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HOUSE BILL 139

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

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AN ACT

RELATING TO ECONOMIC DEVELOPMENT; CHANGING THE CRITERIA
APPLICABLE TO RETAIL BUSINESS PROJECTS UNDERTAKEN THROUGH THE
LOCAL ECONOMIC DEVELOPMENT ACT.

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

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

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

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

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

A. "arts and cultural district" means a developed

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1 district of public and private uses that is created pursuant to
2 the Arts and Cultural District Act;

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

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

13 D. "economic development project" or "project"
14 means the provision of direct or indirect assistance to a
15 qualifying entity by a local or regional government and
16 includes the purchase, lease, grant, construction,
17 reconstruction, improvement or other acquisition or conveyance
18 of land, buildings or other infrastructure; public works
19 improvements essential to the location or expansion of a
20 qualifying entity; payments for professional services contracts
21 necessary for local or regional governments to implement a plan
22 or project; the provision of direct loans or grants for land,
23 buildings or infrastructure; technical assistance to cultural
24 facilities; loan guarantees securing the cost of land,
25 buildings or infrastructure in an amount not to exceed the

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1 revenue that may be derived from the municipal infrastructure
2 gross receipts tax or the county infrastructure gross receipts
3 tax; grants for public works infrastructure improvements
4 essential to the location or expansion of a qualifying entity;
5 grants or subsidies to cultural facilities; purchase of land
6 for a publicly held industrial park or a publicly owned
7 cultural facility; and the construction of a building for use
8 by a qualifying entity;

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

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

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

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

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

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

25 (2) a commercial enterprise for storing,

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

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

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

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

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

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

23 (8) a cultural facility; and

24 (9) a retail business;

25 J. "regional government" means any combination of

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1 municipalities and counties that enter into a joint powers
2 agreement to provide for economic development projects pursuant
3 to a plan adopted by all parties to the joint powers agreement;
4 and

5 K. "retail business" means a business that is
6 primarily engaged in the sale of goods or commodities at retail
7 and that is located in a municipality with a population of:

- 8 (1) ten thousand or less; or
9 (2) more than ten thousand but less than
10 twenty-five thousand if the economic development project is not
11 funded or financed with state government revenues."