

1 HOUSE BILL 478

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Rebecca Dow

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10 AN ACT

11 RELATING TO METROPOLITAN REDEVELOPMENT; AMENDING THE
12 METROPOLITAN REDEVELOPMENT CODE; PROVIDING COUNTIES WITH POWERS
13 AND DUTIES; REPLACING THE TERM "MUNICIPALITY" WITH THE TERM
14 "LOCAL GOVERNMENT"; MAKING CONFORMING AND CLARIFYING CHANGES.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 3-60A-1 NMSA 1978 (being Laws 1979,
18 Chapter 391, Section 1) is amended to read:

19 "3-60A-1. SHORT TITLE.--~~[This act]~~ Chapter 3, Article 60A
20 NMSA 1978 may be cited as the "Metropolitan Redevelopment
21 Code"."

22 SECTION 2. Section 3-60A-2 NMSA 1978 (being Laws 1979,
23 Chapter 391, Section 2, as amended by Laws 2007, Chapter 329,
24 Section 3 and by Laws 2007, Chapter 330, Section 3) is amended
25 to read:

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1 "3-60A-2. FINDINGS AND DECLARATIONS OF NECESSITY.--

2 A. It is found and declared that there exist in
3 [~~municipalities of~~] the state slum areas and blighted areas
4 that constitute a serious and growing menace, injurious to the
5 public health, safety, morals and welfare of the residents of
6 the state; that the existence of these areas contributes
7 substantially to the spread of disease and crime, constitutes
8 an economic and social burden, substantially impairs or arrests
9 the sound and orderly development of [~~municipalities~~] many
10 areas of the state and retards the maintenance and expansion of
11 necessary housing accommodations; that economic and commercial
12 activities are lessened in those areas by the slum or blighted
13 conditions, and the effects of these conditions include less
14 employment in the area [~~and municipality~~], lower property
15 values, less gross receipts tax revenue [~~for the state and~~
16 ~~municipalities~~] and reduces the use of buildings, residential
17 dwellings and other facilities in the area that the prevention
18 and elimination of slum areas and blighted areas and the
19 prevention and elimination of conditions that impair [~~the~~]
20 sound and orderly development [~~of municipalities~~] is a matter
21 of state policy and concern in order that the state [~~and its~~
22 ~~municipalities~~] shall not continue to be endangered by these
23 areas that contribute little to the tax income of the state and
24 its [~~municipalities~~] local governments and that consume an
25 excessive proportion of its revenues because of the extra

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1 services required for police, fire, accident, hospitalization
2 or other forms of public protection, services and facilities.

3 B. Certain slum areas and blighted areas or
4 portions thereof may require land acquisition and clearance by
5 ~~[the municipality]~~ local government, since prevailing
6 conditions may make impracticable their reclamation or
7 development; other areas or portions of the slum or blighted
8 area may be suitable for conservation or rehabilitation efforts
9 and the conditions and evils enumerated in Subsection A of this
10 section may be eliminated, remedied or prevented by those
11 efforts; and to the extent feasible, salvageable slum and
12 blighted areas should be conserved and rehabilitated through
13 voluntary action, the regulatory process and, when necessary,
14 by government assistance.

15 C. The powers conferred by the Metropolitan
16 Redevelopment Code regarding the use of public money are for
17 public uses or purposes for which public money may be expended.
18 The individual benefits accruing to persons as the result of
19 the powers conferred by the Metropolitan Redevelopment Code and
20 projects conducted in accordance with its provisions are found
21 and declared to be incidental to the objectives of that code
22 and are far outweighed by the benefit to the public as a whole.
23 Activities authorized and powers granted by the Metropolitan
24 Redevelopment Code are hereby declared not to result in a
25 donation or aid to any person, association or public or private

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1 organization or enterprise. The necessity for these provisions
2 and the power is declared to be in the public interest as a
3 matter of legislative determination.

4 ~~[D. The legislature finds that the problems of the~~
5 ~~large metropolitan areas are unique in this state because of~~
6 ~~the size and magnitude of the problems when such large numbers~~
7 ~~of people are affected. The legislature further finds and~~
8 ~~declares that the strategies and methods for solving these~~
9 ~~problems in the large metropolitan areas differ from those in~~
10 ~~the smaller cities and towns and villages of the state, and it~~
11 ~~is necessary to authorize those home rule metropolitan areas~~
12 ~~additional powers and flexibility because of the nature and~~
13 ~~size of their problems and because the governments of such~~
14 ~~metropolitan areas have sufficient staff to meet and deal with~~
15 ~~those problems. Further, these authorizations are merely~~
16 ~~explanations of the powers of home rule communities in these~~
17 ~~metropolitan areas that can be exercised under home rule~~
18 ~~authority notwithstanding any limitations contained in the~~
19 ~~Metropolitan Redevelopment Code.]"~~

20 SECTION 3. Section 3-60A-3 NMSA 1978 (being Laws 1979,
21 Chapter 391, Section 4, as amended by Laws 2007, Chapter 329,
22 Section 4 and by Laws 2007, Chapter 330, Section 4) is amended
23 to read:

24 "3-60A-3. LEGISLATIVE INTENT.--

25 A. It is the intent of the legislature by the

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1 passage of the Metropolitan Redevelopment Code to authorize
2 [~~municipalities~~] local governments to acquire, own, lease,
3 improve and dispose of properties in a designated metropolitan
4 redevelopment area to the end that such [~~municipalities~~] local
5 governments may be able to promote industry and develop trade
6 or other economic activity by inducing profit or nonprofit
7 corporations, federal governmental offices, hospitals and
8 manufacturing, industrial, commercial or business enterprises
9 to locate, expand or remain in such area, to mitigate the
10 serious threat of extensive unemployment in a metropolitan
11 redevelopment area and to secure and maintain a balanced and
12 stable economy in an area declared to be a slum or blighted
13 area.

14 B. It is the further intent of the legislature to
15 authorize [~~municipalities~~] local governments to acquire, own,
16 lease, improve and dispose of properties so that adequate
17 medical care, residential housing and facilities for the
18 disposal of sewage and solid waste may be provided; and
19 industrial, manufacturing, commercial or business activities
20 may be begun or expanded in these areas; furnishing water,
21 energy and gas may be provided; more adequate facilities for
22 sports events and activities and recreation activities,
23 conventions and trade shows may be provided; more parking
24 facilities or storage or training facilities may be provided;
25 and more adequate research, product-testing and administrative

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1 facilities may be provided, all of which promote the public
2 health, welfare, safety, convenience and prosperity.

3 C. It is, therefore, the intention of the
4 legislature to vest [~~municipalities~~] local governments with all
5 powers, other than the power of eminent domain, that may be
6 necessary to enable them to accomplish such purposes, which
7 powers shall in all respects be exercised for the benefit of
8 the inhabitants of this state and [~~municipalities~~] within the
9 jurisdiction of the local governments of the state for the
10 promotion of their health, safety, welfare, convenience and
11 prosperity.

12 D. It is not intended by the Metropolitan
13 Redevelopment Code to authorize any [~~municipality~~] local
14 government to operate any manufacturing, industrial, commercial
15 or business enterprise or any research, product-testing or
16 administrative facilities of such enterprise. Nor is it the
17 intent of that code to prohibit the operation [~~by a~~
18 ~~municipality~~] of residential housing facilities, health care
19 facilities, sewage or solid waste disposal facilities or the
20 furnishing of water, sports or recreation facilities,
21 convention or trade show facilities, airports, public
22 transportation facilities or operations, parking facilities or
23 storage or training facilities by any [~~municipality~~] local
24 government."

25 SECTION 4. Section 3-60A-4 NMSA 1978 (being Laws 1979,

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1 Chapter 391, Section 4, as amended) is amended to read:

2 "3-60A-4. DEFINITIONS.--As used in the Metropolitan
3 Redevelopment Code:

4 A. "public body" means a [~~municipality~~] local
5 government, board, commission, authority, district or [~~any~~]
6 other political subdivision or public body of the state;

7 [~~B. "local governing body" means the city council,~~
8 ~~or city commission of a city, the board of trustees of a town~~
9 ~~or village; the council of an incorporated county; or the board~~
10 ~~of county commissioners of an H class county;~~

11 G.] B. "mayor" means [~~the mayor or the chairman of~~
12 ~~the city commission or other officer or body having]~~ the
13 individual, including a chair or officer of a governing body,
14 charged with the duties customarily imposed on the head of a
15 [~~municipality~~] local government;

16 [~~D. "municipality"~~] C. "local government" means
17 [~~any~~] an incorporated city, town or village, whether
18 incorporated under general act, special act or special charter,
19 [~~an incorporated county~~] or [~~an H class~~] a county or, when the
20 context requires, the governing body of an incorporated city,
21 town or village or a county;

22 [~~E.]~~ D. "clerk" means the clerk or other official
23 of [~~the municipality~~] a local government who is the chief
24 custodian of the official records of the [~~municipality~~] local
25 government;

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1 [F.] E. "federal government" [~~includes~~] means the
2 United States of America or [~~any~~] an agency or instrumentality,
3 corporate or otherwise, of the United States;

4 [G. ~~"state" means the state of New Mexico;~~

5 H.] F. "slum area" means an area within the area of
6 operation in which there are numerous residential or
7 nonresidential buildings, improvements and structures [~~whether~~
8 ~~residential or nonresidential, which, by reason of its~~
9 ~~dilapidation, deterioration, age, obsolescence~~] that are
10 dilapidated, deteriorated, aged or obsolete or that have
11 inadequate provision for ventilation, light, air or sanitation
12 or the area lacks open spaces or has a high density of
13 population or overcrowding or [~~the existence of~~] there exists
14 in the area conditions that endanger life or property by fire
15 or other causes, and the area is conducive to ill health,
16 transmission of disease, infant mortality, juvenile delinquency
17 or crime and is detrimental to the public health, safety,
18 morals or welfare;

19 [~~F.~~] G. "blighted area" means an area within the
20 area of operation other than a slum area that [~~because of the~~
21 ~~presence of a substantial number of deteriorated or~~
22 ~~deteriorating structures, predominance of defective or~~
23 ~~inadequate street layout, faulty lot layout in relation to~~
24 ~~size, adequacy, accessibility or usefulness, insanitary or~~
25 ~~unsafe conditions, deterioration of site or other improvements,~~

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1 ~~diversity of ownership, tax or special assessment delinquency~~
2 ~~exceeding the fair value of the land, defective or unusual~~
3 ~~conditions of title, improper subdivision or lack of adequate~~
4 ~~housing facilities in the area or obsolete or impractical~~
5 ~~planning and platting or an area where a significant number of~~
6 ~~commercial or mercantile businesses have closed or~~
7 ~~significantly reduced their operations due to the economic~~
8 ~~losses or loss of profit due to operating in the area, low~~
9 ~~levels of commercial or industrial activity or redevelopment or~~
10 ~~any combination of such factors] substantially impairs or~~
11 ~~arrests the sound growth and economic health and well-being [of~~
12 ~~a municipality] within the jurisdiction of a local government~~
13 ~~or a locale within [a municipality] the jurisdiction of a local~~
14 ~~government because of the presence of a substantial number of~~
15 ~~deteriorated or deteriorating structures; a predominance of~~
16 ~~defective or inadequate street layout; faulty lot layout in~~
17 ~~relation to size, adequacy, accessibility or usefulness;~~
18 ~~insanitary or unsafe conditions; deterioration of site or other~~
19 ~~improvements; diversity of ownership; tax or special assessment~~
20 ~~delinquency exceeding the fair value of the land; defective or~~
21 ~~unusual conditions of title; improper subdivision; lack of~~
22 ~~adequate housing facilities in the area; or obsolete or~~
23 ~~impractical planning and platting or an area where a~~
24 ~~significant number of commercial or mercantile businesses have~~
25 ~~closed or significantly reduced their operations due to the~~

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1 economic losses or loss of profit due to operating in the area,
2 low levels of commercial or industrial activity or
3 redevelopment or any combination of such factors; or an area
4 that retards the provisions of housing accommodations or
5 constitutes an economic or social burden and is a menace to the
6 public health, safety, morals or welfare in its present
7 condition and use;

8 [J-] H. "metropolitan redevelopment project" or
9 "project" means an activity, undertaking or series of
10 activities or undertakings designed to eliminate slums or
11 blighted areas in areas designated as metropolitan
12 redevelopment areas and [~~that~~] the activity or undertaking
13 conforms to an approved plan for the area for slum clearance
14 and redevelopment, rehabilitation and conservation;

15 [K-] I. "slum clearance and redevelopment" means
16 the use of those powers authorized by the Metropolitan
17 Redevelopment Code [~~for the purpose of eliminating~~] to
18 eliminate slum areas and [~~undertaking~~] undertake activities
19 authorized by the Metropolitan Redevelopment Code to rejuvenate
20 or revitalize those areas so that the conditions that caused
21 those areas to be designated slum areas are eliminated;

22 [L-] J. "rehabilitation" or "conservation" means
23 the restoration and renewal of a slum or blighted area or
24 portion thereof in accordance with [~~any~~] an approved plan by
25 use of powers granted by the Metropolitan Redevelopment Code;

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1 [M-] K. "metropolitan redevelopment area" means a
2 slum area or a blighted area or a combination thereof that the
3 local ~~[governing body]~~ government so finds and declares and
4 designates as appropriate for a metropolitan redevelopment
5 project;

6 [N-] L. "metropolitan redevelopment plan" means a
7 plan, as it exists from time to time, for one or more
8 metropolitan redevelopment areas or for a metropolitan
9 redevelopment project, which plan shall:

10 (1) seek to eliminate the problems created by
11 a slum area or blighted area;

12 (2) conform to the general plan for the
13 ~~[municipality]~~ local government as a whole; and

14 (3) be sufficient to indicate the proposed
15 activities to be carried out in the area, including ~~[but not~~
16 ~~limited to]~~ any proposals for land acquisition; proposals for
17 demolition and removal of structures; redevelopment; proposals
18 for improvements, rehabilitation and conservation; zoning and
19 planning changes; land uses, maximum densities, building
20 restrictions and requirements; and the plan's relationship to
21 definite local objectives respecting land uses, improved
22 traffic patterns and controls, public transportation, public
23 utilities, recreational and community facilities, housing
24 facilities, commercial activities or enterprises, industrial or
25 manufacturing use and other public improvements;

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1 [~~Θ-~~] M. "real property" includes all lands,
2 including improvements and fixtures thereon, and property of
3 any nature appurtenant thereto or used in connection therewith
4 and every estate, interest, right and use, legal or equitable,
5 therein, including terms for years and liens by way of
6 judgment, mortgage or otherwise;

7 [~~P-~~] N. "bonds" means any bonds, including
8 refunding bonds, notes, interim certificates, certification of
9 indebtedness, debentures, metropolitan redevelopment bonds or
10 other securities evidencing an obligation and issued under the
11 provisions of the Metropolitan Redevelopment Code or other
12 obligations;

13 [~~Q-~~] O. "obligee" includes [~~any~~] a bondholder,
14 agent or trustee for [~~any~~] a bondholder or lessor demising to
15 the [~~municipality~~] local government property used in connection
16 with a metropolitan redevelopment project or any assignee or
17 assignees of such lessor's interest or any part thereof;

18 [~~R-~~] P. "person" means [~~any~~] an individual, firm,
19 partnership, corporation, company, association, joint stock
20 association or body politic or the state or any political
21 subdivision thereof and shall further include any trustee,
22 receiver, assignee or other person acting in a similar
23 representative capacity;

24 [~~S-~~] Q. "area of operation" means [~~the~~] an area
25 within [~~the corporate limits of the municipality and the area~~

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1 ~~outside of the corporate limits but within five miles of such~~
2 ~~limits or otherwise on municipally owned property wherever~~
3 ~~located]~~ a local government's jurisdiction, except that it
4 shall not include [~~any~~] an area that lies within the
5 [~~territorial boundaries~~] jurisdiction of another [~~municipality~~]
6 local government unless an ordinance has been adopted by [~~the~~
7 ~~governing body of~~] the other [~~municipality~~] local government
8 declaring a need therefor;

9 [F.] R. "board" or "commission" means a board,
10 commission, department, division, office, body or other unit of
11 [~~the municipality~~] a local government designated by the local
12 [~~governing body~~] government to perform functions authorized by
13 the Metropolitan Redevelopment Code as directed by the local
14 [~~governing body~~] government; [~~and~~

15 [H.] S. "public officer" means any person who is in
16 charge of any department or branch of government of the
17 [~~municipality~~] local government; and

18 T. "fair value" means the negotiated price or value
19 of an asset or liability agreed upon by a local government and
20 a private entity."

21 SECTION 5. Section 3-60A-6 NMSA 1978 (being Laws 1979,
22 Chapter 391, Section 6) is amended to read:

23 "3-60A-6. USE OF PRIVATE ENTERPRISE AND PUBLIC POWERS.--A
24 [~~municipality~~] local government, to the greatest feasible
25 extent, shall afford maximum opportunity for the rehabilitation

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1 or redevelopment of the metropolitan redevelopment areas by
2 private enterprise. A [~~municipality~~] local government shall
3 give consideration to this objective in exercising its powers
4 provided by the Redevelopment Law, including the approval of
5 metropolitan redevelopment plans consistent with the general
6 plan for the [~~municipality~~] local government; the exercise of
7 its zoning powers; the enforcement of other laws, codes and
8 regulations relating to the use of land and the use and
9 occupancy of buildings and improvements; [~~to~~] the disposition
10 of any property acquired; and the provision of necessary public
11 improvements."

12 SECTION 6. Section 3-60A-7 NMSA 1978 (being Laws 1979,
13 Chapter 391, Section 7) is amended to read:

14 "3-60A-7. FINDING OF NECESSITY BY LOCAL GOVERNMENT.--No
15 [~~municipality~~] local government shall exercise any of the
16 powers conferred upon [~~municipalities~~] local governments by the
17 Redevelopment Law until [~~after its local governing body shall~~
18 ~~have~~] the local government has adopted a resolution finding
19 that:

20 A. one or more slum areas or blighted areas exist
21 in the [~~municipality~~] local government's jurisdiction; and

22 B. the rehabilitation, conservation, slum
23 clearance, redevelopment or development, or a combination
24 thereof, of and in such area [~~or areas~~] is necessary in the
25 interest of the public health, safety, morals or welfare of the

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1 residents of the [~~municipality~~] local government's
2 jurisdiction."

3 SECTION 7. Section 3-60A-8 NMSA 1978 (being Laws 1979,
4 Chapter 391, Section 8) is amended to read:

5 "3-60A-8. DESIGNATION OF A METROPOLITAN REDEVELOPMENT
6 AREA.--

7 A. A [~~municipality~~] local government shall not
8 prepare a metropolitan redevelopment plan for an area unless
9 the [~~governing body~~] local government has, by resolution,
10 determined the area to be a slum area or a blighted area or a
11 combination thereof and designated the area as appropriate for
12 a metropolitan redevelopment project, which resolution may be
13 adopted only after the [~~governing body shall have~~] local
14 government has caused to be published in a newspaper of general
15 circulation within the area of operation of the [~~municipality~~]
16 local government a notice [~~which shall contain~~] that contains a
17 general description of the area and the date, time and place
18 where the [~~governing body~~] local government shall hold a public
19 hearing to consider the resolution and a notice that any
20 interested party may appear and speak to the issue of the
21 adoption of the resolution.

22 B. [~~Such~~] Notice shall be published at least twice,
23 and the last publication shall be not less than twenty days
24 before the hearing. The owner of any real property affected by
25 the resolution [~~shall have~~] has the right to file in the

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1 district court of the county within which the ~~[municipality]~~
2 local government is located, within twenty days after the
3 adoption of the resolution, an action to set aside the
4 determination made by the ~~[governing body of the municipality]~~
5 local government.

6 C. A ~~[municipality]~~ local government shall not
7 acquire real property for a metropolitan redevelopment project
8 unless the local ~~[governing body]~~ government has approved a
9 metropolitan redevelopment plan relating to the metropolitan
10 redevelopment area in which the real property is located."

11 SECTION 8. Section 3-60A-9 NMSA 1978 (being Laws 1979,
12 Chapter 391, Section 9) is amended to read:

13 "3-60A-9. PREPARATION OF A METROPOLITAN REDEVELOPMENT
14 PLAN.--

15 A. When a ~~[municipality]~~ local government has
16 complied with the provisions of the Redevelopment Law
17 concerning public hearing and designation of an area as a
18 metropolitan redevelopment area, it may prepare or cause to be
19 prepared a metropolitan redevelopment plan; however, prior to
20 final consideration of the plan by the local ~~[governing body]~~
21 government, the plan shall be the subject of at least one
22 public hearing held by the mayor or ~~[his]~~ the mayor's designee
23 or the ~~[municipal]~~ local government's planning commission, at
24 which time comments from the public as a whole can be gathered
25 and considered by the ~~[municipality]~~ local government in its

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1 preparation of the final plan. The local [~~governing body~~
2 government] may hold a public hearing for purposes of approval
3 of the proposed plan, as provided in Subsection B of this
4 section, only after the hearing required by this subsection.

5 B. The local [~~governing body~~] government shall hold
6 a public hearing on a metropolitan redevelopment plan or
7 substantial modification of an approved plan after public
8 notice [~~thereof~~] by publication in a newspaper having a general
9 circulation in the area of operation of the [~~municipality~~]
10 local government. The notice shall describe the time, date,
11 place and purpose of the hearing, shall generally identify the
12 area covered by the plan and shall outline the general scope of
13 the metropolitan redevelopment project under consideration.
14 Prior to the public hearing on this matter, notice of the
15 public hearing shall be mailed by first class mail to the
16 owners of real property in the metropolitan redevelopment area.
17 The mailing shall be to the owner's address as shown on the
18 records of the county treasurer. If the notice by first class
19 mail to the owner is returned undelivered, the [~~municipality~~]
20 local government shall attempt to discover the owner's most
21 recent address and shall remail the notice by certified mail,
22 return receipt requested, to the address.

23 C. Following the public hearing, the local
24 [~~governing body~~] government may approve a metropolitan
25 redevelopment plan if it finds that:

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1 (1) the proposed activities will aid in the
2 elimination or prevention of slum or blight or the conditions
3 ~~[which]~~ that lead to the development of slum or blight;

4 (2) a feasible method is included in the plan
5 to provide individuals and families who occupy residential
6 dwellings in the metropolitan redevelopment area and who may be
7 displaced by the proposed activities with decent, safe and
8 sanitary dwelling accommodations within their means and without
9 undue hardship to such individuals and families;

10 (3) the plan conforms to the general plan for
11 the ~~[municipality as a whole]~~ local government; and

12 (4) the plan affords maximum opportunity
13 consistent with the needs of the community for the
14 rehabilitation or redevelopment of the area by private
15 enterprise or persons and the objectives of the plan justify
16 the proposed activities as public purposes and needs.

17 D. A metropolitan redevelopment plan may be
18 modified at any time; however, if the plan is modified after
19 the lease or sale by the ~~[municipality]~~ local government of
20 real property in the project area, the modification shall be
21 subject to any rights at law or in equity a lessee or purchaser
22 or ~~[his]~~ the lessee's or purchaser's successors in interest may
23 be entitled to assert. Any proposed modification ~~[which]~~ that
24 will substantially change the plan as previously approved by
25 the local ~~[governing body]~~ government shall be subject to the

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1 requirements of this section, including the requirement of a
2 public hearing, before it may be approved."

3 SECTION 9. Section 3-60A-10 NMSA 1978 (being Laws 1979,
4 Chapter 391, Section 10, as amended by Laws 2007, Chapter 329,
5 Section 5 and by Laws 2007, Chapter 330, Section 5) is amended
6 to read:

7 "3-60A-10. POWERS OF ~~[MUNICIPALITY]~~ LOCAL GOVERNMENT.--A
8 ~~[municipality]~~ local government shall have all the powers,
9 other than the power of eminent domain, necessary or convenient
10 to carry out and effectuate the purposes and provisions of the
11 Metropolitan Redevelopment Code, including ~~[but not necessarily~~
12 ~~limited to]~~ the following powers:

13 A. to undertake and carry out metropolitan
14 redevelopment projects within its area of operation, including
15 clearance and redevelopment, rehabilitation, conservation and
16 development activities and programs; to make, enter into and
17 execute contracts and other agreements and instruments
18 necessary or convenient to the exercise of its powers under the
19 Redevelopment Law; and to disseminate information regarding
20 slum clearance, prevention of blight and the metropolitan
21 redevelopment projects and areas;

22 B. to provide, arrange or contract for the furnishing
23 or repair by a public or private person or agency for services,
24 privileges, works, streets, roads, public utilities, public
25 buildings or other facilities for or in connection with a

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1 metropolitan redevelopment project; to, within its area of
2 operation, install, acquire, construct, reconstruct, remodel,
3 rehabilitate, maintain and operate streets, utilities, parks,
4 buildings, playgrounds and public buildings, including but not
5 limited to parking facilities, transportation centers, public
6 safety buildings and other public improvements or facilities or
7 improvements for public purposes, as may be required by the
8 ~~[municipality]~~ local government, the state or a political
9 subdivision of the state; to agree to conditions that it may
10 deem reasonable and appropriate that are attached to federal
11 financial assistance and imposed pursuant to federal law,
12 including conditions relating to the determination of
13 prevailing salaries or wages or compliance with federal and
14 state labor standards, compliance with federal property
15 acquisition policy and the provision of relocation assistance
16 in accordance with federal law in the undertaking or carrying
17 out of a metropolitan redevelopment project; and to include in
18 a contract let in connection with the project provisions to
19 fulfill these conditions as it may deem reasonable and
20 appropriate; provided, however, that all purchases of personal
21 property shall be in accordance with the Procurement Code;

22 C. within its area of operation, to inspect any
23 building or property in a metropolitan redevelopment area in
24 order to make surveys, appraisals, soundings or test borings
25 and to obtain an order for this purpose from a court of

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1 competent jurisdiction in the event inspection is denied by the
2 property owner or occupant; to acquire, by purchase, lease,
3 option, gift, grant, bequest, devise or otherwise, any real
4 property or personal property for its administrative or project
5 purposes, together with any improvements thereon; to hold,
6 improve, clear or prepare for redevelopment any such property;
7 to mortgage, pledge, hypothecate or otherwise encumber or
8 dispose of any real property; to insure or provide for the
9 insurance of real or personal property or operations of the
10 [~~municipality~~] local government against risks or hazards,
11 including the power to pay premiums on that insurance; and to
12 enter into contracts necessary to effectuate the purposes of
13 the Metropolitan Redevelopment Code;

14 D. to invest metropolitan redevelopment project funds
15 held in reserve, sinking funds or other project funds that are
16 not required for immediate disbursement in property or
17 securities in which [~~municipalities~~] local governments may
18 legally invest funds subject to their control; to redeem bonds
19 as have been issued pursuant to the Metropolitan Redevelopment
20 Code at the redemption price established in the bonds or to
21 purchase the bonds at less than redemption price. Bonds so
22 redeemed or purchased shall be canceled;

23 E. to borrow or lend money subject to those
24 procedures and limitations as may be provided in the
25 constitution of New Mexico or [~~the Municipal Code~~] statutes and
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1 to apply for and accept advances, loans, grants, contributions
2 and other forms of financial assistance from the federal
3 government, the state, the county or other public body or from
4 sources, public or private, for the purposes of the
5 Metropolitan Redevelopment Code; and to give security as may be
6 required and subject to the provisions and limitations of
7 general law except as may otherwise be provided by the
8 Redevelopment Law and to enter into and carry out contracts in
9 connection with that law. A ~~[municipality]~~ local government
10 may include in a contract for financial assistance with the
11 federal government for a metropolitan redevelopment project
12 conditions imposed pursuant to federal law that the
13 ~~[municipality]~~ local government may deem reasonable or
14 appropriate and that are not inconsistent with the purposes of
15 the Metropolitan Redevelopment Code;

16 F. within its area of operation, to make plans
17 necessary for the carrying out of the purposes of the
18 Metropolitan Redevelopment Code and to contract with any
19 person, public or private, in making and carrying out such
20 plans and to adopt or approve, modify and amend the plans. The
21 plans may include without limitation:

- 22 (1) a general plan for redevelopment of the
23 metropolitan area as a whole;
- 24 (2) redevelopment plans for specific areas;
- 25 (3) plans for programs of voluntary or assisted

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1 repair and rehabilitation of buildings and improvements;

2 (4) plans for the enforcement of state and local
3 laws, codes and regulations relating to the use of land and the
4 use and occupancy of buildings and improvements and to the
5 compulsory repair, rehabilitation, demolition or removal of
6 buildings and improvements; and

7 (5) appraisals, title searches, surveys, studies
8 and other preliminary plans and work necessary to prepare for
9 the undertaking of metropolitan redevelopment projects;

10 G. to develop, test and report methods and techniques
11 and carry out demonstrations and other activities for the
12 prevention and elimination of slums and ~~[urban]~~ blight and to
13 pay for, accept and use grants of funds from the federal
14 government for those purposes;

15 H. to prepare plans for the relocation of families
16 displaced from a metropolitan redevelopment area to the extent
17 essential for acquiring possession of and clearing the area or
18 its parts or permit the carrying out of the metropolitan
19 redevelopment project;

20 I. to appropriate under existing authority the funds
21 and make expenditures necessary to carry out the purposes of
22 the Metropolitan Redevelopment Code and under existing
23 authority to levy taxes and assessments for such purposes; to
24 close, vacate, plan or replan streets, roads, sidewalks, ways
25 or other places; in accordance with applicable law or

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1 ordinances, to plan or replan, zone or rezone any part [~~of the~~
2 ~~municipality~~] within the jurisdiction of the local government
3 or make exceptions from building regulations; and to enter into
4 agreements with a metropolitan redevelopment agency vested with
5 metropolitan redevelopment project powers, which agreements may
6 extend over any period, notwithstanding any provision or rule
7 of law to the contrary, respecting action to be taken by the
8 [~~municipality~~] local government pursuant to the powers granted
9 by the Redevelopment Law;

10 J. within its area of operation, to organize,
11 coordinate and direct the administration of the provisions of
12 the Redevelopment Law as they apply to the [~~municipality~~] local
13 government in order that the objective of remedying slum areas
14 and blighted areas and preventing the causes of those areas
15 within the [~~municipality~~] jurisdiction of the local government
16 may be most effectively promoted and achieved and to establish
17 any new office of the [~~municipality~~] local government or to
18 reorganize existing offices as necessary;

19 K. to acquire real property that is appropriate for
20 the preservation or restoration of historic sites; the
21 beautification of urban land; the conservation of open spaces,
22 natural resources and scenic areas; or the provision of
23 recreational opportunities; or that is to be used for public
24 purposes;

25 L. to engage in the following activities as part of a

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1 metropolitan redevelopment project:

2 (1) acquisition, construction, reconstruction or
3 installation of public works, facilities and site or other
4 improvements, including but not limited to neighborhood
5 facilities, senior citizen centers, historic properties,
6 utilities, streets, street lights, water and sewer facilities,
7 including connections for residential users, foundations and
8 platforms for air-rights sites, pedestrian malls and walkways,
9 parks, playgrounds and other recreation facilities, flood and
10 drainage facilities, parking facilities, solid waste disposal
11 facilities and fire protection or health facilities that serve
12 designated areas;

13 (2) special projects directed to the removal of
14 materials and architectural barriers that restrict the mobility
15 and accessibility of elderly and disabled persons;

16 (3) provision of public services in the
17 metropolitan redevelopment area that are not otherwise
18 available in the area, including [~~but not limited to~~] the
19 provisions of public services directed to the employment,
20 economic development, crime prevention, child care, health,
21 drug abuse, welfare or recreation needs of the people who
22 reside in the metropolitan redevelopment area;

23 (4) payment of the nonfederal share of any
24 federal grant-in-aid program to the [~~municipality~~] local
25 government that will be a part of a metropolitan redevelopment

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1 project;

2 (5) if federal funds are used in the project to
3 provide for payment of relocation costs and assistance to
4 individuals, families, businesses, organizations and farm
5 operations displaced as a direct result of a metropolitan
6 redevelopment project in accordance with applicable law
7 governing such payment;

8 (6) payment of reasonable administrative costs
9 and carrying charges related to the planning and execution of
10 plans and projects;

11 (7) economic and marketing studies to determine
12 the economic condition of an area and to determine the
13 viability of certain economic ventures proposed for the
14 metropolitan redevelopment area;

15 (8) issuance of bonds, grants or loans as
16 authorized by the Metropolitan Redevelopment Code in accordance
17 with the requirements of that code; and

18 (9) grants to nonprofit corporations, local
19 development corporations or entities organized under Section
20 301 (d) of the federal Small Business Investment Act of 1958
21 for the purposes of carrying out the provisions of the
22 Metropolitan Redevelopment Code;

23 M. if payments are to be made by the [municipality]
24 local government or metropolitan redevelopment agency under the
25 terms of a contract for reconstruction or rehabilitation of

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1 private property, payments shall be made from a special fund
2 created for that purpose and shall not be paid directly to the
3 property owner but shall instead be paid to the contractor by
4 the [~~municipality~~] local government or agency from such fund
5 upon proper authorization of the property owner and
6 notification that the terms of the contract have been
7 fulfilled. However, those rehabilitation contracts shall be
8 between the property owner and the contractor after a sealed
9 bidding procedure and award of contract approved by the
10 [~~municipality~~] local government has taken place;

11 N. in a metropolitan redevelopment project or
12 rehabilitation or conservation undertaking or activity, to
13 exercise the following powers in one or more metropolitan
14 redevelopment areas to include the elimination and prevention
15 of the development or spread of slums or blight and may involve
16 slum clearance and redevelopment in that area or rehabilitation
17 or conservation in that area or any combination or part of
18 those areas in accordance with a metropolitan redevelopment
19 plan and for undertakings or activities of a [~~municipality~~]
20 local government in a metropolitan redevelopment area to
21 eliminate the conditions that caused an area to be so
22 designated and may include the following:

23 (1) acquisition of real property within the
24 metropolitan redevelopment area pursuant to any powers and for
25 purposes enumerated in the Metropolitan Redevelopment Code;

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1 (2) clearing the land, grading the land and
2 replatting the land in accordance with the metropolitan
3 redevelopment plan; installation, construction or
4 reconstruction of roads, streets, gutters, sidewalks, storm
5 drainage facilities, water lines or water supply installations,
6 sewer lines and sewage disposal installations, steam, gas and
7 electric lines and installations, airport facilities and
8 construction of any other needed public facilities or buildings
9 whether on or off the site if deemed necessary by the local
10 [~~governing body~~] government to prepare the land in the
11 metropolitan redevelopment area for residential, commercial,
12 industrial and public use in accordance with the metropolitan
13 redevelopment plan; and

14 (3) making the land available for development by
15 private enterprise or public agencies, including sale, initial
16 leasing, leasing or retention by the [~~municipality~~] local
17 government itself, at its fair market value for uses in
18 accordance with the metropolitan redevelopment plan for the
19 area;

20 0. the [~~municipality~~] local government is empowered
21 in a metropolitan redevelopment area to undertake slum
22 clearance and redevelopment that includes:

23 (1) acquisition of a slum area or a blighted
24 area or portion thereof;

25 (2) demolition and removal of buildings and

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1 improvements;

2 (3) installation, construction, reconstruction,
3 maintenance and operation of streets, utilities, storm drainage
4 facilities, curbs and gutters, parks, playgrounds, [~~single-~~
5 single-family or multifamily dwelling units, buildings, public
6 buildings, including [~~but not limited to~~] parking facilities,
7 transportation centers, safety buildings and other
8 improvements, necessary for carrying out in the area the
9 provisions of an approved plan for the area; and

10 (4) making the real property available for
11 development or redevelopment by private enterprise or public
12 agencies, including sale, leasing or retention by the
13 [~~municipality~~] local government itself, at its fair value for
14 uses in accordance with the metropolitan redevelopment area
15 plan; and

16 P. to engage in rehabilitation or conservation that
17 includes the restoration and renewal of a slum or blighted area
18 or portion thereof in accordance with any approved plan, by:

19 (1) carrying out plans for a program of
20 voluntary or compulsory repair and rehabilitation of buildings
21 or other improvements;

22 (2) acquisition of real property and demolition
23 or removal of buildings and improvements thereon where
24 necessary to eliminate unhealthful, unsanitary or unsafe
25 conditions, lessen or increase density, eliminate obsolete or

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1 other uses detrimental to the public welfare or to otherwise
2 remove or prevent the spread of blight or deterioration or to
3 provide land for needed public facilities;

4 (3) installation, construction or reconstruction
5 of streets, utilities, parks, playgrounds and other
6 improvements necessary for carrying out in the area the
7 provisions of the Metropolitan Redevelopment Code;

8 (4) the disposition of any property acquired in
9 such an area, including sale, leasing or retention by the
10 [~~municipality~~] local government itself, for uses in accordance
11 with such an approved plan;

12 (5) acquisition of real property in the area
13 [~~which~~] that, under a plan, is to be repaired or rehabilitated;

14 (6) repair or rehabilitation of structures
15 within the area;

16 (7) power to resell repaired or rehabilitated
17 property;

18 (8) acquisition, without regard to any
19 requirement that the area be a slum or blighted area, of air-
20 rights in an area consisting principally of land on which is
21 located a highway, railway, bridge or subway tracks or tunnel
22 entrance or other similar facilities that have a blighting
23 influence on the surrounding area and over which air-rights
24 sites are to be developed for the elimination of such blighting
25 influences; and

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1 (9) making loans or grants or authorizing the
2 use of the proceeds of bonds issued pursuant to the
3 Metropolitan Redevelopment Code for the purpose of repairing,
4 remodeling, modifying or otherwise reconstructing a building or
5 buildings located in the metropolitan redevelopment area. Such
6 rehabilitation or conservation with use of funds expended by
7 authority of the Metropolitan Redevelopment Code or by
8 metropolitan revenue bonds authorized by that code shall be
9 authorized only after approval by the local ~~[governing body]~~
10 government and after it has been determined that such
11 expenditure is in accordance with the metropolitan
12 redevelopment plan for that area."

13 SECTION 10. Section 3-60A-12 NMSA 1978 (being Laws 1979,
14 Chapter 391, Section 12) is amended to read:

15 "3-60A-12. DISPOSAL OF PROPERTY.--

16 A. A ~~[municipality]~~ local government may sell, lease
17 or otherwise transfer real property or any interest ~~[therein]~~
18 in real property acquired by it in a metropolitan redevelopment
19 area and may enter into contracts with respect ~~[thereto]~~ to the
20 real property for residential, commercial, industrial or other
21 uses or for public use or may retain such property or interest
22 for public use in accordance with the metropolitan
23 redevelopment plan, subject to any covenants, conditions and
24 restrictions, including covenants running with the land and
25 including the incorporation by reference ~~[therein]~~ in the

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1 covenants of the provisions of a metropolitan redevelopment
2 plan or any part thereof, as it may deem to be in the public
3 interest or necessary to carry out the purposes of the
4 metropolitan redevelopment plan. The purchasers or lessees and
5 their successors and assigns shall be obligated to devote the
6 real property only to the uses specified in the metropolitan
7 redevelopment plan for a period of years as set out in the sale
8 or lease agreement and may be obligated to comply with other
9 requirements [~~which~~] that the [~~municipality~~] local government
10 may determine to be in the public interest, including the
11 obligation to begin within a reasonable time any improvements
12 on real property required by the metropolitan redevelopment
13 plan. The real property or interest shall be sold, leased,
14 otherwise transferred or retained at not less than its fair
15 value for uses in accordance with the Redevelopment Law as
16 determined by the [~~governing body of the municipality~~] local
17 government or by the metropolitan redevelopment agency, if so
18 authorized. In determining the fair value of real property for
19 uses in accordance with the metropolitan redevelopment plan, a
20 [~~municipality~~] local government shall take into account and
21 give consideration to the uses provided in the plan, the
22 restrictions upon and the covenants, conditions and obligations
23 assumed by the purchaser or lessee or by the [~~municipality~~]
24 local government retaining the property and the objectives of
25 the plan for the prevention of and recurrence of slum or

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1 blighted areas. The [~~municipality~~] local government in any
2 instrument of conveyance to a private purchaser or lessee may
3 provide that the purchaser or lessee shall be without power to
4 sell, lease or otherwise transfer the real property without the
5 prior written consent of the [~~municipality~~] local government
6 until [~~he~~] the purchaser or lessee has completed the
7 construction of any and all improvements [~~which he has~~] that
8 the purchaser or lessee is obligated [~~himself~~] to construct
9 [~~thereon~~] on the real property. Real property acquired by a
10 [~~municipality which~~] a local government that, in accordance
11 with the provisions of the metropolitan redevelopment plan, is
12 to be transferred shall be transferred consistent with the
13 carrying out of the provisions of the plan. The inclusion in
14 any contract or conveyance to a purchaser or lessee of
15 covenants, restrictions or conditions, including the
16 incorporation by reference [~~therein~~] in the covenants of the
17 provisions of a metropolitan redevelopment plan or any part
18 thereof, shall not prevent the filing of the contract or
19 conveyance in the land records of the county in a manner as to
20 afford actual or constructive notice thereof.

21 B. A [~~municipality~~] local government may dispose of
22 real property in a metropolitan redevelopment area to private
23 persons only in accordance with the procedures set out in this
24 subsection. The [~~municipality~~] local government shall, prior
25 to entering into any agreement to convey title or an interest

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1 in real property, publish a public notice once each week for at
2 least two consecutive weeks of the date, time and place it will
3 receive proposals for the purchase, lease or rental, for
4 development or redevelopment purposes, of the real property or
5 interest [~~therein~~] in the real property it intends to dispose
6 of. The public notice shall contain sufficient information to
7 describe the location of the real property, the type of
8 development sought or land use requirement and the selection
9 criteria the [~~municipality~~] local government will follow during
10 review of proposals and shall state that details may be
11 obtained at the office designated in the notice. The
12 [~~municipality~~] local government shall consider all proposals
13 submitted in accordance with the public notice and shall only
14 accept proposals it deems in the public interest and meeting
15 the objectives of the metropolitan redevelopment plan after
16 considering the type of development, redevelopment or use
17 proposed and the financial ability of the persons making [~~such~~]
18 the proposals to carry them out.

19 C. If after following the procedures set out in
20 Subsection B of this section a [~~municipality~~] local government
21 receives no proposals or determines the ones received are not
22 in accordance with the call for proposals or do not meet the
23 objectives of the Metropolitan Redevelopment Code, the
24 [~~municipality~~] local government may reject any proposals
25 received and then dispose of [~~such~~] the real property through

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1 reasonable negotiating procedures; provided, however, that
2 negotiated sales, leases or transfers must be reported to the
3 [~~local governing body~~] local government and approved [~~by that~~
4 ~~body~~] before [~~such~~] the sale, lease or transfer may take
5 effect.

6 D. A [~~municipality~~] local government may operate and
7 maintain real property acquired in a metropolitan redevelopment
8 area pending the disposition of the property for development or
9 redevelopment without regard to the provisions of Subsection A
10 of this section for any uses and purposes deemed desirable even
11 though not in conformity with the Redevelopment Law."

12 SECTION 11. Section 3-60A-13 NMSA 1978 (being Laws 1979,
13 Chapter 391, Section 13, as amended) is amended to read:

14 "3-60A-13. PROPERTY EXEMPT FROM TAXES AND FROM LEVY AND
15 SALE BY VIRTUE OF AN EXECUTION.--

16 A. All property of a [~~municipality~~] local government,
17 including funds, owned or held in fee simple by it for the
18 purposes of the Metropolitan Redevelopment Code shall be exempt
19 from levy and sale by virtue of an execution, and no execution
20 or other judicial process shall issue against the property nor
21 shall judgment against a [~~municipality~~] local government be a
22 charge or lien upon the property; provided, however, that the
23 provisions of this section shall not apply to or limit the
24 right of obligees to pursue any remedies for the enforcement of
25 any pledge or lien given pursuant to the Redevelopment Law by a

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1 [~~municipality~~] local government on its rents, fees, grants,
2 land or revenues from projects.

3 B. The property of a [~~municipality~~] local government
4 acquired or held for the purposes of the Metropolitan
5 Redevelopment Code is declared to be public property used for
6 essential public and governmental purposes, and the property
7 shall be exempt from property taxes or assessments of the
8 [~~municipality~~] local government, the county, the state or any
9 political subdivision thereof; provided that the exemption
10 shall terminate when the [~~municipality~~] local government
11 transfers its fee simple interest in the property to a
12 purchaser that is not entitled to the exemption with respect to
13 the property. Nothing in this subsection authorizes an
14 exemption or deduction from the imposition of the gross
15 receipts and compensating taxes under the Gross Receipts and
16 Compensating Tax Act on the gross receipts from the sale of
17 property to or the use of property by a [~~municipality~~] local
18 government or any other person in connection with a
19 metropolitan redevelopment project created under the
20 Metropolitan Redevelopment Code."

21 SECTION 12. Section 3-60A-13.1 NMSA 1978 (being Laws
22 1985, Chapter 225, Section 2) is amended to read:

23 "3-60A-13.1. PAYMENTS IN LIEU OF PROPERTY TAXES AND
24 ASSESSMENTS.--

25 A. If interests in project property are exempt from
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1 property taxation and assessments under Subsection B of Section
2 3-60A-13 NMSA 1978 or Section 7-36-3.1 NMSA 1978, then during
3 the period extending from the date of acquisition of the
4 property by the ~~[municipality]~~ local government through
5 December 31 of the year in which the seventh anniversary of
6 that acquisition date occurs, any lessee of the project
7 property or owner of a substantial beneficial interest in the
8 project property, in whose ownership the property would not be
9 exempt from property taxation except for the exemption granted
10 under Section 7-36-3.1 NMSA 1978, shall pay to the county
11 treasurer annually, at the same time property tax payments are
12 due under the Property Tax Code, an amount equal to the sum of:

13 (1) general property taxes that would have been
14 imposed under Subsection B of Section 7-37-7 NMSA 1978 had it
15 not been exempt and had it been valued at the valuation for
16 property taxation purposes that existed in the year immediately
17 preceding the year of acquisition by the ~~[municipality]~~ local
18 government;

19 (2) amounts that would have been imposed under
20 Subsection C of Section 7-37-7 NMSA 1978 on the project
21 property had it not been exempt and had it been valued at the
22 valuation for property taxation purposes that existed in the
23 year immediately preceding the year of acquisition by the
24 ~~[municipality]~~ local government; and

25 (3) amounts that would have been imposed as

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1 benefit assessments on the project property had it not been
2 exempt and had it been valued at the valuation for property
3 taxation purposes that existed in the year immediately
4 preceding the year of acquisition by the [~~municipality~~] local
5 government if those benefit assessments are authorized by law
6 and are expressed in mills per dollar or dollars per thousand
7 dollars of net taxable value of property, assessed value of
8 property or similar terms.

9 B. The county treasurer shall distribute all amounts
10 collected under Subsection A of this section in the same manner
11 as the amounts would have been distributed if they had been
12 collected as taxes or assessments on nonexempt property.

13 C. The provisions of this section shall apply only to
14 project property acquired by a [~~municipality~~] local government
15 under the provisions of the Metropolitan Redevelopment Code on
16 or after January 1, 1986."

17 SECTION 13. Section 3-60A-14 NMSA 1978 (being Laws 1979,
18 Chapter 391, Section 14) is amended to read:

19 "3-60A-14. COOPERATION BY PUBLIC BODIES.--

20 A. For the purpose of aiding in the planning,
21 undertaking or carrying out of a metropolitan redevelopment
22 project located within the area in which it is authorized to
23 act, any public body upon terms with or without consideration
24 may:

25 (1) dedicate, sell, convey or lease any of its

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1 interest in any property or grant easements, licenses or other
2 rights or privileges [~~therein~~] in the property to a
3 [~~municipality~~] local government;

4 (2) incur the entire expense of any public
5 improvements made by the public body in exercising the powers
6 granted in this section;

7 (3) do any and all things necessary to aid or
8 cooperate in the planning or carrying out of a metropolitan
9 redevelopment plan;

10 (4) lend, grant or contribute funds to a
11 [~~municipality~~] local government;

12 (5) enter into agreements [~~which~~] that may
13 extend over any period, notwithstanding any provision or rule
14 of law to the contrary, with a [~~municipality~~] local government
15 or other public body respecting action to be taken pursuant to
16 any of the powers granted by the Redevelopment Law, including
17 the furnishing of funds or other assistance in connection with
18 metropolitan redevelopment; or

19 (6) cause public buildings and public
20 facilities, including parks, playgrounds, recreational,
21 community, educational, transportation, water, sewer or
22 drainage facilities or any other works [~~which~~] that it is
23 otherwise empowered to undertake, to be furnished to the
24 [~~municipality~~] local government; furnish, dedicate, close,
25 vacate, pave, install, grade, regrade, plan or replan streets,

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1 roads, sidewalks, ways or other places; plan or replan, zone or
2 rezone any part of the public property or make exceptions from
3 building regulations; and cause administrative and other
4 services to be furnished to the [~~municipality~~] local
5 government.

6 If at any time title to or possession of any redevelopment
7 project is held by any public body or governmental agency,
8 other than the [~~municipality~~] local government, which is
9 authorized by law to engage in the undertaking, carrying out or
10 administration of development projects, including the federal
11 government, the provisions of the agreements referred to in
12 this section shall inure to the benefit of and may be enforced
13 by such public body or governmental agency. As used in this
14 subsection, the term [~~"municipality"~~] "local government"
15 includes a metropolitan redevelopment agency vested with
16 metropolitan redevelopment project powers pursuant to the
17 provisions of the Metropolitan Redevelopment Code.

18 B. For the purpose of aiding in the planning,
19 undertaking or carrying out of the metropolitan redevelopment
20 project by a redevelopment agency hereunder, a [~~municipality~~]
21 local government may, in addition to its other powers and upon
22 such terms with or without consideration, perform any or all of
23 the actions or things [~~which~~] that, by the provisions of
24 Subsection A of this section, a public body is authorized to do
25 or perform, including the furnishing of financial and other

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1 assistance.

2 C. For the purposes of this section or for the
3 purpose of aiding in the planning, undertaking or carrying out
4 of a metropolitan redevelopment project of a ~~[municipality]~~
5 local government, the ~~[municipality]~~ local government may, in
6 addition to any authority to issue bonds pursuant to the
7 Redevelopment Bonding Law, issue and sell its general
8 obligation or revenue bonds ~~[authorized in the Municipal Code]~~.
9 Any bonds issued by a ~~[municipality]~~ local government pursuant
10 to this section shall be issued in the manner and within the
11 limitations prescribed by the laws of this state for the
12 issuance and authorization of bonds by ~~[such municipality]~~ the
13 local government for public purposes generally."

14 SECTION 14. Section 3-60A-15 NMSA 1978 (being Laws 1979,
15 Chapter 391, Section 15, as amended by Laws 2007, Chapter 329,
16 Section 6 and by Laws 2007, Chapter 330, Section 6) is amended
17 to read:

18 "3-60A-15. EXERCISE OF POWERS IN CARRYING OUT PROJECTS.--

19 A. ~~[The local governing body]~~ A local government may
20 directly exercise its metropolitan redevelopment project powers
21 or it may, by ordinance if it determines such action to be in
22 the public interest, elect to delegate the exercise of such
23 powers to the metropolitan redevelopment agency created
24 pursuant to the Redevelopment Law. If the local ~~[governing~~
25 ~~body]~~ government so determines, the agency shall be vested with

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1 all of the powers in the same manner as though all the powers
2 were conferred on the agency or authority instead of the
3 [~~municipality~~] local government.

4 B. As used in this section, the term "redevelopment
5 project powers" includes any rights, powers, functions and
6 duties of a [~~municipality~~] local government authorized by the
7 Redevelopment Law except the following, which are reserved to
8 the local [~~governing body~~] government; the power to:

9 (1) declare an area to be a slum or a blighted
10 area or combination thereof and to designate the area as
11 appropriate for a redevelopment project;

12 (2) approve or amend redevelopment plans;

13 (3) approve a general plan for the
14 [~~municipality~~] local government as a whole;

15 (4) make findings of necessity prior to
16 preparation of a metropolitan redevelopment plan as provided in
17 the Redevelopment Law and the findings and determinations
18 required prior to approval of a metropolitan redevelopment plan
19 or project as provided in the Redevelopment Law;

20 (5) issue general obligation bonds and revenue
21 bonds as authorized [~~in the Municipal Code~~] by law;

22 (6) approve loans or grants;

23 (7) approve leases of more than one year's
24 duration;

25 (8) issue [~~municipal~~] redevelopment bonds; and

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1 (9) appropriate funds and levy taxes and
2 assessments."

3 SECTION 15. Section 3-60A-16 NMSA 1978 (being Laws 1979,
4 Chapter 391, Section 16) is amended to read:

5 "3-60A-16. METROPOLITAN REDEVELOPMENT AGENCY.--

6 A. There may be created in each [~~municipality~~] local
7 government a public body to be known as the "metropolitan
8 redevelopment agency". The metropolitan redevelopment agency
9 shall not transact any business or exercise any powers until
10 the local [~~governing body~~] government has adopted an ordinance
11 creating a metropolitan redevelopment agency and has specified
12 the powers and duties of the agency.

13 B. When the metropolitan redevelopment agency has
14 been authorized to transact business and exercise powers, the
15 mayor, with the advice and consent of the local [~~governing~~
16 ~~body~~] government, shall appoint a board of commissioners of the
17 redevelopment agency, which shall consist of five
18 commissioners. The commissioners shall be initially appointed
19 to serve staggered terms as follows from the date of their
20 appointment:

- 21 (1) two members for three-year terms;
- 22 (2) two members for two-year terms; and
- 23 (3) one member for a one-year term.

24 Thereafter, commissioners shall be appointed for terms of five
25 years each.

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1 C. A commissioner shall receive no compensation for
2 [his] services but shall be entitled to the necessary expenses,
3 including traveling expenses, incurred in the discharge of
4 [his] the commissioner's duties. Each commissioner shall hold
5 office until [his] the commissioner's successor has been
6 appointed and qualified. A certificate of the appointment or
7 reappointment of any commissioner shall be filed with the clerk
8 of the [municipality] local government, and the certificate
9 shall be conclusive evidence of the due and proper appointment
10 of the commissioner. A commissioner may be removed from office
11 at any time by the mayor.

12 D. The powers of a metropolitan redevelopment agency
13 shall be exercised by the commissioners. A majority of the
14 appointed commissioners [~~shall constitute~~] constitutes a quorum
15 for the purpose of conducting business and exercising the
16 powers of the agency and for all other purposes. Action may be
17 taken by the agency upon a vote of a majority of the
18 commissioners present at a lawful meeting, unless in any case
19 the bylaws [~~shall~~] require a larger number. Any person may be
20 appointed as commissioner if [he] the person resides within the
21 area of operation of the agency, which shall be coterminous
22 with the area of operation of the [municipality] local
23 government, and is otherwise eligible for such appointment
24 under the Redevelopment Law.

25 E. The mayor shall designate a [~~chairman~~] chair and

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1 vice [~~chairman~~] chair from among the commissioners. The
2 commission may employ and determine the qualifications, duties
3 and compensation of an executive director, technical experts
4 and such other agents and employees, permanent and temporary,
5 as the metropolitan redevelopment agency may require. For such
6 legal service as the agency may require, the commission may
7 employ or retain for the agency legal counsel and a legal
8 staff. A metropolitan redevelopment agency shall file annually
9 with the local [~~governing body~~] government a report of its
10 activities for the preceding fiscal year, which report shall
11 include a complete financial statement setting forth its
12 assets, liabilities, income and operating expenses as of the
13 end of such fiscal year."

14 SECTION 16. Section 3-60A-17 NMSA 1978 (being Laws 1979,
15 Chapter 391, Section 17) is amended to read:

16 "3-60A-17. CONFLICT OF INTEREST--MISCONDUCT.--[A.] No
17 public official or employee of a [~~municipality~~] local
18 government or member of any board or commission [~~thereof~~] of a
19 local government and no commissioner or employee of a
20 metropolitan redevelopment agency [~~which~~] that has been vested
21 by a [~~municipality~~] local government with metropolitan
22 redevelopment project powers by the Redevelopment Law shall
23 voluntarily acquire any interest, direct or indirect, in any
24 [~~such~~] metropolitan redevelopment project of the [~~municipality~~]
25 local government or in any contract or proposed contract in

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1 connection with ~~[such]~~ the project. Where the acquisition is
2 not voluntary, the interest acquired shall be immediately
3 disclosed in writing to the local ~~[governing body]~~ government,
4 and such disclosure shall be entered upon its minutes. If any
5 such official, commissioner or employee currently owns or
6 controls or owned or controlled within the preceding two years
7 any interest, direct or indirect, in any property ~~[which he]~~
8 that the official, commissioner or employee knows is included
9 or planned to be included in a metropolitan redevelopment
10 project, ~~[he]~~ the official, commissioner or employee shall
11 immediately disclose this fact in writing to the local
12 ~~[governing body]~~ government, and this disclosure shall be
13 entered upon the minutes of the ~~[governing body]~~ local
14 government, and any such official, commissioner or employee
15 shall not participate in any action by the ~~[municipality or~~
16 ~~board or commission thereof]~~ local government affecting ~~[such]~~
17 the property. Any disclosure required to be made by this
18 section to the local ~~[governing body]~~ government shall
19 concurrently be made to a metropolitan redevelopment agency
20 ~~[which]~~ that has been vested with metropolitan redevelopment
21 project powers by the ~~[municipality]~~ local government."

22 SECTION 17. Section 3-60A-18 NMSA 1978 (being Laws 1979,
23 Chapter 391, Section 18) is amended to read:

24 "3-60A-18. OTHER POWERS.--

25 A. Except as otherwise specifically set forth in

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1 Section [~~15 of the Redevelopment Law~~] 3-60A-15 NMSA 1978, the
2 local [~~governing body~~] government may delegate its metropolitan
3 redevelopment powers in the manner provided for delegation of
4 powers in the Redevelopment Law to a metropolitan redevelopment
5 agency [~~which~~] that shall be vested with such powers in the
6 same manner as though the powers were conferred on the agency
7 instead of the [~~municipality~~] local government.

8 B. The local [~~governing body~~] government may, in the
9 manner required by state law or municipal charter, provide for
10 such ordinances, rules, regulations or by such other means it
11 deems proper as are necessary to implement the Redevelopment
12 Law. The [~~municipality~~] local government and the agency shall
13 be empowered to exercise only those powers authorized by [~~this~~]
14 the Redevelopment Law or otherwise provided by law. Nothing in
15 [~~this~~] the Redevelopment Law shall be construed to authorize
16 the [~~municipality~~] local government to operate an electric or
17 gas utility."

18 SECTION 18. Section 3-60A-19 NMSA 1978 (being Laws 1979,
19 Chapter 391, Section 19) is amended to read:

20 "3-60A-19. TAX INCREMENT LAW--SHORT TITLE.--Sections [~~19~~
21 ~~through 25 of the Metropolitan Redevelopment Code~~] 3-60A-19
22 through 3-60A-24 NMSA 1978 may be cited as the "Tax Increment
23 Law"."

24 SECTION 19. Section 3-60A-20 NMSA 1978 (being Laws 1979,
25 Chapter 391, Section 20) is amended to read:

.205884.2SA

1 "3-60A-20. ALTERNATIVE METHOD OF FINANCING.--

2 A. Effective for tax years beginning on or after
3 January 1, 1980, the local [~~governing body of a municipality~~]
4 government may elect by resolution to use the procedures set
5 forth in the Tax Increment Law for financing metropolitan
6 redevelopment projects. Such procedures may be used in
7 addition to or in conjunction with other methods provided by
8 law for financing such projects.

9 B. The tax increment method, for the purpose of
10 financing metropolitan redevelopment projects, is the
11 dedication for further use in metropolitan redevelopment
12 projects of that increase in property tax revenue directly
13 resulting from the increased net taxable value of a parcel of
14 property attributable to its rehabilitation, redevelopment or
15 other improvement because of its inclusion within an urban
16 renewal, community development or metropolitan redevelopment
17 project."

18 SECTION 20. Section 3-60A-21 NMSA 1978 (being Laws 1979,
19 Chapter 391, Section 21, as amended) is amended to read:

20 "3-60A-21. TAX INCREMENT PROCEDURES.--The procedures to
21 be used in the tax increment method are:

22 A. the local [~~governing body of the municipality~~]
23 government shall, at the time after approval of a metropolitan
24 redevelopment project, notify the county assessor and the
25 taxation and revenue department of the taxable parcels of

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1 property within the project;

2 B. upon receipt of notification pursuant to
3 Subsection A of this section, the county assessor and the
4 taxation and revenue department shall identify the parcels of
5 property within the metropolitan redevelopment project within
6 their respective jurisdictions and certify to the county
7 treasurer the net taxable value of the property at the time of
8 notification as the base value for the distribution of property
9 tax revenues authorized by the Property Tax Code. If because
10 of acquisition by the [~~municipality~~] local government the
11 property becomes tax exempt, the county assessor and the
12 taxation and revenue department shall note that fact on their
13 respective records and so notify the county treasurer, but the
14 county assessor, the taxation and revenue department and the
15 county treasurer shall preserve a record of the net taxable
16 value at the time of inclusion of the property within the
17 metropolitan redevelopment project as the base value for the
18 purpose of distribution of property tax revenues when the
19 parcel again becomes taxable. The county assessor is not
20 required by this section to preserve the new taxable value at
21 the time of inclusion of the property within the metropolitan
22 redevelopment project as the base value for the purposes of
23 valuation of the property;

24 C. if because of acquisition by the [~~municipality~~]
25 local government the property becomes tax exempt, when the

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1 parcel again becomes taxable, the local [~~governing body of the~~
2 ~~municipality~~] government shall notify the county assessor and
3 the taxation and revenue department of the parcels of property
4 that because of their rehabilitation or other improvement are
5 to be revalued for property tax purposes. A new taxable value
6 of this property shall then be determined by the county
7 assessor or by the taxation and revenue department if the
8 property is within the valuation jurisdiction of that
9 department. If no acquisition by the [~~municipality~~] local
10 government occurs, improvement or rehabilitation of property
11 subject to valuation by the assessor shall be reported to the
12 assessor as required by the Property Tax Code, and the new
13 taxable value shall be determined as of January 1 of the tax
14 year following the year in which the improvement or
15 rehabilitation is completed;

16 D. current tax rates shall then be applied to the new
17 taxable value. The amount by which the revenue received
18 exceeds that which would have been received by application of
19 the same rates to the base value before inclusion in the
20 metropolitan redevelopment project shall be credited to the
21 [~~municipality~~] local government and deposited in the
22 metropolitan redevelopment fund. This transfer shall take
23 place only after the county treasurer has been notified to
24 apply the tax increment method to a specific property included
25 in a metropolitan redevelopment area. Unless the entire

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1 metropolitan redevelopment area is specifically included by the
2 [~~municipality~~] local government for purposes of tax increment
3 financing, the payment by the county treasurer to the
4 [~~municipality~~] local government shall be limited to those
5 properties specifically included. The remaining revenue shall
6 be distributed to participating units of government as
7 authorized by the Property Tax Code; and

8 E. the procedures and methods specified in this
9 section shall be followed annually for a maximum period of
10 twenty years following the date of notification of inclusion of
11 property as coming under the transfer provisions of this
12 section."

13 SECTION 21. Section 3-60A-22 NMSA 1978 (being Laws 1979,
14 Chapter 391, Section 22) is amended to read:

15 "3-60A-22. METROPOLITAN REDEVELOPMENT FUND--CREATION--
16 DISBURSEMENT.--There is created a "metropolitan redevelopment
17 fund" for purposes of the Metropolitan Redevelopment Code.
18 Money in the metropolitan redevelopment fund shall be disbursed
19 to the [~~municipality~~] local government to be used as other
20 money is authorized to be used in the Metropolitan
21 Redevelopment Code."

22 SECTION 22. Section 3-60A-23 NMSA 1978 (being Laws 1979,
23 Chapter 391, Section 23, as amended) is amended to read:

24 "3-60A-23. TAX INCREMENT FINANCING METHOD APPROVAL.--

25 A. The property tax increment method shall be

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1 applicable only to the units of government participating in
2 property tax revenue derived from ~~[property within a~~
3 ~~metropolitan redevelopment project and approving the use of the~~
4 ~~tax increment method for that property and only to the extent~~
5 ~~of the approval. An approval may be restricted to certain~~
6 ~~types or sources of tax revenue.]~~ the properties within the
7 district.

8 B. A local ~~[governing body of each municipality]~~
9 government shall request ~~[such]~~ an approval for up to a twenty-
10 year period for property included in the tax increment funding.
11 The governor or ~~[his]~~ the governor's authorized representative
12 shall approve, partially approve or disapprove the use of the
13 method for state government; the governing body of each other
14 participating unit shall approve, partially approve or
15 disapprove by ordinance or resolution the use of the method for
16 their respective units.

17 C. At the request of a participating unit of
18 government, made within ten days of receipt of the request by
19 the ~~[municipality]~~ local government, the ~~[municipality]~~ local
20 government shall make a presentation to the governor or ~~[his]~~
21 the governor's authorized representative and to the governing
22 bodies of all participating units of government, which
23 presentation shall include a description of the metropolitan
24 redevelopment project and the parcels in the project to which
25 the tax increment method will apply, and an estimate of the

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1 general effect of the project and the application of the tax
2 increment method on property values and tax revenues. All
3 participating units shall notify the local [~~governing body of~~
4 ~~the municipality~~] government seeking approval within thirty
5 days of receipt of the [~~municipality's~~] local government's
6 request. At the expiration of that time, the alternative
7 method of financing set forth in this section shall be
8 effective for a period of up to twenty tax years."

9 SECTION 23. Section 3-60A-23.1 NMSA 1978 (being Laws
10 2000, Chapter 103, Section 4) is amended to read:

11 "3-60A-23.1. TAX INCREMENT BONDS.--

12 A. For the purpose of financing metropolitan
13 redevelopment projects, in whole or in part, a [~~municipality~~]
14 local government may issue tax increment bonds or tax increment
15 bond anticipation notes that are payable from and secured by
16 real property taxes, in whole or in part, allocated to the
17 metropolitan redevelopment fund pursuant to the provisions of
18 Sections 3-60A-21 and 3-60A-23 NMSA 1978. The principal of,
19 premium, if any, and interest on the bonds or notes shall be
20 payable from and secured by a pledge of such revenues, and the
21 [~~municipality~~] local government shall irrevocably pledge all or
22 part of such revenues to the payment of the bonds or notes.
23 The revenues deposited in the metropolitan redevelopment fund
24 or the designated part thereof may thereafter be used only for
25 the payment of the principal of, premium, if any, and interest

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1 on the bonds or notes, and a holder of the bonds or notes shall
2 have a first lien against the revenues deposited in the
3 metropolitan redevelopment fund or the designated part thereof
4 for the payment of principal of, premium, if any, and interest
5 on such bonds or notes. To increase the security and
6 marketability of the tax increment bonds or notes, the
7 ~~[municipality]~~ local government may:

8 (1) create a lien for the benefit of the
9 bondholders on any public improvements or public works used
10 solely by the metropolitan redevelopment project or portion of
11 a project financed by the bonds or notes, or on the revenues of
12 such improvements or works;

13 (2) provide that the proceeds from the sale of
14 real and personal property acquired with the proceeds from the
15 sale of bonds or notes issued pursuant to the Tax Increment Law
16 shall be deposited in the metropolitan redevelopment fund and
17 used for the purposes of repayment of principal of, premium, if
18 any, and interest on such bonds or notes; and

19 (3) make covenants and do any and all acts not
20 inconsistent with law as may be necessary, convenient or
21 desirable in order to additionally secure the bonds or notes or
22 make the bonds or notes more marketable in the exercise of the
23 discretion of the local ~~[governing body]~~ government.

24 B. Bonds and notes issued pursuant to this section
25 shall not constitute an indebtedness within the meaning of any

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1 constitutional or statutory debt limitation or restriction,
2 shall not be general obligations of the [~~municipality~~] local
3 government, shall be collectible only from the proper pledged
4 revenues and shall not be subject to the provisions of any
5 other law or charter relating to the authorization, issuance or
6 sale of tax increment bonds or tax increment bond anticipation
7 notes. Bonds and notes issued pursuant to the Tax Increment
8 Law are declared to be issued for an essential public and
9 governmental purpose and, together with interest thereon, shall
10 be exempted from all taxes by the state.

11 C. The bonds or notes shall be authorized by an
12 ordinance of the [~~municipality~~] local government; shall be in
13 such denominations, bear such date and mature, in the case of
14 bonds, at such time not exceeding twenty years from their date,
15 and in the case of notes, not exceeding five years from the
16 date of the original note; bear interest at a rate or have
17 appreciated principal value not exceeding the maximum net
18 effective interest rate permitted by the Public Securities Act;
19 and be in such form, carry such registration privileges, be
20 executed in such manner, be payable in such place within or
21 without the state, be payable at intervals or at maturity and
22 be subject to such terms of redemption as the authorizing
23 ordinance or supplemental resolution [~~or resolutions~~] of the
24 [~~municipality~~] local government may provide.

25 D. The bonds or notes may be sold in one or more

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1 series at, below or above par, at public or private sale, in
2 such manner and for such price as the [~~municipality~~] local
3 government, in its discretion, shall determine; provided that
4 the price at which the bonds or notes are sold shall not result
5 in a net effective interest rate that exceeds the maximum
6 permitted by the Public Securities Act. As an incidental
7 expense of a metropolitan redevelopment project or portion
8 thereof financed with the bonds or notes, the [~~municipality~~]
9 local government in its discretion may employ financial and
10 legal consultants with regard to the financing of the project.

11 E. In case any of the public officials of the
12 [~~municipality~~] local government whose signatures appear on any
13 bonds or notes issued pursuant to the Tax Increment Law shall
14 cease to be public officials before the delivery of the bonds
15 or notes, the signatures shall, nevertheless, be valid and
16 sufficient for all purposes, the same as if the officials had
17 remained in office until delivery. Any provision of law to the
18 contrary notwithstanding, any bonds or notes issued pursuant to
19 the Tax Increment Law shall be fully negotiable.

20 F. In any suit, action or proceeding involving the
21 validity or enforceability of any bond or note issued pursuant
22 to the Tax Increment Law or the security therefor, any bond or
23 note reciting in substance that it has been issued by the
24 [~~municipality~~] local government in connection with a
25 metropolitan redevelopment project shall be conclusively deemed

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1 to have been issued for such purpose and the project shall be
2 conclusively deemed to have been planned, located and carried
3 out in accordance with the provisions of the Metropolitan
4 Redevelopment Code.

5 G. The proceedings under which tax increment bonds or
6 tax increment bond anticipation notes are authorized to be
7 issued and any mortgage, deed of trust, trust indenture or
8 other lien or security device on real and personal property
9 given to secure the same may contain provisions customarily
10 contained in instruments securing bonds and notes and
11 constituting a covenant with the bondholders.

12 H. A [~~municipality~~] local government may issue bonds
13 or notes pursuant to this section with the proceeds from the
14 bonds or notes to be used as other money is authorized to be
15 used in the Metropolitan Redevelopment Code.

16 I. The [~~municipality~~] local government shall have the
17 power to issue renewal notes, to issue bonds to pay notes and
18 whenever it deems refunding expedient, to refund any bonds by
19 the issuance of new bonds, whether the bonds to be refunded
20 have or have not matured, and to issue bonds partly to refund
21 bonds then outstanding and partly for other purposes in
22 connection with financing metropolitan redevelopment projects,
23 in whole or in part. Refunding bonds issued pursuant to the
24 Tax Increment Law to refund outstanding tax increment bonds
25 shall be payable from real property tax revenues, out of which

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1 the bonds to be refunded thereby are payable or from other
2 lawfully available revenues.

3 J. The proceeds from the sale of any bonds or notes
4 shall be applied only for the purpose for which the bonds or
5 notes were issued and if, for any reason, any portion of the
6 proceeds are not needed for the purpose for which the bonds or
7 notes were issued, the unneeded portion of the proceeds shall
8 be applied to the payment of the principal of or the interest
9 on the bonds or notes.

10 K. The cost of financing a metropolitan redevelopment
11 project shall be deemed to include the actual cost of acquiring
12 a site and the cost of the construction of any part of a
13 project, including architects' and engineers' fees, the
14 purchase price of any part of a project that may be acquired by
15 purchase and all expenses in connection with the authorization,
16 sale and issuance of the bonds or notes to finance the
17 acquisition, and any related costs incurred by the
18 [~~municipality~~] local government.

19 L. No action shall be brought questioning the
20 legality of any contract, mortgage, deed of trust, trust
21 indenture or other lien or security device, proceeding or bonds
22 or notes executed in connection with any project authorized by
23 the Metropolitan Redevelopment Code on and after thirty days
24 from the effective date of the ordinance authorizing the
25 issuance of such bonds or notes."

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1 SECTION 24. Section 3-60A-26 NMSA 1978 (being Laws 1979,
2 Chapter 391, Section 26) is amended to read:

3 "3-60A-26. REDEVELOPMENT BONDING LAW--SHORT TITLE.--
4 Sections [~~26 through 46 of the Municipal Redevelopment Code~~]
5 3-60A-26 through 3-60A-46 NMSA 1978 may be cited as the
6 "Redevelopment Bonding Law"."

7 SECTION 25. Section 3-60A-27 NMSA 1978 (being Laws 1979,
8 Chapter 391, Section 27) is amended to read:

9 "3-60A-27. DEFINITIONS.--As used in the Redevelopment
10 Bonding Law:

11 ~~[A. "revenue bonds" means bonds, notes or other~~
12 ~~securities evidencing an obligation and issued pursuant to the~~
13 ~~powers granted by the Metropolitan Redevelopment Code by a~~
14 ~~municipality for purposes authorized by that code;~~

15 ~~B.]~~ A. "finance" or "financing" means the issuing of
16 bonds by a [~~municipality~~] local government and the use of
17 substantially all of the proceeds [~~therefrom~~] from the bonds
18 pursuant to a financing agreement with the user to pay or to
19 reimburse the user or its designee for the costs of the
20 acquisition or construction of a project, whether these costs
21 are incurred by the [~~municipality~~] local government, the user
22 or a designee of the user; provided that title to or in the
23 project may at all times remain in the user, and, in such case,
24 the bonds of the [~~municipality~~] local government may be secured
25 by mortgage or other lien upon the project or upon any other

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1 property of the user, or both, granted by the user or by a
2 pledge of one or more notes, debentures, bonds or other secured
3 or unsecured debt obligations of the user, as the governing
4 body deems advisable, but no ~~[municipality]~~ local government
5 shall be authorized hereby to pledge any of its property or to
6 otherwise secure the payment of any bonds with its property,
7 except that the ~~[municipality]~~ local government may pledge the
8 property of the project or revenues ~~[therefrom]~~ from the
9 project;

10 ~~[G.]~~ B. "financing agreement" includes a lease,
11 sublease, installment purchase agreement, rental agreement,
12 option to purchase or any other agreement or any combination
13 thereof entered into in connection with the financing of a
14 project pursuant to the Metropolitan Redevelopment Code;

15 C. "local government" means an incorporated city,
16 town or village, whether incorporated under general act,
17 special act or special charter, or a county;

18 D. "mortgage" means a deed of trust or any other
19 security device for both real and personal property;

20 E. "ordinance" means an ordinance of a ~~[municipality]~~
21 local government financing or refinancing an activity involving
22 or affecting improvement or improvements;

23 F. "project" means an activity ~~[which]~~ that can be
24 funded or refinanced by revenue bonds issued pursuant to the
25 Redevelopment Bonding Law for the purpose of acquiring,

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1 improving, rehabilitating, conserving, financing, or
2 refinancing, erecting or building new or improved facilities,
3 on land, building or buildings or any other improvement or
4 improvements, site or any other activity authorized by the
5 Metropolitan Redevelopment Code for projects or activities
6 located within the boundaries of a metropolitan redevelopment
7 area. The revenue bonds may be used for the projects hereafter
8 enumerated for any purpose or use in such project, except that
9 no funds shall be used for inventories, raw materials or other
10 working capital, whether or not in existence, suitable or used
11 for or in connection with any of the following projects:

12 (1) manufacturing, industrial, commercial or
13 business enterprises, including without limitation enterprises
14 engaged in storing, warehousing, distributing, selling or
15 transporting any products of industry, commerce, manufacturing
16 or business or any utility plant;

17 (2) hospital, health-care or nursing-home
18 facilities, including without limitation clinics and out-
19 patient facilities and facilities for the training of hospital,
20 health-care or nursing-home personnel;

21 (3) residential facilities intended for use as
22 the place of residence by the owners or intended occupants;

23 (4) sewage or solid waste disposal facilities;

24 (5) facilities for the furnishing of water, if
25 available, on reasonable demand to members of the general

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1 public;

2 (6) facilities for the furnishing of energy or
3 gas;

4 (7) sports and recreational facilities;

5 (8) convention or trade show facilities; and

6 (9) research, product testing and administrative
7 facilities;

8 G. [~~"state" means the state of New Mexico~~] "revenue
9 bonds" means bonds, notes or other securities evidencing an
10 obligation and issued pursuant to the powers granted by the
11 Metropolitan Redevelopment Code by a local government for
12 purposes authorized by that code;

13 H. "user" means one or more persons who enter into a
14 financing agreement with a [~~municipality~~] local government
15 relating to a project, except that the user need not be the
16 person actually occupying, operating or maintaining the
17 project; and

18 I. "utility plant" means any facility used for or in
19 connection with the generation, production, transmission or
20 distribution of electricity; the production, manufacture,
21 storage or distribution of gas; the transportation or
22 conveyance of gas, oil or other fluid substance by pipeline; or
23 the diverting, developing, pumping, impounding, distributing or
24 furnishing of water."

25 SECTION 26. Section 3-60A-28 NMSA 1978 (being Laws 1979,
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1 Chapter 391, Section 28) is amended to read:

2 "3-60A-28. GENERAL POWERS.--~~[A.]~~ In addition to any other
3 powers, each ~~[municipality]~~ local government has the following
4 powers:

5 [~~1~~] A. to acquire, whether by construction,
6 purchase, gift, devise, lease or sublease, to improve and equip
7 and to finance, sell, lease or otherwise dispose of one or more
8 projects or part thereof. If a ~~[municipality]~~ local government
9 issues revenue bonds as provided by the Metropolitan
10 Redevelopment Code to finance or acquire projects, such
11 projects shall be located within the ~~[municipality]~~
12 jurisdiction of the local government and within a metropolitan
13 redevelopment area;

14 [~~2~~] B. to enter into financing agreements with
15 others for the purpose of providing revenues to pay the bonds
16 authorized by the Redevelopment Bonding Law; to lease, sell or
17 otherwise dispose of any or all of its projects to others for
18 such revenues and upon such terms and conditions as the local
19 ~~[governing body]~~ government may deem advisable; and to grant
20 options to renew any lease or other agreement with respect to
21 the project and to grant options to buy any project at such
22 price as the local ~~[governing body]~~ government deems desirable;

23 [~~3~~] C. to issue revenue bonds for the purpose of
24 defraying the cost of financing, acquiring, improving and
25 equipping any project, including the payment of principal and

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underscoring material = new
[bracketed material] = delete

1 interest on [~~such~~] the bonds for a period not to exceed three
2 years and all other incidental expenses incurred in issuing
3 [~~such~~] the bonds; and

4 [~~(4)~~] D. to secure payment of [~~such~~] revenue bonds as
5 provided in the Redevelopment Bonding Law."