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AN ACT

RELATING TO CULTURAL AFFAIRS; AUTHORIZING THE SECRETARY OF  
CULTURAL AFFAIRS TO AUTHORIZE VENDORS TO SELL TICKETS, PASSES  
AND OTHER CULTURAL AFFAIRS DEPARTMENT PRODUCTS.

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

SECTION 1. Section 9-4A-6 NMSA 1978 (being Laws 2004,  
Chapter 25, Section 6, as amended) is amended to read:

"9-4A-6. SECRETARY--DUTIES AND GENERAL POWERS.--

A. The secretary is responsible to the governor  
for the operation of the department. It is the secretary's  
duty to manage all operations of the department and to  
administer and enforce the laws with which the secretary or  
the department is charged.

B. To perform the secretary's duties, the  
secretary has every power expressly enumerated in the laws,  
whether granted to the secretary or the department, or any  
division of the department, except where authority conferred  
upon any division therein is explicitly exempted from the  
secretary's authority by statute. In accordance with these  
provisions, the secretary shall:

(1) except as otherwise provided in the  
Cultural Affairs Department Act, exercise general supervisory  
and appointing authority over all department employees,  
subject to any applicable personnel laws and rules;

1                   (2) delegate authority to subordinates as  
2 the secretary deems necessary and appropriate, clearly  
3 delineating such delegated authority and the limitations  
4 thereto;

5                   (3) organize the department into those  
6 organizational units the secretary deems will enable it to  
7 function most efficiently, subject to any provisions of law  
8 requiring or establishing specific organizational units;

9                   (4) within the limitations of available  
10 appropriations and applicable laws, employ and fix the  
11 compensation of those persons necessary to discharge the  
12 secretary's duties;

13                   (5) take administrative action by issuing  
14 orders and instructions, not inconsistent with the law, to  
15 ensure implementation of and compliance with the provisions  
16 of law for whose administration or execution the secretary is  
17 responsible, and to enforce those orders and instructions by  
18 appropriate administrative action or actions in the courts;

19                   (6) conduct research and studies that will  
20 improve the operations of the department and the provision of  
21 services to the citizens of the state;

22                   (7) provide courses of instruction and  
23 practical training for employees of the department and other  
24 persons involved in the administration of programs with the  
25 objective of improving the operations and efficiency of the

1 administration;

2 (8) prepare an annual budget of the  
3 department;

4 (9) provide cooperation, at the request of  
5 heads of administratively attached agencies, in order to:

6 (a) minimize or eliminate duplication  
7 of services and jurisdictional conflicts;

8 (b) coordinate activities and resolve  
9 problems of mutual concern; and

10 (c) resolve by agreement the manner and  
11 extent to which the department shall provide budgeting,  
12 recordkeeping and related clerical assistance to  
13 administratively attached agencies; and

14 (10) appoint, with the governor's consent,  
15 for each division, a "director". These appointed positions  
16 are exempt from the provisions of the Personnel Act. Persons  
17 appointed to these positions shall serve at the pleasure of  
18 the secretary.

19 C. The secretary may:

20 (1) apply for and receive, with the  
21 governor's approval, in the name of the department, any  
22 public or private funds, including United States government  
23 funds, available to the department to carry out its programs,  
24 duties or services; and

25 (2) acquire by purchase, gift, endowment or

1 legacy real or personal property and hold title to that  
2 property in the name of the department for the purpose of  
3 promoting, encouraging and supporting the performing arts in  
4 New Mexico. Property acquired pursuant to this paragraph  
5 shall be held under the control and authority of the  
6 department.

7 D. Where functions of departments overlap, or a  
8 function assigned to one department could better be performed  
9 by another department, a secretary may recommend appropriate  
10 legislation to the next session of the legislature for its  
11 approval.

12 E. The secretary may make and adopt such  
13 reasonable procedural rules as may be necessary to carry out  
14 the duties of the department and its divisions. A rule  
15 promulgated by the director of a division in carrying out the  
16 functions and duties of the division shall not be effective  
17 until approved by the secretary. Unless otherwise provided by  
18 statute, a rule affecting a person or agency outside the  
19 department shall not be adopted, amended or repealed without a  
20 public hearing on the proposed action before the secretary or  
21 a hearing officer designated by the secretary. The public  
22 hearing shall be held in Santa Fe unless otherwise permitted  
23 by statute. Notice of the subject matter of the rule, the  
24 action proposed to be taken, the time and place of the  
25 hearing, the manner in which interested persons may present

1 their views and the method by which copies of the proposed  
2 rule or proposed amendment or repeal of an existing rule may  
3 be obtained shall be published once at least thirty days prior  
4 to the hearing date in a newspaper of general circulation and  
5 mailed at least thirty days prior to the hearing date to all  
6 persons who have made a written request for advance notice of  
7 hearing. All rules shall be filed in accordance with the  
8 State Rules Act.

9 F. The secretary may authorize vendors to sell  
10 tickets, passes or other department products in compliance  
11 with rules adopted by the secretary. A vendor authorized to  
12 sell tickets, passes or other department products may retain  
13 a portion of the sale price." \_\_\_\_\_

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