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AN ACT
RELATING TO PUBLIC FINANCE; AUTHORIZING THE ISSUANCE OF
COUNTY AREA EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL
AND BEHAVIORAL HEALTH SERVICES TAX REVENUE BONDS AND
COUNTYWIDE EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL AND
BEHAVIORAL HEALTH SERVICES TAX REVENUE BONDS; SPECIFYING THAT
REVENUE FROM THOSE TAXES MAY BE USED TO PURCHASE EMERGENCY
COMMUNICATIONS EQUIPMENT FOR CERTAIN EMERGENCY COMMUNICATIONS
CENTERS; MAKING TECHNICAL AND CLARIFYING CHANGES TO LAW;
DECLARING AN EMERGENCY.

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

SECTION 1. Section 4-62-1 NMSA 1978 (being Laws 1992,
Chapter 95, Section 1, as amended) is amended to read:

"4-62-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF
REVENUES--LIMITATION ON TIME OF ISSUANCE.--

A. In addition to any other law authorizing a
county to issue revenue bonds, a county may issue revenue
bonds pursuant to Chapter 4, Article 62 NMSA 1978 for the
purposes specified in this section. The term "pledged
revenues", as used in Chapter 4, Article 62 NMSA 1978, means
the revenues, net income or net revenues authorized to be
pledged to the payment of particular revenue bonds as
specifically provided in Subsections B through N of this
section.

1 B. Gross receipts tax revenue bonds may be issued
2 for one or more of the following purposes:

3 (1) constructing, purchasing, furnishing,
4 equipping, rehabilitating, making additions to or making
5 improvements to one or more public buildings or purchasing or
6 improving the ground of the building or buildings;

7 (2) acquiring or improving county or public
8 parking lots, structures or facilities;

9 (3) purchasing, acquiring or rehabilitating
10 firefighting equipment;

11 (4) acquiring, extending, enlarging,
12 bettering, repairing or otherwise improving or maintaining
13 storm sewers and other drainage improvements, sanitary
14 sewers, sewage treatment plants, water utilities or other
15 water, wastewater or related facilities, which may include
16 the acquisition of rights of way and water and water rights;

17 (5) reconstructing, resurfacing,
18 maintaining, repairing or otherwise improving existing
19 alleys, streets, roads or bridges or laying off, opening,
20 constructing or otherwise acquiring new alleys, streets,
21 roads or bridges, which may include the acquisition of rights
22 of way;

23 (6) purchasing, acquiring, constructing,
24 making additions to, enlarging, bettering, extending or
25 equipping airport facilities, which may include the

1 acquisition of land, easements or rights of way;

2 (7) purchasing, otherwise acquiring or
3 clearing land or purchasing, otherwise acquiring or
4 beautifying land for open space;

5 (8) acquiring, constructing, purchasing,
6 equipping, furnishing, making additions to, renovating,
7 rehabilitating, beautifying or otherwise improving public
8 parks, public recreational buildings or other public
9 recreational facilities;

10 (9) acquiring, constructing, extending,
11 enlarging, bettering, repairing, otherwise improving or
12 maintaining solid waste disposal equipment, equipment for
13 operation and maintenance of sanitary landfills, sanitary
14 landfills or solid waste facilities; and

15 (10) acquiring, constructing, extending,
16 bettering, repairing or otherwise improving public transit
17 systems or regional transit systems or facilities.

18 A county may pledge irrevocably any or all of the
19 revenue from the first one-eighth increment, the third
20 one-eighth increment and the one-sixteenth increment of the
21 county gross receipts tax and any increment of the county
22 infrastructure gross receipts tax and county capital outlay
23 gross receipts tax for payment of principal and interest due
24 in connection with, and other expenses related to, gross
25 receipts tax revenue bonds for any of the purposes authorized

1 in this section or specific purposes or for any area of
2 county government services. If the revenue from the first
3 one-eighth increment, the third one-eighth increment or the
4 one-sixteenth increment of the county gross receipts tax or
5 any increment of the county infrastructure gross receipts tax
6 or county capital outlay gross receipts tax is pledged for
7 payment of principal and interest as authorized by this
8 subsection, the pledge shall require the revenues received
9 from that increment of the county gross receipts tax or any
10 increment of the county infrastructure gross receipts tax or
11 county capital outlay gross receipts tax to be deposited into
12 a special bond fund for payment of the principal, interest
13 and expenses. At the end of each fiscal year, money
14 remaining in the special bond fund after the annual
15 obligations for the bonds are fully met may be transferred to
16 any other fund of the county.

17 Revenues in excess of the annual principal and interest
18 due on gross receipts tax revenue bonds secured by a pledge
19 of gross receipts tax revenue may be accumulated in a debt
20 service reserve account. The governing body of the county
21 may appoint a commercial bank trust department to act as
22 trustee of the proceeds of the tax and to administer the
23 payment of principal of and interest on the bonds.

24 C. Fire protection revenue bonds may be issued
25 for acquiring, extending, enlarging, bettering, repairing,

1 improving, constructing, purchasing, furnishing, equipping or
2 rehabilitating an independent fire district project or
3 facility, including, as applicable, purchasing, otherwise
4 acquiring or improving the ground for the project. A county
5 may pledge irrevocably any or all of the county fire
6 protection excise tax revenue for payment of principal and
7 interest due in connection with, and other expenses related
8 to, fire protection revenue bonds. These bonds may be
9 referred to in Chapter 4, Article 62 NMSA 1978 as "fire
10 protection revenue bonds".

11 D. Environmental revenue bonds may be issued for
12 the acquisition and construction of solid waste facilities,
13 water facilities, wastewater facilities, sewer systems and
14 related facilities. A county may pledge irrevocably any or
15 all of the county environmental services gross receipts tax
16 revenue for payment of principal and interest due in
17 connection with, and other expenses related to, environmental
18 revenue bonds. These bonds may be referred to in Chapter 4,
19 Article 62 NMSA 1978 as "environmental revenue bonds".

20 E. Gasoline tax revenue bonds may be issued for
21 the acquisition of rights of way for and the construction,
22 reconstruction, resurfacing, maintenance, repair or other
23 improvement of county roads and bridges. A county may pledge
24 irrevocably any or all of the county gasoline tax revenue for
25 payment of principal and interest due in connection with, and

1 other expenses related to, county gasoline tax revenue bonds.
2 These bonds may be referred to in Chapter 4, Article 62 NMSA
3 1978 as "gasoline tax revenue bonds".

4 F. Utility revenue bonds or joint utility revenue
5 bonds may be issued for acquiring, extending, enlarging,
6 bettering, repairing or otherwise improving water facilities,
7 sewer facilities, gas facilities or electric facilities. A
8 county may pledge irrevocably any or all of the net revenues
9 from the operation of the utility or joint utility for which
10 the particular utility or joint utility bonds are issued to
11 the payment of principal and interest due in connection with,
12 and other expenses related to, utility or joint utility
13 revenue bonds. These bonds may be referred to in Chapter 4,
14 Article 62 NMSA 1978 as "utility revenue bonds" or "joint
15 utility revenue bonds".

16 G. Project revenue bonds may be issued for
17 acquiring, extending, enlarging, bettering, repairing,
18 improving, constructing, purchasing, furnishing, equipping or
19 rehabilitating any revenue-producing project, including, as
20 applicable, purchasing, otherwise acquiring or improving the
21 ground for the project and acquiring and improving parking
22 lots. The county may pledge irrevocably any or all of the
23 net revenues from the operation of the revenue-producing
24 project for which the particular project revenue bonds are
25 issued to the payment of the interest on and principal of the

1 project revenue bonds. The net revenues of any
2 revenue-producing project shall not be pledged to the project
3 revenue bonds issued for any other revenue-producing project
4 that is clearly unrelated in nature; but nothing in this
5 subsection prevents the pledge to any of the project revenue
6 bonds of the revenues received from existing, future or
7 disconnected facilities and equipment that are related to and
8 that may constitute a part of the particular
9 revenue-producing project. A general determination by the
10 governing body that facilities or equipment is reasonably
11 related to and constitutes a part of a specified
12 revenue-producing project shall be conclusive if set forth in
13 the proceedings authorizing the project revenue bonds. As
14 used in Chapter 4, Article 62 NMSA 1978:

15 (1) "project revenue bonds" means the bonds
16 authorized in this subsection; and

17 (2) "project revenues" means the net
18 revenues of revenue-producing projects that may be pledged to
19 project revenue bonds pursuant to this subsection.

20 H. Fire district revenue bonds may be issued for
21 acquiring, extending, enlarging, bettering, repairing,
22 improving, constructing, purchasing, furnishing, equipping
23 and rehabilitating a fire district project, including, as
24 applicable, purchasing, otherwise acquiring or improving the
25 ground for the project. The county may pledge irrevocably

1 any or all of the revenues received by the fire district from
2 the fire protection fund as provided in the Fire Protection
3 Fund Law and any or all of the revenues provided for the
4 operation of the fire district project for which the
5 particular bonds are issued to the payment of the interest on
6 and principal of the bonds. The revenues of a fire district
7 project shall not be pledged to the bonds issued for a fire
8 district project that clearly is unrelated in its purpose;
9 but nothing in this section prevents the pledge to such bonds
10 of revenues received from existing, future or disconnected
11 facilities and equipment that are related to and that may
12 constitute a part of the particular fire district project. A
13 general determination by the governing body of the county
14 that facilities or equipment is reasonably related to and
15 constitutes a part of a specified fire district project shall
16 be conclusive if set forth in the proceedings authorizing
17 the fire district revenue bonds.

18 I. Law enforcement protection revenue bonds may be
19 issued for the repair and purchase of law enforcement
20 apparatus and equipment that meet nationally recognized
21 standards. The county may pledge irrevocably any or all of
22 the revenues received by the county from the law enforcement
23 protection fund distributions pursuant to the Law Enforcement
24 Protection Fund Act to the payment of the interest on and
25 principal of the law enforcement protection revenue bonds.

1 J. Hospital emergency gross receipts tax revenue
2 bonds may be issued for acquiring, equipping, remodeling or
3 improving a county hospital or county health facility. A
4 county may pledge irrevocably to the payment of the interest
5 on and principal of the hospital emergency gross receipts tax
6 revenue bonds any or all of the revenues received by the
7 county from a county hospital emergency gross receipts tax
8 imposed pursuant to Section 7-20E-12.1 NMSA 1978 and
9 dedicated to payment of bonds or a loan for acquiring,
10 equipping, remodeling or improving a county hospital or
11 county health facility.

12 K. Economic development gross receipts tax revenue
13 bonds may be issued for the purpose of furthering economic
14 development projects as defined in the Local Economic
15 Development Act. A county may pledge irrevocably any or all
16 of the county infrastructure gross receipts tax to the
17 payment of the interest on and principal of the economic
18 development gross receipts tax revenue bonds for the purpose
19 authorized in this subsection.

20 L. County education gross receipts tax revenue
21 bonds may be issued for public school or off-campus
22 instruction program capital projects as authorized in Section
23 7-20E-20 NMSA 1978. A county may pledge irrevocably any or
24 all of the county education gross receipts tax revenue to the
25 payment of interest on and principal of the county education

1 gross receipts tax revenue bonds for the purpose authorized
2 in this section.

3 M. County area emergency communications and
4 emergency medical and behavioral health services tax revenue
5 bonds and countywide emergency communications and emergency
6 medical and behavioral health services tax revenue bonds may
7 be issued for the purpose of purchasing emergency
8 communications equipment for an emergency communications
9 center that has been determined by the local government
10 division of the department of finance and administration to
11 be a consolidated public safety answering point if the useful
12 life of the equipment exceeds the term in which the bonds
13 mature. A county may pledge irrevocably any or all of the
14 county area emergency communications and emergency medical
15 and behavioral health services tax revenue and the countywide
16 emergency communications and emergency medical and behavioral
17 health services tax revenue to the payment of interest on and
18 principal of county area emergency communications and
19 emergency medical and behavioral health services tax revenue
20 bonds and countywide emergency communications and emergency
21 medical and behavioral health services tax revenue bonds for
22 the purpose authorized in this section.

23 N. PILT revenue bonds may be issued by a county to
24 repay all or part of the principal and interest of an
25 outstanding loan owed by the county to the New Mexico finance

1 authority. A county may pledge irrevocably all or part of
2 PILT revenue to the payment of principal of and interest on
3 new loans or preexisting loans provided by the New Mexico
4 finance authority to finance a public project as "public
5 project" is defined in Subsection E of Section 6-21-3 NMSA
6 1978.

7 O. Except for the purpose of refunding previous
8 revenue bond issues, no county may sell revenue bonds payable
9 from pledged revenue after the expiration of two years from
10 the date of the ordinance authorizing the issuance of the
11 bonds or, for bonds to be issued and sold to the New Mexico
12 finance authority as authorized in Subsection C of Section
13 4-62-4 NMSA 1978, after the expiration of two years from the
14 date of the resolution authorizing the issuance of the bonds.
15 However, any period of time during which a particular revenue
16 bond issue is in litigation shall not be counted in
17 determining the expiration date of that issue.

18 P. No bonds may be issued by a county, other than
19 an H class county, a class B county as defined in Section
20 4-36-8 NMSA 1978 or a class A county as described in Section
21 4-36-10 NMSA 1978, to acquire, equip, extend, enlarge,
22 better, repair or construct a utility unless the utility is
23 regulated by the public regulation commission pursuant to the
24 Public Utility Act and the issuance of the bonds is approved
25 by the commission. For purposes of Chapter 4, Article 62

1 NMSA 1978, a "utility" includes a water, wastewater, sewer,
2 gas or electric utility or joint utility serving the public.
3 H class counties shall obtain public regulation commission
4 approvals required by Section 3-23-3 NMSA 1978.

5 Q. Any law that imposes or authorizes the
6 imposition of a county gross receipts tax, a county
7 environmental services gross receipts tax, a county fire
8 protection excise tax, a county infrastructure gross receipts
9 tax, the county education gross receipts tax, a county
10 capital outlay gross receipts tax, the gasoline tax, the
11 county hospital emergency gross receipts tax, the countywide
12 emergency communications and emergency medical and behavioral
13 health services tax or the county area emergency
14 communications and emergency medical and behavioral health
15 services tax, or that affects any of those taxes, shall not
16 be repealed or amended in such a manner as to impair
17 outstanding revenue bonds that are issued pursuant to Chapter
18 4, Article 62 NMSA 1978 and that may be secured by a pledge
19 of those taxes unless the outstanding revenue bonds have been
20 discharged in full or for which provision has been fully
21 made.

22 R. As used in this section:

23 (1) "county area emergency communications
24 and emergency medical and behavioral health services tax
25 revenue" means the revenue from the county area emergency

1 communications and emergency medical and behavioral health
2 services tax transferred pursuant to Section 7-1-6.13 NMSA
3 1978;

4 (2) "county capital outlay gross receipts
5 tax revenue" means the revenue from the county capital outlay
6 gross receipts tax transferred to the county pursuant to
7 Section 7-1-6.13 NMSA 1978;

8 (3) "county education gross receipts tax
9 revenue" means the revenue from the county education gross
10 receipts tax transferred to the county pursuant to Section
11 7-1-6.13 NMSA 1978;

12 (4) "county environmental services gross
13 receipts tax revenue" means the revenue from the county
14 environmental services gross receipts tax transferred to the
15 county pursuant to Section 7-1-6.13 NMSA 1978;

16 (5) "county fire protection excise tax
17 revenue" means the revenue from the county fire protection
18 excise tax transferred to the county pursuant to Section
19 7-1-6.13 NMSA 1978;

20 (6) "county gross receipts tax revenue"
21 means the revenue attributable to the first one-eighth
22 increment, the third one-eighth increment and the
23 one-sixteenth increment of the county gross receipts tax
24 transferred to the county pursuant to Section 7-1-6.13 NMSA
25 1978 and any distribution related to the first one-eighth

1 increment made pursuant to Section 7-1-6.16 NMSA 1978;

2 (7) "county infrastructure gross receipts
3 tax revenue" means the revenue from the county infrastructure
4 gross receipts tax transferred to the county pursuant to
5 Section 7-1-6.13 NMSA 1978;

6 (8) "countywide emergency communications and
7 emergency medical and behavioral health services tax revenue"
8 means the revenue from the countywide emergency
9 communications and emergency medical and behavioral health
10 services tax transferred to the county pursuant to Section
11 7-1-6.13 NMSA 1978;

12 (9) "gasoline tax revenue" means the revenue
13 from that portion of the gasoline tax distributed to the
14 county pursuant to Sections 7-1-6.9 and 7-1-6.26 NMSA 1978;

15 (10) "PILT revenue" means revenue received
16 by the county from the federal government as payments in lieu
17 of taxes; and

18 (11) "public building" includes fire
19 stations, police buildings, county or regional jails, county
20 or regional juvenile detention facilities, libraries,
21 museums, auditoriums, convention halls, hospitals, buildings
22 for administrative offices, courthouses and garages for
23 housing, repairing and maintaining county vehicles and
24 equipment.

25 S. As used in Chapter 4, Article 62 NMSA 1978,

1 "bond" means any obligation of a county issued under Chapter
2 4, Article 62 NMSA 1978, whether designated as a bond, note,
3 loan, warrant, debenture, lease-purchase agreement or other
4 instrument, evidencing an obligation of a county to make
5 payments."

6 SECTION 2. Section 7-20E-22 NMSA 1978 (being Laws 2002,
7 Chapter 14, Section 1, as amended) is amended to read:

8 "7-20E-22. COUNTY EMERGENCY COMMUNICATIONS AND
9 EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES TAX--
10 AUTHORITY TO IMPOSE COUNTYWIDE OR ONLY IN THE COUNTY AREA--
11 ORDINANCE REQUIREMENTS--USE OF REVENUE--ELECTION.--

12 A. The majority of the members of the governing
13 body of an eligible county that does not have in effect a tax
14 imposed pursuant to Subsection B of this section may enact an
15 ordinance imposing an excise tax at a rate not to exceed
16 one-fourth percent of the gross receipts of a person engaging
17 in business in the county for the privilege of engaging in
18 business. The tax imposed by this subsection may be referred
19 to as the "countywide emergency communications and emergency
20 medical and behavioral health services tax".

21 B. The majority of the members of the governing
22 body of an eligible county that does not have in effect a tax
23 imposed pursuant to Subsection A of this section may enact an
24 ordinance imposing an excise tax at a rate not to exceed
25 one-fourth percent of the gross receipts of a person engaging

1 in business in the county area for the privilege of engaging
2 in business. The tax imposed by this subsection may be
3 referred to as the "county area emergency communications and
4 emergency medical and behavioral health services tax".

5 C. The taxes authorized in Subsections A and B of
6 this section may be imposed in one or more increments of
7 one-sixteenth percent not to exceed an aggregate rate of
8 one-fourth percent.

9 D. The governing body, at the time of enacting an
10 ordinance imposing a rate of tax authorized in Subsection A
11 or B of this section, shall dedicate the revenue to one or
12 more of the following purposes:

13 (1) operation of an emergency communications
14 center that has been determined by the local government
15 division of the department of finance and administration to
16 be a consolidated public safety answering point. That
17 operation may include the purchase of emergency
18 communications equipment for the center;

19 (2) operation of emergency medical services
20 provided by the county; or

21 (3) provision of behavioral health services,
22 including alcohol abuse and substance abuse treatment.

23 E. An ordinance imposing any increment of the
24 countywide emergency communications and emergency medical and
25 behavioral health services tax or the county area emergency

1 communications and emergency medical and behavioral health
2 services tax shall not go into effect until after an election
3 is held and a majority of the voters voting in the election
4 votes in favor of imposing the tax. In the case of an
5 ordinance imposing an increment of the countywide emergency
6 communications and emergency medical and behavioral health
7 services tax, the election shall be conducted countywide. In
8 the case of an ordinance imposing the county area emergency
9 communications and emergency medical and behavioral health
10 services tax, the election shall be conducted only in the
11 county area. The governing body shall adopt a resolution
12 calling for an election within seventy-five days of the date
13 the ordinance is adopted on the question of imposing the tax.
14 The question may be submitted to the voters as a separate
15 question at a general election or at a special election
16 called for that purpose by the governing body. A special
17 election shall be called, conducted and canvassed in
18 substantially the same manner as provided by law for general
19 elections. In any election held, the ballot shall clearly
20 state the purpose to which the revenue will be dedicated
21 pursuant to Subsection D of this section. If a majority of
22 the voters voting on the question approves the imposition of
23 the countywide emergency communications and emergency medical
24 and behavioral health services tax or the county area
25 emergency communications and emergency medical and behavioral

1 health services tax, the ordinance shall become effective in
2 accordance with the provisions of the County Local Option
3 Gross Receipts Taxes Act. If the question of imposing the
4 tax fails, the governing body shall not again propose the
5 imposition of any increment of either tax for a period of one
6 year from the date of the election.

7 F. For the purposes of this section, "eligible
8 county" means:

9 (1) a county that operates or, pursuant to a
10 joint powers agreement, is served by an emergency
11 communications center that has been determined by the local
12 government division of the department of finance and
13 administration to be a consolidated public safety answering
14 point; or

15 (2) in the case of a county imposing the tax
16 for the purposes provided in Paragraph (3) of Subsection D of
17 this section, a county that operates or contracts for the
18 operation of a behavioral health services facility providing
19 alcohol abuse, substance abuse and inpatient and outpatient
20 behavioral health treatment."

21 SECTION 3. EMERGENCY.--It is necessary for the public
22 peace, health and safety that this act take effect
23 immediately. _____