act:

13 A. "keep America beautiful system" means a
14 comprehensive program to improve waste handling practices and
15 the control of litter;

16 B. "keep New Mexico beautiful, incorporated" is the
17 statewide organization that is the official clearinghouse for
18 beautification projects in the state;

19 C. "council" means the litter control council;

20 D. "department" means the [~~tourism~~] commerce
21 department;

22 E. "litter" means weeds, graffiti and all waste
23 material, including disposable packages or containers, but
24 not including the waste of the primary processes of mining,
25 logging, sawmilling or farming;

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1 F. "person" means an individual, corporation,
2 partnership, association, firm, receiver, guardian, trustee,
3 executor, administrator, fiduciary or representative or group
4 of individuals or entities of any kind;

5 G. "public place" means an area that is used or
6 held out for use by the public, whether owned or operated by
7 public or private interests; and

8 H. "recycling" means the collection, separation or
9 processing and return to the economic mainstream of raw
10 materials or products that would otherwise become solid
11 waste."

12 **SECTION 88. TEMPORARY PROVISION--TRANSFERS OF**
13 **FUNCTIONS, APPROPRIATIONS, PROPERTY, CONTRACTUAL OBLIGATIONS**
14 **AND STATUTORY REFERENCES.--**

15 A. On the effective date of this act, all
16 functions, appropriations, money, records, furniture,
17 equipment and other property of the economic development
18 department, the tourism department, the workforce solutions
19 department and the border authority are transferred to the
20 commerce department.

21 B. On the effective date of this act, all
22 contractual obligations of the economic development
23 department, the tourism department and the workforce
24 solutions department or any division or other subordinate
25 unit of those departments and the border authority are

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1 binding on the commerce department.

2 C. On the effective date of this act, references in
3 the law to the economic development department, the tourism
4 department or the workforce solutions department or any
5 divisions or other subordinate units of those departments or
6 the border authority shall be deemed to be references to the
7 commerce department unless otherwise specified by law.

8 D. The rules of the economic development
9 department, tourism department, workforce solutions
10 department or border authority shall be deemed to be rules of
11 the commerce department until amended or repealed by the
12 commerce department.

13 E. On the effective date of this act, all
14 functions, appropriations, money, records, furniture,
15 equipment and other property of the New Mexico film museum
16 are transferred to the cultural affairs department. All
17 contractual obligations of the New Mexico film museum are
18 binding on the cultural affairs department. All references
19 in law to the museum or the board of trustees shall be deemed
20 to be references to the cultural affairs department.

21 **SECTION 89. RECOMPILATION.**---Section 9-15-56 NMSA 1978
22 (being Laws 2010, Chapter 87, Section 1) is recompiled into
23 the Commerce Department Act.

24 **SECTION 90. REPEAL.**---

25 A. Sections 9-15-1 through 9-15-55 NMSA 1978 (being

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1 Laws 1983, Chapter 297, Sections 1 through 4, Laws 2003,
2 Chapter 97, Section 1, Laws 1983, Chapter 297, Sections 5
3 through 7, Laws 1983, Chapter 296, Section 21, Laws 1983,
4 Chapter 297, Section 10, Laws 1988, Chapter 81, Section 5,
5 Laws 1983, Chapter 297, Sections 12, 14 and 15, Laws 1991,
6 Chapter 21, Sections 21 through 24, Laws 1994, Chapter 113,
7 Section 2, Laws 1988, Chapter 80, Sections 3 and 4, Laws
8 2005, Chapter 57, Section 1, Laws 1988, Chapter 80, Section
9 5, Laws 1989, Chapter 205, Sections 1 through 3, Laws 2005,
10 Chapter 67, Section 1, Laws 1991, Chapter 27, Sections 1 and
11 2, Laws 1993, Chapter 211, Sections 1 through 5 and also Laws
12 1993, Chapter 216, Sections 1 through 5, Laws 2003, Chapter
13 166, Sections 1 through 4 and also Laws 2003, Chapter 170,
14 Sections 1 through 4 and Laws 2007, Chapter 180, Sections 1
15 through 4, as amended) are repealed.

16 B. Sections 9-15A-1 through 9-15A-11 NMSA 1978
17 (being Laws 1991, Chapter 21, Sections 1 through 4, Laws
18 2003, Chapter 299, Section 1, Laws 1991, Chapter 21, Sections
19 5 through 7, Laws 1996, Chapter 25, Section 1, Laws 1993,
20 Chapter 101, Sections 10 and 11, Laws 2007, Chapter 286,
21 Sections 2 and 3 and Laws 2007, Chapter 287, Sections 2 and
22 3, as amended) are repealed.

23 C. Sections 9-15C-1 through 9-15C-5 NMSA 1978
24 (being Laws 2005, Chapter 219, Sections 1 through 5, as
25 amended) are repealed.

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1 D. Sections 9-26-1 through 9-26-15 NMSA 1978 (being
2 Laws 2007, Chapter 200, Sections 1 through 14 and 23) are
3 repealed.

4 E. Sections 14-4A-1 through 14-4A-6 NMSA 1978
5 (being Laws 2005, Chapter 244, Sections 1 through 6) are
6 repealed.

7 F. Sections 18-14-1 through 18-14-6 NMSA 1978
8 (being Laws 2003, Chapter 250, Sections 1 through 6, as
9 amended) are repealed.

10 G. Section 21-19A-7 NMSA 1978 (being Laws 1992,
11 Chapter 93, Section 7) is repealed.

12 H. Sections 58-27-1 through 58-27-26 NMSA 1978
13 (being Laws 1991, Chapter 131, Sections 1 through 10 and 12
14 through 16, Laws 1993, Chapter 335, Section 4, Laws 1995,
15 Chapter 192, Section 10, Laws 1991, Chapter 131, Sections 17
16 through 25 and Laws 1995, Chapter 192, Section 21, as
17 amended) are repealed.

18 I. Sections 60-2D-1 through 60-2D-18 NMSA 1978
19 (being Laws 1991, Chapter 233, Sections 1 through 18) are
20 repealed.

21 **SECTION 91. EFFECTIVE DATE.**--The effective date of the
22 provisions of this act is January 1, 2012.