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HOUSE BILL 322

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO INDUSTRIAL REVENUE BONDS; ADDING TO THE DEFINITION OF "PROJECT" PURSUANT TO THE INDUSTRIAL REVENUE BOND ACT; DECLARING AN EMERGENCY.

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

Section 1. Section 3-32-3 NMSA 1978 (being Laws 1967, Chapter 84, Section 2, as amended) is amended to read:

"3-32-3. ADDITION TO DEFINITIONS.--As used in the Industrial Revenue Bond Act, "project" also means:

A. any land and buildings or other improvements thereon and all real and personal property deemed necessary in connection therewith whether or not now in existence which shall be suitable for use by any private institution of higher education or any nonprofit corporation engaged in health care services, including nursing homes, and, for any small

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1 municipality only, office facilities for physicians, any mass
2 transit or other transportation activity involving the movement
3 of passengers, any industrial park, any office headquarters and
4 any research and development facility; or

5 B. urban transit buses, whether or not already in
6 existence, that are:

- 7 (1) manufactured or assembled in New Mexico;
- 8 (2) equipped to hold at least thirty
9 passengers; and
- 10 (3) suitable for use by a commercial
11 enterprise for leasing."

12 Section 2. Section 3-32-6 NMSA 1978 (being Laws 1965,
13 Chapter 300, Section 14-31-3, as amended by Laws 2002, Chapter
14 25, Section 3 and by Laws 2002, Chapter 37, Section 3) is
15 amended to read:

16 "3-32-6. ADDITIONAL POWERS CONFERRED ON MUNICIPALITIES.--
17 In addition to any other powers [~~which~~] that it may now have,
18 [~~each~~] a municipality shall have the following powers:

- 19 A. to acquire, whether by construction, purchase,
20 gift or lease, one or more projects [~~which~~] that shall be
21 located within this state and may be located within or without
22 the municipality or partially within or partially without the
23 municipality, but which shall not be located more than fifteen
24 miles outside of the corporate limits of the municipality;
25 provided that [~~the~~]:

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1 (1) urban transit buses qualifying as a
2 project pursuant to Subsection B of Section 3-32-3 NMSA 1978
3 need not be continuously located within this state but the
4 commercial enterprise using the urban transit buses for leasing
5 shall meet the location requirement of this subsection; and

6 (2) a municipality shall not acquire any
7 electricity generation facility project unless the acquisition
8 is approved by the local school board of the school district in
9 which a project is located and the governing body, the local
10 school board and the person proposing the project negotiate and
11 determine the amount of an annual in-lieu tax payment to be
12 made to the school district by the person proposing the
13 project, for the period that the municipality owns and leases
14 the project, and provided such approval shall not be
15 unreasonably withheld;

16 B. to sell or lease or otherwise dispose of any or
17 all of its projects upon such terms and conditions as the
18 governing body may deem advisable and as shall not conflict
19 with the provisions of the Industrial Revenue Bond Act;

20 C. to issue revenue bonds for the purpose of
21 defraying the cost of acquiring by construction and purchase or
22 either any project and to secure the payment of such bonds, all
23 as provided in the Industrial Revenue Bond Act. No
24 municipality shall have the power to operate any project as a
25 business or in any manner except as lessor;

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1 D. to refinance one or more hospital or 501(c)(3)
2 corporation projects and to acquire any such hospital or
3 501(c)(3) corporation project whether by construction,
4 purchase, gift or lease, which hospital or 501(c)(3)
5 corporation project shall be located within this state and may
6 be located within or without the municipality or partially
7 within or partially without the municipality, but which shall
8 not be located more than fifteen miles outside of the corporate
9 limits of the municipality, and to issue revenue bonds to
10 refinance and acquire a hospital or 501(c)(3) corporation
11 project and to secure the payment of such bonds, all as
12 provided in the Industrial Revenue Bond Act. [~~No~~] A
13 municipality shall not have the power to operate [~~any~~] a
14 hospital or 501(c)(3) corporation project as a business or in
15 any manner except as lessor; and

16 E. to refinance one or more projects of any private
17 institution of higher education and to acquire any such
18 project, whether by construction, purchase, gift or lease;
19 provided that the project shall be located within this state
20 and may be located within or without the municipality or
21 partially within or partially without the municipality, but the
22 project shall not be located more than fifteen miles outside of
23 the corporate limits of the municipality, and to issue revenue
24 bonds to refinance and acquire any project of any private
25 institution of higher education and to secure the payment of

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1 such bonds. [~~No~~] A municipality shall not have the power to
2 operate [~~any~~] a project of [~~any~~] a private institution of
3 higher education as a business or in any manner except as
4 lessor."

5 Section 3. EMERGENCY.--It is necessary for the public
6 peace, health and safety that this act take effect immediately.

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