

HOUSE BILL 519

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO CULTURAL AFFAIRS; CREATING THE BOARD OF DIRECTORS OF THE AFRICAN AMERICAN PERFORMING ARTS CENTER; PROVIDING THAT THE BOARD OF DIRECTORS SHALL OPERATE, MAINTAIN AND STAFF THE AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL IN CONSULTATION WITH THE CULTURAL AFFAIRS DEPARTMENT; TRANSFERRING FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, RECORDS, EQUIPMENT, SUPPLIES, OTHER PROPERTY AND CONTRACTUAL OBLIGATIONS.

.230526.2AIC March 22, 2025 (4:33pm)

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

SECTION 1. Section 16-6-4 NMSA 1978 (being Laws 1913, Chapter 46, Section 4, as amended) is amended to read:

"16-6-4. POWERS AND DUTIES OF COMMISSION--ANNUAL FAIR--EXHIBITS--PREMIUMS.--

A. The state fair commission shall have power and authority to hold annually on suitable grounds a state fair at which shall be exhibited livestock, poultry, vegetables, fruits, grains, grasses and other farm products, minerals, ores and other mining exhibits, mining machinery and farm implements and all other things that the commissioners or a majority thereof deem consonant with the purposes of a state fair for the purposes of advancing the agricultural, horticultural and stock raising, mining, mechanical and industrial pursuits of the state and shall have the care of its property and be entrusted with the entire direction of its business and its financial affairs consistent with the provisions of Sections 16-6-15 and 16-6-16 NMSA 1978.

B. The state fair commission or its designees, among other duties, shall:

(1) prepare, adopt, publish and enforce all necessary rules for the management of the New Mexico state fair and its meetings and exhibitions and for the guidance of its officers, employees and exhibitors;

(2) determine the duties, compensation and

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tenure of office of all of its officers and employees and may remove from office or discharge any person appointed or employed by it at will;

(3) have the power to appoint all necessary fairgrounds police to keep order on the grounds and in the buildings of the state fair. The fairgrounds police so appointed shall be vested with the same authority for such purposes as peace officers;

(4) have the power to charge entrance fees and admissions and lease stalls, stands and restaurant sites, give prizes and premiums, arrange entertainments and do all things that by the commission may be considered proper for the conduct of the state fair not otherwise prohibited by law;

(5) prohibit the sale or consumption of alcoholic beverages on the grounds of the state fair except in controlled access areas within the licensed premises; and

(6) meet with the director of the [~~alcohol and gaming~~] alcoholic beverage control division of the regulation and licensing department and other parties in interest to designate the controlled access areas on which the sale and consumption of alcoholic beverages may be permitted

~~[(7) annually request funding to support the operations and maintenance of the African American performing arts center and exhibit hall housed on the state fairgrounds; and~~

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~~(8) provide staff to support the operations and maintenance of the African American performing arts center and exhibit hall].~~

C. As used in this section, "alcoholic beverages" means distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing the federal internal revenue strip stamps or any similar alcoholic beverage, including blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half of one percent alcohol, but excluding medicinal bitters."

SECTION 2. Section 16-6-32 NMSA 1978 (being Laws 2019, Chapter 82, Section 3) is recompiled as a new section of Chapter 18 NMSA 1978 and is amended to read:

"~~[ADVISORY COMMITTEE]~~ AFRICAN AMERICAN PERFORMING ARTS CENTER--BOARD OF DIRECTORS--CREATED--APPOINTMENTS--STAGGERED TERMS OF MEMBERS--DUTIES.--

A. The board of directors of the African American performing arts center [~~advisory committee~~] is created and, in accordance with the provisions of Section 9-1-7 NMSA 1978, is administratively attached to the [~~state fair commission~~] cultural affairs department.

B. The [~~committee~~] board of directors shall consist of five members, including:

- (1) two members from the African American

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performing arts center foundation appointed by the executive director of the African American performing arts center and exhibit hall;

(2) one member from the cultural affairs department appointed by the governor;

(3) one member from the office on African American affairs appointed by the governor; and

(4) one community member who has knowledge of the academic, cultural and historical context of performance art within the African American experience appointed by the director of the Africana studies program at the university of New Mexico.

C. Staggered membership terms shall be established so that two members of the initial ~~committee~~ board of directors are appointed for two years, three members are appointed for three years and subsequent appointments of each member are for two-year terms.

D. Vacancies in an appointed member's term shall be filled for the remainder of the unexpired term in the same manner as the original appointment was made.

E. The ~~committee~~ board of directors shall annually elect a chair, vice chair and secretary from among its membership. A majority of the members constitutes a quorum for the conduct of business.

F. The ~~committee~~ board of directors shall meet at

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the call of the chair at least annually. Meetings of the [committee] board of directors shall be held in Albuquerque or at other sites within the state at the direction of the chair.

G. Members shall receive no compensation for serving on the [committee] board of directors but shall be paid per diem and mileage as provided for in the Per Diem and Mileage Act.

H. The [committee] board of directors shall make recommendations to the African American performing arts center foundation and the executive director and artistic director of the African American performing arts center and exhibit hall regarding staffing, operations, maintenance, programming and exhibitions of the African American performing arts center and exhibit hall. The board of directors shall operate, maintain, staff and request funding for the operation, maintenance and staffing of the African American performing arts center

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I. As used in this section, "performance art" means any creative activity performed for an audience that uses an individual's voice, body or inanimate objects to convey an artistic expression, including live or recorded theatrical productions, movies, music, dance, puppetry and spoken word."

SECTION 3. TEMPORARY PROVISION--TRANSFER.--

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A. On the effective date of this act, the African American performing arts center and exhibit hall, including the functions, personnel, appropriations, money, records, equipment, supplies and other property of the center and exhibit hall, shall be transferred from the state fair commission to the board of directors of the African American performing arts center.

B. On the effective date of this act, money held by or for the African American performing arts center and exhibit hall that does not revert to the general fund or another fund on June 30, 2025 shall be transferred to the board of directors of the African American performing arts center to operate, maintain and staff the African American performing arts center and exhibit hall.

C. Contractual obligations of the African American performing arts center and exhibit hall shall be binding on the board of directors of the African American performing arts center.

**SECTION 4. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2025.