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AN ACT

RELATING TO CULTURAL AFFAIRS; STANDARDIZING MUSEUM AND
MONUMENT BOARD AND DIRECTOR DUTIES; AUTHORIZING THE HISTORIC
PRESERVATION DIVISION TO CHARGE FEES FOR CERTAIN SERVICES;
PROVIDING OTHER CLEANUP OF STATUTES; AMENDING, REPEALING,
ENACTING AND RECOMPILING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 18-3-9 NMSA 1978 (being Laws 2005,
Chapter 277, Section 1) is recompiled as Section 9-4A-22
NMSA 1978 and is amended to read:

"9-4A-22. STATE MUSEUMS IMPROVEMENTS AND EXHIBITS FUND
CREATED--USE.--

A. The "state museums improvements and exhibits
fund" is created in the state treasury. The fund consists
of:

- (1) money appropriated and transferred to
the fund;
 - (2) gifts, grants, donations and bequests;
- and
- (3) fifteen percent of the state museums'
admission fees, facilities rentals and revenues earned from
licensure or sale of intellectual property.

B. Earnings from investment of the state museums
improvements and exhibits fund shall be credited to the fund.

1 Money in the fund is appropriated to the department to be
2 distributed to state museums pursuant to the provisions of
3 this section. Any unexpended or unencumbered balance
4 remaining at the end of a fiscal year shall not revert.
5 Disbursements from the fund shall be made upon warrants drawn
6 by the secretary of finance and administration pursuant to
7 vouchers signed by the secretary of cultural affairs.

8 C. Money in the state museums improvements and
9 exhibits fund shall be expended by the department for
10 development, implementation and maintenance of exhibitions at
11 state museums and for maintenance and repairs of state museum
12 facilities. Revenues in the fund earned by a specific
13 division shall be expended by that division.

14 D. As used in this section, "state museum" means a
15 museum, historic site, monument, cultural center or
16 laboratory administered by the department."

17 SECTION 2. Section 14-3-3 NMSA 1978 (being Laws 1959,
18 Chapter 245, Section 3, as amended) is amended to read:

19 "14-3-3. STATE COMMISSION OF PUBLIC RECORDS--
20 CREATION.--

21 A. A "state commission of public records" is
22 established consisting of:

- 23 (1) the secretary of state;
- 24 (2) the secretary of general services;
- 25 (3) the librarian of the supreme court law

1 library;

2 (4) the secretary of cultural affairs;

3 (5) the state auditor;

4 (6) the attorney general; and

5 (7) a recognized, professionally trained

6 historian in the field of New Mexico history, who is a
7 resident in New Mexico, appointed by the governor for a term
8 of six years.

9 B. Each member of the commission may designate an
10 alternate to serve in the member's stead.

11 C. The commission shall elect one of its members
12 to be chair and another to be secretary. The members of the
13 commission shall serve without compensation other than actual
14 expenses of attending meetings of the commission or while in
15 performance of their official duties in connection with the
16 business of the commission.

17 D. The commission shall hold not less than four
18 meetings during each calendar year and may hold special
19 meetings as may be necessary to transact business of the
20 commission. All meetings shall be called by the chair or
21 when requested in writing by any two members of the
22 commission. Four members of the commission shall constitute
23 a quorum.

24 E. The administrator shall attend all meetings of
25 the commission."

1 SECTION 3. Section 18-3-3 NMSA 1978 (being Laws 1978,
2 Chapter 164, Section 2, as amended) is amended to read:

3 "18-3-3. MUSEUM OF NEW MEXICO BOARD OF REGENTS--POWERS
4 AND DUTIES.--The museum board of regents shall:

5 A. elect from among its members a president and
6 other officers deemed necessary by it;

7 B. establish museum of New Mexico policy and
8 determine the mission and direct the development of the
9 museum;

10 C. solicit funds for the purpose of developing,
11 restoring and equipping the museum and its property and for
12 the purchase of objects and works of art for its collections
13 and for the development of exhibits and other public
14 programs;

15 D. exercise trusteeship over the collections of
16 the museum;

17 E. hold title to all property for museum use;

18 F. acquire objects of historical, archaeological
19 and ethnological interest and works of fine art, folk art and
20 craft of interest to the public and real property for museum
21 use or benefit by purchase, donation and bequest;

22 G. adopt rules as appropriate governing:

23 (1) the loan of objects and exhibits to
24 qualified institutions and agencies for the purpose of
25 exhibition;

1 (2) gifts, donations or loans of exhibit or
2 collection materials for the museum;

3 (3) the licensure of the museum's
4 intellectual property; and

5 (4) other matters necessary to carry out the
6 provisions of Chapter 18, Article 3 NMSA 1978;

7 H. enter into leases with public or private
8 agencies or organizations for the use of museum premises or
9 facilities as appropriate for periods that exceed forty-five
10 days;

11 I. cooperate with other agencies and political
12 subdivisions of municipal, state, tribal and federal
13 governments and private organizations and individuals to the
14 extent necessary to establish and maintain the museum and its
15 programs;

16 J. subject to other provisions of law and
17 excepting temporary statewide initiatives of the secretary of
18 cultural affairs, impose admission fees to the museum
19 facilities and programs; and

20 K. review annually the performance of its
21 directors and report its findings to the secretary of
22 cultural affairs."

23 SECTION 4. A new Section 18-3-18 NMSA 1978 is enacted
24 to read:

25 "18-3-18. MUSEUM OF NEW MEXICO DIVISIONS--DIRECTORS--

1 POWERS AND DUTIES.--Consistent with the policies of the
2 secretary of cultural affairs and the board of regents, each
3 director of a museum of New Mexico division:

4 A. may:

5 (1) solicit and receive funds or property,
6 including federal funds and public and private grants, for
7 the development of the museum, its collections and its
8 programs;

9 (2) as authorized by the secretary, enter
10 into contracts related to the programs and operations of the
11 museum, including services related to the location,
12 acquisition, preservation, restoration, salvage or
13 development of culturally related sites, structures or
14 objects in the state;

15 (3) as authorized by the board of regents,
16 lend collections or materials to qualified persons for
17 purposes of exhibition and study and borrow collections or
18 materials from other persons for like purposes;

19 (4) conduct facilities rentals for
20 forty-five days or less and such retail sales as appropriate
21 for the operation of the museum; and

22 (5) publish journals, books, reports and
23 other materials as appropriate to the operation of the
24 museum; and

25 B. shall:

1 (1) administer and operate the museum in
2 accordance with applicable statutes and rules;

3 (2) develop exhibits and programs of an
4 educational nature for the benefit of the public and in
5 particular the students of the state;

6 (3) recommend acquisitions to the board of
7 regents, by donation or other means, of collections and
8 related materials appropriate to the mission of the museum;

9 (4) direct research, preservation and
10 conservation as is appropriate to render the collections
11 beneficial to the public;

12 (5) cooperate with educational institutions
13 and other agencies and political subdivisions of state,
14 tribal and federal governments to establish, maintain and
15 extend the programs of the museum;

16 (6) employ and discharge personnel necessary
17 for the operation of the museum in accordance with the
18 provisions of the Personnel Act;

19 (7) propose budgets for operations and
20 capital improvements;

21 (8) collect admission fees as determined by
22 the board of regents; and

23 (9) perform such other appropriate duties as
24 may be delegated by the board of regents, the secretary of
25 cultural affairs or the governor or as may be provided by

1 law."

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

4 "18-3A-7. BOARD--POWERS AND DUTIES.--The board shall:

5 A. exercise trusteeship over the collections of
6 the museum;

7 B. accept and hold title to all property for
8 museum use;

9 C. acquire objects of natural history and science
10 of interest to the public and real property for museum use or
11 benefit by purchase, donation or bequest;

12 D. review annually the performance of the director
13 and report its findings to the secretary of cultural affairs;

14 E. adopt rules as appropriate governing:

15 (1) the loan of objects and exhibits to
16 qualified institutions and agencies for the purpose of
17 exhibition;

18 (2) gifts, donations or loans of exhibit or
19 collection materials for museum use;

20 (3) the licensure of the museum's
21 intellectual property; and

22 (4) other matters necessary to carry out the
23 provisions of this section;

24 F. enter into leases with public or private
25 organizations or agencies for the use of museum premises or

1 facilities for periods of time that exceed forty-five days;

2 G. solicit funds or property of any nature for the
3 development, restoration or equipping of the museum, its
4 collections, exhibits and programs;

5 H. cooperate with other agencies and political
6 subdivisions of state, tribal and federal governments and
7 private organizations and individuals to the extent necessary
8 to establish and maintain the museum and its programs;

9 I. subject to other provisions of law and
10 excepting temporary statewide initiatives of the secretary of
11 cultural affairs, impose admission fees to the museum
12 facilities and programs; and

13 J. establish museum policy and determine the
14 mission and direct the development of the institution subject
15 to the approval of the secretary of cultural affairs."

16 SECTION 6. Section 18-3A-9 NMSA 1978 (being Laws 1980,
17 Chapter 128, Section 9, as amended) is repealed and a new
18 Section 18-3A-9 NMSA 1978 is enacted to read:

19 "18-3A-9. DIRECTOR--POWERS AND DUTIES.--Consistent with
20 the policies agreed to by the board and the secretary of
21 cultural affairs, the director:

22 A. may:

23 (1) solicit and receive funds or property,
24 including federal funds and public and private grants, for
25 the development of the museum, its collections and its

1 programs;

2 (2) as authorized by the secretary, enter
3 into contracts related to the programs and operations of the
4 museum, including services related to the location,
5 acquisition, preservation, restoration, salvage or
6 development of culturally related sites, structures or
7 objects in the state;

8 (3) as authorized by the board, lend
9 collections or materials to qualified persons for purposes of
10 exhibition and study and borrow collections or materials from
11 other persons for like purposes;

12 (4) conduct facilities rentals for
13 forty-five days or less and such retail sales as appropriate
14 for the operation of the museum; and

15 (5) publish journals, books, reports and
16 other materials as appropriate to the operation of the
17 museum; and

18 B. shall:

19 (1) administer and operate the museum in
20 accordance with applicable statutes and rules;

21 (2) develop exhibits and programs of an
22 educational nature for the benefit of the public and in
23 particular the students of the state;

24 (3) recommend acquisitions to the board, by
25 donation or other means, of collections and related materials

1 appropriate to the mission of the museum;

2 (4) direct research, preservation and
3 conservation as is appropriate to render the collections
4 beneficial to the public;

5 (5) cooperate with educational institutions
6 and other agencies and political subdivisions of state,
7 tribal and federal governments to establish, maintain and
8 extend the programs of the museum;

9 (6) employ and discharge personnel necessary
10 for the operation of the museum in accordance with the
11 provisions of the Personnel Act;

12 (7) propose budgets for operations and
13 capital improvements;

14 (8) collect admission fees as determined by
15 the board; and

16 (9) perform such other appropriate duties as
17 may be delegated by the board, the secretary of cultural
18 affairs or the governor or as may be provided by law."

19 SECTION 7. Section 18-6-8 NMSA 1978 (being Laws 1977,
20 Chapter 246, Section 38, as amended) is amended to read:

21 "18-6-8. STATE HISTORIC PRESERVATION OFFICER--
22 APPOINTMENT--QUALIFICATIONS--DUTIES.--

23 A. The "historic preservation division" is created
24 within the cultural affairs department.

1 B. The state historic preservation officer shall
2 be the director of the division and shall be hired by the
3 secretary of cultural affairs with the consent of the
4 governor. The position's qualifications shall be consistent
5 with but not limited to the following:

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

8 (2) at least five years of professional
9 experience in American history, anthropology, architecture or
10 historic preservation or any combination of these; or

11 (3) a substantial contribution through
12 research and publication to the body of scholarly knowledge
13 in the field of American history, anthropology, architecture
14 or historic preservation or any combination of these.

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

25 D. The state historic preservation officer, in

1 conjunction with the secretary of cultural affairs:

2 (1) shall provide staff to the committee;

3 (2) shall maintain the state register of
4 cultural properties;

5 (3) may fund historic site surveys and may
6 fund restorations;

7 (4) shall administer historic preservation
8 tax benefit programs;

9 (5) shall review state undertakings to
10 determine their effect upon significant historic properties;
11 and

12 (6) shall adopt and promulgate rules
13 regulating the use of the division's statewide historic and
14 prehistoric site databases and archives, including a fee
15 schedule to cover the reasonable cost of using the databases
16 and archives.

17 E. Fees collected pursuant to Paragraph (6) of
18 Subsection D of this section shall be used to maintain and
19 administer the division's statewide historic and prehistoric
20 site databases and archives."

21 SECTION 8. Section 18-7-3 NMSA 1978 (being Laws 1978,
22 Chapter 72, Section 3, as amended) is repealed and a new
23 Section 18-7-3 NMSA 1978 is enacted to read:

24 "18-7-3. NEW MEXICO MUSEUM OF SPACE HISTORY

25 COMMISSION--POWERS AND DUTIES.--The New Mexico museum of

1 space history commission shall:

2 A. establish museum of space history policy and
3 determine the mission and direct the development of the
4 museum subject to the approval of the secretary of cultural
5 affairs;

6 B. hold title to all property for museum use;

7 C. exercise trusteeship over the collections of
8 the museum;

9 D. acquire objects relating to the history of
10 rocketry, space flight, astronomy and related fields of
11 interest to the public and real property for museum use or
12 benefit by purchase, donation and bequest;

13 E. solicit funds for the purpose of developing,
14 restoring and equipping the museum and its property and for
15 the purchase of objects and works of art for its collections
16 and for the development of exhibits and other public
17 programs;

18 F. adopt rules as appropriate governing:

19 (1) the loan of objects and exhibits to
20 qualified institutions and agencies for the purpose of
21 exhibition;

22 (2) gifts, donations or loans of exhibit or
23 collection materials for the museum;

24 (3) the licensure of the museum's
25 intellectual property; and

1 (4) other matters necessary to carry out the
2 provisions of Chapter 18, Article 7 NMSA 1978;

3 G. enter into leases with public or private
4 organizations or agencies for the use of museum premises or
5 facilities for periods of time that exceed forty-five days;

6 H. cooperate with other agencies and political
7 subdivisions of state, tribal and federal governments and
8 private organizations and individuals to the extent necessary
9 to establish and maintain the museum and its programs;

10 I. subject to other provisions of law and
11 excepting temporary statewide initiatives of the secretary of
12 cultural affairs, impose admission fees to the museum
13 facilities and programs; and

14 J. review annually the performance of the director
15 and report its findings to the secretary of cultural
16 affairs."

17 SECTION 9. Section 18-7-4 NMSA 1978 (being Laws 1978,
18 Chapter 72, Section 4, as amended) is amended to read:

19 "18-7-4. MUSEUM OF SPACE HISTORY DIRECTOR--
20 APPOINTMENT--QUALIFICATIONS.--

21 A. Subject to the authority of the secretary of
22 cultural affairs, the administrative and executive officer of
23 the museum of space history division and the museum of space
24 history is the "director" of the division.

25 B. The director shall meet the following minimum

1 qualifications:

2 (1) hold a bachelor's or higher degree in a
3 discipline related to the functions of the division; and

4 (2) have significant experience in the
5 management and operation of an organization similar to the
6 division.

7 C. The director of the museum of space history
8 division shall be appointed by the secretary of cultural
9 affairs with the approval of the governor from a list of
10 qualified candidates provided by the museum of space history
11 commission."

12 SECTION 10. A new section of Chapter 18, Article 7 NMSA
13 1978 is enacted to read:

14 "MUSEUM OF SPACE HISTORY DIRECTOR DUTIES.--Consistent
15 with the policies of the secretary of cultural affairs and
16 the New Mexico museum of space history commission, the
17 director of the museum of space history:

18 A. may:

19 (1) solicit and receive funds or property,
20 including federal funds and public and private grants, for
21 the development of the museum, its collections and its
22 programs;

23 (2) as authorized by the secretary, enter
24 into contracts related to the programs and operations of the
25 museum, including services related to the location,

1 acquisition, preservation, restoration, salvage or
2 development of culturally related sites, structures or
3 objects in the state;

4 (3) as authorized by the commission, lend
5 collections or materials to qualified persons for purposes of
6 exhibition and study and borrow collections or materials from
7 other persons for like purposes;

8 (4) conduct facilities rentals for
9 forty-five days or less and such retail sales as appropriate
10 for the operation of the museum; and

11 (5) publish journals, books, reports and
12 other materials as appropriate to the operation of the
13 museum; and

14 B. shall:

15 (1) administer and operate the museum in
16 accordance with applicable statutes and rules;

17 (2) develop exhibits and programs of an
18 educational nature for the benefit of the public and in
19 particular the students of the state;

20 (3) recommend acquisitions to the
21 commission, by donation or other means, of collections and
22 related materials appropriate to the mission of the museum;

23 (4) direct research, preservation and
24 conservation as is appropriate to render the collections
25 beneficial to the public;

1 (5) cooperate with educational institutions
2 and other agencies and political subdivisions of state,
3 tribal and federal governments to establish, maintain and
4 extend the programs of the museum;

5 (6) employ and discharge personnel necessary
6 for the operation of the museum in accordance with the
7 provisions of the Personnel Act;

8 (7) propose budgets for operations and
9 capital improvements;

10 (8) collect admission fees as determined by
11 the commission; and

12 (9) perform such other appropriate duties as
13 may be delegated by the commission, the secretary of cultural
14 affairs or the governor or as may be provided by law."

15 SECTION 11. Section 18-11-5 NMSA 1978 (being Laws 1991,
16 Chapter 48, Section 5, as amended) is amended to read:

17 "18-11-5. BOARD CREATED--APPOINTMENT--TERMS--
18 OFFICERS.--

19 A. The "board of the farm and ranch heritage
20 museum" is created.

21 B. The board shall consist of one nonvoting member
22 and eleven voting members who are residents of New Mexico, as
23 follows:

24 (1) nine members shall be appointed by the
25 governor with the advice and consent of the senate. Five of

1 those nine members shall be farmers or ranchers and four
2 members shall be from the general public. The five farmer
3 and rancher members of the original board shall be appointed
4 from a list of eight names submitted by the board of
5 directors of the New Mexico farm and ranch heritage institute
6 foundation, incorporated, from a list of persons recommended
7 by farm and ranch organizations. When a vacancy occurs in
8 any of the five farmer and rancher positions, two names shall
9 be submitted to the governor by the board for each vacancy
10 from a list of persons recommended by farm and ranch
11 organizations. No more than five of the nine appointed
12 members shall be from the same political party. In making
13 these appointments, due consideration shall be given to the
14 distribution of places of residence and to individual
15 interests and backgrounds in farming and ranching.
16 Initially, two members shall be appointed for terms of two
17 years, three members shall be appointed for terms of three
18 years and three members shall be appointed for terms of four
19 years. The member appointed pursuant to this 2015 amendment
20 shall serve an initial term of two years. Thereafter,
21 members of the board shall be appointed for terms of four
22 years or less so that the staggered expiration dates are
23 maintained;

24 (2) the following shall have permanent seats
25 on the board:

1 (a) the director of the New Mexico
2 department of agriculture or the director's designee; and

3 (b) the dean of the college of
4 agriculture and home economics of New Mexico state university
5 or the dean's designee; and

6 (3) the director shall be a nonvoting member
7 of the board.

8 C. A member of the board shall not be removed
9 during the member's term except for misconduct, incompetence,
10 neglect of duty or malfeasance in office. No removal shall
11 be made without prior approval of the senate.

12 D. The chair of the board and other officers, as
13 deemed necessary by the board, shall be elected by the board
14 annually at its first scheduled meeting after July 1."

15 SECTION 12. Section 18-11-7 NMSA 1978 (being Laws 1991,
16 Chapter 48, Section 7, as amended) is amended to read:

17 "18-11-7. BOARD--POWERS AND DUTIES.--The board shall:

18 A. establish museum policy and determine the
19 mission and direct the development of the museum subject to
20 the approval of the secretary of cultural affairs;

21 B. exercise trusteeship over the collections of
22 the museum;

23 C. accept and hold title to all property for
24 museum use;

25 D. acquire objects relating to farming and

1 ranching of interest to the public and real property for
2 museum use or benefit by purchase, donation or bequest;

3 E. adopt rules as appropriate governing:

4 (1) the loan of objects and exhibits to
5 qualified institutions and agencies for the purpose of
6 exhibition;

7 (2) gifts, donations or loans of exhibits or
8 collection materials for the museum;

9 (3) the licensure of the museum's
10 intellectual property; and

11 (4) other matters necessary to carry out the
12 provisions of the Farm and Ranch Heritage Museum Act;

13 F. enter into leases with public or private
14 agencies or organizations for the use of museum premises or
15 facilities for periods of time that exceed forty-five days;

16 G. solicit funds or property for the purpose of
17 developing, restoring and equipping the museum, its
18 collections and its programs and for the purchase of objects
19 for its collections and for the development of exhibits and
20 other public programs;

21 H. cooperate with other agencies and political
22 subdivisions of state, tribal and federal governments and
23 private organizations and individuals to the extent necessary
24 to establish and maintain the museum and its programs;

25 I. subject to other provisions of law and

1 excepting temporary statewide initiatives of the secretary of
2 cultural affairs, impose admission fees to the museum
3 facilities and programs; and

4 J. review annually the performance of the director
5 and report its findings to the secretary of cultural
6 affairs."

7 SECTION 13. Section 18-11-9 NMSA 1978 (being Laws 1991,
8 Chapter 48, Section 9, as amended) is repealed and a new
9 Section 18-11-9 NMSA 1978 is enacted to read:

10 "18-11-9. DIRECTOR--POWERS AND DUTIES.--Consistent with
11 the policies agreed to by the board and the secretary of
12 cultural affairs, the director:

13 A. may:

14 (1) solicit and receive funds or property,
15 including federal funds and public and private grants, for
16 the development of the museum, its collections and its
17 programs;

18 (2) as authorized by the secretary, enter
19 into contracts related to the programs and operations of the
20 museum, including services related to the location,
21 acquisition, preservation, restoration, salvage or
22 development of culturally related sites, structures or
23 objects in the state;

24 (3) as authorized by the board, lend
25 collections or materials to qualified persons for purposes of

1 exhibition and study and borrow collections or materials from
2 other persons for like purposes;

3 (4) conduct facilities rentals for
4 forty-five days or less and such retail sales as appropriate
5 for the operation of the museum; and

6 (5) publish journals, books, reports and
7 other materials as appropriate to the operation of the
8 museum; and

9 B. shall:

10 (1) administer and operate the museum in
11 accordance with applicable statutes and rules;

12 (2) develop exhibits and programs of an
13 educational nature for the benefit of the public and in
14 particular the students of the state;

15 (3) recommend acquisitions to the board, by
16 donation or other means, of collections and related materials
17 appropriate to the mission of the museum;

18 (4) direct research, preservation and
19 conservation as is appropriate to render the collections
20 beneficial to the public;

21 (5) cooperate with educational institutions
22 and other agencies and political subdivisions of state,
23 tribal and federal governments to establish, maintain and
24 extend the programs of the museum;

25 (6) employ and discharge personnel necessary

1 for the operation of the museum in accordance with the
2 provisions of the Personnel Act;

3 (7) propose budgets for operations and
4 capital improvements;

5 (8) collect admission fees as determined by
6 the board; and

7 (9) perform such other appropriate duties as
8 may be delegated by the board, the secretary of cultural
9 affairs or the governor or as may be provided by law."

10 SECTION 14. A new section of the Farm and Ranch
11 Heritage Museum Act is enacted to read:

12 "MUSEUM ADMISSION POLICY.--The board shall establish a
13 policy to allow New Mexico residents age sixty years and over
14 to enter all publicly accessible exhibit and program areas,
15 except special exhibits and programs for which commissions or
16 royalties are paid by contract, free of charge every
17 Wednesday that is not a holiday that the museum is open."

18 SECTION 15. Section 18-12-4 NMSA 1978 (being Laws 1993,
19 Chapter 42, Section 4, as amended) is amended to read:

20 "18-12-4. BOARD OF DIRECTORS--CREATED--APPOINTMENT--
21 TERMS--OFFICERS.--

22 A. The "board of directors of the national
23 Hispanic cultural center" is created. The board shall
24 consist of fifteen residents of New Mexico. Thirteen public
25 members shall be appointed by the governor with the advice

1 and consent of the senate. Two of the appointees shall be
2 employees of state institutions of higher education or
3 appropriate state agencies. In making the appointments, the
4 governor shall give due consideration to:

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

7 (2) individuals who have demonstrated an
8 awareness of and support for traditional and contemporary
9 Hispanic culture, arts and humanities, including a strong
10 knowledge of New Mexico Hispanic history; and

11 (3) individuals who are knowledgeable in the
12 areas of Hispanic performing, visual and oral arts,
13 genealogy, family issues, education, business and
14 administration.

15 B. The public members shall be appointed for
16 staggered four-year terms.

17 C. Two private members shall be appointed by the
18 board of a nonprofit organization that has an operating
19 agreement with the center that complies with the provisions
20 of Section 6-5A-1 NMSA 1978. The private members shall be
21 appointed for one-year terms expiring on June 30 of each
22 year.

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

25 E. A public member failing to attend three

1 consecutive meetings after receiving proper notice shall be
2 recommended for removal by the governor. The governor may
3 also remove a public member of the board for neglect of any
4 duty required by law, for incompetency, for unprofessional
5 conduct or for violating any provisions of the National
6 Hispanic Cultural Center Act. If a vacancy occurs on the
7 board, the original appointing authority shall appoint
8 another member to complete the unexpired term.

9 F. The executive director shall be an ex-officio
10 nonvoting member of the board.

11 G. The governor shall designate the president of
12 the board, who shall serve in that capacity at the pleasure
13 of the governor. The board may elect other officers from
14 among its membership."

15 SECTION 16. 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 (1) exercise trusteeship over the
20 collections of the center;

21 (2) accept and hold title to all property
22 for the center's use;

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

1 (4) acquire objects relating to Hispanic
2 culture and history of interest to the public and real
3 property for the center's use or benefit by purchase,
4 donation and bequest;

5 (5) solicit funds or property for the
6 development of the center, its collections and its programs;

7 (6) adopt rules as appropriate governing:

8 (a) the loan of objects and exhibits to
9 qualified institutions and agencies for the purpose of
10 exhibition;

11 (b) gifts, donations or loans of
12 exhibit or collection materials to the center;

13 (c) the licensure of the center's
14 intellectual property; and

15 (d) other matters necessary to carry
16 out the provisions of the National Hispanic Cultural Center
17 Act;

18 (7) enter into leases with public or private
19 organizations or agencies for the use of center premises or
20 facilities for periods of time that exceed forty-five days;

21 (8) cooperate with other agencies and
22 political subdivisions of municipal, state, tribal and
23 federal governments and private organizations and individuals
24 to the extent necessary to establish and maintain the center
25 and its programs;

1 (9) subject to other provisions of law and
2 excepting temporary statewide initiatives of the secretary of
3 cultural affairs, impose admission fees to the center's
4 facilities and programs; and

5 (10) establish policy, determine the mission
6 and direct the development of the center.

7 B. The board may, beginning July 1, 2015, enter
8 into or remain a party to an operating agreement with a
9 nonprofit organization only if the operating agreement allows
10 the governing board of the nonprofit organization to appoint
11 two of its voting board members to serve on the center's
12 board and only if the governing board of the nonprofit
13 organization has at least five members.

14 C. If a person is concurrently a member of the
15 center's board and a member of the governing board of the
16 nonprofit organization that has an operating agreement with
17 the board that complies with Section 6-5A-1 NMSA 1978, that
18 person shall not vote on matters relating to the operating
19 agreement."

20 SECTION 17. Section 18-12-7 NMSA 1978 (being Laws 1993,
21 Chapter 42, Section 7, as amended) is repealed and a new
22 Section 18-12-7 NMSA 1978 is enacted to read:

23 "18-12-7. DIRECTOR--POWERS AND DUTIES.--Consistent with
24 the policies of the secretary of cultural affairs and the
25 board, the director:

1 A. may:

2 (1) solicit and receive funds or property,
3 including federal funds and public and private grants, for
4 the development of the center, its collections and its
5 programs;

6 (2) as authorized by the secretary, enter
7 into contracts related to the programs and operations of the
8 center, including services related to the location,
9 acquisition, preservation, restoration, salvage or
10 development of culturally related sites, structures or
11 objects in the state;

12 (3) as authorized by the board, lend
13 collections or materials to qualified persons for purposes of
14 exhibition and study and borrow collections or materials from
15 other persons for like purposes;

16 (4) conduct facilities rentals for
17 forty-five days or less and such retail sales as appropriate
18 for the operation of the center; and

19 (5) publish journals, books, reports and
20 other materials as appropriate to the operation of the
21 center; and

22 B. shall:

23 (1) administer and operate the center in
24 accordance with applicable statutes and rules;

25 (2) develop exhibits and programs of an

1 educational nature for the benefit of the public and in
2 particular the students of the state;

3 (3) recommend acquisitions to the board, by
4 donation or other means, of collections and related materials
5 appropriate to the mission of the center;

6 (4) direct research, preservation and
7 conservation as is appropriate to render the collections
8 beneficial to the public;

9 (5) cooperate with educational institutions
10 and other agencies and political subdivisions of state,
11 tribal and federal governments to establish, maintain and
12 extend the programs of the center;

13 (6) employ and discharge personnel necessary
14 for the operation of the center in accordance with the
15 provisions of the Personnel Act;

16 (7) propose budgets for operations and
17 capital improvements;

18 (8) collect admission fees as determined by
19 the board; and

20 (9) perform such other appropriate duties as
21 may be delegated by the board, the secretary of cultural
22 affairs or the governor or as may be provided by law."

23 SECTION 18. A new section of the National Hispanic
24 Cultural Center Act is enacted to read:

25 "MUSEUM ADMISSION POLICY.--The board, the secretary of

1 cultural affairs and the director shall establish and
2 implement a policy to permit New Mexico residents age sixty
3 years and above to enter all publicly accessible visual arts
4 exhibit areas, except special exhibits where commission or
5 royalties are paid by contract, free of charge every
6 Wednesday that is not a holiday that the museum is open."

7 SECTION 19. TEMPORARY PROVISION--RECOMPILATION.--

8 A. Section 9-4A-11 NMSA 1978 (being Laws 1949,
9 Chapter 74, Section 1, as amended) is recompiled as Section
10 18-3-11 NMSA 1978.

11 B. Section 9-4A-13 NMSA 1978 (being Laws 2004,
12 Chapter 25, Section 13, as amended) is recompiled as Section
13 18-3-12 NMSA 1978.

14 C. Section 9-4A-14 NMSA 1978 (being Laws 2004,
15 Chapter 25, Section 14) is recompiled as Section 18-3-13 NMSA
16 1978.

17 D. Section 9-4A-15 NMSA 1978 (being Laws 2004,
18 Chapter 25, Section 15) is recompiled as Section 18-3-14 NMSA
19 1978.

20 E. Section 9-4A-16 NMSA 1978 (being Laws 2004,
21 Chapter 25, Section 16) is recompiled as Section 18-3-15 NMSA
22 1978.

23 F. Section 9-4A-17 NMSA 1978 (being Laws 2004,
24 Chapter 25, Section 17, as amended) is recompiled as Section
25 18-3-16 NMSA 1978.

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G. Section 9-4A-18 NMSA 1978 (being Laws 2004, Chapter 25, Section 18) is recompiled as Section 18-3-17 NMSA 1978.

SECTION 20. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015. _____