

<b>LFC Requester:</b>	<b>Jon Clark</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

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**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date** February 6, 2015  
**Bill No:** SB 450-305

**Sponsor:** Sen. William Burt  
**Short**    Museum & Monument Board  
**Title:**    & Director

**Agency Code:** Attorney General's Office  
**Person Writing**    Jennifer Salazar, AAG  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY15</b>	<b>FY16</b>		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY15</b>	<b>FY16</b>	<b>FY17</b>		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: May conflict with HB 227, titled “Combine Cultural Affairs and Tourism Departments”  
Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis:

SB 450 proposes to amend several statutes relating to the Cultural Affairs Department (“DCA”). Section 1 recompiles State Museum Improvements and Exhibit Fund (NMSA 1978, § 18-3-9) at NMSA 1978, § 9-4A-22 of the Cultural Affairs Department Act.

Section 2 clears up language in the State Records Act regarding the secretary of cultural affairs.

Section 3 amends the powers and duties granted to the Museum of New Mexico Board of Regents under NMSA 1978, § 18-3-3. Section 4 enacts new material at NMSA 1978, § 18-3-18 to enumerate the powers and duties granted to each Museum of New Mexico Division Director.

Section 5 amends the powers and duties granted to the Board of Trustees of the New Mexico Museum of Natural History and Science. Section 6 repeals NMSA 1978, § 18-3A-9 and replaces it with new material that outlines the powers and duties granted to the Director of the Natural History and Science Museum Division.

Section 7 repeals NMSA 1978, § 18-7-3 and replaces it with new material that enumerates the powers and duties granted to the New Mexico Museum of Space History (“MSH”) Commission. Section 8 amends NMSA 1978, § 18-7-4 to add additional appointment qualifications required of the MSH Director and Section 9 would enact a new section of Chapter 18, Article 7 to enumerate the powers and duties of the MSH Director.

Section 10 would amend NMSA 1978, § 18-11-5 (pertaining to the Board of the Farm and Ranch Heritage Museum) to increase the board membership from eight to nine members.

Section 11 would amend the powers and duties granted to the Board. Section 12 would repeal the current NMSA 1978, § 18-11-9 and replace it with new material concerning the duties of the Farm and Ranch Heritage Museum (“FRHM”) Director. Section 13 would enact new material addressing the FRHM’s admission policy.

Section 14 would amend NMSA 1978, § 18-12-4 of the Natural Hispanic Cultural Center Act (“NHCC Act”) to require that two of the fifteen members be appointed by the “board of a nonprofit organization” that has an operating agreement with the National Hispanic Cultural Center (“NHCC”). Section 15 would amend the powers and duties granted to the Director of the NHCC. Section 16 amends NMSA 1978, § 18-12-5 to enumerate new/additional powers and duties of the NHCC Board of Directors. Section 17 would enact a new section of the NHCC Act to address the Museum Admission Policy.

Finally, Section 18 recompiles various sections of the Cultural Affairs Department Act.

### **FISCAL IMPLICATIONS**

N/A

### **SIGNIFICANT ISSUES**

The requirement in Section 14 that the “original appointing authority” appoint another board member in the event of a vacancy may run afoul to the governor’s appointment authority under Article 5, Section 5 of the New Mexico Constitution.

### **PERFORMANCE IMPLICATIONS**

N/A

### **ADMINISTRATIVE IMPLICATIONS**

N/A

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

May conflict with HB 227, titled “Combine Cultural Affairs and Tourism Departments”

### **TECHNICAL ISSUES**

The term “original appointee authority” referenced in Section 14 page 25 is not clear and would require a definition. Similarly, the term “nonprofit organization” found in Section 13 is not defined.

### **OTHER SUBSTANTIVE ISSUES**

N/A

### **ALTERNATIVES**

N/A

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo

### **AMENDMENTS**

N/A