

1 SENATE BILL 24

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

3 INTRODUCED BY

4 Michael Padilla and James E. Smith

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9  
10 AN ACT

11 RELATING TO LOCAL GOVERNMENT; AMENDING THE INFRASTRUCTURE  
12 DEVELOPMENT ZONE ACT TO PROVIDE FOR BROADBAND INFRASTRUCTURE  
13 DEVELOPMENT BY A LOCAL GOVERNMENT.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 5-17-2 NMSA 1978 (being Laws 2009,  
17 Chapter 136, Section 2) is amended to read:

18 "5-17-2. DEFINITIONS.--As used in the Infrastructure  
19 Development Zone Act:

20 A. "approving authority" means the governing body  
21 required by Section [~~9 or 13 of the Infrastructure Development~~  
22 ~~Zone Act~~] 5-17-9 or 5-17-13 NMSA 1978 to designate an election  
23 official to conduct the organization election and exercise  
24 other duties pursuant to [~~that~~] the Infrastructure Development  
25 Zone Act;

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1           B. "board" means the board of directors of an  
2 infrastructure development zone;

3           C. "director" means a member of a board;

4           D. "eligible elector" means a person who is  
5 registered to vote in New Mexico and who:

6                 (1) has been a resident of the infrastructure  
7 development zone or the area to be included in the  
8 infrastructure development zone for not less than thirty days;  
9 or

10                (2) is a taxpaying elector;

11           E. "governing body" means the governing body of a  
12 municipality or the board of county commissioners of a county;

13           F. "infrastructure development zone" means a  
14 political subdivision organized or acting pursuant to the  
15 provisions of the Infrastructure Development Zone Act;

16           G. "publication" means printing one time, in one  
17 newspaper of general circulation in the infrastructure  
18 development zone or proposed infrastructure development zone if  
19 there is such a newspaper, and, if not, then in a newspaper in  
20 the county in which the infrastructure development zone or  
21 proposed infrastructure development zone is located. If an  
22 infrastructure development zone has territory within more than  
23 one county and if publication cannot be made in one newspaper  
24 of general circulation in the infrastructure development zone,  
25 then one publication is required in a newspaper in each county

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1 in which the infrastructure development zone is located and in  
2 which the infrastructure development zone also has fifty or  
3 more eligible electors;

4 H. "regular election" means the election on the  
5 Tuesday succeeding the first Monday of May in every even-  
6 numbered year, held for the purpose of electing members to the  
7 board and for submission of other questions, if any;

8 I. "secretary" means the secretary of a board;

9 J. "services" means any improvements and facilities  
10 listed in this subsection and provided for in the service plan  
11 of an infrastructure development zone as approved by the  
12 governing body, including both on-site improvements and off-  
13 site improvements that directly or indirectly benefit the  
14 infrastructure development zone and necessary or incidental  
15 work, whether newly constructed, renovated or existing, and all  
16 necessary or desirable appurtenances. "Services" include:

17 (1) sanitary sewage systems, including  
18 collection, transport, storage, treatment, dispersal, effluent  
19 use and discharge;

20 (2) drainage and flood control systems,  
21 including collection, transport, diversion, storage, detention,  
22 retention, dispersal, use and discharge;

23 (3) water systems for domestic, commercial,  
24 office, industrial, irrigation, municipal, fire protection or  
25 other purposes, including production, collection, storage,

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1 treatment, transport, delivery, connection and dispersal;

2 (4) highways, streets, roadways, bridges,  
3 crossing structures and parking facilities, including all areas  
4 for vehicular use for travel, ingress, egress and parking;

5 (5) trails and areas for pedestrian,  
6 equestrian, bicycle or other nonmotor vehicle use for travel,  
7 ingress, egress and parking;

8 (6) pedestrian malls, parks, recreational  
9 facilities and open space areas for the use of members of the  
10 public for entertainment, assembly and recreation, including  
11 programming events for the community and public;

12 (7) landscaping, including earthworks,  
13 structures, lakes and other water features, plants, trees and  
14 related water delivery systems;

15 (8) public buildings, public safety facilities  
16 and fire protection and police facilities, subject to the  
17 consent of the approving authority;

18 (9) electrical and energy generation,  
19 transmission and distribution facilities, including solar, wind  
20 and geothermal;

21 (10) natural gas distribution facilities;

22 (11) lighting systems;

23 (12) cable or other telecommunications lines  
24 and related equipment, including fiber optic transmission  
25 facilities designed to carry communication signals such as

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1 voice, data and video and any broadband technology  
2 infrastructure;

3 (13) traffic control systems and devices,  
4 including signals, controls, markings and signage;

5 (14) public educational or cultural  
6 facilities;

7 (15) equipment, vehicles, furnishings and  
8 other personalty related to the items listed in this  
9 subsection;

10 (16) inspection, construction management and  
11 program management costs; and

12 (17) solid waste and garbage collection and  
13 disposal; and

14 K. "taxpaying elector" means a person:

15 (1) who, or whose spouse, owns taxable real or  
16 personal property within the infrastructure development zone or  
17 the area to be included in or excluded from the infrastructure  
18 development zone, whether the person resides within the  
19 infrastructure development zone or not; or

20 (2) who is obligated to pay taxes under a  
21 contract to purchase taxable property within the infrastructure  
22 development zone or the area to be included in or excluded from  
23 the infrastructure development zone, whether the person resides  
24 within the infrastructure development zone or not."