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HOUSE BILL 606

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; ENACTING THE ARTS AND CULTURAL DISTRICT ACT; PROVIDING FOR THE CREATION OF ARTS AND CULTURAL DISTRICTS; PROVIDING FOR PUBLICLY OWNED CULTURAL FACILITIES; CREATING TAX CREDITS FOR PRESERVATION OF CULTURAL PROPERTIES; MAKING AN APPROPRIATION.

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

Section 1. ~~[NEW MATERIAL]~~ SHORT TITLE.--Sections 1 through 7 of this act may be cited as the "Arts and Cultural District Act".

Section 2. ~~[NEW MATERIAL]~~ DEFINITIONS.--As used in the Arts and Cultural District Act:

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

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1 B. "commission" means the arts and cultural
2 commission.

3 Section 3. [NEW MATERIAL] ARTS AND CULTURAL COMMISSION--
4 MEMBERSHIP--DUTIES.--

5 A. The "arts and cultural commission" is created
6 and is administratively attached to the cultural affairs
7 department. Staff for the commission shall be provided by the
8 cultural affairs department.

9 B. The commission consists of five commissioners
10 appointed by the governor, who shall serve at the pleasure of
11 the governor. Members of the commission are entitled to
12 receive per diem and mileage as provided in the Per Diem and
13 Mileage Act and shall receive no other compensation, perquisite
14 or allowance. The commission shall annually elect a chair and
15 other officers as it deems necessary and shall meet at least
16 once every quarter. A simple majority of the commission
17 members currently serving constitutes a quorum.

18 C. The commission shall:

19 (1) review and approve or reject applications
20 from municipalities, citizens and nonprofit organizations to
21 designate state-authorized arts and cultural districts pursuant
22 to the Arts and Cultural District Act;

23 (2) administer and promote an application
24 process for the designation of state-authorized arts and
25 cultural districts;

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1 (3) provide financial grants to municipalities
2 that are creating or have created a state-authorized arts and
3 cultural district; and

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

10 D. The commission shall require annual reports from
11 each state-authorized arts and cultural district for purposes
12 of reviewing the activities of that district, including the
13 compliance of the district with the policies and standards of
14 the commission and with the conditions of an approved
15 application.

16 Section 4. [NEW MATERIAL] ARTS AND CULTURAL DISTRICTS--
17 CREATION.--

18 A. A state-authorized arts and cultural district
19 may be created by the municipality in which the proposed arts
20 and cultural district will be located only if the proposed
21 district is approved by the commission.

22 B. A municipally authorized arts and cultural
23 district may be created by a municipality with a population
24 greater than fifty thousand in which the proposed arts and
25 cultural district will be located if the proposed district

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1 meets the criteria set forth in Subsection C of this section.

2 C. An arts and cultural district shall:

3 (1) be in a geographically contiguous area
4 that ranges in size from a portion of a municipality to a
5 regional district with a special coherence;

6 (2) be distinguished by physical and cultural
7 resources that play a vital role in the life and development,
8 including economic and cultural development, of a community and
9 shall contribute to the public through interpretive,
10 educational and recreational uses;

11 (3) focus on a cultural compound, a major art
12 institution, art and entertainment businesses, an area with
13 arts and cultural activities or cultural or artisan production;
14 and

15 (4) be engaged in promotion, preservation and
16 educational aspects of the arts and culture of that locale.

17 Section 5. [NEW MATERIAL] STATE-AUTHORIZED DISTRICTS.--

18 A. The commission shall review applications
19 submitted by municipalities, citizens or nonprofit
20 organizations for the purpose of designating an arts and
21 cultural district. Citizens and nonprofit organizations that
22 submit an application shall include a formal endorsement of the
23 application by the municipal government in which the proposed
24 district is to be located.

25 B. After reviewing an application for the

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1 designation of an arts and cultural district, the commission
2 shall approve or reject the application or send it back to the
3 applicant with a request for changes or additional information.

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

7 D. If the commission approves an application for
8 the designation of an arts and cultural district, it shall
9 notify the applicant in writing and shall specify the terms and
10 conditions of the commission's approval, including the terms
11 and conditions set forth in the application and as modified by
12 written agreement between the applicant and the commission.

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

22 Section 6. [NEW MATERIAL] MUNICIPALLY AUTHORIZED
23 DISTRICTS.--Municipalities with a population greater than fifty
24 thousand that choose to authorize their own districts shall
25 pass a local ordinance stating minimum requirements for

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1 establishing the arts and cultural district, and any
2 municipally authorized arts and cultural district shall meet
3 the criteria contained in Subsection C of Section 4 of the Arts
4 and Cultural District Act.

5 Section 7. [NEW MATERIAL] ARTS AND CULTURAL DISTRICT FUND
6 ESTABLISHED.--The "arts and cultural district fund" is created
7 as a nonreverting fund in the state treasury. The fund
8 consists of appropriations, gifts, grants, donations and
9 bequests. The fund shall be administered by the cultural
10 affairs department, and money in the fund is appropriated to
11 the cultural affairs department to carry out the duties of the
12 commission. Money in the fund shall be disbursed on warrants
13 signed by the secretary of finance and administration pursuant
14 to vouchers signed by the secretary of cultural affairs or the
15 secretary's authorized representative.

16 Section 8. Section 5-10-2 NMSA 1978 (being Laws 1993,
17 Chapter 297, Section 2) is amended to read:

18 "5-10-2. FINDINGS AND PURPOSE OF ACT.--

19 A. The legislature finds that:

20 (1) development of the New Mexico economy is
21 vital to the well-being of the state and its residents;

22 (2) it is difficult for municipalities and
23 counties in New Mexico to attract and retain businesses capable
24 of enhancing the local and state economy without the resources
25 necessary to compete with other states and locales;

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1 (3) municipalities and counties may need to be
2 able to provide land, buildings and infrastructure as a tool
3 for basic business growth and the introduction of basic
4 business ventures into the state;

5 (4) it is in the best interest of the state,
6 municipalities and counties to encourage local or regional
7 solutions to economic development; and

8 (5) the access to public resources needs to be
9 carefully controlled and managed for the continued and future
10 benefit of New Mexico citizens.

11 B. The purpose of the Local Economic Development
12 Act is to implement the provisions of the 1994 constitutional
13 amendment to Article 9, Section 14 of the constitution of
14 New Mexico to allow public support of economic development to
15 foster, promote and enhance local economic development efforts
16 while continuing to protect against the unauthorized use of
17 public money and other public resources. Further, the purpose
18 of that act is to allow municipalities and counties to enter
19 into joint powers agreements to plan and support regional
20 economic development projects, including investments in arts
21 and cultural districts created pursuant to the Arts and
22 Cultural District Act."

23 Section 9. Section 5-10-3 NMSA 1978 (being Laws 1993,
24 Chapter 297, Section 3, as amended) is amended to read:

25 "5-10-3. DEFINITIONS.--As used in the Local Economic
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1 Development Act:

2 A. "arts and cultural district" means a developed
3 district of public and private uses that is created pursuant to
4 the Arts and Cultural District Act;

5 [~~A.~~] B. "department" means the economic development
6 department;

7 [~~B.~~] C. "economic development project" or "project"
8 means the provision of direct or indirect assistance to a
9 qualifying [~~business~~] entity by a local or regional government
10 and includes the purchase, lease, grant, construction,
11 reconstruction, improvement or other acquisition or conveyance
12 of land, buildings or other infrastructure; public works
13 improvements essential to the location or expansion of a
14 qualifying [~~business~~] entity; payments for professional
15 services contracts necessary for local or regional governments
16 to implement a plan or project; the provision of direct loans
17 or grants for land, buildings or infrastructure; technical
18 assistance to publicly owned cultural facilities; loan
19 guarantees securing the cost of land, buildings or
20 infrastructure in an amount not to exceed the revenue that may
21 be derived from the municipal infrastructure gross receipts tax
22 or the county infrastructure gross receipts tax; grants for
23 public works infrastructure improvements essential to the
24 location or expansion of a qualifying [~~business~~] entity;
25 grants or subsidies to publicly owned cultural facilities;

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1 purchase of land for a publicly held industrial park or a
2 publicly owned cultural facility; and the construction of a
3 building for use by a qualifying [~~business~~] entity;

4 [~~G.~~] D. "governing body" means the city council,
5 [~~or~~] city commission [~~of a city, the~~] or board of trustees of a
6 [~~town or village~~] municipality or the board of county
7 commissioners of a county;

8 [~~D.~~] E. "local government" means a municipality or
9 county;

10 [~~E.~~] F. "municipality" means an incorporated city,
11 town or village;

12 [~~F.~~] G. "person" means an individual, corporation,
13 association, partnership or other legal entity;

14 H. "publicly owned cultural facility" means a
15 facility that is owned by the state or a county or municipality
16 that serves the public through preserving, educating and
17 promoting arts and culture of a particular locale, including
18 theaters, museums, libraries, galleries, cultural compounds,
19 educational organizations, performing arts venues and
20 organizations, fine arts organizations, studios and media
21 laboratories and live-work housing facilities;

22 [~~G.~~] I. "qualifying entity" means a corporation,
23 limited liability company, partnership, joint venture,
24 syndicate, association or other person that is one or a
25 combination of two or more of the following:

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1 (1) an industry for the manufacturing,
2 processing or assembling of agricultural or manufactured
3 products;

4 (2) a commercial enterprise for storing,
5 warehousing, distributing or selling products of agriculture,
6 mining or industry, but, other than as provided in Paragraph
7 (5) or (6) of this subsection, not including any enterprise for
8 sale of goods or commodities at retail or for distribution to
9 the public of electricity, gas, water or telephone or other
10 services commonly classified as public utilities;

11 (3) a business in which all or part of the
12 activities of the business involves the supplying of services
13 to the general public or to governmental agencies or to a
14 specific industry or customer, but, other than as provided in
15 Paragraph (5) of this subsection, not including businesses
16 primarily engaged in the sale of goods or commodities at
17 retail;

18 (4) an Indian nation, tribe or pueblo or a
19 federally chartered tribal corporation;

20 (5) a telecommunications sales enterprise that
21 makes the majority of its sales to persons outside New Mexico;

22 (6) a facility for the direct sales by growers
23 of agricultural products, commonly known as farmers' markets;

24 [~~or~~]

25 (7) a business that is the developer of a

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1 metropolitan redevelopment project; and

2 (8) a publicly owned cultural facility; and

3 [~~H.~~] J. "regional government" means any combination
4 of municipalities and counties that enter into a joint powers
5 agreement to provide for economic development projects pursuant
6 to a plan adopted by all parties to the joint powers
7 agreement."

8 Section 10. Section 5-10-5 NMSA 1978 (being Laws 1993,
9 Chapter 297, Section 5) is amended to read:

10 "5-10-5. ECONOMIC DEVELOPMENT DEPARTMENT--TECHNICAL
11 ASSISTANCE.--At the request of a local or regional government,
12 the department shall provide technical assistance in the
13 development of an economic development plan or economic
14 development project or technical assistance to publicly owned
15 cultural facilities with respect to economic development
16 projects."

17 Section 11. Section 5-10-6 NMSA 1978 (being Laws 1993,
18 Chapter 297, Section 6, as amended) is amended to read:

19 "5-10-6. ECONOMIC DEVELOPMENT PLAN--CONTENTS--
20 PUBLICATION.--

21 A. Every local or regional government seeking to
22 pursue economic development projects shall adopt an economic
23 development plan or a comprehensive plan that includes an
24 economic development component, and an economic development
25 plan or comprehensive plan may include an analysis of the role

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1 of arts and cultural activities in economic development. The
2 plan may be specific to a single economic development goal or
3 strategy or may include several goals or strategies, including
4 any goals or strategies relating to economic development
5 through arts and cultural activities. Any plan or plan
6 amendment shall be adopted by ordinance of the governing body
7 of the local government or each local government of a regional
8 government proposing the plan or plan amendment.

9 B. The economic development plan or the ordinance
10 adopting the plan may:

11 (1) describe the local or regional
12 government's economic development and community goals,
13 including any economic development goals with an arts and
14 cultural component, and assign priority to and strategies for
15 achieving those goals;

16 (2) describe the types of qualifying entities
17 and economic activities that will qualify for economic
18 development projects;

19 (3) describe the criteria to be used to
20 determine eligibility of an economic development project and a
21 qualifying entity to participate in an economic development
22 project;

23 (4) describe the manner in which a qualifying
24 entity may submit an economic development project application,
25 including the type of information required from the qualifying

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1 entity sufficient to ensure its solvency and ability to perform
2 its contractual obligations, its commitment to remain in the
3 community and its commitment to the stated economic development
4 goals of the local or regional government;

5 (5) describe the process the local or regional
6 government will use to verify the information submitted on an
7 economic development project application;

8 (6) if an economic development project is
9 determined to be unsuccessful or if a qualifying entity seeks
10 to leave the area, describe the methods the local or regional
11 government will use to terminate its economic assistance and
12 recoup its investment;

13 (7) identify revenue sources, including those
14 of the local or regional government, that will be used to
15 support economic development projects;

16 (8) identify other resources the local or
17 regional government is prepared to offer qualifying entities,
18 including specific land or buildings it is willing to lease,
19 sell or grant a qualifying entity; community infrastructure it
20 is willing to build, extend or expand, including roads, water,
21 sewers or other utilities; and professional services contracts
22 by local or regional governments necessary to provide these
23 resources;

24 (9) detail the minimum benefit the local or
25 regional government requires from a qualifying entity,

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1 including the number and types of jobs to be created; the
2 proposed payroll; repayment of loans, if any; purchase by the
3 qualifying entity of local or regional government-provided
4 land, buildings or infrastructure; the public to private
5 investment ratio; and direct local tax base expansion;

6 (10) describe the safeguards of public
7 resources that will be ensured, including specific ways the
8 local or regional government can recover any costs, land,
9 buildings or other thing of value if a qualifying entity ceases
10 operation, relocates or otherwise defaults or reneges on its
11 contractual or implied obligations to the local or regional
12 government; and

13 (11) if a regional government, describe the
14 joint powers agreement, including whether it can be terminated
15 and, if so, how the contractual or other obligations, risks and
16 any property will be assigned or divided among the local
17 governments who are party to the agreement.

18 C. The economic development plan shall be printed
19 and made available to the residents within the local or
20 regional government area."

21 Section 12. Section 5-10-9 NMSA 1978 (being Laws 1993,
22 Chapter 297, Section 9) is amended to read:

23 "5-10-9. PROJECT EVALUATION--DEPARTMENT.--

24 A. The local or regional government shall review
25 each project application, and projects shall be approved by

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1 ordinance.

2 B. The local or regional government's evaluation of
3 an application shall be based on the provisions of the economic
4 development plan, the financial and management stability of the
5 qualifying entity, the demonstrated commitment of the
6 qualifying entity to the community, a cost-benefit analysis of
7 the project and any other information the local or regional
8 government believes is necessary for a full review of the
9 economic development project application.

10 C. The local or regional government may negotiate
11 with a qualifying [~~business~~] entity on the type or amount of
12 assistance to be provided or on the scope of the economic
13 development project."

14 Section 13. Section 7-2-18.2 NMSA 1978 (being Laws 1984,
15 Chapter 34, Section 1) is amended to read:

16 "7-2-18.2. CREDIT FOR PRESERVATION OF CULTURAL PROPERTY--
17 REFUND.--

18 A. Tax credits for the preservation of cultural
19 property may be claimed as follows:

20 [~~A.~~] (1) To encourage the restoration,
21 rehabilitation and preservation of cultural properties, [~~any~~] a
22 taxpayer who files an individual New Mexico income tax return
23 and who is not a dependent of another individual and who is the
24 owner of a cultural property listed on the official New Mexico
25 register of cultural properties, with [~~his~~] the taxpayer's

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1 consent, may claim a credit not to exceed a maximum aggregate
2 of twenty-five thousand dollars (\$25,000) in an amount equal to
3 one-half of the cost of restoration, rehabilitation or
4 preservation of a cultural property listed on the official New
5 Mexico register; or

6 (2) if a cultural property, whose owner may
7 otherwise claim the credit set forth in Paragraph (1) of this
8 subsection is also located within an arts and cultural district
9 certified by the state or a municipality pursuant to the Arts
10 and Cultural District Act, the owner of that cultural property
11 may claim a credit not to exceed fifty thousand dollars
12 (\$50,000), including any credit claimed pursuant to Paragraph
13 (1) of this subsection, in an amount equal to one-half of the
14 cost of restoration, rehabilitation or preservation of the
15 cultural property.

16 B. The taxpayer may claim the credit if:

17 (1) ~~[he]~~ the taxpayer submitted a plan and
18 specifications for ~~[such]~~ restoration, rehabilitation or
19 preservation to the committee and received approval from the
20 committee for the plan and specifications prior to commencement
21 of the restoration, rehabilitation or preservation;

22 (2) ~~[he]~~ the taxpayer received certification
23 from the committee after completing the restoration,
24 rehabilitation or preservation, or committee-approved phase,
25 that it conformed to the plan and specifications and preserved

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1 and maintained those qualities of the property [~~which~~] that
2 made it eligible for inclusion in the official register; and

3 (3) the project is completed within twenty-
4 four months of the date the project is approved by the
5 committee in accordance with Paragraph (1) of this subsection.

6 C. A taxpayer may claim the credit provided in this
7 section for each taxable year in which restoration,
8 rehabilitation or preservation is carried out. Except as
9 provided in Subsection F of this section, claims for the credit
10 provided in this section shall be limited to three consecutive
11 years, and the maximum aggregate credit allowable shall not
12 exceed twenty-five thousand dollars (\$25,000) if governed by
13 Paragraph (1) of Subsection A of this section, or fifty
14 thousand dollars (\$50,000) if governed by Paragraph (2) of
15 Subsection A of this section, for any single restoration,
16 rehabilitation or preservation project for any cultural
17 property listed on the official New Mexico register certified
18 by the committee.

19 D. A husband and wife who file separate returns for
20 a taxable year in which they could have filed a joint return
21 may each claim only one-half of the credit that would have been
22 allowed on a joint return.

23 E. A taxpayer who otherwise qualifies and claims a
24 credit on a restoration, rehabilitation or preservation project
25 on property owned by a partnership of which the taxpayer is a

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1 member may claim a credit only in proportion to ~~[his]~~ the
2 taxpayer's interest in the partnership. The total credit
3 claimed by all members of the partnership shall not exceed
4 twenty-five thousand dollars (\$25,000) in the aggregate if
5 governed by Paragraph (1) of Subsection A of this section, or
6 fifty thousand dollars (\$50,000) in the aggregate if governed
7 by Paragraph (2) of Subsection A of this section, for any
8 single restoration, rehabilitation or preservation project for
9 any cultural property listed on the official New Mexico
10 register certified by the committee.

11 F. The credit provided in this section may only be
12 deducted from the taxpayer's income tax liability. Any portion
13 of the maximum tax credit provided by this section ~~[which]~~ that
14 remains unused at the end of the taxpayer's taxable year may be
15 carried forward for four consecutive years; provided, however,
16 the total tax credits claimed under this section shall not
17 exceed twenty-five thousand dollars (\$25,000) if governed by
18 Paragraph (1) of Subsection A of this section, or fifty
19 thousand dollars (\$50,000) if governed by Paragraph (2) of
20 Subsection A of this section, for any single restoration,
21 preservation or rehabilitation project for any cultural
22 property listed on the official New Mexico register.

23 G. The historic preservation division shall
24 promulgate regulations for the implementation of Subsection B
25 of this section.

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1 H. As used in this section:

2 (1) "committee" means the cultural properties
3 review committee created in Section 18-6-4 NMSA 1978; and

4 (2) "historic preservation division" means the
5 historic preservation division of the ~~[office of]~~ cultural
6 affairs department created in Section 18-6-8 NMSA 1978."

7 Section 14. Section 7-2A-8.6 NMSA 1978 (being Laws 1984,
8 Chapter 34, Section 2, as amended) is amended to read:

9 "7-2A-8.6. CREDIT FOR PRESERVATION OF CULTURAL PROPERTY--
10 CORPORATE INCOME TAX CREDIT.--

11 A. Tax credits for the preservation of cultural
12 property may be claimed as follows:

13 [~~A.~~] (1) to encourage the restoration,
14 rehabilitation and preservation of cultural properties, ~~[any]~~ a
15 taxpayer ~~[who]~~ that files a corporate income tax return and
16 ~~[who]~~ that is the owner of a cultural property listed on the
17 official New Mexico register of cultural properties, with its
18 consent, may claim a credit not to exceed twenty-five thousand
19 dollars (\$25,000) in an amount equal to one-half of the cost of
20 restoration, rehabilitation or preservation of the cultural
21 property; or

22 (2) if a cultural property, whose owner may
23 otherwise claim the credit set forth in Paragraph (1) of this
24 subsection is also located within an arts and cultural district
25 designated by the state or a municipality pursuant to the Arts

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1 and Cultural District Act, the owner of that cultural property
2 may claim a credit not to exceed fifty thousand dollars
3 (\$50,000), including any credit claimed pursuant to Paragraph
4 (1) of this subsection, in an amount equal to one-half of the
5 cost of restoration, rehabilitation or preservation of the
6 cultural property.

7 B. The taxpayer may claim the credit if:

8 (1) it submitted a plan and specifications for
9 restoration, rehabilitation or preservation to the committee
10 and received approval from the committee for the plan and
11 specifications prior to commencement of the restoration,
12 rehabilitation or preservation;

13 (2) it received certification from the
14 committee after completing the restoration, rehabilitation or
15 preservation, or committee-approved phase, that it conformed to
16 the plan and specifications and preserved and maintained those
17 qualities of the property ~~which~~ that made it eligible for
18 inclusion in the official register; and

19 (3) the project is completed within twenty-
20 four months of the date the project is approved by the
21 committee in accordance with Paragraph (1) of this subsection.

22 C. A taxpayer may claim the credit provided in this
23 section for each taxable year in which preservation,
24 restoration or rehabilitation is carried out. Claims for the
25 credit provided in this section shall be limited to three

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1 consecutive years, and the maximum aggregate credit allowable
2 shall not exceed twenty-five thousand dollars (\$25,000) if
3 governed by Paragraph (1) of Subsection A of this section, or
4 fifty thousand dollars (\$50,000) if governed by Paragraph (2)
5 of Subsection A of this section, for any single restoration,
6 rehabilitation or preservation project certified by the
7 committee for any cultural property listed on the official New
8 Mexico register. No single project may extend beyond a period
9 of more than two years.

10 D. A taxpayer who otherwise qualifies and claims a
11 credit on a restoration, rehabilitation or preservation project
12 on property owned by a partnership of which the taxpayer is a
13 member may claim a credit only in proportion to ~~[his]~~ the
14 taxpayer's interest in the partnership. The total credit
15 claimed by all members of the partnership shall not exceed
16 twenty-five thousand dollars (\$25,000) if governed by Paragraph
17 (1) of Subsection A of this section, or fifty thousand dollars
18 (\$50,000) if governed by Paragraph (2) of Subsection A of this
19 section, in the aggregate for any single restoration,
20 preservation or rehabilitation project for any cultural
21 property listed on the official New Mexico register approved by
22 the committee.

23 E. The credit provided in this section may only be
24 deducted from the taxpayer's corporate income tax liability.
25 Any portion of the maximum tax credit provided by this section

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1 ~~[which]~~ that remains unused at the end of the taxpayer's
2 taxable year may be carried forward for four consecutive years;
3 provided, however, the total tax credits claimed under this
4 section shall not exceed twenty-five thousand dollars (\$25,000)
5 if governed by Paragraph (1) of Subsection A of this section,
6 or fifty thousand dollars (\$50,000) if governed by Paragraph
7 (2) of Subsection A of this section, for any single
8 restoration, rehabilitation or preservation project for any
9 cultural property listed on the official New Mexico register.

10 F. The historic preservation division shall
11 promulgate regulations for the implementation of this section.

12 G. As used in this section:

13 (1) "committee" means the cultural properties
14 review committee created in Section 18-6-4 NMSA 1978; and

15 (2) "historic preservation division" means the
16 historic preservation division of the ~~[office of]~~ cultural
17 affairs department created in Section 18-6-8 NMSA 1978."

18 Section 15. APPROPRIATION.--One hundred thousand dollars
19 (\$100,000) is appropriated from the general fund to the arts
20 and cultural district fund for expenditure in fiscal year 2008
21 and subsequent fiscal years to carry out the purposes of the
22 fund. Any unexpended or unencumbered balance remaining at the
23 end of a fiscal year shall not revert to the general fund.

24 Section 16. APPLICABILITY.--The provisions of this act
25 shall apply to taxable years beginning on or after January 1,

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1 2008.

2 Section 17. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2007.

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