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SENATE BILL 656

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

INTRODUCED BY

Roman M. Maes III

AN ACT

RELATING TO GOVERNMENT ORGANIZATION; TRANSFERRING THE BUREAU OF BUSINESS AND ECONOMIC RESEARCH TO THE ECONOMIC DEVELOPMENT DEPARTMENT; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 4-61-2 NMSA 1978 (being Laws 1982, Chapter 44, Section 2, as amended) is amended to read:

"4-61-2. DEFINITIONS. -- As used in the Small Counties Assistance Act:

A. "population" means the official population shown by the most recent federal decennial census or, if there is a change in boundaries after the date of the census, "population" for each affected unit shall be the most current estimated population for that unit provided in writing by the bureau of business and economic research [ ~~at the university of~~

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1 ~~New Mexico~~] of the economic development department; provided  
2 that after five years from the first day of the calendar year  
3 of the most recent federal decennial census, that census shall  
4 not be used and "population" for the period from that date  
5 until the date when the next following official final  
6 decennial census population data are available shall be the  
7 most current estimated population provided in writing by the  
8 bureau of business and economic research [ ~~at the university of~~  
9 ~~New Mexico~~] of the economic development department; and

10 B. "qualifying county" means a county that has:

11 (1) for the property tax year in which any  
12 distribution under the Small Counties Assistance Act is made  
13 to the county, imposed a property tax rate for general county  
14 purposes pursuant to Paragraph (1) of Subsection B of Section  
15 7-37-7 NMSA 1978 as limited by Section 7-37-7.1 NMSA 1978 of  
16 at least eight dollars eighty-five cents (\$8.85) per one  
17 thousand dollars (\$1,000) of net taxable value;

18 (2) by July 1 of the property tax year in  
19 which any distribution under the Small Counties Assistance Act  
20 is made to the county, received a written certification from  
21 the director of the property tax division of the taxation and  
22 revenue department that the county assessor of that county has  
23 implemented an acceptable program of maintaining current and  
24 correct property values for property taxation purposes as  
25 required by Section 7-36-16 NMSA 1978 or has submitted to the

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1 director an acceptable plan for the implementation of such a  
2 program; and

3 (3) on July 1 of the year in which any  
4 distribution under the Small Counties Assistance Act is made  
5 to the county, a population of not more than forty-five  
6 thousand five hundred. "

7 Section 2. Section 7-1-6.16 NMSA 1978 (being Laws 1983,  
8 Chapter 213, Section 27, as amended) is amended to read:

9 "7-1-6.16. COUNTY EQUALIZATION DISTRIBUTION. --

10 A. Beginning on September 15, 1989 and on  
11 September 15 of each year thereafter, the department shall  
12 distribute to any county that has imposed or continued in  
13 effect during the state's preceding fiscal year a county gross  
14 receipts tax pursuant to [~~the County Gross Receipts Tax Act~~]  
15 Section 7-20E-9 NMSA 1978 an amount equal to:

16 (1) the product of a fraction, the numerator  
17 of which is the county's population and the denominator of  
18 which is the state's population, multiplied by the annual sum  
19 for the county; less

20 (2) the net receipts received by the  
21 department during the report year, including any increase or  
22 decrease made pursuant to Section 7-1-6.15 NMSA 1978,  
23 attributable to the county gross receipts tax at a rate of  
24 one-eighth percent. Provided that for any month in the report  
25 year, if no county gross receipts tax was in effect in the

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1 county in the previous month, the net receipts, for the  
2 purposes of this section, for that county for that month shall  
3 be zero.

4 B. If the amount determined by the calculation in  
5 Subsection A of this section is zero or a negative number for  
6 a county, no distribution shall be made to that county.

7 C. As used in this section:

8 (1) "annual sum" means for each county the  
9 sum of the monthly amounts for those months in the report year  
10 which follow a month in which the county had in effect a  
11 county gross receipts tax;

12 (2) "monthly amount" means an amount equal to  
13 the product of the net receipts received by the department in  
14 the month attributable to the state gross receipts tax  
15 multiplied by a fraction, the numerator of which is one-eighth  
16 percent and the denominator of which is the tax rate imposed  
17 by Section 7-9-4 NMSA 1978 in effect on the last day of the  
18 previous month;

19 (3) "population" means the most recent  
20 official census or estimate determined by the bureau of the  
21 census for the unit or, if neither is available, the most  
22 current estimated population for the unit provided in writing  
23 by the bureau of business and economic research [ ~~at the~~  
24 ~~university of New Mexico~~] of the economic development  
25 department; and

1 (4) "report year" means the twelve-month  
2 period ending on the July 31 immediately preceding the date  
3 upon which a distribution pursuant to this section is required  
4 to be made. "

5 Section 3. A new section of the Economic Development  
6 Department Act is enacted to read:

7 "[NEW MATERIAL] BUREAU OF BUSINESS AND ECONOMIC  
8 RESEARCH-- ESTABLISHED. -- A "bureau of business and economic  
9 research" is established in the economic development  
10 department. "

11 Section 4. TEMPORARY PROVISION-- TRANSFERS OF PERSONNEL,  
12 PROPERTY, CONTRACTS AND OBLIGATIONS. --

13 A. On July 1, 1999, all personnel and money,  
14 appropriations, records, equipment, furniture, supplies and  
15 other property belonging to the bureau of business and  
16 economic research at the university of New Mexico are  
17 transferred to the bureau of business and economic research of  
18 the economic development department.

19 B. On July 1, 1999, all existing contracts and  
20 other obligations of the bureau of business and economic  
21 research at the university of New Mexico are transferred to  
22 the bureau of business and economic research of the economic  
23 development department.