The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 19

SENATE BILL 450, as amended

Introduced by

SENATOR WILLIAM F. BURT
SENATOR GERALD ORTIZ y PINO
AN ACT

RELATING TO CULTURAL AFFAIRS; STANDARDIZING MUSEUM AND
MONUMENT BOARD AND DIRECTOR DUTIES; AUTHORIZING THE HISTORIC
PRESERVATION DIVISION TO CHARGE FEES FOR CERTAIN SERVICES;
PROVIDING OTHER CLEANUP OF STATUTES; AMENDING, REPEALING,

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

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

"9-4A-22. STATE MUSEUMS IMPROVEMENTS AND EXHIBITS FUND
CREATED--USE.--

A. The "state museums improvements and exhibits
fund" is created in the state treasury. The fund consists
of:

(1) money appropriated and transferred to
the fund;

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

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

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

C. Money in the state museums improvements and
exhibits fund shall be expended by the department for
development, implementation and maintenance of exhibitions at
state museums and for maintenance and repairs of state museum
facilities. Revenues in the fund earned by a specific
division shall be expended by that division.

D. As used in this section, "state museum" means a
museum, historic site, monument, cultural center or
laboratory administered by the department."

SECTION 2. Section 14-3-3 NMSA 1978 (being Laws 1959,
Chapter 245, Section 3, as amended) is amended to read:
"14-3-3. STATE COMMISSION OF PUBLIC RECORDS--
CREATION.--

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

(1) the secretary of state;
(2) the secretary of general services;
(3) the librarian of the supreme court law
library;

(4) the secretary of cultural affairs;
(5) the state auditor;
(6) the attorney general; and
(7) a recognized, professionally trained
historian in the field of New Mexico history, who is a
resident in New Mexico, appointed by the governor for a term
of six years.

E. Each member of the commission may designate an
alternate to serve in the member's stead.

C. The commission shall elect one of its members
to be chair and another to be secretary. The members of the
commission shall serve without compensation other than actual
expenses of attending meetings of the commission or while in
performance of their official duties in connection with the
business of the commission.

D. The commission shall hold not less than four
meetings during each calendar year and may hold special
meetings as may be necessary to transact business of the
commission. All meetings shall be called by the chair or
when requested in writing by any two members of the
commission. Four members of the commission shall constitute
a quorum.

E. The administrator shall attend all meetings of
the commission."
SECTION 3. Section 18-3-3 NMSA 1978 (being Laws 1978, Chapter 164, Section 2, as amended) is amended to read:

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

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

E. establish museum of New Mexico policy and determine the mission and direct the development of the museum;

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

D. exercise trusteeship over the collections of the museum;

E. hold title to all property for museum use;

F. acquire objects of historical, archaeological and ethnological interest and works of fine art, folk art and craft of interest to the public and real property for museum use or benefit by purchase, donation and bequest;

G. adopt rules as appropriate governing:

   (1) the loan of objects and exhibits to qualified institutions and agencies for the purpose of exhibition;
(2) gifts, donations or loans of exhibit or
collection materials for the museum;
(3) the licensure of the museum's
intellectual property; and
(4) other matters necessary to carry out the
provisions of Chapter 18, Article 3 NMSA 1978;

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

I. cooperate with other agencies and political
subdivisions of municipal, state, tribal and federal
governments and private organizations and individuals to the
extent necessary to establish and maintain the museum and its
programs;

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

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

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

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

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

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

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

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

(7) propose budgets for operations and capital improvements;

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

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

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

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

A. exercise trusteeship over the collections of the museum;

E. accept and hold title to all property for museum use;

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

E. review annually the performance of the director and report its findings to the secretary of cultural affairs;

E. adopt rules as appropriate governing:

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

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

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

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

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

   G. solicit funds or property of any nature for the
development, restoration or equipping of the museum, its
collections, exhibits and programs;

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

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

   J. establish museum policy and determine the
mission and direct the development of the institution subject
to the approval of the secretary of cultural affairs."

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

"18-3A-9. DIRECTOR--POWERS AND DUTIES.--Consistent with
the policies agreed to by the board and the secretary of
cultural affairs, the director:

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

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

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

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

(7) propose budgets for operations and capital improvements;

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

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

SECTION 7. Section 18-6-8 NMSA 1978 (being Laws 1977, Chapter 246, Section 38, as amended) is amended to read:

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

A. The "historic preservation division" is created within the cultural affairs department.
B. The state historic preservation officer shall be the director of the division and shall be hired by the secretary of cultural affairs with the consent of the governor. The position's qualifications shall be consistent with but not limited to the following:

(1) a graduate degree in American history, anthropology, architecture or historic preservation;

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

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

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

D. The state historic preservation officer, in
conjunction with the secretary of cultural affairs:

(1) shall provide staff to the committee;
(2) shall maintain the state register of cultural properties;
(3) may fund historic site surveys and may fund restorations;
(4) shall administer historic preservation tax benefit programs;
(5) shall review state undertakings to determine their effect upon significant historic properties; and
(6) shall adopt and promulgate rules regulating the use of the division's statewide historic and prehistoric site databases and archives, including a fee schedule to cover the reasonable cost of using the databases and archives.

E. Fees collected pursuant to Paragraph (6) of Subsection D of this section shall be used to maintain and administer the division's statewide historic and prehistoric site databases and archives."

SECTION 8. Section 18-7-3 NMSA 1978 (being Laws 1978, Chapter 72, Section 3, as amended) is repealed and a new Section 18-7-3 NMSA 1978 is enacted to read:

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

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

   E. hold title to all property for museum use;

   C. exercise trusteeship over the collections of
the museum;

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

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

   F. adopt rules as appropriate governing:

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

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

      (3) the licensure of the museum's
intellectual property; and
(4) other matters necessary to carry out the provisions of Chapter 18, Article 7 NMSA 1978;

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

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

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

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

SECTION 9. Section 18-7-4 NMSA 1978 (being Laws 1978, Chapter 72, Section 4, as amended) is amended to read:

"18-7-4. MUSEUM OF SPACE HISTORY DIRECTOR--APPOINTMENT--QUALIFICATIONS.--

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

B. The director shall meet the following minimum
qualifications:

   (1) hold a bachelor's or higher degree in a
discipline related to the functions of the division; and
   (2) have significant experience in the
management and operation of an organization similar to the
division.

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

SECTION 10. A new section of Chapter 18, Article 7 NMSA
1978 is enacted to read:

"MUSEUM OF SPACE HISTORY DIRECTOR DUTIES.--Consistent
with the policies of the secretary of cultural affairs and
the New Mexico museum of space history commission, the
director of the museum of space history:

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

(4) direct research, preservation and
conservation as is appropriate to render the collections
beneficial to the public;
(5) cooperate with educational institutions and other agencies and political subdivisions of state, tribal and federal governments to establish, maintain and extend the programs of the museum;

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

(7) propose budgets for operations and capital improvements;

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

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

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

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

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

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

(1) nine members shall be appointed by the governor with the advice and consent of the senate. Five of
those nine members shall be farmers or ranchers and four
members shall be from the general public. The five farmer
and rancher members of the original board shall be appointed
from a list of eight names submitted by the board of
directors of the New Mexico farm and ranch heritage institute
foundation, incorporated, from a list of persons recommended
by farm and ranch organizations. When a vacancy occurs in
any of the five farmer and rancher positions, two names shall
be submitted to the governor by the board for each vacancy
from a list of persons recommended by farm and ranch
organizations. No more than five of the nine appointed
members shall be from the same political party. In making
these appointments, due consideration shall be given to the
distribution of places of residence and to individual
interests and backgrounds in farming and ranching.
Initially, two members shall be appointed for terms of two
years, three members shall be appointed for terms of three
years and three members shall be appointed for terms of four
years. The member appointed pursuant to this 2015 amendment
shall serve an initial term of two years. Thereafter,
members of the board shall be appointed for terms of four
years or less so that the staggered expiration dates are
maintained;

(2) the following shall have permanent seats
on the board:
(a) the director of the New Mexico department of agriculture or the director's designee; and

(b) the dean of the college of agriculture and home economics of New Mexico state university or the dean's designee; and

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

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

D. The chair of the board and other officers, as deemed necessary by the board, shall be elected by the board annually at its first scheduled meeting after July 1."

SECTION 12. Section 18-11-7 NMSA 1978 (being Laws 1991, Chapter 48, Section 7, as amended) is amended to read:

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

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

B. exercise trusteeship over the collections of the museum;

C. accept and hold title to all property for museum use;

D. acquire objects relating to farming and
ranching of interest to the public and real property for
museum use or benefit by purchase, donation or bequest;

E. adopt rules as appropriate governing:

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

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

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

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

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

G. solicit funds or property for the purpose of
developing, restoring and equipping the museum, its
collections and its programs and for the purchase of objects
for its collections and for the development of exhibits and
other public programs;

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

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

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

SECTION 13. Section 18-11-9 NMSA 1978 (being Laws 1991,
Chapter 48, Section 9, as amended) is repealed and a new
Section 18-11-9 NMSA 1978 is enacted to read:

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

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

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

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

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

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

(7) propose budgets for operations and
capital improvements;

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

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

SECTION 14. A new section of the Farm and Ranch
Heritage Museum Act is enacted to read:

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

SECTION 15. Section 18-12-4 NMSA 1978 (being Laws 1993,
Chapter 42, Section 4, as amended) is amended to read:

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

A. The "board of directors of the national
Hispanic cultural center" is created. The board shall
consist of fifteen residents of New Mexico. Thirteen public
members shall be appointed by the governor with the advice
and consent of the senate. Two of the appointees shall be employees of state institutions of higher education or appropriate state agencies. In making the appointments, the governor shall give due consideration to:

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

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

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

B. The public members shall be appointed for staggered four-year terms.

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

D. A majority of the board members currently serving shall constitute a quorum at any meeting or hearing.

E. A public member failing to attend three
consecutive meetings after receiving proper notice shall be recommended for removal by the governor. The governor may also remove a public member of the board for neglect of any duty required by law, for incompetency, for unprofessional conduct or for violating any provisions of the National Hispanic Cultural Center Act. If a vacancy occurs on the board, the original appointing authority shall appoint another member to complete the unexpired term.

F. The executive director shall be an ex-officio nonvoting member of the board.

G. The governor shall designate the president of the board, who shall serve in that capacity at the pleasure of the governor. The board may elect other officers from among its membership."

SECTION 16. Section 18-12-5 NMSA 1978 (being Laws 1993, Chapter 42, Section 5, as amended) is amended to read:

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

A. The board shall:

(1) exercise trusteeship over the collections of the center;

(2) accept and hold title to all property for the center's use;

(3) review annually the performance of the director and report its findings to the secretary of cultural affairs;
(4) acquire objects relating to Hispanic culture and history of interest to the public and real property for the center's use or benefit by purchase, donation and bequest;

(5) solicit funds or property for the development of the center, its collections and its programs;

(6) adopt rules as appropriate governing:

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

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

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

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

(7) enter into leases with public or private organizations or agencies for the use of center premises or facilities for periods of time that exceed forty-five days;

(8) cooperate with other agencies and political subdivisions of municipal, state, tribal and federal governments and private organizations and individuals to the extent necessary to establish and maintain the center and its programs;
(9) subject to other provisions of law and excepting temporary statewide initiatives of the secretary of cultural affairs, impose admission fees to the center's facilities and programs; and

(10) establish policy, determine the mission and direct the development of the center.

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

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

SECTION 17. Section 18-12-7 NMSA 1978 (being Laws 1993, Chapter 42, Section 7, as amended) is repealed and a new Section 18-12-7 NMSA 1978 is enacted to read:

"18-12-7. DIRECTOR--POWERS AND DUTIES.--Consistent with the policies of the secretary of cultural affairs and the board, the director:
A. may:

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

(2) as authorized by the secretary, enter into contracts related to the programs and operations of the center, 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 center; and

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

B. shall:

(1) administer and operate the center 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 donation or other means, of collections and related materials appropriate to the mission of the center;

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

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

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

(7) propose budgets for operations and capital improvements;

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

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

SECTION 18. A new section of the National Hispanic Cultural Center Act is enacted to read:

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

SECTION 19. TEMPORARY PROVISION--RECOMPILATION.--

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

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

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

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

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

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

SECTION 20. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.
John A. Sanchez, President  
Senate

Lenore M. Naranjo, Chief Clerk  
Senate

Don L. Tripp, Speaker  
House of Representatives

Denise Ramonas, Chief Clerk  
House of Representatives

Approved by me this 1st day of April, 2015

Governor Susana Martinez  
State of New Mexico