

1 SENATE BILL 32

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Michael Padilla

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9  
10 AN ACT

11 RELATING TO ECONOMIC DEVELOPMENT; INCREASING THE TYPES OF  
12 BUSINESSES THAT ARE QUALIFIED ENTITIES FOR THE PURPOSE OF THE  
13 LOCAL ECONOMIC DEVELOPMENT ACT BY REMOVING THE GEOGRAPHIC AND  
14 POLITICAL LIMITATIONS APPLICABLE TO RETAIL BUSINESSES.

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

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

19 "5-10-1. SHORT TITLE.--~~[This act]~~ Chapter 5, Article 10  
20 NMSA 1978 may be cited as the "Local Economic Development  
21 Act"."

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

24 "5-10-3. DEFINITIONS.--As used in the Local Economic  
25 Development Act:

.197489.1

underscored material = new  
[bracketed material] = delete

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

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

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

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

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

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

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

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

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

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

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

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

underscored material = new  
[bracketed material] = delete

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

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

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

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

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

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

24 (8) a cultural facility; and

25 (9) a retail business;

