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HOUSE BILL 321

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Stephanie Garcia Richard

AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CHANGING THE POPULATION
LIMITATION APPLICABLE TO MUNICIPALITIES THAT MAY UNDERTAKE
RETAIL BUSINESS PROJECTS THROUGH THE LOCAL ECONOMIC DEVELOPMENT
ACT.

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

SECTION 1. Section 5-10-1 NMSA 1978 (being Laws 1993,
Chapter 297, Section 1) is amended to read:

"5-10-1. SHORT TITLE.--~~[This act]~~ Chapter 5, Article 10
NMSA 1978 may be cited as the "Local Economic Development
Act"."

SECTION 2. Section 5-10-3 NMSA 1978 (being Laws 1993,
Chapter 297, Section 3, as amended) is amended to read:

"5-10-3. DEFINITIONS.--As used in the Local Economic
Development Act:

.198815.1

underscoring material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 A. "arts and cultural district" means a developed
2 district of public and private uses that is created pursuant to
3 the Arts and Cultural District Act;

4 B. "cultural facility" means a facility that is
5 owned by the state, a county, a municipality or a qualifying
6 entity that serves the public through preserving, educating and
7 promoting the arts and culture of a particular locale,
8 including theaters, museums, libraries, galleries, cultural
9 compounds, educational organizations, performing arts venues
10 and organizations, fine arts organizations, studios and media
11 laboratories and live-work housing facilities;

12 C. "department" means the economic development
13 department;

14 D. "economic development project" or "project"
15 means the provision of direct or indirect assistance to a
16 qualifying entity by a local or regional government and
17 includes the purchase, lease, grant, construction,
18 reconstruction, improvement or other acquisition or conveyance
19 of land, buildings or other infrastructure; public works
20 improvements essential to the location or expansion of a
21 qualifying entity; payments for professional services contracts
22 necessary for local or regional governments to implement a plan
23 or project; the provision of direct loans or grants for land,
24 buildings or infrastructure; technical assistance to cultural
25 facilities; loan guarantees securing the cost of land,

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underscored material = new
~~[bracketed material] = delete~~

1 buildings or infrastructure in an amount not to exceed the
2 revenue that may be derived from the municipal infrastructure
3 gross receipts tax or the county infrastructure gross receipts
4 tax; grants for public works infrastructure improvements
5 essential to the location or expansion of a qualifying entity;
6 grants or subsidies to cultural facilities; purchase of land
7 for a publicly held industrial park or a publicly owned
8 cultural facility; and the construction of a building for use
9 by a qualifying entity;

10 E. "governing body" means the city council, city
11 commission or board of trustees of a municipality or the board
12 of county commissioners of a county;

13 F. "local government" means a municipality or
14 county;

15 G. "municipality" means an incorporated city, town
16 or village;

17 H. "person" means an individual, corporation,
18 association, partnership or other legal entity;

19 I. "qualifying entity" means a corporation, limited
20 liability company, partnership, joint venture, syndicate,
21 association or other person that is one or a combination of two
22 or more of the following:

23 (1) an industry for the manufacturing,
24 processing or assembling of agricultural or manufactured
25 products;

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underscoring material = new
~~[bracketed material] = delete~~

1 (2) a commercial enterprise for storing,
2 warehousing, distributing or selling products of agriculture,
3 mining or industry, but, other than as provided in Paragraph
4 (5), (6) or (9) of this subsection, not including any
5 enterprise for sale of goods or commodities at retail or for
6 distribution to the public of electricity, gas, water or
7 telephone or other services commonly classified as public
8 utilities;

9 (3) a business in which all or part of the
10 activities of the business involves the supplying of services
11 to the general public or to governmental agencies or to a
12 specific industry or customer, but, other than as provided in
13 Paragraph (5) or (9) of this subsection, not including
14 businesses primarily engaged in the sale of goods or
15 commodities at retail;

16 (4) an Indian nation, tribe or pueblo or a
17 federally chartered tribal corporation;

18 (5) a telecommunications sales enterprise that
19 makes the majority of its sales to persons outside New Mexico;

20 (6) a facility for the direct sales by growers
21 of agricultural products, commonly known as farmers' markets;

22 (7) a business that is the developer of a
23 metropolitan redevelopment project;

24 (8) a cultural facility; and

25 (9) a retail business;

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