

This rule was filed as Rule No. 50.

**TITLE 4           CULTURAL RESOURCES**  
**CHAPTER 51    MUSEUM OF NEW MEXICO**  
**PART 50        PRIVATE AND NON-PROFIT USE OF MUSEUM FACILITIES**

**4.51.50.1       ISSUING AGENCY:** Office of Cultural Affairs, Museum Division (Museum of New Mexico).  
[Recompiled 10/31/01]

**4.51.50.2       SCOPE:** [RESERVED]  
[Recompiled 10/31/01]

**4.51.50.3       STATUTORY AUTHORITY:** [RESERVED]  
[Recompiled 10/31/01]

**4.51.50.4       DURATION:** [Permanent]  
[Recompiled 10/31/01]

**4.51.50.5       EFFECTIVE DATE:** [Filed October 29, 1984]  
[Recompiled 10/31/01]

**4.51.50.6       OBJECTIVE:** [RESERVED]  
[Recompiled 10/31/01]

**4.51.50.7       DEFINITIONS:** [RESERVED]  
[Recompiled 10/31/01]

**4.51.50.8       PRIVATE AND NON-PROFIT USE OF MUSEUM FACILITIES:**

A.       The museum of New Mexico encourages use of its auditoriums and other public facilities by non-profit organizations and private groups to conduct public programs of broad interest for the general public. Private use of the facilities shall be approved only if there is no conflict with the museum's scheduling of other public programs or events and its daily operation and personnel requirements. A fee will be charged for public and private use. A set fee schedule, including a sliding scale rate, and standardized contract will be established, used and reviewed by each museum and state monuments unit and will be approved annually by the director of the museum of New Mexico.

B.       For both public and private use, it is understood that the operational requirements of the museum, the security and maintenance of its buildings, exhibitions and collections shall be given first consideration. Because space is limited, preference shall always be given to programs that are museum-related or that are of educational or cultural value.

C.       All requests to use the public facilities of the museum of New Mexico must be approved in writing by the associate director responsible for the buildings in which the facilities are located. Series programs - that is, a scheduled sequence of four or more programs by the same group or organization within a period of six months - require the approval of the appropriate associate director and the director of the museum of New Mexico.

D.       Application for use of the museum of New Mexico facilities or for museum sponsorship, setting forth specific details of the proposed use in writing, must be made not less than twenty-one days in advance. Applications shall be handled on a first come, first serve basis. Users must sign an agreement form with the museum. Permission, if granted, shall not create a vested lease or tenure in such use.

[Recompiled 10/31/01]

**4.51.50.9       CATEGORIES OF PERMITTED USE:**

A.       Museum use: This category includes activities developed and presented to the public by the staff of the museum or formally affiliated groups or individuals, with or without an admission charge.

B.       State agencies use: This category includes activities sponsored and presented by other state agencies as part of their professional duties, such as a meeting. Use will be granted only if the space and personnel

are available. The museum may waive the rental fee, but it is understood that the user shall be responsible for payment of the guard and any other special or required fees.

C. Co-sponsored use: This category includes activities developed and presented by the museum of New Mexico staff in collaboration - that is, museum staff actively works to develop an activity - or in conjunction - that is, museum staff works to implement a developed activity - with groups outside the museum.

D. Public and private use: This category includes activities presented by groups not affiliated with the museum of New Mexico.

(1) Public and private uses permitted under this category include, but are not limited to, concerts, performances, meetings, conventions, conferences, receptions, lectures, and other educational and cultural presentations that are either directly or indirectly related to museum's interests and purposes.

(2) All requests under this category will be considered and evaluated in relation to other events and museum functions already planned, and the availability of personnel, such as guards and other supervisory staff when needed. A request may be rejected if the proposed use would overburden the staff of the museum unit that is being requested for use. Fees under this category will be charged according to an established rate schedule, and the costs of all personnel services will be borne by the sponsoring agent. The associate director of that unit may, however, elect to waive rental fees if the sponsoring agent is a non-profit organization and the planned programs significantly enhance the programs and activities of the museum. A waiver of fees will not constitute sponsorship by the museum, unless specifically stated or granted.

E. Fund raising: No fund-raising activities will be permitted on the museum of New Mexico premises, except for the benefit of the museum.

F. Exceptions: Any requests to make exceptions to the stated uses must be submitted in written form to the appropriate associate director and the director of the museum of New Mexico, and must be approved in written form, after careful review and evaluation.

[Recompiled 10/31/01]

#### **4.51.50.10 CONDITIONS OF USE:**

A. In addition to rental fees, the cost of all personnel services, including a set fee for security services, shall be borne by the user. The museum may require payment of all or any part of the rental fees, such as a deposit to secure a reservation, in advance of a scheduled event. Fees will be established on a set museum-wide schedule, and may vary according to the size of space, services available, location, etc., of each museum unit.

B. Advance ticket sales for events sponsored by non-museum groups or organizations are not permitted on museum premises. Ticket sales on museum premises will be allowed on the day of the event. Generally, tickets go on sale one-half hour before an event begins, or with special permission, one hour or more before an event. In no instance may a member of the museum of New Mexico staff or a museum volunteer, as a part of his or her job assignment during working hours, engage in the sale of tickets or handle any funds connected with non-museum programs.

C. No interior or exterior advertising, such as posters, brochures, merchandise displays or other promotional materials in connection with scheduled activities will be permitted in museum buildings, unless a request is submitted in written form and written approval is received from the associate director.

D. No sales of any kind in connection with scheduled activities will be permitted. Any exceptions must be approved in written form by the appropriate associate director.

E. No structural or permanent physical alterations, attachment to the permanent structures or modifications of museum property will be permitted, nor will any activity that requires closure of the exhibition areas during regularly scheduled visiting hours, except by permission in writing from the associate director of that museum unit.

F. No person shall be permitted to operate any sound, lighting or other equipment without prior approval from the appropriate museum staff person. All fire regulations and laws concerning public safety shall be observed at all times. With use of the museum's auditoriums, the user must keep the aisles free of any obstructions and abide by all emergency exit regulations.

G. At the discretion of the director or associate director, users may be required to provide a certificate of insurance for property damage and public liability.

H. No refreshments, such as food or beverage of any kind or nature, shall be taken into or consumed in the public facilities of the museum, unless authorized by the appropriate associate director.

I. Alcoholic beverages of any kind whatsoever will not be permitted, consumed or served on museum premises without first obtaining the consent, in writing (a signature on the contract form may suffice) from

the appropriate associate director of the facility being used. Permission will be granted only if alcoholic beverages are being served as part of a private reception or as part of a "public celebration", which includes receptions that are open to the public and being held in conjunction with a concert or other event that fits under the category of public use. If permission is granted, it is understood that the user must comply with all museum policies and all city and state laws, rules, ordinances and regulations concerning the serving and consumption of all alcoholic beverages. At no time will "Bring Your Own Bottle" be permitted; at all times, some form of food, such as catered hors d'oeuvres, must be served in conjunction with the serving of alcoholic beverages. Once permission is granted, the user is responsible for applying for a "special dispenser's permit" from the state of New Mexico's department of alcoholic beverage control, at least fifteen (15) days prior to the event, and must pay the \$10 fee. The user must then have the permit validated by the city of Santa Fe or, in the case of state monuments, by the local municipal authority, and pay an additional \$10 fee, for a total of \$20 when both fees are paid. To complete the process, the user must then present a copy of a valid permit before approval of his or her contract will be granted. While the museum does not encourage the sale of alcohol on its premises, a user may request in writing, stating strong reasons for the request, that the sale of alcoholic beverages be permitted. Permission shall be at the discretion of the associate director of the facility being used. If granted, the user must comply with all state and city laws concerning the sale of all alcoholic beverages.

J. The user must accept the existing heating and cooling capacities of the museum's public facilities as being adequate in their present condition.

K. The user, at its own expense, shall keep the museum premises being rented or occupied in a safe, sanitary and sightly condition, in good repair, and shall restore and yield back the same to the museum, with ordinary wear and tear expected. If the premises are not be [sic] so kept by user, the museum may enter and do all things necessary to restore the premises to the condition required. In such instances, all costs will be charged to the user.

[Recompiled 10/31/01]

**HISTORY OF 4.51.50 NMAC:**

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records Center and Archives under:

No. 1, Policy on Public Use of Museum Facilities, 6/27/80.

Rule No. 50, Private and Non-Profit Use of Museum Facilities, 4/5/84.

Rule No. 50, Private and Non Profit Use of Museum Facilities, 10/29/84.

History of Repealed Material: [RESERVED]