

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 674

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. L. STOCKARD

AN ACT

RELATING TO MOTORBOATS; ALLOWING MUNICIPALITIES, COUNTIES AND  
FEE AGENTS OPERATING MOTOR VEHICLE FIELD OFFICES TO RECEIVE  
PAYMENTS FOR MOTORBOAT REGISTRATIONS AND TITLE TRANSACTIONS;  
AMENDING A SECTION OF THE MOTOR VEHICLE CODE.

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

Section 1. Section 66-6-23 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 358, as amended) is amended to read:

"66-6-23. DISPOSITION OF FEES. --

A. After the necessary disbursements for refunds and  
other purposes have been made, the money remaining, except for  
remittances received within the previous two months that are  
unidentified as to source or disposition, shall be distributed  
as follows:

- (1) to each municipality, county or fee agent

Underscored material = new  
[bracketed material] = delete

1 operating a motor vehicle field office, an amount equal to six  
2 dollars (\$6.00) per driver's license and three dollars (\$3.00)  
3 per identification card or motor vehicle or motorboat  
4 registration or title transaction performed;

5 (2) to each municipality or county, other than  
6 a class A county with a population in excess of three hundred  
7 thousand or a municipality with a population in excess of three  
8 hundred thousand within a class A county, operating a motor  
9 vehicle field office, an amount equal to fifty cents (\$.50) for  
10 each administrative service fee remitted by that county or  
11 municipality to the department pursuant to the provisions of  
12 Section 66-2-16 NMSA 1978;

13 (3) to the state road fund:

14 (a) an amount equal to one-half of each  
15 fee received from motorcycle endorsements; and

16 (b) the remainder of each driver's  
17 license fee collected by the department employees from an  
18 applicant to whom a license is granted after deducting from the  
19 driver's license fee the amount of the distribution authorized  
20 in Paragraph (1) of this subsection with respect to that  
21 collected driver's license fee;

22 (4) to the local governments road fund, the  
23 amount of the fees provided for in Subsection A of Section  
24 66-5-408 NMSA 1978;

25 (5) to the division:

Underscored material = new  
[bracketed material] = delete

1 (a) an amount equal to one-half of each  
2 fee received from motorcycle endorsements;

3 (b) an amount equal to two dollars  
4 (\$2.00) of each motorcycle registration fee collected pursuant  
5 to Section 66-6-1 NMSA 1978; and

6 (c) an amount equal to the fees provided  
7 for in Subsection C of Section 66-5-44 NMSA 1978 and Subsection  
8 B of Section 66-5-408 NMSA 1978;

9 (6) to the state equalization guarantee  
10 distribution made annually pursuant to the general appropriation  
11 act, an amount equal to one hundred percent of the driver safety  
12 fee collected pursuant to Section 66-5-44 NMSA 1978;

13 (7) to the rubberized asphalt fund, forty-five  
14 percent of all tire recycling fees collected pursuant to the  
15 provisions of Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8  
16 NMSA 1978; and

17 (8) to the tire recycling fund, the amount  
18 remaining, after distributions pursuant to Paragraph (7) of this  
19 subsection have been made to the rubberized asphalt fund, from  
20 all annual tire recycling fees collected pursuant to the  
21 provisions of Sections 66-6-1, 66-6-2, 66-6-4, 66-6-5 and 66-6-8  
22 NMSA 1978.

23 B. The balance, exclusive of unidentified  
24 remittances, after having been reduced by the distributions  
25 required by Subsection A of this section, shall be further

.115836.1

Underscored material = new  
[bracketed material] = delete

1 reduced by a distribution of forty-three percent of the balance  
2 to the state road fund, and the remainder of the balance shall  
3 be transferred or distributed by the state treasurer on or  
4 before the last day of the month next after its receipt, as  
5 follows:

6 (1) forty-one and three-tenths percent shall be  
7 distributed to the state road fund;

8 (2) seventeen and six-tenths percent shall be  
9 transferred to each county in the proportion, determined by the  
10 department in accordance with Subsection C of this section, that  
11 the registration fees for vehicles in that county are to the  
12 total registration fees for vehicles in all counties;

13 (3) seventeen and six-tenths percent shall be  
14 transferred to the counties, each county receiving an amount  
15 equal to the proportion, determined by the secretary of highway  
16 and transportation in accordance with Subsection E of this  
17 section, that the mileage of public roads maintained by the  
18 county is to the total mileage of public roads maintained by all  
19 counties of the state. Amounts distributed to each county in  
20 accordance with this paragraph shall be credited to the  
21 respective county road fund and be used for the improvement and  
22 maintenance of the public roads in the county and to pay for the  
23 acquisition of rights of way and material pits. For this  
24 purpose, the board of county commissioners of each of the  
25 respective counties shall certify by April 1 of each year to the

.115836.1

Underscored material = new  
[bracketed material] = delete

1 secretary of highway and transportation the total mileage as of  
2 April 1 of that year; provided that in their report, the boards  
3 of county commissioners shall identify each of the public roads  
4 maintained by them by name, route and location. By agreement  
5 and in cooperation with the state highway and transportation  
6 department, the boards of county commissioners of the various  
7 counties may use or designate any of the funds provided in this  
8 paragraph for any federal aid program;

9 (4) nine and four-tenths percent shall be  
10 allocated among the counties in the proportion, determined by  
11 the department in accordance with Subsection C of this section,  
12 that the registration fees for vehicles in that county are to  
13 the total registration fees for vehicles in all counties. The  
14 amount allocated to each county shall be transferred to the  
15 incorporated municipalities within the county in the proportion,  
16 determined by the department of finance and administration in  
17 accordance with Subsection C of this section, that the sum of  
18 net taxable value, as that term is defined in the Property Tax  
19 Code, plus the assessed value, as that term is used in the Oil  
20 and Gas Ad Valorem Production Tax Act and in the Oil and Gas  
21 Production Equipment Ad Valorem Tax Act, determined for the  
22 incorporated municipality is to the sum of net taxable value  
23 plus assessed value determined for all incorporated  
24 municipalities within the county. Amounts transferred to  
25 incorporated municipalities under the provisions of this

.115836.1

Underscored material = new  
~~[bracketed material] = delete~~

1 paragraph shall be used for the construction, maintenance and  
2 repair of streets within the municipality and for payment of  
3 paving assessments against property owned by federal, county or  
4 municipal governments. In any county in which there are no  
5 incorporated municipalities, the amount allocated under this  
6 paragraph shall be transferred to the county road fund and used  
7 in accordance with the provisions of Paragraph (3) of this  
8 subsection; and

9 (5) fourteen and one-tenth percent shall be  
10 allocated among the counties in the proportion, determined by  
11 the department in accordance with Subsection C of this section,  
12 that the registration fees for vehicles in that county are to  
13 the total registration fees for vehicles in all counties. The  
14 amount allocated to each county shall be transferred to the  
15 county and incorporated municipalities within the county in the  
16 proportion, determined by the department of finance and  
17 administration in accordance with Subsection C of this section,  
18 that the computed taxes due for the county and each incorporated  
19 municipality within the county bear to the total computed taxes  
20 due for the county and incorporated municipalities within the  
21 county. For the purposes of this paragraph, the term "computed  
22 taxes due" for any jurisdiction means the sum of the net taxable  
23 value, as that term is defined in the Property Tax Code, plus  
24 the assessed value, as that term is used in the Oil and Gas Ad  
25 Valorem Production Tax Act and in the Oil and Gas Production

.115836.1

Underscored material = new  
[bracketed material] = delete

1 Equipment Ad Valorem Tax Act, for that jurisdiction multiplied  
2 by an average of the rates for residential and nonresidential  
3 property imposed for that jurisdiction pursuant to Subsection B  
4 of Section 7-37-7 NMSA 1978.

5 C. To carry out the provisions of this section,  
6 during the month of June of each year:

7 (1) the department shall determine and certify  
8 to the department of finance and administration the proportions  
9 which the department is required to determine by Subsection B of  
10 this section using information for the preceding calendar year  
11 on the number of vehicles registered in each county based on the  
12 address of the owner or place where the vehicle is principally  
13 located, the registration fees for the vehicles registered in  
14 each county, the total number of vehicles registered in the  
15 state and the total registration fees for all vehicles  
16 registered in the state; and

17 (2) the department of finance and  
18 administration shall determine the proportions that the  
19 department of finance and administration is required to  
20 determine by Subsection B of this section based upon the net  
21 taxable value, as that term is defined in the Property Tax Code,  
22 and assessed value, as that term is used in the Oil and Gas Ad  
23 Valorem Production Tax Act and the Oil and Gas Production  
24 Equipment Ad Valorem Tax Act, for the preceding tax year and the  
25 tax rates imposed pursuant to Subsection B of Section 7-37-7

.115836.1

Underscored material = new  
[bracketed material] = delete

1 NMSA 1978 in the preceding September.

2 D. By June 30 of each year, the department of  
3 finance and administration shall determine the appropriate  
4 percentage of money to be transferred to each county and  
5 municipality for each purpose in accordance with Subsection A of  
6 this section based upon the proportions determined by or  
7 certified to the department of finance and administration. The  
8 percentages determined shall be used to compute the amounts to  
9 be transferred to the counties and municipalities during the  
10 succeeding fiscal year.

11 E. The board of county commissioners of each of the  
12 respective counties shall, by April 1 of every year, certify  
13 reports to the secretary of highway and transportation of the  
14 total mileage of public roads maintained by each county as of  
15 April 1 of every year; provided that in their reports, the  
16 boards of county commissioners shall identify each of the public  
17 roads maintained by them by name, route and location. By July 1  
18 of every year, the secretary of highway and transportation shall  
19 verify the reports of the counties and revise, if necessary, the  
20 total mileage of public roads maintained by each county and the  
21 mileage verified by the secretary of highway and transportation  
22 shall be the official mileage of public roads maintained by each  
23 county. Distribution of amounts to any county for road purposes  
24 shall be made in accordance with this section.

25 F. If a county has not made the required mileage



Underscored material = new  
[bracketed material] = delete

1 certification pursuant to Section 67-3-28.3 NMSA 1978 by April 1  
2 of any year, the secretary of highway and transportation shall  
3 estimate the mileage maintained by those counties for the  
4 purpose of making distribution to all counties, and the amount  
5 calculated to be distributed each month to those counties not  
6 certifying mileage shall be reduced by one-third each month for  
7 that fiscal year and that amount not distributed to those  
8 counties shall be distributed equally to all counties that have  
9 certified mileages.

10 G. The secretary shall review, at the end of each  
11 fiscal year, the aggregate total of motor vehicle transactions  
12 performed by each municipality, county or fee agent operating a  
13 motor vehicle field office, and for each office exceeding ten  
14 thousand aggregate transactions per year, that municipality,  
15 county or fee agent shall be paid an additional one dollar  
16 (\$1.00) per identification card, driver's license, registration  
17 or title transaction performed during the next fiscal year. "

18 Section 2. EFFECTIVE DATE. --The effective date of the  
19 provisions of this act is July 1, 1997.

# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 13, 1997

Mr. Speaker:

Your TRANSPORTATION COMMITTEE, to whom has been  
referred

SENATE BILL 674

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

---

Daniel P. Silva, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Russell

Absent: None

M \S0674

Underscored material = new  
[bracketed material] = delete

FORTY- THIRD LEGISLATURE  
FIRST SESSION, 1997

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Underscored material = new  
~~[bracketed material] = delete~~

**State of New Mexico  
House of Representatives**

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 19, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred

SENATE BILL 674

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

---

Max Coll, Chairman

FORTY- THIRD LEGISLATURE  
FIRST SESSION, 1997

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 13 For 3 Against

Yes: 13

No: Bird, Buffett, Wallace

Excused: Watchman

Absent: None

M \S0674

Underscored material = new  
[bracketed material] = delete