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AN ACT

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

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

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

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

A. "approving authority" means the governing body
required by Section 5-17-9 or 5-17-13 NMSA 1978 to designate
an election official to conduct the organization election and
exercise other duties pursuant to the Infrastructure
Development Zone Act;

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

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

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

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

(2) is a taxpaying elector;

1 E. "governing body" means the governing body of a
2 municipality or the board of county commissioners of a
3 county;

4 F. "infrastructure development zone" means a
5 political subdivision organized or acting pursuant to the
6 provisions of the Infrastructure Development Zone Act;

7 G. "publication" means printing one time, in one
8 newspaper of general circulation in the infrastructure
9 development zone or proposed infrastructure development zone
10 if there is such a newspaper, and, if not, then in a
11 newspaper in the county in which the infrastructure
12 development zone or proposed infrastructure development zone
13 is located. If an infrastructure development zone has
14 territory within more than one county and if publication
15 cannot be made in one newspaper of general circulation in the
16 infrastructure development zone, then one publication is
17 required in a newspaper in each county in which the
18 infrastructure development zone is located and in which the
19 infrastructure development zone also has fifty or more
20 eligible electors;

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

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

1 J. "services" means any improvements and
2 facilities listed in this subsection and provided for in the
3 service plan of an infrastructure development zone as
4 approved by the governing body, including both on-site
5 improvements and off-site improvements that directly or
6 indirectly benefit the infrastructure development zone and
7 necessary or incidental work, whether newly constructed,
8 renovated or existing, and all necessary or desirable
9 appurtenances. "Services" include:

10 (1) sanitary sewage systems, including
11 collection, transport, storage, treatment, dispersal,
12 effluent use and discharge;

13 (2) drainage and flood control systems,
14 including collection, transport, diversion, storage,
15 detention, retention, dispersal, use and discharge;

16 (3) water systems for domestic, commercial,
17 office, industrial, irrigation, municipal, fire protection or
18 other purposes, including production, collection, storage,
19 treatment, transport, delivery, connection and dispersal;

20 (4) highways, streets, roadways, bridges,
21 crossing structures and parking facilities, including all
22 areas for vehicular use for travel, ingress, egress and
23 parking;

24 (5) trails and areas for pedestrian,
25 equestrian, bicycle or other nonmotor vehicle use for travel,

1 ingress, egress and parking;

2 (6) pedestrian malls, parks, recreational
3 facilities and open space areas for the use of members of the
4 public for entertainment, assembly and recreation, including
5 programming events for the community and public;

6 (7) landscaping, including earthworks,
7 structures, lakes and other water features, plants, trees and
8 related water delivery systems;

9 (8) public buildings, public safety
10 facilities and fire protection and police facilities, subject
11 to the consent of the approving authority;

12 (9) electrical and energy generation,
13 transmission and distribution facilities, including solar,
14 wind and geothermal;

15 (10) natural gas distribution facilities;

16 (11) lighting systems;

17 (12) cable or other telecommunications lines
18 and related equipment, including fiber optic transmission
19 facilities designed to carry communication signals such as
20 voice, data and video and any broadband technology
21 infrastructure;

22 (13) traffic control systems and devices,
23 including signals, controls, markings and signage;

24 (14) public educational or cultural
25 facilities;

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

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

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

K. "taxpaying elector" means a person:

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

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