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HOUSE BILL 374

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Anna Marie Crook

AN ACT

RELATING TO TAXATION; CHANGING THE DISTRIBUTION OF MOTOR
VEHICLE EXCISE TAX REVENUES; AMENDING, REPEALING AND ENACTING
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 7-14-10 NMSA 1978 (being Laws 1988,
Chapter 73, Section 20, as amended) is amended to read:

"7-14-10. DISTRIBUTION OF PROCEEDS. -- The receipts from
the tax and any associated interest and penalties shall be
deposited in the "motor vehicle suspense fund", hereby created
in the state treasury. As of the end of each month, the net
receipts attributable to the tax and associated penalties and
interest shall be distributed [~~to the general fund~~] as
follows:

A. prior to July 1, 2000, to the general fund;

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1 B. for the period July 1, 2000 through June 30,
2 2001, seven hundred fifty thousand dollars (\$750,000) to the
3 energy, minerals and natural resources department, and of the
4 remainder, two-thirds to the general fund, one-sixth to the
5 state road fund and one-sixth to counties and municipalities
6 in accordance with Section 7-14-10.1 NMSA 1978;

7 C. for the period July 1, 2001 through June 30,
8 2002, seven hundred fifty thousand dollars (\$750,000) to the
9 energy, minerals and natural resources department, and of the
10 remainder, one-third to the general fund, one-third to the
11 state road fund and one-third to counties and municipalities
12 in accordance with Section 7-14-10.1 NMSA; and

13 D. after June 30, 2002, seven hundred fifty
14 thousand dollars (\$750,000) to the energy, minerals and
15 natural resources department, and of the remainder, two-thirds
16 to the state road fund and one-third to counties and
17 municipalities in accordance with Section 7-14-10.1 NMSA
18 1978. "

19 Section 2. A new Section 7-14-10.1 NMSA 1978 is enacted
20 to read:

21 "7-14-10.1. [NEW MATERIAL] ADDITIONAL DISTRIBUTION TO
22 COUNTIES AND MUNICIPALITIES. --

23 A. To determine the amount to be distributed to
24 counties and municipalities pursuant to Section 7-14-10 NMSA
25 1978, an amount shall be allocated first to each county in an

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1 amount equal to the proportion, determined by the department
2 in accordance with Subsection C of this section, that the
3 registration fees for vehicles in the county are to the total
4 registration fees for vehicles in all counties.

5 B. The amount allocated to each county in
6 Subsection A of this section shall be distributed to the
7 county and to the municipalities in the county as follows:

8 (1) fifty percent shall be credited to the
9 respective county road fund to be used for the improvement and
10 maintenance of the public roads in the county and to pay for
11 acquisition of rights of way and material pits. By agreement
12 and in cooperation with the state highway and transportation
13 department, the boards of county commissioners of the various
14 counties may use or designate any of the funds provided in
15 this paragraph for any federal aid program; and

16 (2) fifty percent shall be transferred to the
17 municipalities within the county in the proportion, determined
18 by the department of finance and administration in accordance
19 with Subsection C of this section, that the sum of the net
20 taxable value, as that term is defined in the Property Tax
21 Code, plus the assessed value, as that term is used in the Oil
22 and Gas Ad Valorem Production Tax Act and in the Oil and Gas
23 Production Equipment Ad Valorem Tax Act, and the taxable
24 value, as that term is defined in the Copper Production Ad
25 Valorem Tax Act, determined for the incorporated municipality

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1 is to the sum of net taxable value plus assessed value
2 determined for all incorporated municipalities within the
3 county. Amounts transferred to incorporated municipalities
4 pursuant to the provisions of this paragraph shall be used for
5 the construction, maintenance and repair of streets within the
6 municipality and for payment of paving assessments against
7 property owned by federal, county or municipal governments.
8 In any county in which there are no incorporated
9 municipalities, the amount allocated pursuant to this
10 paragraph shall be transferred to the county government road
11 fund and used in accordance with the provisions of Paragraph
12 (1) of this subsection.

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

15 (1) the department shall determine and
16 certify to the department of finance and administration the
17 proportions that the department is required to determine
18 pursuant to Subsection A of this section using information for
19 the preceding calendar year on the number of vehicles
20 registered in each county based on the address of the owner or
21 place where the vehicle is principally located, the
22 registration fees for the vehicles registered in each county,
23 the total number of vehicles registered in the state and the
24 total registration fees for all vehicles registered in the
25 state; and

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1 (2) the department of finance and
2 administration shall determine the proportions that the
3 department of finance and administration is required to
4 determine pursuant to Subsection B of this section based upon
5 the net taxable value, as that term is defined in the Property
6 Tax Code, the assessed value, as that term is used in the Oil
7 and Gas Ad Valorem Production Tax Act and the Oil and Gas
8 Production Equipment Ad Valorem Tax Act, and the taxable
9 value, as that term is used in the Copper Production Ad
10 Valorem Tax Act, for the preceding property tax year and the
11 tax rates imposed pursuant to Subsection B of Section 7-37-7
12 NMSA 1978 in that tax year. By June 30 of each year, the
13 department of finance and administration shall determine the
14 appropriate percentage of money to be transferred to each
15 municipality in accordance with Subsection B of this section
16 based upon the proportions determined by or certified to the
17 department of finance and administration. The percentages
18 determined shall be used to compute the amounts to be
19 transferred to the counties and municipalities during the
20 succeeding fiscal year. "

21 Section 3. [NEW MATERIAL] DUTY TO REPAIR AND MAINTAIN
22 STATE PARK ROADS, BRIDGES AND PARKING AREAS--FUNDS. --

23 A. The state parks division of the energy,
24 minerals and natural resources department shall repair and
25 maintain the public roads and highways other than those on the

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1 state highway system that provide access to state park and
2 recreation areas and shall repair and maintain all roads,
3 bridges and parking areas within the boundaries of the state
4 park and recreation areas that will best serve the needs of
5 the general public.

6 B. Money distributed to the energy, minerals and
7 natural resources department pursuant to the provisions of
8 Section 7-14-10 NMSA 1978 is appropriated to the department to
9 carry out its duties pursuant to Subsection A of this section.

10 Section 4. REPEAL. -- Section 67-3-19 NMSA 1978 (being
11 Laws 1967, Chapter 165, Section 1) is repealed.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 25, 1999

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8 Mr. Speaker:

9
10 Your TRANSPORTATION COMMITTEE, to whom has been
11 referred

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13 HOUSE BILL 374

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 TAXATION AND REVENUE COMMITTEE.

18 Respectfully submitted,

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22 _____
23 Daniel P. Silva, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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3 **HB 374**

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4 Adopted _____ Not Adopted _____

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6 (Chief Clerk)

(Chief Clerk)

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8 Date _____

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10 The roll call vote was 10 For 2 Against

11 Yes: 10

12 No: Rodella, Whitaker

13 Excused: Godbey

14 Absent: None

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