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SENATE BILL 158

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Benny Shendo, Jr.

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO ECONOMIC DEVELOPMENT INCENTIVES; REQUIRING THE ECONOMIC DEVELOPMENT DEPARTMENT TO COMPILE AND PRESENT AN ANNUAL REPORT ON PROJECTS FUNDED WITH PUBLIC SUPPORT PURSUANT TO THE LOCAL ECONOMIC DEVELOPMENT ACT; REQUIRING THE ECONOMIC DEVELOPMENT DEPARTMENT AND THE WORKFORCE SOLUTIONS DEPARTMENT TO PROVIDE INFORMATION TO THE STAFF OF THE LEGISLATIVE FINANCE COMMITTEE FOR PURPOSES OF EVALUATING ECONOMIC DEVELOPMENT INCENTIVES; REQUIRING THE INDUSTRIAL TRAINING BOARD TO REPORT CERTAIN DEVELOPMENT TRAINING DATA TO THE LEGISLATIVE FINANCE COMMITTEE.

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

SECTION 1. A new section of the Local Economic Development Act is enacted to read:

"[NEW MATERIAL] ANNUAL REPORT.--

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1 A. The department shall compile an annual report on
2 economic development projects for which public support is
3 provided. The department shall present the report to the
4 legislative finance committee with an analysis of the
5 effectiveness and cost of the Local Economic Development Act
6 and whether it is fulfilling the purpose for which it was
7 created. The report shall include:

8 (1) the aggregate amount of public support
9 provided for all projects;

10 (2) for each project:

11 (a) the name of the qualifying entity
12 approved for support;

13 (b) the amount of public support
14 provided;

15 (c) the amount of capital investment the
16 qualifying entity committed to expend or allocate;

17 (d) the number of jobs that the
18 qualifying entity committed to create and the median wage of
19 the jobs, including the specific number and average wage of new
20 full-time economic base jobs;

21 (e) the number of jobs created and the
22 median wage of the jobs created, including the specific number
23 and average wage of new full-time economic base jobs created;
24 and

25 (f) the actual economic impact of the

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1 project, including the return on investment of the public
2 support and an explanation of the methodology used to determine
3 the economic impact of the project; and

4 (3) any other information necessary to
5 evaluate the effectiveness and cost of the Local Economic
6 Development Act.

7 B. The department shall publish the report on its
8 website; provided that the department shall not include any
9 confidential, sensitive or proprietary information about a
10 qualifying entity, including its financial information,
11 management information or trade secrets."

12 SECTION 2. Section 9-15-10 NMSA 1978 (being Laws 1983,
13 Chapter 297, Section 10, as amended) is amended to read:

14 "9-15-10. ORGANIZATIONAL UNITS OF DEPARTMENT--POWERS AND
15 DUTIES SPECIFIED BY LAW--ACCESS TO INFORMATION.--

16 A. Those organizational units of the department and
17 the officers of those units specified by law shall have all of
18 the powers and duties enumerated in the specific laws involved.
19 However, the carrying out of those powers and duties shall be
20 subject to the direction and supervision of the secretary, and
21 [he] the secretary shall retain the final decision-making
22 authority and responsibility for the administration of any such
23 laws as provided in Subsection B of Section 9-15-6 NMSA 1978.
24 The department shall have access to all records, data and
25 information of other state departments, agencies and

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1 institutions, including its own organizational units, not
2 specifically held confidential by law. Except as provided in
3 Subsection B of this section, any information obtained by the
4 department that is proprietary technical information or related
5 to the possible relocation or expansion of a business shall be
6 deemed confidential and withheld from inspection pursuant to
7 the Inspection of Public Records Act.

8 B. Upon written request by the director of the
9 legislative finance committee, including by electronic means,
10 the department shall provide to the staff of the legislative
11 finance committee all information obtained by the department
12 that is proprietary technical information or related to an
13 actual relocation or expansion of a business; provided that
14 providing such information shall not violate the terms of a
15 previously executed agreement with the department. The staff
16 of the legislative finance committee is prohibited from
17 requesting or using this information for a purpose other than
18 to evaluate tax expenditures and economic development
19 incentives for effectiveness and efficiency or to make
20 recommendations regarding the continuance of such expenditures
21 and incentives.

22 C. The department shall provide visible and clearly
23 marked notification of confidential information revealed
24 pursuant to Subsection B of this section. The staff of the
25 legislative finance committee shall not reveal such

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1 confidential information unless the information is aggregated
2 to at least three businesses."

3 SECTION 3. Section 9-26-14 NMSA 1978 (being Laws 2007,
4 Chapter 200, Section 14) is amended to read:

5 "9-26-14. DISCLOSURE OF INFORMATION.--

6 A. To the extent permitted by federal law, upon the
7 written request of a corporation organized pursuant to the
8 Educational Assistance Act, the department shall furnish the
9 last known address and the date of that address of every person
10 certified to the department as being an absent obligor of an
11 educational debt that is due and owed to the corporation or
12 that the corporation has lawfully contracted to collect. The
13 corporation and its officers and employees shall use such
14 information only for the purpose of enforcing the educational
15 debt obligation of such absent obligors and shall not disclose
16 that information or use it for any other purpose.

17 B. To the extent permitted by federal law, upon
18 written request by the director of the legislative finance
19 committee, including by electronic means, the department shall
20 provide all information related to labor data obtained by the
21 department to the staff of the legislative finance committee.
22 The staff of the legislative finance committee is prohibited
23 from requesting or using this information for a purpose other
24 than to evaluate tax expenditures and economic development
25 incentives for effectiveness and efficiency or to make

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1 recommendations regarding the continuance of such expenditures
2 and incentives.

3 C. The department shall provide visible and clearly
4 marked notification of confidential information revealed
5 pursuant to Subsection B of this section. The staff of the
6 legislative finance committee shall not reveal such
7 confidential information unless the information is aggregated
8 to at least three businesses."

9 SECTION 4. A new section of Chapter 21, Article 19 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] REPORT.--For each company or preemployment
12 training program that receives development training pursuant to
13 Section 21-19-7 NMSA 1978, the industrial training board shall
14 report to the legislative finance committee:

- 15 A. the number of persons trained;
- 16 B. the average wage of each person trained;
- 17 C. the city and county in which the training is
18 provided; and
- 19 D. the actual economic impact of the project,
20 including the return on investment of the public support and an
21 explanation of the methodology used to determine the economic
22 impact of the project."

23 SECTION 5. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2025.