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SENATE BILL 39

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

MARY JANE M. GARCIA

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO THE STATE FAIR; CLARIFYING THAT THE STATE FAIR IS  
A STATE AGENCY FOR ALL PURPOSES; CREATING A FUND; AMENDING,  
REPEALING AND ENACTING CERTAIN SECTIONS OF THE NMSA 1978.

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

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

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

A. The state fair commission shall have power and  
authority to hold annually on suitable grounds a state fair at  
which shall be exhibited livestock, poultry, vegetables,  
fruits, grains, grasses and other farm products; minerals,  
ores and other mining exhibits; mining machinery and farm  
implements and all other things which the commissioners or a

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1 majority thereof deem consonant with the purposes of a state  
2 fair for the purposes of advancing the agricultural,  
3 horticultural, [~~and~~] stock raising, mining, mechanical and  
4 industrial pursuits of the state [~~and shall have the care of~~  
5 ~~its property and be entrusted with the entire direction of its~~  
6 ~~business and its financial affairs consistent with the~~  
7 ~~provisions of Sections 16-6-15 and 16-6-16 NMSA 1978~~].

8 B. The state fair commission, among other duties,  
9 shall [~~prepare~~] adopt [~~publish and enforce all necessary~~] and  
10 promulgate pursuant to the State Rules Act rules for the  
11 management of the New Mexico state fair, its meetings and  
12 exhibitions and for the guidance of its officers, employees  
13 and exhibitors [~~The commission shall determine the duties,~~  
14 ~~compensation and tenure of office of all of its officers and~~  
15 ~~employees and may remove from office or discharge any person~~  
16 ~~appointed or employed by it at will and shall have the power~~  
17 ~~to appoint~~].

18 C. Within the limitations of available  
19 appropriations and applicable laws, including the Personnel  
20 Act, the state fair commission shall employ and fix the  
21 compensation of those persons necessary to discharge its  
22 duties, including all necessary fairgrounds police to keep  
23 order on the grounds and in the buildings of the state fair.  
24 The fairgrounds police so appointed shall be vested with the  
25 same authority for such purposes as peace officers.

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1           D.    The state fair commission shall have the power  
2 to charge entrance fees and admissions; [ ~~and~~] lease stalls,  
3 stand and restaurant sites; give prizes and premiums; arrange  
4 entertainments; and do all things [ ~~which~~] that by the  
5 commission ~~may~~ be considered proper for the conduct of the  
6 state fair not otherwise prohibited by law.

7           E.    The state fair commission shall prohibit the  
8 sale or consumption of alcoholic beverages on the grounds of  
9 the state fair except in controlled access areas within the  
10 licensed premises. The commission or its designees shall meet  
11 with the director of the alcohol and gaming division [ ~~of the~~  
12 ~~department of regulation and licensing~~] and other parties in  
13 interest to designate the controlled access areas on which the  
14 sale and consumption of alcoholic beverages may be permitted.  
15 As used in this subsection, "alcoholic beverages" means  
16 distilled or rectified spirits, potable alcohol, brandy,  
17 whiskey, rum, gin and aromatic bitters bearing the federal  
18 internal revenue strip stamps or any similar alcoholic  
19 beverage, including blended or fermented beverages, dilutions  
20 or mixtures of one or more of the foregoing containing more  
21 than one-half of one percent alcohol, but excluding medicinal  
22 bitters. "

23           Section 2.   Section 16-6-8 NMSA 1978 (being Laws 1913,  
24 Chapter 46, Section 7, as amended) is repealed and a new  
25 Section 16-6-8 NMSA 1978 is enacted to read:

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1 "16-6-8. [NEW MATERIAL] STATE FAIR FUND CREATED--  
2 DISPOSITION. --

3 A. The "state fair fund" is created in the state  
4 treasury. The fund shall consist of all fees, charges and  
5 other revenue received by the state fair commission and all  
6 appropriations, gifts, devises, bequests, grants and donations  
7 made to the fund. Money in the fund is first pledged as  
8 security for bonds pursuant to Section 16-6-17 NMSA 1978 and  
9 outstanding loans of the commission. Money not pledged as  
10 security for bonds and outstanding loans may be expended by  
11 the commission pursuant to appropriation by the legislature  
12 and budgets approved by the state budget division. Interest  
13 accruing to the fund shall remain in the fund. Money in the  
14 fund shall not revert at the end of a fiscal year.

15 B. The fund shall be administered by the state  
16 fair commission. Disbursements from the fund shall be made  
17 only upon warrant drawn by the secretary of finance and  
18 administration pursuant to vouchers signed by the secretary of  
19 the commission or his designee. "

20 Section 3. Section 16-6-10 NMSA 1978 (being Laws 1961,  
21 Chapter 110, Section 1) is amended to read:

22 "16-6-10. FAIR COMMISSION--EXPENSES. --Members of the  
23 state fair commission shall receive [no salary, but each  
24 member shall receive fifteen dollars (\$15.00) per diem while  
25 engaged in the performance of his official duties for the

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1 ~~commission. Members shall also receive reimbursement for~~  
2 ~~travel expenses at the rate of eight cents (\$.08) a mile for~~  
3 ~~attending meetings or traveling in connection with their~~  
4 ~~duties]~~ per diem and travel expenses as provided in the Per  
5 Diem and Mileage Act and shall receive no other compensation,  
6 perquisite or allowance. "

7 Section 4. Section 16-6-15 NMSA 1978 (being Laws 1935,  
8 Chapter 69, Section 3, as amended) is amended to read:

9 "16-6-15. ADDITIONAL POWERS. --In addition to the powers  
10 [~~which] that it may now have, the New Mexico state fair [ ~~shall~~  
11 ~~have power to] commission may:~~~~

12 A. acquire, by purchase, gift or the exercise of  
13 the right of eminent domain, and hold and dispose of real or  
14 personal property or rights or interests [ ~~therein~~] in such  
15 property except as limited by Section 13-6-2.1 NMSA 1978,  
16 which provisions requiring state board of finance approval of  
17 certain actions are applicable to the state fair commission.  
18 The right of eminent domain [ ~~whenever sought to be exercised~~  
19 ~~under the provisions of this article~~] shall be exercised in  
20 the same manner as is [ ~~now or may hereafter be~~] provided for  
21 the exercise of such power by the state or any county,  
22 municipality or school district;

23 B. build, construct, improve, repair or maintain  
24 buildings, structures, improvements, grounds and equipment  
25 [~~which] that may be required by or convenient for the purpose~~

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1 of operating a state fair;

2 C. acquire any project and [ ~~to~~ ] own, operate and  
3 maintain such project;

4 D. accept grants of money, materials or property  
5 of any kind from a federal agency upon such terms and  
6 conditions as the federal agency may impose;

7 E. borrow money and issue bonds and provide for  
8 the payment of the same and for the rights of the holders  
9 [ ~~thereof~~ ] of the bonds; provided that the state fair  
10 commission shall not issue bonds, negotiate loans or  
11 renegotiate loans without the prior approval of the state  
12 board of finance; and provided further that no money shall be  
13 borrowed or bonds issued after January 1, 1998 without  
14 specific, additional authorization from the legislature; and

15 F. perform all acts and do all things necessary or  
16 convenient to carry out the powers granted in this article, or  
17 heretofore granted, to obtain loans or grants or both from any  
18 federal agency and to accomplish the purposes of [ ~~this article~~  
19 ~~and secure the benefits of the Recovery Act~~ ] Sections 16-6-1  
20 through 16-6-22 NMSA 1978. "

21 Section 5. REPEAL. -- Sections 16-6-3.1, 16-6-9, 16-6-14  
22 and 16-6-18 NMSA 1978 (being Laws 1994, Chapter 143, Section  
23 6, Laws 1913, Chapter 46, Section 8 and Laws 1935, Chapter 69,  
24 Sections 2 and 6, as amended) are repealed.

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3  
4  
5  
6 January 22, 1998

7  
8 Mr. President:

9  
10 Your COMMITTEES' COMMITTEE, to whom has been referred

11  
12 SENATE BILL 39

13  
14 has had it under consideration and finds same to be GERMANE, in  
15 accordance with constitutional provisions, and thence referred to  
16 the PUBLIC AFFAIRS COMMITTEE.  
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18  
19 Respectfully submitted,

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25 Manny M. Aragon, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3  
4  
5 January 28, 1998

6  
7 Mr. President:

8  
9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

10  
11 SENATE BILL 39

12  
13 has had it under consideration and reports same with recommendation  
14 that it DO PASS, and thence referred to the FINANCE COMMITTEE.  
15

16 Respectfully submitted,

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18 \_\_\_\_\_  
19 Shannon Robinson, Chairman  
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25 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Vernon, Robinson

Absent: None

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[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3  
4  
5 February 16, 1998

6  
7 Mr. President:

8  
9 Your FINANCE COMMITTEE, to whom has been referred

10  
11 SENATE BILL 39

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13 has had it under consideration and reports same with recommendation  
14 that it DO PASS.

15  
16 Respectfully submitted,

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22 Ben D. Altamirano, Chairman  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Carraro, Eisenstadt, Ingle, Lyons

Absent: None

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Underscored material = new  
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3  
4  
5 February 16, 1998

6  
7 Mr. President:

8  
9 Your FINANCE COMMITTEE, to whom has been referred

10  
11 SENATE BILL 39

12  
13 has had it under consideration and reports same with recommendation  
14 that it DO PASS.

15  
16 Respectfully submitted,

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21 \_\_\_\_\_  
22 Ben D. Altamirano, Chairman  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

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Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Carraro, Eisenstadt, Ingle, Lyons

Absent: None

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Underscored material = new  
[bracketed material] = delete