

1 AN ACT

2 RELATING TO CULTURAL AFFAIRS; CREATING THE BOARD OF DIRECTORS  
3 OF THE AFRICAN AMERICAN PERFORMING ARTS CENTER; PROVIDING  
4 THAT THE BOARD OF DIRECTORS SHALL OPERATE, MAINTAIN AND STAFF  
5 THE AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL  
6 IN CONSULTATION WITH THE CULTURAL AFFAIRS DEPARTMENT;  
7 TRANSFERRING FUNCTIONS, PERSONNEL, APPROPRIATIONS, MONEY,  
8 RECORDS, EQUIPMENT, SUPPLIES, OTHER PROPERTY AND CONTRACTUAL  
9 OBLIGATIONS.

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

12 SECTION 1. Section 16-6-4 NMSA 1978 (being Laws 1913,  
13 Chapter 46, Section 4, as amended) is amended to read:

14 "16-6-4. POWERS AND DUTIES OF COMMISSION--ANNUAL FAIR--  
15 EXHIBITS--PREMIUMS.--

16 A. The state fair commission shall have power and  
17 authority to hold annually on suitable grounds a state fair  
18 at which shall be exhibited livestock, poultry, vegetables,  
19 fruits, grains, grasses and other farm products, minerals,  
20 ores and other mining exhibits, mining machinery and farm  
21 implements and all other things that the commissioners or a  
22 majority thereof deem consonant with the purposes of a state  
23 fair for the purposes of advancing the agricultural,  
24 horticultural and stock raising, mining, mechanical and  
25 industrial pursuits of the state and shall have the care of

1 its property and be entrusted with the entire direction of  
2 its business and its financial affairs consistent with the  
3 provisions of Sections 16-6-15 and 16-6-16 NMSA 1978.

4 B. The state fair commission or its designees,  
5 among other duties, shall:

6 (1) prepare, adopt, publish and enforce all  
7 necessary rules for the management of the New Mexico state  
8 fair and its meetings and exhibitions and for the guidance of  
9 its officers, employees and exhibitors;

10 (2) determine the duties, compensation and  
11 tenure of office of all of its officers and employees and may  
12 remove from office or discharge any person appointed or  
13 employed by it at will;

14 (3) have the power to appoint all necessary  
15 fairgrounds police to keep order on the grounds and in the  
16 buildings of the state fair. The fairgrounds police so  
17 appointed shall be vested with the same authority for such  
18 purposes as peace officers;

19 (4) have the power to charge entrance fees  
20 and admissions and lease stalls, stands and restaurant sites,  
21 give prizes and premiums, arrange entertainments and do all  
22 things that by the commission may be considered proper for  
23 the conduct of the state fair not otherwise prohibited by  
24 law;

25 (5) prohibit the sale or consumption of

1 alcoholic beverages on the grounds of the state fair except  
2 in controlled access areas within the licensed premises; and

3 (6) meet with the director of the alcoholic  
4 beverage control division of the regulation and licensing  
5 department and other parties in interest to designate the  
6 controlled access areas on which the sale and consumption of  
7 alcoholic beverages may be permitted.

8 C. As used in this section, "alcoholic beverages"  
9 means distilled or rectified spirits, potable alcohol,  
10 brandy, whiskey, rum, gin and aromatic bitters bearing the  
11 federal internal revenue strip stamps or any similar  
12 alcoholic beverage, including blended or fermented beverages,  
13 dilutions or mixtures of one or more of the foregoing  
14 containing more than one-half of one percent alcohol, but  
15 excluding medicinal bitters."

16 SECTION 2. Section 16-6-32 NMSA 1978 (being Laws 2019,  
17 Chapter 82, Section 3) is recompiled as a new section of  
18 Chapter 18 NMSA 1978 and is amended to read:

19 "AFRICAN AMERICAN PERFORMING ARTS CENTER--BOARD OF  
20 DIRECTORS--CREATED--APPOINTMENTS--STAGGERED TERMS OF  
21 MEMBERS--DUTIES.--

22 A. The board of directors of the African American  
23 performing arts center is created and, in accordance with the  
24 provisions of Section 9-1-7 NMSA 1978, is administratively  
25 attached to the cultural affairs department.

1           B. The board of directors shall consist of five  
2 members, including:

3                   (1) two members from the African American  
4 performing arts center foundation appointed by the executive  
5 director of the African American performing arts center and  
6 exhibit hall;

7                   (2) one member from the cultural affairs  
8 department appointed by the governor;

9                   (3) one member from the office on African  
10 American affairs appointed by the governor; and

11                   (4) one community member who has knowledge  
12 of the academic, cultural and historical context of  
13 performance art within the African American experience  
14 appointed by the director of the Africana studies program at  
15 the university of New Mexico.

16           C. Staggered membership terms shall be established  
17 so that two members of the initial board of directors are  
18 appointed for two years, three members are appointed for  
19 three years and subsequent appointments of each member are  
20 for two-year terms.

21           D. Vacancies in an appointed member's term shall  
22 be filled for the remainder of the unexpired term in the same  
23 manner as the original appointment was made.

24           E. The board of directors shall annually elect a  
25 chair, vice chair and secretary from among its membership. A

1 majority of the members constitutes a quorum for the conduct  
2 of business.

3 F. The board of directors shall meet at the call  
4 of the chair at least annually. Meetings of the board of  
5 directors shall be held in Albuquerque or at other sites  
6 within the state at the direction of the chair.

7 G. Members shall receive no compensation for  
8 serving on the board of directors but shall be paid per diem  
9 and mileage as provided for in the Per Diem and Mileage Act.

10 H. The board of directors shall make  
11 recommendations to the African American performing arts  
12 center foundation and the executive director and artistic  
13 director of the African American performing arts center and  
14 exhibit hall regarding staffing, operations, maintenance,  
15 programming and exhibitions of the African American  
16 performing arts center and exhibit hall. The board of  
17 directors shall operate, maintain, staff and request funding  
18 for the operation, maintenance and staffing of the African  
19 American performing arts center in consultation with the  
20 cultural affairs department.

21 I. As used in this section, "performance art"  
22 means any creative activity performed for an audience that  
23 uses an individual's voice, body or inanimate objects to  
24 convey an artistic expression, including live or recorded  
25 theatrical productions, movies, music, dance, puppetry and

1 spoken word."

2 SECTION 3. TEMPORARY PROVISION--TRANSFER.--

3 A. On the effective date of this act, the African  
4 American performing arts center and exhibit hall, including  
5 the functions, personnel, appropriations, money, records,  
6 equipment, supplies and other property of the center and  
7 exhibit hall, shall be transferred from the state fair  
8 commission to the board of directors of the African American  
9 performing arts center.

10 B. On the effective date of this act, money held  
11 by or for the African American performing arts center and  
12 exhibit hall that does not revert to the general fund or  
13 another fund on June 30, 2025 shall be transferred to the  
14 board of directors of the African American performing arts  
15 center to operate, maintain and staff the African American  
16 performing arts center and exhibit hall.

17 C. Contractual obligations of the African American  
18 performing arts center and exhibit hall shall be binding on  
19 the board of directors of the African American performing  
20 arts center.

21 SECTION 4. EFFECTIVE DATE.--The effective date of the  
22 provisions of this act is July 1, 2025. \_\_\_\_\_

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