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HOUSE BILL 129

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

HENRY KIKI SAAVEDRA

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO THE STATE FAIR; CLARIFYING THAT THE STATE FAIR IS A
STATE AGENCY FOR ALL PURPOSES; CREATING A FUND; AMENDING,
REPEALING AND ENACTING CERTAIN SECTIONS OF THE NMSA 1978.

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

Underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

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

8 B. The state fair commission, among other duties,
9 shall ~~[prepare]~~ adopt ~~[publish and enforce all necessary]~~ and
10 promulgate pursuant to the State Rules Act rules for the
11 management of the New Mexico state fair, its meetings and
12 exhibitions and for the guidance of its officers, employees and
13 exhibitors ~~[The commission shall determine the duties,~~
14 ~~compensation and tenure of office of all of its officers and~~
15 ~~employees and may remove from office or discharge any person~~
16 ~~appointed or employed by it at will and shall have the power to~~
17 ~~appoint].~~

18 C. Within the limitations of available
19 appropriations and applicable laws, including the Personnel Act,
20 the commission shall employ and fix the compensation of those
21 persons necessary to discharge its duties, including all
22 necessary fairgrounds police to keep order on the grounds and in
23 the buildings of the state fair. The fairgrounds police so
24 appointed shall be vested with the same authority for such
25 purposes as peace officers.

Underscored material = new
[bracketed material] = delete

1 D. The commission shall have the power to charge
2 entrance fees and admissions and lease stalls, stand and
3 restaurant sites, give prizes and premiums, arrange
4 entertainments and do all things [~~which~~] that by the commission
5 may be considered proper for the conduct of the state fair not
6 otherwise prohibited by law.

7 E. The commission shall prohibit the sale or
8 consumption of alcoholic beverages on the grounds of the state
9 fair except in controlled access areas within the licensed
10 premises. The commission or its designees shall meet with the
11 director of the alcohol and gaming division [~~of the department~~
12 ~~of regulation and licensing~~] and other parties in interest to
13 designate the controlled access areas on which the sale and
14 consumption of alcoholic beverages may be permitted. As used in
15 this subsection, "alcoholic beverages" means distilled or
16 rectified spirits, potable alcohol, brandy, whiskey, rum, gin
17 and aromatic bitters bearing the federal internal revenue strip
18 stamps or any similar alcoholic beverage, including blended or
19 fermented beverages, dilutions or mixtures of one or more of the
20 foregoing containing more than one-half of one percent alcohol,
21 but excluding medicinal bitters."

22 Section 2. Section 16-6-8 NMSA 1978 (being Laws 1913,
23 Chapter 46, Section 7, as amended) is repealed and a new Section
24 16-6-8 NMSA 1978 is enacted to read:

25 "16-6-8. [NEW MATERIAL] STATE FAIR FUND CREATED--

Underscored material = new
[bracketed material] = delete

1 DISPOSITION. --

2 A. The "state fair fund" is created in the state
3 treasury. The fund shall consist of all fees, charges and other
4 revenue received by the state fair commission and all
5 appropriations, gifts, devises, bequests, grants and donations
6 made to the fund. Money in the fund is first pledged as
7 security for bonds pursuant to Section 16-6-17 NMSA 1978 and
8 outstanding loans of the state fair commission. Money not
9 pledged as security for bonds and outstanding loans may be
10 expended by the state fair commission pursuant to appropriation
11 by the legislature and budgets approved by the state budget
12 division. Interest accruing to the fund shall remain in the
13 fund. Money in the fund shall not revert at the end of a fiscal
14 year.

15 B. The fund shall be administered by the state fair
16 commission. Disbursements from the fund shall be made only upon
17 warrant drawn by the secretary of finance and administration
18 pursuant to vouchers signed by the secretary of the state fair
19 commission or his designee. "

20 Section 3. Section 16-6-10 NMSA 1978 (being Laws 1961,
21 Chapter 110, Section 1) is amended to read:

22 "16-6-10. FAIR COMMISSION--EXPENSES. --Members of the state
23 fair commission shall receive [no salary, but each member shall
24 receive fifteen dollars (\$15.00) per diem while engaged in the
25 performance of his official duties for the commission. Members

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Underscored material = new
[bracketed material] = delete

1 ~~shall also receive reimbursement for travel expenses at the rate~~
2 ~~of eight cents (\$.08) a mile for attending meetings or traveling~~
3 ~~in connection with their duties]~~ per diem and travel expenses as
4 provided in the Per Diem and Mileage Act and shall receive no
5 other compensation, perquisite or allowance."

6 Section 4. Section 16-6-15 NMSA 1978 (being Laws 1935,
7 Chapter 69, Section 3, as amended) is amended to read:

8 "16-6-15. ADDITIONAL POWERS.--In addition to the powers
9 [~~which~~] that it may now have, the New Mexico state fair [~~shall~~
10 ~~have power to~~] may:

11 A. acquire, by purchase, gift or the exercise of the
12 right of eminent domain, and hold and dispose of real or
13 personal property or rights or interests [~~therein~~] in such
14 property except as limited by Section 13-6-2.1 NMSA 1978, which
15 provisions requiring state board of finance approval of certain
16 actions are applicable to the state fair. The right of eminent
17 domain, whenever sought to be exercised under the provisions of
18 this [~~article~~] section, shall be exercised in the same manner as
19 [~~is now or may hereafter be~~] provided for the exercise of such
20 power by the state or any county, municipality or school
21 district;

22 B. build, construct, improve, repair or maintain
23 buildings, structures, improvements, grounds and equipment
24 [~~which~~] that may be required by or convenient for the purpose of
25 operating a state fair;

Underscored material = new
[bracketed material] = delete

1 C. acquire any project and to own, operate and
2 maintain such project;

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

6 E. borrow money and issue bonds and provide for the
7 payment of the same and for the rights of the holders [~~thereof~~] of
8 the bonds; provided that the commission shall not issue bonds,
9 negotiate loans or renegotiate loans without the prior approval of
10 the state board of finance; and provided further that no money
11 shall be borrowed or bonds issued after January 1, 1998 without
12 specific, additional authorization from the legislature; and

13 F. perform all acts and do all things necessary or
14 convenient to carry out the powers granted in this article, or
15 heretofore granted, to obtain loans or grants or both from any
16 federal agency and to accomplish the purposes of this article and
17 secure the benefits of the Recovery Act. "

18 Section 5. REPEAL. -- Sections 16-6-3.1, 16-6-9, 16-6-14 and
19 16-6-18 NMSA 1978 (being Laws 1994, Chapter 143, Section 6, Laws
20 1913, Chapter 46, Section 8 and Laws 1935, Chapter 69, Sections 2
21 and 6, as amended) are repealed.

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

February 6, 1997

Mr. Speaker:

**Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred**

HOUSE BILL 129

**has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Hobbs

Excused: Pederson

Absent: None

M \H0129

Underscored material = new
~~[bracketed material] = delete~~

State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 11, 1997

Mr. Speaker:

**Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom
has been referred**

HOUSE BILLS 129 AND 5

**has had them under consideration and reports same with
recommmendation that they DO NOT PASS, but that**

**HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
SUBSTITUTE FOR HOUSE BILLS 129 AND 5**

DO PASS.

Respectfully submitted,

Max Coll, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Taylor, J. P., Townsend, Varela, Wallace, Watchman

Absent: None

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Underscored material = new
~~[bracketed material] = delete~~

1 HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
2 HOUSE BILLS 129 & 5
3 43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997
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9 AN ACT

10 RELATING TO THE STATE FAIR; CLARIFYING THAT THE STATE FAIR IS A
11 STATE AGENCY FOR ALL PURPOSES; CREATING FUNDS; PROVIDING MECHANISMS
12 FOR PAYMENT OF DEBT; AUTHORIZING EXPENDITURES FOR THE STATE FAIR
13 COMMISSION; AMENDING, REPEALING AND ENACTING CERTAIN SECTIONS OF
14 THE NMSA 1978; AUTHORIZING SEVERANCE TAX BONDS; MAKING
15 APPROPRIATIONS; DECLARING AN EMERGENCY.

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

17 Section 1. Section 16-6-1 NMSA 1978 (being Laws 1913,
18 Chapter 46, Section 2, as amended) is amended to read:

19 "16-6-1. STATE FAIR COMMISSION-- MEMBERS--
20 APPOINTMENT-- NUMBER-- QUALIFICATION-- TERMS-- OATH-- BOND. --

21 A. The governor shall appoint, with the advice and
22 consent of the senate, a "state fair commission", consisting of
23 [~~seven~~] nine members, for terms of five years each; provided that
24 the first appointments shall be made of two commissioners for one-
25 year terms, two for two-year terms, one for a three-year term, one
for a four-year term and one for a five-year term; and provided

1 further that for the initial terms of the two members appointed in
2 1997, one shall be for two years and one shall be for three years.
3 All state fair commissioners shall be bona fide residents of the
4 state. No [~~less~~] fewer than two commissioners shall be engaged in
5 the business of livestock raising; [~~and~~] no [~~less~~] fewer than two
6 commissioners shall be engaged in agricultural vocations and
7 pursuits other than livestock raising; two members shall represent
8 the city of Albuquerque and be appointed from lists of three names
9 submitted by the mayor; one member shall be a person with financial
10 expertise; and one member shall be a lawyer.

11 B. Before entering upon the duties of his office, each
12 state fair commissioner shall take and subscribe an oath that he
13 will faithfully and impartially discharge the duties of his office,
14 which oath shall be filed in the office of the secretary of state.
15 Each commissioner shall furnish a good and sufficient surety bond
16 as provided in the Surety Bond Act.

17 C. No member of the state fair commission shall be
18 removed during the term for which he is appointed, except for
19 cause, following notice and an opportunity for a hearing, unless
20 the notice and hearing are, in writing, expressly waived."

21 Section 2. 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
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

1 mining exhibits, mining machinery and farm implements and all other
 2 things [~~which~~] that the commissioners or a majority thereof deem
 3 consonant with the purposes of a state fair for the purposes of
 4 advancing the agricultural, horticultural and stock raising, mining,
 5 mechanical and industrial pursuits of the state and shall have the
 6 care of its property [~~and be entrusted with the entire direction of~~
 7 ~~its business and its financial affairs consistent with the provisions~~
 8 ~~of Sections 16-6-15 and 16-6-16 NMSA 1978~~].

8 B. The state fair commission, among other duties, shall
 9 [~~prepare~~] adopt [~~publish and enforce all necessary~~] and promulgate
 10 pursuant to the State Rules Act and enforce rules for the management
 11 of the New Mexico state fair, its meetings and exhibitions and for the
 12 guidance of its officers, employees and exhibitors [~~The commission~~
 13 ~~shall determine the duties, compensation and tenure of office of all~~
 14 ~~of its officers and employees and may remove from office or discharge~~
 15 ~~any person appointed or employed by it at will and shall have the~~
 16 ~~power to appoint~~].

16 C. Within the limitations of available appropriations and
 17 applicable laws, including the Personnel Act, the state fair
 18 commission shall employ and fix the compensation of those persons
 19 necessary to discharge its duties, including all necessary fairgrounds
 20 police to keep order on the grounds and in the buildings of the state
 21 fair. The fairgrounds police so appointed shall be vested with the
 22 same authority for such purposes as peace officers.

22 D. The state fair commission shall have the power to
 23 charge entrance fees and admissions and lease stalls, stand and
 24 restaurant sites, give prizes and premiums, arrange entertainments and
 25 do all things [~~which~~] that by the commission may be considered proper

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1 for the conduct of the state fair not otherwise prohibited by law.

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

16 Section 3. Section 16-6-8 NMSA 1978 (being Laws 1913, Chapter
17 46, Section 7, as amended) is repealed and a new Section 16-6-8 NMSA
18 1978 is enacted to read:

19 "16-6-8. [NEW MATERIAL] STATE FAIR FUND CREATED--
20 DISPOSITION.--

21 A. The "state fair fund" is created in the state
22 treasury. Except for deposits to the state fair debt fund, the state
23 fair fund shall consist of fees, charges and other revenue received
24 by the state fair commission and appropriations, gifts, bequests,
25 grants and donations made to the fund. Interest accruing to the fund
shall remain in the fund. Money in the fund is first pledged as
security for bonds pursuant to Section 16-6-17 NMSA 1978 and
outstanding loans of the state fair commission. Money not pledged as

1 security for bonds and outstanding loans may be expended by the state
 2 fair commission pursuant to appropriation by the legislature and
 3 budgets approved by the state budget division of the department of
 4 finance and administration. Money in the fund shall not revert at the
 end of a fiscal year.

5 B. The state fair fund shall be administered by the state
 6 fair commission. Disbursements from the fund shall be made only upon
 7 warrant drawn by the secretary of finance and administration pursuant
 8 to vouchers signed by the state fair manager or his designee. "

9 Section 4. Section 16-6-10 NMSA 1978 (being Laws 1961, Chapter
 10 110, Section 1) is amended to read:

11 "16-6-10. FAIR COMMISSION--EXPENSES.--~~Members of the state fair~~
 12 ~~commission shall receive [no salary, but each member shall receive~~
 13 ~~fifteen dollars (\$15.00) per diem while engaged in the performance of~~
 14 ~~his official duties for the commission. Members shall also receive~~
 15 ~~reimbursement for travel expenses at the rate of eight cents (\$.08)~~
 16 ~~a mile for attending meetings or traveling in connection with their~~
 17 ~~duties] per diem and travel expenses as provided in the Per Diem and~~
 18 Mileage Act and shall receive no other compensation, perquisite or
allowance. "

19 Section 5. Section 16-6-15 NMSA 1978 (being Laws 1935, Chapter
 20 69, Section 3, as amended) is amended to read:

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

24 A. acquire, by purchase, gift or the exercise of the
 25 right of eminent domain, and hold and dispose of real or personal
 property or rights or interests [~~therein~~] in such property except as

Underscored material = new
 [bracketed material] = delete

1 limited by Section 13-6-2.1 NMSA 1978, which provisions requiring
2 state board of finance approval of certain actions are applicable to
3 the state fair. The right of eminent domain, whenever sought to be
4 exercised under the provisions of this ~~[article]~~ section, shall be
5 exercised in the same manner as ~~[is now or may hereafter be]~~ provided
6 for the exercise of such power by the state or any county,
municipality or school district;

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

11 C. acquire any project and ~~[to]~~ own, operate and maintain
12 such project;

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

15 E. borrow money and issue bonds and provide for the
16 payment of the same and for the rights of the holders ~~[thereof]~~ of the
17 bonds; provided that the commission shall not issue bonds, negotiate
18 loans or renegotiate loans without the prior approval of the state
19 board of finance; and provided further that no money shall be borrowed
20 or bonds issued after January 1, 1998 without specific, additional
21 authorization from the legislature; and

22 F. perform all acts and do all things necessary or
23 convenient to carry out the powers granted in this article, or
24 heretofore granted, to obtain loans or grants or both from any federal
25 agency and to accomplish the purposes of this article and secure the
benefits of the Recovery Act. "

1 Section 6. [NEW MATERIAL] STATE FAIR LINES OF CREDIT--
 2 PAYMENTS.--The state fair commission shall rest all outstanding
 3 balances from approved line-of-credit draws within sixty days of the
 4 end of each annual state fair.

5 Section 7. [NEW MATERIAL] STATE FAIR OPERATING RESERVE.--By
 6 July 1, 2002, the state fair commission shall have an operating
 7 reserve in the state fair fund from generated revenue equal to at
 8 least fifteen percent of the previous fiscal year's operating budget.
 9 The operating reserve shall not be expended for capital improvements.

10 Section 8. [NEW MATERIAL] STATE FAIR DEBT FUND CREATED--
 11 ADMINISTRATION.--The "state fair debt fund" is created in the state
 12 treasury. The fund shall consist of state fair debt surcharge revenue
 13 and appropriations, gifts, grants, donations or bequests made to the
 14 fund and income earned from investment of the fund. Money in the fund
 15 shall not revert to the general fund at the end of any fiscal year.
 16 The fund shall be administered by the department of finance and
 17 administration, and money in the fund is appropriated to the
 18 department to pay off the debts of the state fair accumulated as of
 19 January 1, 1998. The department shall use money in the state fair
 20 debt fund in conjunction with the money in the state fair fund to pay
 21 off the state fair debts as quickly as possible. After the debts have
 22 been paid, money in the fund shall be transferred to the operating
 23 reserve in the state fair fund.

24 Section 9. [NEW MATERIAL] STATE FAIR DEBT SURCHARGE.--

25 A. The state fair commission shall impose a "state fair
 debt surcharge" on entrance and other fees for the use of the state
 fair sufficient to generate at least three hundred fifty thousand
 dollars (\$350,000) in 1997, five hundred thousand dollars (\$500,000)

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1 in 1998 and seven hundred fifty thousand dollars (\$750,000) per year
2 thereafter. The surcharge shall be deposited in the state fair debt
3 fund and shall be used only for payment of state fair debt and the
4 establishment of an operating reserve.

5 B. The state fair commission shall cease to collect the
6 surcharge when the state fair debt has been paid and the department
7 of finance and administration has determined that the state fair
operating reserve is sufficient.

8 Section 10. [NEW MATERIAL] FAIR ADMISSION--OTHER EVENTS. --

9 A. Admission to any event promoted by the state fair
10 commission to which an admission is charged shall include the state
11 fair debt surcharge, and holders of free admission tickets to such
12 events shall pay the state fair debt surcharge.

13 B. The state fair commission shall adopt and promulgate
14 a state fairgrounds admissions policy. The policy may include the
provision of free hours of admission to the state fair.

15 C. The state fair commission is limited in the number of
16 free state fair admission tickets it can distribute to no more than
17 one percent of the number of tickets sold at the previous year's state
18 fair. Holders of free admission tickets shall pay the state fair debt
surcharge.

19 Section 11. [NEW MATERIAL] SHORT TITLE. --Sections 11 through
20 14 of this act may be cited as the "State Fair Commission
21 Appropriations Act".

22 Section 12. [NEW MATERIAL] DEFINITIONS. --As used in the State
23 Fair Commission Appropriations Act:

24 A. "federal funds" means payments by the United States
25 government or state agencies for specific purposes or in lieu of

1 taxes, including grants, reimbursements and payments made in
 2 accordance with contracts or cooperative agreements and shared revenue
 3 except those payments made in accordance with the federal Mineral
 4 Lands Leasing Act of 1920 and the State and Local Fiscal Assistance
 Act of 1972; and

5 B. "other state funds" means:

6 (1) unencumbered balances in state agency accounts
 7 appropriated by the General Appropriation Act of 1996; and

8 (2) all revenue available to state agencies from
 9 sources other than the general fund and federal funds.

10 Section 13. [NEW MATERIAL] FORMAT. --The general format of the
 11 appropriations set forth in the State Fair Commission Appropriations
 12 Act with respect to symbols used, column headings and stating of
 amounts is that used in the General Appropriation Act of 1996.

13 Section 14. [NEW MATERIAL] FISCAL YEAR 1998 APPROPRIATIONS. --

14 Other

15 State Federal

16 Item Funds Funds Total

17 State fair commission

18 (a) Personal services 3,651.3 - 0- 3,651.3

19 (b) Employee benefits 961.8 - 0- 961.8

20 Other

State Federal

21 Item Funds Funds Total

22 (c) Travel 63.6 - 0- 63.6

23 (d) Maintenance and repairs 443.1 - 0- 443.1

24 (e) Supplies and materials 116.7 - 0- 116.7

25 (f) Contractual services 2,118.3 - 0- 2,118.3

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Underscored material = new
 [bracketed material] = delete

1	(g) Operating costs	2,189.6	-0-	2,189.6
2	(h) Other costs	2,489.3	-0-	2,489.3
3	(i) Capital outlay	48.0	-0-	48.0
4	(j) Out-of-state travel	11.5	-0-	11.5
5	(k) Other financing uses	1.1	-0-	1.1
5	Subtotal	12,094.3	-0-	12,094.3

6 Authorized FTE: 48.0 Perm; 30.0 Temp

7 Category transfers and budget increases from other state funds
8 are specifically authorized for the state fair commission. Such other
9 state funds are appropriated.

10 Section 15. TEMPORARY PROVISION--DEPARTMENT OF FINANCE AND
11 ADMINISTRATION--ADMINISTRATION OF STATE FAIR FUNDS.--

12 A. Notwithstanding the provisions of Subsection B of
13 Section 16-6-8 NMSA 1978, the department of finance and administration
14 shall administer the state fair fund until the long-term and short-
15 term debt accumulated prior to January 1, 1998 has been paid. Until
16 the debt accumulated prior to January 1, 1998 has been paid,
17 disbursements from the state fair fund shall be made only on warrant
18 drawn by the secretary of finance and administration pursuant to
19 vouchers signed by director of the financial control division of the
20 department or his designee and approved by the state budget division
21 of the department.

22 B. The department, in conjunction with the state auditor,
23 shall assign or employ a term auditor for the state fair. The auditor
24 may be paid from the state fair fund, but shall not be an employee of
25 the state fair commission.

26 C. The state fair commission shall present a draft
27 business plan and capital improvements and facilities maintenance plan

Underscored material = new
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1 to the department and the legislative finance committee by May 1,
2 1997. Final plans shall be approved by the secretary of finance and
3 administration by July 1, 1997.

4 Section 16. TEMPORARY PROVISION--ANNEXATION.--The city of
5 Albuquerque may annex the state fairgrounds after January 1, 1998
6 unless the state fair commission disapproves of the annexation. All
7 gross receipts tax revenue received by the city from taxable activity
at the state fairgrounds shall be remitted to the state fair fund.

8 Section 17. SEVERANCE TAX BONDS--PURPOSE FOR WHICH ISSUED--
9 APPROPRIATION OF PROCEEDS.--The state board of finance may issue and
10 sell severance tax bonds in compliance with the Severance Tax Bonding
11 Act in an amount not exceeding one million two hundred thousand
12 dollars (\$1,200,000) when the state fair commission certifies the need
13 for the issuance of the bonds. The state board of finance shall
14 schedule the issuance and sale of the bonds in the most expeditious
15 and economical manner possible upon a finding by the board that the
16 project has been developed sufficiently to justify the issuance and
17 that the project can proceed to contract within a reasonable time.
18 The state board of finance shall further take the appropriate steps
19 necessary to comply with the Internal Revenue Code of 1986, as
20 amended. The proceeds from the sale of the bonds are appropriated to
21 the state fair commission to reroof, to improve or replace the
22 heating, ventilation and air conditioning system and to meet the
23 Americans with Disabilities Act of 1990 standards at Tingley coliseum
24 at the New Mexico state fair located in Bernalillo county. Any
25 unexpended or unencumbered balance remaining at the end of fiscal year
2000 shall revert to the severance tax bonding fund. If the state
fair commission has not certified the need for the issuance of the

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1 bonds by the end of fiscal year 1999, the authorization provided in
2 this section shall be void.

3 Section 18. APPROPRIATION. --One million dollars (\$1,000,000)
4 is appropriated from the general fund to the state fair debt fund for
5 expenditure in fiscal year 1997 to pay off debts of the state fair;
6 provided that this appropriation is contingent upon the city of
7 Albuquerque providing one million five hundred thousand dollars
8 (\$1,500,000) for the same purpose. Any unexpended or unencumbered
9 balance remaining at the end of fiscal year 1997 shall not revert to
the general fund.

10 Section 19. REPEAL. --Sections 16-6-3.1, 16-6-9, 16-6-14 and 16-
11 6-18 NMSA 1978 (being Laws 1994, Chapter 143, Section 6, Laws 1913,
12 Chapter 46, Section 8 and Laws 1935, Chapter 69, Sections 2 and 6, as
amended) are repealed.

13 Section 20. EMERGENCY. --It is necessary for the public peace,
14 health and safety that this act take effect immediately.

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 13, 1997

HOUSE FLOOR AMENDMENT number 1 to HOUSE APPROPRIATIONS AND FINANCE
COMMITTEE SUBSTITUTE FOR HOUSE
BILL 129 & 5

Amendment sponsored by Representative Henry Kiki Saavedra

1. On page 1, line 15, strike "AUTHORIZING SEVERANCE TAX BONDS;".
2. On pages 12 and 13, strike Section 17 in its entirety.
3. Renumber the succeeding sections accordingly.

Henry Kiki Saavedra

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FORTY-THIRD LEGISLATURE
FIRST SESSION

HAFC/HB 129 & 5

HB 129 & 5

Page 24

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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18869.1

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 17, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred
HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE
FOR HOUSE BILLS 129 & 5, as amended

has had it under consideration and reports same with recommendation that
it DO PASS.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

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HAFC/HB 129 & 5

1

2 Yes: 5

3 No: 0

4 Excused: Rodarte, Vernon, Ingle, Robinson

5 Absent: None

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