

1 HOUSE BILL 227

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Rick Little

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10 AN ACT

11 RELATING TO EXECUTIVE REORGANIZATION; ENACTING THE CULTURAL
12 AFFAIRS AND TOURISM DEPARTMENT ACT; COMBINING THE CULTURAL
13 AFFAIRS AND TOURISM DEPARTMENTS; PROVIDING FOR THE TRANSFER OF
14 FUNCTIONS, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL
15 OBLIGATIONS AND STATUTORY REFERENCES; AMENDING, REPEALING AND
16 ENACTING SECTIONS OF THE NMSA 1978.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 3-60C-3 NMSA 1978 (being Laws 2007,
20 Chapter 103, Section 3, as amended) is amended to read:

21 "3-60C-3. DEFINITIONS.--As used in the Main Street
22 Revolving Loan Act:

23 A. "committee" means the main street revolving loan
24 committee;

25 B. "division" means the historic preservation

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1 division of the cultural affairs and tourism department;

2 C. "eligible property" means a site, structure,
3 building or object that is subject to the Main Street Act or
4 otherwise found pursuant to rule of the committee to merit
5 preservation pursuant to the Main Street Revolving Loan Act;

6 D. "fund" means the main street revolving loan
7 fund;

8 E. "lending institution" means a bank, savings and
9 loan association, credit union or nonprofit organization with
10 lending programs as part of its bylaws; and

11 F. "property owner" means the sole owner, joint
12 owner, owner in partnership or an owner of a leasehold interest
13 with a term of five years or longer of an eligible property."

14 SECTION 2. Section 4-36-2 NMSA 1978 (being Laws 1965,
15 Chapter 87, Section 3, as amended) is amended to read:

16 "4-36-2. COUNTY LIBRARIES--ESTABLISHMENT--CONTRACT
17 SERVICES--GIFTS AND BEQUESTS.--

18 A. A county may establish and maintain a free
19 public library under proper regulation and may receive, hold
20 and dispose of a gift, donation, devise or bequest that is made
21 to the county for the purpose of establishing, increasing or
22 improving the library. The governing body may apply the use,
23 profit, proceeds, interest and rents accruing from such
24 property in any manner that will best improve the library and
25 its use.

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1 B. A county establishing a public library may enter
2 into contracts and joint powers agreements with other counties,
3 municipalities, local school boards, post-secondary educational
4 institutions and the library division of the [~~office of~~]
5 cultural affairs and tourism department for the furnishing of
6 regional library services."

7 **SECTION 3.** Section 7-1-6.51 NMSA 1978 (being Laws 2005,
8 Chapter 351, Section 1) is amended to read:

9 "7-1-6.51. DISTRIBUTION--MUNICIPAL EVENT CENTER
10 SURCHARGE.--

11 A. A distribution pursuant to Section 7-1-6.1 NMSA
12 1978 shall be made to the public project revolving fund
13 administered by the New Mexico finance authority in an amount
14 equal to seventy-five percent of the amount of event center
15 surcharge proceeds transferred to the tax administration
16 suspense fund pursuant to the Municipal Event Center Funding
17 Act.

18 B. A distribution pursuant to Section 7-1-6.1 NMSA
19 1978 shall be made to the energy, minerals and natural
20 resources department in an amount equal to twenty-four percent
21 of the amount of event center surcharge proceeds transferred to
22 the tax administration suspense fund pursuant to the Municipal
23 Event Center Funding Act.

24 C. A distribution pursuant to Section 7-1-6.1 NMSA
25 1978 shall be made to the cultural affairs and tourism

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1 department in an amount equal to one percent of the amount of
2 event center surcharge proceeds transferred to the tax
3 administration suspense fund pursuant to the Municipal Event
4 Center Funding Act."

5 SECTION 4. Section 7-2-18.2 NMSA 1978 (being Laws 1984,
6 Chapter 34, Section 1, as amended) is amended to read:

7 "7-2-18.2. [~~CREDIT FOR~~] PRESERVATION OF CULTURAL PROPERTY
8 TAX CREDIT--REFUND.--

9 A. Tax credits for the preservation of cultural
10 property may be claimed as follows:

11 (1) to encourage the restoration,
12 rehabilitation and preservation of cultural properties, a
13 taxpayer who files an individual New Mexico income tax return,
14 [~~and~~] who is not a dependent of another individual and who is
15 the owner of a cultural property listed on the official New
16 Mexico register of cultural properties, with the taxpayer's
17 consent, may claim a credit not to exceed a maximum aggregate
18 of twenty-five thousand dollars (\$25,000) in an amount equal to
19 one-half of the cost of restoration, rehabilitation or
20 preservation of a cultural property listed on the official New
21 Mexico register; or

22 (2) if a cultural property, whose owner may
23 otherwise claim the credit set forth in Paragraph (1) of this
24 subsection, is also located within an arts and cultural
25 district certified by the state or a municipality pursuant to

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1 the Arts and Cultural District Act, the owner of that cultural
2 property may claim a credit not to exceed fifty thousand
3 dollars (\$50,000), including any credit claimed pursuant to
4 Paragraph (1) of this subsection, in an amount equal to one-
5 half of the cost of restoration, rehabilitation or preservation
6 of the cultural property.

7 B. The taxpayer may claim the credit for a cultural
8 property restoration, rehabilitation or preservation project
9 if:

10 (1) the taxpayer submitted a plan and
11 specifications for a restoration, rehabilitation or
12 preservation project to the committee and received approval
13 from the committee for the plan and specifications prior to
14 commencement of the [~~restoration, rehabilitation or~~
15 ~~preservation~~] project;

16 (2) the taxpayer received certification from
17 the committee after completing the restoration, rehabilitation
18 or preservation project, or committee-approved phase, that [~~it~~]
19 the project or phase conformed to the plan and specifications
20 and preserved and maintained those qualities of the property
21 that made [~~it~~] the property eligible for inclusion in the
22 official register; and

23 (3) the project is completed within twenty-
24 four months of the date that the project is approved by the
25 committee in accordance with Paragraph (1) of this subsection.

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1 C. A taxpayer may claim the credit provided in this
2 section for each taxable year in which restoration,
3 rehabilitation or preservation is carried out. Except as
4 provided in Subsection F of this section, claims for the credit
5 provided in this section shall be limited to three consecutive
6 years, and the maximum aggregate credit allowable shall not
7 exceed twenty-five thousand dollars (\$25,000) if governed by
8 Paragraph (1) of Subsection A of this section, or fifty
9 thousand dollars (\$50,000) if governed by Paragraph (2) of
10 Subsection A of this section, for any single restoration,
11 rehabilitation or preservation project for any cultural
12 property listed on the official New Mexico register certified
13 by the committee.

14 D. A husband and wife who file separate returns for
15 a taxable year in which they could have filed a joint return
16 may each claim only one-half of the credit that would have been
17 allowed on a joint return.

18 E. A taxpayer who otherwise qualifies and claims a
19 credit on a restoration, rehabilitation or preservation project
20 on property owned by a partnership of which the taxpayer is a
21 member may claim a credit only in proportion to the taxpayer's
22 interest in the partnership. The total credit claimed by all
23 members of the partnership shall not exceed twenty-five
24 thousand dollars (\$25,000) in the aggregate if governed by
25 Paragraph (1) of Subsection A of this section, or fifty

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1 thousand dollars (\$50,000) in the aggregate if governed by
2 Paragraph (2) of Subsection A of this section, for any single
3 restoration, rehabilitation or preservation project for any
4 cultural property listed on the official New Mexico register
5 certified by the committee.

6 F. The credit provided in this section may only be
7 deducted from the taxpayer's income tax liability. Any portion
8 of the maximum tax credit provided by this section that remains
9 unused at the end of the taxpayer's taxable year may be carried
10 forward for four consecutive years; provided, however, that the
11 total tax credits claimed under this section shall not exceed
12 twenty-five thousand dollars (\$25,000) if governed by Paragraph
13 (1) of Subsection A of this section, or fifty thousand dollars
14 (\$50,000) if governed by Paragraph (2) of Subsection A of this
15 section, for any single restoration, preservation or
16 rehabilitation project for any cultural property listed on the
17 official New Mexico register.

18 G. The historic preservation division shall
19 promulgate regulations for the implementation of Subsection B
20 of this section.

21 H. As used in this section:

22 (1) "committee" means the cultural properties
23 review committee created in Section 18-6-4 NMSA 1978; and

24 (2) "historic preservation division" means the
25 historic preservation division of the cultural affairs and

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1 tourism department created in Section 18-6-8 NMSA 1978."

2 SECTION 5. Section 9-4A-1 NMSA 1978 (being Laws 2004,
3 Chapter 25, Section 1, as amended) is amended to read:

4 "9-4A-1. SHORT TITLE.--Chapter 9, Article 4A NMSA 1978
5 may be cited as the "Cultural Affairs and Tourism Department
6 Act"."

7 SECTION 6. Section 9-4A-2 NMSA 1978 (being Laws 2004,
8 Chapter 25, Section 2) is amended to read:

9 "9-4A-2. PURPOSE.--The purpose of the Cultural Affairs
10 and Tourism Department Act is to create a single, unified
11 department to administer all laws and exercise all functions
12 formerly administered and executed by the [~~office of~~] cultural
13 affairs and tourism departments."

14 SECTION 7. Section 9-4A-3 NMSA 1978 (being Laws 2004,
15 Chapter 25, Section 3) is amended to read:

16 "9-4A-3. DEFINITIONS.--As used in the Cultural Affairs
17 and Tourism Department Act:

18 A. "department" means the cultural affairs and
19 tourism department; and

20 B. "secretary" means the secretary of cultural
21 affairs and tourism."

22 SECTION 8. Section 9-4A-4 NMSA 1978 (being Laws 2004,
23 Chapter 25, Section 4, as amended) is amended to read:

24 "9-4A-4. DEPARTMENT CREATED.--The "cultural affairs and
25 tourism department" is created in the executive branch. The

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1 department is a cabinet department and includes the following
2 divisions:

- 3 A. the administrative services division;
- 4 B. the arts division;
- 5 C. the historic preservation division;
- 6 D. the library division;
- 7 E. the Hispanic cultural division;
- 8 F. the farm and ranch heritage museum division;
- 9 G. the natural history and science museum division;
- 10 H. the museum of space history division;
- 11 I. the museum resources division;
- 12 J. the veterans museum division; ~~and~~
- 13 K. the following divisions that make up the museum

14 of New Mexico:

- 15 (1) the palace of the governors state history
16 museum division;
- 17 (2) the New Mexico museum of art division;
- 18 (3) the museum of Indian arts and culture
19 division;
- 20 (4) the museum of international folk art
21 division;
- 22 (5) the archaeology division; and
- 23 (6) the state historic sites and monuments
24 division;
- 25 L. the tourism development division; and

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1 M. the New Mexico magazine division."

2 SECTION 9. A new section of the Cultural Affairs and
3 Tourism Department Act is enacted to read:

4 "[NEW MATERIAL] ADMINISTRATIVELY ATTACHED AGENCIES.--The
5 following are administratively attached pursuant to the
6 Executive Reorganization Act to the department:

- 7 A. the New Mexico state fair;
- 8 B. the state racing commission; and
- 9 C. the tourism commission."

10 SECTION 10. Section 9-4A-5 NMSA 1978 (being Laws 2004,
11 Chapter 25, Section 5) is amended to read:

12 "9-4A-5. SECRETARY.--

13 A. The chief executive and administrative officer
14 of the department is the "secretary of cultural affairs and
15 tourism". The secretary shall be appointed by the governor
16 with the consent of the senate. The secretary shall hold the
17 office at the pleasure of the governor and shall serve in the
18 executive cabinet.

19 B. An appointed secretary shall serve and have all
20 the duties, responsibilities and authority of that office
21 during the period of time prior to final action by the senate
22 confirming or rejecting the appointment."

23 SECTION 11. Section 9-4A-6 NMSA 1978 (being Laws 2004,
24 Chapter 25, Section 6, as amended) is amended to read:

25 "9-4A-6. SECRETARY--DUTIES AND GENERAL POWERS.--

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1 A. The secretary is responsible to the governor for
2 the operation of the department. It is the secretary's duty to
3 manage all operations of the department and to administer and
4 enforce the laws with which the secretary or the department is
5 charged.

6 B. To perform the secretary's duties, the secretary
7 has every power expressly enumerated in the laws, whether
8 granted to the secretary or the department, or any division of
9 the department, except where authority conferred upon any
10 division therein is explicitly exempted from the secretary's
11 authority by statute. In accordance with these provisions, the
12 secretary shall:

13 (1) except as otherwise provided in the
14 Cultural Affairs and Tourism Department Act, exercise general
15 supervisory and appointing authority over all department
16 employees, subject to any applicable personnel laws and rules;

17 (2) delegate authority to subordinates as the
18 secretary deems necessary and appropriate, clearly delineating
19 such delegated authority and the limitations thereto;

20 (3) organize the department into those
21 organizational units the secretary deems will enable it to
22 function most efficiently, subject to any provisions of law
23 requiring or establishing specific organizational units;

24 (4) within the limitations of available
25 appropriations and applicable laws, employ and fix the

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1 compensation of those persons necessary to discharge the
2 secretary's duties;

3 (5) take administrative action by issuing
4 orders and instructions, not inconsistent with the law, to
5 ensure implementation of and compliance with the provisions of
6 law for whose administration or execution the secretary is
7 responsible, and to enforce those orders and instructions by
8 appropriate administrative action or actions in the courts;

9 (6) conduct research and studies that will
10 improve the operations of the department and the provision of
11 services to the [~~citizens~~] residents of the state;

12 (7) provide courses of instruction and
13 practical training for employees of the department and other
14 persons involved in the administration of programs with the
15 objective of improving the operations and efficiency of the
16 administration;

17 (8) prepare an annual budget of the
18 department;

19 (9) provide cooperation, at the request of
20 heads of administratively attached agencies, in order to:

21 (a) minimize or eliminate duplication of
22 services and jurisdictional conflicts;

23 (b) coordinate activities and resolve
24 problems of mutual concern; and

25 (c) resolve by agreement the manner and

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1 extent to which the department shall provide budgeting,
2 recordkeeping and related clerical assistance to
3 administratively attached agencies; and

4 (10) appoint, with the governor's consent, for
5 each division, a "director". These appointed positions are
6 exempt from the provisions of the Personnel Act. Persons
7 appointed to these positions shall serve at the pleasure of the
8 secretary.

9 C. The secretary may:

10 (1) apply for and receive, with the
11 governor's approval, in the name of the department, any public
12 or private funds, including United States government funds,
13 available to the department to carry out its programs, duties
14 or services; and

15 (2) acquire by purchase, gift, endowment or
16 legacy real or personal property and hold title to that
17 property in the name of the department for the purpose of
18 promoting, encouraging and supporting the performing arts in
19 New Mexico. Property acquired pursuant to this paragraph shall
20 be held under the control and authority of the [~~cultural~~
21 ~~affairs~~] department.

22 D. Where functions of departments overlap, or a
23 function assigned to one department could better be performed
24 by another department, a secretary may recommend appropriate
25 legislation to the next session of the legislature for its

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1 approval.

2 E. The secretary may make and adopt such reasonable
3 procedural rules as may be necessary to carry out the duties of
4 the department and its divisions. A rule promulgated by the
5 director of a division in carrying out the functions and duties
6 of the division shall not be effective until approved by the
7 secretary. Unless otherwise provided by statute, a rule
8 affecting a person or agency outside the department shall not
9 be adopted, amended or repealed without a public hearing on the
10 proposed action before the secretary or a hearing officer
11 designated by the secretary. The public hearing shall be held
12 in Santa Fe unless otherwise permitted by statute. Notice of
13 the subject matter of the rule, the action proposed to be
14 taken, the time and place of the hearing, the manner in which
15 interested persons may present their views and the method by
16 which copies of the proposed rule or proposed amendment or
17 repeal of an existing rule may be obtained shall be published
18 once at least thirty days prior to the hearing date in a
19 newspaper of general circulation and mailed at least thirty
20 days prior to the hearing date to all persons who have made a
21 written request for advance notice of hearing. All rules shall
22 be filed in accordance with the State Rules Act."

23 SECTION 12. A new section of the Cultural Affairs and
24 Tourism Department Act is enacted to read:

25 "[NEW MATERIAL] SECRETARY--ADDITIONAL DUTIES.--The

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1 secretary shall:

2 A. work with and provide staff support to the
3 tourism commission in formulating and implementing the state's
4 five-year tourism plan;

5 B. advise the commission of proposed rules,
6 projects and contractual arrangements of the department related
7 to tourism;

8 C. enter into contracts with state, federal or
9 private entities, apply for and accept any state, federal or
10 private funds or grants for tourism-related projects and accept
11 similar donations and bequests from any source;

12 D. maintain and update records on the status of all
13 completed and ongoing tourism projects of the department;

14 E. encourage the preservation and development of
15 Indian arts and crafts among the Indian tribes and pueblos of
16 the state;

17 F. encourage the preservation of traditional rites
18 and ceremonials of Indian tribes and pueblos to increase
19 knowledge and appreciation of those rites and ceremonials; and

20 G. promote the intertribal Indian ceremonial."

21 **SECTION 13.** Section 9-4A-11 NMSA 1978 (being Laws 1949,
22 Chapter 74, Section 1, as amended) is amended to read:

23 "9-4A-11. LABORATORY OF ANTHROPOLOGY--ACCEPTANCE OF DEED
24 AND TITLE.--The state of New Mexico accepts the deed and bill
25 of sale and the title of the laboratory of anthropology

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1 building and land described in the deed dated September 30,
2 1947 and directs that the property become part of the museum of
3 New Mexico and be controlled and administered by the [~~cultural~~
4 ~~affairs~~] department."

5 SECTION 14. Section 9-4A-14 NMSA 1978 (being Laws 2004,
6 Chapter 25, Section 14) is amended to read:

7 "9-4A-14. PALACE OF THE GOVERNORS STATE HISTORY MUSEUM
8 DIVISION CREATED--LOCATION--BOARD OF REGENTS.--

9 A. The "palace of the governors state history
10 museum division" is created in the [~~cultural-affairs~~]
11 department. The palace of the governors state history museum
12 located in Santa Fe shall be operated as a division of the
13 [~~cultural-affairs~~] department under the imprimatur of the
14 museum of New Mexico. The museum of New Mexico board of
15 regents shall exercise trusteeship over the palace of the
16 governors state history museum.

17 B. The director of the division shall meet the
18 following minimum qualifications:

19 (1) hold a bachelor's or higher degree in a
20 discipline related to the function of the division; and

21 (2) have significant experience in the
22 management and operation of an organization similar to the
23 division.

24 C. The director shall be appointed by the secretary
25 [~~of cultural-affairs~~] from a list of no [~~less~~] fewer than three

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1 names provided by the museum of New Mexico board of regents."

2 SECTION 15. Section 9-4A-15 NMSA 1978 (being Laws 2004,
3 Chapter 25, Section 15) is amended to read:

4 "9-4A-15. MUSEUM OF INTERNATIONAL FOLK ART DIVISION
5 CREATED--LOCATION--BOARD OF REGENTS.--

6 A. The "museum of international folk art division"
7 is created in the [~~cultural affairs~~] department. The museum of
8 international folk art located in Santa Fe shall be operated as
9 a division of the [~~cultural affairs~~] department under the
10 imprimatur of the museum of New Mexico. The museum of New
11 Mexico board of regents shall exercise trusteeship over the
12 museum of international folk art.

13 B. The director of the division shall meet the
14 following minimum qualifications:

15 (1) hold a bachelor's or higher degree in a
16 discipline related to the function of the division; and

17 (2) have significant experience in the
18 management and operation of an organization similar to the
19 division.

20 C. The director shall be appointed by the secretary
21 [~~of cultural affairs~~] from a list of no [~~less~~] fewer than three
22 names provided by the museum of New Mexico board of regents."

23 SECTION 16. Section 9-4A-16 NMSA 1978 (being Laws 2004,
24 Chapter 25, Section 16) is amended to read:

25 "9-4A-16. MUSEUM OF INDIAN ARTS AND CULTURE DIVISION

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1 CREATED--LOCATION--BOARD OF REGENTS.--

2 A. The "museum of Indian arts and culture division"
3 is created in the [~~cultural affairs~~] department. The museum of
4 Indian arts and culture located in Santa Fe shall be operated
5 as a division of the [~~cultural affairs~~] department under the
6 imprimatur of the museum of New Mexico. The museum of New
7 Mexico board of regents shall exercise trusteeship over the
8 museum of Indian arts and culture.

9 B. The director of the division shall meet the
10 following minimum qualifications:

11 (1) hold a bachelor's or higher degree in a
12 discipline related to the function of the division; and

13 (2) have significant experience in the
14 management and operation of an organization similar to the
15 division.

16 C. The director shall be appointed by the secretary
17 [~~of cultural affairs~~] from a list of no [~~less~~] fewer than three
18 names provided by the museum of New Mexico board of regents."

19 **SECTION 17.** Section 9-4A-17 NMSA 1978 (being Laws 2004,
20 Chapter 25, Section 17, as amended) is amended to read:

21 "9-4A-17. STATE HISTORIC SITES AND MONUMENTS DIVISION
22 CREATED--BOARD OF REGENTS.--

23 A. The "state historic sites and monuments
24 division" is created in the [~~cultural affairs~~] department. The
25 division shall manage the state's historic sites and monuments,

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1 including:

- 2 (1) Coronado historic site;
- 3 (2) Jemez historic site;
- 4 (3) Fort Selden historic site;
- 5 (4) Bosque Redondo memorial and Fort Sumner
- 6 historic site;
- 7 (5) Lincoln historic site;
- 8 (6) El Camino Real historic trail site;
- 9 (7) Fort Stanton historic site; and
- 10 (8) Taylor Reynolds Barela Mesilla historic
- 11 site.

12 B. The state's historic sites and monuments shall

13 operate under the imprimatur of the museum of New Mexico. The

14 museum of New Mexico board of regents shall exercise

15 trusteeship over state historic sites and monuments.

16 C. The director of the division shall meet the

17 following minimum qualifications:

- 18 (1) hold a bachelor's or higher degree in a
- 19 discipline related to the function of the division; and
- 20 (2) have significant experience in the
- 21 management and operation of an organization similar to the
- 22 division.

23 D. The director shall be appointed by the secretary

24 [~~of cultural affairs~~] from a list of no [~~less~~] fewer than three

25 names provided by the museum of New Mexico board of regents."

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1 SECTION 18. Section 9-4A-18 NMSA 1978 (being Laws 2004,
2 Chapter 25, Section 18) is amended to read:

3 "9-4A-18. [~~ARCHAEOLOGICAL SERVICES~~] ARCHAEOLOGY DIVISION
4 CREATED--BOARD OF REGENTS.--

5 A. The "~~[archaeological services]~~ archaeology
6 division" is created in the [~~cultural affairs~~] department. The
7 division shall be operated as a division of the [~~cultural~~
8 ~~affairs~~] department under the imprimatur of the museum of New
9 Mexico.

10 B. The museum of New Mexico board of regents shall
11 exercise trusteeship over the archaeological services division.

12 C. The director of the division shall meet the
13 following minimum qualifications:

14 (1) hold a bachelor's or higher degree in a
15 discipline related to the function of the division; and

16 (2) have significant experience in the
17 management and operation of an organization similar to the
18 division.

19 D. The director shall be appointed by the secretary
20 [~~of cultural affairs~~] from a list of no [~~less~~] fewer than three
21 names provided by the museum of New Mexico board of regents."

22 SECTION 19. Section 9-4A-20 NMSA 1978 (being Laws 2005,
23 Chapter 121, Section 1) is amended to read:

24 "9-4A-20. MUSEUM COLLECTIONS FUND--CREATED--PURPOSE--
25 NATIONAL MUSEUM ETHICAL GUIDELINES.--

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1 A. The "museum collections fund" is created in the
2 state treasury. The fund is a nonreverting fund, and income
3 from investment of the fund shall be credited to the fund. The
4 fund shall be administered by the [~~cultural affairs~~]
5 department, and money in the fund is appropriated to the
6 department as provided in Subsection B of this section.

7 B. The purpose of the fund is to receive proceeds
8 from the deaccessioning of museum collection items of each
9 state museum and to fund new acquisitions for the museums. To
10 comply with national museum ethical guidelines, each museum may
11 have a subaccount in the museum collections fund into which the
12 proceeds of the deaccessioning of its collection items and
13 income from investment of the proceeds are credited and out of
14 which the museum may expend money for the sole purpose of
15 acquiring objects for that museum's collection. Money in the
16 fund shall be expended on warrant of the secretary of finance
17 and administration pursuant to vouchers signed by the director
18 of the appropriate museum division and the secretary of
19 cultural affairs and tourism or the secretary's authorized
20 representative."

21 **SECTION 20.** A new section of the Cultural Affairs and
22 Tourism Department Act is enacted to read:

23 "[NEW MATERIAL] TOURISM ENTERPRISE FUND CREATED--
24 ADMINISTRATION.--The "tourism enterprise fund" is created as a
25 nonreverting fund in the state treasury. The fund consists of

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1 appropriations, gifts, grants, donations, fees and departmental
2 receipts from sales of souvenirs and sundries at visitors
3 centers, web-site-related sales and television special program
4 rights and any other money credited to the fund. The fund
5 shall be administered by the department, and money in the fund
6 is appropriated to the department to carry out the duties of
7 the department. Disbursements from the fund shall be made only
8 upon warrant drawn by the secretary of finance and
9 administration pursuant to vouchers signed by the secretary of
10 cultural affairs and tourism or the secretary's designated
11 representative."

12 SECTION 21. A new section of the Cultural Affairs and
13 Tourism Department Act is enacted to read:

14 "[NEW MATERIAL] TOURISM COMMISSION CREATED--MEMBERSHIP--
15 ADMINISTRATIVELY ATTACHED--DUTIES.--

16 A. The "tourism commission" is created. The
17 commission is a planning commission administratively attached
18 to the department. The commission shall provide advice to the
19 department on policy matters. The commission is responsible
20 for the annual approval and update of the state's five-year
21 tourism plan. The commission consists of seven members
22 appointed by the governor and confirmed by the senate who are
23 qualified electors of the state, no more than four of whom, at
24 the time of their appointment, are members of the same
25 political party and at least one of whom shall be a Native

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1 American. Two members shall be appointed from each of the
2 three congressional districts and one member shall be appointed
3 from the state at large. Appointments shall be made for
4 seven-year terms expiring on January 1 of the appropriate year.
5 Commission members shall serve staggered terms as determined by
6 the governor at the time of their initial appointment. The
7 governor shall designate the chair of the commission each year
8 from among its members. Members of the commission shall not be
9 removed except for cause. Vacancies on the commission shall be
10 filled by appointment by the governor for the unexpired term.

11 B. The commission shall meet at the call of the
12 chair not less than once each quarter and shall invite
13 representatives of appropriate legislative committees, other
14 state agencies and interested persons to its meetings for the
15 purpose of information exchange and coordination. Commission
16 members shall not vote by proxy. A majority of the members
17 constitutes a quorum for the conduct of business. Members are
18 entitled to receive per diem and mileage as provided in the Per
19 Diem and Mileage Act but shall receive no other compensation,
20 perquisite or allowance.

21 C. The commission shall:

22 (1) develop and recommend policies and provide
23 policy and program guidance for the department; and

24 (2) review, modify and approve annual updates
25 to the state's five-year tourism plan generated by the

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1 department."

2 SECTION 22. A new section of the Cultural Affairs and
3 Tourism Department Act is enacted to read:

4 "[NEW MATERIAL] FORT STANTON DEVELOPMENT COMMISSION--
5 CREATED.--

6 A. There is created the "Fort Stanton development
7 commission", which is administratively attached to the
8 department.

9 B. The commission shall consist of seven members
10 selected as follows:

11 (1) the chair of the Lincoln county commission
12 or the designee of the chair;

13 (2) the mayor of the village of Ruidoso or the
14 designee of the mayor;

15 (3) the secretary of energy, minerals and
16 natural resources or the designee of the secretary;

17 (4) the state historic preservation officer or
18 the designee of the officer; and

19 (5) three members at large who are residents
20 of Lincoln county and are appointed by the governor.

21 C. The chair of the commission shall be elected
22 annually from among the commission membership.

23 D. Appointed members shall serve for terms of six
24 years each, but the initial appointment shall be for two, four
25 and six years to accomplish staggered terms. Vacancies in an

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1 appointed member's seat shall be filled for the remainder of
2 the unexpired term in the same manner as the original
3 appointment was made.

4 E. Appointed members shall receive no compensation
5 but may be paid per diem and mileage as provided for
6 nonsalaried officers in the Per Diem and Mileage Act."

7 SECTION 23. A new section of the Cultural Affairs and
8 Tourism Department Act is enacted to read:

9 "[NEW MATERIAL] DUTIES AND POWERS.--

10 A. The Fort Stanton development commission shall:

11 (1) plan, assemble, dispose of and acquire
12 furnishings, art, landscaping materials and plants and other
13 decorations for the public areas of Fort Stanton;

14 (2) monitor and report on the status of
15 maintenance of Fort Stanton and recommend to the legislature
16 actions necessary to repair, maintain and renovate the grounds
17 and improvements; and

18 (3) develop statewide interest in Fort Stanton
19 and develop a comprehensive plan for the most appropriate and
20 beneficial use of Fort Stanton.

21 B. The commission may:

22 (1) use the assistance of individuals, the
23 department, other state agencies and nonprofit charitable
24 corporations in carrying out its duties;

25 (2) accept on behalf of the state from any

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1 private or other public sources money, gifts, donations and
2 bequests for use by the commission in carrying out its duties;
3 and

4 (3) enter into public promotions of its
5 endeavors and publish such materials as it deems appropriate to
6 promote the purposes of the commission."

7 SECTION 24. A new section of the Cultural Affairs and
8 Tourism Department Act is enacted to read:

9 "[NEW MATERIAL] TRUST FUND CREATED.--The "Fort Stanton
10 development fund" is created in the state treasury. The fund
11 consists of all gifts, donations and bequests of money to the
12 Fort Stanton development commission as well as any
13 appropriations made to the commission. Earnings from the
14 investment of the fund shall be credited to the fund.
15 Expenditure from the fund shall be made only for the purposes
16 for which the commission was created pursuant to vouchers
17 signed by the chair of the commission on warrants issued by the
18 secretary of finance and administration."

19 SECTION 25. Section 9-15-30 NMSA 1978 (being Laws 1988,
20 Chapter 80, Section 4, as amended) is amended to read:

21 "9-15-30. MEXICAN AFFAIRS DIVISION CREATED--DUTIES.--

22 A. The "Mexican affairs division" is created as a
23 division of the department.

24 B. The division shall be responsible for conducting
25 and coordinating the state's relations with the Republic of

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1 Mexico and the state of Chihuahua and shall promote New Mexico
2 products and services in Mexico. The division is created to
3 coordinate activities of the department, [~~the tourism~~
4 ~~department~~] the cultural affairs and tourism department, the
5 department of transportation, the department of health, the
6 department of environment, the department of public safety, the
7 New Mexico-Chihuahua commission, the border authority and the
8 joint border research institute at New Mexico state university
9 as those activities relate to improving New Mexico-Mexico
10 relations and trade and encouraging or funding appropriate
11 border development.

12 C. The division shall provide periodic reports to
13 the New Mexico finance authority oversight committee on its
14 activities and the activities of the state pertaining to New
15 Mexico-Mexico relations, trade and border development."

16 SECTION 26. Section 9-15-35 NMSA 1978 (being Laws 1991,
17 Chapter 27, Section 1) is amended to read:

18 "9-15-35. PROGRAM CREATED--PURPOSES.--

19 A. The "New Mexico artisans business development
20 program" is created within the economic development [~~and~~
21 ~~tourism~~] department to promote, in conjunction with the arts
22 division of the [~~office of~~] cultural affairs and tourism
23 department, the New Mexico artisans industry by establishing
24 a greater demand for New Mexico artisans' wares and by
25 providing technical and marketing assistance to New Mexico

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1 artisans.

2 B. The purposes of the program shall include, but
3 not be limited to, the following:

4 (1) establishment of a not-for-profit
5 organization to carry out the objectives of the New Mexico
6 artisans business development program;

7 (2) educational workshops and seminars in
8 cooperation with the small business development centers for
9 artisans to assist the centers in the development of their
10 businesses and marketing of their wares;

11 (3) an assessment of a full range of
12 marketing strategies for artisan wares and relating those
13 wares to target markets;

14 (4) production of a promotional brochure of
15 New Mexico artisans and their products;

16 (5) development and publishing of a
17 marketing catalog of New Mexico artisans;

18 (6) establishment of a network of state and
19 national distribution points and gift and trade shows for the
20 promotion and export of New Mexico artisans' wares;

21 (7) development of a state and national
22 marketing and exhibitions calendar;

23 (8) participation in state and national
24 promotional shows by New Mexico artisans; and

25 (9) development of a marketing network with

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1 private-sector distributors, catalog producers and
2 retailers."

3 SECTION 27. Section 13-1-98 NMSA 1978 (being Laws 1984,
4 Chapter 65, Section 71, as amended by Laws 2013, Chapter 40,
5 Section 1 and by Laws 2013, Chapter 70, Section 6 and also by
6 Laws 2013, Chapter 71, Section 1) is amended to read:

7 "13-1-98. EXEMPTIONS FROM THE PROCUREMENT CODE.--The
8 provisions of the Procurement Code shall not apply to:

9 A. procurement of items of tangible personal
10 property or services by a state agency or a local public body
11 from a state agency, a local public body or external
12 procurement unit except as otherwise provided in Sections
13 13-1-135 through 13-1-137 NMSA 1978;

14 B. procurement of tangible personal property or
15 services for the governor's mansion and grounds;

16 C. printing and duplicating contracts involving
17 materials that are required to be filed in connection with
18 proceedings before administrative agencies or state or
19 federal courts;

20 D. purchases of publicly provided or publicly
21 regulated gas, electricity, water, sewer and refuse
22 collection services;

23 E. purchases of books, periodicals and training
24 materials in printed or electronic format from the publishers
25 or copyright holders thereof;

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1 F. travel or shipping by common carrier or by
2 private conveyance or to meals and lodging;

3 G. purchase of livestock at auction rings or to
4 the procurement of animals to be used for research and
5 experimentation or exhibit;

6 H. contracts with businesses for public school
7 transportation services;

8 I. procurement of tangible personal property or
9 services, as defined by Sections 13-1-87 and 13-1-93 NMSA
10 1978, by the corrections industries division of the
11 corrections department pursuant to rules adopted by the
12 corrections industries commission, which shall be reviewed by
13 the purchasing division of the general services department
14 prior to adoption;

15 J. purchases not exceeding ten thousand dollars
16 (\$10,000) consisting of magazine subscriptions, web-based or
17 electronic subscriptions, conference registration fees and
18 other similar purchases where prepayments are required;

19 K. municipalities having adopted home rule
20 charters and having enacted their own purchasing ordinances;

21 L. the issuance, sale and delivery of public
22 securities pursuant to the applicable authorizing statute,
23 with the exception of bond attorneys and general financial
24 consultants;

25 M. contracts entered into by a local public body

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1 with a private independent contractor for the operation, or
2 provision and operation, of a jail pursuant to Sections
3 33-3-26 and 33-3-27 NMSA 1978;

4 N. contracts for maintenance of grounds and
5 facilities at highway rest stops and other employment
6 opportunities, excluding those intended for the direct care
7 and support of persons with handicaps, entered into by state
8 agencies with private, nonprofit, independent contractors who
9 provide services to persons with handicaps;

10 O. contracts and expenditures for services or
11 items of tangible personal property to be paid or compensated
12 by money or other property transferred to New Mexico law
13 enforcement agencies by the United States department of
14 justice drug enforcement administration;

15 P. contracts for retirement and other benefits
16 pursuant to Sections 22-11-47 through 22-11-52 NMSA 1978;

17 Q. contracts with professional entertainers;

18 R. contracts and expenditures for legal
19 subscription and research services and litigation expenses in
20 connection with proceedings before administrative agencies or
21 state or federal courts, including experts, mediators, court
22 reporters, process servers and witness fees, but not
23 including attorney contracts;

24 S. contracts for service relating to the design,
25 engineering, financing, construction and acquisition of

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1 public improvements undertaken in improvement districts
2 pursuant to Subsection L of Section 3-33-14.1 NMSA 1978 and
3 in county improvement districts pursuant to Subsection L of
4 Section 4-55A-12.1 NMSA 1978;

5 T. works of art for museums or for display in
6 public buildings or places;

7 U. contracts entered into by a local public body
8 with a person, firm, organization, corporation or association
9 or a state educational institution named in Article 12,
10 Section 11 of the constitution of New Mexico for the
11 operation and maintenance of a hospital pursuant to Chapter
12 3, Article 44 NMSA 1978, lease or operation of a county
13 hospital pursuant to the Hospital Funding Act or operation
14 and maintenance of a hospital pursuant to the Special
15 Hospital District Act;

16 V. purchases of advertising in all media,
17 including radio, television, print and electronic;

18 W. purchases of promotional goods intended for
19 resale by the cultural affairs and tourism department;

20 X. procurement of printing services for materials
21 produced and intended for resale by the cultural affairs and
22 tourism department;

23 Y. procurement by or through the public education
24 department from the federal department of education relating
25 to parent training and information centers designed to

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1 increase parent participation, projects and initiatives
2 designed to improve outcomes for students with disabilities
3 and other projects and initiatives relating to the
4 administration of improvement strategy programs pursuant to
5 the federal Individuals with Disabilities Education Act;
6 provided that the exemption applies only to procurement of
7 services not to exceed two hundred thousand dollars
8 (\$200,000);

9 Z. procurement of services from community
10 rehabilitation programs or qualified individuals pursuant to
11 the State Use Act;

12 AA. purchases of products or services for
13 eligible persons with disabilities pursuant to the federal
14 Rehabilitation Act of 1973;

15 BB. procurement, by either the department of
16 health or Grant county or both, of tangible personal
17 property, services or construction that are exempt from the
18 Procurement Code pursuant to Section 9-7-6.5 NMSA 1978;

19 CC. contracts for investment advisory services,
20 investment management services or other investment-related
21 services entered into by the educational retirement board,
22 the state investment officer or the retirement board created
23 pursuant to the Public Employees Retirement Act;

24 DD. the purchase for resale by the state fair
25 commission of feed and other items necessary for the upkeep

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1 of livestock;

2 EE. contracts entered into by the crime victims
3 reparation commission to distribute federal grants to assist
4 victims of crime, including grants from the federal Victims
5 of Crime Act of 1984 and the federal Violence Against Women
6 Act [~~and~~] of 1994;

7 FF. procurement by or through the children, youth
8 and families department of pre-kindergarten services
9 purchased pursuant to the Pre-Kindergarten Act; and

10 [~~FF.~~] GG. procurements exempt from the
11 Procurement Code as otherwise provided by law."

12 SECTION 28. Section 13-4A-3 NMSA 1978 (being Laws 1986,
13 Chapter 11, Section 3, as amended) is amended to read:

14 "13-4A-3. DEFINITIONS.--As used in the Art in Public
15 Places Act:

16 A. "agency" means all state departments and
17 agencies, boards, councils, institutions, commissions and
18 quasi-public corporations, including all state educational
19 institutions enumerated in Article 12, Section 11 of the
20 constitution of New Mexico, and all statutorily created post-
21 secondary educational institutions;

22 B. "architect" means the person or firm designing
23 the project for the contracting agency to which the one
24 percent provision pursuant to Section 13-4A-4 NMSA 1978
25 applies;

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1 C. "contracting agency" means the agency having
2 the control, management and power to enter into contracts for
3 new construction or renovation of any public building;

4 D. "division" means the arts division of the
5 cultural affairs and tourism department;

6 E. "public buildings" means those buildings under
7 the control and management of the facilities management
8 division of the general services department, the department
9 of game and fish, the energy, minerals and natural resources
10 department, the department of transportation, the state fair
11 commission, the supreme court, the commissioner of public
12 lands, the cultural affairs and tourism department, the
13 governing boards of the state educational institutions and
14 statutorily created post-secondary educational institutions,
15 the public education department and the legislature or all
16 buildings constructed with funds appropriated by the
17 legislature. For the purposes of the Art in Public Places
18 Act, "public buildings" does not include such auxiliary
19 buildings as maintenance plants, correctional facilities,
20 warehouses or temporary structures; and

21 F. "work of art" means any work of visual art,
22 including but not limited to a drawing, painting, mural,
23 fresco, sculpture, mosaic or photograph; a work of
24 calligraphy; a work of graphic art, including an etching,
25 lithograph, offset print, silk screen or a work of graphic

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1 art of like nature; works in clay, textile, fiber, wood,
2 metal, plastic, glass and like materials; or mixed media,
3 including a collage or assemblage or any combination of the
4 foregoing art media that is chosen to be included in or
5 immediately adjoining the public building under
6 consideration. Under special circumstances, the term may
7 include environmental landscaping if approved by the
8 division."

9 SECTION 29. Section 15-3B-2 NMSA 1978 (being Laws 1972,
10 Chapter 74, Section 2, as amended) is amended to read:

11 "15-3B-2. DEFINITIONS.--As used in the Property Control
12 Act:

13 A. "capital outlay project" means the
14 acquisition, improvement, alteration or reconstruction of
15 assets of a long-term character that are intended to continue
16 to be held or used, including land, buildings, machinery,
17 furniture and equipment. A "capital outlay project" includes
18 all proposed expenditures related to the entire undertaking;

19 B. "department" means the general services
20 department;

21 C. "director" means the director of the division;

22 D. "division" means the facilities management
23 division of the department;

24 E. "jurisdiction" means all state buildings and
25 land except those under the control and management of the

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1 state armory board, the border authority, the cultural
2 affairs and tourism department, the state fair commission,
3 the department of game and fish, the department of
4 transportation, the commissioner of public lands, the state
5 parks division of the energy, minerals and natural resources
6 department, the state institutions of higher learning,
7 regional education cooperatives, the New Mexico school for
8 the deaf, the New Mexico school for the blind and visually
9 impaired, the judicial branch, the legislative branch,
10 property acquired by the economic development department
11 pursuant to the Statewide Economic Development Finance Act
12 and property acquired by the public school facilities
13 authority pursuant to the Public School Capital Outlay Act;
14 and

15 F. "secretary" means the secretary of general
16 services."

17 SECTION 30. Section 15-5A-7 NMSA 1978 (being Laws 2007,
18 Chapter 160, Section 7) is amended to read:

19 "15-5A-7. ARTS AND CULTURAL DISTRICT FUND
20 ESTABLISHED.--The "arts and cultural district fund" is
21 created as a nonreverting fund in the state treasury. The
22 fund consists of appropriations, gifts, grants, donations and
23 bequests. The fund shall be administered by the cultural
24 affairs and tourism department, and money in the fund is
25 appropriated to the cultural affairs and tourism department

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1 to carry out the provisions of the Arts and Cultural District
2 Act. Money in the fund shall be disbursed on warrants signed
3 by the secretary of finance and administration pursuant to
4 vouchers signed by the secretary of cultural affairs and
5 tourism or the secretary's authorized representative."

6 SECTION 31. Section 16-6-5 NMSA 1978 (being Laws 1977,
7 Chapter 245, Section 18, as amended) is amended to read:

8 "16-6-5. STATE FAIR COMMISSION ADMINISTRATIVELY
9 ATTACHED TO CULTURAL AFFAIRS AND TOURISM DEPARTMENT.--The
10 state fair commission is administratively attached, as
11 defined in the Executive Reorganization Act, to the cultural
12 affairs and tourism department."

13 SECTION 32. Section 18-2-3 NMSA 1978 (being Laws 1977,
14 Chapter 246, Section 10, as amended) is amended to read:

15 "18-2-3. LIBRARY DIVISION--CREATION--DIRECTOR.--

16 A. The "library division" is created within the
17 cultural affairs and tourism department.

18 B. Subject to the authority of the secretary of
19 cultural affairs and tourism, the administrative and
20 executive head of the library division is the "state
21 librarian". The state librarian shall be appointed by the
22 secretary."

23 SECTION 33. Section 18-2-23 NMSA 1978 (being Laws 2001,
24 Chapter 205, Section 1) is amended to read:

25 "18-2-23. FUND CREATED--ADMINISTRATION--PURPOSE.--

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1 A. The "tribal libraries endowment fund" is
2 created in the state treasury. The fund [~~shall consist~~]
3 consists of all money appropriated to the fund and any
4 grants, gifts and bequests made to the fund. Any money in
5 the fund shall not revert to the general fund at the end of
6 any fiscal year.

7 B. The tribal library program of the library
8 division of the [~~office of~~] cultural affairs and tourism
9 department shall administer the tribal libraries endowment
10 fund and shall make disbursements from the earnings on the
11 investment of the fund for the purpose of funding the
12 establishment, development and administration of tribal
13 libraries in New Mexico.

14 C. The library division [~~of the office of~~
15 ~~cultural affairs~~] may adopt rules and procedures as necessary
16 or appropriate to administer the tribal libraries endowment
17 fund after consultation with the tribal librarians."

18 SECTION 34. Section 18-3-9 NMSA 1978 (being Laws 2005,
19 Chapter 277, Section 1) is amended to read:

20 "18-3-9. STATE MUSEUMS IMPROVEMENTS AND EXHIBITS FUND
21 CREATED--USE.--

22 A. The "state museums improvements and exhibits
23 fund" is created in the state treasury. The fund [~~shall~~
24 ~~consist~~] consists of:

25 (1) money appropriated and transferred to

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1 the fund;

2 (2) gifts, grants, donations and bequests;

3 and

4 (3) fifteen percent of the state museums'
5 admission fees and facilities rentals.

6 B. Earnings from investment of the state museums
7 improvements and exhibits fund shall be credited to the fund.
8 Money in the fund is appropriated to the cultural affairs and
9 tourism department to be distributed to state museums
10 pursuant to the provisions of this section. Any unexpended
11 or unencumbered balance remaining at the end of a fiscal year
12 shall not revert. Disbursements from the fund shall be made
13 upon warrants drawn by the secretary of finance and
14 administration pursuant to vouchers signed by the secretary
15 of cultural affairs and tourism.

16 C. Money in the state museums improvements and
17 exhibits fund shall be expended by the cultural affairs and
18 tourism department for development, implementation and
19 maintenance of exhibitions at state museums and for
20 maintenance and repairs of state museum facilities. Revenues
21 in the fund earned by a specific division shall be expended
22 by that division.

23 D. As used in this section, "state museum" means
24 a museum, state historic site or monument, cultural center or
25 laboratory administered by the cultural affairs and tourism

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1 department."

2 SECTION 35. Section 18-3A-3 NMSA 1978 (being Laws 1980,
3 Chapter 128, Section 3, as amended) is amended to read:

4 "18-3A-3. DEFINITIONS.--As used in the Natural History
5 and Science Museum Act:

6 A. "board" means the board of trustees of the New
7 Mexico museum of natural history and science;

8 B. "director" means the director of the division;

9 C. "division" means the natural history and
10 science museum division of the cultural affairs and tourism
11 department;

12 D. "museum" means the New Mexico museum of
13 natural history and science;

14 E. "natural history" means that which pertains to
15 the earth and its life, including but not limited to the
16 fields of biology, geology and related life sciences; and

17 F. "physical science" means that which pertains
18 to mathematics, physics, chemistry, astronomy and related
19 sciences and technologies."

20 SECTION 36. Section 18-3A-4 NMSA 1978 (being Laws 1980,
21 Chapter 128, Section 4, as amended) is amended to read:

22 "18-3A-4. NATURAL HISTORY AND SCIENCE MUSEUM DIVISION--
23 CREATION--LOCATION--PROPERTY.--

24 A. The "natural history and science museum
25 division" is created within the cultural affairs and tourism

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1 department. The principal facility of this division is the
2 "New Mexico museum of natural history and science" located in
3 Albuquerque. The site shall be held in the name of the
4 state.

5 B. All property, real or personal, now held or
6 subsequently acquired for the operation of the museum shall
7 be under the control and authority of the board.

8 C. Funds or other property received by gift,
9 endowment or legacy shall remain under the control of the
10 board and shall, upon acceptance, be employed for the purpose
11 specified."

12 SECTION 37. Section 18-3A-7 NMSA 1978 (being Laws 1987,
13 Chapter 38, Section 5, as amended) is amended to read:

14 "18-3A-7. BOARD--POWERS AND DUTIES.--The board shall:

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

17 B. accept and hold title to all property for
18 museum use;

19 C. review annually the performance of the
20 director and report its findings to the secretary of cultural
21 affairs and tourism;

22 D. enter into agreements or contracts with
23 private or public organizations, agencies or individuals for
24 the purpose of obtaining real or personal property for museum
25 use;

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1 E. authorize the director to solicit and receive
2 funds or property of any nature for the development of the
3 museum, its collections and its programs;

4 F. adopt such rules as may be necessary to carry
5 out the provisions of this section; and

6 G. establish museum policy and determine the
7 mission and direct the development of the institution subject
8 to the decision of the secretary of cultural affairs and
9 tourism in event of conflict between the board and the
10 cultural affairs and tourism department."

11 SECTION 38. Section 18-4-6 NMSA 1978 (being Laws 1949,
12 Chapter 138, Section 5, as amended) is amended to read:

13 "18-4-6. LINCOLN HISTORIC SITE--STATE HISTORIC SITES
14 AND MONUMENTS DIVISION--POWERS AND DUTIES.--The state
15 historic sites and monuments division of the cultural affairs
16 and tourism department shall be entrusted with the protection
17 and preservation of the old Lincoln county courthouse. The
18 historic sites and monuments division shall:

19 A. maintain and operate the historic site as a
20 state museum of old Lincoln county;

21 B. acquire and hold real estate in the name of
22 the state;

23 C. act in cooperation with the federal government
24 or any of its agencies in preserving the historic site; and

25 D. accept gifts, grants and donations from any

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1 person, firm, corporation or agency or any group of persons
2 for the collections of the museum or the maintenance and
3 operation of the historic site."

4 SECTION 39. Section 18-5-2 NMSA 1978 (being Laws 1978,
5 Chapter 70, Section 1, as amended) is amended to read:

6 "18-5-2. DEFINITIONS.--As used in Chapter 18, Article 5
7 NMSA 1978:

8 A. "commission" means the New Mexico arts
9 commission;

10 B. "creative arts" means the act of writing,
11 composing or designating and executing literature, including
12 poetry; drama; music, including opera and choral works;
13 ballet and dance; painting; sculpturing; graphic arts;
14 photography; crafts; architecture; and films and television;

15 C. "director" means the executive head of the
16 division;

17 D. "division" means the arts division of the
18 cultural affairs and tourism department; and

19 E. "interpretative arts" means the act of
20 interpreting the creative arts, including the designing,
21 publishing, printing and collecting of books; the producing,
22 directing and performing of dramas; the performing of music
23 and the producing, directing and performing of operas and
24 choral works; the producing, directing and performing of
25 ballet and dance; the conservation of architecture; and the

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1 producing, directing and performing of films and television."

2 SECTION 40. Section 18-5-6 NMSA 1978 (being Laws 1978,
3 Chapter 70, Section 5, as amended) is amended to read:

4 "18-5-6. DIVISION--CREATION--DIRECTOR--APPOINTMENT.--

5 A. The "arts division" is created within the
6 cultural affairs and tourism department.

7 B. Subject to the authority of the secretary of
8 cultural affairs and tourism, the administrative and
9 executive head of the arts division is the "director" of the
10 arts division. The director shall be hired by the secretary
11 from a list of three to five names supplied by the
12 commission."

13 SECTION 41. Section 18-5-7 NMSA 1978 (being Laws 1978,
14 Chapter 70, Section 6, as amended) is amended to read:

15 "18-5-7. DIVISION--POWERS--DUTIES.--The powers and
16 duties of the [arts] division [~~of the office of cultural~~
17 ~~affairs~~] shall be to:

18 A. [~~to~~] advise and assist public agencies in
19 planning civic beautification;

20 B. [~~to~~] foster appreciation for the fine arts;

21 C. [~~to~~] make this state more appealing to the
22 world;

23 D. [~~to~~] encourage the creative activity in the
24 arts of residents of this state and to attract to this
25 state's residency additional outstanding creators in the

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1 field of fine arts through appropriate programs of publicity,
2 education, coordination and direct activities such as
3 sponsorship of performing and visual arts;

4 E. [tø] accept on behalf of the state such
5 donations of money, property or memorials as in its
6 discretion are suitable and shall best further the aims of
7 [~~Sections 18-5-1 through 18-5-7~~] Chapter 18, Article 5 NMSA
8 1978. The division shall be empowered to accept any
9 additional gifts, contributions or bequests from private
10 persons, corporations, foundations or agencies or the federal
11 government. Such money so gained may be reemployed as part
12 of a revolving fund to be used to further the purpose of
13 [~~Sections 18-5-1 through 18-5-7~~] Chapter 18, Article 5 NMSA
14 1978;

15 F. [tø] make, through its director, rules [~~and~~
16 ~~regulations~~] necessary to administer the division and as
17 provided by law; and

18 G. [tø] perform other duties as provided by law."

19 SECTION 42. Section 18-6-5 NMSA 1978 (being Laws 1969,
20 Chapter 223, Section 5, as amended) is amended to read:

21 "18-6-5. COMMITTEE--POWERS AND DUTIES.--The primary
22 function of the committee is to review proposals for the
23 preservation of cultural properties. The committee is
24 authorized to take such actions as are reasonable and
25 consistent with law to identify cultural properties and to

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1 advise on the protection and preservation of those
2 properties. Among such actions as may be necessary and
3 proper to the fulfillment of these responsibilities, and
4 without being limited hereby, the committee:

5 A. shall determine what constitutes historical,
6 archaeological, scientific, architectural and other cultural
7 significance for the purpose of identifying cultural
8 properties as used in the Cultural Properties Act;

9 B. shall prepare and keep up to date the official
10 register. This official register shall be composed of
11 properties identified by the committee as having historical
12 or other cultural significance and integrity, being suitable
13 for preservation and having educational significance;

14 C. shall prepare and maintain proper
15 documentation of the historic or other significance of
16 cultural properties. The committee is granted access to all
17 state and local public documents that may be necessary for
18 the documentation, and such state and local agencies as have
19 custody of such documents are authorized to allow the
20 committee to examine and reproduce those documents useful for
21 the documentation;

22 D. shall inspect all registered cultural
23 properties periodically to [~~assure~~] ensure proper cultural or
24 historical integrity and proper maintenance. The inspection
25 may be made by an authorized representative of the committee

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1 or the historic preservation division of the [~~office of~~]
2 cultural affairs and tourism department. Such inspection
3 shall be made only with the written consent of the owner or
4 [~~his~~] the owner's authorized representative;

5 E. shall, based upon the inspection of a
6 registered cultural property, recommend such repairs,
7 maintenance and other measures as should be taken to maintain
8 registered status;

9 F. shall issue [~~regulations~~] rules pertaining to
10 the identification, preservation and maintenance of
11 registered cultural properties in order to maintain the
12 integrity of those properties;

13 G. may delete from the official register any
14 registered cultural property whose owner does not comply with
15 the committee's [~~regulations~~] rules or follow its
16 recommendations for repair and maintenance or [~~which~~] that,
17 upon presentation of further evidence, does not merit
18 continued official registry;

19 H. may recommend to the museum resources division
20 of the [~~office of~~] cultural affairs and tourism department
21 and other public administrators of registered cultural
22 properties measures for the investigation, restoration and
23 protection of such properties;

24 I. may encourage and render technical advice to
25 private owners of registered cultural properties in order

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1 that such properties may be preserved;

2 J. may encourage and provide technical assistance
3 to municipalities and counties in acquiring, preserving and
4 developing cultural properties within their jurisdictions;

5 K. shall cooperate with federal, state, local and
6 private agencies and persons engaged in the administration,
7 development or other work relating to cultural properties
8 within the state;

9 L. shall pursue all activities in a manner
10 consistent with state and federal laws and regulations;

11 M. may encourage and promote public appreciation
12 of New Mexico's historical and cultural heritage by:

13 (1) reviewing for accuracy the proposed
14 publication of information on cultural properties; and

15 (2) reviewing the accuracy and adequacy of
16 proposed marking of cultural properties;

17 N. may ~~[utilize]~~ use the assistance of
18 individuals, local organizations, state agencies and others
19 interested in the identification and preservation of cultural
20 properties;

21 O. may issue, with the concurrence of the state
22 archaeologist and the state historic preservation officer,
23 permits for the examination or excavation of sites and the
24 collection or removal of objects of antiquity or general
25 scientific interest, where such sites or objects are located

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1 on state lands, to institutions [~~which~~] that the committee
2 may deem to be properly qualified to conduct such
3 examination, excavation or collection, subject to such rules
4 [~~and regulations~~] as the committee may prescribe; provided
5 that the examinations, excavations and collections are
6 undertaken by reputable museums, universities, colleges or
7 other historical, scientific or educational institutions or
8 societies approved by the committee, with a view toward
9 disseminating knowledge about cultural properties; and
10 provided that a summary report of such investigations,
11 containing relevant maps, documents, drawings and
12 photographs, be submitted to the committee, which shall in
13 turn submit the report to the appropriate agency or make
14 other appropriate disposition of the report; and provided
15 further that all specimens so collected shall be the property
16 of New Mexico and that prior arrangements be made for the
17 disposition of specimens derived from such investigations in
18 an appropriate institution of the state or for loan of such
19 specimens to qualified institutions in or out of the state;

20 P. shall provide advice to the state historic
21 preservation officer [~~in~~] of the historic preservation
22 division and to the director of the museum resources division
23 of the [~~office of~~] cultural affairs and tourism department on
24 cultural properties; and

25 Q. shall make, in conjunction with the historic

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1 preservation division, an annual report on its activities to
2 the governor and the legislature. The report may contain
3 recommendations for the more effective preservation of New
4 Mexico's historic and cultural heritage."

5 SECTION 43. Section 18-6-6 NMSA 1978 (being Laws 1969,
6 Chapter 223, Section 6, as amended) is amended to read:

7 "18-6-6. CULTURAL AFFAIRS AND TOURISM DEPARTMENT--
8 POWERS AND DUTIES RELATING TO THE CULTURAL PROPERTIES ACT.--

9 A. The cultural affairs and tourism department is
10 responsible for administering, developing and maintaining all
11 registered cultural properties in its ownership or custody.

12 B. Unless other locations are deemed more
13 appropriate by the committee, in consultation with the museum
14 of New Mexico, because of the nature of the property
15 involved, the cultural affairs and tourism department shall
16 be the depository for all collections made under the
17 provisions of the Cultural Properties Act and shall make
18 available material from such collections to museums in and
19 out of the state on the request of the governing bodies of
20 those museums when, in the opinion of the department, such
21 use is appropriate and when arrangements are made for the
22 safe custodianship and public exhibition of the material in
23 accordance with department rules. The museum of New Mexico
24 shall maintain a record of the location of all such
25 collections.

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1 C. The cultural affairs and tourism department
2 may seek and accept gifts, donations and grants, subject to
3 the provisions of Subsection B of Section 18-6-7 NMSA 1978,
4 to be used to acquire, preserve or restore registered
5 cultural properties.

6 D. The cultural affairs and tourism department
7 may acquire by gift, purchase or, if no other means of
8 acquisition are available, condemnation any cultural property
9 or interest therein sufficient to preserve such property.
10 Cultural properties so acquired shall be administered by the
11 department or other appropriate state agencies in accordance
12 with Subsections A and B of this section.

13 E. The cultural affairs and tourism department
14 may enter into agreements with the committee to provide
15 assistance in carrying out the duties of the committee."

16 SECTION 44. Section 18-6-7 NMSA 1978 (being Laws 1969,
17 Chapter 223, Section 7, as amended) is amended to read:

18 "18-6-7. HISTORIC PRESERVATION DIVISION--PLANNING--
19 FISCAL ADMINISTRATION AND COOPERATION FOR PURPOSES OF THE
20 CULTURAL PROPERTIES ACT.--

21 A. The state historic preservation officer of the
22 historic preservation division of the cultural affairs and
23 tourism department shall, with the concurrence of the
24 committee, prepare a long-range plan for the preservation of
25 cultural properties, including but not limited to the

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1 identification, acquisition, restoration and protection of
2 historic and cultural properties and the maintenance and
3 expansion of statewide historic and prehistoric site [~~data~~
4 ~~bases~~] databases.

5 B. The historic preservation division shall
6 administer funds that are received, controlled and disbursed
7 for the purposes of the Cultural Properties Act, unless such
8 funds are specifically granted or appropriated to another
9 agency.

10 C. Consistent with the Cultural Properties Act,
11 the historic preservation division shall cooperate in all
12 matters with the committee and other divisions of the
13 cultural affairs and tourism department."

14 SECTION 45. Section 18-6-8 NMSA 1978 (being Laws 1977,
15 Chapter 246, Section 38, as amended) is amended to read:

16 "18-6-8. STATE HISTORIC PRESERVATION OFFICER--
17 APPOINTMENT--QUALIFICATIONS--DUTIES.--

18 A. The "historic preservation division" is
19 created within the cultural affairs and tourism department.

20 B. The state historic preservation officer shall
21 be the director of the division and shall be hired by the
22 secretary of cultural affairs and tourism with the consent of
23 the governor. The position's qualifications shall be
24 consistent with but not limited to the following:

25 (1) a graduate degree in American history,

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1 anthropology, architecture or historic preservation;

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

5 (3) a substantial contribution through
6 research and publication to the body of scholarly knowledge
7 in the field of American history, anthropology, architecture
8 or historic preservation or any combination of these.

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

19 D. The state historic preservation officer, in
20 conjunction with the secretary of cultural affairs and
21 tourism:

22 (1) shall provide staff to the committee;

23 (2) shall maintain the state register of
24 cultural properties;

25 (3) may fund historic site surveys and may

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1 fund restorations;

2 (4) shall administer historic preservation
3 tax benefit programs; and

4 (5) shall review state undertakings to
5 determine their effect upon significant historic properties."

6 SECTION 46. Section 18-6-15 NMSA 1978 (being Laws 1969,
7 Chapter 223, Section 13, as amended) is amended to read:

8 "18-6-15. STATE ARCHAEOLOGIST.--The state archaeologist
9 in the cultural affairs and tourism department is designated
10 as "state archaeologist" for the purposes of the Cultural
11 Properties Act. The state archaeologist shall be
12 professionally recognized in the discipline of archaeology,
13 shall have achieved recognition for accomplishments in [~~his~~]
14 the state archaeologist's field in the American southwest and
15 shall have a specialized knowledge of New Mexico."

16 SECTION 47. Section 18-6-20 NMSA 1978 (being Laws 1987,
17 Chapter 7, Section 3, as amended) is amended to read:

18 "18-6-20. DEFINITIONS.--As used in the Historic
19 Preservation Loan Act:

20 A. "committee" means the cultural properties
21 review committee;

22 B. "division" means the historic preservation
23 division of the cultural affairs and tourism department;

24 C. "fund" means the historic preservation loan
25 fund;

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1 D. "property owner" means the sole owner, joint
2 owner, owner in partnership or corporate owner of a
3 registered cultural property. As used in this subsection,
4 the term "property owner" includes the owner of a leasehold
5 interest in a registered cultural property, if the term of
6 the lease is not less than nineteen years; and

7 E. "registered cultural property" means a site,
8 structure, building or object entered in the state register
9 of cultural properties or the national register of historic
10 places or both."

11 **SECTION 48.** Section 18-6-25 NMSA 1978 (being Laws 2007,
12 Chapter 299, Section 2 and Laws 2007, Chapter 300, Section 2)
13 is amended to read:

14 "18-6-25. DEFINITIONS.--As used in the Reburial Grounds
15 Act:

16 A. "department" means the cultural affairs and
17 tourism department;

18 B. "descendant group" means persons demonstrably
19 related to the remains by consanguinity, family affiliation,
20 clan or direct historical association and includes a Native
21 American nation, band, tribe or pueblo in New Mexico;

22 C. "funerary object" means an object or artifact
23 associated with a human burial;

24 D. "reburial grounds" means state or federal land
25 set aside pursuant to the Reburial Grounds Act that secures

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1 and preserves unmarked graves for remains not claimed by a
2 descendant group;

3 E. "remains" means a human body, skeletal remains
4 or mummified remains discovered during construction and other
5 projects or exposed through erosion, excavation or accident
6 or other means on state, federal and private lands and
7 includes a funerary object or artifact associated with the
8 remains; and

9 F. "state land" means property owned, controlled
10 or operated by a department, agency, institution or political
11 subdivision of the state."

12 SECTION 49. Section 18-6A-2 NMSA 1978 (being Laws 1993,
13 Chapter 176, Section 2, as amended) is amended to read:

14 "18-6A-2. DEFINITIONS.--As used in the Cultural
15 Properties Protection Act:

16 A. "committee" means the cultural properties
17 review committee;

18 B. "cultural property" means a structure, place,
19 site or object having historic, archaeological, scientific,
20 architectural or other cultural significance;

21 C. "division" means the historic preservation
22 division of the cultural affairs and tourism department;

23 D. "fund" means the cultural properties
24 restoration fund;

25 E. "interpretation" means the inventory,

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1 registration, mapping and analysis of cultural properties and
2 public educational programs designed to prevent the loss of
3 cultural properties;

4 F. "officer" means the state historic
5 preservation officer;

6 G. "preservation" means sustaining the existing
7 form, integrity and material of a cultural property or the
8 existing form and vegetative cover of a cultural property and
9 may include protective maintenance or stabilization where
10 necessary in the case of archaeological sites;

11 H. "professional survey" means an archaeological
12 or architectural survey;

13 I. "protection" means safeguarding the physical
14 condition or environment of a cultural property from
15 deterioration or damage caused by weather or other natural,
16 animal or human intrusions;

17 J. "restoration" means recovering the general
18 historic appearance of a cultural property or the form and
19 details of an object or structure by removing incompatible
20 natural or human-caused accretions and replacing missing
21 elements as appropriate;

22 K. "stabilization" means reestablishing the
23 structural stability or weather-resistant condition of a
24 cultural property or arresting deterioration that may lead to
25 structural failure;

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1 L. "state agency" means a department, agency,
2 institution or political subdivision of the state; and

3 M. "state land" means property owned, controlled
4 or operated by a state agency."

5 SECTION 50. Section 18-7-1 NMSA 1978 (being Laws 1978,
6 Chapter 72, Section 1, as amended) is amended to read:

7 "18-7-1. MUSEUM OF SPACE HISTORY DIVISION--CREATION.--
8 The "museum of space history division" is created within the
9 cultural affairs and tourism department. The principal
10 facility of the division is the "museum of space history"
11 located in Alamogordo. The site shall be held in the name of
12 the state."

13 SECTION 51. Section 18-7-4 NMSA 1978 (being Laws 1978,
14 Chapter 72, Section 4, as amended) is amended to read:

15 "18-7-4. DIRECTOR--EMPLOYMENT.--The director of the
16 museum of space history division shall be hired by the
17 secretary of cultural affairs and tourism."

18 SECTION 52. Section 18-8-3 NMSA 1978 (being Laws 1989,
19 Chapter 13, Section 3, as amended) is amended to read:

20 "18-8-3. DEFINITIONS.--As used in the New Mexico
21 Prehistoric and Historic Sites Preservation Act:

22 A. "corporation" means a nonprofit corporation,
23 formally recognized as tax exempt under Section 501(c)3 of
24 the Internal Revenue Code of 1986, whose declared purposes
25 include the investigation, preservation or conservation of

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1 significant prehistoric or historic sites;

2 B. "division" means the historic preservation
3 division of the cultural affairs and tourism department; and

4 C. "significant prehistoric or historic sites"
5 means properties listed in the state register of cultural
6 properties or national register of historic places."

7 SECTION 53. Section 18-11-3 NMSA 1978 (being Laws 1991,
8 Chapter 48, Section 3, as amended) is amended to read:

9 "18-11-3. DEFINITIONS.--As used in the Farm and Ranch
10 Heritage Museum Act:

11 A. "board" means the board of the farm and ranch
12 heritage museum;

13 B. "director" means the director of the division;

14 C. "division" means the farm and ranch heritage
15 museum division of the cultural affairs and tourism
16 department;

17 D. "farm and ranch" means that which pertains to
18 the field of agriculture and the various industries that
19 affect agriculture, including but not limited to agronomy,
20 livestock management, veterinary medicine, agricultural
21 nutrition and other related agricultural businesses and
22 sciences; and

23 E. "museum" means the principal facility of the
24 division, including all real and personal property of the
25 division."

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1 SECTION 54. Section 18-11-4 NMSA 1978 (being Laws 1991,
2 Chapter 48, Section 4, as amended) is amended to read:

3 "18-11-4. DIVISION CREATED--OPERATION--LOCATION--
4 PROPERTY.--

5 A. The "farm and ranch heritage museum division"
6 is created within the cultural affairs and tourism
7 department.

8 B. The "farm and ranch heritage museum" shall be
9 located on the campus of New Mexico state university in Dona
10 Ana county.

11 C. All property, real or personal, now held or
12 subsequently acquired for the operation of the museum shall
13 be under the control and authority of the cultural affairs
14 and tourism department.

15 D. Funds or other property received by gift,
16 endowment or legacy shall remain under the control of the
17 cultural affairs and tourism department and shall, upon
18 acceptance, be employed for the purpose specified."

19 SECTION 55. Section 18-12-2 NMSA 1978 (being Laws 1993,
20 Chapter 42, Section 2, as amended) is amended to read:

21 "18-12-2. DEFINITIONS.--As used in the National
22 Hispanic Cultural Center Act:

23 A. "board" means the board of directors of the
24 center;

25 B. "center" means the national Hispanic cultural

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1 center;

2 C. "division" means the Hispanic cultural
3 division of the cultural affairs and tourism department; and

4 D. "director" means the director of the
5 division."

6 SECTION 56. Section 18-12-3 NMSA 1978 (being Laws 1993,
7 Chapter 42, Section 3, as amended) is amended to read:

8 "18-12-3. HISPANIC CULTURAL DIVISION--CREATION--
9 PROPERTY.--

10 A. The "Hispanic cultural division" is created
11 within the cultural affairs and tourism department. The
12 principal facility of this division shall be known as the
13 "national Hispanic cultural center".

14 B. All property, real or personal, now held or
15 subsequently acquired for the operation of the center shall
16 be under the control and authority of the board.

17 C. Funds or other property received by gift,
18 endowment or legacy shall remain under the control of the
19 board and shall, upon acceptance, be employed for the purpose
20 specified."

21 SECTION 57. Section 18-15-2 NMSA 1978 (being Laws 2007,
22 Chapter 83, Section 2) is amended to read:

23 "18-15-2. DEFINITIONS.--As used in the Rural Library
24 Development Act:

25 A. "division" means the library division of the

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1 cultural affairs and tourism department; and

2 B. "rural library" means a public library in a
3 municipality or unincorporated village, tribes, Indian
4 nations, pueblos or community with a population of less than
5 fifteen thousand as determined by the latest federal
6 decennial census."

7 SECTION 58. Section 18-16-2 NMSA 1978 (being Laws 2009,
8 Chapter 13, Section 2) is amended to read:

9 "18-16-2. DEFINITIONS.--As used in the Music Commission
10 Act:

11 A. "commission" means the music commission;

12 B. "department" means the cultural affairs and
13 tourism department; and

14 C. "division" means the arts division of the
15 department."

16 SECTION 59. Section 18-17-2 NMSA 1978 (being Laws 2009,
17 Chapter 33, Section 2) is amended to read:

18 "18-17-2. DEFINITIONS.--As used in the Veterans Museum
19 Act:

20 A. "board" means the board of trustees of the
21 museum;

22 B. "director" means the director of the division;

23 C. "division" means the veterans museum division
24 of the cultural affairs and tourism department;

25 D. "museum" means the New Mexico veterans museum;

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1 and

2 E. "secretary" means the secretary of cultural
3 affairs and tourism."

4 SECTION 60. Section 18-17-3 NMSA 1978 (being Laws 2009,
5 Chapter 33, Section 3) is amended to read:

6 "18-17-3. VETERANS MUSEUM DIVISION CREATED--LOCATION--
7 PROPERTY.--

8 A. The "veterans museum division" is created in
9 the cultural affairs and tourism department. The principal
10 facility of the division is the "New Mexico veterans museum"
11 located in Las Cruces. The site shall be held in the name of
12 the state.

13 B. All property, real or personal, now held or
14 subsequently acquired for the operation of the museum shall
15 be under the control and authority of the board.

16 C. Funds or other property received by gift,
17 endowment or legacy shall remain under the control of the
18 board and shall, upon acceptance, be employed for the purpose
19 specified."

20 SECTION 61. Section 21-2-6 NMSA 1978 (being Laws 1978,
21 Chapter 54, Section 1, as amended) is amended to read:

22 "21-2-6. STATEWIDE PLANNING--PARTICIPATING AGENCIES AND
23 PERSONS.--

24 A. The state commission in carrying out its
25 planning activities for post-secondary education shall

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1 consult with and invite the active participation of:

2 (1) representatives of post-secondary
3 educational institutions of the several types enumerated in
4 Paragraph (2) of Subsection A of Section 21-2-2 NMSA 1978;

5 (2) the public education commission;

6 (3) the public education department;

7 (4) representatives of public and private
8 elementary and secondary schools;

9 (5) the secretary of [~~labor~~] workforce
10 solutions;

11 (6) the cultural affairs and tourism
12 department;

13 (7) the apprenticeship council;

14 (8) the economic development department;

15 (9) the state advisory council on vocational
16 education;

17 (10) the secretary of finance and
18 administration or the secretary's designee;

19 (11) persons familiar with the education
20 needs of persons with a disability and persons disadvantaged
21 by economic, racial or ethnic status;

22 (12) representatives of business, industry,
23 organized labor and agriculture;

24 (13) the general public; and

25 (14) private in-state post-secondary

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1 institutions.

2 B. Whenever the planning activities carried out
3 under the provisions of Section 21-2-5 NMSA 1978 are
4 concerned with the types of post-secondary education
5 enumerated in Subparagraphs (a) through (e) of Paragraph (1)
6 of Subsection A of Section 21-2-2 NMSA 1978, the state
7 commission shall directly involve the public education
8 commission and the public education department in all
9 planning activities."

10 SECTION 62. Section 60-1A-3 NMSA 1978 (being Laws 2007,
11 Chapter 39, Section 3) is amended to read:

12 "60-1A-3. COMMISSION CREATED--APPOINTMENT OF MEMBERS--
13 TERMS OF OFFICE.--

14 A. The "state racing commission" is created and
15 is administratively attached to the cultural affairs and
16 tourism department.

17 B. The commission shall consist of five members,
18 no more than three of whom shall be members of the same
19 political party. The commission members shall be appointed
20 by the governor and be confirmed by the senate. All members
21 of the commission shall hold at-large positions on the
22 commission.

23 C. At least three of the members of the
24 commission shall be practical breeders of racehorses within
25 New Mexico.

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1 D. A commission member shall have primary
2 residence in New Mexico and shall be of high character and
3 reputation so that public confidence in the administration of
4 horse racing is maintained.

5 E. The term of each member of the commission
6 shall be six years from the date of the member's appointment.
7 The member shall serve until a successor is appointed. In
8 the case of a vacancy in the membership of the commission,
9 the governor shall fill the vacancy by appointment for the
10 unexpired term.

11 F. A person shall not be eligible for appointment
12 as a member of the commission who is an officer, official or
13 director in a corporation conducting horse racing within the
14 state.

15 G. Members of the commission shall receive no
16 salary, but each member of the commission shall receive per
17 diem and mileage pursuant to the Per Diem and Mileage Act.

18 H. The commission may appoint an executive
19 director and establish the executive director's duties and
20 compensation."

21 **SECTION 63.** Section 67-3-17 NMSA 1978 (being Laws 1967,
22 Chapter 20, Section 2, as amended) is amended to read:

23 "67-3-17. SNOW REMOVAL FROM DESIGNATED SKIING AREA
24 PARKING FACILITIES.--The state transportation commission is
25 hereby authorized and empowered to remove any snow that it

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1 deems to be an obstacle to the parking of motor vehicles at
2 any parking area that serves a skiing area. If the parking
3 area is on lands owned by or leased from the state,
4 municipal, county or federal government, the cost of snow
5 removal shall be borne by the state as in the case of road
6 maintenance. If the parking facilities are on private lands,
7 the person in control of the skiing area shall be liable for
8 the payment of such sum, not less than actual cost, as the
9 state transportation commission decides to be the reasonable
10 value of such snow removal. For the purposes of this
11 section, the phrase "skiing area" shall mean any lands or
12 areas used for the sport of skiing and recognized by the
13 cultural affairs and tourism department as a tourist
14 attraction."

15 SECTION 64. Section 67-16-3 NMSA 1978 (being Laws 1985,
16 Chapter 23, Section 3, as amended) is amended to read:

17 "67-16-3. DEFINITIONS.--As used in the Litter Control
18 and Beautification Act:

19 A. "keep America beautiful system" means a
20 comprehensive program to improve waste handling practices and
21 the control of litter;

22 B. "keep New Mexico beautiful, incorporated" is
23 the statewide organization that is the official clearinghouse
24 for beautification projects in the state;

25 C. "council" means the litter control council;

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1 D. "department" means the cultural affairs and
2 tourism department;

3 E. "litter" means weeds, graffiti and all waste
4 material, including disposable packages or containers, but
5 not including the waste of the primary processes of mining,
6 logging, sawmilling or farming;

7 F. "person" means an individual, corporation,
8 partnership, association, firm, receiver, guardian, trustee,
9 executor, administrator, fiduciary or representative or group
10 of individuals or entities of any kind;

11 G. "public place" means an area that is used or
12 held out for use by the public, whether owned or operated by
13 public or private interests; and

14 H. "recycling" means the collection, separation
15 or processing and return to the economic mainstream of raw
16 materials or products that would otherwise become solid
17 waste."

18 **SECTION 65. TEMPORARY PROVISION--TRANSFERS.--**On the
19 effective date of this act:

20 A. all functions, personnel, money,
21 appropriations, records, files, furniture, equipment and
22 other property of the cultural affairs department shall be
23 transferred to the cultural affairs and tourism department;

24 B. all functions, personnel, money,
25 appropriations, records, files, furniture, equipment and

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1 other property of the tourism department shall be transferred
2 to the cultural affairs and tourism department;

3 C. all contractual obligations of the cultural
4 affairs department shall be binding on the cultural affairs
5 and tourism department;

6 D. all contractual obligations of the tourism
7 department shall be binding on the cultural affairs and
8 tourism department;

9 E. all statutory references to the cultural
10 affairs department shall be deemed to be references to the
11 cultural affairs and tourism department; and

12 F. all statutory references to the tourism
13 department shall be deemed to be references to the cultural
14 affairs and tourism department.

15 SECTION 66. REPEAL.--

16 A. Sections 9-6-12 through 9-6-14 NMSA 1978
17 (being Laws 2003, Chapter 126, Sections 1 through 3) are
18 repealed.

19 B. Sections 9-15A-1 through 9-15A-11 NMSA 1978
20 (being Laws 1991, Chapter 21, Sections 1 through 4; Laws
21 2003, Chapter 299, Section 1; Laws 1991, Chapter 21, Sections
22 5 through 7; Laws 1996, Chapter 25, Section 1; Laws 1993,
23 Chapter 101, Sections 10 and 11; and Laws 2007, Chapter 286,
24 Sections 2 and 3 and Laws 2007, Chapter 287, Sections 2 and
25 3, as amended) are repealed.

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C. Sections 9-15C-1 through 9-15C-5 NMSA 1978
(being Laws 2005, Chapter 219, Sections 1 through 5, as
amended) are repealed.

SECTION 67. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2015.