### SENATE BILL 171

# 51st legislature - STATE OF NEW MEXICO - second session, 2014

### INTRODUCED BY

George K. Munoz

#### AN ACT

RELATING TO TAXATION; PROVIDING AN EXCEPTION ON THE REDUCTION IN HOLD HARMLESS DISTRIBUTIONS FOR CERTAIN MUNICIPALITIES AND COUNTIES.

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

SECTION 1. Section 7-1-6.46 NMSA 1978 (being Laws 2004, Chapter 116, Section 1, as amended) is amended to read:

"7-1-6.46. DISTRIBUTION TO MUNICIPALITIES--OFFSET FOR FOOD DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES
DEDUCTION.--

A. [For a municipality that has not elected to impose a municipal hold harmless gross receipts tax through an ordinance and that has a population of less than ten thousand according to the most recent federal decennial census] A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be .195847.1

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made to [a municipality] the following municipalities in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the [sum of:

(1) the total deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality for the month plus one and two hundred twenty-five thousandths percent; and

(2) the total deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality for the month plus one and two hundred twenty-five thousandths percent] applicable maximum distribution for each municipality:

(1) a municipality that does not have in effect a municipal hold harmless gross receipts tax imposed through an ordinance and that has a population of less than ten thousand according to the most recent federal decennial census; and

(2) a municipality that does not have in effect a municipal hold harmless gross receipts tax imposed through an ordinance and is within a class B county and that .195847.1

1	county has a population of seventy thousand or more according
2	to the most recent federal decennial census and a property
3	valuation of more than seven hundred thirty million dollars
4	(\$730,000,000) and less than one billion dollars
5	<u>(\$1,000,000,000)</u> .
6	B. For a municipality not described in Subsection A
7	of this section, a distribution pursuant to Section
8	7-1-6.1 NMSA 1978 shall be made to the municipality in an
9	amount, subject to any increase or decrease made pursuant to
10	Section 7-1-6.15 NMSA 1978, equal to the [sum of:
11	(1) the total deductions claimed pursuant to
12	Section 7-9-92 NMSA 1978 for the month by taxpayers from
13	business locations attributable to the municipality multiplied
14	by the sum of the combined rate of all municipal local option
15	gross receipts taxes in effect in the municipality on January
16	1, 2007 plus one and two hundred twenty-five thousandths
17	percent in the following percentages:
18	(a) prior to July 1, 2015, one hundred
19	<del>percent;</del>
20	(b) on or after July 1, 2015 and prior
21	to July 1, 2016, ninety-four percent;
22	(c) on or after July 1, 2016 and prior
23	to July 1, 2017, eighty-eight percent;
24	(d) on or after July 1, 2017 and prior
25	to July 1, 2018, eighty-two percent;
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1	<del>(e) on or after July 1, 2018 and prior</del>
2	to July 1, 2019, seventy-six percent;
3	(f) on or after July 1, 2019 and prior
4	to July 1, 2020, seventy percent;
5	(g) on or after July 1, 2020 and prior
6	to July 1, 2021, sixty-three percent;
7	(h) on or after July 1, 2021 and prior
8	to July 1, 2022, fifty-six percent;
9	(i) on or after July 1, 2022 and prior
10	to July 1, 2023, forty-nine percent;
11	(j) on or after July 1, 2023 and prior
12	to July 1, 2024, forty-two percent;
13	(k) on or after July 1, 2024 and prior
14	to July 1, 2025, thirty-five percent;
15	(1) on or after July 1, 2025 and prior
16	to July 1, 2026, twenty-eight percent;
17	(m) on or after July 1, 2026 and prior
18	to July 1, 2027, twenty-one percent;
19	(n) on or after July 1, 2027 and prior
20	to July 1, 2028, fourteen percent; and
21	(o) on or after July 1, 2028 and prior
22	to July 1, 2029, seven percent; and
23	(2) the total deductions claimed pursuant to
24	Section 7-9-93 NMSA 1978 for the month by taxpayers from
25	business locations attributable to the municipality multiplied
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				[ <del>(x)</del> ]	(11)	OII OI	arter	July	1,	2024	anu	brior
to	July	1,	2025,	thirty	y-five	perce	nt;					
				[ <del>(1)</del> ]	(12)	on or	after	July	1,	2025	and	prior
to	July	1,	2026,	twenty	y-eigh	t perc	ent;					

Tulty 1 2024 and prior

 $[\frac{\text{(m)}}{\text{(13)}}]$  on or after July 1, 2026 and prior to July 1, 2027, twenty-one percent;

 $[\frac{(n)}{(14)}]$  on or after July 1, 2027 and prior to July 1, 2028, fourteen percent; and

 $[\frac{\text{(o)}}]$  (15) on or after July 1, 2028 and prior to July 1, 2029, seven percent.

C. [The] A distribution pursuant to [Subsections A and B of] this section is in lieu of revenue that would have been received by the municipality but for the deductions provided by Sections 7-9-92 and 7-9-93 NMSA 1978. The distribution shall be considered gross receipts tax revenue and shall be used by the municipality in the same manner as gross receipts tax revenue, including payment of gross receipts tax revenue bonds. [A distribution pursuant to this section to a municipality not described in Subsection A of this section or to a municipality that has imposed a gross receipts tax through an ordinance that does not provide a deduction contained in the Gross Receipts and Compensating Tax Act shall not be made on or after July 1, 2029.]

D. If the reductions made by this  $[\frac{2013}{2014}]$  act to the distributions made pursuant to  $[\frac{\text{Subsections A and B of}}]$ .195847.1

this section impair the ability of a municipality to meet its principal or interest payment obligations for revenue bonds that are outstanding prior to July 1, 2013 and that are secured by the pledge of all or part of the municipality's revenue from the distribution made pursuant to this section, then the amount distributed pursuant to this section to that municipality shall be increased by an amount sufficient to meet the required payment; provided that the total amount distributed to that municipality pursuant to this section does not exceed the amount that would have been due that municipality pursuant to this section as it was in effect on June 30, [2013] 2015.

# E. For the purposes of this section:

(1) "business locations attributable to the municipality" means business locations:

 $[\frac{(1)}{(a)}]$  within the municipality;

 $[\frac{(2)}{(b)}]$  on land owned by the state, commonly known as the "state fairgrounds", within the exterior boundaries of the municipality;

 $[\frac{3}{2}]$  (c) outside the boundaries of the municipality on land owned by the municipality; and

[(4)] (d) on an Indian reservation or pueblo grant in an area that is contiguous to the municipality and in which the municipality performs services pursuant to a contract between the municipality and the Indian tribe or Indian pueblo if: [(a)] 1) the contract describes an area in .195847.1

which the municipality is required to perform services and requires the municipality to perform services that are substantially the same as the services the municipality performs for itself; and [(b)] 2) the governing body of the municipality has submitted a copy of the contract to the secretary;

# (2) "maximum distribution" means:

(a) for a municipality that has a population of less than ten thousand according to the most recent federal decennial census, the total deductions claimed pursuant to Sections 7-9-92 and 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality for the month plus one and two hundred twenty-five thousandths percent; and

(b) for a municipality that has a population of ten thousand or more according to the most recent federal decennial census, the total deductions claimed pursuant to Sections 7-9-92 and 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all municipal local option gross receipts taxes in effect in the municipality on January 1, 2007 plus one and two hundred twenty-five thousandths percent; and

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		(	3) "tax :	revenu	e" means	the	net	receipts	S
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attributable	to	а	municipal	hold	harmless	gro	ss r	eceipts	tax

F. A distribution pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect to a portion of a gross receipts tax increment dedicated by a municipality pursuant to the Tax Increment for Development Act."

SECTION 2. Section 7-1-6.47 NMSA 1978 (being Laws 2004, Chapter 116, Section 2, as amended) is amended to read:

"7-1-6.47. DISTRIBUTION TO COUNTIES--OFFSET FOR FOOD

DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--

A. [For a county that has not elected to impose a county hold harmless gross receipts tax through an ordinance and that has a population of less than forty-eight thousand according to the most recent federal decennial census] A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to [a county] the following counties in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the [sum of:

(1) the total deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county multiplied by the combined rate of all county local option gross receipts taxes in effect for the month that are imposed throughout the county;

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1	(2) the total deductions claimed pursuant to
2	Section 7-9-92 NMSA 1978 for the month by taxpayers from
3	business locations in the county but not within a municipality
4	multiplied by the combined rate of all county local option
5	gross receipts taxes in effect for the month that are imposed
6	in the county area not within a municipality;
7	(3) the total deductions claimed pursuant to
8	Section 7-9-93 NMSA 1978 for the month by taxpayers from
9	business locations within a municipality in the county
10	multiplied by the combined rate of all county local option
11	gross receipts taxes in effect for the month that are imposed
12	throughout the county; and
13	(4) the total deductions claimed pursuant to
14	Section 7-9-93 NMSA 1978 for the month by taxpayers from
15	business locations in the county but not within a municipality
16	multiplied by the combined rate of all county local option
17	gross receipts taxes in effect for the month that are imposed
18	in the county area not within a municipality] applicable
19	maximum distribution for each county:
20	(1) a county that does not have in effect a
21	county hold harmless gross receipts tax through an ordinance
22	and that has a population of less than forty-eight thousand
23	according to the most recent federal decennial census; and
24	(2) a class B county that does not have in
25	effect a county hold harmless gross receipts tax through an

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ordinance and that has a population of seventy thousand or more
according to the most recent federal decennial census and a
property valuation of more than seven hundred thirty million
dollars (\$730,000,000) and less than one billion dollars
(\$1,000,000,000).

For a county not described in Subsection A of this section, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the county in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the [sum of:

(1) the total deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county multiplied by the combined rate of all county local option gross receipts taxes in effect on January 1, 2007 that are imposed throughout the county in] applicable maximum distribution for the county multiplied by the following percentages:

 $[\frac{(a)}{(1)}]$  prior to July 1, 2015, one hundred percent;

 $[\frac{b}{2}]$  on or after July 1, 2015 and prior to July 1, 2016, ninety-four percent;

[(c)] (3) on or after July 1, 2016 and prior to July 1, 2017, eighty-eight percent;

 $[\frac{d}{d}]$  on or after July 1, 2017 and prior

1	to July 1, 2018, eighty-two percent;
2	$[\frac{(e)}{(5)}]$ on or after July 1, 2018 and prior
3	to July 1, 2019, seventy-six percent;
4	$[\frac{(f)}{(f)}]$ on or after July 1, 2019 and prior
5	to July 1, 2020, seventy percent;
6	$[\frac{(g)}{(7)}]$ on or after July 1, 2020 and prior
7	to July 1, 2021, sixty-three percent;
8	$[\frac{(h)}{(8)}]$ on or after July 1, 2021 and prior
9	to July 1, 2022, fifty-six percent;
10	$[\frac{(i)}{(j)}]$ on or after July 1, 2022 and prior
11	to July 1, 2023, forty-nine percent;
12	$[\frac{(j)}{(10)}]$ on or after July 1, 2023 and prior
13	to July 1, 2024, forty-two percent;
14	$[\frac{(k)}{(11)}]$ on or after July 1, 2024 and prior
15	to July 1, 2025, thirty-five percent;
16	$[\frac{(1)}{(12)}]$ on or after July 1, 2025 and prior
17	to July 1, 2026, twenty-eight percent;
18	$\left[\frac{\text{(m)}}{\text{(13)}}\right]$ on or after July 1, 2026 and prior
19	to July 1, 2027, twenty-one percent;
20	$\left[\frac{(n)}{(14)}\right]$ on or after July 1, 2027 and prior
21	to July 1, 2028, fourteen percent; and
22	$[\frac{(0)}{(15)}]$ on or after July 1, 2028 and prior
23	to July 1, 2029, seven percent.
24	[ <del>(2) the total deductions claimed pursuant to</del>
25	Section 7-9-92 NMSA 1978 for the month by taxpayers from
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1	business locations in the county but not within a municipality
2	multiplied by the combined rate of all county local option
3	gross receipts taxes in effect on January 1, 2007 that are
4	imposed in the county area not within a municipality in the
5	following percentages:
6	(a) prior to July 1, 2015, one hundred
7	<del>percent;</del>
8	(b) on or after July 1, 2015 and prior
9	to July 1, 2016, ninety-four percent;
10	(c) on or after July 1, 2016 and prior
11	to July 1, 2017, eighty-eight percent;
12	(d) on or after July 1, 2017 and prior
13	to July 1, 2018, eighty-two percent;
14	<del>(e) on or after July 1, 2018 and prior</del>
15	to July 1, 2019, seventy-six percent;
16	(f) on or after July 1, 2019 and prior
17	to July 1, 2020, seventy percent;
18	(g) on or after July 1, 2020 and prior
19	to July 1, 2021, sixty-three percent;
20	(h) on or after July 1, 2021 and prior
21	to July 1, 2022, fifty-six percent;
22	(i) on or after July 1, 2022 and prior
23	to July 1, 2023, forty-nine percent;
24	(j) on or after July 1, 2023 and prior
25	to July 1, 2024, forty-two percent;
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1	(k) on or after July 1, 2024 and prior
2	to July 1, 2025, thirty-five percent;
3	(1) on or after July 1, 2025 and prior
4	to July 1, 2026, twenty-eight percent;
5	(m) on or after July 1, 2026 and prior
6	to July 1, 2027, twenty-one percent;
7	(n) on or after July 1, 2027 and prior
8	to July 1, 2028, fourteen percent; and
9	(o) on or after July 1, 2028 and prior
10	to July 1, 2029, seven percent;
11	(3) the total deductions claimed pursuant to
12	Section 7-9-93 NMSA 1978 for the month by taxpayers from
13	business locations within a municipality in the county
14	multiplied by the combined rate of all county local option
15	gross receipts taxes in effect on January 1, 2007 that are
16	imposed throughout the county in the following percentages:
17	(a) prior to July 1, 2015, one hundred
18	<del>percent;</del>
19	(b) on or after July 1, 2015 and prior
20	to July 1, 2016, ninety-four percent;
21	(c) on or after July 1, 2016 and prior
22	to July 1, 2017, eighty-eight percent;
23	(d) on or after July 1, 2017 and prior
24	to July 1, 2018, eighty-two percent;
25	(e) on or after July 1, 2018 and prior
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2	(f) on or after July 1, 2019 and prior
3	to July 1, 2020, seventy percent;
4	(g) on or after July 1, 2020 and prior
5	to July 1, 2021, sixty-three percent;
6	(h) on or after July 1, 2021 and prior
7	to July 1, 2022, fifty-six percent;
8	(i) on or after July 1, 2022 and prior
9	to July 1, 2023, forty-nine percent;
10	(j) on or after July 1, 2023 and prior
11	to July 1, 2024, forty-two percent;
12	(k) on or after July 1, 2024 and prior
13	to July 1, 2025, thirty-five percent;
14	(1) on or after July 1, 2025 and prior
15	to July 1, 2026, twenty-eight percent;
16	(m) on or after July 1, 2026 and prior
17	to July 1, 2027, twenty-one percent;
18	(n) on or after July 1, 2027 and prior
19	to July 1, 2028, fourteen percent; and
20	(o) on or after July 1, 2028 and prior
21	to July 1, 2029, seven percent; and
22	(4) the total deductions claimed pursuant to
23	Section 7-9-93 NMSA 1978 for the month by taxpayers from
24	business locations in the county but not within a municipality
25	multiplied by the combined rate of all county local option
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1, 2019, seventy-six percent;

1	gross receipts taxes in effect on January 1, 2007 that are
2	imposed in the county area not within a municipality in the
3	following percentages:
4	(a) prior to July 1, 2015, one hundred
5	<del>percent;</del>
6	(b) on or after July 1, 2015 and prior
7	to July 1, 2016, ninety-four percent;
8	(c) on or after July 1, 2016 and prior
9	to July 1, 2017, eighty-eight percent;
10	(d) on or after July 1, 2017 and prior
11	to July 1, 2018, eighty-two percent;
12	(e) on or after July 1, 2018 and prior
13	to July 1, 2019, seventy-six percent;
14	(f) on or after July 1, 2019 and prior
15	to July 1, 2020, seventy percent;
16	(g) on or after July 1, 2020 and prior
17	to July 1, 2021, sixty-three percent;
18	(h) on or after July 1, 2021 and prior
19	to July 1, 2022, fifty-six percent;
20	(i) on or after July 1, 2022 and prior
21	to July 1, 2023, forty-nine percent;
22	(j) on or after July 1, 2023 and prior
23	to July 1, 2024, forty-two percent;
24	(k) on or after July 1, 2024 and prior
25	to July 1, 2025, thirty-five percent;
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		<del>(1)</del>	on or	after	<del>July</del>	1,	2025	and	prior
to July 1, 202	<del>26, twer</del>	<del>ity-ei</del>	ght pe	rcent;					
		<del>(m)</del>	on or	after	July	1,	2026	and	prior
to July 1, 202	27, twer	<del>ity-on</del>	<del>e perc</del>	ent;					
		<del>(n)</del>	on or	after	July	1,	2027	and	prior
to July 1, 202	28, four	teen	<del>percen</del>	t; and					
		<del>(0)</del>	on or	after	July	1,	2028	and	prior

to July 1, 2029, seven percent.

and B of] this section is in lieu of revenue that would have been received by the county but for the deductions provided by Sections 7-9-92 and 7-9-93 NMSA 1978. The distribution shall be considered gross receipts tax revenue and shall be used by the county in the same manner as gross receipts tax revenue, including payment of gross receipts tax revenue bonds. [A distribution pursuant to this section to a county not described in Subsection A of this section or to a county that has imposed a gross receipts tax through an ordinance that does not provide a deduction contained in the Gross Receipts and Compensating

D. If the reductions made by this [2013] 2014 act to the distributions made pursuant to [Subsections A and B of] this section impair the ability of a county to meet its principal or interest payment obligations for revenue bonds that are outstanding prior to July 1, 2013 and that are secured .195847.1

by the pledge of all or part of the county's revenue from the distribution made pursuant to this section, then the amount distributed pursuant to this section to that county shall be increased by an amount sufficient to meet the required payment; provided that the total amount distributed to that county pursuant to this section does not exceed the amount that would have been due that county pursuant to this section as it was in effect on June 30, [2013] 2015.

E. A distribution pursuant to this section may be adjusted for a distribution made to a tax increment development district with respect to a portion of a gross receipts tax increment dedicated by a county pursuant to the Tax Increment for Development Act.

## F. For purposes of this section:

## (1) "maximum distribution" means:

(a) for counties that have a population of less than forty-eight thousand according to the most recent federal decennial census, the sum of: 1) the total deductions claimed pursuant to Sections 7-9-92 and 7-9-93 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county multiplied by the combined rate of all county local option gross receipts taxes in effect for the month that are imposed throughout the county; and 2) the total deductions claimed pursuant to Sections 7-9-92 and 7-9-93 NMSA 1978 for the month by taxpayers from business locations in the

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county but not within a municipality multiplied by the combined rate of all county local option gross receipts taxes in effect for the month that are imposed in the county area not within a municipality; and

(b) for counties that have a population of forty-eight thousand or more according to the most recent federal decennial census, the sum of: 1) the total deductions claimed pursuant to Sections 7-9-92 and 7-9-93 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county multiplied by the combined rate of all county local option gross receipts taxes in effect on January 1, 2007 that are imposed throughout the county; and 2) the total deductions claimed pursuant to Sections 7-9-92 and 7-9-93 NMSA 1978 for the month by taxpayers from business locations in the county but not within a municipality multiplied by the combined taxes in effect on January 1, 2007 that are imposed in the county area not within a municipality; and

(2) "tax revenue" means the net receipts attributable to a county hold harmless gross receipts tax." SECTION 3. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2015.

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