

1 HOUSE BILL 475

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

3 INTRODUCED BY

4 Gail Armstrong

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10 AN ACT

11 RELATING TO RECREATION; TRANSFERRING THE NEW MEXICO OUTDOOR  
12 RECREATION DIVISION FROM THE ECONOMIC DEVELOPMENT DEPARTMENT TO  
13 THE TOURISM DEPARTMENT; REQUIRING THE DEVELOPMENT OF AN ANTI-  
14 LITTERING CAMPAIGN; PROVIDING FOR THE CREATION OF PAID  
15 PARTNERSHIPS WITH OUTDOOR RECREATION BUSINESSES.

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

18 SECTION 1. Section 9-15-4 NMSA 1978 (being Laws 1983,  
19 Chapter 297, Section 4, as amended) is amended to read:

20 "9-15-4. DEPARTMENT ESTABLISHED.--There is created in the  
21 executive branch the "economic development department". The  
22 department shall be a cabinet department and shall consist of,  
23 but not be limited to, ~~[six]~~ five divisions as follows:

- 24 A. the administrative services division;  
25 B. the economic development division;

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- 1 C. the New Mexico film division;
- 2 D. the technology enterprise division; and
- 3 E. the trade and Mexican affairs division [~~and~~
- 4 ~~F. the New Mexico outdoor recreation division~~]."

5 SECTION 2. Section 9-15A-3 NMSA 1978 (being Laws 1991,  
6 Chapter 21, Section 3, as amended by Laws 2007, Chapter 286,  
7 Section 1 and by Laws 2007, Chapter 287, Section 1) is amended  
8 to read:

9 "9-15A-3. DEPARTMENT ESTABLISHED.--The "tourism  
10 department" is created in the executive branch. The department  
11 shall be a cabinet department and shall consist of, but not be  
12 limited to, [~~six~~] seven divisions as follows:

- 13 A. the promotion division;
- 14 B. the New Mexico magazine division;
- 15 C. the sports authority division;
- 16 D. the tourism development division;
- 17 E. the marketing division; [~~and~~]
- 18 F. the administrative services division; and
- 19 G. the New Mexico outdoor recreation division."

20 SECTION 3. Section 9-15-14.1 NMSA 1978 (being Laws 2019,  
21 Chapter 117, Section 2, as amended) is recompiled in the  
22 Tourism Department Act and is amended to read:

23 "NEW MEXICO OUTDOOR RECREATION DIVISION--DUTIES--  
24 DEFINITIONS.--

- 25 A. The New Mexico outdoor recreation division of  
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1 the department shall:

2 (1) increase outdoor recreation-based economic  
3 development, tourism, agritourism and ecotourism in the state;

4 (2) support the efforts of the economic  
5 development department to recruit out-of-state-based outdoor  
6 recreation businesses to locate in New Mexico;

7 (3) promote stewardship and preservation of  
8 New Mexico's unique environment and cultural assets;

9 (4) promote education about and use of outdoor  
10 recreation assets to enhance public health; ~~and~~

11 (5) promote proper outdoor recreation  
12 stewardship, including developing a statewide anti-littering  
13 campaign;

14 ~~[(5)]~~ (6) administer the outdoor equity grant  
15 program; and

16 (7) administer an outdoor trails program.

17 B. The department, the ~~[tourism]~~ economic  
18 development department, the state land office, the Rio Grande  
19 trail commission, the state parks division of the energy,  
20 minerals and natural resources department, the department of  
21 game and fish, the cultural affairs department, the Indian  
22 affairs department, the department of health and the department  
23 of transportation shall work in conjunction with the New Mexico  
24 outdoor recreation division to support the division's duties as  
25 they relate to the purposes of the respective departments and

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1 agencies.

2 C. For the purposes of administering functions of  
3 the New Mexico outdoor recreation division:

4 (1) "agritourism" means activities that allow  
5 members of the public, for recreational, entertainment or  
6 educational purposes, to view or enjoy rural activities,  
7 including farming activities, ranching activities and historic,  
8 cultural or natural attractions;

9 (2) "department" means the tourism department;

10 [~~(1)~~] (3) "ecotourism" means a form of tourism  
11 that involves visiting areas of ecological interest and is  
12 intended as a low-impact and often small-scale alternative to  
13 standard commercial tourism; and

14 [~~(2)~~] (4) "outdoor recreation" means a  
15 recreational activity that occurs outdoors in a natural  
16 environment, including the use of trails, the natural  
17 landscape, water or snow resources or other natural resources  
18 in the activity."

19 SECTION 4. Section 9-15-14.2 NMSA 1978 (being Laws 2019,  
20 Chapter 117, Section 3) is recompiled in the Tourism Department  
21 Act and is amended to read:

22 "OUTDOOR RECREATION ADVISORY COMMITTEE--CREATION--  
23 MEMBERSHIP--DUTIES.--

24 A. The "outdoor recreation advisory committee" is  
25 created and is administratively attached to the New Mexico

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1 outdoor recreation division of the department. The director of  
2 the New Mexico outdoor recreation division, or the director's  
3 designee, shall serve as the chair of the committee.

4 B. The outdoor recreation advisory committee shall  
5 be composed of no more than fifteen members appointed by the  
6 director of the New Mexico outdoor recreation division. The  
7 members of the committee shall include representatives of the  
8 outdoor recreation industry, the ~~[tourism]~~ economic development  
9 department, the cultural affairs department, the energy,  
10 minerals and natural resources department, the state parks  
11 division of the energy, minerals and natural resources  
12 department, the department of game and fish and the Indian  
13 affairs department.

14 C. The members shall serve at the pleasure of the  
15 director.

16 D. Staff and other administrative support for the  
17 outdoor recreation advisory committee shall be provided by the  
18 administrative services division of the department.

19 E. Members of the outdoor recreation advisory  
20 committee are entitled to receive per diem and mileage as  
21 provided in the Per Diem and Mileage Act but shall receive no  
22 other perquisite, compensation or allowance."

23 SECTION 5. Section 9-15-14.4 NMSA 1978 (being Laws 2019,  
24 Chapter 117, Section 7, as amended) is recompiled in the  
25 Tourism Department Act and is amended to read:

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1 "OUTDOOR EQUITY GRANT PROGRAM--CREATED--ADMINISTRATION--  
2 GRANT CRITERIA.--

3 A. The "outdoor equity grant program" is created in  
4 the department to be administered by the New Mexico outdoor  
5 recreation division of the department.

6 B. Each fiscal year, competitive grants shall be  
7 awarded to applicants for the sole purpose of funding outdoor  
8 recreation programs, in whole or in part, for youth up to the  
9 age of eighteen and creating paid partnerships with outdoor  
10 recreation businesses to increase accessibility and  
11 affordability for state residents.

12 C. Political subdivisions of the state, Indian  
13 nations, tribes and pueblos and nonprofit organizations may  
14 apply for outdoor equity grants.

15 D. Annually, the New Mexico outdoor recreation  
16 division shall establish a minimum and maximum number of grants  
17 available based on the funding appropriated to the outdoor  
18 equity grant program fund for that fiscal year.

19 E. The New Mexico outdoor recreation division shall  
20 award grants to applicants through a competitive process and  
21 based upon the following minimum criteria:

22 (1) at least forty percent of the population  
23 served by the applicant are low-income youth up to the age of  
24 eighteen;

25 (2) the applicant has a well-developed,

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1 written plan to engage low-income youth in outdoor recreation  
2 activities; and

3 (3) the applicant has an educational plan to  
4 educate youth about climate and the environment as part of its  
5 outdoor recreation program.

6 F. The New Mexico outdoor recreation division shall  
7 establish grant reporting requirements that meet the general  
8 purpose of this section."

9 SECTION 6. Section 9-15-14.5 NMSA 1978 (being Laws 2019,  
10 Chapter 117, Section 8, as amended) is recompiled in the  
11 Tourism Department Act and is amended to read:

12 "OUTDOOR EQUITY GRANT PROGRAM FUND--CREATED.--

13 A. The "outdoor equity grant program fund" is  
14 created in the state treasury. All appropriations, gifts,  
15 devises, grants and donations received shall be deposited in  
16 the fund. Money in the fund is appropriated to the department  
17 for the New Mexico outdoor recreation division to carry out the  
18 outdoor equity grant program. Any money appropriated to the  
19 fund or accruing to it through gifts, grants, bequests or  
20 interest shall remain in the fund. Money in the fund shall not  
21 revert at the end of a fiscal year.

22 B. The fund shall be administered by the  
23 department. Disbursements from the fund shall be made only  
24 upon warrant drawn by the secretary of finance and  
25 administration pursuant to vouchers signed by the secretary of

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1     ~~[economic development]~~ tourism or the secretary's designee for  
2     the purpose of carrying out the outdoor equity grant program."

3             SECTION 7. TEMPORARY PROVISION--RECOMPILATION.-- Section  
4     9-15-14.3 NMSA 1978 (being Laws 2019, Chapter 117, Section 4)  
5     is recompiled in the Tourism Department Act.

6             SECTION 8. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,  
7     PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL  
8     OBLIGATIONS AND STATUTORY REFERENCES.--

9             A. On the effective date of this act, all  
10     functions, personnel, money, appropriations, records,  
11     furniture, equipment, supplies and other property pertaining to  
12     the New Mexico outdoor recreation division of the economic  
13     development department are transferred to the New Mexico  
14     outdoor recreation division of the tourism department.

15             B. On the effective date of this act, all  
16     contractual obligations of the New Mexico outdoor recreation  
17     division of the economic development department are binding on  
18     the New Mexico outdoor recreation division of the tourism  
19     department.

20             C. On the effective date of this act, all  
21     references in law to the New Mexico outdoor recreation division  
22     of the economic development department shall be deemed to be  
23     references to the New Mexico outdoor recreation division of the  
24     tourism department.

25             SECTION 9. EFFECTIVE DATE.--The effective date of the  
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1 provisions of this act is July 1, 2023.

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