



The Legislature
of the
State of New Mexico

49th Legislature, 2nd Session

LAWS 2010

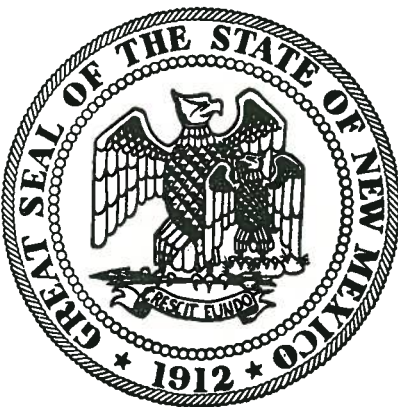
CHAPTER 44

HOUSE BILL 30

Introduced by

REPRESENTATIVE JIM R. TRUJILLO

SENATOR HOWIE MORALES



Chapter 44

AN ACT

1
2 RELATING TO TAXATION; REMOVING RESTRICTIONS ON THE ELIGIBILITY
3 OF MUNICIPALITIES OR COUNTIES TO IMPOSE A CAPITAL OUTLAY GROSS
4 RECEIPTS TAX.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. Section 7-19D-12 NMSA 1978 (being Laws 2001,
8 Chapter 172, Section 1, as amended) is amended to read:

9 "7-19D-12. MUNICIPAL CAPITAL OUTLAY GROSS RECEIPTS
10 TAX--PURPOSES--REFERENDUM.--

11 A. The majority of the members of the governing
12 body of a municipality may enact an ordinance imposing an
13 excise tax at a rate not to exceed one-fourth of one percent
14 of the gross receipts of any person engaging in business in
15 the municipality for the privilege of engaging in business.
16 The tax may be imposed in increments of one-sixteenth of one
17 percent not to exceed an aggregate rate of one-fourth of one
18 percent.

19 B. The tax imposed pursuant to Subsection A of
20 this section may be referred to as the "municipal capital
21 outlay gross receipts tax".

22 C. The governing body, at the time of enacting an
23 ordinance imposing a rate of tax authorized in Subsection A of
24 this section, may dedicate the revenue for any municipal
25 infrastructure purpose, including:

1 (1) the design, construction, acquisition,
2 improvement, renovation, rehabilitation, equipping or
3 furnishing of public buildings or facilities, including
4 parking facilities, the acquisition of land for the public
5 buildings or facilities and the acquisition or improvement of
6 the grounds surrounding public buildings or facilities;

7 (2) acquisition, construction or improvement
8 of water, wastewater or solid waste systems or facilities and
9 related facilities, including water or sewer lines and storm
10 sewers and other drainage improvements;

11 (3) acquisition, rehabilitation or
12 improvement of firefighting equipment;

13 (4) construction, reconstruction or
14 improvement of municipal streets, alleys, roads or bridges,
15 including acquisition of rights of way;

16 (5) design, construction, acquisition,
17 improvement or equipping of airport facilities, including
18 acquisition of land, easements or rights of way for airport
19 facilities;

20 (6) acquisition of land for open space,
21 public parks or public recreational facilities and the design,
22 acquisition, construction, improvement or equipping of parks
23 and recreational facilities; and

24 (7) payment of gross receipts tax revenue
25 bonds issued pursuant to Chapter 3, Article 31 NMSA 1978 for

1 infrastructure purposes.

2 D. An ordinance imposing the municipal capital
3 outlay gross receipts tax shall not go into effect until after
4 an election is held on the question of imposing the tax for
5 the purpose for which the revenue is dedicated and a majority
6 of the voters in the municipality voting in the election votes
7 in favor of imposing the tax. The governing body shall adopt
8 a resolution calling for an election within seventy-five days
9 of the date the ordinance is adopted on the question of
10 imposing the tax. The question shall be submitted to the
11 voters of the municipality as a separate question at a general
12 election or at a special election called for that purpose by
13 the governing body. A special election shall be called,
14 conducted and canvassed in substantially the same manner as
15 provided by law for general elections. If a majority of the
16 voters voting on the question approves the question of
17 imposing the municipal capital outlay gross receipts tax, then
18 the ordinance shall become effective in accordance with the
19 provisions of the Municipal Local Option Gross Receipts Taxes
20 Act. If the question of imposing the municipal capital outlay
21 gross receipts tax fails, the governing body shall not again
22 propose the imposition of the tax for a period of one year
23 from the date of the election."

24 Section 2. Section 7-20E-21 NMSA 1978 (being Laws 2001,
25 Chapter 172, Section 2, as amended) is amended to read:

1 "7-20E-21. COUNTY CAPITAL OUTLAY GROSS RECEIPTS TAX--
2 PURPOSES--REFERENDUM.--

3 A. The majority of the members of the governing
4 body of a county may enact an ordinance imposing an excise tax
5 at a rate not to exceed one-fourth of one percent of the gross
6 receipts of any person engaging in business in the county for
7 the privilege of engaging in business. The tax may be imposed
8 in increments of one-sixteenth of one percent not to exceed an
9 aggregate rate of one-fourth of one percent.

10 B. The tax imposed pursuant to Subsection A of
11 this section may be referred to as the "county capital outlay
12 gross receipts tax".

13 C. The governing body, at the time of enacting an
14 ordinance imposing a rate of tax authorized in Subsection A of
15 this section, may dedicate the revenue for any county
16 infrastructure purpose, including:

17 (1) the design, construction, acquisition,
18 improvement, renovation, rehabilitation, equipping or
19 furnishing of public buildings or facilities, including
20 parking facilities, the acquisition of land for the public
21 buildings or facilities and the acquisition or improvement of
22 the grounds surrounding public buildings or facilities;

23 (2) acquisition, construction or improvement
24 of water, wastewater or solid waste systems or facilities and
25 related facilities, including water or sewer lines and storm

1 sewers and other drainage improvements;

2 (3) design, construction, acquisition,
3 improvement or equipping of a county jail, juvenile detention
4 facility or other county correctional facility or multipurpose
5 regional adult jail or juvenile detention facility;

6 (4) construction, reconstruction or
7 improvement of roads, streets or bridges, including
8 acquisition of rights of way;

9 (5) design, construction, acquisition,
10 improvement or equipping of airport facilities, including
11 acquisition of land, easements or rights of way for airport
12 facilities;

13 (6) acquisition of land for open space,
14 public parks or public recreational facilities and the design,
15 acquisition, construction, improvement or equipping of parks
16 and recreational facilities; and

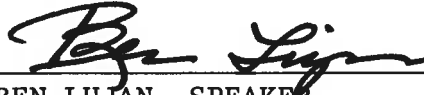
17 (7) payment of gross receipts tax revenue
18 bonds issued pursuant to Chapter 4, Article 62 NMSA 1978 for
19 infrastructure purposes.

20 D. An ordinance imposing the county capital outlay
21 gross receipts tax shall not go into effect until after an
22 election is held on the question of imposing the tax for the
23 purpose for which the revenue is dedicated and a majority of
24 the voters in the county voting in the election votes in favor
25 of imposing the tax. The governing body shall adopt a

1 resolution calling for an election within seventy-five days of
2 the date the ordinance is adopted on the question of imposing
3 the tax. The question shall be submitted to the voters of the
4 county as a separate question at a general election or at a
5 special election called for that purpose by the governing
6 body. A special election shall be called, conducted and
7 canvassed in substantially the same manner as provided by law
8 for general elections. If a majority of the voters voting on
9 the question approves the question of imposing the county
10 capital outlay gross receipts tax, then the ordinance shall
11 become effective in accordance with the provisions of the
12 County Local Option Gross Receipts Taxes Act. If the question
13 of imposing the county capital outlay gross receipts tax
14 fails, the governing body shall not again propose the
15 imposition of the tax for a period of one year from the date
16 of the election.

17 Section 3. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2010. _____

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BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



DIANE D. DENISH, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 8th day of March, 2010



BILL RICHARDSON, GOVERNOR
STATE OF NEW MEXICO

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SECRETARY OF STATE
OFFICE OF

10 MAR -8 PM 8:11

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