

1 HOUSE BILL 519  
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY  
4 Pamelya Herndon  
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9  
10 AN ACT

11 RELATING TO CULTURAL AFFAIRS; CREATING THE BOARD OF DIRECTORS  
12 OF THE AFRICAN AMERICAN PERFORMING ARTS CENTER; PROVIDING THAT  
13 THE BOARD OF DIRECTORS SHALL OPERATE, MAINTAIN AND STAFF THE  
14 AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL IN  
15 CONSULTATION WITH THE CULTURAL AFFAIRS DEPARTMENT; TRANSFERRING  
16 FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY, RECORDS,  
17 EQUIPMENT, SUPPLIES, OTHER PROPERTY AND CONTRACTUAL  
18 OBLIGATIONS.  
19

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

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

23 "16-6-4. POWERS AND DUTIES OF COMMISSION--ANNUAL FAIR--  
24 EXHIBITS--PREMIUMS.--

25 A. The state fair commission shall have power and

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1 authority to hold annually on suitable grounds a state fair at  
2 which shall be exhibited livestock, poultry, vegetables,  
3 fruits, grains, grasses and other farm products, minerals, ores  
4 and other mining exhibits, mining machinery and farm implements  
5 and all other things that the commissioners or a majority  
6 thereof deem consonant with the purposes of a state fair for  
7 the purposes of advancing the agricultural, horticultural and  
8 stock raising, mining, mechanical and industrial pursuits of  
9 the state and shall have the care of its property and be  
10 entrusted with the entire direction of its business and its  
11 financial affairs consistent with the provisions of Sections  
12 16-6-15 and 16-6-16 NMSA 1978.

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

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

19 (2) determine the duties, compensation and  
20 tenure of office of all of its officers and employees and may  
21 remove from office or discharge any person appointed or  
22 employed by it at will;

23 (3) have the power to appoint all necessary  
24 fairgrounds police to keep order on the grounds and in the  
25 buildings of the state fair. The fairgrounds police so

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1 appointed shall be vested with the same authority for such  
2 purposes as peace officers;

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

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

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

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

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

23 C. As used in this section, "alcoholic beverages"  
24 means distilled or rectified spirits, potable alcohol, brandy,  
25 whiskey, rum, gin and aromatic bitters bearing the federal

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1 internal revenue strip stamps or any similar alcoholic  
2 beverage, including blended or fermented beverages, dilutions  
3 or mixtures of one or more of the foregoing containing more  
4 than one-half of one percent alcohol, but excluding medicinal  
5 bitters."

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

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

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

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

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

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

25 (3) one member from the office on African

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1 American affairs appointed by the governor; and

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

7 C. Staggered membership terms shall be established  
8 so that two members of the initial [~~committee~~] board of  
9 directors are appointed for two years, three members are  
10 appointed for three years and subsequent appointments of each  
11 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~~] board of directors shall  
16 annually elect a chair, vice chair and secretary from among its  
17 membership. A majority of the members constitutes a quorum for  
18 the conduct of business.

19 F. The [~~committee~~] board of directors shall meet at  
20 the call of the chair at least annually. Meetings of the  
21 [~~committee~~] board of directors shall be held in Albuquerque or  
22 at other sites within the state at the direction of the chair.

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

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1 Mileage Act.

2 H. The ~~[committee]~~ board of directors shall make  
3 recommendations to the African American performing arts center  
4 foundation and the executive director and artistic director of  
5 the African American performing arts center and exhibit hall  
6 regarding staffing, operations, maintenance, programming and  
7 exhibitions of the African American performing arts center and  
8 exhibit hall. The board of directors shall operate, maintain,  
9 staff and request funding for the operation, maintenance and  
10 staffing of the African American performing arts center in  
11 consultation with the cultural affairs department.

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

17 SECTION 3. TEMPORARY PROVISION--TRANSFER.--

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

25 B. On the effective date of this act, money held by

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1 or for the African American performing arts center and exhibit  
2 hall that does not revert to the general fund or another fund  
3 on June 30, 2025 shall be transferred to the board of directors  
4 of the African American performing arts center to operate,  
5 maintain and staff the African American performing arts center  
6 and exhibit hall.

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

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