

1 HOUSE BILL 377

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Joshua N. Hernandez

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10 AN ACT

11 RELATING TO MARKETING; CREATING THE MARKETING EXCELLENCE BUREAU
12 IN THE MARKETING DIVISION OF THE TOURISM DEPARTMENT; SPECIFYING
13 DUTIES; AMENDING A SECTION OF THE ECONOMIC DEVELOPMENT
14 CORPORATION ACT; MAKING AN APPROPRIATION.

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

17 SECTION 1. A new section of the Tourism Department Act is
18 enacted to read:

19 "[NEW MATERIAL] MARKETING EXCELLENCE BUREAU--CREATED--
20 DUTIES.--

21 A. The "marketing excellence bureau" is created in
22 the marketing division of the department.

23 B. The marketing excellence bureau shall:

24 (1) serve as a centralized collection of
25 marketing-focused expertise, knowledge and resources to support

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1 the program goals of executive branch agencies;

2 (2) provide guidance, information, support and
3 training related to marketing efforts;

4 (3) support strategy alignment and develop
5 efficiencies for marketing efforts for all executive branch
6 agencies;

7 (4) assist executive branch agencies in
8 identifying and developing new market strategies and technology
9 solutions to enhance the agencies' marketing efforts; and

10 (5) lead the marketing strategy, asset
11 creation and advertising placements for the economic
12 development corporation and for all executive branch agencies
13 and marketing and public education programs."

14 SECTION 2. Section 53-7A-6 NMSA 1978 (being Laws 2003,
15 Chapter 183, Section 6) is amended to read:

16 "53-7A-6. APPLICATION OF OTHER LAWS.--

17 A. The corporation formed pursuant to the Economic
18 Development Corporation Act is separate and apart from the
19 state and shall not be deemed an agency, public body or other
20 political subdivision of New Mexico for purposes of applying
21 laws relating to personnel, procurement of goods and services,
22 gross receipts tax, disposition or acquisition of property,
23 capital outlays and per diem and mileage; provided that the
24 corporation shall be deemed an executive branch agency for
25 purposes of receiving marketing services from the tourism

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1 department.

2 B. Notwithstanding the provisions of the Open
3 Meetings Act, meetings of the corporation shall be closed to
4 the public when proprietary technical or business information
5 or any information regarding location or expansion of a
6 business is discussed.

7 C. Information obtained by the corporation that is
8 proprietary technical or business information or related to the
9 possible relocation or expansion of a business shall be
10 confidential and not subject to inspection pursuant to the
11 Inspection of Public Records Act.

12 D. The corporation, its officers, directors and
13 employees shall be granted immunity from liability for any tort
14 as provided in the Tort Claims Act and may enter into
15 agreements with insurance carriers to insure against a loss in
16 connection with its operations even though the loss may be
17 included among losses covered by the risk management fund of
18 New Mexico."

19 SECTION 3. APPROPRIATION.--Fifty million dollars
20 (\$50,000,000) is appropriated from the general fund to the
21 tourism department for expenditure in fiscal years 2024 through
22 2026 to fund the activities of the marketing excellence bureau
23 of the marketing division of the tourism department. Any
24 unexpended or unencumbered balance remaining at the end of
25 fiscal year 2026 shall revert to the general fund.

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SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.