

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

HB 630/a

March 16, 2003

Madam President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 630

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. Strike House Floor Amendment 1.

2. On page 1, line 12, after "FEE" insert "; BROADENING THE DEFINITION OF CAPITAL IMPROVEMENTS".

3. On page 1, between lines 14 and 15, insert the following new section to read:

"Section 1. Section 5-8-2 NMSA 1978 (being Laws 1993, Chapter 122, Section 2) is amended to read:

"5-8-2. DEFINITIONS. --As used in the Development Fees Act:

A. "affordable housing" means any housing development built to benefit those whose income is at or below eighty percent of the area median income and who will pay no more than thirty percent of their gross monthly income towards such housing;

B. "approved land use assumptions" means land use assumptions adopted originally or as amended under the Development Fees Act;

C. "assessment" means a determination of the amount of an impact fee;

D. "capital improvement" means any of the following facilities that have a life expectancy of ten or more years and are owned and operated by or on behalf of a municipality or county:

(1) water supply, treatment and distribution

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/HB 630

Page 2

facilities; wastewater collection and treatment facilities; and storm water, drainage and flood control facilities;

(2) roadway facilities located within the service area, including roads, bridges, bike and pedestrian trails, bus bays, rights of way, traffic signals, landscaping and any local components of state and federal highways;

(3) buildings for fire, police and rescue and essential equipment costing ten thousand dollars (\$10,000) or more and having a life expectancy of ten years or more; ~~and~~

(4) parks, recreational areas, open space trails and related areas and facilities; and

(5) school buildings and essential equipment costing ten thousand dollars (\$10,000) or more and having a life expectancy of ten years or more;

E. "capital improvements plan" means a plan required by the Development Fees Act that identifies capital improvements or facility expansion for which impact fees may be assessed;

F. "county" means a county of any classification;

G. "facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. ~~[The term]~~ "Facility expansion" does not include the repair, maintenance, modernization or expansion of an existing facility to better serve existing development, including schools and related facilities;

H. "hook-up fee" means a reasonable fee for connection of a service line to an existing gas, water, sewer or municipal or county utility;

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/HB 630

Page 3

I. "impact fee" means a charge or assessment imposed by a municipality or county on new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. [~~The term~~] "Impact fee" includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, development fees and any other fee that functions as described by this definition. [~~The term~~] "Impact fee" does not include hook-up fees, dedication of rights of way or easements or construction or dedication of on-site water distribution, wastewater collection or drainage facilities or streets, sidewalks or curbs if the dedication or construction is required by a previously adopted valid ordinance or regulation and is necessitated by and attributable to the new development;

J. "land use assumptions" includes a description of the service area and projections of changes in land uses, densities, intensities and population in the service area over at least a five-year period;

K. "municipality" means any incorporated city, town or village, whether incorporated under general act, special act or special charter, and H class counties, including any home rule municipality or H class county chartered under the provisions of Article 10, Section 6 of the constitution of New Mexico;

L. "new development" means the subdivision of land; reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units;

M. "qualified professional" means a professional engineer, surveyor, financial analyst or planner providing services within the scope of his license, education or experience;

N. "roadway facilities" means arterial or collector

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/HB 630

Page 4

streets or roads that have been designated on an officially adopted roadway plan of the municipality or county, including bridges, bike and pedestrian trails, bus bays, rights of way, traffic signals, landscaping and any local components of state or federal highways;

O. "service area" means the area within the corporate boundaries or extraterritorial jurisdiction of a municipality or the boundaries of a county to be served by the capital improvements or facility expansions specified in the capital improvements plan designated on the basis of sound planning and engineering standards; and

P. "service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions. "".

4. Renumber the succeeding sections accordingly.

5. On page 1, line 24, after "expansions" insert ", except school buildings and essential equipment costing less than ten thousand dollars (\$10,000) and having a life expectancy of less than ten years".

6. On page 2, line 16, strike "capital", strike line 17 in its entirety, strike line 18 through "1978" and insert in lieu thereof "buildings for fire, police and rescue and essential equipment costing ten thousand dollars (\$10,000) or more and having a life expectancy of ten years or more".,

and thence referred to the FINANCE COMMITTEE.

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

SPAC/HB 630

Page 5

Respectfully submitted,

Dede Feldman, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 3 Against

Yes: 4

No: Adair, Hurt, Komadina

Excused: Boitano, Sanchez, M

Absent: None

H0630PA1

. 147247. 3