

HOUSE HEALTH, GOVERNMENT AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 637

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CHANGING MEMBERSHIP OF THE NATIONAL HISPANIC CULTURAL CENTER
BOARD; CHANGING THE POWERS OF THE BOARD.

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

SECTION 1. Section 18-12-4 NMSA 1978 (being Laws 1993,
Chapter 42, Section 4, as amended) is amended to read:

"18-12-4. BOARD OF DIRECTORS--CREATED--APPOINTMENT--
TERMS--OFFICERS.--

A. The "board of directors of the national Hispanic
cultural center" is created. The board shall consist of
fifteen residents of New Mexico appointed by the governor with
the advice and consent of the senate. Two of the appointees
shall be employees of state institutions of higher education or
appropriate state agencies. If the board has an operating

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underscored material = new
[bracketed material] = delete

1 agreement with a nonprofit organization that complies with
2 Section 6-5A-1 NMSA 1978, the nonprofit organization with which
3 the operating agreement is made may nominate two of its board
4 members to the governor for appointment to one-year terms. If
5 a vacancy occurs in either of these two positions, the
6 nonprofit organization's governing board may nominate a
7 replacement.

8 B. In making the appointments, the governor shall
9 give due consideration to:

10 (1) the ethnic, economic and geographic
11 diversity of the state;

12 (2) individuals who have demonstrated an
13 awareness of and support for traditional and contemporary
14 Hispanic culture, arts and humanities, including a strong
15 knowledge of New Mexico Hispanic history; and

16 (3) individuals who are knowledgeable in the
17 areas of Hispanic performing, visual and oral arts, genealogy,
18 family issues, education, business and administration.

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

23 C. Except as provided in this section, members
24 shall be appointed for four-year terms.

25 ~~[E.]~~ D. A majority of the board members currently

1 serving shall constitute a quorum at any meeting or hearing.

2 ~~[D.]~~ E. Any member failing to attend three
3 consecutive meetings after receiving proper notice shall be
4 recommended for removal by the governor. The governor may also
5 remove any member of the board for neglect of any duty required
6 by law, for incompetency, for unprofessional conduct or for
7 violating any provisions of the National Hispanic Cultural
8 Center Act. If a vacancy occurs on the board, the governor
9 shall appoint another member to complete the unexpired term.

10 ~~[E.]~~ F. The executive director shall be an ex-
11 officio nonvoting member of the board.

12 ~~[F.]~~ G. The governor shall designate the president
13 of the board, who shall serve in that capacity at the pleasure
14 of the governor."

15 **SECTION 2.** Section 18-12-5 NMSA 1978 (being Laws 1993,
16 Chapter 42, Section 5, as amended) is amended to read:

17 "18-12-5. BOARD--POWERS AND DUTIES.--

18 A. The board shall:

19 ~~[A.]~~ (1) exercise trusteeship over the
20 collections of the center;

21 ~~[B.]~~ (2) accept and hold title to all property
22 for the center's use;

23 ~~[C.]~~ (3) review annually the performance of
24 the director and report its findings to the secretary of
25 cultural affairs;

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1 ~~[D-]~~ (4) enter into agreements or contracts
2 with private or public organizations, agencies or individuals
3 for the purpose of obtaining real or personal property for the
4 center's use;

5 ~~[E-]~~ (5) authorize the director to solicit and
6 receive funds or property of any nature for the development of
7 the center, its collections and its programs;

8 ~~[F-]~~ (6) adopt such rules as may be necessary
9 to carry out the provisions of the National Hispanic Cultural
10 Center Act; and

11 ~~[G-]~~ (7) establish policy, determine the
12 mission and direct the development of the center.

13 B. The board may, beginning July 1, 2013, enter
14 into or remain a party to an operating agreement with a
15 nonprofit organization only if the operating agreement allows
16 the board to appoint, at its sole discretion, two of the
17 board's voting members to the governing board of the nonprofit
18 organization, and only if the governing board of the nonprofit
19 organization has at least five members.

20 C. If a person is concurrently a member of the
21 board and a member of a governing board of a nonprofit
22 organization that has an operating agreement with the board
23 that complies with Section 6-5A-1 NMSA 1978, the person shall
24 not vote on matters relating to the operating agreement."