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FISCAL IMPACT REPORT

	ORIGINAL DATE 1/30/2008		
SPONSOR	<u>HHGAC</u>	LAST UPDATED 2/1/2008	HB <u>CS/226/aHAFC</u>
	Creating the African American Performing Arts		
SHORT TITLE	<u>Authority</u>	SB	<u></u>
		ANALYST	<u>Leger</u>

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB6, HB103, HB107

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico State Fair Commission (SFC)
 New Mexico Department of Tourism
 Attorney Generals Office (AGO)

SUMMARY

Synopsis of HAFC Amendment

House Health and Government Affairs Committee Substitute for House Bill 226 as amended by HAFC strikes the words “making an appropriation” on page 1, line 13 and strikes section 8 in its entirety.

Synopsis of Bill Original Bill

House Health and Government Affairs Committee Substitute for House Bill 226 appropriate \$450 thousand from the general fund to the African-American Performing Arts Center Fund for the purpose of carrying out the provisions of the African-American Performing Arts Center Authority Act (the act).

FISCAL IMPLICATIONS

The appropriation of \$450 thousand contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance shall not revert to the general fund.

SIGNIFICANT ISSUES

HHGAC/HB 226 would create the “African-American Performing Arts Center Authority” (the authority); consisting of nine members. Three (3) members representing the African-American Performing Arts Center Foundation, one (1) member representing each of the three occupants of the African-American Performing Arts Center and Exhibit Hall (AAPAC), appointed by the governing board, and three (3) members appointed for staggered four-year terms by the Governor. The authority shall elect a chair and such other officers as it deems necessary to carry out its duties. Members of the authority shall receive per diem and mileage as provided for nonsalaried public officers in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

The duties of the authority shall meet at the call of the chair, hire a director, create and implement policies and procedures consistent with the AAPAC foundation, coordinate all activities and have the direction and control of the AAPAC, administer the AAPAC. The bill states that the director and staff of the authority shall be exempt from the provisions of the Personnel Act.

The bill states fees deemed as reasonable money collected by the authority shall be deposited in the African-American Performing Arts Center Fund. The authority will to negotiate a long-term lease with the SFC for the occupancy and use of the building in which the AAPAC is located. The lease shall provide that the state fair commission shall continue to provide those services, including free access and available and free parking for events, security, maintenance, trash collection, utilities and technical services that were provided prior to the effective date of this act.

The SFC is an enterprise agency that utilizes revenues derived from admission, concession, parking, building rental and other services to cover fair operations. There could be a potential loss of parking revenue for the SFC.

ADMINISTRATIVE IMPLICATIONS

The authority would be administratively attached through the New Mexico State Fair Commission to the New Mexico Tourism Department.

RELATIONSHIP

HB6 – appropriates \$348 thousand to the SFC for operation of the AAPAC.

HB103 – appropriates \$32 thousand to the SFC for the Charlie Morrissey Children’s Theater Program at the AAPAC.

HB107 – appropriates \$25 thousand to the SFC for transportation costs for transporting participants to programs or events at the AAPAC.

TECHNICAL ISSUES

HHGAC/HB 226 appropriates \$450 thousand to the AAPAC fund, states that money collected by the authority shall be deposited in the fund, and all non-capital appropriations and money directly related to the AAPAC be transferred to the AAPAC fund. The bill does not create such a fund.