

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

SENATE BILL 221

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Howie Morales

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:

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

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

.184188.1

underscored material = new
[bracketed material] = delete

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;

.184188.1

underscored material = new
[bracketed material] = delete

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 District 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 District Act, whose boundaries and
13 purposes are adopted by a governing body; and

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

23 L. "steering committee" means an association of
24 representatives, including a local arts council; a local
25 revitalization or community economic development organization;

.184188.1

underscored material = new
[bracketed material] = delete

1 a governing body; and other local neighborhood, historic, arts
2 and cultural organizations, institutions and agencies, which
3 committee is organized to set goals and policies, obtain
4 financing and implement projects to develop a state-authorized
5 or a self-designated arts and cultural district."

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

8 "15-5A-3. [~~MAIN STREET~~] STATE-AUTHORIZED ARTS AND
9 CULTURAL DISTRICT PROGRAM COORDINATOR--DUTIES.--

10 A. The coordinator shall:

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

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

19 (3) provide assistance to state-authorized
20 arts and cultural districts to locate financial grants or
21 contracts for development of a state-authorized arts and
22 cultural district, including planning, designing, construction
23 and renovation costs; [~~and~~]

24 (4) develop policies and standards for [~~the~~
25 ~~designation of~~] applications to, review by and recommendations

underscored material = new
[bracketed material] = delete

1 of the commission for state-authorized arts and cultural
2 districts and for the declassification should a state-
3 authorized arts and cultural district not comply with the
4 policies and standards established by the commission as set
5 forth in an approved application; and

6 (5) coordinate, orchestrate and manage the
7 work of the state council in support of the local authorized
8 arts and cultural district and its steering committee.

9 B. The coordinator shall require annual reports to
10 be presented at the January meeting of the commission from each
11 state-authorized arts and cultural district for purposes of
12 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. Section 15-5A-4 NMSA 1978 (being Laws 2007,
17 Chapter 160, Section 4) is amended to read:

18 "15-5A-4. ARTS AND CULTURAL DISTRICTS--CREATION.--

19 A. A state-authorized arts and cultural district
20 may be created [~~by the municipality~~] through the adoption of an
21 ordinance by a governing body in which the proposed arts and
22 cultural district will be located only if the proposed district
23 meets the criteria set forth in Subsection C of this section
24 and is approved by the commission.

25 B. A [~~municipally authorized~~] self-designated arts

.184188.1

underscored material = new
[bracketed material] = delete

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

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

8 (1) be in a geographically contiguous area
9 that ranges in size from a portion of a municipality to a
10 regional district with a special coherence;

11 (2) be distinguished by physical and cultural
12 resources that play a vital role in the life and development,
13 including economic and cultural development, of the creative
14 economy of a community;

15 (3) focus on a cultural compound; a major art
16 or cultural institution; art, cultural and entertainment
17 businesses; an area with arts and cultural activities; or
18 cultural or artisan production; ~~[and]~~

19 (4) be engaged in promotion, preservation and
20 educational aspects of the arts and culture of that locale and
21 contribute to the public through interpretive, educational and
22 recreational uses; and

23 (5) be dedicated to the conservation and
24 preservation of a district's cultural and historical assets and
25 institutions and to supporting the work of its artisans, arts

.184188.1

underscored material = new
[bracketed material] = delete

1 and crafts people and cultural entrepreneurs."

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

4 "15-5A-5. STATE-AUTHORIZED DISTRICTS.--

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

15 B. After reviewing an application for the
16 [~~designation~~] authorization of [~~an~~] a state-authorized arts and
17 cultural district, the commission shall approve or reject the
18 application or send it back to the applicant with a request for
19 changes or additional information.

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

23 D. If the commission approves an application for
24 the [~~designation~~] authorization of [~~an~~] a state-authorized arts
25 and cultural district, it shall notify the applicant in writing

underscored material = new
[bracketed material] = delete

1 and shall specify the terms and conditions of the commission's
2 approval, including the terms and conditions set forth in the
3 application and as modified by written agreement between the
4 applicant and the commission.

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

14 E. After the commission approves an application for
15 the authorization of a state-authorized arts and cultural
16 district, the district may receive technical assistance from
17 participating state agencies to establish the formal purposes
18 of the district, performance measures, a cultural plan, an arts
19 and cultural district master plan and the district boundaries.
20 In order to create a state-authorized arts and cultural
21 district, the governing body shall, within thirty months of the
22 authorization by the commission, adopt an ordinance to
23 establish the state-authorized arts and cultural district
24 boundaries and purposes pursuant to the terms and conditions
25 specified in the approved application. The state-authorized

.184188.1

underscored material = new
[bracketed material] = delete

1 arts and cultural district shall be administered through a
2 steering committee that shall oversee and implement the
3 district's activities and policies, subject to an annual review
4 by the commission.

5 F. The steering committee for a state-authorized
6 arts and cultural district shall develop benchmarks and
7 performance measures marking successful economic progress of
8 the district related to its adopted purposes, annually
9 reporting such measures to the commission. The steering
10 committee is responsible for budgeting, financing, project
11 development and implementation of the district's organization
12 and its projects and activities within the district, including
13 establishing funding mechanisms to create a stable and
14 sustainable source of funding through local, state and federal
15 grants, loans and financing mechanisms, including the Local
16 Economic Development Act, Lodgers' Tax Act, quality of life
17 gross receipts tax, tax increment development districts,
18 business improvement districts, metropolitan redevelopment
19 areas and capital outlay."

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

22 "15-5A-6. [~~MUNICIPALLY AUTHORIZED~~] SELF-DESIGNATED ARTS
23 AND CULTURAL DISTRICTS.--

24 A. Municipalities, counties and Indian nations,
25 tribes and pueblos with a population greater than fifty

.184188.1

underscored material = new
[bracketed material] = delete

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

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

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

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

.184188.1

underscored material = new
[bracketed material] = delete

1 Arts and Cultural District Act."

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

4 "15-5A-7. ARTS AND CULTURAL DISTRICT FUND ESTABLISHED.--
5 The "arts and cultural district fund" is created as a
6 nonreverting fund in the state treasury. The fund consists of
7 appropriations, gifts, grants, donations and bequests. The
8 fund shall be administered by the arts division of the cultural
9 affairs department, and money in the fund is appropriated to
10 the arts division of the cultural affairs department to carry
11 out the provisions of the Arts and Cultural District Act and to
12 support projects that meet the goals and priorities as set
13 forth in a state-authorized arts and cultural district's
14 cultural plan and master plan. Money in the fund shall be
15 disbursed on warrants signed by the secretary of finance and
16 administration pursuant to vouchers signed by the secretary of
17 cultural affairs or the secretary's authorized representative."

18 SECTION 8. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2011.