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SENATE BILL 196

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Timothy M. Keller and Mimi Stewart

AN ACT

RELATING TO THE STATE FAIR; PROVIDING FOR THE LONG-TERM
IMPROVEMENT IN FINANCIAL SOLVENCY OF THE STATE FAIR; ENACTING
THE NEW MEXICO STATE FAIR ACT; ORGANIZING THE STATE FAIR AS A
STATE AGENCY; CREATING THE OFFICE OF THE STATE FAIR; PROVIDING
POWERS AND DUTIES; CHANGING THE POWERS AND DUTIES OF THE STATE
FAIR COMMISSION; CHANGING THE NAME OF THE STATE FAIR
COMMISSION; INCREASING OVERSIGHT OF THE OFFICE AND THE NEW
MEXICO STATE FAIR; ELIMINATING INDEPENDENT BONDING AUTHORITY;
PAYING OFF OUTSTANDING DEBT OF THE STATE FAIR OR COMMISSION;
TRANSFERRING FUNCTIONS, PROPERTY AND CONTRACTS; MAKING
APPROPRIATIONS.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "New Mexico State Fair Act".

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1 SECTION 2. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the
2 New Mexico State Fair Act:

3 A. "commission" means the fairgrounds commission;

4 B. "director" means the director of the office;

5 C. "fairgrounds" includes all the real property
6 owned by the state known as the "New Mexico state fair", the
7 "state fair", "Tingley coliseum" or the "downs at the state
8 fair";

9 D. "federal agency" means the president of the
10 United States of America, the federal emergency administrator
11 of public works or such other agency designated to make loans
12 and grants pursuant to the National Industrial Recovery Act or
13 any other provision of federal law or rule;

14 E. "office" means the office of the state fair; and

15 F. "project" means buildings, structures,
16 landscaping and other improvements, furniture and equipment of
17 every kind, nature and description that may be required by or
18 convenient for the state fair, including, without limiting the
19 generality of the foregoing, administration, exhibition or
20 recreation or parts of or additions to any of those; heat,
21 light or other systems or parts of or extensions to any of
22 those; greenhouses, farm or other exhibition buildings, stock
23 pens, stables, grounds or parts of or additions to any of
24 those; or other buildings, structures, landscaping and other
25 improvements, furniture and equipment.

1 SECTION 3. [NEW MATERIAL] OFFICE OF THE STATE FAIR--

2 CREATED--STAFF--POWERS AND DUTIES.--

3 A. The "office of the state fair" is created as an
4 agency of the state and is administratively attached to the
5 tourism department. The office shall be headed by a
6 "director", who is appointed by the governor with the advice
7 and consent of the senate. The director shall be appointed
8 without regard to political party affiliation and solely on the
9 basis of the ability to perform the duties of the office based
10 on education and experience. The director shall be responsible
11 for the administration and operation of the office and the New
12 Mexico state fair and other events at the fairgrounds under the
13 policy direction of the commission.

14 B. Subject to appropriations, the director may
15 employ such permanent and temporary or term staff as necessary
16 to conduct the annual New Mexico state fair, other venues and
17 exhibits and to operate the office and state fair facilities.
18 Permanent employees are covered by the Personnel Act except as
19 provided in Section 10-9-4 NMSA 1978.

20 C. The office may:

21 (1) adopt and promulgate rules in accordance
22 with the State Rules Act to carry out the purposes of the New
23 Mexico State Fair Act;

24 (2) solicit and receive funds or property of
25 any nature for the development of the New Mexico state fair,

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1 its exhibits and its programs;

2 (3) enter into contracts pursuant to the
3 Procurement Code;

4 (4) impose and collect admission fees, parking
5 fees and rents; fix and maintain a schedule of reasonable fees,
6 rentals and other charges of stalls, pens, concession spaces
7 and other spaces on the fairgrounds; and conduct retail sales
8 as are normal for the operation of a state fair; provided,
9 however, that in no case shall any fee be charged for exhibits
10 of agricultural, dairy, horticultural, culinary, apiary and
11 handwork products of the state of New Mexico, unless items on
12 exhibit are for sale, which fees and charges shall be uniform
13 to all those similarly situated;

14 (5) publish such journals, books, reports and
15 other materials as are appropriate to the operation of a state
16 fair;

17 (6) acquire in the name of the state, by
18 purchase or gift, and hold and dispose of real or personal
19 property or rights or interest in real or personal property
20 pursuant to the provisions of Chapter 13, Article 6 NMSA 1978;

21 (7) build, construct, improve, repair or
22 maintain projects;

23 (8) acquire a project and own, operate and
24 maintain the project;

25 (9) accept grants of money, materials or

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1 property of any kind from a federal agency upon such terms and
2 conditions as the federal agency may impose; and

3 (10) perform all acts necessary or convenient
4 to carry out the powers granted in the New Mexico State Fair
5 Act, to obtain grants from any federal agency and to accomplish
6 the purposes of that act and secure the benefits of the
7 National Industrial Recovery Act or any other federal law or
8 rule pursuant to which the office may receive grants, support
9 or assistance.

10 D. The office shall:

11 (1) have the care and control of the
12 fairgrounds and shall promulgate rules for the management of
13 the New Mexico state fair and its meetings and exhibitions and
14 the conduct of any other events held at the fairgrounds;

15 (2) develop exhibits and programs consonant
16 with the purposes of the New Mexico state fair and to advance
17 the agricultural, horticultural, stock raising, mining,
18 mechanical and industrial pursuits of the state;

19 (3) work closely with the economic development
20 department, the tourism department, the cultural affairs
21 department, other appropriate state agencies, the city of
22 Albuquerque and Bernalillo county to provide a year-round
23 calendar of events at the fairgrounds;

24 (4) work closely with businesses and
25 neighborhood associations in the area of the fairgrounds to

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1 improve relations and respond to concerns expressed by the
2 fairgrounds' neighbors;

3 (5) provide quarterly financial, operational
4 and performance reports and analyses to the commission, the
5 department of finance and administration and the legislative
6 finance committee;

7 (6) prepare for the commission, the governor
8 and the legislature by January 2 of each year after a New
9 Mexico state fair is held, a full financial statement showing
10 all funds received and disbursed and all assets and liabilities
11 as a full and detailed account of the office's transactions and
12 containing such statistics and other information that may be of
13 value to the various industries of the state; and

14 (7) perform such other duties as necessary for
15 the conduct of the New Mexico state fair and the office.

16 E. The office shall prohibit the sale or
17 consumption of alcoholic beverages on the fairgrounds except in
18 controlled access areas within the licensed premises. The
19 director shall meet with the director of the alcohol and gaming
20 division of the regulation and licensing department and other
21 parties in interest to designate the controlled access areas on
22 which the sale and consumption of alcoholic beverages may be
23 allowed.

24 SECTION 4. [NEW MATERIAL] STATE FAIR--PURPOSE--CONDUCT
25 OF.--

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1 A. The purposes of the New Mexico state fair are
2 to:

3 (1) advance the agricultural, horticultural
4 and stock raising, mining, mechanical and industrial pursuits
5 of the state;

6 (2) celebrate the cultural diversity of the
7 state by highlighting the music, dance, food and other arts of
8 the major peoples who have contributed to New Mexico's much-
9 praised triculture; and

10 (3) highlight the talents of New Mexicans
11 through competitions and displays of home arts, fine arts and
12 crafts from throughout the state.

13 B. The office, under the policy direction of the
14 commission, shall annually conduct on suitable grounds the New
15 Mexico state fair at which shall be exhibited livestock,
16 poultry, vegetables, fruits, grains, grasses and other farm
17 products; minerals, ores and other mining exhibits; mining
18 machinery and farm implements; horticulture; home arts; fine
19 arts and crafts; and all other things that the office deems
20 consonant with the purpose of the state fair.

21 C. The office may appoint necessary police to keep
22 order on the grounds and in the buildings of the fairgrounds.
23 The fairgrounds police have the same authority for such
24 purposes as peace officers. The office may employ or contract
25 with persons to fill positions necessary for the conduct of the

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1 New Mexico state fair.

2 D. The office may charge admission and parking
3 fees; lease stalls, stands and restaurant sites; give prizes
4 and premiums; arrange entertainments and carnivals; and do
5 other things not contrary to state law that the commission
6 considers proper for the conduct of the New Mexico state fair.

7 SECTION 5. [NEW MATERIAL] FAIRGROUNDS COMMISSION--
8 MEMBERSHIP--APPOINTMENTS--QUALIFICATIONS.--

9 A. The governor shall appoint, with the advice and
10 consent of the senate, a "fairgrounds commission" consisting of
11 seven members for terms of five years each; provided that the
12 first appointments shall be made of two commissioners for one-
13 year terms, two for two-year terms, one for a three-year term,
14 one for a four-year term and one for a five-year term.

15 Thereafter, commissioners shall be appointed to staggered terms
16 of five years each. Appointments shall be made in such manner
17 that the terms of no more than two commissioners expire each
18 year. Appointments to fill vacancies shall be for the
19 unexpired terms.

20 B. All fairgrounds commissioners shall be residents
21 of the state and if a commissioner changes residence to a place
22 outside the state, the commissioner shall be deemed to have
23 vacated the office.

24 C. No fewer than two commissioners shall be engaged
25 in the business of livestock raising and no fewer than two

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1 commissioners shall be engaged in agricultural vocations and
2 pursuits other than livestock raising.

3 D. A fairgrounds commissioner shall not be removed
4 during the term for which the commissioner is appointed except
5 for cause and only after notice and opportunity to be heard;
6 provided that the commissioner may expressly waive the right to
7 a hearing in writing.

8 SECTION 6. [NEW MATERIAL] COMMISSION--POWERS AND
9 DUTIES.--The commission shall:

10 A. set policy for the office and the conduct of the
11 annual New Mexico state fair; and

12 B. meet at least quarterly to review the activities
13 of the office, which meetings are subject to the provisions of
14 the Open Meetings Act and shall provide opportunity for public
15 comment.

16 SECTION 7. [NEW MATERIAL] STATE FAIR ENTERPRISE FUND--
17 CREATED--APPROPRIATIONS.--

18 A. The "state fair enterprise fund" is created as a
19 nonreverting fund in the state treasury. The fund consists of
20 appropriations, revenue from enterprise activities, available
21 federal funds, gifts, grants, donations, income from investment
22 of the fund and any other money credited to the fund. The fund
23 shall be administered by the office. Money in the fund is
24 subject to appropriation by the legislature for the office to
25 conduct the New Mexico state fair and to promote the

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1 fairgrounds as a year-round operation with venues, events and
2 facilities that provide for greater use of the assets of the
3 state fair. Disbursements from the fund shall be by warrant of
4 the secretary of finance and administration pursuant to
5 vouchers signed by the director or the director's authorized
6 representative.

7 B. In addition to other appropriations, five
8 thousand dollars (\$5,000) is appropriated annually to the fund
9 if the city of Albuquerque contributes the same amount to the
10 fund.

11 C. On the effective date of the New Mexico State
12 Fair Act, all money of the state fair or the state fair
13 commission, except a bond repayment fund if bonds are not paid
14 off early, that is in any account of a bank, trust company,
15 savings and loan or other financial institution, whether in the
16 name of the state fair, New Mexico state fair, EXPO New Mexico
17 or the state fair commission, shall be transferred and
18 deposited in the state fair enterprise fund and the accounts
19 shall be closed.

20 SECTION 8. [NEW MATERIAL] OUTSTANDING BONDS OF NEW MEXICO
21 STATE FAIR NOT AFFECTED BY REORGANIZATION--OFFICE TO CONTINUE
22 PAYING FROM REVENUE OF THE OFFICE.--

23 A. Any outstanding bonds of the New Mexico state
24 fair under the former provisions of Sections 16-6-1 through
25 16-6-22 NMSA 1978 shall continue to be obligations of the

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1 office payable from fees, rentals and other charges of the
2 office. Outstanding bonds, and the obligations of the office
3 pertaining to those bonds, continue as provided in the law at
4 the time of the sale of the bonds. The repeal of Sections
5 16-6-1 through 16-6-22 NMSA 1978 shall not in any way, directly
6 or indirectly, impair adversely any outstanding bonds unless
7 provision has been made for the discharge of the bonds in full.

8 B. Nothing in the New Mexico State Fair Act shall
9 be construed as impairing or authorizing the impairment of the
10 contract between the state and the holders of state fair bonds
11 authorized or issued, or both, prior to the effective date of
12 that act.

13 SECTION 9. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,
14 APPROPRIATIONS, MONEY, RECORDS, FURNITURE, EQUIPMENT, OTHER
15 PERSONAL AND REAL PROPERTY--CONTRACTUAL OBLIGATIONS.--

16 A. On the effective date of this act, all
17 functions, appropriations, money, records, furniture, equipment
18 and other personal and real property of the state fair
19 commission or the New Mexico state fair shall be transferred to
20 the office of the state fair.

21 B. On the effective date of this act, all
22 contractual obligations of the state fair commission or the New
23 Mexico state fair are binding on the office of the state fair.

24 SECTION 10. EXTIRPATING OUTSTANDING DEBT OF THE STATE
25 FAIR--APPROPRIATION.--Two million two hundred thousand dollars

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1 (\$2,200,000) is appropriated from the general fund to the state
2 board of finance for expenditure in fiscal year 2015 to pay off
3 any debts of the New Mexico state fair as of the effective date
4 of this act that are not revenue bonds. Any unexpended or
5 unencumbered balance remaining at the end of fiscal year 2015
6 shall revert to the general fund.

7 SECTION 11. REPEAL.--Sections 16-6-1 through 16-6-22 NMSA
8 1978 (being Laws 1913, Chapter 46, Sections 2, 14 and 3, Laws
9 1994, Chapter 143, Section 6, Laws 1913, Chapter 46, Section 4,
10 Laws 1977, Chapter 245, Section 18, Laws 1913, Chapter 46,
11 Sections 5, 6 and 8, Laws 1961, Chapter 110, Section 1, Laws
12 1913, Chapter 46, Sections 11 and 12 and Laws 1935, Chapter 69,
13 Sections 1 through 9 and 11, as amended) are repealed.

14 SECTION 12. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2014.