

HOUSE BILL 8

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CREATING THE CREATIVE INDUSTRIES DIVISION IN THE ECONOMIC DEVELOPMENT DEPARTMENT; CREATING THE CREATIVE INDUSTRIES FUND; MAKING  
HAFC→~~APPROPRIATIONS~~←HAFC HAFC→~~AN APPROPRIATION~~←HAFC .

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

SECTION 1. Section 9-15-3 NMSA 1978 (being Laws 1983, Chapter 297, Section 3, as amended) is amended to read:

.224231.1AIC February 21, 2023 (10:36am)

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"9-15-3. DEFINITIONS.--As used in the Economic Development Department Act:

A. "commission" means the economic development commission;

B. "creative industry" means a business, organization or person engaged in creative enterprises, including performing, visual and literary arts; entertainment, media, information and broadcasting; applied arts and design, including architecture, landscape architecture, museum and gallery professions; promotion, marketing, graphics and industrial design; technology and computer system design, software design, coding and digital media; and crafts and artisan professions, including metal, wood, glass, ceramics, paper, printing, textile and culinary arts; HCEDC→**"creative industry" does not mean a business, organization or person engaged in creative enterprises involving film;**←HCEDC

[B-] C. "department" means the economic development department; HCEDC→**and**←HCEDC

HCEDC→**D. "film" means filming activity supported by the New Mexico film division of the department; and**←HCEDC

[G-] HCEDC→**D.**←HCEDC HCEDC→**E.**←HCEDC "secretary" means the secretary of economic development."

SECTION 2. Section 9-15-4 NMSA 1978 (being Laws 1983, Chapter 297, Section 4, as amended) is amended to read:

"9-15-4. DEPARTMENT ESTABLISHED.--~~[There is created in~~

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~~the executive branch~~] The "economic development department" is created in the executive branch. The department shall be a cabinet department and shall consist of, but not be limited to, ~~[six]~~ seven divisions as follows:

- A. the administrative services division;
- B. the economic development division;
- C. the New Mexico film division;
- D. the technology enterprise division;
- E. the trade and Mexican affairs division; ~~and~~
- F. the New Mexico outdoor recreation division; and
- G. the creative industries division."

SECTION 3. A new section of the Economic Development Department Act is enacted to read:

"[NEW MATERIAL] CREATIVE INDUSTRIES DIVISION-- PURPOSE-- DUTIES.--

A. The creative industries division shall:

- (1) increase and ~~HCEDC~~→~~promote~~←~~HCEDC~~ ~~HCEDC~~→~~advance~~←~~HCEDC~~ creative industry-based economic development ~~HCEDC~~→~~and tourism~~←~~HCEDC~~ in New Mexico;
- (2) support entrepreneurs and small businesses in creative industries;
- (3) assist organizations that support creative industry companies and workers;
- (4) support educational and workforce training initiatives that facilitate creative industry growth and

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success;

(5) identify and help establish public infrastructure to support creative industries;

(6) serve as an information clearinghouse by providing resources and opportunities to creative industry stakeholders; and

(7) act as a liaison between creative-industries-related businesses and organizations.

B. The creative industries division shall work with the department, the cultural affairs department, the Indian affairs department, the higher education department, the public education department, the tourism department and the workforce solutions department to support the division's duties as they relate to the purposes of the respective departments."

SECTION 4. A new section of the Economic Development Department Act is enacted to read:

"[NEW MATERIAL] CREATIVE INDUSTRIES FUND--CREATED.--

A. The "creative industries fund" is created in the state treasury. The fund consists of appropriations, gifts, grants, donations, income from investment of the fund and money otherwise accruing to the fund. Money in the fund at the end of a fiscal year shall not revert to any other fund. The fund shall be administered by the department, and expenditures from the fund shall be by warrants signed by the secretary of finance and administration pursuant to vouchers signed by the

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secretary of economic development.

B. Money in the creative industries fund is appropriated to the department for administration by the creative industries division to provide for grants for projects or programs that promote the growth of creative industries pursuant to the criteria listed in Subsection C of this section; provided that fifty percent of the money from the fund shall be awarded to projects or programs in rural or underserved communities as defined by the division by rule.

C. Grants from the creative industries fund shall be awarded through a competitive process in which the project or program demonstrates the potential to stimulate community or economic development through creative industries and demonstrates or supports one or more of the following:

- (1) broad local support, including in-kind or financial support from local governments and surrounding communities or neighborhoods;
  - (2) assistance to small businesses with fewer than ten employees;
  - (3) expansion of existing creative industries;
- or
- (4) the promotion of inclusion and diversity.

D. Grants may be awarded to a county, municipality or other political subdivision of the state; an Indian nation, tribe or pueblo; and for-profit and nonprofit organizations."

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H AFC → ~~SECTION 5. APPROPRIATIONS.~~

~~A. Sixty-five million dollars (\$65,000,000) is appropriated from the general fund to the creative industries fund for expenditure in fiscal year 2024 and subsequent fiscal years for the purposes of the creative industries division of the economic development department. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.~~

~~B. Two million dollars (\$2,000,000) is appropriated from the general fund to the creative industries division of the economic development department for expenditure in fiscal year 2024 for staffing and other operational expenses. Any unexpended or unencumbered balance remaining at the end of fiscal year 2024 shall revert to the general fund.~~ ← H AFC

SECTION H AFC → ~~6.~~ ← H AFC H AFC → ~~5.~~ ← H AFC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.

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