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**HOUSE BILL 845**

**46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003**

**INTRODUCED BY**

Ben Lujan

**AN ACT**

**RELATING TO FINANCE; PROVIDING FOR A DISTRIBUTION OF  
GOVERNMENTAL GROSS RECEIPTS TAX REVENUE TO THE OFFICE OF  
CULTURAL AFFAIRS; ALLOWING THE OFFICE OF CULTURAL AFFAIRS TO  
ENTER INTO LOAN AGREEMENTS WITH THE NEW MEXICO FINANCE  
AUTHORITY.**

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

**Section 1. Section 7-1-6.38 NMSA 1978 (being Laws 1994,  
Chapter 145, Section 1, as amended) is amended to read:**

**"7-1-6.38. DISTRIBUTION-- GOVERNMENTAL GROSS RECEIPTS  
TAX. --**

**A. A distribution pursuant to Section 7-1-6.1 NMSA  
1978 shall be made to the public project revolving fund  
administered by the New Mexico finance authority in an amount  
equal to seventy-five percent of the net receipts attributable**

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1 to the governmental gross receipts tax.

2 B. A distribution pursuant to Section 7-1-6.1 NMSA  
3 1978 shall be made to the energy, minerals and natural  
4 resources department in an amount equal to [~~twenty-five~~  
5 twenty-two and one-half percent of the net receipts  
6 attributable to the governmental gross receipts tax. [~~Forty~~  
7 Forty-four and one-half percent of the distribution is  
8 appropriated to the energy, minerals and natural resources  
9 department to implement the provisions of the New Mexico Youth  
10 Conservation Corps Act and [~~sixty~~ fifty-five and one-half  
11 percent of the distribution is appropriated to the energy,  
12 minerals and natural resources department for state park and  
13 recreation area capital improvements, including the costs of  
14 planning, engineering, design, construction, renovation,  
15 repair, equipment and furnishings.

16 C. A distribution pursuant to Section 7-1-6.1 NMSA  
17 1978 shall be made to the office of cultural affairs in an  
18 amount equal to two and one-half percent of the net receipts  
19 attributable to the governmental gross receipts tax for capital  
20 improvements at state museums administered by the office of  
21 cultural affairs.

22 [~~C.~~] D. The state pledges to and agrees with the  
23 holders of any bonds or notes issued by the New Mexico finance  
24 authority or by the energy, minerals and natural resources  
25 department and payable from the net receipts attributable to

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1 the governmental gross receipts tax distributed to the New  
2 Mexico finance authority or the energy, minerals and natural  
3 resources department pursuant to this section that the state  
4 will not limit, reduce or alter the distribution of the net  
5 receipts attributable to the governmental gross receipts tax to  
6 the New Mexico finance authority or the energy, minerals and  
7 natural resources department or limit, reduce or alter the rate  
8 of imposition of the governmental gross receipts tax until the  
9 bonds or notes together with the interest thereon are fully met  
10 and discharged unless the bond holders and the party issuing  
11 the bonds agree to the limitation, reduction or alteration in  
12 the distribution or rate of imposition. The New Mexico finance  
13 authority and the energy, minerals and natural resources  
14 department are authorized to include this pledge and agreement  
15 of the state in any agreement with the holders of the bonds or  
16 notes. "

17 Section 2. Section 9-6-11 NMSA 1978 (being Laws 1980,  
18 Chapter 151, Section 56) is amended to read:

19 "9-6-11. STATE CULTURAL AFFAIRS OFFICER--DUTIES--  
20 POWERS.--

21 A. The state cultural affairs officer is  
22 responsible to the secretary of finance and administration for  
23 the operation of the office of cultural affairs. It is his  
24 duty to manage all operations of the office and to administer  
25 and enforce the laws with which he or the office is charged.

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1           B. To perform his duties, the state cultural  
2 affairs officer has every power expressly enumerated in the  
3 laws, whether granted to him or to the office of cultural  
4 affairs or to any division of the office, except where  
5 authority conferred upon any division [~~therein~~] is explicitly  
6 exempted from the state cultural affairs officer's authority by  
7 statute.

8           C. Subject to other provisions of law, the state  
9 cultural affairs officer shall appoint with the secretary's  
10 consent a "director" for each division established within the  
11 office of cultural affairs. These appointed positions are  
12 exempt from the provisions of the Personnel Act.

13           D. The state cultural affairs officer may apply for  
14 and receive, with the secretary's approval, in the name of the  
15 office any public or private funds, including but not limited  
16 to United States government funds, available to the office to  
17 carry out its programs, duties or services.

18           E. Pursuant to the provisions of Section 6-21-6  
19 NMSA 1978, the legislature authorizes the New Mexico finance  
20 authority to make loans from the public project revolving fund  
21 to the office of cultural affairs to design, remodel, renovate,  
22 rehabilitate or improve state museums administered by the  
23 office of cultural affairs on terms and conditions established  
24 by the authority. The state cultural affairs officer shall  
25 pledge the governmental gross receipts tax revenues distributed

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1 to the office pursuant to Section 7-1-6.38 NMSA 1978 in an  
2 amount satisfactory to the authority and in an amount at least  
3 sufficient to make the loan payments. The legislature shall  
4 not repeal or otherwise modify any law that adversely affects  
5 or impairs any loan from the New Mexico finance authority  
6 secured by a pledge of governmental gross receipts revenues,  
7 unless the loan has been paid in full or provisions have been  
8 made for full payment. Any governmental gross receipts tax  
9 revenue remaining after the payment of debt service may be used  
10 by the office of cultural affairs for museum capital  
11 improvement projects.

12 [E.] F. The state cultural affairs officer may make  
13 and adopt such reasonable and procedural rules and regulations  
14 as may be necessary to carry out the duties of the office and  
15 its divisions. No rule or regulation promulgated by the  
16 director of any division in carrying out the functions and  
17 duties of the division shall be effective until approved by the  
18 state cultural affairs officer unless otherwise provided by  
19 statute. Unless otherwise provided by statute, no regulation  
20 affecting any person or agency outside the office shall be  
21 adopted, amended or repealed without a public hearing on the  
22 proposed action before the state cultural affairs officer or a  
23 hearing officer designated by him. The public hearing shall be  
24 held in Santa Fe unless otherwise permitted by statute. Notice  
25 of the subject matter of the regulation, the action proposed to

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

11 Section 3. EFFECTIVE DATE. --The effective date of the  
12 provisions of this act is July 1, 2003.

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