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HOUSE BILL 17

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 2011**

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO EXECUTIVE ORGANIZATION; COMBINING THE CULTURAL  
AFFAIRS AND TOURISM DEPARTMENTS; CREATING THE AFRICAN AMERICAN  
CULTURAL DIVISION WITHIN THE TOURISM AND CULTURAL AFFAIRS  
DEPARTMENT; ENACTING THE AFRICAN AMERICAN CULTURAL CENTER ACT;  
PROVIDING FOR THE TRANSFERS OF FUNCTIONS, PERSONNEL,  
APPROPRIATIONS, MONEY, PROPERTY, CONTRACTUAL OBLIGATIONS AND  
STATUTORY REFERENCES; REAUTHORIZING AND REAPPROPRIATING  
BALANCES, EXTENDING EXPENDITURE PERIODS AND CHANGING AGENCIES  
ON PRIOR APPROPRIATIONS; DECLARING AN EMERGENCY.

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

**SECTION 1.** Section 3-60C-3 NMSA 1978 (being Laws 2007,  
Chapter 103, Section 3, as amended) is amended to read:

"3-60C-3. DEFINITIONS.--As used in the Main Street  
Revolving Loan Act:

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1           A. "committee" means the main street revolving loan  
2 committee;

3           B. "division" means the historic preservation  
4 division of the tourism and cultural affairs department;

5           C. "eligible property" means a site, structure,  
6 building or object that is subject to the Main Street Act or  
7 otherwise found pursuant to rule of the committee to merit  
8 preservation pursuant to the Main Street Revolving Loan Act;

9           D. "fund" means the main street revolving loan  
10 fund;

11           E. "lending institution" means a bank, savings and  
12 loan association, credit union or nonprofit organization with  
13 lending programs as part of its bylaws; and

14           F. "property owner" means the sole owner, joint  
15 owner, owner in partnership or an owner of a leasehold interest  
16 with a term of five years or longer of an eligible property."

17           SECTION 2. Section 4-36-2 NMSA 1978 (being Laws 1965,  
18 Chapter 87, Section 3, as amended) is amended to read:

19           "4-36-2. COUNTY LIBRARIES--ESTABLISHMENT--CONTRACT  
20 SERVICES--GIFTS AND BEQUESTS.--

21           A. A county may establish and maintain a free  
22 public library under proper regulation and may receive, hold  
23 and dispose of a gift, donation, devise or bequest that is made  
24 to the county for the purpose of establishing, increasing or  
25 improving the library. The governing body may apply the use,

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1 profit, proceeds, interest and rents accruing from such  
2 property in any manner that will best improve the library and  
3 its use.

4 B. A county establishing a public library may enter  
5 into contracts and joint powers agreements with other counties,  
6 municipalities, local school boards, post-secondary educational  
7 institutions and the library division of the [~~office of~~]  
8 tourism and cultural affairs department for the furnishing of  
9 regional library services."

10 SECTION 3. Section 7-1-6.51 NMSA 1978 (being Laws 2005,  
11 Chapter 351, Section 1) is amended to read:

12 "7-1-6.51. DISTRIBUTION--MUNICIPAL EVENT CENTER  
13 SURCHARGE.--

14 A. A distribution pursuant to Section 7-1-6.1 NMSA  
15 1978 shall be made to the public project revolving fund  
16 administered by the New Mexico finance authority in an amount  
17 equal to seventy-five percent of the amount of event center  
18 surcharge proceeds transferred to the tax administration  
19 suspense fund pursuant to the Municipal Event Center Funding  
20 Act.

21 B. A distribution pursuant to Section 7-1-6.1 NMSA  
22 1978 shall be made to the energy, minerals and natural  
23 resources department in an amount equal to twenty-four percent  
24 of the amount of event center surcharge proceeds transferred to  
25 the tax administration suspense fund pursuant to the Municipal

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1 Event Center Funding Act.

2 C. A distribution pursuant to Section 7-1-6.1 NMSA  
3 1978 shall be made to the tourism and cultural affairs  
4 department in an amount equal to one percent of the amount of  
5 event center surcharge proceeds transferred to the tax  
6 administration suspense fund pursuant to the Municipal Event  
7 Center Funding Act."

8 SECTION 4. Section 7-2-18.2 NMSA 1978 (being Laws 1984,  
9 Chapter 34, Section 1, as amended) is amended to read:

10 "7-2-18.2. CREDIT FOR PRESERVATION OF CULTURAL PROPERTY--  
11 REFUND.--

12 A. Tax credits for the preservation of cultural  
13 property may be claimed as follows:

14 (1) to encourage the restoration,  
15 rehabilitation and preservation of cultural properties, a  
16 taxpayer who files an individual New Mexico income tax return  
17 and who is not a dependent of another individual and who is the  
18 owner of a cultural property listed on the official New Mexico  
19 register of cultural properties, with the taxpayer's consent,  
20 may claim a credit not to exceed a maximum aggregate of twenty-  
21 five thousand dollars (\$25,000) in an amount equal to one-half  
22 of the cost of restoration, rehabilitation or preservation of a  
23 cultural property listed on the official New Mexico register;  
24 or

25 (2) if a cultural property, whose owner may

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1 otherwise claim the credit set forth in Paragraph (1) of this  
2 subsection is also located within an arts and cultural district  
3 certified by the state or a municipality pursuant to the Arts  
4 and Cultural District Act, the owner of that cultural property  
5 may claim a credit not to exceed fifty thousand dollars  
6 (\$50,000), including any credit claimed pursuant to Paragraph  
7 (1) of this subsection, in an amount equal to one-half of the  
8 cost of restoration, rehabilitation or preservation of the  
9 cultural property.

10 B. The taxpayer may claim the credit if:

11 (1) the taxpayer submitted a plan and  
12 specifications for restoration, rehabilitation or preservation  
13 to the committee and received approval from the committee for  
14 the plan and specifications prior to commencement of the  
15 restoration, rehabilitation or preservation;

16 (2) the taxpayer received certification from  
17 the committee after completing the restoration, rehabilitation  
18 or preservation, or committee-approved phase, that it conformed  
19 to the plan and specifications and preserved and maintained  
20 those qualities of the property that made it eligible for  
21 inclusion in the official register; and

22 (3) the project is completed within twenty-  
23 four months of the date the project is approved by the  
24 committee in accordance with Paragraph (1) of this subsection.

25 C. A taxpayer may claim the credit provided in this

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1 section for each taxable year in which restoration,  
2 rehabilitation or preservation is carried out. Except as  
3 provided in Subsection F of this section, claims for the credit  
4 provided in this section shall be limited to three consecutive  
5 years, and the maximum aggregate credit allowable shall not  
6 exceed twenty-five thousand dollars (\$25,000) if governed by  
7 Paragraph (1) of Subsection A of this section, or fifty  
8 thousand dollars (\$50,000) if governed by Paragraph (2) of  
9 Subsection A of this section, for any single restoration,  
10 rehabilitation or preservation project for any cultural  
11 property listed on the official New Mexico register certified  
12 by the committee.

13 D. A husband and wife who file separate returns for  
14 a taxable year in which they could have filed a joint return  
15 may each claim only one-half of the credit that would have been  
16 allowed on a joint return.

17 E. A taxpayer who otherwise qualifies and claims a  
18 credit on a restoration, rehabilitation or preservation project  
19 on property owned by a partnership of which the taxpayer is a  
20 member may claim a credit only in proportion to the taxpayer's  
21 interest in the partnership. The total credit claimed by all  
22 members of the partnership shall not exceed twenty-five  
23 thousand dollars (\$25,000) in the aggregate if governed by  
24 Paragraph (1) of Subsection A of this section, or fifty  
25 thousand dollars (\$50,000) in the aggregate if governed by

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1 Paragraph (2) of Subsection A of this section, for any single  
2 restoration, rehabilitation or preservation project for any  
3 cultural property listed on the official New Mexico register  
4 certified by the committee.

5 F. The credit provided in this section may only be  
6 deducted from the taxpayer's income tax liability. Any portion  
7 of the maximum tax credit provided by this section that remains  
8 unused at the end of the taxpayer's taxable year may be carried  
9 forward for four consecutive years; provided, however, the  
10 total tax credits claimed under this section shall not exceed  
11 twenty-five thousand dollars (\$25,000) if governed by Paragraph  
12 (1) of Subsection A of this section, or fifty thousand dollars  
13 (\$50,000) if governed by Paragraph (2) of Subsection A of this  
14 section, for any single restoration, preservation or  
15 rehabilitation project for any cultural property listed on the  
16 official New Mexico register.

17 G. The historic preservation division shall  
18 promulgate regulations for the implementation of Subsection B  
19 of this section.

20 H. As used in this section:

21 (1) "committee" means the cultural properties  
22 review committee [~~created in Section 18-6-4 NMSA 1978~~]; and

23 (2) "historic preservation division" means the  
24 historic preservation division of the tourism and cultural  
25 affairs department [~~created in Section 18-6-8 NMSA 1978~~]."

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1           SECTION 5. Section 9-4A-1 NMSA 1978 (being Laws 2004,  
2 Chapter 25, Section 1, as amended) is amended to read:

3           "9-4A-1. SHORT TITLE.--Chapter 9, Article 4A NMSA 1978  
4 may be cited as the "Tourism and Cultural Affairs Department  
5 Act"."

6           SECTION 6. Section 9-4A-2 NMSA 1978 (being Laws 2004,  
7 Chapter 25, Section 2) is amended to read:

8           "9-4A-2. PURPOSE.--The purpose of the Tourism and  
9 Cultural Affairs Department Act is to create a single, unified  
10 department to administer all laws and exercise all functions  
11 formerly administered and executed by the [~~office of~~] cultural  
12 affairs department and the tourism department."

13           SECTION 7. Section 9-4A-3 NMSA 1978 (being Laws 2004,  
14 Chapter 25, Section 3) is amended to read:

15           "9-4A-3. DEFINITIONS.--As used in the Tourism and  
16 Cultural Affairs Department Act:

17           A. "department" means the tourism and cultural  
18 affairs department; and

19           B. "secretary" means the secretary of tourism and  
20 cultural affairs."

21           SECTION 8. Section 9-4A-4 NMSA 1978 (being Laws 2004,  
22 Chapter 25, Section 4, as amended) is amended to read:

23           "9-4A-4. DEPARTMENT CREATED.--The "tourism and cultural  
24 affairs department" is created in the executive branch. The  
25 department is a cabinet department and includes the following

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1 divisions:

2 A. the administrative services division;

3 B. the arts division;

4 C. the historic preservation division;

5 D. the library division;

6 E. the Hispanic cultural division;

7 F. the African American cultural division;

8 ~~[F.]~~ G. the farm and ranch heritage museum

9 division;

10 ~~[G.]~~ H. the natural history and science museum

11 division;

12 ~~[H.]~~ I. the museum of space history division;

13 ~~[I.]~~ J. the museum resources division;

14 ~~[J.]~~ K. the veterans museum division; ~~and~~

15 ~~K.]~~ L. the following divisions that make up the

16 museum of New Mexico:

17 (1) the palace of the governors state history

18 museum division;

19 (2) the New Mexico museum of art division;

20 (3) the museum of Indian arts and culture

21 division;

22 (4) the museum of international folk art

23 division;

24 (5) the archaeological services division; and

25 (6) the state monuments division;

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1                   M. the tourism development division; and

2                   N. the New Mexico magazine division."

3                   SECTION 9. Section 9-4A-5 NMSA 1978 (being Laws 2004,  
4 Chapter 25, Section 5) is amended to read:

5                   "9-4A-5. SECRETARY.--

6                   A. The chief executive and administrative officer  
7 of the department is the "secretary of tourism and cultural  
8 affairs". The secretary shall be appointed by the governor  
9 with the consent of the senate. The secretary shall hold the  
10 office at the pleasure of the governor and shall serve in the  
11 executive cabinet.

12                   B. An appointed secretary shall serve and have all  
13 the duties, responsibilities and authority of that office  
14 during the period of time prior to final action by the senate  
15 confirming or rejecting the appointment."

16                   SECTION 10. Section 9-4A-6 NMSA 1978 (being Laws 2004,  
17 Chapter 25, Section 6, as amended) is amended to read:

18                   "9-4A-6. SECRETARY--DUTIES AND GENERAL POWERS.--

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

24                   B. To perform the secretary's duties, the secretary  
25 has every power expressly enumerated in the laws, whether

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1 granted to the secretary or the department, or any division of  
2 the department, except where authority conferred upon any  
3 division therein is explicitly exempted from the secretary's  
4 authority by statute. In accordance with these provisions, the  
5 secretary shall:

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

10 (2) delegate authority to subordinates as the  
11 secretary deems necessary and appropriate, clearly delineating  
12 such delegated authority and the limitations thereto;

13 (3) organize the department into those  
14 organizational units the secretary deems will enable it to  
15 function most efficiently, subject to any provisions of law  
16 requiring or establishing specific organizational units;

17 (4) within the limitations of available  
18 appropriations and applicable laws, employ and fix the  
19 compensation of those persons necessary to discharge the  
20 secretary's duties;

21 (5) take administrative action by issuing  
22 orders and instructions, not inconsistent with the law, to  
23 ensure implementation of and compliance with the provisions of  
24 law for whose administration or execution the secretary is  
25 responsible, and to enforce those orders and instructions by

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1 appropriate administrative action or actions in the courts;

2 (6) conduct research and studies that will  
3 improve the operations of the department and the provision of  
4 services to the citizens of the state;

5 (7) provide courses of instruction and  
6 practical training for employees of the department and other  
7 persons involved in the administration of programs with the  
8 objective of improving the operations and efficiency of the  
9 administration;

10 (8) prepare an annual budget of the  
11 department;

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

14 (a) minimize or eliminate duplication of  
15 services and jurisdictional conflicts;

16 (b) coordinate activities and resolve  
17 problems of mutual concern; and

18 (c) resolve by agreement the manner and  
19 extent to which the department shall provide budgeting,  
20 recordkeeping and related clerical assistance to  
21 administratively attached agencies; and

22 (10) appoint, with the governor's consent, for  
23 each division, a "director". These appointed positions are  
24 exempt from the provisions of the Personnel Act. Persons  
25 appointed to these positions shall serve at the pleasure of the

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1 secretary.

2 C. The secretary may:

3 (1) apply for and receive, with the  
4 governor's approval, in the name of the department, any public  
5 or private funds, including United States government funds,  
6 available to the department to carry out its programs, duties  
7 or services; and

8 (2) acquire by purchase, gift, endowment or  
9 legacy real or personal property and hold title to that  
10 property in the name of the department for the purpose of  
11 promoting, encouraging and supporting the performing arts in  
12 New Mexico. Property acquired pursuant to this paragraph shall  
13 be held under the control and authority of the ~~[cultural~~  
14 ~~affairs]~~ department.

15 D. Where functions of departments overlap, or a  
16 function assigned to one department could better be performed  
17 by another department, a secretary may recommend appropriate  
18 legislation to the next session of the legislature for its  
19 approval.

20 E. The secretary may make and adopt such  
21 reasonable procedural rules as may be necessary to carry out  
22 the duties of the department and its divisions. A rule  
23 promulgated by the director of a division in carrying out the  
24 functions and duties of the division shall not be effective  
25 until approved by the secretary. Unless otherwise provided

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1 by statute, a rule affecting a person or agency outside the  
2 department shall not be adopted, amended or repealed without  
3 a public hearing on the proposed action before the secretary  
4 or a hearing officer designated by the secretary. The public  
5 hearing shall be held in Santa Fe unless otherwise permitted  
6 by statute. Notice of the subject matter of the rule, the  
7 action proposed to be taken, the time and place of the  
8 hearing, the manner in which interested persons may present  
9 their views and the method by which copies of the proposed  
10 rule or proposed amendment or repeal of an existing rule may  
11 be obtained shall be published once at least thirty days  
12 prior to the hearing date in a newspaper of general  
13 circulation and mailed at least thirty days prior to the  
14 hearing date to all persons who have made a written request  
15 for advance notice of hearing. All rules shall be filed in  
16 accordance with the State Rules Act."

17 SECTION 11. A new section of the Tourism and Cultural  
18 Affairs Department Act is enacted to read:

19 "[NEW MATERIAL] SECRETARY--ADDITIONAL DUTIES.--The  
20 secretary shall:

21 A. work with and provide staff support to the  
22 tourism commission in formulating and implementing the  
23 state's five-year tourism plan;

24 B. advise the tourism commission of proposed  
25 rules, projects and contractual arrangements of the

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1 department related to tourism;

2 C. enter into contracts with state, federal or  
3 private entities, apply for and accept any state, federal or  
4 private funds or grants for tourism-related projects and  
5 accept similar donations and bequests from any source;

6 D. maintain and update records on the status of  
7 all completed and ongoing tourism projects of the department;

8 E. encourage the preservation and development of  
9 Indian arts and crafts among the Indian tribes and pueblos of  
10 the state; and

11 F. promote and market Native American tourism-  
12 related activities."

13 SECTION 12. Section 9-4A-11 NMSA 1978 (being Laws 1949,  
14 Chapter 74, Section 1, as amended) is amended to read:

15 "9-4A-11. LABORATORY OF ANTHROPOLOGY--ACCEPTANCE OF  
16 DEED AND TITLE.--The state of New Mexico accepts the deed and  
17 bill of sale and the title of the laboratory of anthropology  
18 building and land described in the deed dated September 30,  
19 1947 and directs that the property become part of the museum  
20 of New Mexico and be controlled and administered by the  
21 [~~cultural affairs~~] department."

22 SECTION 13. Section 9-4A-14 NMSA 1978 (being Laws 2004,  
23 Chapter 25, Section 14) is amended to read:

24 "9-4A-14. PALACE OF THE GOVERNORS STATE HISTORY MUSEUM  
25 DIVISION CREATED--LOCATION--BOARD OF REGENTS.--

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1           A. The "palace of the governors state history  
2 museum division" is created in the [~~cultural-affairs~~]  
3 department. The palace of the governors state history museum  
4 located in Santa Fe shall be operated as a division of the  
5 [~~cultural-affairs~~] department under the imprimatur of the  
6 museum of New Mexico. The museum of New Mexico board of  
7 regents shall exercise trusteeship over the palace of the  
8 governors state history museum.

9           B. The director of the division shall meet the  
10 following minimum qualifications:

11                   (1) hold a bachelor's or higher degree in a  
12 discipline related to the function of the division; and

13                   (2) have significant experience in the  
14 management and operation of an organization similar to the  
15 division.

16           C. The director shall be appointed by the  
17 secretary [~~of-cultural-affairs~~] from a list of no [~~less~~]  
18 fewer than three names provided by the museum of New Mexico  
19 board of regents."

20           **SECTION 14.** Section 9-4A-15 NMSA 1978 (being Laws 2004,  
21 Chapter 25, Section 15) is amended to read:

22                   "9-4A-15. MUSEUM OF INTERNATIONAL FOLK ART DIVISION  
23 CREATED--LOCATION--BOARD OF REGENTS.--

24           A. The "museum of international folk art  
25 division" is created in the [~~cultural-affairs~~] department.

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1 The museum of international folk art located in Santa Fe  
2 shall be operated as a division of the [~~cultural affairs~~]  
3 department under the imprimatur of the museum of New Mexico.  
4 The museum of New Mexico board of regents shall exercise  
5 trusteeship over the museum of international folk art.

6 B. The director of the division shall meet the  
7 following minimum qualifications:

8 (1) hold a bachelor's or higher degree in a  
9 discipline related to the function of the division; and

10 (2) have significant experience in the  
11 management and operation of an organization similar to the  
12 division.

13 C. The director shall be appointed by the  
14 secretary [~~of cultural affairs~~] from a list of no [~~less~~]  
15 fewer than three names provided by the museum of New Mexico  
16 board of regents."

17 SECTION 15. Section 9-4A-16 NMSA 1978 (being Laws 2004,  
18 Chapter 25, Section 16) is amended to read:

19 "9-4A-16. MUSEUM OF INDIAN ARTS AND CULTURE DIVISION  
20 CREATED--LOCATION--BOARD OF REGENTS.--

21 A. The "museum of Indian arts and culture  
22 division" is created in the [~~cultural affairs~~] department.  
23 The museum of Indian arts and culture located in Santa Fe  
24 shall be operated as a division of the [~~cultural affairs~~]  
25 department under the imprimatur of the museum of New Mexico.

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1 The museum of New Mexico board of regents shall exercise  
2 trusteeship over the museum of Indian arts and culture.

3 B. The director of the division shall meet the  
4 following minimum qualifications:

5 (1) hold a bachelor's or higher degree in a  
6 discipline related to the function of the division; and

7 (2) have significant experience in the  
8 management and operation of an organization similar to the  
9 division.

10 C. The director shall be appointed by the  
11 secretary [~~of cultural affairs~~] from a list of no [~~less~~]  
12 fewer than three names provided by the museum of New Mexico  
13 board of regents."

14 SECTION 16. Section 9-4A-17 NMSA 1978 (being Laws 2004,  
15 Chapter 25, Section 17) is amended to read:

16 "9-4A-17. STATE MONUMENTS DIVISION CREATED--BOARD OF  
17 REGENTS.--

18 A. The "state monuments division" is created in  
19 the [~~cultural affairs~~] department. The division shall manage  
20 the state's monuments, including:

- 21 (1) Coronado state monument;
- 22 (2) Jemez state monument;
- 23 (3) Fort Selden state monument;
- 24 (4) Fort Sumner state monument and Bosque  
25 Redondo memorial;

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- 1 (5) Lincoln state monument;  
2 (6) El Camino Real international heritage  
3 center; ~~and~~  
4 (7) the Taylor Reynolds Barela Mesilla state  
5 monument; and  
6 (8) Fort Stanton state monument.

7 B. The state monuments shall operate under the  
8 imprimatur of the museum of New Mexico. The museum of New  
9 Mexico board of regents shall exercise trusteeship over the  
10 state monuments.

11 C. The director of the division shall meet the  
12 following minimum qualifications:

13 (1) hold a bachelor's or higher degree in a  
14 discipline related to the function of the division; and

15 (2) have significant experience in the  
16 management and operation of an organization similar to the  
17 division.

18 D. The director shall be appointed by the  
19 secretary [~~of cultural affairs~~] from a list of no [~~less~~]  
20 fewer than three names provided by the museum of New Mexico  
21 board of regents."

22 SECTION 17. Section 9-4A-18 NMSA 1978 (being Laws 2004,  
23 Chapter 25, Section 18) is amended to read:

24 "9-4A-18. ARCHAEOLOGICAL SERVICES DIVISION CREATED--  
25 BOARD OF REGENTS.--

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1           A. The "archaeological services division" is  
2 created in the [~~cultural affairs~~] department. The division  
3 shall be operated as a division of the [~~cultural affairs~~]  
4 department under the imprimatur of the museum of New Mexico.

5           B. The museum of New Mexico board of regents  
6 shall exercise trusteeship over the archaeological services  
7 division.

8           C. The director of the division shall meet the  
9 following minimum qualifications:

10                   (1) hold a bachelor's or higher degree in a  
11 discipline related to the function of the division; and

12                   (2) have significant experience in the  
13 management and operation of an organization similar to the  
14 division.

15           D. The director shall be appointed by the  
16 secretary [~~of cultural affairs~~] from a list of no [~~less~~]  
17 fewer than three names provided by the museum of New Mexico  
18 board of regents."

19           SECTION 18. Section 9-4A-20 NMSA 1978 (being Laws 2005,  
20 Chapter 121, Section 1) is amended to read:

21                   "9-4A-20. MUSEUM COLLECTIONS FUND--CREATED--PURPOSE--  
22 NATIONAL MUSEUM ETHICAL GUIDELINES.--

23           A. The "museum collections fund" is created in  
24 the state treasury. The fund is a nonreverting fund, and  
25 income from investment of the fund shall be credited to the

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1 fund. The fund shall be administered by the [~~cultural~~  
2 ~~affairs~~] department, and money in the fund is appropriated to  
3 the department as provided in Subsection B of this section.

4 B. The purpose of the fund is to receive proceeds  
5 from the deaccessioning of museum collection items of each  
6 state museum and to fund new acquisitions for the museums.  
7 To comply with national museum ethical guidelines, each  
8 museum may have a subaccount in the museum collections fund  
9 into which the proceeds of the deaccessioning of its  
10 collection items and income from investment of the proceeds  
11 are credited and out of which the museum may expend money for  
12 the sole purpose of acquiring objects for that museum's  
13 collection. Money in the fund shall be expended on warrant  
14 of the secretary of finance and administration pursuant to  
15 vouchers signed by the director of the appropriate museum  
16 division and the secretary of tourism and cultural affairs or  
17 the secretary's authorized representative."

18 SECTION 19. A new section of the Tourism and Cultural  
19 Affairs Department Act is enacted to read:

20 "[NEW MATERIAL] TOURISM ENTERPRISE FUND CREATED--  
21 ADMINISTRATION.--The "tourism enterprise fund" is created as  
22 a nonreverting fund in the state treasury. The fund consists  
23 of appropriations, gifts, grants, donations, fees and  
24 departmental receipts from sales of souvenirs and sundries at  
25 visitors centers, web-site-related sales and television

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1 special program rights and any other money credited to the  
2 fund. The fund shall be administered by the department, and  
3 money in the fund is appropriated to the department to carry  
4 out the duties of the department related to tourism as  
5 recommended by the tourism commission. Disbursements from  
6 the fund shall be made only upon warrant drawn by the  
7 secretary of finance and administration pursuant to vouchers  
8 signed by the secretary of tourism and cultural affairs or  
9 the secretary's designated representative."

10 SECTION 20. A new section of the Tourism and Cultural  
11 Affairs Department Act is enacted to read:

12 "~~[NEW MATERIAL] TOURISM COMMISSION CREATED--MEMBERSHIP--~~  
13 ~~ADMINISTRATIVELY ATTACHED--DUTIES.--~~

14 A. The "tourism commission" is created. The  
15 commission is a planning commission administratively attached  
16 to the department. The commission shall provide advice to  
17 the department on tourism-related policy matters. The  
18 commission is responsible for the annual approval and update  
19 of the state's five-year tourism plan. The commission  
20 consists of seven members appointed by the governor and  
21 confirmed by the senate who are qualified electors of the  
22 state, no more than four of whom, at the time of their  
23 appointment, are members of the same political party and at  
24 least one of whom shall be a Native American. Two members  
25 shall be appointed from each of the three congressional

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1 districts, and one member shall be appointed from the state  
2 at large. Appointments shall be made for seven-year terms  
3 expiring on January 1 of the appropriate year. Commission  
4 members shall serve staggered terms as determined by the  
5 governor at the time of their initial appointment. The  
6 governor shall designate the chair of the commission each  
7 year from among its members. Members of the commission shall  
8 not be removed except for cause. Vacancies on the commission  
9 shall be filled by appointment by the governor for the  
10 unexpired term.

11 B. The commission shall meet at the call of the  
12 chair not less than once each quarter and shall invite  
13 representatives of appropriate legislative committees, other  
14 state agencies and interested persons to its meetings for the  
15 purpose of information exchange and coordination. Commission  
16 members shall not vote by proxy. A majority of the members  
17 constitutes a quorum for the conduct of business. Members  
18 are entitled to receive per diem and mileage as provided in  
19 the Per Diem and Mileage Act but shall receive no other  
20 compensation, perquisite or allowance.

21 C. The commission shall:

22 (1) develop and recommend policies and  
23 provide policy and program guidance for the department; and

24 (2) review, modify and approve annual  
25 updates to the state's five-year tourism plan generated by

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1 the department."

2 SECTION 21. Section 9-15-30 NMSA 1978 (being Laws 1988,  
3 Chapter 80, Section 4, as amended) is amended to read:

4 "9-15-30. MEXICAN AFFAIRS DIVISION CREATED--DUTIES.--

5 A. The "Mexican affairs division" is created as a  
6 division of the department.

7 B. The division shall be responsible for  
8 conducting and coordinating the state's relations with the  
9 Republic of Mexico and the state of Chihuahua and shall  
10 promote New Mexico products and services in Mexico. The  
11 division is created to coordinate activities of the  
12 department, the tourism [~~department the~~] and cultural affairs  
13 department, the department of transportation, the department  
14 of health, the department of environment, the department of  
15 public safety, the New Mexico-Chihuahua commission, the  
16 border authority and the joint border research institute at  
17 New Mexico state university as those activities relate to  
18 improving New Mexico-Mexico relations and trade and  
19 encouraging or funding appropriate border development.

20 C. The division shall provide periodic reports to  
21 the New Mexico finance authority oversight committee on its  
22 activities and the activities of the state pertaining to New  
23 Mexico-Mexico relations, trade and border development."

24 SECTION 22. Section 13-1-98 NMSA 1978 (being Laws 1984,  
25 Chapter 65, Section 71, as amended) is amended to read:

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1           "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The  
2 provisions of the Procurement Code shall not apply to:

3           A. procurement of items of tangible personal  
4 property or services by a state agency or a local public body  
5 from a state agency, a local public body or external  
6 procurement unit except as otherwise provided in Sections  
7 13-1-135 through 13-1-137 NMSA 1978;

8           B. procurement of tangible personal property or  
9 services for the governor's mansion and grounds;

10          C. printing and duplicating contracts involving  
11 materials that are required to be filed in connection with  
12 proceedings before administrative agencies or state or  
13 federal courts;

14          D. purchases of publicly provided or publicly  
15 regulated gas, electricity, water, sewer and refuse  
16 collection services;

17          E. purchases of books and periodicals from the  
18 publishers or copyright holders thereof;

19          F. travel or shipping by common carrier or by  
20 private conveyance or to meals and lodging;

21          G. purchase of livestock at auction rings or to  
22 the procurement of animals to be used for research and  
23 experimentation or exhibit;

24          H. contracts with businesses for public school  
25 transportation services;

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1 I. procurement of tangible personal property or  
2 services, as defined by Sections 13-1-87 and 13-1-93 NMSA  
3 1978, by the corrections industries division of the  
4 corrections department pursuant to rules adopted by the  
5 corrections industries commission, which shall be reviewed by  
6 the purchasing division of the general services department  
7 prior to adoption;

8 J. minor purchases not exceeding five thousand  
9 dollars (\$5,000) consisting of magazine subscriptions,  
10 conference registration fees and other similar purchases  
11 where prepayments are required;

12 K. municipalities having adopted home rule  
13 charters and having enacted their own purchasing ordinances;

14 L. the issuance, sale and delivery of public  
15 securities pursuant to the applicable authorizing statute,  
16 with the exception of bond attorneys and general financial  
17 consultants;

18 M. contracts entered into by a local public body  
19 with a private independent contractor for the operation, or  
20 provision and operation, of a jail pursuant to Sections  
21 33-3-26 and 33-3-27 NMSA 1978;

22 N. contracts for maintenance of grounds and  
23 facilities at highway rest stops and other employment  
24 opportunities, excluding those intended for the direct care  
25 and support of persons with handicaps, entered into by state

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1 agencies with private, nonprofit, independent contractors who  
2 provide services to persons with handicaps;

3 O. contracts and expenditures for services or  
4 items of tangible personal property to be paid or compensated  
5 by money or other property transferred to New Mexico law  
6 enforcement agencies by the United States department of  
7 justice drug enforcement administration;

8 P. contracts for retirement and other benefits  
9 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

10 Q. contracts with professional entertainers;

11 R. contracts and expenditures for litigation  
12 expenses in connection with proceedings before administrative  
13 agencies or state or federal courts, including experts,  
14 mediators, court reporters, process servers and witness fees,  
15 but not including attorney contracts;

16 S. contracts for service relating to the design,  
17 engineering, financing, construction and acquisition of  
18 public improvements undertaken in improvement districts  
19 pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 and  
20 in county improvement districts pursuant to Subsection L of  
21 Section 4-55A-12.1 NMSA 1978;

22 T. works of art for museums or for display in  
23 public buildings or places;

24 U. contracts entered into by a local public body  
25 with a person, firm, organization, corporation or association

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1 or a state educational institution named in Article 12,  
2 Section 11 of the constitution of New Mexico for the  
3 operation and maintenance of a hospital pursuant to Chapter  
4 3, Article 44 NMSA 1978, lease or operation of a county  
5 hospital pursuant to the Hospital Funding Act or operation  
6 and maintenance of a hospital pursuant to the Special  
7 Hospital District Act;

8 V. purchases of advertising in all media,  
9 including radio, television, print and electronic;

10 W. purchases of promotional goods intended for  
11 resale by the tourism and cultural affairs department;

12 X. procurement of printing services for materials  
13 produced and intended for resale by the tourism and cultural  
14 affairs department;

15 Y. procurement by or through the public education  
16 department from the federal department of education relating  
17 to parent training and information centers designed to  
18 increase parent participation, projects and initiatives  
19 designed to improve outcomes for students with disabilities  
20 and other projects and initiatives relating to the  
21 administration of improvement strategy programs pursuant to  
22 the federal Individuals with Disabilities Education Act;  
23 provided that the exemption applies only to procurement of  
24 services not to exceed two hundred thousand dollars  
25 (\$200,000);

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1           Z. procurement of services from community  
2 rehabilitation programs or qualified individuals pursuant to  
3 the State Use Act;

4           AA. purchases of products or services for  
5 eligible persons with disabilities pursuant to the federal  
6 Rehabilitation Act of 1973;

7           BB. procurement, by either the department of  
8 health or Grant county or both, of tangible personal  
9 property, services or construction that are exempt from the  
10 Procurement Code pursuant to Section 9-7-6.5 NMSA 1978;

11           CC. contracts for investment advisory services,  
12 investment management services or other investment-related  
13 services entered into by the educational retirement board,  
14 the state investment officer or the retirement board created  
15 pursuant to the Public Employees Retirement Act;

16           DD. the purchase for resale by the state fair  
17 commission of feed and other items necessary for the upkeep  
18 of livestock; and

19           EE. contracts entered into by the crime victims  
20 reparation commission to distribute federal grants to assist  
21 victims of crime, including grants from the federal Victims  
22 of Crime Act of 1984 and the federal Violence Against Women  
23 Act."

24           **SECTION 23.** Section 13-4A-3 NMSA 1978 (being Laws 1986,  
25 Chapter 11, Section 3, as amended) is amended to read:

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1 "13-4A-3. DEFINITIONS.--As used in the Art in Public  
2 Places Act:

3 A. "agency" means all state departments and  
4 agencies, boards, councils, institutions, commissions and  
5 quasi-public corporations, including all state educational  
6 institutions enumerated in Article 12, Section 11 of the  
7 constitution of New Mexico, and all statutorily created post-  
8 secondary educational institutions;

9 B. "architect" means the person or firm designing  
10 the project for the contracting agency to which the one  
11 percent provision pursuant to Section 13-4A-4 NMSA 1978  
12 applies;

13 C. "contracting agency" means the agency having  
14 the control, management and power to enter into contracts for  
15 new construction or renovation of any public building;

16 D. "division" means the arts division of the  
17 [~~office of~~] tourism and cultural affairs department;

18 E. "public buildings" means those buildings under  
19 the control and management of the property control division of  
20 the general services department, the department of game and  
21 fish, the energy, minerals and natural resources department, the  
22 [~~state highway and~~] department of transportation [~~department~~],  
23 the state fair commission, the supreme court, the commissioner  
24 of public lands, the [~~office of~~] tourism and cultural affairs  
25 department, the governing boards of the state educational

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1 institutions and statutorily created post-secondary educational  
2 institutions, the [~~state department of~~] public education  
3 department and the legislature or all buildings constructed with  
4 funds appropriated by the legislature. For the purposes of the  
5 Art in Public Places Act, "public buildings" does not include  
6 such auxiliary buildings as maintenance plants, correctional  
7 facilities, warehouses or temporary structures; and

8 F. "work of art" means any work of visual art,  
9 including but not limited to a drawing, painting, mural,  
10 fresco, sculpture, mosaic or photograph; a work of  
11 calligraphy; a work of graphic art, including an etching,  
12 lithograph, offset print, silk screen or a work of graphic  
13 art of like nature; works in clay, textile, fiber, wood,  
14 metal, plastic, glass and like materials; or mixed media,  
15 including a collage or assemblage or any combination of the  
16 foregoing art media [~~which~~] that is chosen to be included in  
17 or immediately adjoining the public building under  
18 consideration. Under special circumstances, the term may  
19 include environmental landscaping if approved by the  
20 division."

21 SECTION 24. Section 15-3B-2 NMSA 1978 (being Laws 1972,  
22 Chapter 74, Section 2, as amended) is amended to read:

23 "15-3B-2. DEFINITIONS.--As used in the Property Control  
24 Act:

25 A. "capital outlay project" means the acquisition,  
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1 improvement, alteration or reconstruction of assets of a  
2 long-term character that are intended to continue to be held  
3 or used, including land, buildings, machinery, furniture and  
4 equipment. A "capital outlay project" includes all proposed  
5 expenditures related to the entire undertaking;

6 B. "department" means the general services  
7 department;

8 C. "director" means the director of the division;

9 D. "division" means the property control division  
10 of the department;

11 E. "jurisdiction" means all state buildings and  
12 land except those under the control and management of the  
13 state armory board, the border authority, the tourism and  
14 cultural affairs department, the state fair commission, the  
15 department of game and fish, the department of  
16 transportation, the commissioner of public lands, the state  
17 parks division of the energy, minerals and natural resources  
18 department, the state institutions of higher learning,  
19 regional education cooperatives, the New Mexico school for  
20 the deaf, the New Mexico school for the blind and visually  
21 impaired, the judicial branch, the legislative branch,  
22 property acquired by the economic development department  
23 pursuant to the Statewide Economic Development Finance Act  
24 and property acquired by the public school facilities  
25 authority pursuant to the Public School Capital Outlay Act;

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1 and

2 F. "secretary" means the secretary of general  
3 services."

4 SECTION 25. Section 15-5A-7 NMSA 1978 (being Laws 2007,  
5 Chapter 160, Section 7) is amended to read:

6 "15-5A-7. ARTS AND CULTURAL DISTRICT FUND  
7 ESTABLISHED.--The "arts and cultural district fund" is  
8 created as a nonreverting fund in the state treasury. The  
9 fund consists of appropriations, gifts, grants, donations and  
10 bequests. The fund shall be administered by the tourism and  
11 cultural affairs department, and money in the fund is  
12 appropriated to the tourism and cultural affairs department  
13 to carry out the provisions of the Arts and Cultural District  
14 Act. Money in the fund shall be disbursed on warrants signed  
15 by the secretary of finance and administration pursuant to  
16 vouchers signed by the secretary of tourism and cultural  
17 affairs or the secretary's authorized representative."

18 SECTION 26. Section 18-2-3 NMSA 1978 (being Laws 1977,  
19 Chapter 246, Section 10, as amended) is amended to read:

20 "18-2-3. LIBRARY DIVISION--CREATION--DIRECTOR.--

21 A. The "library division" is created within the  
22 tourism and cultural affairs department.

23 B. Subject to the authority of the secretary of  
24 tourism and cultural affairs, the administrative and  
25 executive head of the library division is the "state

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1 librarian". The state librarian shall be appointed by the  
2 secretary."

3 SECTION 27. Section 18-2-23 NMSA 1978 (being Laws 2001,  
4 Chapter 205, Section 1) is amended to read:

5 "18-2-23. FUND CREATED--ADMINISTRATION--PURPOSE.--

6 A. The "tribal libraries endowment fund" is created  
7 in the state treasury. The fund shall consist of all money  
8 appropriated to the fund and any grants, gifts and bequests  
9 made to the fund. Any money in the fund shall not revert to  
10 the general fund at the end of any fiscal year.

11 B. The tribal library program of the library  
12 division of the [~~office of~~] tourism and cultural affairs  
13 department shall administer the tribal libraries endowment  
14 fund and shall make disbursements from the earnings on the  
15 investment of the fund for the purpose of funding the  
16 establishment, development and administration of tribal  
17 libraries in New Mexico.

18 C. The library division [~~of the office of cultural~~  
19 ~~affairs~~] may adopt rules and procedures as necessary or  
20 appropriate to administer the tribal libraries endowment fund  
21 after consultation with the tribal librarians."

22 SECTION 28. Section 18-3-9 NMSA 1978 (being Laws 2005,  
23 Chapter 277, Section 1) is amended to read:

24 "18-3-9. STATE MUSEUMS IMPROVEMENTS AND EXHIBITS FUND  
25 CREATED--USE.--

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1           A. The "state museums improvements and exhibits  
2 fund" is created in the state treasury. The fund shall  
3 consist of:

4                   (1) money appropriated and transferred to the  
5 fund;

6                   (2) gifts, grants, donations and bequests; and

7                   (3) fifteen percent of the state museums'  
8 admission fees and facilities rentals.

9           B. Earnings from investment of the state museums  
10 improvements and exhibits fund shall be credited to the fund.  
11 Money in the fund is appropriated to the tourism and cultural  
12 affairs department to be distributed to state museums  
13 pursuant to the provisions of this section. Any unexpended  
14 or unencumbered balance remaining at the end of a fiscal year  
15 shall not revert. Disbursements from the fund shall be made  
16 upon warrants drawn by the secretary of finance and  
17 administration pursuant to vouchers signed by the secretary  
18 of tourism and cultural affairs.

19           C. Money in the state museums improvements and  
20 exhibits fund shall be expended by the tourism and cultural  
21 affairs department for development, implementation and  
22 maintenance of exhibitions at state museums and for  
23 maintenance and repairs of state museum facilities. Revenues  
24 in the fund earned by a specific division shall be expended  
25 by that division.

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1 D. As used in this section, "state museum" means a  
2 museum, state monument, cultural center or laboratory  
3 administered by the tourism and cultural affairs department."

4 SECTION 29. Section 18-3A-3 NMSA 1978 (being Laws 1980,  
5 Chapter 128, Section 3, as amended) is amended to read:

6 "18-3A-3. DEFINITIONS.--As used in the Natural History  
7 and Science Museum Act:

8 A. "board" means the board of trustees of the New  
9 Mexico museum of natural history and science;

10 B. "director" means the director of the division;

11 C. "division" means the natural history and science  
12 museum division of the tourism and cultural affairs  
13 department;

14 D. "museum" means the New Mexico museum of natural  
15 history and science;

16 E. "natural history" means that which pertains to  
17 the earth and its life, including but not limited to the  
18 fields of biology, geology and related life sciences; and

19 F. "physical science" means that which pertains to  
20 mathematics, physics, chemistry, astronomy and related  
21 sciences and technologies."

22 SECTION 30. Section 18-3A-4 NMSA 1978 (being Laws 1980,  
23 Chapter 128, Section 4, as amended) is amended to read:

24 "18-3A-4. NATURAL HISTORY AND SCIENCE MUSEUM DIVISION--  
25 CREATION--LOCATION--PROPERTY.--

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1           A. The "natural history and science museum  
2 division" is created within the tourism and cultural affairs  
3 department. The principal facility of this division is the  
4 "New Mexico museum of natural history and science" located in  
5 Albuquerque. The site shall be held in the name of the  
6 state.

7           B. All property, real or personal, now held or  
8 subsequently acquired for the operation of the museum shall  
9 be under the control and authority of the board.

10           C. Funds or other property received by gift,  
11 endowment or legacy shall remain under the control of the  
12 board and shall, upon acceptance, be employed for the purpose  
13 specified."

14           **SECTION 31.** Section 18-3A-7 NMSA 1978 (being Laws 1987,  
15 Chapter 38, Section 5, as amended) is amended to read:

16           "18-3A-7. BOARD--POWERS AND DUTIES.--The board shall:

17           A. exercise trusteeship over the collections of the  
18 museum;

19           B. accept and hold title to all property for museum  
20 use;

21           C. review annually the performance of the director  
22 and report its findings to the secretary of tourism and  
23 cultural affairs;

24           D. enter into agreements or contracts with private  
25 or public organizations, agencies or individuals for the

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1 purpose of obtaining real or personal property for museum  
2 use;

3 E. authorize the director to solicit and receive  
4 funds or property of any nature for the development of the  
5 museum, its collections and its programs;

6 F. adopt such rules as may be necessary to carry  
7 out the provisions of this section; and

8 G. establish museum policy and determine the  
9 mission and direct the development of the institution subject  
10 to the decision of the secretary of tourism and cultural  
11 affairs in event of conflict between the board and the  
12 tourism and cultural affairs department."

13 SECTION 32. Section 18-4-6 NMSA 1978 (being Laws 1949,  
14 Chapter 138, Section 5, as amended) is amended to read:

15 "18-4-6. LINCOLN MONUMENT--STATE MONUMENTS DIVISION--  
16 POWERS AND DUTIES.--The state monuments division of the  
17 tourism and cultural affairs department shall be entrusted  
18 with the protection and preservation of the old Lincoln  
19 county courthouse. The state monuments division:

20 A. shall maintain and operate the monument as a  
21 memorial and state museum of old Lincoln county [~~shall have~~  
22 ~~power to~~];

23 B. may acquire and hold real estate in the name of  
24 the state [~~and to~~];

25 C. may act in cooperation with the federal

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1 government or any of its agencies in preserving the monument;  
2 and [~~shall have power to~~]

3 D. may accept gifts, grants and donations from any  
4 person, firm, corporation, agency or any group of persons for  
5 the collections of the museum or the maintenance and  
6 operation of the monument."

7 **SECTION 33.** Section 18-5-2 NMSA 1978 (being Laws 1978,  
8 Chapter 70, Section 1, as amended) is amended to read:

9 "18-5-2. DEFINITIONS.--As used in Chapter 18, Article 5  
10 NMSA 1978:

11 A. "commission" means the New Mexico arts  
12 commission;

13 B. "creative arts" means the act of writing,  
14 composing or designating and executing literature, including  
15 poetry; drama; music, including opera and choral works;  
16 ballet and dance; painting; sculpturing; graphic arts;  
17 photography; crafts; architecture; and films and television;

18 C. "director" means the executive head of the  
19 division;

20 D. "division" means the arts division of the  
21 tourism and cultural affairs department; and

22 E. "interpretative arts" means the act of  
23 interpreting the creative arts, including the designing,  
24 publishing, printing and collecting of books; the producing,  
25 directing and performing of dramas; the performing of music

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1 and the producing, directing and performing of operas and  
2 choral works; the producing, directing and performing of  
3 ballet and dance; the conservation of architecture; and the  
4 producing, directing and performing of films and television."

5 SECTION 34. Section 18-5-6 NMSA 1978 (being Laws 1978,  
6 Chapter 70, Section 5, as amended) is amended to read:

7 "18-5-6. DIVISION--CREATION--DIRECTOR--APPOINTMENT.--

8 A. The "arts division" is created within the  
9 tourism and cultural affairs department.

10 B. Subject to the authority of the secretary of  
11 tourism and cultural affairs, the administrative and  
12 executive head of the arts division is the "director" of the  
13 arts division. The director shall be hired by the secretary  
14 from a list of three to five names supplied by the  
15 commission."

16 SECTION 35. Section 18-5-7 NMSA 1978 (being Laws 1978,  
17 Chapter 70, Section 6, as amended) is amended to read:

18 "18-5-7. DIVISION--POWERS--DUTIES.--The powers and  
19 duties of the [arts] division [~~of the office of cultural~~  
20 ~~affairs shall be~~] are to:

21 A. [~~to~~] advise and assist public agencies in  
22 planning civic beautification;

23 B. [~~to~~] foster appreciation for the fine arts;

24 C. [~~to~~] make this state more appealing to the  
25 world;

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1           D. [~~to~~] encourage the creative activity in the arts  
2 of residents of this state and to attract to this state's  
3 residency additional outstanding creators in the field of  
4 fine arts through appropriate programs of publicity,  
5 education, coordination and direct activities such as  
6 sponsorship of performing and visual arts;

7           E. [~~to~~] accept on behalf of the state such  
8 donations of money, property or memorials as in its  
9 discretion are suitable and shall best further the aims of  
10 [~~Sections 18-5-1 through 18-5-7~~] Chapter 18, Article 5 NMSA  
11 1978. The division [~~shall be empowered to~~] may accept any  
12 additional gifts, contributions or bequests from private  
13 persons, corporations, foundations or agencies or the federal  
14 government. Such money so gained may be reemployed as part  
15 of a revolving fund to be used to further the purpose of  
16 [~~Sections 18-5-1 through 18-5-7~~] Chapter 18, Article 5 NMSA  
17 1978;

18           F. [~~to~~] make, through its director, rules [~~and~~  
19 ~~regulations~~] necessary to administer the division and as  
20 provided by law; and

21           G. [~~to~~] perform other duties as provided by law."

22           SECTION 36. Section 18-6-5 NMSA 1978 (being Laws 1969,  
23 Chapter 223, Section 5, as amended) is amended to read:

24           "18-6-5. COMMITTEE--POWERS AND DUTIES.--The primary  
25 function of the committee is to review proposals for the

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1 preservation of cultural properties. The committee is  
2 authorized to take such actions as are reasonable and  
3 consistent with law to identify cultural properties and to  
4 advise on the protection and preservation of those  
5 properties. Among such actions as may be necessary and  
6 proper to the fulfillment of these responsibilities, and  
7 without being limited hereby, the committee:

8 A. shall determine what constitutes historical,  
9 archaeological, scientific, architectural and other cultural  
10 significance for the purpose of identifying cultural  
11 properties as used in the Cultural Properties Act;

12 B. shall prepare and keep up to date the official  
13 register. This official register shall be composed of  
14 properties identified by the committee as having historical  
15 or other cultural significance and integrity, being suitable  
16 for preservation and having educational significance;

17 C. shall prepare and maintain proper documentation  
18 of the historic or other significance of cultural properties.  
19 The committee is granted access to all state and local public  
20 documents that may be necessary for the documentation, and  
21 such state and local agencies as have custody of such  
22 documents are authorized to allow the committee to examine  
23 and reproduce those documents useful for the documentation;

24 D. shall inspect all registered cultural properties  
25 periodically to ~~[assure]~~ ensure proper cultural or historical

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1 integrity and proper maintenance. The inspection may be made  
2 by an authorized representative of the committee or the  
3 historic preservation division of the [~~office of~~] tourism and  
4 cultural affairs department. Such inspection shall be made  
5 only with the written consent of the owner or [~~his~~] the  
6 owner's authorized representative;

7 E. shall, based upon the inspection of a registered  
8 cultural property, recommend such repairs, maintenance and  
9 other measures as should be taken to maintain registered  
10 status;

11 F. shall issue [~~regulations~~] rules pertaining to  
12 the identification, preservation and maintenance of  
13 registered cultural properties in order to maintain the  
14 integrity of those properties;

15 G. may delete from the official register any  
16 registered cultural property whose owner does not comply with  
17 the committee's [~~regulations~~] rules or follow its  
18 recommendations for repair and maintenance or [~~which~~] that,  
19 upon presentation of further evidence, does not merit  
20 continued official registry;

21 H. may recommend to the museum resources division  
22 of the [~~office of~~] tourism and cultural affairs department  
23 and other public administrators of registered cultural  
24 properties measures for the investigation, restoration and  
25 protection of such properties;

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1 I. may encourage and render technical advice to  
2 private owners of registered cultural properties in order  
3 that such properties may be preserved;

4 J. may encourage and provide technical assistance  
5 to municipalities and counties in acquiring, preserving and  
6 developing cultural properties within their jurisdictions;

7 K. shall cooperate with federal, state, local and  
8 private agencies and persons engaged in the administration,  
9 development or other work relating to cultural properties  
10 within the state;

11 L. shall pursue all activities in a manner  
12 consistent with state and federal laws and regulations;

13 M. may encourage and promote public appreciation of  
14 New Mexico's historical and cultural heritage by:

15 (1) reviewing for accuracy the proposed  
16 publication of information on cultural properties; and

17 (2) reviewing the accuracy and adequacy of  
18 proposed marking of cultural properties;

19 N. may ~~[utilize]~~ use the assistance of individuals,  
20 local organizations, state agencies and others interested in  
21 the identification and preservation of cultural properties;

22 O. may issue, with the concurrence of the state  
23 archaeologist and the state historic preservation officer,  
24 permits for the examination or excavation of sites and the  
25 collection or removal of objects of antiquity or general

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1 scientific interest, where such sites or objects are located  
2 on state lands, to institutions [~~which~~] that the committee  
3 may deem to be properly qualified to conduct such  
4 examination, excavation or collection, subject to such rules  
5 [~~and regulations~~] as the committee may prescribe; provided  
6 that the examinations, excavations and collections are  
7 undertaken by reputable museums, universities, colleges or  
8 other historical, scientific or educational institutions or  
9 societies approved by the committee, with a view toward  
10 disseminating knowledge about cultural properties; and  
11 provided that a summary report of such investigations,  
12 containing relevant maps, documents, drawings and  
13 photographs, be submitted to the committee, which shall in  
14 turn submit the report to the appropriate agency or make  
15 other appropriate disposition of the report; and provided  
16 further that all specimens so collected shall be the property  
17 of New Mexico and that prior arrangements be made for the  
18 disposition of specimens derived from such investigations in  
19 an appropriate institution of the state or for loan of such  
20 specimens to qualified institutions in or out of the state;

21 P. shall provide advice to the state historic  
22 preservation officer [~~in~~] of the historic preservation  
23 division and to the director of the museum resources division  
24 of the [~~office of~~] tourism and cultural affairs department on  
25 cultural properties; and

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1 Q. shall make, in conjunction with the historic  
2 preservation division, an annual report on its activities to  
3 the governor and the legislature. The report may contain  
4 recommendations for the more effective preservation of New  
5 Mexico's historic and cultural heritage."

6 SECTION 37. Section 18-6-6 NMSA 1978 (being Laws 1969,  
7 Chapter 223, Section 6, as amended) is amended to read:

8 "18-6-6. TOURISM AND CULTURAL AFFAIRS DEPARTMENT--  
9 POWERS AND DUTIES RELATING TO THE CULTURAL PROPERTIES ACT.--

10 A. The tourism and cultural affairs department is  
11 responsible for administering, developing and maintaining all  
12 registered cultural properties in its ownership or custody.

13 B. Unless other locations are deemed more  
14 appropriate by the committee, in consultation with the museum  
15 of New Mexico, because of the nature of the property  
16 involved, the tourism and cultural affairs department shall  
17 be the depository for all collections made under the  
18 provisions of the Cultural Properties Act and shall make  
19 available material from such collections to museums in and  
20 out of the state on the request of the governing bodies of  
21 those museums when, in the opinion of the department, such  
22 use is appropriate and when arrangements are made for the  
23 safe custodianship and public exhibition of the material in  
24 accordance with department rules. The museum of New Mexico  
25 shall maintain a record of the location of all such

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1 collections.

2 C. The tourism and cultural affairs department may  
3 seek and accept gifts, donations and grants, subject to the  
4 provisions of Subsection B of Section 18-6-7 NMSA 1978, to be  
5 used to acquire, preserve or restore registered cultural  
6 properties.

7 D. The tourism and cultural affairs department may  
8 acquire by gift, purchase or, if no other means of  
9 acquisition are available, condemnation any cultural property  
10 or interest therein sufficient to preserve such property.  
11 Cultural properties so acquired shall be administered by the  
12 department or other appropriate state agencies in accordance  
13 with Subsections A and B of this section.

14 E. The tourism and cultural affairs department may  
15 enter into agreements with the committee to provide  
16 assistance in carrying out the duties of the committee."

17 SECTION 38. Section 18-6-7 NMSA 1978 (being Laws 1969,  
18 Chapter 223, Section 7, as amended) is amended to read:

19 "18-6-7. HISTORIC PRESERVATION DIVISION--PLANNING--  
20 FISCAL ADMINISTRATION AND COOPERATION FOR PURPOSES OF THE  
21 CULTURAL PROPERTIES ACT.--

22 A. The state historic preservation officer of the  
23 historic preservation division of the tourism and cultural  
24 affairs department shall, with the concurrence of the  
25 committee, prepare a long-range plan for the preservation of

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1 cultural properties, including but not limited to the  
2 identification, acquisition, restoration and protection of  
3 historic and cultural properties and the maintenance and  
4 expansion of statewide historic and prehistoric site  
5 databases.

6 B. The historic preservation division shall  
7 administer funds that are received, controlled and disbursed  
8 for the purposes of the Cultural Properties Act, unless such  
9 funds are specifically granted or appropriated to another  
10 agency.

11 C. Consistent with the Cultural Properties Act, the  
12 historic preservation division shall cooperate in all matters  
13 with the committee and other divisions of the tourism and  
14 cultural affairs department."

15 SECTION 39. Section 18-6-8 NMSA 1978 (being Laws 1977,  
16 Chapter 246, Section 38, as amended) is amended to read:

17 "18-6-8. STATE HISTORIC PRESERVATION OFFICER--  
18 APPOINTMENT--QUALIFICATIONS--DUTIES.--

19 A. The "historic preservation division" is created  
20 within the tourism and cultural affairs department.

21 B. The state historic preservation officer shall be  
22 the director of the division and shall be hired by the  
23 secretary of tourism and cultural affairs with the consent of  
24 the governor. The position's qualifications shall be  
25 consistent with but not limited to the following:

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1 (1) a graduate degree in American history,  
2 anthropology, architecture or historic preservation;

3 (2) at least five years of professional  
4 experience in American history, anthropology, architecture or  
5 historic preservation or any combination of these; or

6 (3) a substantial contribution through  
7 research and publication to the body of scholarly knowledge  
8 in the field of American history, anthropology, architecture  
9 or historic preservation or any combination of these.

10 C. The state historic preservation officer shall  
11 administer the Cultural Properties Act, including but not  
12 limited to being administrative head of all Cultural  
13 Properties Act functions assigned to the historic  
14 preservation division by law or executive order. In  
15 addition, the state historic preservation officer shall  
16 coordinate all duties performed by, and cooperate with, the  
17 committee, the secretary of tourism and cultural affairs and  
18 any other entities, public or private, involved with cultural  
19 properties.

20 D. The state historic preservation officer, in  
21 conjunction with the secretary of tourism and cultural  
22 affairs:

23 (1) shall provide staff to the committee;

24 (2) shall maintain the state register of  
25 cultural properties;

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1                   (3) may fund historic site surveys and may  
2 fund restorations;

3                   (4) shall administer historic preservation tax  
4 benefit programs; and

5                   (5) shall review state undertakings to  
6 determine their effect upon significant historic properties."

7           **SECTION 40.** Section 18-6-15 NMSA 1978 (being Laws 1969,  
8 Chapter 223, Section 13, as amended) is amended to read:

9           "18-6-15. STATE ARCHAEOLOGIST.--The state archaeologist  
10 in the tourism and cultural affairs department is designated  
11 as "state archaeologist" for the purposes of the Cultural  
12 Properties Act. The state archaeologist shall be  
13 professionally recognized in the discipline of archaeology,  
14 shall have achieved recognition for accomplishments in [~~his~~]  
15 the state archaeologist's field in the American southwest and  
16 shall have a specialized knowledge of New Mexico."

17           **SECTION 41.** Section 18-6-20 NMSA 1978 (being Laws 1987,  
18 Chapter 7, Section 3, as amended) is amended to read:

19           "18-6-20. DEFINITIONS.--As used in the Historic  
20 Preservation Loan Act:

21                   A. "committee" means the cultural properties review  
22 committee;

23                   B. "division" means the historic preservation  
24 division of the tourism and cultural affairs department;

25                   C. "fund" means the historic preservation loan

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1 fund;

2 D. "property owner" means the sole owner, joint  
3 owner, owner in partnership or corporate owner of a  
4 registered cultural property. As used in this subsection,  
5 the term "property owner" includes the owner of a leasehold  
6 interest in a registered cultural property, if the term of  
7 the lease is not less than nineteen years; and

8 E. "registered cultural property" means a site,  
9 structure, building or object entered in the state register  
10 of cultural properties or the national register of historic  
11 places or both."

12 SECTION 42. Section 18-6-25 NMSA 1978 (being Laws 2007,  
13 Chapter 299, Section 2 and Laws 2007, Chapter 300, Section 2)  
14 is amended to read:

15 "18-6-25. DEFINITIONS.--As used in the Reburial Grounds  
16 Act:

17 A. "department" means the tourism and cultural  
18 affairs department;

19 B. "descendant group" means persons demonstrably  
20 related to the remains by consanguinity, family affiliation,  
21 clan or direct historical association and includes a Native  
22 American nation, band, tribe or pueblo in New Mexico;

23 C. "funerary object" means an object or artifact  
24 associated with a human burial;

25 D. "reburial grounds" means state or federal land

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1 set aside pursuant to the Reburial Grounds Act that secures  
2 and preserves unmarked graves for remains not claimed by a  
3 descendant group;

4 E. "remains" means a human body, skeletal remains  
5 or mummified remains discovered during construction and other  
6 projects or exposed through erosion, excavation or accident  
7 or other means on state, federal and private lands and  
8 includes a funerary object or artifact associated with the  
9 remains; and

10 F. "state land" means property owned, controlled or  
11 operated by a department, agency, institution or political  
12 subdivision of the state."

13 **SECTION 43.** Section 18-6A-2 NMSA 1978 (being Laws 1993,  
14 Chapter 176, Section 2, as amended) is amended to read:

15 "18-6A-2. DEFINITIONS.--As used in the Cultural  
16 Properties Protection Act:

17 A. "committee" means the cultural properties review  
18 committee;

19 B. "cultural property" means a structure, place,  
20 site or object having historic, archaeological, scientific,  
21 architectural or other cultural significance;

22 C. "division" means the historic preservation  
23 division of the tourism and cultural affairs department;

24 D. "fund" means the cultural properties restoration  
25 fund;

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1           E. "interpretation" means the inventory,  
2 registration, mapping and analysis of cultural properties and  
3 public educational programs designed to prevent the loss of  
4 cultural properties;

5           F. "officer" means the state historic preservation  
6 officer;

7           G. "preservation" means sustaining the existing  
8 form, integrity and material of a cultural property or the  
9 existing form and vegetative cover of a cultural property and  
10 may include protective maintenance or stabilization where  
11 necessary in the case of archaeological sites;

12           H. "professional survey" means an archaeological or  
13 architectural survey;

14           I. "protection" means safeguarding the physical  
15 condition or environment of a cultural property from  
16 deterioration or damage caused by weather or other natural,  
17 animal or human intrusions;

18           J. "restoration" means recovering the general  
19 historic appearance of a cultural property or the form and  
20 details of an object or structure by removing incompatible  
21 natural or human-caused accretions and replacing missing  
22 elements as appropriate;

23           K. "stabilization" means reestablishing the  
24 structural stability or weather-resistant condition of a  
25 cultural property or arresting deterioration that may lead to

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1 structural failure;

2 L. "state agency" means a department, agency,  
3 institution or political subdivision of the state; and

4 M. "state land" means property owned, controlled or  
5 operated by a state agency."

6 SECTION 44. Section 18-7-1 NMSA 1978 (being Laws 1978,  
7 Chapter 72, Section 1, as amended) is amended to read:

8 "18-7-1. MUSEUM OF SPACE HISTORY DIVISION--CREATION.--

9 The "museum of space history division" is created within the  
10 tourism and cultural affairs department. The principal  
11 facility of the division is the "museum of space history"  
12 located in Alamogordo. The site shall be held in the name of  
13 the state."

14 SECTION 45. Section 18-7-4 NMSA 1978 (being Laws 1978,  
15 Chapter 72, Section 4, as amended) is amended to read:

16 "18-7-4. DIRECTOR--EMPLOYMENT.--The director of the  
17 museum of space history division shall be hired by the  
18 secretary of tourism and cultural affairs."

19 SECTION 46. Section 18-8-3 NMSA 1978 (being Laws 1989,  
20 Chapter 13, Section 3, as amended) is amended to read:

21 "18-8-3. DEFINITIONS.--As used in the New Mexico  
22 Prehistoric and Historic Sites Preservation Act:

23 A. "corporation" means a nonprofit corporation,  
24 formally recognized as tax exempt under Section 501(c)3 of  
25 the Internal Revenue Code of 1986, whose declared purposes

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1 include the investigation, preservation or conservation of  
2 significant prehistoric or historic sites;

3 B. "division" means the historic preservation  
4 division of the tourism and cultural affairs department; and

5 C. "significant prehistoric or historic sites"  
6 means properties listed in the state register of cultural  
7 properties or national register of historic places."

8 SECTION 47. Section 18-11-3 NMSA 1978 (being Laws 1991,  
9 Chapter 48, Section 3, as amended) is amended to read:

10 "18-11-3. DEFINITIONS.--As used in the Farm and Ranch  
11 Heritage Museum Act:

12 A. "board" means the board of the farm and ranch  
13 heritage museum;

14 B. "director" means the director of the division;

15 C. "division" means the farm and ranch heritage  
16 museum division of the tourism and cultural affairs  
17 department;

18 D. "farm and ranch" means that which pertains to  
19 the field of agriculture and the various industries that  
20 affect agriculture, including but not limited to agronomy,  
21 livestock management, veterinary medicine, agricultural  
22 nutrition and other related agricultural businesses and  
23 sciences; and

24 E. "museum" means the principal facility of the  
25 division, including all real and personal property of the

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1 division."

2 SECTION 48. Section 18-11-4 NMSA 1978 (being Laws 1991,  
3 Chapter 48, Section 4, as amended) is amended to read:

4 "18-11-4. DIVISION CREATED--OPERATION--LOCATION--  
5 PROPERTY.--

6 A. The "farm and ranch heritage museum division" is  
7 created within the tourism and cultural affairs department.

8 B. The "farm and ranch heritage museum" shall be  
9 located on the campus of New Mexico state university in Dona  
10 Ana county.

11 C. All property, real or personal, now held or  
12 subsequently acquired for the operation of the museum shall  
13 be under the control and authority of the tourism and  
14 cultural affairs department.

15 D. Funds or other property received by gift,  
16 endowment or legacy shall remain under the control of the  
17 tourism and cultural affairs department and shall, upon  
18 acceptance, be employed for the purpose specified."

19 SECTION 49. Section 18-12-2 NMSA 1978 (being Laws 1993,  
20 Chapter 42, Section 2, as amended) is amended to read:

21 "18-12-2. DEFINITIONS.--As used in the National  
22 Hispanic Cultural Center Act:

23 A. "board" means the board of directors of the  
24 center;

25 B. "center" means the national Hispanic cultural

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1 center;

2 C. "division" means the Hispanic cultural division  
3 of the tourism and cultural affairs department; and

4 D. "director" means the director of the division."

5 SECTION 50. Section 18-12-3 NMSA 1978 (being Laws 1993,  
6 Chapter 42, Section 3, as amended) is amended to read:

7 "18-12-3. HISPANIC CULTURAL DIVISION--CREATION--  
8 PROPERTY.--

9 A. The "Hispanic cultural division" is created  
10 within the tourism and cultural affairs department. The  
11 principal facility of this division shall be known as the  
12 "national Hispanic cultural center".

13 B. All property, real or personal, now held or  
14 subsequently acquired for the operation of the center shall  
15 be under the control and authority of the board.

16 C. Funds or other property received by gift,  
17 endowment or legacy shall remain under the control of the  
18 board and shall, upon acceptance, be employed for the purpose  
19 specified."

20 SECTION 51. [NEW MATERIAL] SHORT TITLE.--Sections 51  
21 through 58 of this act may be cited as the "African American  
22 Cultural Center Act".

23 SECTION 52. [NEW MATERIAL] DEFINITIONS.--As used in the  
24 African American Cultural Center Act:

25 A. "board" means the board of directors of the

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1 center;

2 B. "center" means the African American performing  
3 arts center;

4 C. "director" means the director of the division;

5 D. "division" means the African American cultural  
6 division of the tourism and cultural affairs department; and

7 E. "secretary" means the secretary of tourism and  
8 cultural affairs.

9 SECTION 53. [NEW MATERIAL] AFRICAN AMERICAN CULTURAL  
10 DIVISION--CREATION--PROPERTY.--

11 A. The "African American cultural division" is  
12 created within the tourism and cultural affairs department.  
13 The principal facility of the division shall be known as the  
14 "African American performing arts center".

15 B. All property, real or personal, now held or  
16 subsequently acquired for the operation of the center shall  
17 be under the control and authority of the board.

18 C. Funds or other property received by gift,  
19 endowment or legacy shall remain under the control of the  
20 board and shall, upon acceptance, be employed for the purpose  
21 specified.

22 SECTION 54. [NEW MATERIAL] BOARD OF DIRECTORS--  
23 CREATED--APPOINTMENT--TERMS--OFFICERS.--

24 A. The "board of directors of the African American  
25 performing arts center" is created. The board shall consist

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1 of fifteen residents of New Mexico appointed by the governor  
2 with the advice and consent of the senate. Two of the  
3 appointees shall be employees of state institutions of higher  
4 education or appropriate state agencies. In making the  
5 appointments, the governor shall give due consideration to:

6 (1) the ethnic, economic and geographic  
7 diversity of the state;

8 (2) individuals who have demonstrated an  
9 awareness of and support for traditional and contemporary  
10 African American culture, arts and humanities, including a  
11 strong knowledge of New Mexico's African American history;  
12 and

13 (3) individuals who are knowledgeable in the  
14 areas of African American performing and visual arts and oral  
15 traditions; genealogy; family issues; education; business; or  
16 administration.

17 B. Of the initial appointees, five members shall be  
18 appointed for four-year terms, five members shall be  
19 appointed for three-year terms and five members shall be  
20 appointed for two-year terms. All subsequent members shall  
21 be appointed for four-year terms.

22 C. A majority of the board members currently  
23 serving shall constitute a quorum at any meeting or hearing.

24 D. A member failing to attend three consecutive  
25 meetings after receiving proper notice shall be recommended

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1 for removal by the governor. The governor may also remove  
2 any member of the board for neglect of any duty required by  
3 law, for incompetency, for unprofessional conduct or for  
4 violating any provision of the African American Cultural  
5 Center Act. If a vacancy occurs on the board, the governor  
6 shall appoint another member to complete the unexpired term.

7 E. The director shall be an ex-officio nonvoting  
8 member of the board.

9 F. The governor shall designate the president of  
10 the board, who shall serve in that capacity at the pleasure  
11 of the governor.

12 SECTION 55. [NEW MATERIAL] BOARD--POWERS AND  
13 DUTIES.--The board shall:

14 A. exercise trusteeship over the collections of the  
15 center;

16 B. accept and hold title to all property for the  
17 center's use;

18 C. review annually the performance of the director  
19 and report its findings to the secretary;

20 D. enter into agreements or contracts with public  
21 or private organizations or agencies or with individuals for  
22 the purpose of obtaining real or personal property for the  
23 center's use;

24 E. authorize the director to solicit and receive  
25 funds or property of any nature for the development of the

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1 center, its collections and its programs;

2 F. adopt such regulations as may be necessary to  
3 carry out the provisions of the African American Cultural  
4 Center Act; and

5 G. establish the policy, determine the mission and  
6 direct the development of the center.

7 SECTION 56. [NEW MATERIAL] DIRECTOR--APPOINTMENT--  
8 QUALIFICATIONS.--

9 A. The director shall be appointed by the  
10 secretary, with the approval of the governor, from a list of  
11 qualified finalists provided by the board.

12 B. Subject to the authority of the secretary, the  
13 director shall be the administrative and executive officer of  
14 the division. The director shall be exempt from the  
15 provisions of the Personnel Act.

16 SECTION 57. [NEW MATERIAL] DIRECTOR--POWERS AND  
17 DUTIES.--Subject to the policies agreed to by the board, the  
18 director:

19 A. shall be responsible for the administration of  
20 the division and for the operation of the center, in  
21 accordance with all appropriate statutes and regulations;

22 B. shall develop exhibits and programs displaying  
23 African American culture, arts and humanities for the benefit  
24 of the public and with particular concern for the interests  
25 of the schools in the state;

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1 C. shall acquire, by donation or other means of  
2 acquisition, collections and related materials appropriate to  
3 an African American performing arts center and shall direct  
4 research as is appropriate to render the collections  
5 beneficial to the public;

6 D. shall employ such professional staff and other  
7 employees as are necessary for the operation of the center in  
8 accordance with the provisions of the Personnel Act;

9 E. may solicit and receive funds or property of any  
10 nature for the development of the center;

11 F. may enter into contracts with public or private  
12 organizations or agencies or with individuals for the  
13 performance of services related to the location,  
14 preservation, development, study or salvage of African  
15 American cultural materials;

16 G. shall cooperate with institutions of higher  
17 education and other agencies and political subdivisions of  
18 municipal, state and federal governments to establish,  
19 maintain and extend the programs of the center;

20 H. may impose and collect admission fees and  
21 conduct retail sales as are normal for the operation of the  
22 center;

23 I. shall perform other appropriate duties as may be  
24 delegated by the governor, by the secretary or the  
25 secretary's successor or by the board, or as may be provided

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1 by law;

2 J. may publish journals, books, reports and other  
3 materials as are appropriate to the operation of the center;  
4 and

5 K. may, as authorized by the board, lend collection  
6 materials to qualified institutions and agencies for purposes  
7 of exhibition and study and borrow collection materials from  
8 other institutions and agencies for the same purpose.

9 SECTION 58. [NEW MATERIAL] BOARD--COMPENSATION.--The  
10 members of the board are entitled to receive per diem and  
11 mileage as provided in the Per Diem and Mileage Act and shall  
12 receive no other compensation, perquisite or allowance.

13 SECTION 59. Section 18-14-3 NMSA 1978 (being Laws 2003,  
14 Chapter 250, Section 3, as amended) is amended to read:

15 "18-14-3. MUSEUM--LOCATION--PROPERTY.--

16 A. The "New Mexico film museum" is created within  
17 the tourism and cultural affairs department. The museum  
18 shall be located in Santa Fe.

19 B. All real or personal property held or  
20 subsequently acquired for the operation of the museum shall  
21 be under the control and authority of the board.

22 C. Funds or other property received as a gift,  
23 endowment or legacy shall remain under the control of the  
24 board and shall, upon acceptance, be used for the operation  
25 of the museum."

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1           SECTION 60. Section 18-15-2 NMSA 1978 (being Laws 2007,  
2 Chapter 83, Section 2) is amended to read:

3           "18-15-2. DEFINITIONS.--As used in the Rural Library  
4 Development Act:

5           A. "division" means the library division of the  
6 tourism and cultural affairs department; and

7           B. "rural library" means a public library in a  
8 municipality or unincorporated village, [~~tribes, Indian~~  
9 ~~nations, pueblos~~] a tribe, an Indian nation, a pueblo or a  
10 community with a population of less than fifteen thousand as  
11 determined by the latest federal decennial census."

12           SECTION 61. Section 18-16-2 NMSA 1978 (being Laws 2009,  
13 Chapter 13, Section 2) is amended to read:

14           "18-16-2. DEFINITIONS.--As used in the Music Commission  
15 Act:

16           A. "commission" means the music commission;

17           B. "department" means the tourism and cultural  
18 affairs department; and

19           C. "division" means the arts division of the  
20 department."

21           SECTION 62. Section 18-17-2 NMSA 1978 (being Laws 2009,  
22 Chapter 33, Section 2) is amended to read:

23           "18-17-2. DEFINITIONS.--As used in the Veterans Museum  
24 Act:

25           A. "board" means the board of trustees of the

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1 museum;

2 B. "director" means the director of the division;

3 C. "division" means the veterans museum division of  
4 the tourism and cultural affairs department;

5 D. "museum" means the New Mexico veterans museum;

6 and

7 E. "secretary" means the secretary of tourism and  
8 cultural affairs."

9 SECTION 63. Section 18-17-3 NMSA 1978 (being Laws 2009,  
10 Chapter 33, Section 3) is amended to read:

11 "18-17-3. VETERANS MUSEUM DIVISION CREATED--LOCATION--  
12 PROPERTY.--

13 A. The "veterans museum division" is created in the  
14 tourism and cultural affairs department. The principal  
15 facility of the division is the "New Mexico veterans museum"  
16 located in Las Cruces. The site shall be held in the name of  
17 the state.

18 B. All property, real or personal, now held or  
19 subsequently acquired for the operation of the museum shall  
20 be under the control and authority of the board.

21 C. Funds or other property received by gift,  
22 endowment or legacy shall remain under the control of the  
23 board and shall, upon acceptance, be employed for the purpose  
24 specified."

25 SECTION 64. Section 21-2-6 NMSA 1978 (being Laws 1978,  
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1 Chapter 54, Section 1, as amended) is amended to read:

2 "21-2-6. STATEWIDE PLANNING--PARTICIPATING AGENCIES AND  
3 PERSONS.--

4 A. The state commission in carrying out its  
5 planning activities for post-secondary education shall  
6 consult with and invite the active participation of:

7 (1) representatives of post-secondary  
8 educational institutions of the several types enumerated in  
9 Paragraph (2) of Subsection A of Section 21-2-2 NMSA 1978;

10 (2) the public education commission;

11 (3) the public education department;

12 (4) representatives of public and private  
13 elementary and secondary schools;

14 (5) the secretary of [~~labor~~] workforce  
15 solutions;

16 (6) the tourism and cultural affairs  
17 department;

18 (7) the apprenticeship council;

19 (8) the economic development department;

20 (9) the state advisory council on vocational  
21 education;

22 (10) the secretary of finance and  
23 administration or the secretary's designee;

24 (11) persons familiar with the education needs  
25 of persons with a disability and persons disadvantaged by

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1 economic, racial or ethnic status;

2 (12) representatives of business, industry,  
3 organized labor and agriculture;

4 (13) the general public; and

5 (14) private in-state post-secondary  
6 institutions.

7 B. Whenever the planning activities carried out  
8 under the provisions of Section 21-2-5 NMSA 1978 are  
9 concerned with the types of post-secondary education  
10 enumerated in Subparagraphs (a) through (e) of Paragraph (1)  
11 of Subsection A of Section 21-2-2 NMSA 1978, the state  
12 commission shall directly involve the public education  
13 commission and the public education department in all  
14 planning activities."

15 SECTION 65. Section 67-3-17 NMSA 1978 (being Laws 1967,  
16 Chapter 20, Section 2, as amended) is amended to read:

17 "67-3-17. SNOW REMOVAL FROM DESIGNATED SKIING AREA  
18 PARKING FACILITIES.--The state transportation commission is  
19 hereby authorized and empowered to remove any snow that it  
20 deems to be an obstacle to the parking of motor vehicles at  
21 any parking area that serves a skiing area. If the parking  
22 area is on lands owned by or leased from the state,  
23 municipal, county or federal government, the cost of snow  
24 removal shall be borne by the state as in the case of road  
25 maintenance. If the parking facilities are on private lands,

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1 the person in control of the skiing area shall be liable for  
2 the payment of such sum, not less than actual cost, as the  
3 state transportation commission decides to be the reasonable  
4 value of such snow removal. For the purposes of this  
5 section, the phrase "skiing area" shall mean any lands or  
6 areas used for the sport of skiing and recognized by the  
7 tourism and cultural affairs department as a tourist  
8 attraction."

9 SECTION 66. Section 67-16-3 NMSA 1978 (being Laws 1985,  
10 Chapter 23, Section 3, as amended) is amended to read:

11 "67-16-3. DEFINITIONS.--As used in the Litter Control  
12 and Beautification Act:

13 A. "keep America beautiful system" means a  
14 comprehensive program to improve waste handling practices and  
15 the control of litter;

16 B. "keep New Mexico beautiful, incorporated" is the  
17 statewide organization that is the official clearinghouse for  
18 beautification projects in the state;

19 C. "council" means the litter control council;

20 D. "department" means the tourism and cultural  
21 affairs department;

22 E. "litter" means weeds, graffiti and all waste  
23 material, including disposable packages or containers, but  
24 not including the waste of the primary processes of mining,  
25 logging, sawmilling or farming;

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1           F. "person" means an individual, corporation,  
2 partnership, association, firm, receiver, guardian, trustee,  
3 executor, administrator, fiduciary or representative or group  
4 of individuals or entities of any kind;

5           G. "public place" means an area that is used or  
6 held out for use by the public, whether owned or operated by  
7 public or private interests; and

8           H. "recycling" means the collection, separation or  
9 processing and return to the economic mainstream of raw  
10 materials or products that would otherwise become solid  
11 waste."

12           **SECTION 67. TEMPORARY PROVISION--TRANSFERS.--**

13           A. All functions, personnel, money, appropriations,  
14 records, files, furniture, equipment and other property of  
15 the cultural affairs department are transferred to the  
16 tourism and cultural affairs department.

17           B. All functions, personnel, money, appropriations,  
18 records, files, furniture, equipment and other property of  
19 the tourism department are transferred to the tourism and  
20 cultural affairs department.

21           C. All contractual obligations of the cultural  
22 affairs department are binding on the tourism and cultural  
23 affairs department.

24           D. All contractual obligations of the tourism  
25 department are binding on the tourism and cultural affairs

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1 department.

2 E. All statutory references to the cultural affairs  
3 department shall be deemed to be references to the tourism  
4 and cultural affairs department.

5 F. All statutory references to the tourism  
6 department shall be deemed to be references to the tourism  
7 and cultural affairs department.

8 G. Any money remaining in the Fort Stanton  
9 development fund is transferred to the general fund.

10 SECTION 68. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,  
11 PROPERTY, CONTRACTS AND REFERENCES IN LAW.--

12 A. All personnel, appropriations, money, records,  
13 equipment, supplies and other property of the state fair  
14 commission and the New Mexico state fair specific to the  
15 African American performing arts center at the New Mexico  
16 state fairgrounds in Albuquerque in Bernalillo county are  
17 transferred to the tourism and cultural affairs department.

18 B. All contracts of the state fair commission and  
19 the New Mexico state fair relating to the African American  
20 performing arts center at the New Mexico state fairgrounds in  
21 Albuquerque in Bernalillo county are binding and effective on  
22 the tourism and cultural affairs department.

23 SECTION 69. NEW MEXICO STATE FAIR AFRICAN AMERICAN  
24 PERFORMING ARTS CENTER ADDITION--CHANGE AGENCY--EXTEND  
25 TIME--SEVERANCE TAX BONDS.--The unexpended balance of the

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1 appropriation to the state fair commission in Subsection 1 of  
2 Section 16 of Chapter 92 of Laws 2008 for an addition to the  
3 African American performing arts center and exhibit hall at  
4 the New Mexico state fairgrounds in Albuquerque in Bernalillo  
5 county is appropriated to the tourism and cultural affairs  
6 department for that purpose. The time of expenditure is  
7 extended through fiscal year 2014.

8 SECTION 70. NEW MEXICO STATE FAIR AFRICAN AMERICAN  
9 PERFORMING ARTS CENTER GROUNDS--CHANGE AGENCY--EXTEND  
10 TIME--GENERAL FUND.--The unexpended balance of the  
11 appropriation to the state fair commission in Laws 2008,  
12 Chapter 92, Section 49 to plan, design and landscape the  
13 grounds at the African American performing arts center at the  
14 New Mexico state fairgrounds in Albuquerque in Bernalillo  
15 county is appropriated to the tourism and cultural affairs  
16 department for that purpose. The time of expenditure is  
17 extended through fiscal year 2014.

18 SECTION 71. REPEAL.--

19 A. The Fort Stanton development commission and  
20 fund, Sections 9-6-12 through 9-6-14 NMSA 1978 (being Laws  
21 2003, Chapter 126, Sections 1 through 3) are repealed.

22 B. The Tourism Department Act, Sections 9-15A-1  
23 through 9-15A-11 NMSA 1978 (being Laws 1991, Chapter 21,  
24 Sections 1 through 4; Laws 2003, Chapter 299, Section 1; Laws  
25 1991, Chapter 21, Sections 5 through 7; Laws 1996, Chapter

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1 25, Section 1; Laws 1993, Chapter 101, Sections 10 and 11;  
2 and Laws 2007, Chapter 286, Sections 2 and 3 and Laws 2007,  
3 Chapter 287, Sections 2 and 3, as amended) is repealed.

4 C. The New Mexico artisans business development  
5 program, Section 9-15-35 NMSA 1978 (being Laws 1991, Chapter  
6 27, Section 1) is repealed.

7 SECTION 72. EMERGENCY.--It is necessary for the public  
8 peace, health and safety that this act take effect  
9 immediately.

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