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AN ACT

RELATING TO CULTURAL AFFAIRS; PROVIDING AUTHORITY TO THE STATE LIBRARIAN AND TO THE STATE HISTORIC PRESERVATION OFFICER TO SOLICIT AND RECEIVE FUNDS OR PROPERTY TO SUPPORT THEIR PROGRAMS AND ACTIVITIES.

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

SECTION 1. Section 18-2-4 NMSA 1978 (being Laws 1961, Chapter 126, Section 4, as amended) is amended to read:

"18-2-4. DUTIES OF THE STATE LIBRARIAN.--

A. The state librarian shall:

- (1) administer the state library;
- (2) administer grants-in-aid and encourage local library service and generally promote an effective statewide library system;
- (3) make studies and surveys of public library needs;
- (4) supply advice and information to existing libraries and aid in the establishment of new libraries;
- (5) obtain each year, from all libraries in the state, reports showing the conditions, growth and development together with such other facts and statistics regarding them as are of public interest;
- (6) cooperate with other educational

1 services and governmental agencies of the state and with  
2 library agencies of other states and with national library  
3 agencies;

4 (7) cooperate with the administrative  
5 services division of the cultural affairs department in  
6 preparing the budget for the state library;

7 (8) administer the library extension  
8 service;

9 (9) make rules and regulations necessary to  
10 administer the library division as provided by law and to  
11 perform other duties as provided by law; and

12 (10) establish and administer a library  
13 depository and distribution system for state documents and  
14 publications.

15 B. The state librarian may solicit and receive  
16 funds or property, including federal funds and public and  
17 private grants, for programs and activities administered by  
18 the state librarian."

19 **SECTION 2.** Section 18-6-8 NMSA 1978 (being Laws 1977,  
20 Chapter 246, Section 38, as amended) is amended to read:

21 "18-6-8. STATE HISTORIC PRESERVATION OFFICER--  
22 APPOINTMENT--QUALIFICATIONS--DUTIES.--

23 A. The "historic preservation division" is created  
24 within the cultural affairs department.

25 B. The state historic preservation officer shall

1 be the director of the division and shall be hired by the  
2 secretary of cultural affairs with the consent of the  
3 governor. The position's qualifications shall be consistent  
4 with but not limited to the following:

5 (1) a graduate degree in American history,  
6 anthropology, architecture or historic preservation;

7 (2) at least five years of professional  
8 experience in American history, anthropology, architecture or  
9 historic preservation or any combination of these; or

10 (3) a substantial contribution through  
11 research and publication to the body of scholarly knowledge  
12 in the field of American history, anthropology, architecture  
13 or historic preservation or any combination of these.

14 C. The state historic preservation officer shall  
15 administer the Cultural Properties Act, including being  
16 administrative head of all Cultural Properties Act functions  
17 assigned to the historic preservation division by law or  
18 executive order. In addition, the state historic  
19 preservation officer shall coordinate all duties performed  
20 by, and cooperate with, the committee, the secretary of  
21 cultural affairs and any other entities, public or private,  
22 involved with cultural properties.

23 D. The state historic preservation officer, in  
24 conjunction with the secretary of cultural affairs:

25 (1) shall provide staff to the committee;

1 (2) shall maintain the state register of  
2 cultural properties;

3 (3) may fund historic site surveys and may  
4 fund restorations;

5 (4) shall administer historic preservation  
6 tax benefit programs;

7 (5) shall review state undertakings to  
8 determine their effect upon significant historic properties;

9 (6) shall adopt and promulgate rules  
10 regulating the use of the division's statewide historic and  
11 prehistoric site databases and archives, including a fee  
12 schedule to cover the reasonable cost of using the databases  
13 and archives; and

14 (7) may solicit and receive funds or  
15 property, including federal funds and public and private  
16 grants, for programs and activities administered by the state  
17 historic preservation officer.

18 E. Fees collected pursuant to Paragraph (6) of  
19 Subsection D of this section shall be used to maintain and  
20 administer the division's statewide historic and prehistoric  
21 site databases and archives."

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