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HOUSE BILL 283

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

John A. Heaton

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.

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 District Act:

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1 ~~[A. "arts and cultural district" means a developed~~
2 ~~district of public and private uses designated by the~~
3 ~~commission or a municipality;~~

4 ~~B.]~~ A. "commission" means the New Mexico arts
5 commission; [and

6 ~~C.]~~ B. "coordinator" means the person responsible
7 for coordinating the main street program pursuant to Subsection
8 B of Section 3-60B-3 NMSA 1978;

9 C. "creative economy" means a local economy or
10 portion thereof where creativity in cultural entrepreneurship
11 is the driving force of economic growth and supports job
12 creation and business development;

13 D. "cultural compound" means a cohesive group of
14 historic buildings or cultural facilities, owned publicly or
15 privately, that contributes to the understanding of a community
16 or region's culture and heritage;

17 E. "cultural institution" means a publicly or
18 privately owned facility accessible by the public that provides
19 opportunities for expressing, interpreting, conserving or
20 preserving the culture and heritage of a community or region;

21 F. "cultural plan" means a plan resulting from a
22 community-based planning process conducted by a professional
23 cultural planner to identify a vision for a state-authorized or
24 self-designated arts and cultural district and define that
25 district's cultural assets, potential impact of cultural and

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1 heritage tourism, cultural opportunities, branding and
2 marketing strategies, development of promotional events and
3 supportive amenities, including hospitality, restaurant,
4 recreational and entertainment opportunities;

5 G. "governing body" means a government of:

6 (1) a municipality or county located in New
7 Mexico; or

8 (2) an Indian nation, tribe or pueblo located
9 wholly or partially in New Mexico;

10 H. "master plan" means a plan resulting from a
11 professional planning process that:

12 (1) identifies priority catalytic economic
13 development projects to revitalize a downtown area, a cultural
14 institution or a cultural compound as determined through a
15 community participation process;

16 (2) examines existing conditions and assets
17 and analyses of the market;

18 (3) develops a physical land use plan with
19 livability and design guidelines;

20 (4) designs specific redevelopment sites and
21 projects; and

22 (5) identifies sustainable implementation
23 strategies and funding sources for a state-authorized or self-
24 designated arts and cultural district's future physical
25 improvements, economic uses and regulations;

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1 I. "self-designated arts and cultural district"
2 means an arts and cultural district designated by a governing
3 body of a municipality or county in New Mexico with a
4 population exceeding fifty thousand or of an Indian nation,
5 tribe or pueblo located wholly or partially in New Mexico with
6 a population exceeding fifty thousand that is established
7 pursuant to the standards set forth in the Arts and Cultural
8 Districts Act;

9 J. "state-authorized arts and cultural district"
10 means an arts and cultural district authorized by the
11 commission, established pursuant to the standards set forth in
12 the Arts and Cultural Districts Act, whose boundaries and
13 purposes are adopted by a governing body; and

14 K. "steering committee" means an association of
15 representatives, including the local arts council; a local
16 revitalization or community economic development organization;
17 and other local neighborhood, historic, arts and cultural
18 organizations, institutions and agencies, which committee is
19 organized to set goals and policies, obtain financing and
20 implement projects to develop a state-authorized or a self-
21 designated arts and cultural district."

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

24 "15-5A-3. [~~MAIN STREET~~] STATE-AUTHORIZED ARTS AND
25 CULTURAL DISTRICT PROGRAM COORDINATOR--DUTIES.--

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A. The coordinator shall:

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

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

(3) provide assistance to state-authorized arts and cultural districts to locate financial grants or contracts for development of a state-authorized arts and cultural district, including planning, designing, construction and renovation costs; and

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

B. The coordinator shall require annual reports from each state-authorized arts and cultural district for purposes of reviewing the activities of that district, including the compliance of the district with the policies and

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1 standards of the commission and with the conditions of an
2 approved application."

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

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

6 A. A state-authorized arts and cultural district
7 may be created [~~by the municipality~~] through the adoption of an
8 ordinance by a governing body in which the proposed arts and
9 cultural district will be located only if the proposed district
10 meets the criteria set forth in Subsection C of this section
11 and is approved by the commission.

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

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

20 (1) be in a geographically contiguous area
21 that ranges in size from a portion of a municipality to a
22 regional district with a special coherence;

23 (2) be distinguished by physical and cultural
24 resources that play a vital role in the life and development,
25 including economic and cultural development, of a community;

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1 (3) focus on a cultural compound, a major art
2 institution, art and entertainment businesses, an area with
3 arts and cultural activities or cultural or artisan production;
4 [~~and~~]

5 (4) be engaged in promotion, preservation and
6 educational aspects of the arts and culture of that locale and
7 contribute to the public through interpretive, educational and
8 recreational uses; and

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

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

15 "15-5A-5. STATE-AUTHORIZED DISTRICTS.--

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

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1 B. After reviewing an application for the
2 ~~[designation]~~ authorization of ~~[an]~~ a state-authorized arts and
3 cultural district, the commission shall approve or reject the
4 application or send it back to the applicant with a request for
5 changes or additional information.

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

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

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

25 E. After the commission approves an application for

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1 the authorization of a state-authorized arts and cultural
2 district, the district may receive technical assistance from
3 participating state agencies to establish the formal purposes
4 of the district, performance measures, a cultural plan, a
5 master plan and the district boundaries. In order to create a
6 state-authorized arts and cultural district, the governing body
7 shall, within sixteen months of the authorization by the
8 commission, adopt an ordinance to establish the state-
9 authorized arts and cultural district pursuant to the terms and
10 conditions specified in the approved application. The state-
11 authorized arts and cultural district shall be administered
12 through a steering committee that shall oversee and implement
13 the district's activities and policies, subject to an annual
14 review by the commission.

15 F. The steering committee for a state-authorized
16 arts and cultural district shall develop benchmarks and
17 performance measures marking successful economic progress of
18 the district related to its adopted purposes. The steering
19 committee is responsible for budgeting, financing, project
20 development and implementation of the district's organization
21 and its projects and activities within the district, including
22 establishing funding mechanisms to create a stable and
23 sustainable source of funding through local, state and federal
24 grants, loans and financing mechanisms, including the Local
25 Economic Development Act, Lodgers Tax Act, quality of life

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1 gross receipts tax, tax increment development districts,
2 business improvement districts, metropolitan redevelopment
3 areas and capital outlay."

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

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

8 A. Municipalities, counties and Indian nations,
9 tribes and pueblos with a population greater than fifty
10 thousand that choose to [~~authorize~~] designate their own arts
11 and cultural districts shall pass a local ordinance stating
12 minimum requirements for establishing the arts and cultural
13 district, and any [~~municipally authorized~~] self-designated arts
14 and cultural district shall meet the criteria contained in
15 Subsection C of Section [~~4 of the Arts and Cultural District~~
16 ~~Act~~] 15-5A-4 NMSA 1978.

17 B. A governing body shall inform the coordinator
18 and the commission of the designation and purposes of a
19 self-designated arts and cultural district within three months
20 of the creation of the district.

21 C. The governing body of a self-designated arts and
22 cultural district may request approval from the commission to
23 convert the district into a state-authorized arts and cultural
24 district. Such a request shall be submitted to the coordinator
25 and shall include documentation that the self-designated arts

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1 and cultural district meets the criteria set forth in
2 Subsection C of Section 15-5A-4 NMSA 1978. The coordinator
3 shall submit to the commission the conversion request and the
4 coordinator's recommendations regarding approval or denial of
5 the request for conversion.

6 D. A self-designated arts and cultural district
7 shall report annually to the commission regarding the
8 district's progress and compliance with the standards for
9 self-designated arts and cultural districts set forth in the
10 Arts and Cultural District Act."

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

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

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1 cultural affairs or the secretary's authorized representative."

2 Section 8. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2009.

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