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**HOUSE BILL 789**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Pauline K. Gubbels**

**AN ACT**

**RELATING TO THE STATE FAIR; PROVIDING FOR A PUBLIC HEARING AND  
COMPLIANCE WITH MUNICIPAL ZONING BY THE STATE FAIR COMMISSION.**

**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 and all other things which the commissioners or a  
majority thereof deem consonant with the purposes of a state**

**. 133501. 4**

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1 fair for the purposes of advancing the agricultural,  
2 horticultural and stock raising, mining, mechanical and  
3 industrial pursuits of the state and shall have the care of  
4 its property and be entrusted with the entire direction of its  
5 business and its financial affairs consistent with the  
6 provisions of Sections 16-6-15 and 16-6-16 NMSA 1978.

7 B. The state fair commission, among other duties,  
8 shall prepare, adopt, publish and enforce all necessary rules  
9 for the management of the New Mexico state fair, its meetings  
10 and exhibitions and for the guidance of its officers,  
11 employees and exhibitors. The commission shall determine the  
12 duties, compensation and tenure of office of all of its  
13 officers and employees and may remove from office or discharge  
14 any person appointed or employed by it at will and shall have  
15 the power to appoint all necessary fairgrounds police to keep  
16 order on the grounds and in the buildings of the state fair.  
17 The fairgrounds police so appointed shall be vested with the  
18 same authority for such purposes as peace officers. The  
19 commission shall have the power to charge entrance fees and  
20 admissions and lease stalls, stand and restaurant sites, give  
21 prizes and premiums, arrange entertainments and do all things  
22 which by the commission may be considered proper for the  
23 conduct of the state fair not otherwise prohibited by law.  
24 The commission shall prohibit the sale or consumption of  
25 alcoholic beverages on the grounds of the state fair except in

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1 controlled access areas within the licensed premises. The  
2 commission or its designees shall meet with the director of  
3 the alcohol and gaming division of the department of  
4 regulation and licensing and other parties in interest to  
5 designate the controlled access areas on which the sale and  
6 consumption of alcoholic beverages may be permitted. As used  
7 in this subsection, "alcoholic beverages" means distilled or  
8 rectified spirits, potable alcohol, brandy, whiskey, rum, gin  
9 and aromatic bitters bearing the federal internal revenue  
10 strip stamps or any similar alcoholic beverage, including  
11 blended or fermented beverages, dilutions or mixtures of one  
12 or more of the foregoing containing more than one-half of one  
13 percent alcohol, but excluding medicinal bitters.

14 C. Pursuant to the provisions of this section, the  
15 state fair commission shall perform an assessment of the  
16 impacts of an expansion or redevelopment of the state fair  
17 grounds or a substantial modification of the fair grounds  
18 plan. The assessment shall include the impact on air quality,  
19 traffic, noise, the economy to surrounding businesses and  
20 neighborhood social conditions. The assessment shall be  
21 published and made available on request to members of the  
22 public at least thirty days prior to the public hearing  
23 required pursuant to Subsection D of this section.

24 D. The state fair commission shall hold a public  
25 hearing on a plan for expansion or redevelopment of the state

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1 fair grounds or a substantial modification of a plan. The  
2 commission shall provide for public notice of a plan and the  
3 public hearing by publication in a newspaper having a general  
4 circulation in the county pursuant to Section 14-11-2 NMSA  
5 1978. The notice shall describe the time, date, place and  
6 purpose of the hearing and shall generally identify the  
7 proposed change to the fair grounds.

8 E. Following the public hearing, the state fair  
9 commission may approve a plan if it finds that the plan  
10 conforms to the general plan for the municipality, its zoning  
11 ordinance, transportation plan and other applicable laws and  
12 regulations concerning development.

13 F. Any person adversely affected by an action  
14 taken by the state fair commission may appeal the action to  
15 the district court pursuant to the provisions of Section  
16 39-3-1.1 NMSA 1978. "