

1 SENATE BILL 450

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

3 INTRODUCED BY

4 William F. Burt

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10 AN ACT

11 RELATING TO CULTURAL AFFAIRS; STANDARDIZING MUSEUM AND MONUMENT
12 BOARD AND DIRECTOR DUTIES; PROVIDING OTHER CLEANUP OF STATUTES;
13 AMENDING, REPEALING, ENACTING AND RECOMPILING SECTIONS OF THE
14 NMSA 1978.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 18-3-9 NMSA 1978 (being Laws 2005,
18 Chapter 277, Section 1) is recompiled as Section 9-4A-22 NMSA
19 1978 and is amended to read:

20 "9-4A-22. 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 the

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1 fund;

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

3 (3) fifteen percent of the state museums'
4 admission fees ~~[and]~~, facilities rentals and revenues earned
5 from licensure or sale of intellectual property.

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~~]
9 department to be distributed to state museums pursuant to the
10 provisions of this section. Any unexpended or unencumbered
11 balance remaining at the end of a fiscal year shall not revert.
12 Disbursements from the fund shall be made upon warrants drawn
13 by the secretary of finance and administration pursuant to
14 vouchers signed by the secretary of cultural affairs.

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

21 D. As used in this section, "state museum" means a
22 museum, [~~state~~] historic site, monument, cultural center or
23 laboratory administered by the [~~cultural affairs~~] department."

24 SECTION 2. Section 14-3-3 NMSA 1978 (being Laws 1959,
25 Chapter 245, Section 3, as amended) is amended to read:

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1 "14-3-3. STATE COMMISSION OF PUBLIC RECORDS--CREATION.--

2 A. A "state commission of public records" is
3 established consisting of:

- 4 (1) the secretary of state;
5 (2) the secretary of general services;
6 (3) the ~~[state law]~~ librarian of the supreme
7 court law library;
8 (4) the ~~[director of the museum of New Mexico]~~
9 secretary of cultural affairs;
10 (5) the state auditor;
11 (6) the attorney general; and
12 (7) a recognized, professionally trained
13 historian in the field of New Mexico history, who is a resident
14 in New Mexico, appointed by the governor for a term of six
15 years.

16 B. Each member of the commission may designate an
17 alternate to serve in ~~[his]~~ the member's stead.

18 ~~[B-]~~ C. The commission shall elect one of its
19 members to be ~~[chairman]~~ chair and another to be secretary.
20 The members of the commission shall serve without compensation
21 other than actual expenses of attending meetings of the
22 commission or while in performance of their official duties in
23 connection with the business of the commission.

24 ~~[C-]~~ D. The commission shall hold not less than
25 four meetings during each calendar year and may hold special

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1 meetings as may be necessary to transact business of the
2 commission. All meetings shall be called by the [~~chairman~~
3 chair or when requested in writing by any two members of the
4 commission. Four members of the commission shall constitute a
5 quorum.

6 [~~D.~~] E. The administrator shall attend all meetings
7 of the commission."

8 SECTION 3. Section 18-3-3 NMSA 1978 (being Laws 1978,
9 Chapter 164, Section 2, as amended) is amended to read:

10 "18-3-3. MUSEUM OF NEW MEXICO BOARD OF REGENTS--POWERS
11 AND DUTIES.--The museum board of regents shall:

12 A. elect from among its members a president and
13 other officers deemed necessary by it;

14 B. establish museum of New Mexico policy and
15 determine the mission and direct the development of the museum,
16 subject to the approval of the secretary of cultural affairs;

17 [~~B.~~] C. solicit [~~and receive private~~] funds for the
18 purpose of developing, restoring and equipping the museum [~~of~~
19 ~~New Mexico~~] and its property and for the purchase of objects
20 and works of art for its collections and for the development of
21 exhibits and other public programs;

22 [~~G.~~] D. exercise trusteeship over the collections
23 of the museum;

24 [~~D.~~] E. hold title to all property for museum use;

25 [~~E.~~] F. acquire [~~preserve and exhibit~~] objects of

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1 historical, archaeological and ethnological interest and works
2 of fine art, folk art and craft of interest to the public and
3 real property for museum use or benefit by purchase, donation
4 and bequest;

5 ~~[F.]~~ G. adopt rules as appropriate governing:

6 (1) the loan of objects and exhibits to
7 qualified institutions and agencies for the purpose of
8 exhibition;

9 (2) gifts, donations or loans of exhibit or
10 collection materials for the museum;

11 (3) the licensure of the museum's intellectual
12 property; and

13 (4) other matters necessary to carry out the
14 provisions of Chapter 18, Article 3 NMSA 1978;

15 ~~[G.]~~ H. enter into ~~[contracts]~~ leases with public
16 or private agencies or organizations for the ~~[rental]~~ use of
17 museum premises or facilities as appropriate for ~~[the conduct~~
18 of programs and activities in the public interest;

19 ~~H. enter into contracts with public or private~~
20 ~~agencies or organizations for the performance of services~~
21 ~~related to the location, preservation, restoration, salvage or~~
22 ~~development of historic, archaeological or other culturally~~
23 ~~related sites, structures or objects in the state;~~

24 ~~I. publish and sell museum journals and other~~
25 ~~books, pamphlets, brochures and publications related to the~~

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1 ~~interests of the museum;~~

2 ~~J. enter into agreements or contracts with private~~
3 ~~or public organizations, agencies or individuals for the~~
4 ~~purpose of obtaining gifts, donations or loans of exhibit or~~
5 ~~collection materials for the museum] periods that exceed forty-~~
6 ~~five days;~~

7 [~~K.~~] I. cooperate with other agencies and political
8 subdivisions of municipal, state, tribal and federal
9 governments and private organizations and individuals to the
10 extent necessary to establish and maintain the museum and its
11 programs;

12 [~~L.~~] J. subject to [~~the provisions of Section~~
13 ~~18-3-3.1 NMSA 1978]~~ other provisions of law and excepting
14 temporary statewide initiatives of the secretary of cultural
15 affairs, impose admission fees to the museum facilities and
16 programs; and

17 [~~M. adopt such rules and regulations and set such~~
18 ~~policy directives as may be necessary to carry out the~~
19 ~~provisions of this section]~~

20 K. review annually the performance of its directors
21 and report its findings to the secretary of cultural affairs."

22 SECTION 4. A new Section 18-3-18 NMSA 1978 is enacted to
23 read:

24 "18-3-18. [NEW MATERIAL] MUSEUM OF NEW MEXICO DIVISIONS--
25 DIRECTORS--POWERS AND DUTIES.--Consistent with the policies of
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1 the secretary of cultural affairs and the board of regents,
2 each director of a museum of New Mexico division:

3 A. may:

4 (1) solicit and receive funds or property,
5 including federal funds and public and private grants, for the
6 development of the museum, its collections and its programs;

7 (2) as authorized by the secretary, enter into
8 contracts related to the programs and operations of the museum,
9 including services related to the location, acquisition,
10 preservation, restoration, salvage or development of culturally
11 related sites, structures or objects in the state;

12 (3) as authorized by the board of regents,
13 lend collections or materials to qualified persons for purposes
14 of exhibition and study and borrow collections or materials
15 from other persons for like purposes;

16 (4) conduct facilities rentals for forty-five
17 days or less and such retail sales as appropriate for the
18 operation of the museum; and

19 (5) publish journals, books, reports and other
20 materials as appropriate to the operation of the museum; and

21 B. shall:

22 (1) administer and operate the museum in
23 accordance with applicable statutes and rules;

24 (2) develop exhibits and programs of an
25 educational nature for the benefit of the public and in

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1 particular the students of the state;

2 (3) recommend acquisitions to the board of
3 regents, by donation or other means, of collections and related
4 materials appropriate to the mission of the museum;

5 (4) direct research, preservation and
6 conservation as is appropriate to render the collections
7 beneficial to the public;

8 (5) cooperate with educational institutions
9 and other agencies and political subdivisions of state, tribal
10 and federal governments to establish, maintain and extend the
11 programs of the museum;

12 (6) employ and discharge personnel necessary
13 for the operation of the museum in accordance with the
14 provisions of the Personnel Act;

15 (7) propose budgets for operations and capital
16 improvements;

17 (8) collect admission fees as determined by
18 the board of regents; and

19 (9) perform such other appropriate duties as
20 may be delegated by the board of regents, the secretary of
21 cultural affairs or the governor or as may be provided by law."

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

24 "18-3A-7. BOARD--POWERS AND DUTIES.--The board shall:

25 A. exercise trusteeship over the collections of the

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1 museum;

2 B. accept and hold title to all property for museum
3 use;

4 C. acquire objects of natural history and science
5 of interest to the public and real property for museum use or
6 benefit by purchase, donation or bequest;

7 [~~G.~~] D. review annually the performance of the
8 director and report its findings to the secretary of cultural
9 affairs;

10 [~~D. enter into agreements or contracts with private~~
11 ~~or public organizations, agencies or individuals for the~~
12 ~~purpose of obtaining real or personal property for museum use;]~~

13 E. adopt rules as appropriate governing:

14 (1) the loan of objects and exhibits to
15 qualified institutions and agencies for the purpose of
16 exhibition;

17 (2) gifts, donations or loans of exhibit or
18 collection materials for museum use;

19 (3) the licensure of the museum's intellectual
20 property; and

21 (4) other matters necessary to carry out the
22 provisions of this section;

23 F. enter into leases with public or private
24 organizations or agencies for the use of museum premises or
25 facilities for periods of time that exceed forty-five days;

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1 ~~[E. authorize the director to]~~ G. solicit ~~[and~~
2 ~~receive]~~ funds or property of any nature for the development,
3 restoration or equipping of the museum, its collections,
4 exhibits and ~~[its]~~ programs;

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

7 H. cooperate with other agencies and political
8 subdivisions of state, tribal and federal governments and
9 private organizations and individuals to the extent necessary
10 to establish and maintain the museum and its programs;

11 I. subject to other provisions of law and excepting
12 temporary statewide initiatives of the secretary of cultural
13 affairs, impose admission fees to the museum facilities and
14 programs; and

15 ~~[G.]~~ J. establish museum policy and determine the
16 mission and direct the development of the institution subject
17 to the ~~[decision]~~ approval of the secretary of cultural affairs
18 ~~[in event of conflict between the board and the cultural~~
19 ~~affairs department]."~~

20 SECTION 6. Section 18-3A-9 NMSA 1978 (being Laws 1980,
21 Chapter 128, Section 9, as amended) is repealed and a new
22 Section 18-3A-9 NMSA 1978 is enacted to read:

23 "18-3A-9. [NEW MATERIAL] DIRECTOR--POWERS AND DUTIES.--
24 Consistent with the policies agreed to by the board and the
25 secretary of cultural affairs, the director:

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A. may:

(1) solicit and receive funds or property, including federal funds and public and private grants, for the development of the museum, its collections and its programs;

(2) as authorized by the secretary, enter into contracts related to the programs and operations of the museum, including services related to the location, acquisition, preservation, restoration, salvage or development of culturally related sites, structures or objects in the state;

(3) as authorized by the board, lend collections or materials to qualified persons for purposes of exhibition and study and borrow collections or materials from other persons for like purposes;

(4) conduct facilities rentals for forty-five days or less and such retail sales as appropriate for the operation of the museum; and

(5) publish journals, books, reports and other materials as appropriate to the operation of the museum; and

B. shall:

(1) administer and operate the museum in accordance with applicable statutes and rules;

(2) develop exhibits and programs of an educational nature for the benefit of the public and in particular the students of the state;

(3) recommend acquisitions to the board, by

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1 donation or other means, of collections and related materials
2 appropriate to the mission of the museum;

3 (4) direct research, preservation and
4 conservation as is appropriate to render the collections
5 beneficial to the public;

6 (5) cooperate with educational institutions
7 and other agencies and political subdivisions of state, tribal
8 and federal governments to establish, maintain and extend the
9 programs of the museum;

10 (6) employ and discharge personnel necessary
11 for the operation of the museum in accordance with the
12 provisions of the Personnel Act;

13 (7) propose budgets for operations and capital
14 improvements;

15 (8) collect admission fees as determined by
16 the board; and

17 (9) perform such other appropriate duties as
18 may be delegated by the board, the secretary of cultural
19 affairs or the governor or as may be provided by law."

20 SECTION 7. Section 18-7-3 NMSA 1978 (being Laws 1978,
21 Chapter 72, Section 3, as amended) is repealed and a new
22 Section 18-7-3 NMSA 1978 is enacted to read:

23 "18-7-3. [NEW MATERIAL] NEW MEXICO MUSEUM OF SPACE
24 HISTORY COMMISSION--POWERS AND DUTIES.--The New Mexico museum
25 of space history commission shall:

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1 A. establish museum of space history policy and
2 determine the mission and direct the development of the museum
3 subject to the approval of the secretary of cultural affairs;

4 B. hold title to all property for museum use;

5 C. exercise trusteeship over the collections of the
6 museum;

7 D. acquire objects relating to the history of
8 rocketry, space flight, astronomy and related fields of
9 interest to the public and real property for museum use or
10 benefit by purchase, donation and bequest;

11 E. solicit funds for the purpose of developing,
12 restoring and equipping the museum and its property and for the
13 purchase of objects and works of art for its collections and
14 for the development of exhibits and other public programs;

15 F. adopt rules as appropriate governing:

16 (1) the loan of objects and exhibits to
17 qualified institutions and agencies for the purpose of
18 exhibition;

19 (2) gifts, donations or loans of exhibit or
20 collection materials for the museum;

21 (3) the licensure of the museum's intellectual
22 property; and

23 (4) other matters necessary to carry out the
24 provisions of Chapter 18, Article 7 NMSA 1978;

25 G. enter into leases with public or private

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1 organizations or agencies for the use of museum premises or
2 facilities for periods of time that exceed forty-five days;

3 H. cooperate with other agencies and political
4 subdivisions of state, tribal and federal governments and
5 private organizations and individuals to the extent necessary
6 to establish and maintain the museum and its programs;

7 I. subject to other provisions of law and excepting
8 temporary statewide initiatives of the secretary of cultural
9 affairs, impose admission fees to the museum facilities and
10 programs; and

11 J. review annually the performance of the director
12 and report its findings to the secretary of cultural affairs."

13 SECTION 8. Section 18-7-4 NMSA 1978 (being Laws 1978,
14 Chapter 72, Section 4, as amended) is amended to read:

15 "18-7-4. MUSEUM OF SPACE HISTORY DIRECTOR--[EMPLOYMENT]
16 APPOINTMENT--QUALIFICATIONS---

17 A. Subject to the authority of the secretary of
18 cultural affairs, the administrative and executive officer of
19 the museum of space history division and the museum of space
20 history is the "director" of the division.

21 B. The director shall meet the following minimum
22 qualifications:

23 (1) hold a bachelor's or higher degree in a
24 discipline related to the functions of the division; and

25 (2) have significant experience in the

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1 management and operation of an organization similar to the
2 division.

3 C. The director of the museum of space history
4 division shall be ~~hired~~ appointed by the secretary of
5 cultural affairs with the approval of the governor from a list
6 of qualified candidates provided by the museum of space history
7 commission."

8 SECTION 9. A new section of Chapter 18, Article 7 NMSA
9 1978 is enacted to read:

10 "[NEW MATERIAL] MUSEUM OF SPACE HISTORY DIRECTOR DUTIES.--
11 Consistent with the policies of the secretary of cultural
12 affairs and the New Mexico museum of space history commission,
13 the director of the museum of space history:

14 A. may:

15 (1) solicit and receive funds or property,
16 including federal funds and public and private grants, for the
17 development of the museum, its collections and its programs;

18 (2) as authorized by the secretary, enter into
19 contracts related to the programs and operations of the museum,
20 including services related to the location, acquisition,
21 preservation, restoration, salvage or development of culturally
22 related sites, structures or objects in the state;

23 (3) as authorized by the commission, lend
24 collections or materials to qualified persons for purposes of
25 exhibition and study and borrow collections or materials from

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1 other persons for like purposes;

2 (4) conduct facilities rentals for forty-five
3 days or less and such retail sales as appropriate for the
4 operation of the museum; and

5 (5) publish journals, books, reports and other
6 materials as appropriate to the operation of the museum; and

7 B. shall:

8 (1) administer and operate the museum in
9 accordance with applicable statutes and rules;

10 (2) develop exhibits and programs of an
11 educational nature for the benefit of the public and in
12 particular the students of the state;

13 (3) recommend acquisitions to the commission,
14 by donation or other means, of collections and related
15 materials appropriate to the mission of the museum;

16 (4) direct research, preservation and
17 conservation as is appropriate to render the collections
18 beneficial to the public;

19 (5) cooperate with educational institutions
20 and other agencies and political subdivisions of state, tribal
21 and federal governments to establish, maintain and extend the
22 programs of the museum;

23 (6) employ and discharge personnel necessary
24 for the operation of the museum in accordance with the
25 provisions of the Personnel Act;

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1 (7) propose budgets for operations and capital
2 improvements;

3 (8) collect admission fees as determined by
4 the commission; and

5 (9) perform such other appropriate duties as
6 may be delegated by the commission, the secretary of cultural
7 affairs or the governor or as may be provided by law."

8 SECTION 10. Section 18-11-5 NMSA 1978 (being Laws 1991,
9 Chapter 48, Section 5, as amended) is amended to read:

10 "18-11-5. BOARD CREATED--APPOINTMENT--TERMS--OFFICERS.--

11 A. The "board of the farm and ranch heritage
12 museum" is created.

13 B. The board shall consist of one nonvoting member
14 and eleven voting members who are residents of New Mexico, as
15 follows:

16 (1) [~~eight~~] nine members shall be appointed by
17 the governor with the advice and consent of the senate. Five
18 of those [~~eight~~] nine members shall be farmers or ranchers and
19 [~~three~~] four members shall be from the general public. The
20 five farmer and rancher members of the original board shall be
21 appointed from a list of eight names submitted by the board of
22 directors of the New Mexico farm and ranch heritage institute
23 foundation, incorporated, from a list of persons recommended by
24 farm and ranch organizations. When a vacancy occurs in any of
25 the five farmer and rancher positions, two names shall be

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1 submitted to the governor by the board for each vacancy from a
2 list of persons recommended by farm and ranch organizations.
3 No more than [~~four~~] five of the [~~eight~~] nine appointed members
4 shall be from the same political party. In making these
5 appointments, due consideration shall be given to the
6 distribution of places of residence and to individual interests
7 and backgrounds in farming and ranching. Initially, two
8 members shall be appointed for terms of two years, three
9 members shall be appointed for terms of three years and three
10 members shall be appointed for terms of four years. The member
11 appointed pursuant to this 2015 amendment shall serve an
12 initial term of two years. Thereafter, members of the board
13 shall be appointed for terms of four years or less so that the
14 staggered expiration dates are maintained;

15 (2) the following shall have permanent seats
16 on the board:

17 (a) the director of the New Mexico
18 department of agriculture or the director's designee; and

19 (b) the dean of the college of
20 agriculture and home economics of New Mexico state university
21 or the dean's designee [~~and~~

22 ~~(c) the secretary of cultural affairs or~~
23 ~~the secretary's designee]; and~~

24 (3) the director shall be a nonvoting member
25 of the board.

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1 C. A member of the board shall not be removed
2 during [~~his~~] the member's term except for misconduct,
3 incompetence, neglect of duty or malfeasance in office. No
4 removal shall be made without prior approval of the senate.

5 D. The [~~chairman~~] chair of the board and other
6 officers, as deemed necessary by the board, shall be elected by
7 the board annually at its first scheduled meeting after July
8 1."

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

11 "18-11-7. BOARD--POWERS AND DUTIES.--The board shall:

12 A. establish museum policy and determine the
13 mission and direct the development of the museum subject to the
14 approval of the secretary of cultural affairs;

15 [~~B. adopt rules that may be necessary to carry out~~
16 ~~the provisions of this section;~~

17 ~~G.]~~ B. exercise trusteeship over the collections of
18 the museum;

19 [~~D.]~~ C. accept and hold title to all property for
20 museum use;

21 [~~E. approve contracts or agreements that the~~
22 ~~division may enter into with private or public organizations,~~
23 ~~institutions, agencies or individuals to carry out the purposes~~
24 ~~of the Farm and Ranch Heritage Museum Act;]~~

25 D. acquire objects relating to farming and ranching

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1 of interest to the public and real property for museum use or
2 benefit by purchase, donation or bequest;

3 E. adopt rules as appropriate governing:

4 (1) the loan of objects and exhibits to
5 qualified institutions and agencies for the purpose of
6 exhibition;

7 (2) gifts, donations or loans of exhibits or
8 collection materials for the museum;

9 (3) the licensure of the museum's intellectual
10 property; and

11 (4) other matters necessary to carry out the
12 provisions of the Farm and Ranch Heritage Museum Act;

13 F. enter into leases with public or private
14 agencies or organizations for the use of museum premises or
15 facilities for periods of time that exceed forty-five days;

16 [~~F. authorize the director to~~] G. solicit [and
17 receive] funds or property [of any nature for the development
18 of] for the purpose of developing, restoring and equipping the
19 museum, its collections and its programs and for the purchase
20 of objects for its collections and for the development of
21 exhibits and other public programs;

22 H. cooperate with other agencies and political
23 subdivisions of state, tribal and federal governments and
24 private organizations and individuals to the extent necessary
25 to establish and maintain the museum and its programs;

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1 I. subject to other provisions of law and excepting
2 temporary statewide initiatives of the secretary of cultural
3 affairs, impose admission fees to the museum facilities and
4 programs; and

5 [~~G.~~] J. review annually the performance of the
6 director and report its findings to the secretary of cultural
7 affairs."

8 SECTION 12. Section 18-11-9 NMSA 1978 (being Laws 1991,
9 Chapter 48, Section 9, as amended) is repealed and a new
10 Section 18-11-9 NMSA 1978 is enacted to read:

11 "18-11-9. [NEW MATERIAL] DIRECTOR--POWERS AND DUTIES.--
12 Consistent with the policies agreed to by the board and the
13 secretary of cultural affairs, the director:

14 A. may:

15 (1) solicit and receive funds or property,
16 including federal funds and public and private grants, for the
17 development of the museum, its collections and its programs;

18 (2) as authorized by the secretary, enter into
19 contracts related to the programs and operations of the museum,
20 including services related to the location, acquisition,
21 preservation, restoration, salvage or development of culturally
22 related sites, structures or objects in the state;

23 (3) as authorized by the board, lend
24 collections or materials to qualified persons for purposes of
25 exhibition and study and borrow collections or materials from

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1 other persons for like purposes;

2 (4) conduct facilities rentals for forty-five
3 days or less and such retail sales as appropriate for the
4 operation of the museum; and

5 (5) publish journals, books, reports and other
6 materials as appropriate to the operation of the museum; and

7 B. shall:

8 (1) administer and operate the museum in
9 accordance with applicable statutes and rules;

10 (2) develop exhibits and programs of an
11 educational nature for the benefit of the public and in
12 particular the students of the state;

13 (3) recommend acquisitions to the board, by
14 donation or other means, of collections and related materials
15 appropriate to the mission of the museum;

16 (4) direct research, preservation and
17 conservation as is appropriate to render the collections
18 beneficial to the public;

19 (5) cooperate with educational institutions
20 and other agencies and political subdivisions of state, tribal
21 and federal governments to establish, maintain and extend the
22 programs of the museum;

23 (6) employ and discharge personnel necessary
24 for the operation of the museum in accordance with the
25 provisions of the Personnel Act;

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1 (7) propose budgets for operations and capital
2 improvements;

3 (8) collect admission fees as determined by
4 the board; and

5 (9) perform such other appropriate duties as
6 may be delegated by the board, the secretary of cultural
7 affairs or the governor or as may be provided by law."

8 SECTION 13. A new section of the Farm and Ranch Heritage
9 Museum Act is enacted to read:

10 "[NEW MATERIAL] MUSEUM ADMISSION POLICY.--The board shall
11 establish a policy to allow New Mexico residents age sixty
12 years and over to enter all publicly accessible exhibit and
13 program areas, except special exhibits and programs for which
14 commissions or royalties are paid by contract, free of charge
15 every Wednesday that is not a holiday that the museum is open."

16 SECTION 14. Section 18-12-4 NMSA 1978 (being Laws 1993,
17 Chapter 42, Section 4, as amended) is amended to read:

18 "18-12-4. BOARD OF DIRECTORS--CREATED--APPOINTMENT--
19 TERMS--OFFICERS.--

20 A. The "board of directors of the national Hispanic
21 cultural center" is created. The board shall consist of
22 fifteen residents of New Mexico. Thirteen public members shall
23 be appointed by the governor with the advice and consent of the
24 senate. Two of the appointees shall be employees of state
25 institutions of higher education or appropriate state agencies.

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1 In making the appointments, the governor shall give due
2 consideration to:

3 (1) the ethnic, economic and geographic
4 diversity of the state;

5 (2) individuals who have demonstrated an
6 awareness of and support for traditional and contemporary
7 Hispanic culture, arts and humanities, including a strong
8 knowledge of New Mexico Hispanic history; and

9 (3) individuals who are knowledgeable in the
10 areas of Hispanic performing, visual and oral arts, genealogy,
11 family issues, education, business and administration.

12 B. ~~[Of the initial appointees, five members shall~~
13 ~~be appointed for four-year terms, five members shall be~~
14 ~~appointed for three-year terms and five members shall be~~
15 ~~appointed for two-year terms. All subsequent]~~ The public
16 members shall be appointed for staggered four-year terms.

17 C. Two private members shall be appointed by the
18 board of a nonprofit organization that has an operating
19 agreement with the center that complies with the provisions of
20 Section 6-5A-1 NMSA 1978. The private members shall be
21 appointed for one-year terms expiring on June 30 of each year.

22 ~~[G.]~~ D. A majority of the board members currently
23 serving shall constitute a quorum at any meeting or hearing.

24 ~~[D.—Any]~~ E. A public member failing to attend
25 three consecutive meetings after receiving proper notice shall

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1 be recommended for removal by the governor. The governor may
2 also remove ~~[any]~~ a public member of the board for neglect of
3 any duty required by law, for incompetency, for unprofessional
4 conduct or for violating any provisions of the National
5 Hispanic Cultural Center Act. If a vacancy occurs on the
6 board, the ~~[governor]~~ original appointing authority shall
7 appoint another member to complete the unexpired term.

8 ~~[E.]~~ F. The executive director shall be an ex-
9 officio nonvoting member of the board.

10 ~~[F.]~~ G. The governor shall designate the president
11 of the board, who shall serve in that capacity at the pleasure
12 of the governor. The board may elect other officers from among
13 its membership."

14 SECTION 15. Section 18-12-5 NMSA 1978 (being Laws 1993,
15 Chapter 42, Section 5, as amended) is amended to read:

16 "18-12-5. BOARD--POWERS AND DUTIES.--

17 A. The board shall:

18 ~~[A.]~~ (1) exercise trusteeship over the
19 collections of the center;

20 ~~[B.]~~ (2) accept and hold title to all property
21 for the center's use;

22 ~~[C.]~~ (3) review annually the performance of
23 the director and report its findings to the secretary of
24 cultural affairs;

25 ~~[D. enter into agreements or contracts with private~~

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1 ~~or public organizations, agencies or individuals for the~~
2 ~~purpose of obtaining real or personal property for the center's~~
3 ~~use;]~~

4 (4) acquire objects relating to Hispanic
5 culture and history of interest to the public and real property
6 for the center's use or benefit by purchase, donation and
7 bequest;

8 [~~E. authorize the director to~~] (5) solicit
9 [and receive] funds or property [of any nature] for the
10 development of the center, its collections and its programs;

11 [~~F. adopt such rules as may be necessary to carry~~
12 ~~out the provisions of the National Hispanic Cultural Center~~
13 ~~Act; and]~~

14 (6) adopt rules as appropriate governing:

15 (a) the loan of objects and exhibits to
16 qualified institutions and agencies for the purpose of
17 exhibition;

18 (b) gifts, donations or loans of exhibit
19 or collection materials to the center;

20 (c) the licensure of the center's
21 intellectual property; and

22 (d) other matters necessary to carry out
23 the provisions of the National Hispanic Cultural Center Act;

24 (7) enter into leases with public or private
25 organizations or agencies for the use of center premises or

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1 facilities for periods of time that exceed forty-five days;

2 (8) cooperate with other agencies and
3 political subdivisions of municipal, state, tribal and federal
4 governments and private organizations and individuals to the
5 extent necessary to establish and maintain the center and its
6 programs;

7 (9) subject to other provisions of law and
8 excepting temporary statewide initiatives of the secretary of
9 cultural affairs, impose admission fees to the center's
10 facilities and programs; and

11 ~~[6-]~~ (10) establish policy, determine the
12 mission and direct the development of the center.

13 B. The board may, beginning July 1, 2015, enter
14 into or remain a party to an operating agreement with a
15 nonprofit organization only if the operating agreement allows
16 the governing board of the nonprofit organization to appoint
17 two of its voting board members to serve on the center's board
18 and only if the governing board of the nonprofit organization
19 has at least five members.

20 C. If a person is concurrently a member of the
21 center's board and a member of the governing board of the
22 nonprofit organization that has an operating agreement with the
23 board that complies with Section 6-5A-1 NMSA 1978, that person
24 shall not vote on matters relating to the operating agreement."

25 SECTION 16. Section 18-12-7 NMSA 1978 (being Laws 1993,

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1 Chapter 42, Section 7, as amended) is repealed and a new
2 Section 18-12-7 NMSA 1978 is enacted to read:

3 "18-12-7. [NEW MATERIAL] DIRECTOR--POWERS AND DUTIES.--
4 Consistent with the policies of the secretary of cultural
5 affairs and the board, the director:

6 A. may:

7 (1) solicit and receive funds or property,
8 including federal funds and public and private grants, for the
9 development of the center, its collections and its programs;

10 (2) as authorized by the secretary, enter into
11 contracts related to the programs and operations of the center,
12 including services related to the location, acquisition,
13 preservation, restoration, salvage or development of culturally
14 related sites, structures or objects in the state;

15 (3) as authorized by the board, lend
16 collections or materials to qualified persons for purposes of
17 exhibition and study and borrow collections or materials from
18 other persons for like purposes;

19 (4) conduct facilities rentals for forty-five
20 days or less and such retail sales as appropriate for the
21 operation of the center; and

22 (5) publish journals, books, reports and other
23 materials as appropriate to the operation of the center; and

24 B. shall:

25 (1) administer and operate the center in

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1 accordance with applicable statutes and rules;

2 (2) develop exhibits and programs of an
3 educational nature for the benefit of the public and in
4 particular the students of the state;

5 (3) recommend acquisitions to the board, by
6 donation or other means, of collections and related materials
7 appropriate to the mission of the center;

8 (4) direct research, preservation and
9 conservation as is appropriate to render the collections
10 beneficial to the public;

11 (5) cooperate with educational institutions
12 and other agencies and political subdivisions of state, tribal
13 and federal governments to establish, maintain and extend the
14 programs of the center;

15 (6) employ and discharge personnel necessary
16 for the operation of the center in accordance with the
17 provisions of the Personnel Act;

18 (7) propose budgets for operations and capital
19 improvements;

20 (8) collect admission fees as determined by
21 the board; and

22 (9) perform such other appropriate duties as
23 may be delegated by the board, the secretary of cultural
24 affairs or the governor or as may be provided by law."

25 SECTION 17. A new section of the National Hispanic

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1 Cultural Center Act is enacted to read:

2 "[NEW MATERIAL] MUSEUM ADMISSION POLICY.--The board, the
3 secretary of cultural affairs and the director shall establish
4 and implement a policy to permit New Mexico residents age sixty
5 years and above to enter all publicly accessible visual arts
6 exhibit areas, except special exhibits where commission or
7 royalties are paid by contract, free of charge every Wednesday
8 that is not a holiday that the museum is open."

9 SECTION 18. TEMPORARY PROVISION--RECOMPILATION.--

10 A. Section 9-4A-11 NMSA 1978 (being Laws 1949,
11 Chapter 74, Section 1, as amended) is recompiled as Section
12 18-3-11 NMSA 1978.

13 B. Section 9-4A-13 NMSA 1978 (being Laws 2004,
14 Chapter 25, Section 13, as amended) is recompiled as Section
15 18-3-12 NMSA 1978.

16 C. Section 9-4A-14 NMSA 1978 (being Laws 2004,
17 Chapter 25, Section 14) is recompiled as Section 18-3-13 NMSA
18 1978.

19 D. Section 9-4A-15 NMSA 1978 (being Laws 2004,
20 Chapter 25, Section 15) is recompiled as Section 18-3-14 NMSA
21 1978.

22 E. Section 9-4A-16 NMSA 1978 (being Laws 2004,
23 Chapter 25, Section 16) is recompiled as Section 18-3-15 NMSA
24 1978.

25 F. Section 9-4A-17 NMSA 1978 (being Laws 2004,

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1 Chapter 25, Section 17, as amended) is recompiled as Section
2 18-3-16 NMSA 1978.

3 G. Section 9-4A-18 NMSA 1978 (being Laws 2004,
4 Chapter 25, Section 18) is recompiled as Section 18-3-17 NMSA
5 1978.

6 SECTION 19. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2015.