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HOUSE BILL 198
47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005
INTRODUCED BY
W. C. "Dub" Williams

AN ACT
RELATING TO CULTURAL AFFAIRS; CREATING THE MUSEUM OF THE
AMERICAN WEST DIVISION OF THE CULTURAL AFFAIRS DEPARTMENT,
WHOSE PRINCIPAL PROPERTY IS THE HUBBARD MUSEUM OF THE AMERICAN
WEST; CREATING A BOARD; PROVIDING POWERS AND DUTIES; AMENDING,
ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978; MAKING AN
APPROPRIATION.

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

Section 1. Section 9-4A-1 NMSA 1978 (being Laws 2004,
Chapter 25, Section 1) is amended to read:

"9-4A-1. SHORT TITLE. -- [~~Sections 1 through 10 of this
act~~] Chapter 9, Article 4A NMSA 1978 may be cited as the
"Cultural Affairs Department Act". "

Section 2. Section 9-4A-4 NMSA 1978 (being Laws 2004,
Chapter 25, Section 4) is amended to read:

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1 "9- 4A- 4. DEPARTMENT CREATED. --The "cultural affairs
2 department" is created in the executive branch. The department
3 is a cabinet department and includes the following divisions:

- 4 A. the administrative services division;
- 5 B. the arts division;
- 6 C. the historic preservation division;
- 7 D. the library division;
- 8 E. the Hispanic cultural division;
- 9 F. the farm and ranch heritage museum division;
- 10 G. the natural history and science museum division;
- 11 H. the museum of space history division;
- 12 I. the museum services division; [~~and~~]
- 13 J. the museum of the American west; and

14 [~~J.~~] K. the following divisions that make up the
15 museum of New Mexico:

- 16 (1) the palace of the governors state history
17 museum division;
- 18 (2) the museum of fine art division;
- 19 (3) the museum of Indian arts and culture
20 division;
- 21 (4) the museum of international folk art
22 division;
- 23 (5) the archaeological services division; and
- 24 (6) the state monuments division. "

25 Section 3. A new section of Chapter 18 NMSA 1978 is

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1 enacted to read:

2 "[NEW MATERIAL] SHORT TITLE. -- Sections 3 through 11 of
3 this act may be cited as the "Museum of the American West
4 Act". "

5 Section 4. A new section of Chapter 18 NMSA 1978 is
6 enacted to read:

7 "[NEW MATERIAL] PURPOSE OF ACT. -- The legislature declares
8 that the art and history of the American west constitute a
9 common heritage about which all persons should receive
10 knowledge and benefit. The purpose of the Museum of the
11 American West Act is to create a state museum to collect,
12 preserve, study and interpret materials representative of the
13 American west and develop and maintain educational exhibits and
14 programs on the American west for the benefit of the citizens
15 of New Mexico and visitors to the state. "

16 Section 5. A new section of Chapter 18 NMSA 1978 is
17 enacted to read:

18 "[NEW MATERIAL] DEFINITIONS. -- As used in the Museum of
19 the American West Act:

- 20 A. "board" means the board of trustees of the
21 Hubbard museum of the American west;
- 22 B. "director" means the director of the division;
- 23 C. "division" means the museum of the American west
24 division of the cultural affairs department; and
- 25 D. "museum" means the Hubbard museum of the

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1 American west. "

2 Section 6. A new section of Chapter 18 NMSA 1978 is
3 enacted to read:

4 "[NEW MATERIAL] MUSEUM DIVISION CREATED-- MUSEUM
5 LOCATION-- PROPERTY. --

6 A. The "museum of the American west division" is
7 created within the cultural affairs department. The principal
8 facility of this division is the "Hubbard museum of the
9 American west" located in Ruidoso Downs. The site shall be
10 held in the name of the state.

11 B. All property, real or personal, now held or
12 subsequently acquired for the operation of the museum shall be
13 under the control and authority of the board.

14 C. Funds or other property received by gift,
15 endowment or legacy shall remain under the control of the board
16 and shall, upon acceptance, be employed for the purpose
17 specified. "

18 Section 7. A new section of Chapter 18 NMSA 1978 is
19 enacted to read:

20 "[NEW MATERIAL] BOARD OF TRUSTEES CREATED-- APPOINTMENT--
21 TERMS-- OFFICERS. --

22 A. The "board of trustees of the Hubbard museum of
23 the American west" is created. The board shall consist of nine
24 residents of New Mexico appointed by the governor with the
25 advice and consent of the senate. In making the appointments,

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1 the governor shall give due consideration to geographic
2 distribution of members and to individual interest and
3 background in fields related to the history, art and artifacts
4 of the American west. The members shall serve at the pleasure
5 of the governor. Vacancies shall be filled for the remainder
6 of the unexpired term.

7 B. The president of the board shall be designated
8 by the governor and shall serve in that capacity at the
9 pleasure of the governor. Other officers as deemed necessary
10 by the board shall be elected by the board annually at its
11 first scheduled meeting after July 1.

12 C. Members are entitled to per diem and mileage as
13 provided in the Per Diem and Mileage Act and shall receive no
14 other compensation, perquisite or allowance. "

15 Section 8. A new section of Chapter 18 NMSA 1978 is
16 enacted to read:

17 "[NEW MATERIAL] BOARD POWERS AND DUTIES. -- The board
18 shall:

19 A. exercise trusteeship over the collections of the
20 museum;

21 B. accept and hold title to all property for museum
22 use;

23 C. review annually the performance of the director
24 and report its findings to the secretary of cultural affairs;

25 D. enter into agreements or contracts with private

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1 or public organizations, agencies or individuals to obtain real
2 or personal property for museum use;

3 E. authorize the director to solicit and receive
4 funds or property of any nature for the development of the
5 museum, its collections and its programs;

6 F. adopt such rules as may be necessary to carry
7 out the provisions of this section; and

8 G. establish museum policy and determine the
9 mission and direct the development of the institution. "

10 Section 9. A new section of Chapter 18 NMSA 1978 is
11 enacted to read:

12 "[NEW MATERIAL] DIRECTOR-- APPOINTMENT-- QUALIFICATIONS. --

13 A. The director shall be appointed by the secretary
14 of cultural affairs from a list of no less than three names
15 provided by the board.

16 B. The director of the division shall meet the
17 following minimum qualifications:

18 (1) hold a bachelor's or higher degree in a
19 discipline related to the function of the division; and

20 (2) have significant experience in the
21 management and operation of an organization similar to the
22 division. "

23 Section 10. A new section of Chapter 18 NMSA 1978 is
24 enacted to read:

25 "[NEW MATERIAL] DIRECTOR-- POWERS AND DUTIES. -- The

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1 director:

2 A. shall be responsible for the administration of
3 the division and for the operation of the museum in accordance
4 with policies of the board;

5 B. shall develop exhibits and programs of an
6 educational nature for the benefit of the public and with
7 particular concern for the interests of the schools of the
8 state;

9 C. shall, as authorized by the board, acquire by
10 donation or other means of acquisition collections and related
11 materials appropriate to the museum's mission;

12 D. shall employ such professional staff and other
13 employees as are necessary to the operation of the museum in
14 accordance with the provisions of the Personnel Act;

15 E. may solicit and receive funds or property of any
16 nature for the development of the museum, its collections and
17 its programs;

18 F. shall cooperate with institutions of higher
19 learning and other agencies and political subdivisions of
20 municipal, state and federal governments to establish, maintain
21 and extend the programs of the museum;

22 G. may, as authorized by the board, lend
23 collections materials to qualified institutions and agencies
24 for purposes of exhibition and study and borrow collections
25 materials from other institutions and agencies for like

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1 purpose;

2 H. shall impose and collect admission fees
3 determined by the board and conduct such retail sales as are
4 normal for the operation of a museum;

5 I. may publish such journals, books, reports and
6 other materials as are appropriate to the operation of the
7 museum; and

8 J. shall perform other duties as provided by law or
9 requested by the secretary of cultural affairs. "

10 Section 11. A new section of Chapter 18 NMSA 1978 is
11 enacted to read:

12 "[NEW MATERIAL] MUSEUM ADMISSION POLICY. --The board shall
13 establish and implement a policy to permit New Mexico residents
14 age sixty years and above to enter all publicly accessible
15 exhibit and program areas, except special exhibits and programs
16 where commissions or royalties are paid by contract, free of
17 charge every Wednesday that is not a holiday that the museum is
18 open. "

19 Section 12. TEMPORARY PROVISION--RECOMPILATION. --Sections
20 9-4A-13 through 9-4A-18 NMSA 1978 (being Laws 2004, Chapter 25,
21 Sections 13 through 18) are recompiled in Chapter 18, Article 3
22 NMSA 1978.

23 Section 13. APPROPRIATION. --Eight hundred thousand
24 dollars (\$800,000) is appropriated from the general fund to the
25 cultural affairs department for expenditure in fiscal year 2006

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1 to carry out the purposes of the Museum of the American West
2 Act. Any unexpended or unencumbered balance remaining at the
3 end of fiscal year 2006 shall revert to the general fund.

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