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HOUSE BILL 554

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO LOCAL GOVERNMENT; AMENDING SECTIONS OF THE ECONOMIC  
ADVANCEMENT DISTRICT ACT TO EXPAND THE DEFINITION OF "PROJECT";  
ADDING A METHOD OF ESTABLISHING A BOARD OF TRUSTEES OF A  
DISTRICT.

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

SECTION 1. Section 6-19-2 NMSA 1978 (being Laws 1987,  
Chapter 115, Section 2, as amended) is amended to read:

"6-19-2. DEFINITIONS.--As used in the Economic  
Advancement District Act:

A. "board of trustees" means the governing board of  
the [~~economic advancement~~] district;

B. "district" means an economic advancement  
district [~~which~~] that is composed of contiguous and compact  
areas whose boundaries coincide and are concurrent with the

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1 territorial areas of one or more school districts of the state  
2 lying wholly within any B or C class county;

3 C. "mortgage" means a mortgage or a mortgage and  
4 deed of trust or the pledge and hypothecation of any assets as  
5 collateral security;

6 D. "project" means any land and building or other  
7 improvements thereon, to be located within the district in  
8 whole or in part, and all real and personal properties deemed  
9 necessary in connection with a project, whether or not now in  
10 existence, which shall be suitable for use by the following or  
11 by any combination thereof:

12 (1) any industry for the manufacturing,  
13 processing or assembling of any agricultural or manufactured  
14 products;

15 (2) any commercial enterprise involved in  
16 storing, warehousing, distributing or selling products of  
17 agriculture, mining or industry [~~but which does not include~~  
18 ~~facilities designed for the sale of goods or commodities at~~  
19 ~~retail or distribution to the public of electricity, gas, water~~  
20 ~~or telephone or other services commonly classified as public~~  
21 ~~utilities~~];

22 (3) any business in which all or part of the  
23 activities of the business involves the supplying of services  
24 to the general public or to governmental agencies or to a  
25 specific industry or customer [~~but does not include~~

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1 ~~establishments primarily engaged in the sale of goods or~~  
2 ~~commodities at retail];~~

3 (4) any private institution of higher  
4 education or any nonprofit corporation engaged in health care  
5 services, including nursing homes; or

6 (5) any water distribution or irrigation  
7 system, including, without limitation, pumps, distribution  
8 lines, transmission lines, towers, dams and similar facilities  
9 and equipment designed to provide water to any commercial  
10 agricultural activity;

11 E. "property" means any land, improvements thereon,  
12 buildings and any improvements thereto, machinery and equipment  
13 of any and all kinds necessary to the project; and

14 F. "qualified elector" means a natural person  
15 resident in a proposed or existing district who is registered  
16 to vote in state general elections."

17 SECTION 2. Section 6-19-3 NMSA 1978 (being Laws 1987,  
18 Chapter 115, Section 3) is amended to read:

19 "6-19-3. LEGISLATIVE INTENT.--It is the intent of the  
20 legislature by passage of the Economic Advancement District Act  
21 to authorize [~~economic advancement~~] districts to acquire, own,  
22 lease or sell projects for the purpose of promoting industry  
23 and trade [~~other than retail trade~~] for the enhancement of the  
24 economy of the area encompassed by the district and for the  
25 general economy of the state. It is the intent of the

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1 legislature that this be accomplished by the inducement of  
2 manufacturing, industrial and commercial enterprises to locate  
3 and expand in the district and in this state and by the  
4 promotion of agricultural products and natural resources of the  
5 district and the state."

6 SECTION 3. Section 6-19-5 NMSA 1978 (being Laws 1987,  
7 Chapter 115, Section 5, as amended) is amended to read:

8 "6-19-5. BOARD OF TRUSTEES--ORGANIZATION--TERMS--  
9 VACANCIES--REMOVAL.--

10 A. If the required majority of votes [~~were~~] are  
11 cast in favor of the organization of the district, then the  
12 county commission [~~chairman~~] chair shall declare the  
13 organization of the "\_\_\_\_ economic advancement district". The  
14 county commission shall then establish a board of trustees by  
15 either of the following methods:

16 (1) the county commission shall call for an  
17 election of a board of trustees, within not less than sixty  
18 days or more than one hundred twenty days, one from each school  
19 district participating in the district in the event there are  
20 three or more such participating areas, which shall be held at  
21 a time and at sites within the district selected by the county  
22 commissioners. In the event there are less than three  
23 participating areas, there shall be, in the case of a district  
24 with two participating areas, two trustees elected from each  
25 school district participating and, in the case of a district

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1 with one participating area, three trustees elected from the  
2 district. In any of those events:

3 ~~[B-]~~ (a) board of trustees members shall  
4 be over twenty-one years of age, qualified electors and  
5 residents of the district; and

6 ~~[G-]~~ (b) persons desiring to be a  
7 candidate for a position on the board of trustees shall file a  
8 declaration of candidacy for one of the positions on the board  
9 of trustees with the county clerk not later than 5:00 p.m. on  
10 the thirtieth day after the issuance of the proclamation by the  
11 board of county commissioners. The declaration of candidacy  
12 shall be an affidavit as to the qualifications required by law  
13 of the declarant for such office. The declaration of candidacy  
14 shall be on a form prescribed and furnished by the county  
15 clerk. The candidates shall file for and be elected to a  
16 particular position number. The candidate receiving the  
17 highest number of votes for a particular position shall be  
18 elected. To provide for staggered terms, either one-year and  
19 three-year terms or two-year and four-year terms shall be  
20 assigned by lot to the position numbers in such a manner that  
21 approximately half the terms expire in the first even-numbered  
22 year following the initial election and the remainder in the  
23 next succeeding even-numbered year. Board members shall be  
24 elected for terms beginning April 1 succeeding their election.  
25 Trustees shall thereafter be elected for four-year terms at

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1 elections to be held on the first Tuesday of March of each  
2 even-numbered year. The elections required by this section  
3 shall be held, conducted and canvassed in the same manner as  
4 municipal elections, unless otherwise specifically provided in  
5 the Economic Advancement District Act. All vacancies caused in  
6 any other manner than by expiration of the term of office shall  
7 be filled by appointment by the remaining members; or

8 (2) the county commission may enter into a  
9 joint powers agreement between the county and all incorporated  
10 municipalities contained, in whole or in part, within the  
11 district to designate a board of trustees constituted from the  
12 members or appointees of those elected governing bodies. The  
13 number and apportionment of trustees between the jurisdictions  
14 shall be determined collectively by the participating  
15 jurisdictions as identified in the joint powers agreement but  
16 shall not be less than one representative per county and  
17 incorporated municipal entity included within the district.  
18 The joint powers agreement shall be reviewed and approved by  
19 the department of finance and administration prior to the board  
20 of trustees being appointed and shall be in compliance with all  
21 applicable New Mexico statutes governing counties and  
22 municipalities.

23 ~~[D-]~~ B. Immediately after the election of the  
24 members, the board of trustees shall select from its members a  
25 ~~[chairman]~~ chair and secretary-treasurer who shall serve in

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1 these offices until the next regular board of trustees election  
2 or designation. After each board of trustees election, the  
3 members shall proceed to reorganize.

4 ~~[E.]~~ C. Members of the board of trustees shall be  
5 suspended or removed from office only as provided in Sections  
6 10-4-1 through 10-4-29 NMSA 1978."

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