1	SENATE BILL 171
2	51st legislature - STATE OF NEW MEXICO - second session, 2014
3	INTRODUCED BY
4	George K. Munoz
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10	AN ACT
11	RELATING TO TAXATION; PROVIDING AN EXCEPTION ON THE REDUCTION
12	IN HOLD HARMLESS DISTRIBUTIONS FOR CERTAIN MUNICIPALITIES AND
13	COUNTIES.
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:
16	SECTION 1. Section 7-1-6.46 NMSA 1978 (being Laws 2004,
17	Chapter 116, Section 1, as amended) is amended to read:
18	"7-1-6.46. DISTRIBUTION TO MUNICIPALITIESOFFSET FOR
19	FOOD DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES
20	DEDUCTION
21	A. [For a municipality that has not elected to
22	impose a municipal hold harmless gross receipts tax through an
23	ordinance and that has a population of less than ten thousand
24	according to the most recent federal decennial census] A
25	distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
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1	made to [a municipality] <u>the following municipalities</u> in an
2	amount, subject to any increase or decrease made pursuant to
3	Section 7-1-6.15 NMSA 1978, equal to the [sum of:
4	(1) the total deductions claimed pursuant to
5	Section 7-9-92 NMSA 1978 for the month by taxpayers from
6	business locations attributable to the municipality multiplied
7	by the sum of the combined rate of all municipal local option
8	gross receipts taxes in effect in the municipality for the
9	month plus one and two hundred twenty-five thousandths percent;
10	and
11	(2) the total deductions claimed pursuant to
12	Section 7-9-93 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 for the
16	month plus one and two hundred twenty-five thousandths percent]
17	applicable maximum distribution for each municipality:
18	(1) a municipality that does not have in
19	effect a municipal hold harmless gross receipts tax imposed
20	through an ordinance and that has a population of less than ten
21	thousand according to the most recent federal decennial census;
22	and
23	(2) a municipality that does not have in
24	effect a municipal hold harmless gross receipts tax imposed
25	through an ordinance and is within a class B county and that
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1 county has a population of seventy thousand or more according 2 to the most recent federal decennial census and a property valuation of more than seven hundred thirty million dollars 3 (\$730,000,000) and less than one billion dollars 4 5 (\$1,000,000,000). For a municipality not described in Subsection A 6 Β. 7 of this section, a distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the municipality in an 8 9 amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the [sum of: 10 (1) the total deductions claimed pursuant to 11 12 Section 7-9-92 NMSA 1978 for the month by taxpayers from business locations attributable to the municipality multiplied 13 by the sum of the combined rate of all municipal local option 14 gross receipts taxes in effect in the municipality on January 15 1, 2007 plus one and two hundred twenty-five thousandths 16 percent in the following percentages: 17 (a) prior to July 1, 2015, one hundred 18 19 percent; 20 (b) on or after July 1, 2015 and prior 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 .195847.1 - 3 -

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1	(e) on or after July 1, 2018 and prior
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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1	by the sum of the combined rate of all municipal local option
2	gross receipts taxes in effect in the municipality on January
3	1, 2007 plus one and two hundred twenty-five thousandths
4	percent in] applicable maximum distribution for the
5	municipality multiplied by the following percentages:
6	[(a)] <u>(1)</u> prior to July 1, 2015, one hundred
7	percent;
8	[(b)] <u>(2)</u> on or after July 1, 2015 and prior
9	to July 1, 2016, ninety-four percent;
10	[(c)] <u>(3)</u> on or after July 1, 2016 and prior
11	to July 1, 2017, eighty-eight percent;
12	[(d)] <u>(4)</u> on or after July 1, 2017 and prior
13	to July 1, 2018, eighty-two percent;
14	[(e)] <u>(5)</u> on or after July 1, 2018 and prior
15	to July 1, 2019, seventy-six percent;
16	[(f)] <u>(6)</u> on or after July 1, 2019 and prior
17	to July 1, 2020, seventy percent;
18	[(g)] <u>(7)</u> on or after July 1, 2020 and prior
19	to July 1, 2021, sixty-three percent;
20	[(h)] <u>(8)</u> on or after July 1, 2021 and prior
21	to July 1, 2022, fifty-six percent;
22	[(i)] <u>(9)</u> on or after July 1, 2022 and prior
23	to July 1, 2023, forty-nine percent;
24	[(j)] <u>(10)</u> on or after July 1, 2023 and prior
25	to July 1, 2024, forty-two percent;
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1 [(k)] (11) on or after July 1, 2024 and prior 2 to July 1, 2025, thirty-five percent; [(1)] (12) on or after July 1, 2025 and prior 3 to July 1, 2026, twenty-eight percent; 4 [(m)] (13) on or after July 1, 2026 and prior 5 to July 1, 2027, twenty-one percent; 6 7 [(n)] (14) on or after July 1, 2027 and prior to July 1, 2028, fourteen percent; and 8 9 [(0)] <u>(15)</u> on or after July 1, 2028 and prior to July 1, 2029, seven percent. 10 C. [The] A distribution pursuant to [Subsections A 11 12 and B of] this section is in lieu of revenue that would have been received by the municipality but for the deductions 13 14 provided by Sections 7-9-92 and 7-9-93 NMSA 1978. The distribution shall be considered gross receipts tax revenue and 15 shall be used by the municipality in the same manner as gross 16 receipts tax revenue, including payment of gross receipts tax 17 revenue bonds. [A distribution pursuant to this section to a 18 19 municipality not described in Subsection A of this section or 20 to a municipality that has imposed a gross receipts tax through an ordinance that does not provide a deduction contained in the 21 Gross Receipts and Compensating Tax Act shall not be made on or 22 after July 1, 2029.] 23 If the reductions made by this [2013] 2014 act D. 24

to the distributions made pursuant to [Subsections A and B of]
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1 this section impair the ability of a municipality to meet its 2 principal or interest payment obligations for revenue bonds that are outstanding prior to July 1, 2013 and that are secured 3 by the pledge of all or part of the municipality's revenue from 4 5 the distribution made pursuant to this section, then the amount distributed pursuant to this section to that municipality shall 6 7 be increased by an amount sufficient to meet the required 8 payment; provided that the total amount distributed to that 9 municipality pursuant to this section does not exceed the amount that would have been due that municipality pursuant to 10 this section as it was in effect on June 30, [2013] 2015. 11 12 Ε. For the purposes of this section: "business locations attributable to the (1)13 14 municipality" means business locations: [(1)] (a) within the municipality; 15 $\left[\frac{(2)}{(2)}\right]$ (b) on land owned by the state, 16 commonly known as the "state fairgrounds", within the exterior 17 boundaries of the municipality; 18 19 [(3)] (c) outside the boundaries of the 20 municipality on land owned by the municipality; and [(4)] (d) on an Indian reservation or 21 pueblo grant in an area that is contiguous to the municipality 22 and in which the municipality performs services pursuant to a 23 contract between the municipality and the Indian tribe or 24 Indian pueblo if: [(a)] 1) the contract describes an area in 25 .195847.1

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1 which the municipality is required to perform services and 2 requires the municipality to perform services that are 3 substantially the same as the services the municipality performs for itself; and [(b)] 2 the governing body of the 4 5 municipality has submitted a copy of the contract to the 6 secretary; 7 (2) "maximum distribution" means: 8 (a) for a municipality that has a population of less than ten thousand according to the most 9 recent federal decennial census, the total deductions claimed 10 pursuant to Sections 7-9-92 and 7-9-93 NMSA 1978 for the month 11 12 by taxpayers from business locations attributable to the municipality multiplied by the sum of the combined rate of all 13 municipal local option gross receipts taxes in effect in the 14 municipality for the month plus one and two hundred twenty-five 15 thousandths percent; and 16 (b) for a municipality that has a 17 population of ten thousand or more according to the most recent 18 federal decennial census, the total deductions claimed pursuant 19 20 to Sections 7-9-92 and 7-9-93 NMSA 1978 for the month by taxpayers from business locations attributable to the 21 municipality multiplied by the sum of the combined rate of all 22 municipal local option gross receipts taxes in effect in the 23 municipality on January 1, 2007 plus one and two hundred 24 twenty-five thousandths percent; and 25 .195847.1

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1	(3) "tax revenue" means the net receipts
2	attributable to a municipal hold harmless gross receipts tax.
3	F. A distribution pursuant to this section may be
4	adjusted for a distribution made to a tax increment development
5	district with respect to a portion of a gross receipts tax
6	increment dedicated by a municipality pursuant to the Tax
7	Increment for Development Act."
8	SECTION 2. Section 7-1-6.47 NMSA 1978 (being Laws 2004,
9	Chapter 116, Section 2, as amended) is amended to read:
10	"7-1-6.47. DISTRIBUTION TO COUNTIESOFFSET FOR FOOD
11	DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES DEDUCTION
12	A. [For a county that has not elected to impose a
13	county hold harmless gross receipts tax through an ordinance
14	and that has a population of less than forty-eight thousand
15	according to the most recent federal decennial census] A
16	distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
17	made to [a county] <u>the following counties</u> in an amount, subject
18	to any increase or decrease made pursuant to Section 7-1-6.15
19	NMSA 1978, equal to the [sum of:
20	(1) the total deductions claimed pursuant to
21	Section 7-9-92 NMSA 1978 for the month by taxpayers from
22	business locations within a municipality in the county
23	multiplied by the combined rate of all county local option
24	gross receipts taxes in effect for the month that are imposed
25	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	<u>county hold harmless gross receipts tax through an ordinance</u>
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	<u>effect a county hold harmless gross receipts tax through an</u>
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1 ordinance and that has a population of seventy thousand or more according to the most recent federal decennial census and a 2 property valuation of more than seven hundred thirty million 3 dollars (\$730,000,000) and less than one billion dollars 4 5 (\$1,000,000,000). For a county not described in Subsection A of 6 Β. 7 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 8 9 increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the [sum of: 10 (1) the total deductions claimed pursuant to 11 12 Section 7-9-92 NMSA 1978 for the month by taxpayers from business locations within a municipality in the county 13 multiplied by the combined rate of all county local option 14 gross receipts taxes in effect on January 1, 2007 that are 15 imposed throughout the county in] applicable maximum 16 distribution for the county multiplied by the following 17 percentages: 18 [(a)] (1) prior to July 1, 2015, one hundred 19 20 percent; [(b)] (2) on or after July 1, 2015 and prior 21 to July 1, 2016, ninety-four percent; 22 [(c)] (3) on or after July 1, 2016 and prior 23 to July 1, 2017, eighty-eight percent; 24 [(d)] <u>(4)</u> on or after July 1, 2017 and prior 25 .195847.1 - 11 -

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1 to July 1, 2018, eighty-two percent; 2 [(e)] (5) on or after July 1, 2018 and prior to July 1, 2019, seventy-six percent; 3 [(f)] (6) on or after July 1, 2019 and prior 4 to July 1, 2020, seventy percent; 5 [(g)] <u>(7)</u> on or after July 1, 2020 and prior 6 7 to July 1, 2021, sixty-three percent; [(h)] (8) on or after July 1, 2021 and prior 8 9 to July 1, 2022, fifty-six percent; [(i)] (9) on or after July 1, 2022 and prior 10 to July 1, 2023, forty-nine percent; 11 12 [(j)] (10) on or after July 1, 2023 and prior to July 1, 2024, forty-two percent; 13 14 [(k)] (11) on or after July 1, 2024 and prior to July 1, 2025, thirty-five percent; 15 [(1)] (12) on or after July 1, 2025 and prior 16 to July 1, 2026, twenty-eight percent; 17 [(m)] (13) on or after July 1, 2026 and prior 18 to July 1, 2027, twenty-one percent; 19 [(n)] (14) on or after July 1, 2027 and prior 20 to July 1, 2028, fourteen percent; and 21 [(0)] <u>(15)</u> on or after July 1, 2028 and prior 22 to July 1, 2029, seven percent. 23 [(2) the total deductions claimed pursuant to 24 Section 7-9-92 NMSA 1978 for the month by taxpayers from 25 .195847.1 - 12 -

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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 gross receipts taxes in effect on January 1, 2007 that are 3 imposed in the county area not within a municipality in the 4 following percentages: 5 (a) prior to July 1, 2015, one hundred 6 7 percent; (b) on or after July 1, 2015 and prior 8 9 to July 1, 2016, ninety-four percent; (c) on or after July 1, 2016 and prior 10 to July 1, 2017, eighty-eight percent; 11 12 (d) on or after July 1, 2017 and prior to July 1, 2018, eighty-two percent; 13 (e) on or after July 1, 2018 and prior 14 to July 1, 2019, seventy-six percent; 15 (f) on or after July 1, 2019 and prior 16 to July 1, 2020, seventy percent; 17 (g) on or after July 1, 2020 and prior 18 19 to July 1, 2021, sixty-three percent; 20 (h) on or after July 1, 2021 and prior to July 1, 2022, fifty-six percent; 21 (i) on or after July 1, 2022 and prior 22 to July 1, 2023, forty-nine percent; 23 (j) on or after July 1, 2023 and prior 24 to July 1, 2024, forty-two percent; 25 .195847.1 - 13 -

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1	(k) on or after July 1, 2024 and prior
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	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	percent;
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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1 to July 1, 2019, seventy-six percent; 2 (f) on or after July 1, 2019 and prior 3 to July 1, 2020, seventy percent; (g) on or after July 1, 2020 and prior 4 5 to July 1, 2021, sixty-three percent; (h) on or after July 1, 2021 and prior 6 to July 1, 2022, fifty-six percent; 7 (i) on or after July 1, 2022 and prior 8 9 to July 1, 2023, forty-nine percent; (j) on or after July 1, 2023 and prior 10 to July 1, 2024, forty-two percent; 11 12 (k) on or after July 1, 2024 and prior to July 1, 2025, thirty-five percent; 13 (1) on or after July 1, 2025 and prior 14 to July 1, 2026, twenty-eight percent; 15 (m) on or after July 1, 2026 and prior 16 to July 1, 2027, twenty-one percent; 17 (n) on or after July 1, 2027 and prior 18 19 to July 1, 2028, fourteen percent; and (o) on or after July 1, 2028 and prior 20 to July 1, 2029, seven percent; and 21 (4) the total deductions claimed pursuant to 22 Section 7-9-93 NMSA 1978 for the month by taxpayers from 23 business locations in the county but not within a municipality 24 multiplied by the combined rate of all county local option 25 .195847.1 - 15 -

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1 gross receipts taxes in effect on January 1, 2007 that are 2 imposed in the county area not within a municipality in the following percentages: 3 (a) prior to July 1, 2015, one hundred 4 5 percent; (b) on or after July 1, 2015 and prior 6 to July 1, 2016, ninety-four percent; 7 (c) on or after July 1, 2016 and prior 8 9 to July 1, 2017, eighty-eight percent; (d) on or after July 1, 2017 and prior 10 to July 1, 2018, eighty-two percent; 11 12 (e) on or after July 1, 2018 and prior to July 1, 2019, seventy-six percent; 13 (f) on or after July 1, 2019 and prior 14 to July 1, 2020, seventy percent; 15 (g) on or after July 1, 2020 and prior 16 to July 1, 2021, sixty-three percent; 17 (h) on or after July 1, 2021 and prior 18 19 to July 1, 2022, fifty-six percent; 20 (i) on or after July 1, 2022 and prior to July 1, 2023, forty-nine percent; 21 (j) on or after July 1, 2023 and prior 22 to July 1, 2024, forty-two percent; 23 (k) on or after July 1, 2024 and prior 24 to July 1, 2025, thirty-five percent; 25 .195847.1 - 16 -

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1	(1) on or after July 1, 2025 and prior
2	to July 1, 2026, twenty-eight percent;
3	(m) on or after July 1, 2026 and prior
4	to July 1, 2027, twenty-one percent;
5	(n) on or after July 1, 2027 and prior
6	to July 1, 2028, fourteen percent; and
7	(o) on or after July 1, 2028 and prior
8	to July 1, 2029, seven percent.]
9	C. [The] <u>A</u> distribution pursuant to [Subsections A
10	and B of] this section is in lieu of revenue that would have
11	been received by the county but for the deductions provided by
12	Sections 7-9-92 and 7-9-93 NMSA 1978. The distribution shall
13	be considered gross receipts tax revenue and shall be used by
14	the county in the same manner as gross receipts tax revenue,
15	including payment of gross receipts tax revenue bonds. [A
16	distribution pursuant to this section to a county not described
17	in Subsection A of this section or to a county that has imposed
18	a gross receipts tax through an ordinance that does not provide
19	a deduction contained in the Gross Receipts and Compensating
20	Tax Act shall not be made on or after July 1, 2029.]
21	D. If the reductions made by this $[2013]$ 2014 act
22	to the distributions made pursuant to [Subsections A and B of]
23	this section impair the ability of a county to meet its
24	principal or interest payment obligations for revenue bonds
25	that are outstanding prior to July 1, 2013 and that are secured
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<u>underscored material = new</u> [bracketed material] = delete 1 by the pledge of all or part of the county's revenue from the 2 distribution made pursuant to this section, then the amount 3 distributed pursuant to this section to that county shall be increased by an amount sufficient to meet the required payment; 4 5 provided that the total amount distributed to that county pursuant to this section does not exceed the amount that would 6 7 have been due that county pursuant to this section as it was in effect on June 30, [2013] 2015. 8

Ε. A distribution pursuant to this section may be adjusted for a distribution made to a tax increment development 10 district with respect to a portion of a gross receipts tax 12 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 .195847.1

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1	county but not within a municipality multiplied by the combined
2	rate of all county local option gross receipts taxes in effect
3	for the month that are imposed in the county area not within a
4	municipality; and
5	(b) for counties that have a population
6	of forty-eight thousand or more according to the most recent
7	federal decennial census, the sum of: 1) the total deductions
8	claimed pursuant to Sections 7-9-92 and 7-9-93 NMSA 1978 for
9	the month by taxpayers from business locations within a
10	municipality in the county multiplied by the combined rate of
11	all county local option gross receipts taxes in effect on
12	January 1, 2007 that are imposed throughout the county; and 2)
13	the total deductions claimed pursuant to Sections 7-9-92 and
14	7-9-93 NMSA 1978 for the month by taxpayers from business
15	locations in the county but not within a municipality
16	multiplied by the combined taxes in effect on January 1, 2007
17	that are imposed in the county area not within a municipality;
18	and
19	(2) "tax revenue" means the net receipts
20	attributable to a county hold harmless gross receipts tax."
21	SECTION 3. EFFECTIVE DATEThe effective date of the
22	provisions of this act is July 1, 2015.
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