

HOUSE BILL 158

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO THE STATE FAIR; REQUIRING THE STATE FAIR COMMISSION TO INCLUDE IN ITS BUDGET ANNUAL FUNDING FOR THE AFRICAN AMERICAN PERFORMING ARTS CENTER AND EXHIBIT HALL; CREATING AN ADVISORY COMMITTEE HAFC→; ~~MAKING AN APPROPRIATION~~←HAFC.

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.--

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

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

(1) prepare, adopt, publish and enforce all necessary rules for the management of the New Mexico state fair and its meetings and exhibitions and for the guidance of its officers, employees and exhibitors; ~~[The commission shall]~~

(2) determine the duties, compensation and tenure of office of all of its officers and employees and may remove from office or discharge any person appointed or employed by it at will; ~~[and shall]~~

(3) have the power to appoint all necessary fairgrounds police to keep order on the grounds and in the

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buildings of the state fair. The fairgrounds police so appointed shall be vested with the same authority for such purposes as peace officers; [~~The commission shall~~]

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

(5) prohibit the sale or consumption of alcoholic beverages on the grounds of the state fair except in controlled access areas within the licensed premises; [~~The commission or its designees shall~~]

(6) meet with the director of the alcohol and gaming division of the [~~department of~~] regulation and licensing department and other parties in interest to designate the controlled access areas on which the sale and consumption of alcoholic beverages may be permitted;

(7) annually request funding to support the operations and maintenance of the African American performing arts center and exhibit hall housed on the state fairgrounds;
and

(8) provide staff to support the operations and maintenance of the African American performing arts center and exhibit hall.

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

SECTION 2. Section 16-6-15 NMSA 1978 (being Laws 1935, Chapter 69, Section 3, as amended) is amended to read:

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

A. acquire, by purchase, gift or the exercise of the right of eminent domain, and hold and dispose of real or personal property or rights or interests therein except as limited by Section 13-6-2.1 NMSA 1978, which provisions requiring state board of finance approval of certain actions are applicable to the state fair. The right of eminent domain shall be exercised in the same manner as is provided for the exercise of such power by the state or any county, municipality or school district;

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

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of operating a state fair;

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

~~[E-]~~ D. accept grants of money, materials or property of any kind from a federal agency upon such terms and conditions as the federal agency may impose;

~~[F-]~~ E. borrow money and issue bonds and provide for the payment of the same and for the rights of the holders thereof; provided that the commission shall not issue bonds, negotiate loans or renegotiate loans without the prior approval of the state board of finance; and

~~[G-]~~ F. perform all acts and do all things necessary or convenient to carry out the powers granted in ~~[this]~~ Chapter 16, Article 6 NMSA 1978, or heretofore granted, to obtain loans or grants or both from any federal agency and to accomplish the purposes of ~~[this]~~ that article and secure the benefits of the Recovery Act."

**SECTION 3. [NEW MATERIAL] ADVISORY COMMITTEE CREATED--
APPOINTMENTS--STAGGERED TERMS OF MEMBERS--DUTIES.--**

A. The "African American performing arts center advisory committee" is created and is administratively attached to the state fair commission.

B. The committee shall consist of five members, including:

- (1) two members from the African American

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performing arts center foundation appointed by the executive director of the African American performing arts center and exhibit hall;

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

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

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

C. Staggered membership terms shall be established so that two members of the initial committee are appointed for two years, three members are appointed for three years and subsequent appointments of each member are for two-year terms.

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

E. The committee shall annually elect a chair, vice chair and secretary from among its membership. A majority of the members constitutes a quorum for the conduct of business.

F. The committee shall meet at the call of the chair at least annually. Meetings of the committee shall be held in Albuquerque or at other sites within the state at the

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direction of the chair.

G. Members shall receive no compensation for serving on the committee but shall be paid per diem and mileage as provided for in the Per Diem and Mileage Act.

H. The committee shall make recommendations to the African American performing arts center foundation and the executive director and artistic director of the African American performing arts center and exhibit hall regarding staffing, operations, maintenance, programming and exhibitions of the African American performing arts center and exhibit hall.

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

H AFC → ~~SECTION 4. APPROPRIATION. -- One hundred fifty thousand dollars (\$150,000) is appropriated from the general fund to the state fair commission for expenditure in fiscal year 2020 and subsequent fiscal years for the operation and maintenance of the African American performing arts center and exhibit hall at the state fairgrounds. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~ ← H AFC