

1 AN ACT

2 RELATING TO TAXATION; DE-EARMARKING CERTAIN MUNICIPAL AND  
3 COUNTY LOCAL OPTION GROSS RECEIPTS TAXES; PROVIDING THAT  
4 CERTAIN MUNICIPAL GROSS RECEIPTS TAXES MAY BE USED FOR ANY  
5 MUNICIPAL PURPOSE; PROVIDING THAT CERTAIN COUNTY GROSS  
6 RECEIPTS TAXES MAY BE USED FOR ANY COUNTY PURPOSE; PROVIDING  
7 THAT CHANGES OR REPEALS OF CERTAIN LOCAL OPTION GROSS  
8 RECEIPTS TAXES SHALL NOT IMPAIR OUTSTANDING REVENUE BONDS;  
9 PROVIDING THAT PREVIOUSLY DEDICATED REVENUE ATTRIBUTABLE TO A  
10 LOCAL OPTION GROSS RECEIPTS TAX BEING AMENDED OR REPEALED BY  
11 THIS ACT SHALL CONTINUE TO BE DEDICATED FOR THE SAME  
12 PURPOSES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE  
13 NMSA 1978.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 3-31-1 NMSA 1978 (being Laws 1973,  
17 Chapter 395, Section 3, as amended) is amended to read:

18 "3-31-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF  
19 REVENUES--LIMITATION ON TIME OF ISSUANCE.--

20 A. In addition to any other law and constitutional  
21 home rule powers authorizing a municipality to issue revenue  
22 bonds, a municipality may issue revenue bonds pursuant to  
23 Chapter 3, Article 31 NMSA 1978 for the purposes specified in  
24 this section.

25 B. Utility revenue bonds may be issued for

1 acquiring, extending, enlarging, bettering, repairing or  
2 otherwise improving a municipal utility or for any  
3 combination of the foregoing purposes. The municipality may  
4 pledge irrevocably any or all of the net revenues from the  
5 operation of the municipal utility or of any one or more of  
6 other such municipal utilities for payment of the interest on  
7 and principal of the revenue bonds.

8 C. Joint utility revenue bonds may be issued for  
9 acquiring, extending, enlarging, bettering, repairing or  
10 otherwise improving joint water facilities, sewer facilities,  
11 gas facilities or electric facilities or for any combination  
12 of the foregoing purposes. The municipality may pledge  
13 irrevocably any or all of the net revenues from the operation  
14 of these municipal utilities for the payment of the interest  
15 on and principal of the bonds.

16 D. Gross receipts tax revenue bonds may be issued  
17 for any municipal purpose. A municipality may pledge  
18 irrevocably any or all of the gross receipts tax revenue  
19 received by the municipality pursuant to Section 7-1-6.4 or  
20 7-1-6.12 NMSA 1978 to the payment of the interest on and  
21 principal of the gross receipts tax revenue bonds or for any  
22 area of municipal government services. A law that imposes or  
23 authorizes the imposition of a tax authorized by the  
24 Municipal Local Option Gross Receipts Taxes Act or that  
25 affects the tax, or a law supplemental thereto or otherwise

1 appertaining thereto, shall not be repealed or amended or  
2 otherwise directly or indirectly modified in such a manner as  
3 to impair adversely any outstanding revenue bonds that may be  
4 secured by a pledge of such tax unless the outstanding  
5 revenue bonds have been discharged in full or provision has  
6 been fully made therefor. Revenues in excess of the annual  
7 principal and interest due on gross receipts tax revenue  
8 bonds secured by a pledge of gross receipts tax revenue may  
9 be accumulated in a debt service reserve account. The  
10 governing body of the municipality may appoint a commercial  
11 bank trust department to act as trustee of the gross receipts  
12 tax revenue and to administer the payment of principal of and  
13 interest on the bonds.

14 E. Gasoline tax revenue bonds may be issued for  
15 laying off, opening, constructing, reconstructing,  
16 resurfacing, maintaining, acquiring rights of way, repairing  
17 and otherwise improving municipal buildings, alleys, streets,  
18 public roads and bridges or any combination of the foregoing  
19 purposes. The municipality may pledge irrevocably any or all  
20 of the gasoline tax revenue received by the municipality to  
21 the payment of the interest on and principal of the gasoline  
22 tax revenue bonds.

23 F. Project revenue bonds may be issued for  
24 acquiring, extending, enlarging, bettering, repairing,  
25 improving, constructing, purchasing, furnishing, equipping

1 and rehabilitating any revenue-producing project, including,  
2 where applicable, purchasing, otherwise acquiring or  
3 improving the ground therefor, including acquiring and  
4 improving parking lots, or for any combination of the  
5 foregoing purposes. The municipality may pledge irrevocably  
6 any or all of the net revenues from the operation of the  
7 revenue-producing project for which the particular project  
8 revenue bonds are issued to the payment of the interest on  
9 and principal of the project revenue bonds. The net revenues  
10 of any revenue-producing project may not be pledged to the  
11 project revenue bonds issued for a revenue-producing project  
12 that clearly is unrelated in nature; but nothing in this  
13 subsection shall prevent the pledge to such project revenue  
14 bonds of any revenues received from existing, future or  
15 disconnected facilities and equipment that are related to and  
16 that may constitute a part of the particular revenue-  
17 producing project. A general determination by the governing  
18 body that any facilities or equipment is reasonably related  
19 to and constitutes a part of a specified revenue-producing  
20 project shall be conclusive if set forth in the proceedings  
21 authorizing the project revenue bonds.

22 G. Fire district revenue bonds may be issued for  
23 acquiring, extending, enlarging, bettering, repairing,  
24 improving, constructing, purchasing, furnishing, equipping  
25 and rehabilitating any fire district project, including,

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

21 H. Law enforcement protection revenue bonds may be  
22 issued for the repair and purchase of law enforcement  
23 apparatus and equipment that meet nationally recognized  
24 standards. The municipality may pledge irrevocably any or  
25 all of the revenues received by the municipality from the law

1 enforcement protection fund distributions pursuant to the Law  
2 Enforcement Protection Fund Act to the payment of the  
3 interest on and principal of the law enforcement protection  
4 revenue bonds.

5 I. Except for the purpose of refunding previous  
6 revenue bond issues, no municipality may sell revenue bonds  
7 payable from pledged revenues after the expiration of two  
8 years from the date of the ordinance authorizing the issuance  
9 of the bonds or, for bonds to be issued and sold to the New  
10 Mexico finance authority as authorized in Subsection C of  
11 Section 3-31-4 NMSA 1978, after the expiration of two years  
12 from the date of the resolution authorizing the issuance of  
13 the bonds. However, any period of time during which a  
14 particular revenue bond issue is in litigation shall not be  
15 counted in determining the expiration date of that issue."

16 SECTION 2. A new Section 3-31-1.1 NMSA 1978 is enacted  
17 to read:

18 "3-31-1.1. DEFINITIONS.--As used in Chapter 3, Article  
19 31 NMSA 1978:

20 A. "bond" means any obligation of a municipality  
21 issued under Chapter 3, Article 31 NMSA 1978, whether  
22 designated as a bond, note, loan, warrant, debenture, lease-  
23 purchase agreement or other instrument evidencing an  
24 obligation of a municipality to make payments;

25 B. "gasoline tax revenue" means all or portions of HB 479/a  
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1 the amounts of tax revenues distributed to municipalities  
2 pursuant to Sections 7-1-6.9 and 7-1-6.27 NMSA 1978;

3 C. "gasoline tax revenue bonds" means the bonds  
4 authorized by Subsection E of Section 3-31-1 NMSA 1978;

5 D. "gross receipts tax revenue" means the amount  
6 of money distributed to a municipality pursuant to Section  
7 7-1-6.4 NMSA and transferred to a municipality pursuant to  
8 Section 7-1-6.12 NMSA 1978 for any municipal gross receipts  
9 tax imposed pursuant to the Municipal Local Option Gross  
10 Receipts Taxes Act;

11 E. "gross receipts tax revenue bonds" means the  
12 bonds authorized by Subsection D of Section 3-31-1 NMSA 1978;

13 F. "joint utility revenue bonds" or "joint utility  
14 bonds" means the bonds authorized by Subsection C of Section  
15 3-31-1 NMSA 1978;

16 G. "pledged revenues" means the revenues, net  
17 income or net revenues authorized to be pledged to the  
18 payment of revenue bonds as specifically provided in Chapter  
19 3, Article 31 NMSA 1978;

20 H. "project revenue bonds" means the bonds  
21 authorized by Subsection F of Section 3-31-1 NMSA 1978; and

22 I. "utility revenue bonds" or "utility bonds"  
23 means the bonds authorized by Subsection B of Section 3-31-1  
24 NMSA 1978."

25 SECTION 3. Section 4-61-3 NMSA 1978 (being Laws 1982,

1 Chapter 44, Section 3, as amended) is amended to read:

2 "4-61-3. SMALL COUNTIES ASSISTANCE FUND--  
3 DISTRIBUTION.--

4 A. The "small counties assistance fund" is created  
5 within the state treasury.

6 B. On or before September 1, 2003 and on or before  
7 September 1 of each subsequent year, the demographer shall  
8 certify in writing to the department of finance and  
9 administration the population of the state and of each county  
10 as of June 30 of the year.

11 C. On or before September 15, 2003 and on or  
12 before September 15 of each subsequent year, the secretary of  
13 finance and administration shall certify to the state  
14 treasurer with respect to each qualifying county:

15 (1) its population as certified by the  
16 demographer;

17 (2) its total valuation for the preceding  
18 property tax year; and

19 (3) the distribution amount calculated for  
20 it.

21 D. The distribution amount for each qualifying  
22 county shall be determined for 2003 and each subsequent year  
23 in accordance with the following table; provided that the  
24 bracket amounts in the first two columns of the table shall  
25 be adjusted annually after 2003 by the adjustment factor.



1 The bracket amounts in the last column shall be adjusted  
 2 annually after 2005 by the inflation factor and, in 2011 and  
 3 subsequent years, shall be adjusted by the tax rate factor.  
 4 The department of finance and administration may round the  
 5 results of the adjustments made pursuant to this subsection  
 6 to the nearest one thousand dollars (\$1,000).

7 If the county's total valuation for the preceding  
 8 property tax year is:

| 9  | at least:     | but less        | and the county  | then the distribution |
|----|---------------|-----------------|-----------------|-----------------------|
| 10 |               | than:           | population is:  | amount is:            |
| 11 | \$ 0          | \$100,000,000   | under 1,000     | \$515,000             |
| 12 | \$ 0          | \$100,000,000   | at least 1,000  |                       |
| 13 |               |                 | but under 4,000 | \$370,000             |
| 14 | \$ 0          | \$100,000,000   | at least 4,000  | \$285,000             |
| 15 | \$100,000,000 | \$230,000,000   | under 12,000    | \$200,000             |
| 16 | \$100,000,000 | \$230,000,000   | at least 12,000 | \$145,000             |
| 17 | \$230,000,000 | \$1,400,000,000 | under 48,000    | \$85,000.             |

18 E. If the balance in the small counties assistance  
 19 fund as of the preceding August 31 exceeds the sum of the  
 20 distributions to be made to qualifying counties pursuant to  
 21 the provisions of Subsection D of this section, the department  
 22 of finance and administration shall increase the distribution  
 23 amount for each county receiving a distribution amount  
 24 pursuant to the provisions of Subsection D of this section by:

25 (1) fifty thousand dollars (\$50,000) if the

1 county has imposed and has in effect on July 1 of the year in  
2 which the distribution is to be made a county gross receipts  
3 tax at a rate of at least one-eighth percent; provided that  
4 the ordinance imposing the increment shall dedicate the  
5 revenue from the increment:

6 (a) for the purpose of operating,  
7 maintaining, constructing, purchasing, furnishing, equipping,  
8 rehabilitating, expanding or improving a judicial-correctional  
9 or a county correctional facility or the grounds of a  
10 judicial-correctional or county correctional facility,  
11 including acquiring and improving parking lots, landscaping or  
12 any combination of the foregoing;

13 (b) for the purpose of transporting or  
14 extraditing prisoners; or

15 (c) to payment of principal and  
16 interest on revenue bonds or refunding bonds issued pursuant  
17 to Section 4-62-1 NMSA 1978;

18 (2) twenty thousand dollars (\$20,000) if the  
19 county has imposed and has in effect on July 1 of the year in  
20 which the distribution is to be made a county gross receipts  
21 tax increment of one-sixteenth percent; or

22 (3) seventy thousand dollars (\$70,000) if the  
23 county has met the requirements of Paragraphs (1) and (2) of  
24 this subsection.

25 F. If the balance in the small counties assistance HB 479/a  
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1 fund as of the preceding August 31 is less than the sum of the  
2 distributions determined pursuant to Subsection D of this  
3 section plus the distribution increases authorized pursuant to  
4 Subsection E of this section, the distribution increases  
5 pursuant to Subsection E of this section shall be  
6 proportionately reduced.

7 G. If the balance in the small counties assistance  
8 fund as of the preceding August 31 is less than the sum of the  
9 distributions to be made to qualifying counties, the  
10 department of finance and administration shall reduce each  
11 qualifying county's calculated distribution by a percentage  
12 computed by dividing the amount by which the fund is  
13 insufficient by the sum of all the calculated distributions  
14 and shall certify the reduced amounts as the qualifying  
15 counties' distributions.

16 H. Any interest accruing from the temporary  
17 investment of the small counties assistance fund shall be  
18 credited to the general fund.

19 I. On or before September 30, 2003 and on or  
20 before September 30 of each subsequent year, the state  
21 treasurer shall distribute to each county for whom a  
22 distribution has been certified for that year the amount  
23 certified for that county for that year. If the balance in  
24 the fund as of the preceding August 31 exceeds the sum of  
25 certified amounts distributed, the difference shall revert to

1 the general fund.

2 J. If any date specified in Subsection B, C or I  
3 of this section falls on a Saturday, Sunday or legal holiday,  
4 any action required to be performed as provided in those  
5 subsections is timely if performed on the next day that is not  
6 a Saturday, Sunday or legal holiday."

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

9 "4-62-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF  
10 REVENUES--LIMITATION ON TIME OF ISSUANCE.--

11 A. In addition to any other law authorizing a  
12 county to issue revenue bonds, a county may issue revenue  
13 bonds pursuant to Chapter 4, Article 62 NMSA 1978 for the  
14 purposes specified in this section.

15 B. Gross receipts tax revenue bonds may be issued  
16 for any county purpose. A county may pledge irrevocably any  
17 or all of the revenue received by the county pursuant to  
18 Section 7-1-6.13 NMSA 1978 for payment of principal and  
19 interest due in connection with, and other expenses related  
20 to, gross receipts tax revenue bonds or for any area of county  
21 government services. If the revenue is pledged for payment of  
22 principal and interest as authorized by this subsection, the  
23 pledge shall require the revenues received to be deposited  
24 into a special bond fund for payment of the principal,  
25 interest and expenses. At the end of each fiscal year, money

1 remaining in the special bond fund after the annual  
2 obligations for the bonds are fully met may be transferred to  
3 any other fund of the county. Revenues in excess of the  
4 annual principal and interest due on gross receipts tax  
5 revenue bonds secured by a pledge of gross receipts tax  
6 revenue may be accumulated in a debt service reserve account.  
7 The governing body of the county may appoint a commercial bank  
8 trust department to act as trustee of the proceeds of the tax  
9 and to administer the payment of principal of and interest on  
10 the bonds.

11 C. Gasoline tax revenue bonds may be issued for  
12 the acquisition of rights of way for and the construction,  
13 reconstruction, resurfacing, maintenance, repair or other  
14 improvement of county roads and bridges. A county may pledge  
15 irrevocably any or all of the county gasoline tax revenue for  
16 payment of principal and interest due in connection with, and  
17 other expenses related to, county gasoline tax revenue bonds.

18 D. Utility revenue bonds or joint utility revenue  
19 bonds may be issued for acquiring, extending, enlarging,  
20 bettering, repairing or otherwise improving water facilities,  
21 sewer facilities, gas facilities or electric facilities. A  
22 county may pledge irrevocably any or all of the net revenues  
23 from the operation of the utility or joint utility for which  
24 the particular utility or joint utility bonds are issued to  
25 the payment of principal and interest due in connection with,

1 and other expenses related to, utility or joint utility  
2 revenue bonds.

3 E. Project revenue bonds may be issued for  
4 acquiring, extending, enlarging, bettering, repairing,  
5 improving, constructing, purchasing, furnishing, equipping or  
6 rehabilitating any revenue-producing project, including, as  
7 applicable, purchasing, otherwise acquiring or improving the  
8 ground for the project and acquiring and improving parking  
9 lots. The county may pledge irrevocably any or all of the net  
10 revenues from the operation of the revenue-producing project  
11 for which the particular project revenue bonds are issued to  
12 the payment of the interest on and principal of the project  
13 revenue bonds. The net revenues of any revenue-producing  
14 project shall not be pledged to the project revenue bonds  
15 issued for any other revenue-producing project that is clearly  
16 unrelated in nature; but nothing in this subsection prevents  
17 the pledge to any of the project revenue bonds of the revenues  
18 received from existing, future or disconnected facilities and  
19 equipment that are related to and that may constitute a part  
20 of the particular revenue-producing project. A general  
21 determination by the governing body that facilities or  
22 equipment is reasonably related to and constitutes a part of a  
23 specified revenue-producing project shall be conclusive if set  
24 forth in the proceedings authorizing the project revenue  
25 bonds.

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

23 G. Law enforcement protection revenue bonds may be  
24 issued for the repair and purchase of law enforcement  
25 apparatus and equipment that meet nationally recognized

1 standards. The county may pledge irrevocably any or all of  
2 the revenues received by the county from the law enforcement  
3 protection fund distributions pursuant to the Law Enforcement  
4 Protection Fund Act to the payment of the interest on and  
5 principal of the law enforcement protection revenue bonds.

6 H. PILT revenue bonds may be issued by a county to  
7 repay all or part of the principal and interest of an  
8 outstanding loan owed by the county to the New Mexico finance  
9 authority. A county may pledge irrevocably all or part of  
10 PILT revenue to the payment of principal of and interest on  
11 new loans or preexisting loans provided by the New Mexico  
12 finance authority to finance a public project.

13 I. Except for the purpose of refunding previous  
14 revenue bond issues, no county may sell revenue bonds payable  
15 from pledged revenue after the expiration of two years from  
16 the date of the ordinance authorizing the issuance of the  
17 bonds or, for bonds to be issued and sold to the New Mexico  
18 finance authority as authorized in Subsection C of Section  
19 4-62-4 NMSA 1978, after the expiration of two years from the  
20 date of the resolution authorizing the issuance of the bonds.  
21 However, any period of time during which a particular revenue  
22 bond issue is in litigation shall not be counted in  
23 determining the expiration date of that issue.

24 J. No bonds may be issued by a county, other than  
25 an H class county, a class B county as defined in Section



1 4-36-8 NMSA 1978 or a class A county as described in Section  
2 4-36-10 NMSA 1978, to acquire, equip, extend, enlarge, better,  
3 repair or construct a utility unless the utility is regulated  
4 by the public regulation commission pursuant to the Public  
5 Utility Act and the issuance of the bonds is approved by the  
6 commission.

7 K. Any law that imposes or authorizes the  
8 imposition of a tax authorized by the County Local Option  
9 Gross Receipts Taxes Act or that affects that tax shall not be  
10 repealed or amended in such a manner as to impair outstanding  
11 revenue bonds that are issued pursuant to Chapter 4, Article  
12 62 NMSA 1978 and that may be secured by a pledge of the tax  
13 unless the outstanding revenue bonds have been discharged in  
14 full or for which provision has been fully made."

15 SECTION 5. A new Section 4-62-1.1 NMSA 1978 is enacted  
16 to read:

17 "4-62-1.1. DEFINITIONS.--As used in Chapter 4, Article  
18 62 NMSA 1978:

19 A. "bond" means any obligation of a county issued  
20 under Chapter 4, Article 62 NMSA 1978, whether designated as a  
21 bond, note, loan, warrant, debenture, lease-purchase agreement  
22 or other instrument evidencing an obligation of a county to  
23 make payments;

24 B. "gasoline tax revenue" means the revenue from  
25 that portion of the gasoline tax distributed to the county

1 pursuant to Sections 7-1-6.9 and 7-1-6.26 NMSA 1978;

2 C. "gasoline tax revenue bonds" means the bonds  
3 authorized by Subsection C of Section 4-62-1 NMSA 1978;

4 D. "gross receipts tax revenue" means the revenue  
5 attributable to the county gross receipts tax transferred to  
6 the county pursuant to Section 7-1-6.13 NMSA 1978 and any  
7 distribution made pursuant to Section 7-1-6.16 NMSA 1978;

8 E. "gross receipts tax revenue bonds" means the  
9 bonds authorized by Subsection B of Section 4-62-1 NMSA 1978;

10 F. "PILT revenue" means revenue received by a  
11 county from the federal government as payments in lieu of  
12 taxes;

13 G. "pledged revenue" means the revenue, net income  
14 or net revenue authorized to be pledged to the payment of  
15 particular revenue bonds as specifically provided in Section  
16 4-62-1 NMSA 1978;

17 H. "project revenues" means the net revenues of  
18 revenue-producing projects that may be pledged to project  
19 revenue bonds pursuant to Subsection E of Section 4-62-1 NMSA  
20 1978;

21 I. "public project" means "public project" as  
22 defined in Subsection E of Section 6-21-3 NMSA 1978;

23 J. "utility" means a water, wastewater, sewer, gas  
24 or electric utility or joint utility servicing the public; and

25 K. "utility revenue bonds" or "joint utility

1 revenue bonds" means the bonds authorized by Subsection D of  
2 Section 4-62-1 NMSA 1978."

3 SECTION 6. Section 5-10-3 NMSA 1978 (being Laws 1993,  
4 Chapter 297, Section 3, as amended) is amended to read:

5 "5-10-3. DEFINITIONS.--As used in the Local Economic  
6 Development Act:

7 A. "arts and cultural district" means a developed  
8 district of public and private uses that is created pursuant  
9 to the Arts and Cultural District Act;

10 B. "broadband telecommunications network  
11 facilities" means the electronics, equipment, transmission  
12 facilities, fiber-optic cables and any other item directly  
13 related to a system capable of transmission of internet  
14 protocol or other formatted data at current federal  
15 communications commission minimum speed standard, all of which  
16 will be owned and used by a provider of internet access  
17 services;

18 C. "cultural facility" means a facility that is  
19 owned by the state, a county, a municipality or a qualifying  
20 entity that serves the public through preserving, educating  
21 and promoting the arts and culture of a particular locale,  
22 including theaters, museums, libraries, galleries, cultural  
23 compounds, educational organizations, performing arts venues  
24 and organizations, fine arts organizations, studios and media  
25 laboratories and live-work housing facilities;

1           D. "department" means the economic development  
2 department;

3           E. "economic development project" or "project"  
4 means the provision of direct or indirect assistance to a  
5 qualifying entity by a local or regional government and  
6 includes:

7                   (1) the purchase, lease, grant, construction,  
8 reconstruction, improvement or other acquisition or conveyance  
9 of land, buildings or other infrastructure;

10                   (2) rights-of-way infrastructure, including  
11 trenching and conduit, for the placement of new broadband  
12 telecommunications network facilities;

13                   (3) public works improvements essential to  
14 the location or expansion of a qualifying entity;

15                   (4) payments for professional services  
16 contracts necessary for local or regional governments to  
17 implement a plan or project;

18                   (5) the provision of direct loans or grants  
19 for land, buildings or infrastructure;

20                   (6) technical assistance to cultural  
21 facilities;

22                   (7) loan guarantees securing the cost of  
23 land, buildings or infrastructure in an amount not to exceed  
24 the revenue that may be derived from an increment of the:

25                           (a) municipal gross receipts tax

1 imposed at a rate not to exceed one-fourth percent and  
2 dedicated by the ordinance imposing the increment to a  
3 project; or

4 (b) county gross receipts tax imposed  
5 at a rate not to exceed one-eighth percent and dedicated by  
6 the ordinance imposing the increment to a project;

7 (8) grants for public works infrastructure  
8 improvements essential to the location or expansion of a  
9 qualifying entity; grants or subsidies to cultural facilities;

10 (9) the purchase of land for a publicly held  
11 industrial park or a publicly owned cultural facility; and

12 (10) the construction of a building for use  
13 by a qualifying entity;

14 F. "governing body" means the city council, city  
15 commission or board of trustees of a municipality or the board  
16 of county commissioners of a county;

17 G. "local government" means a municipality or  
18 county;

19 H. "municipality" means an incorporated city, town  
20 or village;

21 I. "person" means an individual, corporation,  
22 association, partnership or other legal entity;

23 J. "qualifying entity" means a corporation,  
24 limited liability company, partnership, joint venture,  
25 syndicate, association or other person that is one or a

1 combination of two or more of the following:

2 (1) an industry for the manufacturing,  
3 processing or assembling of agricultural or manufactured  
4 products;

5 (2) a commercial enterprise for storing,  
6 warehousing, distributing or selling products of agriculture,  
7 mining or industry, but, other than as provided in Paragraph  
8 (5), (6) or (9) of this subsection, not including any  
9 enterprise for sale of goods or commodities at retail or for  
10 distribution to the public of electricity, gas, water or  
11 telephone or other services commonly classified as public  
12 utilities;

13 (3) a business, including a restaurant or  
14 lodging establishment, in which all or part of the activities  
15 of the business involves the supplying of services to the  
16 general public or to governmental agencies or to a specific  
17 industry or customer, but, other than as provided in Paragraph  
18 (5) or (9) of this subsection, not including businesses  
19 primarily engaged in the sale of goods or commodities at  
20 retail;

21 (4) an Indian nation, tribe or pueblo or a  
22 federally chartered tribal corporation;

23 (5) a telecommunications sales enterprise  
24 that makes the majority of its sales to persons outside  
25 New Mexico;

1 (6) a facility for the direct sales by  
2 growers of agricultural products, commonly known as farmers'  
3 markets;

4 (7) a business that is the developer of a  
5 metropolitan redevelopment project;

6 (8) a cultural facility; and

7 (9) a retail business;

8 K. "regional government" means any combination of  
9 municipalities and counties that enter into a joint powers  
10 agreement to provide for economic development projects  
11 pursuant to a plan adopted by all parties to the joint powers  
12 agreement; and

13 L. "retail business" means a business that is  
14 primarily engaged in the sale of goods or commodities at  
15 retail and that is located in a municipality with a  
16 population, according to the most recent federal decennial  
17 census, of:

18 (1) ten thousand or less; or

19 (2) more than ten thousand but less than  
20 thirty-five thousand if:

21 (a) the economic development project is  
22 not funded or financed with state government revenues; and

23 (b) the business created through the  
24 project will not directly compete with an existing business  
25 that is: 1) in the municipality; and 2) engaged in the sale

1 of the same or similar goods or commodities at retail."

2 SECTION 7. Section 5-10-4 NMSA 1978 (being Laws 1993,  
3 Chapter 297, Section 4, as amended) is amended to read:

4 "5-10-4. ECONOMIC DEVELOPMENT PROJECTS--RESTRICTIONS ON  
5 PUBLIC EXPENDITURES OR PLEDGES OF CREDIT.--

6 A. No local or regional government shall provide  
7 public support for economic development projects as permitted  
8 pursuant to Article 9, Section 14 of the constitution of  
9 New Mexico except as provided in the Local Economic  
10 Development Act or as otherwise permitted by law.

11 B. The total amount of public money expended and  
12 the value of credit pledged in the fiscal year in which that  
13 money is expended by a local government for economic  
14 development projects pursuant to Article 9, Section 14 of the  
15 constitution of New Mexico and the Local Economic Development  
16 Act shall not exceed ten percent of the annual general fund  
17 expenditures of the local government in that fiscal year. The  
18 limits of this subsection shall not apply to:

19 (1) the value of any land or building  
20 contributed to any project pursuant to a project participation  
21 agreement;

22 (2) revenue generated through the imposition  
23 of an increment of the municipal gross receipts tax at a rate  
24 not to exceed one-fourth percent and dedicated to furthering  
25 or implementing economic development plans and projects as



1 defined in the Local Economic Development Act or projects as  
2 defined in the Statewide Economic Development Finance Act;  
3 provided that no more than the greater of fifty thousand  
4 dollars (\$50,000) or ten percent of the revenue collected  
5 shall be used for promotion and administration of or  
6 professional services contracts related to the implementation  
7 of any such economic development plan adopted by the governing  
8 body;

9 (3) revenue generated through the imposition  
10 of an increment of the county gross receipts tax at a rate not  
11 to exceed one-eighth percent and dedicated to furthering or  
12 implementing economic development plans and projects as  
13 defined in the Local Economic Development Act or projects as  
14 defined in the Statewide Economic Development Finance Act;  
15 provided that no more than the greater of fifty thousand  
16 dollars (\$50,000) or ten percent of the revenue collected  
17 shall be used for promotion and administration of or  
18 professional services contracts related to the implementation  
19 of any such economic development plan adopted by the governing  
20 body;

21 (4) the proceeds of a revenue bond issue to  
22 which municipal infrastructure gross receipts tax revenue is  
23 pledged;

24 (5) the proceeds of a revenue bond issue to  
25 which the revenue from an increment of the county gross

1 receipts tax, imposed at a rate not to exceed one-eighth  
2 percent and dedicated by the ordinance imposing the increment  
3 to a project, is pledged; or

4 (6) funds donated by private entities to be  
5 used for defraying the cost of a project.

6 C. A regional or local government that generates  
7 revenue for economic development projects to which the limits  
8 of Subsection B of this section do not apply shall create an  
9 economic development fund into which such revenues shall be  
10 deposited. The economic development fund and income from the  
11 economic development fund shall be deposited as provided by  
12 law. Money in the economic development fund may be expended  
13 only as provided in the Local Economic Development Act or the  
14 Statewide Economic Development Finance Act.

15 D. In order to expend money from an economic  
16 development fund for arts and cultural district purposes,  
17 cultural facilities or retail businesses, the governing body  
18 of a municipality or county that has imposed a municipal or  
19 county local option infrastructure gross receipts tax for  
20 furthering or implementing economic development plans and  
21 projects as defined in the Local Economic Development Act or  
22 projects as defined in the Statewide Economic Development  
23 Finance Act by referendum of the majority of the voters voting  
24 on the question approving the ordinance imposing the municipal  
25 or county infrastructure gross receipts tax before July 1,

1 2013 shall be required to adopt a resolution. The resolution  
2 shall call for an election to approve arts and cultural  
3 districts as a qualifying purpose and cultural facilities or  
4 retail businesses as a qualifying entity before any revenue  
5 generated by the municipal or county local option gross  
6 receipts tax for furthering or implementing economic  
7 development plans and projects as defined in the Local  
8 Economic Development Act or projects as defined in the  
9 Statewide Economic Development Finance Act can be expended  
10 from the economic development fund for arts and cultural  
11 district purposes, cultural facilities or retail businesses.

12 E. The governing body shall adopt a resolution  
13 calling for an election within seventy-five days of the date  
14 the ordinance is adopted on the question of approving arts and  
15 cultural districts as a qualifying purpose and cultural  
16 facilities or retail businesses as a qualifying entity  
17 eligible to utilize revenue generated by the Municipal Local  
18 Option Gross Receipts Taxes Act or the County Local Option  
19 Gross Receipts Taxes Act for furthering or implementing  
20 economic development plans and projects as defined in the  
21 Local Economic Development Act or projects as defined in the  
22 Statewide Economic Development Finance Act.

23 F. The question shall be submitted to the voters  
24 of the municipality or county as a separate question at a  
25 regular local or county election or at a special election

1 called for that purpose by the governing body. A special  
2 local election shall be called, conducted and canvassed as  
3 provided in the Local Election Act. A special county election  
4 shall be called, conducted and canvassed in substantially the  
5 same manner as provided by law for general elections.

6 G. If a majority of the voters voting on the  
7 question approves the ordinance adding arts and cultural  
8 districts and cultural facilities or retail businesses as an  
9 approved use of the local option municipal or county economic  
10 development infrastructure gross receipts tax fund, the  
11 ordinance shall become effective on July 1 or January 1,  
12 whichever date occurs first after the expiration of three  
13 months from the date of the adopted ordinance. The ordinance  
14 shall include the effective date."

15 SECTION 8. Section 5-15-15 NMSA 1978 (being Laws 2006,  
16 Chapter 75, Section 15, as amended) is amended to read:

17 "5-15-15. TAX INCREMENT FINANCING--GROSS RECEIPTS TAX  
18 INCREMENT.--

19 A. Notwithstanding any law to the contrary, but in  
20 accordance with the provisions of the Tax Increment for  
21 Development Act, a tax increment development plan, as  
22 originally approved or as later modified, may contain a  
23 provision that a portion of certain gross receipts tax  
24 increments collected within the tax increment development area  
25 after the effective date of approval of the tax increment

1 development plan may be dedicated for the purpose of securing  
2 gross receipts tax increment bonds pursuant to the Tax  
3 Increment for Development Act.

4 B. As to a district formed by a municipality, a  
5 portion of the following may be paid by the state directly  
6 into a special fund of the district to pay the principal of,  
7 the interest on and any premium due in connection with the  
8 bonds of, loans or advances to, or any indebtedness incurred  
9 by, whether funded, refunded, assumed or otherwise, the  
10 authority for financing or refinancing, in whole or in part, a  
11 tax increment development project within the tax increment  
12 development area:

13 (1) an increment of a municipal option gross  
14 receipts tax that is dedicated by the ordinance imposing the  
15 increment to the tax increment development project;

16 (2) an amount distributed to municipalities  
17 pursuant to Sections 7-1-6.4 and 7-1-6.46 NMSA 1978; and

18 (3) the state gross receipts tax.

19 C. As to a district formed by a county, a portion  
20 of the following may be paid by the state directly into a  
21 special fund of the district to pay the principal of, the  
22 interest on and any premium due in connection with the bonds  
23 of, loans or advances to or any indebtedness incurred by,  
24 whether funded, refunded, assumed or otherwise, the district  
25 for financing or refinancing, in whole or in part, a tax

1 increment development project within the tax increment  
2 development area:

3 (1) an increment of a county option gross  
4 receipts tax that is dedicated by the ordinance imposing the  
5 increment to the tax increment development project;

6 (2) the amount distributed to counties  
7 pursuant to Section 7-1-6.47 NMSA 1978; and

8 (3) the state gross receipts tax.

9 D. The gross receipts tax increment generated by  
10 the imposition of municipal or county local option gross  
11 receipts taxes specified by statute for particular purposes  
12 may nonetheless be dedicated for the purposes of the Tax  
13 Increment for Development Act if intent to do so is set forth  
14 in the tax increment development plan approved by the  
15 governing body, if the purpose for which the increment is  
16 intended to be used is consistent with the purposes set forth  
17 in the statute authorizing the municipal or county local  
18 option gross receipts tax.

19 E. An imposition of a gross receipts tax increment  
20 attributable to the imposition of a gross receipts tax by a  
21 taxing entity may be dedicated for the purpose of securing  
22 gross receipts tax increment bonds with the agreement of the  
23 taxing entity, evidenced by a resolution adopted by a majority  
24 vote of that taxing entity. A taxing entity shall not agree  
25 to dedicate for the purposes of securing gross receipts tax

1 increment bonds more than seventy-five percent of its gross  
2 receipts tax increment attributable to the imposition of gross  
3 receipts taxes by the taxing entity. A resolution of the  
4 taxing entity to dedicate a gross receipts tax increment or to  
5 increase the dedication of a gross receipts tax increment  
6 shall become effective only on January 1 or July 1 of the  
7 calendar year.

8 F. An imposition of a gross receipts tax increment  
9 attributable to the imposition of the state gross receipts tax  
10 within a district less the distributions made pursuant to  
11 Section 7-1-6.4 NMSA 1978 may be dedicated for the purpose of  
12 securing gross receipts tax increment bonds with the agreement  
13 of the state board of finance, evidenced by a resolution  
14 adopted by a majority vote of the state board of finance. The  
15 state board of finance shall not agree to dedicate more than  
16 seventy-five percent of the gross receipts tax increment  
17 attributable to the imposition of the state gross receipts tax  
18 within the district. The resolution of the state board of  
19 finance shall become effective only on January 1 or July 1 of  
20 the calendar year and shall find that:

21 (1) the state board of finance has reviewed  
22 the request for the use of the state gross receipts tax;

23 (2) based upon review by the state board of  
24 finance of the applicable tax increment development plan, the  
25 dedication by the state board of finance of a portion of the

1 gross receipts tax increment attributable to the imposition of  
2 the state gross receipts tax within the district for use in  
3 meeting the required goals of the tax increment plan is  
4 reasonable and in the best interest of the state; and

5 (3) the use of the state gross receipts tax  
6 is likely to stimulate the creation of jobs, economic  
7 opportunities and general revenue for the state through the  
8 addition of new businesses to the state and the expansion of  
9 existing businesses within the state.

10 G. The governing body of the jurisdiction in which  
11 a tax increment development district has been established  
12 shall timely notify the assessor of the county in which the  
13 district has been established, the taxation and revenue  
14 department and the local government division of the department  
15 of finance and administration when:

16 (1) a tax increment development plan has been  
17 approved that contains a provision for the allocation of a  
18 gross receipts tax increment;

19 (2) any outstanding bonds of the district  
20 have been paid off; and

21 (3) the purposes of the district have  
22 otherwise been achieved."

23 SECTION 9. Section 6-25-7 NMSA 1978 (being Laws 2003,  
24 Chapter 349, Section 7, as amended) is amended to read:

25 "6-25-7. PROJECT REVENUE BONDS.--



1           A. The authority may issue project revenue bonds  
2 on behalf of an eligible entity to provide funds for a  
3 project. Project revenue bonds issued pursuant to the  
4 Statewide Economic Development Finance Act shall not be a  
5 general obligation of the authority or the state within the  
6 meaning of any provision of the constitution of New Mexico and  
7 shall never give rise to a pecuniary liability of the  
8 authority or the state or a charge against the general credit  
9 or taxing powers of the state. Project revenue bonds shall be  
10 payable from the revenue derived from a project being financed  
11 by the bonds and from other revenues pledged by an eligible  
12 entity and may be secured in such manner as provided in the  
13 Statewide Economic Development Finance Act and as determined  
14 by the authority. Project revenue bonds may be executed and  
15 delivered at any time, may be in such form and denominations,  
16 may be payable in installments and at times not exceeding  
17 thirty years from their date of delivery, may bear or accrete  
18 interest at a rate or rates and may contain such provisions  
19 not inconsistent with the Statewide Economic Development  
20 Finance Act, all as provided in the resolution and proceedings  
21 of the authority authorizing issuance of the bonds. Project  
22 revenue bonds issued by the authority pursuant to the  
23 Statewide Economic Development Finance Act may be sold at  
24 public or private sale in such manner and from time to time as  
25 may be determined by the authority, and the authority may pay

1 all expenses that the authority may determine necessary in  
2 connection with the authorization, sale and issuance of the  
3 bonds. All project revenue bonds issued pursuant to the  
4 Statewide Economic Development Finance Act shall be  
5 negotiable.

6 B. The principal of and interest on project  
7 revenue bonds issued pursuant to the Statewide Economic  
8 Development Finance Act shall be secured by a pledge of the  
9 revenues of the project being financed with the proceeds of  
10 the bonds, may be secured by a mortgage of all or a part of  
11 the project being financed or other collateral pledged by an  
12 eligible entity and may be secured by the lease of such  
13 project, which collateral and lease may be assigned, in whole  
14 or in part, by the department to the authority or to third  
15 parties to carry out the purposes of the Statewide Economic  
16 Development Finance Act. The resolution of the authority  
17 pursuant to which the project revenue bonds are authorized to  
18 be issued or any such mortgage may contain any agreement and  
19 provisions customarily contained in instruments securing  
20 bonds, including provisions respecting the fixing and  
21 collection of all revenues from any project to which the  
22 resolution or mortgage pertains, the terms to be incorporated  
23 in the lease of the project, the maintenance and insurance of  
24 the project, the creation and maintenance of special funds  
25 from the revenues of the project and the rights and remedies

1 available in event of default to the bondholders or to the  
2 trustee under a mortgage, all as determined by the authority  
3 or the department and as shall not be in conflict with the  
4 Statewide Economic Development Finance Act; provided, however,  
5 that, in making any such agreements or provisions, the  
6 authority and the department may not obligate themselves  
7 except with respect to the project and application of the  
8 revenues from the project, and except as expressly permitted  
9 by the Statewide Economic Development Finance Act, and shall  
10 not have the power to incur a pecuniary liability or a charge  
11 or to pledge the general credit or taxing power of the state.  
12 The resolution authorizing the issuance of project revenue  
13 bonds may provide procedures and remedies in the event of  
14 default in payment of the principal of or interest on the  
15 bonds or in the performance of any agreement. No breach of  
16 any such agreement shall impose any pecuniary liability upon  
17 the authority, the department or the state or any charge  
18 against the general credit or taxing powers of the state.

19 C. The authority may arrange for such other  
20 guarantees, insurance or other credit enhancements or  
21 additional security provided by an eligible entity as  
22 determined by the authority for the project revenue bonds and  
23 may provide for the payment of the costs from the proceeds of  
24 the bonds or may require payment of the costs by the eligible  
25 entity on whose behalf the bonds are issued.

1           D. Project revenue bonds issued to finance a  
2 project may also be secured by pledging a portion of the  
3 qualifying municipal or county gross receipts tax revenues by  
4 the municipality or county in which the project is located, as  
5 permitted by the Local Economic Development Act.

6           E. The project revenue bonds and the income from  
7 the bonds, all mortgages or other instruments executed as  
8 security for the bonds, all lease agreements made pursuant to  
9 the provisions of the Statewide Economic Development Finance  
10 Act and revenue derived from any sale or lease of a project  
11 shall be exempt from all taxation by the state or any  
12 political subdivision of the state. The authority may issue  
13 project revenue bonds the interest on which is exempt from  
14 taxation under federal law.

15           F. In any calendar year, no more than fifteen  
16 percent of the state ceiling allocated pursuant to the Private  
17 Activity Bond Act may be used for projects financed pursuant  
18 to the Statewide Economic Development Finance Act."

19           **SECTION 10.** Section 7-1-3 NMSA 1978 (being Laws 1965,  
20 Chapter 248, Section 3, as amended) is amended to read:

21           "7-1-3. DEFINITIONS.--Unless the context clearly  
22 indicates a different meaning, the definitions of words and  
23 phrases as they are stated in this section are to be used, and  
24 whenever in the Tax Administration Act these words and phrases  
25 appear, the singular includes the plural and the plural

1 includes the singular:

2 A. "automated clearinghouse transaction" means an  
3 electronic credit or debit transmitted through an automated  
4 clearinghouse payable to the state treasurer and deposited  
5 with the fiscal agent of New Mexico;

6 B. "department" means the taxation and revenue  
7 department, the secretary or any employee of the department  
8 exercising authority lawfully delegated to that employee by  
9 the secretary;

10 C. "electronic payment" means a payment made by  
11 automated clearinghouse deposit, any funds wire transfer  
12 system or a credit card, debit card or electronic cash  
13 transaction through the internet;

14 D. "employee of the department" means any employee  
15 of the department, including the secretary, or any person  
16 acting as agent or authorized to represent or perform services  
17 for the department in any capacity with respect to any law  
18 made subject to administration and enforcement under the  
19 provisions of the Tax Administration Act;

20 E. "financial institution" means any state or  
21 federally chartered, federally insured depository institution;

22 F. "hearing officer" means a person who has been  
23 designated by the chief hearing officer to serve as a hearing  
24 officer and who is:

25 (1) the chief hearing officer;

1                   (2) an employee of the administrative  
2 hearings office; or

3                   (3) a contractor of the administrative  
4 hearings office;

5                   G. "Internal Revenue Code" means the Internal  
6 Revenue Code of 1986, as that code may be amended or its  
7 sections renumbered;

8                   H. "levy" means the lawful power, hereby invested  
9 in the secretary, to take into possession or to require the  
10 present or future surrender to the secretary or the  
11 secretary's delegate of any property or rights to property  
12 belonging to a delinquent taxpayer;

13                   I. "local option gross receipts tax" means a tax  
14 authorized to be imposed by a county or municipality upon the  
15 taxpayer's gross receipts, as that term is defined in the  
16 Gross Receipts and Compensating Tax Act, and required to be  
17 collected by the department at the same time and in the same  
18 manner as the gross receipts tax;

19                   J. "managed audit" means a review and analysis  
20 conducted by a taxpayer under an agreement with the department  
21 to determine the taxpayer's compliance with a tax administered  
22 pursuant to the Tax Administration Act and the presentation of  
23 the results to the department for assessment of tax found to  
24 be due;

25                   K. "net receipts" means the total amount of money

1 paid by taxpayers to the department in a month pursuant to a  
2 tax or tax act less any refunds disbursed in that month with  
3 respect to that tax or tax act;

4 L. "overpayment" means an amount paid, pursuant to  
5 any law subject to administration and enforcement under the  
6 provisions of the Tax Administration Act, by a person to the  
7 department or withheld from the person in excess of tax due  
8 from the person to the state at the time of the payment or at  
9 the time the amount withheld is credited against tax due;

10 M. "paid" includes the term "paid over";

11 N. "pay" includes the term "pay over";

12 O. "payment" includes the term "payment over";

13 P. "person" means any individual, estate, trust,  
14 receiver, cooperative association, club, corporation, company,  
15 firm, partnership, limited liability company, limited  
16 liability partnership, joint venture, syndicate, other  
17 association or gas, water or electric utility owned or  
18 operated by a county or municipality; "person" also means, to  
19 the extent permitted by law, a federal, state or other  
20 governmental unit or subdivision, or an agency, department or  
21 instrumentality thereof; and "person", as used in Sections  
22 7-1-72 through 7-1-74 NMSA 1978, also includes an officer or  
23 employee of a corporation, a member or employee of a  
24 partnership or any individual who, as such, is under a duty to  
25 perform any act in respect of which a violation occurs;

1 Q. "property" means property or rights to  
2 property;

3 R. "property or rights to property" means any  
4 tangible property, real or personal, or any intangible  
5 property of a taxpayer;

6 S. "return" means any tax or information return,  
7 application or form, declaration of estimated tax or claim for  
8 refund, including any amendments or supplements to the return,  
9 required or permitted pursuant to a law subject to  
10 administration and enforcement pursuant to the Tax  
11 Administration Act and filed with the secretary or the  
12 secretary's delegate by or on behalf of any person;

13 T. "return information" means a taxpayer's name,  
14 address, government-issued identification number and other  
15 identifying information; any information contained in or  
16 derived from a taxpayer's return; any information with respect  
17 to any actual or possible administrative or legal action by an  
18 employee of the department concerning a taxpayer's return,  
19 such as audits, managed audits, denial of credits or refunds,  
20 assessments of tax, penalty or interest, protests of  
21 assessments or denial of refunds or credits, levies or liens;  
22 or any other information with respect to a taxpayer's return  
23 or tax liability that was not obtained from public sources or  
24 that was created by an employee of the department; but "return  
25 information" does not include statistical data or other



1 information that cannot be associated with or directly or  
2 indirectly identify a particular taxpayer;

3 U. "secretary" means the secretary of taxation and  
4 revenue and, except for purposes of Subsection B of Section  
5 7-1-4 NMSA 1978, also includes the deputy secretary or a  
6 division director or deputy division director delegated by the  
7 secretary;

8 V. "secretary or the secretary's delegate" means  
9 the secretary or any employee of the department exercising  
10 authority lawfully delegated to that employee by the  
11 secretary;

12 W. "security" means money, property or rights to  
13 property or a surety bond;

14 X. "state" means any state of the United States,  
15 the District of Columbia, the commonwealth of Puerto Rico and  
16 any territory or possession of the United States;

17 Y. "tax" means the total amount of each tax  
18 imposed and required to be paid, withheld and paid or  
19 collected and paid under provision of any law made subject to  
20 administration and enforcement according to the provisions of  
21 the Tax Administration Act, including the amount of any  
22 interest or civil penalty relating thereto; "tax" also means  
23 any amount of any abatement of tax made or any credit, rebate  
24 or refund paid or credited by the department under any law  
25 subject to administration and enforcement under the provisions

1 of the Tax Administration Act to any person contrary to law,  
2 including the amount of any interest or civil penalty relating  
3 thereto;

4 Z. "tax return preparer" means a person who  
5 prepares for others for compensation or who employs one or  
6 more persons to prepare for others for compensation any return  
7 of income tax, a substantial portion of any return of income  
8 tax, any claim for refund with respect to income tax or a  
9 substantial portion of any claim for refund with respect to  
10 income tax; provided that a person shall not be a "tax return  
11 preparer" merely because such person:

12 (1) furnishes typing, reproducing or other  
13 mechanical assistance;

14 (2) is an employee who prepares an income tax  
15 return or claim for refund with respect to an income tax  
16 return of the employer, or of an officer or employee of the  
17 employer, by whom the person is regularly and continuously  
18 employed; or

19 (3) prepares as a trustee or other fiduciary  
20 an income tax return or claim for refund with respect to  
21 income tax for any person; and

22 AA. "taxpayer" means a person liable for payment  
23 of any tax; a person responsible for withholding and payment  
24 or for collection and payment of any tax; a person to whom an  
25 assessment has been made, if the assessment remains unabated

1 or the amount thereof has not been paid; or a person who  
2 entered into a special agreement pursuant to Section 7-1-21.1  
3 NMSA 1978 to assume the liability of gross receipts tax or  
4 governmental gross receipts tax of another person and the  
5 special agreement was approved by the secretary pursuant to  
6 the Tax Administration Act."

7 SECTION 11. Section 7-9-3 NMSA 1978 (being Laws 1978,  
8 Chapter 46, Section 1, as amended) is amended to read:

9 "7-9-3. DEFINITIONS.--As used in the Gross Receipts and  
10 Compensating Tax Act:

11 A. "buying" or "selling" means a transfer of  
12 property for consideration or the performance of service for  
13 consideration;

14 B. "department" means the taxation and revenue  
15 department, the secretary of taxation and revenue or an  
16 employee of the department exercising authority lawfully  
17 delegated to that employee by the secretary;

18 C. "financial corporation" means a savings and  
19 loan association or an incorporated savings and loan company,  
20 trust company, mortgage banking company, consumer finance  
21 company or other financial corporation;

22 D. "initial use" or "initially used" means the  
23 first employment for the intended purpose and does not include  
24 the following activities:

25 (1) observation of tests conducted by the

1 performer of services;

2 (2) participation in progress reviews,  
3 briefings, consultations and conferences conducted by the  
4 performer of services;

5 (3) review of preliminary drafts, drawings  
6 and other materials prepared by the performer of the services;

7 (4) inspection of preliminary prototypes  
8 developed by the performer of services; or

9 (5) similar activities;

10 E. "leasing" means an arrangement whereby, for a  
11 consideration, property is employed for or by any person other  
12 than the owner of the property, except that the granting of a  
13 license to use property is licensing and is not a lease;

14 F. "local option gross receipts tax" means a tax  
15 authorized to be imposed by a county or municipality upon the  
16 taxpayer's gross receipts and required to be collected by the  
17 department at the same time and in the same manner as the  
18 gross receipts tax;

19 G. "manufactured home" means a movable or portable  
20 housing structure for human occupancy that exceeds either a  
21 width of eight feet or a length of forty feet constructed to  
22 be towed on its own chassis and designed to be installed with  
23 or without a permanent foundation;

24 H. "manufacturing" means combining or processing  
25 components or materials to increase their value for sale in

1 the ordinary course of business, but does not include  
2 construction;

3 I. "person" means:

4 (1) an individual, estate, trust, receiver,  
5 cooperative association, club, corporation, company, firm,  
6 partnership, limited liability company, limited liability  
7 partnership, joint venture, syndicate or other entity,  
8 including any gas, water or electric utility owned or operated  
9 by a county, municipality or other political subdivision of  
10 the state; or

11 (2) a national, federal, state, Indian or  
12 other governmental unit or subdivision, or an agency,  
13 department or instrumentality of any of the foregoing;

14 J. "property" means real property, tangible  
15 personal property, licenses other than the licenses of  
16 copyrights, trademarks or patents and franchises. Tangible  
17 personal property includes electricity and manufactured homes;

18 K. "research and development services" means an  
19 activity engaged in for other persons for consideration, for  
20 one or more of the following purposes:

21 (1) advancing basic knowledge in a recognized  
22 field of natural science;

23 (2) advancing technology in a field of  
24 technical endeavor;

25 (3) developing a new or improved product,

1 process or system with new or improved function, performance,  
2 reliability or quality, whether or not the new or improved  
3 product, process or system is offered for sale, lease or other  
4 transfer;

5 (4) developing new uses or applications for  
6 an existing product, process or system, whether or not the new  
7 use or application is offered as the rationale for purchase,  
8 lease or other transfer of the product, process or system;

9 (5) developing analytical or survey  
10 activities incorporating technology review, application,  
11 trade-off study, modeling, simulation, conceptual design or  
12 similar activities, whether or not offered for sale, lease or  
13 other transfer; or

14 (6) designing and developing prototypes or  
15 integrating systems incorporating the advances, developments  
16 or improvements included in Paragraphs (1) through (5) of this  
17 subsection;

18 L. "secretary" means the secretary of taxation and  
19 revenue or the secretary's delegate;

20 M. "service" means all activities engaged in for  
21 other persons for a consideration, which activities involve  
22 predominantly the performance of a service as distinguished  
23 from selling or leasing property. "Service" includes  
24 activities performed by a person for its members or  
25 shareholders. In determining what is a service, the intended

1 use, principal objective or ultimate objective of the  
2 contracting parties shall not be controlling. "Service"  
3 includes construction activities and all tangible personal  
4 property that will become an ingredient or component part of a  
5 construction project. That tangible personal property retains  
6 its character as tangible personal property until it is  
7 installed as an ingredient or component part of a construction  
8 project in New Mexico. Sales of tangible personal property  
9 that will become an ingredient or component part of a  
10 construction project to persons engaged in the construction  
11 business are sales of tangible personal property; and

12 N. "use" or "using" includes use, consumption or  
13 storage other than storage for subsequent sale in the ordinary  
14 course of business or for use solely outside this state."

15 SECTION 12. Section 7-9F-3 NMSA 1978 (being Laws 2000  
16 (2nd S.S.), Chapter 22, Section 3, as amended) is amended to  
17 read:

18 "7-9F-3. DEFINITIONS.--As used in the Technology Jobs  
19 and Research and Development Tax Credit Act:

20 A. "affiliate" means a person who directly or  
21 indirectly owns or controls, is owned or controlled by or is  
22 under common ownership or control with another person through  
23 ownership of voting securities or other ownership interests  
24 representing a majority of the total voting power of the  
25 entity;

1           B. "annual payroll expense" means the wages paid  
2 or payable to employees in the state by the taxpayer in the  
3 taxable year for which the taxpayer applies for an additional  
4 credit pursuant to the Technology Jobs and Research and  
5 Development Tax Credit Act;

6           C. "base payroll expense" means the wages paid or  
7 payable by the taxpayer in the taxable year prior to the  
8 taxable year for which the taxpayer applies for an additional  
9 credit pursuant to the Technology Jobs and Research and  
10 Development Tax Credit Act, adjusted for any increase from the  
11 preceding taxable year in the consumer price index for the  
12 United States for all items as published by the United States  
13 department of labor in the taxable year for which the  
14 additional credit is claimed. In a taxable year during which  
15 a taxpayer has been part of a business merger or acquisition  
16 or other change in business organization, the taxpayer's base  
17 payroll expense shall include the payroll expense of all  
18 entities included in the reorganization for all positions that  
19 are included in the business entity resulting from the  
20 reorganization;

21           D. "department" means the taxation and revenue  
22 department, the secretary of taxation and revenue or any  
23 employee of the department exercising authority lawfully  
24 delegated to that employee by the secretary;

25           E. "facility" means a factory, mill, plant,



1 refinery, warehouse, dairy, feedlot, building or complex of  
2 buildings located within the state, including the land on  
3 which it is located and all machinery, equipment and other  
4 real and tangible personal property located at or within it  
5 and used in connection with its operation;

6 F. "local option gross receipts tax" means a tax  
7 authorized to be imposed by a county or municipality upon the  
8 taxpayer's gross receipts, as that term is defined in the  
9 Gross Receipts and Compensating Tax Act, and required to be  
10 collected by the department at the same time and in the same  
11 manner as the gross receipts tax;

12 G. "qualified expenditure" means an expenditure or  
13 an allocated portion of an expenditure by a taxpayer in  
14 connection with qualified research at a qualified facility,  
15 including expenditures for depletable land and rent paid or  
16 incurred for land, improvements, the allowable amount paid or  
17 incurred to operate or maintain a facility, buildings,  
18 equipment, computer software, computer software upgrades,  
19 consultants and contractors performing work in New Mexico,  
20 payroll, technical books and manuals and test materials, but  
21 not including any expenditure on property that is owned by a  
22 municipality or county in connection with an industrial  
23 revenue bond project, property for which the taxpayer has  
24 received any credit pursuant to the Investment Credit Act,  
25 property that was owned by the taxpayer or an affiliate before

1 July 3, 2000 or research and development expenditures  
2 reimbursed by a person who is not an affiliate of the  
3 taxpayer. If a "qualified expenditure" is an allocation of an  
4 expenditure, the cost accounting methodology used for the  
5 allocation of the expenditure shall be the same cost  
6 accounting methodology used by the taxpayer in its other  
7 business activities;

8 H. "qualified facility" means a facility in New  
9 Mexico at which qualified research is conducted other than a  
10 facility operated by a taxpayer for the United States or any  
11 agency, department or instrumentality thereof;

12 I. "qualified research" means research:

13 (1) that is undertaken for the purpose of  
14 discovering information:

15 (a) that is technological in nature;  
16 and

17 (b) the application of which is  
18 intended to be useful in the development of a new or improved  
19 business component of the taxpayer; and

20 (2) substantially all of the activities of  
21 which constitute elements of a process of experimentation  
22 related to a new or improved function, performance,  
23 reliability or quality, but not related to style, taste or  
24 cosmetic or seasonal design factors;

25 J. "qualified research and development small

1 business" means a taxpayer that:

2 (1) employed no more than fifty employees as  
3 determined by the number of employees for which the taxpayer  
4 was liable for unemployment insurance coverage in the taxable  
5 year for which an additional credit is claimed;

6 (2) had total qualified expenditures of no  
7 more than five million dollars (\$5,000,000) in the taxable  
8 year for which an additional credit is claimed; and

9 (3) did not have more than fifty percent of  
10 its voting securities or other equity interest with the right  
11 to designate or elect the board of directors or other  
12 governing body of the business owned directly or indirectly by  
13 another business;

14 K. "rural area" means any area of the state other  
15 than the state fairgrounds, an incorporated municipality with  
16 a population of thirty thousand or more according to the most  
17 recent federal decennial census and any area within three  
18 miles of the external boundaries of an incorporated  
19 municipality with a population of thirty thousand or more  
20 according to the most recent federal decennial census;

21 L. "taxpayer" means any of the following persons,  
22 other than a federal, state or other governmental unit or  
23 subdivision or an agency, department, institution or  
24 instrumentality thereof:

25 (1) a person liable for payment of any tax;

1 (2) a person responsible for withholding and  
2 payment or collection and payment of any tax;

3 (3) a person to whom an assessment has been  
4 made if the assessment remains unabated or the assessed amount  
5 has not been paid; or

6 (4) for purposes of the additional credit  
7 against the taxpayer's income tax pursuant to the Technology  
8 Jobs and Research and Development Tax Credit Act and to the  
9 extent of their respective interest in that entity, the  
10 shareholders, members, partners or other owners of:

11 (a) a small business corporation that  
12 has elected to be treated as an S corporation for federal  
13 income tax purposes; or

14 (b) an entity treated as a partnership  
15 or disregarded entity for federal income tax purposes; and

16 M. "wages" means remuneration for services  
17 performed by an employee in New Mexico for an employer."

18 **SECTION 13.** Section 7-19D-9 NMSA 1978 (being Laws 1978,  
19 Chapter 151, Section 1, as amended) is amended to read:

20 "7-19D-9. MUNICIPAL GROSS RECEIPTS TAX--AUTHORITY TO  
21 IMPOSE RATE.--

22 A. The majority of the members of the governing  
23 body of any municipality may impose by ordinance an excise tax  
24 on the gross receipts of any person engaging in business in  
25 the municipality for the privilege of engaging in business in

1 the municipality. A tax imposed pursuant to this section  
2 shall be imposed by the enactment of one or more ordinances.  
3 The governing body of a municipality may, at the time of  
4 enacting the ordinance, dedicate the revenue for any municipal  
5 purpose. If the governing body proposes to dedicate such  
6 revenue, the ordinance and, if any election is held, the  
7 ballot shall clearly state the purpose to which the revenue  
8 will be dedicated, and any revenue so dedicated shall be used  
9 by the municipality for that purpose unless a subsequent  
10 ordinance is adopted to change the purpose to which dedicated  
11 or to place the revenue in the general fund of the  
12 municipality.

13 B. The tax imposed pursuant to Subsection A of  
14 this section may be referred to as the "municipal gross  
15 receipts tax".

16 C. The maximum rate of the municipal gross  
17 receipts tax on the gross receipts of any person engaging in  
18 business in the municipality shall not exceed two and one-half  
19 percent. Of that two and one-half percent:

20 (1) a governing body may choose to require an  
21 election to impose increments that total two and five-  
22 hundredths percent; and

23 (2) the remaining increments, totaling forty-  
24 five hundredths percent, shall not go into effect until after  
25 an election is held and a majority of the voters in the

1 municipality voting in the election votes in favor of the tax.  
2 Increments approved by voters prior to the effective date of  
3 this 2019 act shall be included in the increments approved by  
4 the voters, as provided in this paragraph.

5 D. An election shall be called on the questions of  
6 disapproval or approval of any ordinance enacted pursuant to  
7 Subsection C of this section or any ordinance amending such  
8 ordinance:

9 (1) if the governing body chooses to provide  
10 in the ordinance that it shall not be effective until the  
11 ordinance is approved by the majority of the registered voters  
12 voting on the question at an election to be held pursuant to  
13 the provisions of the Local Election Act; or

14 (2) if the ordinance does not contain a  
15 mandatory election provision as provided in Paragraph (1) of  
16 this subsection, upon the filing of a petition requesting such  
17 an election if the petition is filed:

18 (a) pursuant to the requirements of a  
19 referendum provision contained in a municipal home-rule  
20 charter and signed by the number of registered voters in the  
21 municipality equal to the number of registered voters required  
22 in its charter to seek a referendum; or

23 (b) in all other municipalities, with  
24 the municipal clerk within thirty days after the adoption of  
25 such ordinance and the petition has been signed by a number of

1 registered voters in the municipality equal to at least five  
2 percent of the number of the voters in the municipality who  
3 were registered to vote in the most recent regular municipal  
4 election.

5 E. The signatures on the petition filed in  
6 accordance with Subsection D of this section shall be verified  
7 by the municipal clerk. If the petition is verified by the  
8 municipal clerk as containing the required number of  
9 signatures of registered voters, the governing body shall  
10 adopt an election resolution calling for the holding of a  
11 special election on the question of approving or disapproving  
12 the ordinance unless the ordinance is repealed before the  
13 adoption of the election resolution. An election held  
14 pursuant to Subparagraph (a) or (b) of Paragraph (2) of  
15 Subsection D of this section shall be called, conducted and  
16 canvassed as provided in the Local Election Act, and the  
17 election shall be held within seventy-five days after the date  
18 the petition is verified by the municipal clerk or it may be  
19 held in conjunction with a regular local election if such  
20 election occurs within seventy-five days after the date of  
21 verification by the municipal clerk.

22 F. If at an election called pursuant to Subsection  
23 D of this section a majority of the registered voters voting  
24 on the question approves the ordinance imposing the tax, the  
25 ordinance shall become effective in accordance with the

1 provisions of the Municipal Local Option Gross Receipts Taxes  
2 Act. If at such an election a majority of the registered  
3 voters voting on the question disapproves the ordinance, the  
4 ordinance imposing the tax shall be deemed repealed and the  
5 question of imposing any increment of the municipal gross  
6 receipts tax authorized in this section shall not be  
7 considered again by the governing body for a period of one  
8 year from the date of the election.

9 G. Any law that imposes or authorizes the  
10 imposition of a municipal gross receipts tax or that affects  
11 the municipal gross receipts tax, or any law supplemental  
12 thereto or otherwise appertaining thereto, shall not be  
13 repealed or amended or otherwise directly or indirectly  
14 modified in such a manner as to impair adversely any  
15 outstanding revenue bonds that may be secured by a pledge of  
16 such municipal gross receipts tax unless such outstanding  
17 revenue bonds have been discharged in full or provision has  
18 been fully made therefor."

19 SECTION 14. Section 7-20E-9 NMSA 1978 (being Laws 1983,  
20 Chapter 213, Section 30, as amended) is amended to read:

21 "7-20E-9. COUNTY GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE  
22 RATE--COUNTY HEALTH CARE ASSISTANCE FUND REQUIREMENTS.--

23 A. A majority of the members of the governing body  
24 of a county may impose by ordinance an excise tax on the gross  
25 receipts of a person engaging in business in the county or the



1 county area. A tax imposed pursuant to this section shall be  
2 imposed by the enactment of one or more ordinances. The  
3 governing body may, at the time of enacting the ordinance,  
4 dedicate the revenue for any county purpose.

5 B. The tax authorized by this section is to be  
6 referred to as the "county gross receipts tax".

7 C. The maximum rate of the county gross receipts  
8 tax on the gross receipts of any person engaging in business  
9 in a county shall not exceed one and twenty-five hundredths  
10 percent. Of that one and twenty-five hundredths percent:

11 (1) a governing body may choose to require an  
12 election to impose increments that total one percent; and

13 (2) increments up to a total of twenty-five  
14 hundredths percent shall not go into effect until after an  
15 election is held and a majority of the voters in the county  
16 voting in the election votes in favor of the tax. Increments  
17 approved by voters prior to the effective date of this 2019  
18 act shall be included in the increments approved by the  
19 voters, as provided in this paragraph.

20 D. The maximum rate of the county gross receipts  
21 tax on the gross receipts of any person engaging in business  
22 in a county area shall not exceed one-half percent. Of that  
23 one-half percent:

24 (1) a governing body may choose to require an  
25 election to impose increments that total twelve hundredths

1 percent; and

2 (2) remaining increments, totaling thirty-  
3 eight hundredths percent, shall not go into effect until after  
4 an election is held and a majority of the voters in the county  
5 area voting in the election votes in favor of the tax.

6 Increments approved by voters prior to the effective date of  
7 this 2019 act shall be included in the increments approved by  
8 the voters, as provided in this paragraph.

9 E. A class A county with a county hospital  
10 operated and maintained pursuant to a lease or operating  
11 agreement with a state educational institution named in  
12 Article 12, Section 11 of the constitution of New Mexico shall  
13 provide not less than one million dollars (\$1,000,000) in  
14 funds, and that amount shall be dedicated to the support of  
15 indigent patients who are residents of that county. Funds for  
16 indigent care shall be made available each month of each year  
17 the tax is in effect in an amount not less than eighty-three  
18 thousand three hundred thirty-three dollars thirty-three cents  
19 (\$83,333.33). The interest from the investment of county  
20 funds for indigent care may be used for other assistance to  
21 indigent persons, not to exceed twenty thousand dollars  
22 (\$20,000) for all other assistance in any year.

23 F. A county, except a class A county with a county  
24 hospital operated and maintained pursuant to a lease or  
25 operating agreement with a state educational institution named

1 in Article 12, Section 11 of the constitution of New Mexico,  
2 shall be required to dedicate revenue produced by the  
3 imposition of a one-eighth percent gross receipts tax  
4 increment for the support of indigent patients who are  
5 residents of that county. A county that imposed up to two  
6 one-eighth percent increments on January 1, 1996 for support  
7 of indigent patients in the county or, after January 1, 1996,  
8 imposes a one-eighth percent increment and dedicates one-half  
9 of that increment for county indigent patient purposes shall  
10 deposit the revenue dedicated for county indigent purposes  
11 that is transferred to the county in the county health care  
12 assistance fund, and such revenues shall be expended pursuant  
13 to the Indigent Hospital and County Health Care Act."

14 SECTION 15. TEMPORARY PROVISION--OUTSTANDING REVENUE  
15 BONDS--DEDICATIONS.--

16 A. The repeal of and changes to certain taxes made  
17 in this act shall not impair outstanding bonds that are  
18 secured by a pledge of those taxes.

19 B. If a municipality or county has issued a  
20 revenue bond that is secured by a pledge of a tax being  
21 amended or repealed by this act, the revenue received by the  
22 municipality or county is impressed with the obligation to  
23 repay the outstanding bond and is dedicated to that repayment  
24 until the bond is fully discharged or otherwise provided for  
25 in full.

1 C. If a municipality or county has dedicated any  
2 amount of revenue attributable to a tax being amended or  
3 repealed by this act, the municipality or county shall  
4 continue to dedicate the same amount of revenue attributable  
5 to the tax until the ordinance dedicating the revenue expires,  
6 the term of the dedication expires, the governing body acts to  
7 change the dedication or, in the case of bonded indebtedness,  
8 the debt is fully discharged or otherwise provided for in  
9 full.

10 SECTION 16. REPEAL.--

11 A. Sections 7-19D-10 through 7-19D-12 and 7-19D-18  
12 NMSA 1978 (being Laws 1990, Chapter 99, Section 51, Laws 1991,  
13 Chapter 9, Section 3, Laws 2001, Chapter 172, Section 1 and  
14 Laws 2013, Chapter 160, Section 11, as amended) are repealed.

15 B. Sections 7-20C-1 through 7-20C-17 NMSA 1978  
16 (being Laws 1991, Chapter 176, Sections 1 through 9, Laws  
17 1993, Chapter 306, Section 4, Laws 1991, Chapter 176, Sections  
18 10 through 15 and Laws 1996, Chapter 18, Sections 3 and 4, as  
19 amended) are repealed.

20 C. Sections 7-20E-10 through 7-20E-12, 7-20E-15  
21 through 7-20E-17, 7-20E-19, 7-20E-21, 7-20E-24, 7-20E-27 and  
22 7-20E-28 NMSA 1978 (being Laws 1983, Chapter 213, Sections 32  
23 and 35, Laws 1989, Chapter 239, Section 1, Laws 1979, Chapter  
24 398, Sections 3 and 8, Laws 1990, Chapter 99, Section 58, Laws  
25 1998, Chapter 90, Section 7, Laws 2001, Chapter 172, Section

1 2, Laws 2005, Chapter 212, Section 1, Laws 2010, Chapter 31,  
2 Section 1 and Laws 2013, Chapter 160, Section 12, as amended)  
3 are repealed.

4 D. Sections 7-20F-1 through 7-20F-12 NMSA 1978  
5 (being Laws 1993, Chapter 303, Sections 1 through 12, as  
6 amended) are repealed.

7 E. Sections 7-24B-1 through 7-24B-9 NMSA 1978  
8 (being Laws 1987, Chapter 45, Sections 10 through 13, Laws  
9 1990, Chapter 88, Section 16 and Laws 1987, Chapter 45,  
10 Sections 15 through 18, as amended) are repealed.

11 F. Section 60-2E-47.1 NMSA 1978 (being Laws 2010,  
12 Chapter 31, Section 3) is repealed.

13 SECTION 17. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is July 1, 2019. \_\_\_\_\_

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