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SENATE BILL 359

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

INTRODUCED BY

Timothy M. Keller

AN ACT

RELATING TO THE STATE FAIR; REVISING MEMBERSHIP OF THE STATE FAIR COMMISSION; REQUIRING AN ASSESSMENT AND A PUBLIC HEARING CONCERNING EXPANSION; REQUIRING COMPLIANCE WITH MUNICIPAL ORDINANCES; PROVIDING FOR APPEAL OF COMMISSION ACTIONS.

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

SECTION 1. Section 16-6-1 NMSA 1978 (being Laws 1913, Chapter 46, Section 2, as amended) is amended to read:

"16-6-1. STATE FAIR COMMISSION--MEMBERS--
APPOINTMENT--NUMBER--QUALIFICATION--TERMS--OATH--BOND.--

A. The governor shall appoint, with the advice and consent of the senate, a "state fair commission", consisting of seven members, for terms of five years each; provided that the first appointments shall be made of two commissioners for one-year terms, two for two-year terms, one for a three-year term,

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1 one for a four-year term and one for a five-year term. Two
2 members shall be nominated by the mayor of Albuquerque, one of
3 whom shall be a city of Albuquerque employee and one of whom
4 shall be a nominee of a neighborhood association, recognized
5 pursuant to the city of Albuquerque Neighborhood Association
6 Recognition Ordinance, that shares a border with the state
7 fairgrounds. All state fair commissioners shall be bona fide
8 residents of the state. No [~~less~~] fewer than two commissioners
9 shall be engaged in the business of livestock raising, and no
10 [~~less~~] fewer than two commissioners shall be engaged in
11 agricultural vocations and pursuits other than livestock
12 raising.

13 B. Before entering upon the duties of [~~his office~~]
14 commissioner, each state fair commissioner shall take and
15 subscribe an oath [~~that he will~~] to faithfully and impartially
16 discharge the duties of [~~his~~] the office, which oath shall be
17 filed in the office of the secretary of state. Each
18 commissioner shall furnish a good and sufficient surety bond as
19 provided in the Surety Bond Act.

20 C. No member of the commission shall be removed
21 during the term for which [~~he~~] the commissioner is appointed,
22 except for cause, following notice and an opportunity for a
23 hearing, unless the notice and hearing are, in writing,
24 expressly waived."

25 SECTION 2. Section 16-6-3 NMSA 1978 (being Laws 1913,

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1 Chapter 46, Section 3, as amended) is amended to read:

2 "16-6-3. DISQUALIFICATION OF COMMISSIONERS--ORGANIZATION
3 OF COMMISSION--SECRETARY AND TREASURER.--

4 A. If any state fair commissioner changes [~~his~~]
5 residence to [~~any~~] a place outside the state, [~~such~~] or to a
6 place outside the area of the neighborhood if appointed as a
7 nominee of a recognized neighborhood association, the change of
8 residence shall operate ipso facto to vacate the office [~~he~~]
9 the commissioner holds. If a state fair commissioner appointed
10 as a city of Albuquerque employee ceases to be employed by that
11 city, the cessation of employment by the city shall operate
12 ipso facto to vacate the office the commissioner holds.

13 B. The secretary and treasurer of the state fair
14 commission shall qualify by furnishing the commission with a
15 good and sufficient bond pursuant to the Surety Bond Act,
16 conditioned for the faithful performance of [~~his~~] duties as
17 secretary and treasurer and that [~~he~~] the secretary and
18 treasurer will faithfully account for and pay over to the
19 person entitled thereto all money that comes into [~~his~~] the
20 secretary's and treasurer's hands as [~~such~~] that officer. The
21 secretary and treasurer shall hold office for a period of one
22 year and until [~~his~~] a successor is elected and qualified."

23 SECTION 3. Section 16-6-4 NMSA 1978 (being Laws 1913,
24 Chapter 46, Section 4, as amended) is amended to read:

25 "16-6-4. POWERS AND DUTIES OF COMMISSION--ANNUAL FAIR--

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1 EXHIBITS--PREMIUMS.--

2 A. The state fair commission shall have power and
3 authority to hold annually on suitable grounds a state fair at
4 which shall be exhibited livestock, poultry, vegetables,
5 fruits, grains, grasses and other farm products, minerals, ores
6 and other mining exhibits, mining machinery and farm implements
7 and all other things [~~which~~] that the commissioners or a
8 majority thereof deem consonant with the purposes of a state
9 fair for the purposes of advancing the agricultural,
10 horticultural and stock raising, mining, mechanical and
11 industrial pursuits of the state and shall have the care of its
12 property and be entrusted with the entire direction of its
13 business and its financial affairs consistent with the
14 provisions of Sections 16-6-15 and 16-6-16 NMSA 1978.

15 B. The state fair commission, among other duties,
16 shall prepare, adopt, publish and enforce all necessary rules
17 for the management of the New Mexico state fair, its meetings
18 and exhibitions and for the guidance of its officers, employees
19 and exhibitors. The commission shall determine the duties,
20 compensation and tenure of office of all of its officers and
21 employees and may remove from office or discharge any person
22 appointed or employed by it at will and shall have the power to
23 appoint all necessary fairgrounds police to keep order on the
24 grounds and in the buildings of the state fair. The
25 fairgrounds police so appointed shall be vested with the same

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1 authority for such purposes as peace officers. The commission
2 shall have the power to charge entrance fees and admissions and
3 lease stalls, stand and restaurant sites, give prizes and
4 premiums, arrange entertainments and do all things ~~[which]~~ that
5 by the commission may be considered proper for the conduct of
6 the state fair not otherwise prohibited by law. The commission
7 shall prohibit the sale or consumption of alcoholic beverages
8 on the grounds of the state fair except in controlled access
9 areas within the licensed premises. The commission or its
10 designees shall meet with the director of the alcohol and
11 gaming division of the ~~[department of]~~ regulation and licensing
12 department and other parties in interest to designate the
13 controlled access areas on which the sale and consumption of
14 alcoholic beverages may be permitted. As used in this
15 subsection, "alcoholic beverages" means distilled or rectified
16 spirits, potable alcohol, brandy, whiskey, rum, gin and
17 aromatic bitters bearing the federal internal revenue strip
18 stamps or any similar alcoholic beverage, including blended or
19 fermented beverages, dilutions or mixtures of one or more of
20 the foregoing containing more than one-half of one percent
21 alcohol, but excluding medicinal bitters.

22 C. Pursuant to the provisions of this section, the
23 state fair commission shall perform an assessment of the
24 impacts of an expansion or redevelopment of the state
25 fairgrounds or a substantial modification of the state

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1 fairgrounds plan. The assessment shall include the impact of
2 an expansion or redevelopment on air quality, traffic, noise,
3 the economy of surrounding businesses and neighborhood social
4 conditions. The assessment shall be published and made
5 available upon request to members of the public at least thirty
6 days prior to the public hearing required pursuant to
7 Subsection D of this section.

8 D. The state fair commission shall hold a public
9 hearing on a plan for expansion or redevelopment of the state
10 fairgrounds or a substantial modification of such a plan. The
11 state fair commission shall provide for public notice of such a
12 plan and the public hearing by publication in a newspaper
13 having a general circulation in the county pursuant to Section
14 14-11-2 NMSA 1978. The notice shall describe the time, date,
15 place and purpose of the hearing and shall generally identify
16 proposed changes to the state fairgrounds.

17 E. Following the public hearing, the state fair
18 commission may approve a plan if it finds that the plan
19 conforms to the general plan for the municipality, its zoning
20 ordinance, transportation plan and other applicable laws and
21 regulations concerning development.

22 F. Any person adversely affected by an action taken
23 by the state fair commission may appeal the action to the
24 district court pursuant to the provisions of Section 39-3-1.1
25 NMSA 1978."

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SECTION 4. TEMPORARY PROVISION--APPLICATION OF
COMMISSIONER QUALIFICATIONS.--The restrictions imposed on the
appointment of state fair commissioners pursuant to Section 1
of this act shall apply to the vacancies among commissioners
not engaged in the business of livestock raising or in
agricultural vocations and pursuits other than livestock
raising that first occur after the effective date of this act.