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AN ACT

RELATING TO THE STATE FAIR; REQUIRING THE STATE FAIR  
COMMISSION TO INCLUDE IN ITS BUDGET ANNUAL FUNDING FOR THE  
AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL;  
CREATING AN ADVISORY COMMITTEE.

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 that the commissioners or a  
majority thereof deem consonant with the purposes of a state  
fair for the purposes of advancing the agricultural,  
horticultural and stock raising, mining, mechanical and  
industrial pursuits of the state and shall have the care of  
its property and be entrusted with the entire direction of  
its business and its financial affairs consistent with the  
provisions of Sections 16-6-15 and 16-6-16 NMSA 1978.

B. The state fair commission or its designees,

1 among other duties, shall:

2 (1) prepare, adopt, publish and enforce all  
3 necessary rules for the management of the New Mexico state  
4 fair and its meetings and exhibitions and for the guidance of  
5 its officers, employees and exhibitors;

6 (2) determine the duties, compensation and  
7 tenure of office of all of its officers and employees and may  
8 remove from office or discharge any person appointed or  
9 employed by it at will;

10 (3) have the power to appoint all necessary  
11 fairgrounds police to keep order on the grounds and in the  
12 buildings of the state fair. The fairgrounds police so  
13 appointed shall be vested with the same authority for such  
14 purposes as peace officers;

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

21 (5) prohibit the sale or consumption of  
22 alcoholic beverages on the grounds of the state fair except  
23 in controlled access areas within the licensed premises;

24 (6) meet with the director of the alcohol  
25 and gaming division of the regulation and licensing

1 department and other parties in interest to designate the  
2 controlled access areas on which the sale and consumption of  
3 alcoholic beverages may be permitted;

4 (7) annually request funding to support the  
5 operations and maintenance of the African American performing  
6 arts center and exhibit hall housed on the state fairgrounds;  
7 and

8 (8) provide staff to support the operations  
9 and maintenance of the African American performing arts  
10 center and exhibit hall.

11 C. As used in this section, "alcoholic beverages"  
12 means distilled or rectified spirits, potable alcohol,  
13 brandy, whiskey, rum, gin and aromatic bitters bearing the  
14 federal internal revenue strip stamps or any similar  
15 alcoholic beverage, including blended or fermented beverages,  
16 dilutions or mixtures of one or more of the foregoing  
17 containing more than one-half of one percent alcohol, but  
18 excluding medicinal bitters."

19 SECTION 2. Section 16-6-15 NMSA 1978 (being Laws 1935,  
20 Chapter 69, Section 3, as amended) is amended to read:

21 "16-6-15. ADDITIONAL POWERS.--In addition to the powers  
22 that it may now have, the New Mexico state fair shall have  
23 power to:

24 A. acquire, by purchase, gift or the exercise of  
25 the right of eminent domain, and hold and dispose of real or

1 personal property or rights or interests therein except as  
2 limited by Section 13-6-2.1 NMSA 1978, which provisions  
3 requiring state board of finance approval of certain actions  
4 are applicable to the state fair. The right of eminent  
5 domain shall be exercised in the same manner as is provided  
6 for the exercise of such power by the state or any county,  
7 municipality or school district;

8 B. build, construct, improve, repair or maintain  
9 buildings, structures, improvements, grounds and equipment  
10 that may be required by or convenient for the purpose of  
11 operating a state fair;

12 C. acquire any project and to own, operate and  
13 maintain such project;

14 D. accept grants of money, materials or property  
15 of any kind from a federal agency upon such terms and  
16 conditions as the federal agency may impose;

17 E. borrow money and issue bonds and provide for  
18 the payment of the same and for the rights of the holders  
19 thereof; provided that the commission shall not issue bonds,  
20 negotiate loans or renegotiate loans without the prior  
21 approval of the state board of finance; and

22 F. perform all acts and do all things necessary or  
23 convenient to carry out the powers granted in Chapter 16,  
24 Article 6 NMSA 1978, or heretofore granted, to obtain loans  
25 or grants or both from any federal agency and to accomplish

1 the purposes of that article and secure the benefits of the  
2 Recovery Act."

3 SECTION 3. ADVISORY COMMITTEE CREATED--APPOINTMENTS--  
4 STAGGERED TERMS OF MEMBERS--DUTIES.--

5 A. The "African American performing arts center  
6 advisory committee" is created and is administratively  
7 attached to the state fair commission.

8 B. The committee shall consist of five members,  
9 including:

10 (1) two members from the African American  
11 performing arts center foundation appointed by the executive  
12 director of the African American performing arts center and  
13 exhibit hall;

14 (2) one member from the cultural affairs  
15 department appointed by the governor;

16 (3) one member from the office on African  
17 American affairs appointed by the governor; and

18 (4) one community member who has knowledge  
19 of the academic, cultural and historical context of  
20 performance art within the African American experience  
21 appointed by the director of the Africana studies program at  
22 the university of New Mexico.

23 C. Staggered membership terms shall be established  
24 so that two members of the initial committee are appointed  
25 for two years, three members are appointed for three years

1 and subsequent appointments of each member are for two-year  
2 terms.

3 D. Vacancies in an appointed member's term shall  
4 be filled for the remainder of the unexpired term in the same  
5 manner as the original appointment was made.

6 E. The committee shall annually elect a chair,  
7 vice chair and secretary from among its membership. A  
8 majority of the members constitutes a quorum for the conduct  
9 of business.

10 F. The committee shall meet at the call of the  
11 chair at least annually. Meetings of the committee shall be  
12 held in Albuquerque or at other sites within the state at the  
13 direction of the chair.

14 G. Members shall receive no compensation for  
15 serving on the committee but shall be paid per diem and  
16 mileage as provided for in the Per Diem and Mileage Act.

17 H. The committee shall make recommendations to the  
18 African American performing arts center foundation and the  
19 executive director and artistic director of the African  
20 American performing arts center and exhibit hall regarding  
21 staffing, operations, maintenance, programming and  
22 exhibitions of the African American performing arts center  
23 and exhibit hall.

24 I. As used in this section, "performance art"  
25 means any creative activity performed for an audience that

1 uses an individual's voice, body or inanimate objects to  
2 convey an artistic expression, including live or recorded  
3 theatrical productions, movies, music, dance, puppetry and  
4 spoken word.

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