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HOUSE BILL 158

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

INTRODUCED BY

Sheryl Williams Stapleton and Melanie A. Stansbury

AN ACT

RELATING TO THE STATE FAIR; REQUIRING THE STATE FAIR COMMISSION TO INCLUDE IN ITS BUDGET ANNUAL FUNDING FOR THE AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL; CREATING AN ADVISORY COMMITTEE; MAKING AN APPROPRIATION.

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

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1 and all other things [~~which~~] that the commissioners or a
2 majority thereof deem consonant with the purposes of a state
3 fair for the purposes of advancing the agricultural,
4 horticultural and stock raising, mining, mechanical and
5 industrial pursuits of the state and shall have the care of its
6 property and be entrusted with the entire direction of its
7 business and its financial affairs consistent with the
8 provisions of Sections 16-6-15 and 16-6-16 NMSA 1978.

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

11 (1) prepare, adopt, publish and enforce all
12 necessary rules for the management of the New Mexico state fair
13 and its meetings and exhibitions and for the guidance of its
14 officers, employees and exhibitors; [~~The commission shall~~]

15 (2) determine the duties, compensation and
16 tenure of office of all of its officers and employees and may
17 remove from office or discharge any person appointed or
18 employed by it at will; [~~and shall~~]

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

24 (4) have the power to charge entrance fees and
25 admissions and lease stalls, [~~stand~~] stands and restaurant

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1 sites, give prizes and premiums, arrange entertainments and do
2 all things [~~which~~] that by the commission may be considered
3 proper for the conduct of the state fair not otherwise
4 prohibited by law; [~~The commission shall~~]

5 (5) prohibit the sale or consumption of
6 alcoholic beverages on the grounds of the state fair except in
7 controlled access areas within the licensed premises; [~~The~~
8 ~~commission or its designees shall~~]

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

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

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

21 C. As used in this [~~subsection~~] section, "alcoholic
22 beverages" means distilled or rectified spirits, potable
23 alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing
24 the federal internal revenue strip stamps or any similar
25 alcoholic beverage, including blended or fermented beverages,

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1 dilutions or mixtures of one or more of the foregoing
2 containing more than one-half of one percent alcohol, but
3 excluding medicinal bitters."

4 SECTION 2. Section 16-6-15 NMSA 1978 (being Laws 1935,
5 Chapter 69, Section 3, as amended) is amended to read:

6 "16-6-15. ADDITIONAL POWERS.--In addition to the powers
7 [~~which~~] that it may now have, the New Mexico state fair shall
8 have power to:

9 A. acquire, by purchase, gift or the exercise of
10 the right of eminent domain, and hold and dispose of real or
11 personal property or rights or interests therein except as
12 limited by Section 13-6-2.1 NMSA 1978, which provisions
13 requiring state board of finance approval of certain actions
14 are applicable to the state fair. The right of eminent domain
15 shall be exercised in the same manner as is provided for the
16 exercise of such power by the state or any county, municipality
17 or school district;

18 B. build, construct, improve, repair or maintain
19 buildings, structures, improvements, grounds and equipment
20 [~~which~~] that may be required by or convenient for the purpose
21 of operating a state fair;

22 [~~D.~~] C. acquire any project and to own, operate and
23 maintain such project;

24 [~~E.~~] D. accept grants of money, materials or
25 property of any kind from a federal agency upon such terms and

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1 conditions as the federal agency may impose;

2 ~~[F-]~~ E. borrow money and issue bonds and provide
3 for the payment of the same and for the rights of the holders
4 thereof; provided that the commission shall not issue bonds,
5 negotiate loans or renegotiate loans without the prior approval
6 of the state board of finance; and

7 ~~[G-]~~ F. perform all acts and do all things
8 necessary or convenient to carry out the powers granted in
9 ~~[this]~~ Chapter 16, Article 6 NMSA 1978, or heretofore granted,
10 to obtain loans or grants or both from any federal agency and
11 to accomplish the purposes of ~~[this]~~ that article and secure
12 the benefits of the Recovery Act."

13 **SECTION 3. [NEW MATERIAL] ADVISORY COMMITTEE CREATED--**
14 **APPOINTMENTS--STAGGERED TERMS OF MEMBERS--DUTIES.--**

15 A. The "African American performing arts center
16 advisory committee" is created and is administratively attached
17 to the state fair commission.

18 B. The committee shall consist of five members,
19 including:

20 (1) two members from the African American
21 performing arts center foundation appointed by the executive
22 director of the African American performing arts center and
23 exhibit hall;

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

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

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

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

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

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

18 F. The committee shall meet at the call of the
19 chair at least annually. Meetings of the committee shall be
20 held in Albuquerque or at other sites within the state at the
21 direction of the chair.

22 G. Members shall receive no compensation for
23 serving on the committee but shall be paid per diem and mileage
24 as provided for in the Per Diem and Mileage Act.

25 H. The committee shall make recommendations to the

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1 African American performing arts center foundation and the
2 executive director and artistic director of the African
3 American performing arts center and exhibit hall regarding
4 staffing, operations, maintenance, programming and exhibitions
5 of the African American performing arts center and exhibit
6 hall.

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

12 SECTION 4. APPROPRIATION.--One hundred fifty thousand
13 dollars (\$150,000) is appropriated from the general fund to the
14 state fair commission for expenditure in fiscal year 2020 and
15 subsequent fiscal years for the operation and maintenance of
16 the African American performing arts center and exhibit hall at
17 the state fairgrounds. Any unexpended or unencumbered balance
18 remaining at the end of a fiscal year shall not revert to the
19 general fund.

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