

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/24/25 *Check all that apply:*
Bill Number: HB 519 Original Correction
 Amendment Substitute

Sponsor: Herndon **Agency Name and Code** 505 Cultural Affairs
Short Title: African American Arts Center Directors **Number:** _____
Person Writing Greg Geisler
Phone: 827-122 **Email** Greg.geisler@dca.nm.go

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NA	See fiscal impact	Recurring	General

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NA	NA	NA	NA	NA

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See fiscal impact			Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

The bill creates the Board of Directors (BOD) of the African American Performing Arts Center (Center), requiring that the BOD operate, maintain and staff the Center. The bill transfers the functions, personnel, appropriations, money, records, equipment, supplies, other property, and contractual obligations from the State Fair Commission to the created BOD. Finally, in accordance with [§9-1-7 NMSA 1978](#), it admiratively attached the BOD to the Department of Cultural Affairs. To do this, the bill amends [§16-6-4 NMSA 1978](#) and recompiles [§16-6-32 NMSA 1978](#) as a new section of Chapter 18 NMSA.

FISCAL IMPLICATIONS

The bill does not include appropriations, but HB2 contains the following provision:

The general fund appropriations to the New Mexico state fair in the personal services and employee benefits and contractual services categories include two hundred seventy-five thousand dollars (\$275,000) to be transferred to the cultural affairs department to provide staffing and operational support for programs and exhibits within the African American performing arts center, contingent on enactment of legislation of the first session of the fifty-seventh legislature transferring responsibility for overseeing programmatic operations of the African American performing arts center to the cultural affairs department.

SIGNIFICANT ISSUES

The changes made by the bill may enhance operations of the Center by providing the newly created BOD direct control over the facility. However, it is unclear if the \$275,000 HB2 appropriation is sufficient to staff and operate the Center, as well as maintain the facility. Under current statute, the State Fair Commission provides staff for maintenance of the facility. The transfer does not move any funds for utilities, maintenance (janitorial, supplies, etc.) or upkeep of the building (repairs, lifecycle replacements, landscaping, etc.). It is unclear if the funding is sufficient for the Board to properly operate and maintain the Center. This could be a significant financial and staff burden that is not covered by the \$275,000.

PERFORMANCE IMPLICATIONS

Performance measures will need to be established for the BOD.

ADMINISTRATIVE IMPLICATIONS

The nature of an “administrative attached” agency is defined in [§9-1-7 NMSA 1978](#). Specifically, if the bill is enacted, the BOD will operate independently of DCA, without its approval or control. The BOD will be required to adhere to all policies and procedures governing the expenditure of funds and procurement.

DCA will submit the BOD’s annual budgetary request as submitted by BOD, without change. To this end, a budgetary program code will need to be transferred to DCA or created within DCA.

The BOD will submit all reports required by law or the governor through DCA.

A memorandum of understanding to define any budgetary or administrative assistance provided by DCA to BOD may need to be executed.

Currently a private Foundation provides financial support to the Center. Prior to the Foundation paying expenses or transferring funds to the BOD, a written agreement will need to be drafted and signed by the Foundation and BOD, in accordance with [NMSA 6-5A-1](#).

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None identified.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None identified.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None identified.

AMENDMENTS

None identified.