

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 199

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Sandra D. Jeff

FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; AMENDING THE ARTS AND CULTURAL DISTRICT ACT; CLARIFYING TYPES OF ARTS AND CULTURAL DISTRICTS AND DESIGNATION PROCEDURES; PERMITTING ARTS AND CULTURAL DISTRICTS FOR TRIBAL ENTITIES; MAKING AN APPROPRIATION.

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

SECTION 1. Section 15-5A-1 NMSA 1978 (being Laws 2007, Chapter 160, Section 1) is amended to read:

"15-5A-1. SHORT TITLE.--~~[Sections 1 through 7 of this act]~~ Chapter 15, Article 5A NMSA 1978 may be cited as the "Arts and Cultural District Act"."

SECTION 2. Section 15-5A-2 NMSA 1978 (being Laws 2007, Chapter 160, Section 2) is amended to read:

"15-5A-2. DEFINITIONS.--As used in the Arts and Cultural
.190467.2

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 District Act:

2 A. "arts and cultural district" means a [~~developed~~
3 ~~district of public and private uses designated by the~~
4 ~~commission or a municipality~~] district that is recognized by
5 the commission as a developed district of public and private
6 uses for the purposes of strengthening the cultural economy,
7 that has been either state-authorized by the commission or
8 self-designated by a governing body in accordance with the Arts
9 and Cultural District Act and that is registered with the
10 coordinator;

11 B. "arts and cultural district council" means an
12 association of official representatives, including the main
13 street program of the economic development department; the arts
14 division and historic preservation division of the cultural
15 affairs department; the tourism department; and other statewide
16 nonprofit or foundation organizations dedicated to developing
17 funding, policy, strategies and resources for the state's
18 creative economy and supporting cultural entrepreneurs within
19 the state's arts and cultural districts;

20 [~~B.~~] C. "commission" means the New Mexico arts
21 commission; [~~and~~

22 [~~C.~~] D. "coordinator" means the person responsible
23 for coordinating the main street program pursuant to Subsection
24 B of Section 3-60B-3 NMSA 1978;

25 E. "creative economy" means a local economy or

.190467.2

underscored material = new
[bracketed material] = delete

1 portion thereof where creativity in cultural entrepreneurship
2 is the driving force of economic growth and supports job
3 creation and business development;

4 F. "cultural compound" means a cohesive group of
5 historic buildings or cultural facilities, owned publicly or
6 privately, that contributes to the understanding of a community
7 or region's culture and heritage;

8 G. "cultural institution" means a publicly or
9 privately owned facility accessible by the public that provides
10 opportunities for expressing, interpreting, conserving or
11 preserving the culture and heritage of a community or region;

12 H. "cultural plan" means a plan resulting from a
13 community-based planning process conducted by a professional
14 cultural planner to identify a vision for a state-authorized or
15 self-designated arts and cultural district and to define that
16 district's cultural assets, the potential impact of cultural
17 and heritage tourism, cultural opportunities, branding and
18 marketing strategies and the development of promotional events
19 and supportive amenities, including hospitality, restaurant,
20 recreational and entertainment opportunities;

21 I. "governing body" means a government of:
22 (1) a municipality or county; or
23 (2) an Indian nation, tribe or pueblo located
24 wholly or partially in New Mexico;

25 J. "master plan" means a plan resulting from a

underscored material = new
[bracketed material] = delete

1 professional planning process that:

2 (1) identifies priority catalytic economic
3 development projects to revitalize a downtown area, a cultural
4 institution or a cultural compound as determined through a
5 community participation process;

6 (2) examines existing conditions and assets
7 and analyses of the market;

8 (3) develops a physical land use plan with
9 livability and design guidelines;

10 (4) designs specific redevelopment sites and
11 projects; and

12 (5) identifies sustainable implementation
13 strategies and funding sources for a state-authorized or self-
14 designated arts and cultural district's future physical
15 improvements, economic uses and regulations;

16 K. "self-designated arts and cultural district"
17 means an arts and cultural district designated by a governing
18 body of a municipality or county in New Mexico with a
19 population exceeding fifty thousand or of an Indian nation,
20 tribe or pueblo located wholly or partially in New Mexico with
21 a population exceeding fifty thousand;

22 L. "state-authorized arts and cultural district"
23 means an arts and cultural district that is authorized by the
24 commission and whose boundaries and purposes are adopted by a
25 governing body; and

.190467.2

underscored material = new
[bracketed material] = delete

1 M. "steering committee" means an association of
2 representatives appointed by the coordinator, in conjunction
3 with the commission, and may include a local arts council; a
4 local revitalization or community economic development
5 organization; a governing body; and other local neighborhood,
6 historic, arts and cultural organizations, institutions and
7 agencies, which committee is organized to set goals and
8 policies, obtain financing and implement projects to develop a
9 state-authorized or a self-designated arts and cultural
10 district."

11 SECTION 3. Section 15-5A-3 NMSA 1978 (being Laws 2007,
12 Chapter 160, Section 3) is amended to read:

13 "15-5A-3. [~~MAIN STREET~~] STATE-AUTHORIZED ARTS AND
14 CULTURAL DISTRICT PROGRAM COORDINATOR--DUTIES.--

15 A. The coordinator shall:

16 (1) review and approve or reject applications
17 from [~~municipalities~~] a governing body, citizens and nonprofit
18 organizations to designate a state-authorized arts and cultural
19 [~~districts~~] district pursuant to the Arts and Cultural District
20 Act;

21 (2) administer and promote an application
22 process for the [~~designation~~] authorization of state-authorized
23 arts and cultural districts;

24 (3) provide assistance to state-authorized
25 arts and cultural districts to locate financial grants or

.190467.2

underscored material = new
[bracketed material] = delete

1 contracts for development of a state-authorized arts and
2 cultural district, including planning, designing, construction
3 and renovation costs; ~~and~~

4 (4) develop policies and standards for ~~the~~
5 ~~designation of~~ applications to, review by and recommendations
6 of the commission for state-authorized arts and cultural
7 districts and for the declassification should a state-
8 authorized arts and cultural district not comply with the
9 policies and standards established by the commission as set
10 forth in an approved application; and

11 (5) coordinate, orchestrate and manage the
12 work of the arts and cultural district council in support of a
13 self-designated arts and cultural district and its steering
14 committee.

15 B. The coordinator shall require annual reports to
16 be presented at the January meeting of the commission from each
17 state-authorized arts and cultural district for purposes of
18 reviewing the activities of that district, including the
19 compliance of the district with the policies and standards of
20 the commission and with the conditions of an approved
21 application."

22 SECTION 4. Section 15-5A-4 NMSA 1978 (being Laws 2007,
23 Chapter 160, Section 4) is amended to read:

24 "15-5A-4. ARTS AND CULTURAL DISTRICTS--CREATION.--

25 A. A state-authorized arts and cultural district

.190467.2

underscored material = new
[bracketed material] = delete

1 may be created [~~by the municipality~~] through the adoption of an
2 ordinance by a governing body in which the proposed arts and
3 cultural district will be located only if the proposed district
4 meets the criteria set forth in Subsection C of this section
5 and is approved by the commission.

6 B. A [~~municipally authorized~~] self-designated arts
7 and cultural district may be created [~~by a municipality with a~~
8 ~~population greater than fifty thousand~~] through the adoption of
9 an ordinance by a governing body in which the proposed arts and
10 cultural district will be located if the proposed district
11 meets the criteria set forth in Subsection C of this section.

12 C. [~~An~~] A state-authorized arts and cultural
13 district and self-designated arts and cultural district shall:

14 (1) be in a geographically contiguous area
15 that ranges in size from a portion of a municipality to a
16 regional district with a special coherence;

17 (2) be distinguished by physical and cultural
18 resources that play a vital role in the life and development,
19 including economic and cultural development, of the creative
20 economy of a community;

21 (3) focus on a cultural compound; a major art
22 or cultural institution; art, cultural and entertainment
23 businesses; an area with arts and cultural activities; or
24 cultural or artisan production; [~~and~~]

25 (4) be engaged in promotion, preservation and

underscored material = new
[bracketed material] = delete

1 educational aspects of the arts and culture of that locale and
2 contribute to the public through interpretive, educational and
3 recreational uses; and

4 (5) be dedicated to the conservation and
5 preservation of a district's cultural and historical assets and
6 institutions and to supporting the work of its artisans, arts
7 and crafts people and cultural entrepreneurs."

8 SECTION 5. Section 15-5A-5 NMSA 1978 (being Laws 2007,
9 Chapter 160, Section 5) is amended to read:

10 "15-5A-5. STATE-AUTHORIZED ARTS AND CULTURAL DISTRICTS.--

11 A. The coordinator shall review applications
12 submitted by [~~municipalities~~] governing bodies, citizens or
13 nonprofit organizations for the purpose of [~~designating an~~]
14 authorizing a state-authorized arts and cultural district and
15 make a recommendation to the commission for action on each
16 application. Citizens and nonprofit organizations that submit
17 an application shall include a formal endorsement of the
18 application by the [~~municipal government in~~] governing body of
19 the jurisdiction within which the proposed district is to be
20 located.

21 B. After reviewing an application for the
22 [~~designation~~] authorization of [~~an~~] a state-authorized arts and
23 cultural district, the commission shall approve or reject the
24 application or send it back to the applicant with a request for
25 changes or additional information.

.190467.2

underscored material = new
[bracketed material] = delete

1 C. The commission shall designate no more than five
2 state-authorized arts and cultural districts in a calendar
3 year. Rejected applicants may re-apply without prejudice.

4 D. If the commission approves an application for
5 the [~~designation~~] authorization of [~~an~~] a state-authorized arts
6 and cultural district, it shall notify the applicant in writing
7 and shall specify the terms and conditions of the commission's
8 approval, including the terms and conditions set forth in the
9 application and as modified by written agreement between the
10 applicant and the commission.

11 ~~[E. After the commission approves an application~~
12 ~~for the designation of a state-authorized arts and cultural~~
13 ~~district, the applicable municipality may pass a local~~
14 ~~ordinance to establish the state-authorized arts and cultural~~
15 ~~district pursuant to the terms and conditions specified in the~~
16 ~~approved application. Municipalities may administer arts and~~
17 ~~cultural districts through a newly created local commission~~
18 ~~with a specific mission to oversee the district subject to~~
19 ~~review by the municipality.]~~

20 E. After the commission approves an application for
21 the authorization of a state-authorized arts and cultural
22 district, the district may receive technical assistance from
23 participating state agencies to establish the formal purposes
24 of the district, performance measures, a cultural plan, a
25 master plan and the district boundaries. In order to create a

.190467.2

underscored material = new
[bracketed material] = delete

1 state-authorized arts and cultural district, the governing body
2 shall, within thirty months of the authorization by the
3 commission, adopt an ordinance to establish the state-
4 authorized arts and cultural district boundaries and purposes
5 pursuant to the terms and conditions specified in the approved
6 application. The state-authorized arts and cultural district
7 shall be administered through a steering committee that shall
8 oversee and implement the district's activities and policies,
9 subject to an annual review by the commission.

10 F. The steering committee for a state-authorized
11 arts and cultural district shall develop benchmarks and
12 performance measures marking successful economic progress of
13 the district related to its adopted purposes, annually
14 reporting such measures to the commission. The steering
15 committee is responsible for budgeting, financing, project
16 development and implementation of the district's organization
17 and its projects and activities within the district. The
18 steering committee shall work with the participating governing
19 body to assist in determining and recommending appropriate
20 financing and economic development tools."

21 SECTION 6. Section 15-5A-6 NMSA 1978 (being Laws 2007,
22 Chapter 160, Section 6) is amended to read:

23 "15-5A-6. [~~MUNICIPALLY AUTHORIZED~~] SELF-DESIGNATED ARTS
24 AND CULTURAL DISTRICTS.--

25 A. Municipalities, counties and Indian nations,

.190467.2

underscored material = new
[bracketed material] = delete

1 tribes and pueblos with a population greater than fifty
2 thousand that choose to [~~authorize~~] designate their own arts
3 and cultural districts shall pass a local ordinance stating
4 minimum requirements for establishing [~~the~~] a self-designated
5 arts and cultural district, and any [~~municipally authorized~~]
6 self-designated arts and cultural district shall meet the
7 criteria contained in Subsection C of Section [~~4 of the Arts~~
8 ~~and Cultural District Act~~] 15-5A-4 NMSA 1978.

9 B. A governing body shall inform the coordinator
10 and the commission of the designation and purposes of a
11 self-designated arts and cultural district within three months
12 of the creation of the district.

13 C. The steering committee of a self-designated arts
14 and cultural district may request approval from the commission
15 to convert the district into a state-authorized arts and
16 cultural district. Such a request shall be submitted to the
17 coordinator and shall include documentation that the self-
18 designated arts and cultural district meets the criteria set
19 forth in Subsection C of Section 15-5A-4 NMSA 1978. The
20 coordinator shall submit to the commission the conversion
21 request and the coordinator's recommendations regarding
22 approval or denial of the request for conversion.

23 D. A self-designated arts and cultural district
24 shall report annually to the commission regarding the
25 district's progress and compliance with the standards for

.190467.2

underscored material = new
[bracketed material] = delete

1 self-designated arts and cultural districts set forth in the
2 Arts and Cultural District Act."

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

5 "15-5A-7. ARTS AND CULTURAL DISTRICT FUND ESTABLISHED.--
6 The "arts and cultural district fund" is created as a
7 nonreverting fund in the state treasury. The fund consists of
8 appropriations, gifts, grants, donations and bequests. The
9 fund shall be administered by the arts division of the cultural
10 affairs department, and money in the fund is appropriated to
11 the arts division of the cultural affairs department to carry
12 out the provisions of the Arts and Cultural District Act and to
13 support projects that meet the goals and priorities as set
14 forth in a state-authorized arts and cultural district's
15 cultural plan and master plan. Money in the fund shall be
16 disbursed on warrants signed by the secretary of finance and
17 administration pursuant to vouchers signed by the secretary of
18 cultural affairs or the secretary's authorized representative."

19 SECTION 8. APPROPRIATION.--One hundred thousand dollars
20 (\$100,000) is appropriated from the general fund to the
21 economic development department for expenditure in fiscal year
22 2014 to carry out the purposes of the Arts and Cultural
23 District Act. Any unexpended or unencumbered balance remaining
24 at the end of fiscal year 2014 shall revert to the general
25 fund.

.190467.2

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SECTION 9. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2013.