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SENATE BILL 400

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO COUNTIES; CHANGING THE DISTRIBUTION FROM THE SMALL COUNTIES ASSISTANCE FUND.

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

Section 1. Section 4-61-3 NMSA 1978 (being Laws 1982, Chapter 44, Section 3, as amended) is amended to read:

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

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

B. On [~~July 1, 1982 and on~~] July 1 of each year [~~thereafter~~], the local government division of the department of finance and administration shall certify to the state treasurer the population of the state and the population of each county in the state.

C. On [~~September 1, 1982 and on~~] September 1 of

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1 each year [~~thereafter~~], the local government division of the
2 department of finance and administration shall certify to the
3 state treasurer the revenue amounts received by each
4 qualifying county in the fiscal year ended on the preceding
5 June 30 from property taxes for general county purposes
6 imposed under the Property Tax Code and taxes imposed under
7 the Oil and Gas Ad Valorem Production Tax Act, the Oil and Gas
8 Production Equipment Ad Valorem Tax Act and the Copper
9 Production Ad Valorem Tax Act for general county purposes.

10 D. On or before [~~September 15, 1982 and on or~~
11 ~~before~~] September 15 of each year [~~thereafter~~], the state
12 treasurer shall distribute to each qualifying county from the
13 small counties assistance fund an amount certified to him by
14 the director of the local government division of the
15 department of finance and administration. The distribution to
16 a qualifying county shall be an amount equal to the amount by
17 which the product of multiplying a county's population by
18 twenty-five dollars (\$25.00) exceeds thirty percent of the
19 total of the revenue amounts certified for that county under
20 Subsection C of this section, subject to the following:

21 (1) if the calculated distribution for a
22 class C or first class county exceeds two hundred thousand
23 dollars (\$200,000), it shall be reduced to two hundred
24 thousand dollars (\$200,000);

25 (2) if the calculated distribution for a

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1 class B county exceeds one hundred fifty thousand dollars
2 (\$150,000), it shall be reduced to one hundred fifty thousand
3 dollars (\$150,000);

4 (3) if the calculated distribution for a
5 first class county is:

6 (a) zero or less than zero or that
7 county has a population of not more than twelve thousand five
8 hundred, it shall be two hundred thousand dollars (\$200,000);
9 or

10 (b) greater than zero but less than two
11 hundred thousand dollars (\$200,000), it shall be increased to
12 two hundred thousand dollars (\$200,000);

13 (4) if the calculated distribution for a
14 class C county is greater than zero but less than two hundred
15 thousand dollars (\$200,000) or that county has a population of
16 not more than twelve thousand five hundred, it shall be
17 increased to two hundred thousand dollars (\$200,000); and

18 (5) if the calculated distribution for a
19 class B county is greater than zero but less than one hundred
20 thousand dollars (\$100,000) or that county has a population of
21 not more than ~~[twelve]~~ twenty thousand ~~[five hundred]~~, it
22 shall be increased to one hundred thousand dollars (\$100,000).

23 E. If the balance in the small counties assistance
24 fund as of the preceding August 31 is less than the sum of the
25 distributions to be made to qualifying counties, the director

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1 of the local government division of the department of finance
2 and administration shall reduce each qualifying county's
3 calculated distribution by a percentage computed by dividing
4 the amount by which the fund is insufficient by the sum of all
5 the calculated distributions and [he] shall certify the
6 reduced amounts as the qualifying counties' distributions.

7 F. Any interest accruing from the temporary
8 investment of the small counties assistance fund prior to
9 September 15 shall be credited to the general fund.

10 G. Immediately after distribution to qualifying
11 counties from the small counties assistance fund, but no later
12 than September 20 of each year, the unexpended or unencumbered
13 balance in the fund shall revert to the general fund."

14 Section 2. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2002.