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SENATE BILL 452

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO TAXATION; PROVIDING FOR A TEN-YEAR PHASE OUT PERIOD OF THE COUNTY AND MUNICIPALITY OFFSET FOR FOOD AND HEALTH CARE PRACTITIONER SERVICES DEDUCTIONS.

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

SECTION 1. Section 7-1-6.46 NMSA 1978 (being Laws 2004, Chapter 116, Section 1, as amended) is amended to read:

"7-1-6.46. DISTRIBUTION TO MUNICIPALITIES--OFFSET FOR FOOD DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to a municipality in an amount, subject to any increase or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal to the sum of:

~~[(1) for a municipality having a population of~~

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1 ~~less than ten thousand according to the most recent federal~~
2 ~~decennial census and having per capita taxable gross receipts~~
3 ~~for the previous calendar year that are less than the average~~
4 ~~per capita taxable gross receipts for all municipalities for~~
5 ~~that same calendar year:~~

6 ~~(a) the total deductions claimed~~
7 ~~pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers~~
8 ~~from business locations attributable to the municipality~~
9 ~~multiplied by the sum of the combined rate of all municipal~~
10 ~~local option gross receipts taxes in effect in the municipality~~
11 ~~for the month plus one and two hundred twenty-five thousandths~~
12 ~~percent; and~~

13 ~~(b) the total deductions claimed~~
14 ~~pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers~~
15 ~~from business locations attributable to the municipality~~
16 ~~multiplied by the sum of the combined rate of all municipal~~
17 ~~local option gross receipts taxes in effect in the municipality~~
18 ~~for the month plus one and two hundred twenty-five thousandths~~
19 ~~percent; or~~

20 ~~(2) for a municipality not described in~~
21 ~~Paragraph (1) of this subsection]~~

22 ~~(1) on or after July 1, 2011 but before July~~
23 ~~1, 2012:~~

24 ~~(a) the total deductions claimed~~
25 ~~pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers~~

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1 from business locations attributable to the municipality
2 multiplied by the sum of the combined rate of all municipal
3 local option gross receipts taxes in effect in the municipality
4 on January 1, 2007 or January 1, 2011, whichever is less, plus
5 one and two hundred twenty-five thousandths percent; and

6 (b) the total deductions claimed
7 pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers
8 from business locations attributable to the municipality
9 multiplied by the sum of the combined rate of all municipal
10 local option gross receipts taxes in effect in the municipality
11 on January 1, 2007 or January 1, 2011, whichever is less, plus
12 one and two hundred twenty-five thousandths percent;

13 (2) on or after July 1, 2012 but before July
14 1, 2013:

15 (a) ninety percent of the total
16 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
17 month by taxpayers from business locations attributable to the
18 municipality multiplied by the sum of the combined rate of all
19 municipal local option gross receipts taxes in effect in the
20 municipality on January 1, 2007 or January 1, 2011, whichever
21 is less, plus one and two hundred twenty-five thousandths
22 percent; and

23 (b) ninety percent of the total
24 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
25 month by taxpayers from business locations attributable to the

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1 municipality multiplied by the sum of the combined rate of all
2 municipal local option gross receipts taxes in effect in the
3 municipality on January 1, 2007 or January 1, 2011, whichever
4 is less, plus one and two hundred twenty-five thousandths
5 percent;

6 (3) on or after July 1, 2013 but before July
7 1, 2014:

8 (a) eighty percent of the total
9 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
10 month by taxpayers from business locations attributable to the
11 municipality multiplied by the sum of the combined rate of all
12 municipal local option gross receipts taxes in effect in the
13 municipality on January 1, 2007 or January 1, 2011, whichever
14 is less, plus one and two hundred twenty-five thousandths
15 percent; and

16 (b) eighty percent of the total
17 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
18 month by taxpayers from business locations attributable to the
19 municipality multiplied by the sum of the combined rate of all
20 municipal local option gross receipts taxes in effect in the
21 municipality on January 1, 2007 or January 1, 2011, whichever
22 is less, plus one and two hundred twenty-five thousandths
23 percent;

24 (4) on or after July 1, 2014 but before July
25 1, 2015:

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1 (a) seventy percent of the total
2 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
3 month by taxpayers from business locations attributable to the
4 municipality multiplied by the sum of the combined rate of all
5 municipal local option gross receipts taxes in effect in the
6 municipality on January 1, 2007 or January 1, 2011, whichever
7 is less, plus one and two hundred twenty-five thousandths
8 percent; and

9 (b) seventy percent of the total
10 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
11 month by taxpayers from business locations attributable to the
12 municipality multiplied by the sum of the combined rate of all
13 municipal local option gross receipts taxes in effect in the
14 municipality on January 1, 2007 or January 1, 2011, whichever
15 is less, plus one and two hundred twenty-five thousandths
16 percent;

17 (5) on or after July 1, 2015 but before July
18 1, 2016:

19 (a) sixty percent of the total
20 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
21 month by taxpayers from business locations attributable to the
22 municipality multiplied by the sum of the combined rate of all
23 municipal local option gross receipts taxes in effect in the
24 municipality on January 1, 2007 or January 1, 2011, whichever
25 is less, plus one and two hundred twenty-five thousandths

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1 percent; and

2 (b) sixty percent of the total
3 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
4 month by taxpayers from business locations attributable to the
5 municipality multiplied by the sum of the combined rate of all
6 municipal local option gross receipts taxes in effect in the
7 municipality on January 1, 2007 or January 1, 2011, whichever
8 is less, plus one and two hundred twenty-five thousandths
9 percent;

10 (6) on or after July 1, 2016 but before July
11 1, 2017:

12 (a) fifty percent of the total
13 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
14 month by taxpayers from business locations attributable to the
15 municipality multiplied by the sum of the combined rate of all
16 municipal local option gross receipts taxes in effect in the
17 municipality on January 1, 2007 or January 1, 2011, whichever
18 is less, plus one and two hundred twenty-five thousandths
19 percent; and

20 (b) fifty percent of the total
21 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
22 month by taxpayers from business locations attributable to the
23 municipality multiplied by the sum of the combined rate of all
24 municipal local option gross receipts taxes in effect in the
25 municipality on January 1, 2007 or January 1, 2011, whichever

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1 is less, plus one and two hundred twenty-five thousandths
2 percent;

3 (7) on or after July 1, 2017 but before July
4 1, 2018:

5 (a) forty percent of the total
6 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
7 month by taxpayers from business locations attributable to the
8 municipality multiplied by the sum of the combined rate of all
9 municipal local option gross receipts taxes in effect in the
10 municipality on January 1, 2007 or January 1, 2011, whichever
11 is less, plus one and two hundred twenty-five thousandths
12 percent; and

13 (b) forty percent of the total
14 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
15 month by taxpayers from business locations attributable to the
16 municipality multiplied by the sum of the combined rate of all
17 municipal local option gross receipts taxes in effect in the
18 municipality on January 1, 2007 or January 1, 2011, whichever
19 is less, plus one and two hundred twenty-five thousandths
20 percent;

21 (8) on or after July 1, 2018 but before July
22 1, 2019:

23 (a) thirty percent of the total
24 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
25 month by taxpayers from business locations attributable to the

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1 municipality multiplied by the sum of the combined rate of all
2 municipal local option gross receipts taxes in effect in the
3 municipality on January 1, 2007 or January 1, 2011, whichever
4 is less, plus one and two hundred twenty-five thousandths
5 percent; and

6 (b) thirty percent of the total
7 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
8 month by taxpayers from business locations attributable to the
9 municipality multiplied by the sum of the combined rate of all
10 municipal local option gross receipts taxes in effect in the
11 municipality on January 1, 2007 or January 1, 2011, whichever
12 is less, plus one and two hundred twenty-five thousandths
13 percent;

14 (9) on or after July 1, 2019 but before July
15 1, 2020:

16 (a) twenty percent of the total
17 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
18 month by taxpayers from business locations attributable to the
19 municipality multiplied by the sum of the combined rate of all
20 municipal local option gross receipts taxes in effect in the
21 municipality on January 1, 2007 or January 1, 2011, whichever
22 is less, plus one and two hundred twenty-five thousandths
23 percent; and

24 (b) twenty percent of the total
25 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the

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1 month by taxpayers from business locations attributable to the
2 municipality multiplied by the sum of the combined rate of all
3 municipal local option gross receipts taxes in effect in the
4 municipality on January 1, 2007 or January 1, 2011, whichever
5 is less, plus one and two hundred twenty-five thousandths
6 percent; and

7 (10) on or after July 1, 2020 but before July
8 1, 2021:

9 (a) ten percent of the total deductions
10 claimed pursuant to Section 7-9-92 NMSA 1978 for the month by
11 taxpayers from business locations attributable to the
12 municipality multiplied by the sum of the combined rate of all
13 municipal local option gross receipts taxes in effect in the
14 municipality on January 1, 2007 or January 1, 2011, whichever
15 is less, plus one and two hundred twenty-five thousandths
16 percent; and

17 (b) ten percent of the total deductions
18 claimed pursuant to Section 7-9-93 NMSA 1978 for the month by
19 taxpayers from business locations attributable to the
20 municipality multiplied by the sum of the combined rate of all
21 municipal local option gross receipts taxes in effect in the
22 municipality on January 1, 2007 or January 1, 2011, whichever
23 is less, plus one and two hundred twenty-five thousandths
24 percent.

25 B. The distribution pursuant to Subsection A of

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1 this section is in lieu of revenue that would have been
2 received by the municipality but for the deductions provided by
3 Sections 7-9-92 and 7-9-93 NMSA 1978. The distribution shall
4 be considered gross receipts tax revenue and shall be used by
5 the municipality in the same manner as gross receipts tax
6 revenue, including payment of gross receipts tax revenue bonds.

7 C. For the purposes of this section, "business
8 locations attributable to the municipality" means business
9 locations:

10 (1) within the municipality;

11 (2) on land owned by the state, commonly known
12 as the "state fairgrounds", within the exterior boundaries of
13 the municipality;

14 (3) outside the boundaries of the municipality
15 on land owned by the municipality; and

16 (4) on an Indian reservation or pueblo grant
17 in an area that is contiguous to the municipality and in which
18 the municipality performs services pursuant to a contract
19 between the municipality and the Indian tribe or Indian pueblo
20 if:

21 (a) the contract describes an area in
22 which the municipality is required to perform services and
23 requires the municipality to perform services that are
24 substantially the same as the services the municipality
25 performs for itself; and

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1 (b) the governing body of the
2 municipality has submitted a copy of the contract to the
3 secretary.

4 D. A distribution pursuant to this section may be
5 adjusted for a distribution made to a tax increment development
6 district with respect to a portion of a gross receipts tax
7 increment dedicated by a municipality pursuant to the Tax
8 Increment for Development Act."

9 SECTION 2. Section 7-1-6.47 NMSA 1978 (being Laws 2004,
10 Chapter 116, Section 2, as amended) is amended to read:

11 "7-1-6.47. DISTRIBUTION TO COUNTIES--OFFSET FOR FOOD
12 DEDUCTION AND HEALTH CARE PRACTITIONER SERVICES DEDUCTION.--

13 A. On or after July 1, 2011 but before July 1,
14 2012, a distribution pursuant to Section 7-1-6.1 NMSA 1978
15 shall be made to a county in an amount, subject to any increase
16 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
17 to the sum of:

18 (1) for a county having a population of less
19 than forty-eight thousand according to the most recent federal
20 decennial census:

21 (a) the total deductions claimed
22 pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers
23 from business locations within a municipality in the county
24 multiplied by the combined rate of all county local option
25 gross receipts taxes in effect for the month that are imposed

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1 throughout the county;

2 (b) the total deductions claimed
3 pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers
4 from business locations in the county but not within a
5 municipality multiplied by the combined rate of all county
6 local option gross receipts taxes in effect for the month that
7 are imposed in the county area not within a municipality;

8 (c) the total deductions claimed
9 pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers
10 from business locations within a municipality in the county
11 multiplied by the combined rate of all county local option
12 gross receipts taxes in effect for the month that are imposed
13 throughout the county; and

14 (d) the total deductions claimed
15 pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers
16 from business locations in the county but not within a
17 municipality multiplied by the combined rate of all county
18 local option gross receipts taxes in effect for the month that
19 are imposed in the county area not within a municipality; or

20 (2) for a county not described in Paragraph
21 (1) of this subsection:

22 (a) the total deductions claimed
23 pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers
24 from business locations within a municipality in the county
25 multiplied by the combined rate of all county local option

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1 gross receipts taxes in effect on January 1, 2007 that are
2 imposed throughout the county;

3 (b) the total deductions claimed
4 pursuant to Section 7-9-92 NMSA 1978 for the month by taxpayers
5 from business locations in the county but not within a
6 municipality multiplied by the combined rate of all county
7 local option gross receipts taxes in effect on January 1, 2007
8 that are imposed in the county area not within a municipality;

9 (c) the total deductions claimed
10 pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers
11 from business locations within a municipality in the county
12 multiplied by the combined rate of all county local option
13 gross receipts taxes in effect on January 1, 2007 that are
14 imposed throughout the county; and

15 (d) the total deductions claimed
16 pursuant to Section 7-9-93 NMSA 1978 for the month by taxpayers
17 from business locations in the county but not within a
18 municipality multiplied by the combined rate of all county
19 local option gross receipts taxes in effect on January 1, 2007
20 that are imposed in the county area not within a municipality.

21 B. [The] On or after July 1, 2012 but before July 1,
22 2013, a distribution pursuant to Section 7-1-6.1 NMSA 1978
23 shall be made to a county in an amount, subject to any increase
24 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
25 to the sum of:

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1 (1) for a county having a population of less
2 than forty-eight thousand according to the most recent federal
3 decennial census:

4 (a) ninety percent of the total
5 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
6 month by taxpayers from business locations within a
7 municipality in the county multiplied by the combined rate of
8 all county local option gross receipts taxes in effect for the
9 month that are imposed throughout the county;

10 (b) ninety percent of the total
11 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
12 month by taxpayers from business locations in the county but
13 not within a municipality multiplied by the combined rate of
14 all county local option gross receipts taxes in effect for the
15 month that are imposed in the county area not within a
16 municipality;

17 (c) ninety percent of the total
18 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
19 month by taxpayers from business locations within a
20 municipality in the county multiplied by the combined rate of
21 all county local option gross receipts taxes in effect for the
22 month that are imposed throughout the county; and

23 (d) ninety percent of the total
24 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
25 month by taxpayers from business locations in the county but

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1 not within a municipality multiplied by the combined rate of
2 all county local option gross receipts taxes in effect for the
3 month that are imposed in the county area not within a
4 municipality; or

5 (2) for a county not described in Paragraph
6 (1) of this subsection:

7 (a) ninety percent of the total
8 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
9 month by taxpayers from business locations within a
10 municipality in the county multiplied by the combined rate of
11 all county local option gross receipts taxes in effect on
12 January 1, 2007 that are imposed throughout the county;

13 (b) ninety percent of the total
14 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
15 month by taxpayers from business locations in the county but
16 not within a municipality multiplied by the combined rate of
17 all county local option gross receipts taxes in effect on
18 January 1, 2007 that are imposed in the county area not within
19 a municipality;

20 (c) ninety percent of the total
21 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
22 month by taxpayers from business locations within a
23 municipality in the county multiplied by the combined rate of
24 all county local option gross receipts taxes in effect on
25 January 1, 2007 that are imposed throughout the county; and

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1 (d) ninety percent of the total
2 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
3 month by taxpayers from business locations in the county but
4 not within a municipality multiplied by the combined rate of
5 all county local option gross receipts taxes in effect on
6 January 1, 2007 that are imposed in the county area not within
7 a municipality.

8 C. On or after July 1, 2013 but before July 1,
9 2014, a distribution pursuant to Section 7-1-6.1 NMSA 1978
10 shall be made to a county in an amount, subject to any increase
11 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
12 to the sum of:

13 (1) for a county having a population of less
14 than forty-eight thousand according to the most recent federal
15 decennial census:

16 (a) eighty percent of the total
17 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
18 month by taxpayers from business locations within a
19 municipality in the county multiplied by the combined rate of
20 all county local option gross receipts taxes in effect for the
21 month that are imposed throughout the county;

22 (b) eighty percent of the total
23 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
24 month by taxpayers from business locations in the county but
25 not within a municipality multiplied by the combined rate of

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1 all county local option gross receipts taxes in effect for the
2 month that are imposed in the county area not within a
3 municipality;

4 (c) eighty percent of the total
5 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
6 month by taxpayers from business locations within a
7 municipality in the county multiplied by the combined rate of
8 all county local option gross receipts taxes in effect for the
9 month that are imposed throughout the county; and

10 (d) eighty percent of the total
11 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
12 month by taxpayers from business locations in the county but
13 not within a municipality multiplied by the combined rate of
14 all county local option gross receipts taxes in effect for the
15 month that are imposed in the county area not within a
16 municipality; or

17 (2) for a county not described in Paragraph
18 (1) of this subsection:

19 (a) eighty percent of the total
20 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
21 month by taxpayers from business locations within a
22 municipality in the county multiplied by the combined rate of
23 all county local option gross receipts taxes in effect on
24 January 1, 2007 that are imposed throughout the county;

25 (b) eighty percent of the total

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1 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
2 month by taxpayers from business locations in the county but
3 not within a municipality multiplied by the combined rate of
4 all county local option gross receipts taxes in effect on
5 January 1, 2007 that are imposed in the county area not within
6 a municipality;

7 (c) eighty percent of the total
8 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
9 month by taxpayers from business locations within a
10 municipality in the county multiplied by the combined rate of
11 all county local option gross receipts taxes in effect on
12 January 1, 2007 that are imposed throughout the county; and

13 (d) eighty percent of the total
14 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
15 month by taxpayers from business locations in the county but
16 not within a municipality multiplied by the combined rate of
17 all county local option gross receipts taxes in effect on
18 January 1, 2007 that are imposed in the county area not within
19 a municipality.

20 D. On or after July 1, 2014 but before July 1,
21 2015, a distribution pursuant to Section 7-1-6.1 NMSA 1978
22 shall be made to a county in an amount, subject to any increase
23 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
24 to the sum of:

25 (1) for a county having a population of less

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1 than forty-eight thousand according to the most recent federal
2 decennial census:

3 (a) seventy percent of the total
4 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
5 month by taxpayers from business locations within a
6 municipality in the county multiplied by the combined rate of
7 all county local option gross receipts taxes in effect for the
8 month that are imposed throughout the county;

9 (b) seventy percent of the total
10 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
11 month by taxpayers from business locations in the county but
12 not within a municipality multiplied by the combined rate of
13 all county local option gross receipts taxes in effect for the
14 month that are imposed in the county area not within a
15 municipality;

16 (c) seventy percent of the total
17 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
18 month by taxpayers from business locations within a
19 municipality in the county multiplied by the combined rate of
20 all county local option gross receipts taxes in effect for the
21 month that are imposed throughout the county; and

22 (d) seventy percent of the total
23 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
24 month by taxpayers from business locations in the county but
25 not within a municipality multiplied by the combined rate of

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1 all county local option gross receipts taxes in effect for the
2 month that are imposed in the county area not within a
3 municipality; or

4 (2) for a county not described in Paragraph
5 (1) of this subsection:

6 (a) seventy percent of the total
7 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
8 month by taxpayers from business locations within a
9 municipality in the county multiplied by the combined rate of
10 all county local option gross receipts taxes in effect on
11 January 1, 2007 that are imposed throughout the county;

12 (b) seventy percent of the total
13 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
14 month by taxpayers from business locations in the county but
15 not within a municipality multiplied by the combined rate of
16 all county local option gross receipts taxes in effect on
17 January 1, 2007 that are imposed in the county area not within
18 a municipality;

19 (c) seventy percent of the total
20 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
21 month by taxpayers from business locations within a
22 municipality in the county multiplied by the combined rate of
23 all county local option gross receipts taxes in effect on
24 January 1, 2007 that are imposed throughout the county; and

25 (d) seventy percent of the total

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1 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
2 month by taxpayers from business locations in the county but
3 not within a municipality multiplied by the combined rate of
4 all county local option gross receipts taxes in effect on
5 January 1, 2007 that are imposed in the county area not within
6 a municipality.

7 E. On or after July 1, 2015 but before July 1,
8 2016, a distribution pursuant to Section 7-1-6.1 NMSA 1978
9 shall be made to a county in an amount, subject to any increase
10 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
11 to the sum of:

12 (1) for a county having a population of less
13 than forty-eight thousand according to the most recent federal
14 decennial census:

15 (a) sixty percent of the total
16 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
17 month by taxpayers from business locations within a
18 municipality in the county multiplied by the combined rate of
19 all county local option gross receipts taxes in effect for the
20 month that are imposed throughout the county;

21 (b) sixty percent of the total
22 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
23 month by taxpayers from business locations in the county but
24 not within a municipality multiplied by the combined rate of
25 all county local option gross receipts taxes in effect for the

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1 month that are imposed in the county area not within a
2 municipality;

3 (c) sixty percent of the total
4 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
5 month by taxpayers from business locations within a
6 municipality in the county multiplied by the combined rate of
7 all county local option gross receipts taxes in effect for the
8 month that are imposed throughout the county; and

9 (d) sixty percent of the total
10 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
11 month by taxpayers from business locations in the county but
12 not within a municipality multiplied by the combined rate of
13 all county local option gross receipts taxes in effect for the
14 month that are imposed in the county area not within a
15 municipality; or

16 (2) for a county not described in Paragraph
17 (1) of this subsection:

18 (a) sixty percent of the total
19 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
20 month by taxpayers from business locations within a
21 municipality in the county multiplied by the combined rate of
22 all county local option gross receipts taxes in effect on
23 January 1, 2007 that are imposed throughout the county;

24 (b) sixty percent of the total
25 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the

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1 month by taxpayers from business locations in the county but
2 not within a municipality multiplied by the combined rate of
3 all county local option gross receipts taxes in effect on
4 January 1, 2007 that are imposed in the county area not within
5 a municipality;

6 (c) sixty percent of the total
7 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
8 month by taxpayers from business locations within a
9 municipality in the county multiplied by the combined rate of
10 all county local option gross receipts taxes in effect on
11 January 1, 2007 that are imposed throughout the county; and

12 (d) sixty percent of the total
13 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
14 month by taxpayers from business locations in the county but
15 not within a municipality multiplied by the combined rate of
16 all county local option gross receipts taxes in effect on
17 January 1, 2007 that are imposed in the county area not within
18 a municipality.

19 F. On or after July 1, 2016 but before July 1,
20 2017, a distribution pursuant to Section 7-1-6.1 NMSA 1978
21 shall be made to a county in an amount, subject to any increase
22 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
23 to the sum of:

24 (1) for a county having a population of less
25 than forty-eight thousand according to the most recent federal

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1 decennial census:

2 (a) fifty percent of the total
3 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
4 month by taxpayers from business locations within a
5 municipality in the county multiplied by the combined rate of
6 all county local option gross receipts taxes in effect for the
7 month that are imposed throughout the county;

8 (b) fifty percent of the total
9 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
10 month by taxpayers from business locations in the county but
11 not within a municipality multiplied by the combined rate of
12 all county local option gross receipts taxes in effect for the
13 month that are imposed in the county area not within a
14 municipality;

15 (c) fifty percent of the total
16 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
17 month by taxpayers from business locations within a
18 municipality in the county multiplied by the combined rate of
19 all county local option gross receipts taxes in effect for the
20 month that are imposed throughout the county; and

21 (d) fifty percent of the total
22 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
23 month by taxpayers from business locations in the county but
24 not within a municipality multiplied by the combined rate of
25 all county local option gross receipts taxes in effect for the

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1 month that are imposed in the county area not within a
2 municipality; or

3 (2) for a county not described in Paragraph
4 (1) of this subsection:

5 (a) fifty percent of the total
6 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
7 month by taxpayers from business locations within a
8 municipality in the county multiplied by the combined rate of
9 all county local option gross receipts taxes in effect on
10 January 1, 2007 that are imposed throughout the county;

11 (b) fifty percent of the total
12 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
13 month by taxpayers from business locations in the county but
14 not within a municipality multiplied by the combined rate of
15 all county local option gross receipts taxes in effect on
16 January 1, 2007 that are imposed in the county area not within
17 a municipality;

18 (c) fifty percent of the total
19 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
20 month by taxpayers from business locations within a
21 municipality in the county multiplied by the combined rate of
22 all county local option gross receipts taxes in effect on
23 January 1, 2007 that are imposed throughout the county; and

24 (d) fifty percent of the total
25 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the

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1 month by taxpayers from business locations in the county but
2 not within a municipality multiplied by the combined rate of
3 all county local option gross receipts taxes in effect on
4 January 1, 2007 that are imposed in the county area not within
5 a municipality.

6 G. On or after July 1, 2017 but before July 1,
7 2018, a distribution pursuant to Section 7-1-6.1 NMSA 1978
8 shall be made to a county in an amount, subject to any increase
9 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
10 to the sum of:

11 (1) for a county having a population of less
12 than forty-eight thousand according to the most recent federal
13 decennial census:

14 (a) forty percent of the total
15 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
16 month by taxpayers from business locations within a
17 municipality in the county multiplied by the combined rate of
18 all county local option gross receipts taxes in effect for the
19 month that are imposed throughout the county;

20 (b) forty percent of the total
21 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
22 month by taxpayers from business locations in the county but
23 not within a municipality multiplied by the combined rate of
24 all county local option gross receipts taxes in effect for the
25 month that are imposed in the county area not within a

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1 municipality;

2 (c) forty percent of the total
3 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
4 month by taxpayers from business locations within a
5 municipality in the county multiplied by the combined rate of
6 all county local option gross receipts taxes in effect for the
7 month that are imposed throughout the county; and

8 (d) forty percent of the total
9 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
10 month by taxpayers from business locations in the county but
11 not within a municipality multiplied by the combined rate of
12 all county local option gross receipts taxes in effect for the
13 month that are imposed in the county area not within a
14 municipality; or

15 (2) for a county not described in Paragraph
16 (1) of this subsection:

17 (a) forty percent of the total
18 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
19 month by taxpayers from business locations within a
20 municipality in the county multiplied by the combined rate of
21 all county local option gross receipts taxes in effect on
22 January 1, 2007 that are imposed throughout the county;

23 (b) forty percent of the total
24 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
25 month by taxpayers from business locations in the county but

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1 not within a municipality multiplied by the combined rate of
2 all county local option gross receipts taxes in effect on
3 January 1, 2007 that are imposed in the county area not within
4 a municipality;

5 (c) forty percent of the total
6 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
7 month by taxpayers from business locations within a
8 municipality in the county multiplied by the combined rate of
9 all county local option gross receipts taxes in effect on
10 January 1, 2007 that are imposed throughout the county; and

11 (d) forty percent of the total
12 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
13 month by taxpayers from business locations in the county but
14 not within a municipality multiplied by the combined rate of
15 all county local option gross receipts taxes in effect on
16 January 1, 2007 that are imposed in the county area not within
17 a municipality.

18 H. On or after July 1, 2018 but before July 1,
19 2019, a distribution pursuant to Section 7-1-6.1 NMSA 1978
20 shall be made to a county in an amount, subject to any increase
21 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
22 to the sum of:

23 (1) for a county having a population of less
24 than forty-eight thousand according to the most recent federal
25 decennial census:

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1 (a) thirty percent of the total
2 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
3 month by taxpayers from business locations within a
4 municipality in the county multiplied by the combined rate of
5 all county local option gross receipts taxes in effect for the
6 month that are imposed throughout the county;

7 (b) thirty percent of the total
8 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
9 month by taxpayers from business locations in the county but
10 not within a municipality multiplied by the combined rate of
11 all county local option gross receipts taxes in effect for the
12 month that are imposed in the county area not within a
13 municipality;

14 (c) thirty percent of the total
15 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
16 month by taxpayers from business locations within a
17 municipality in the county multiplied by the combined rate of
18 all county local option gross receipts taxes in effect for the
19 month that are imposed throughout the county; and

20 (d) thirty percent of the total
21 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
22 month by taxpayers from business locations in the county but
23 not within a municipality multiplied by the combined rate of
24 all county local option gross receipts taxes in effect for the
25 month that are imposed in the county area not within a

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1 municipality; or

2 (2) for a county not described in Paragraph
3 (1) of this subsection:

4 (a) thirty percent of the total
5 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
6 month by taxpayers from business locations within a
7 municipality in the county multiplied by the combined rate of
8 all county local option gross receipts taxes in effect on
9 January 1, 2007 that are imposed throughout the county;

10 (b) thirty percent of the total
11 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
12 month by taxpayers from business locations in the county but
13 not within a municipality multiplied by the combined rate of
14 all county local option gross receipts taxes in effect on
15 January 1, 2007 that are imposed in the county area not within
16 a municipality;

17 (c) thirty percent of the total
18 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
19 month by taxpayers from business locations within a
20 municipality in the county multiplied by the combined rate of
21 all county local option gross receipts taxes in effect on
22 January 1, 2007 that are imposed throughout the county; and

23 (d) thirty percent of the total
24 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
25 month by taxpayers from business locations in the county but

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1 not within a municipality multiplied by the combined rate of
2 all county local option gross receipts taxes in effect on
3 January 1, 2007 that are imposed in the county area not within
4 a municipality.

5 I. On or after July 1, 2019 but before July 1,
6 2020, a distribution pursuant to Section 7-1-6.1 NMSA 1978
7 shall be made to a county in an amount, subject to any increase
8 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
9 to the sum of:

10 (1) for a county having a population of less
11 than forty-eight thousand according to the most recent federal
12 decennial census:

13 (a) twenty percent of the total
14 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
15 month by taxpayers from business locations within a
16 municipality in the county multiplied by the combined rate of
17 all county local option gross receipts taxes in effect for the
18 month that are imposed throughout the county;

19 (b) twenty percent of the total
20 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
21 month by taxpayers from business locations in the county but
22 not within a municipality multiplied by the combined rate of
23 all county local option gross receipts taxes in effect for the
24 month that are imposed in the county area not within a
25 municipality;

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1 (c) twenty percent of the total
2 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
3 month by taxpayers from business locations within a
4 municipality in the county multiplied by the combined rate of
5 all county local option gross receipts taxes in effect for the
6 month that are imposed throughout the county; and

7 (d) twenty percent of the total
8 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
9 month by taxpayers from business locations in the county but
10 not within a municipality multiplied by the combined rate of
11 all county local option gross receipts taxes in effect for the
12 month that are imposed in the county area not within a
13 municipality; or

14 (2) for a county not described in Paragraph
15 (1) of this subsection:

16 (a) twenty percent of the total
17 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
18 month by taxpayers from business locations within a
19 municipality in the county multiplied by the combined rate of
20 all county local option gross receipts taxes in effect on
21 January 1, 2007 that are imposed throughout the county;

22 (b) twenty percent of the total
23 deductions claimed pursuant to Section 7-9-92 NMSA 1978 for the
24 month by taxpayers from business locations in the county but
25 not within a municipality multiplied by the combined rate of

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1 all county local option gross receipts taxes in effect on
2 January 1, 2007 that are imposed in the county area not within
3 a municipality;

4 (c) twenty percent of the total
5 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
6 month by taxpayers from business locations within a
7 municipality in the county multiplied by the combined rate of
8 all county local option gross receipts taxes in effect on
9 January 1, 2007 that are imposed throughout the county; and

10 (d) twenty percent of the total
11 deductions claimed pursuant to Section 7-9-93 NMSA 1978 for the
12 month by taxpayers from business locations in the county but
13 not within a municipality multiplied by the combined rate of
14 all county local option gross receipts taxes in effect on
15 January 1, 2007 that are imposed in the county area not within
16 a municipality.

17 J. On or after July 1, 2020 but before July 1,
18 2021, a distribution pursuant to Section 7-1-6.1 NMSA 1978
19 shall be made to a county in an amount, subject to any increase
20 or decrease made pursuant to Section 7-1-6.15 NMSA 1978, equal
21 to the sum of:

22 (1) for a county having a population of less
23 than forty-eight thousand according to the most recent federal
24 decennial census:

25 (a) ten percent of the total deductions

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1 claimed pursuant to Section 7-9-92 NMSA 1978 for the month by
2 taxpayers from business locations within a municipality in the
3 county multiplied by the combined rate of all county local
4 option gross receipts taxes in effect for the month that are
5 imposed throughout the county;

6 (b) ten percent of the total deductions
7 claimed pursuant to Section 7-9-92 NMSA 1978 for the month by
8 taxpayers from business locations in the county but not within
9 a municipality multiplied by the combined rate of all county
10 local option gross receipts taxes in effect for the month that
11 are imposed in the county area not within a municipality;

12 (c) ten percent of the total deductions
13 claimed pursuant to Section 7-9-93 NMSA 1978 for the month by
14 taxpayers from business locations within a municipality in the
15 county multiplied by the combined rate of all county local
16 option gross receipts taxes in effect for the month that are
17 imposed throughout the county; and

18 (d) ten percent of the total deductions
19 claimed pursuant to Section 7-9-93 NMSA 1978 for the month by
20 taxpayers from business locations in the county but not within
21 a municipality multiplied by the combined rate of all county
22 local option gross receipts taxes in effect for the month that
23 are imposed in the county area not within a municipality; or

24 (2) for a county not described in Paragraph
25 (1) of this subsection:

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1 (a) ten percent of the total deductions
2 claimed pursuant to Section 7-9-92 NMSA 1978 for the month by
3 taxpayers from business locations within a municipality in the
4 county multiplied by the combined rate of all county local
5 option gross receipts taxes in effect on January 1, 2007 that
6 are imposed throughout the county;

7 (b) ten percent of the total deductions
8 claimed pursuant to Section 7-9-92 NMSA 1978 for the month by
9 taxpayers from business locations in the county but not within
10 a municipality multiplied by the combined rate of all county
11 local option gross receipts taxes in effect on January 1, 2007
12 that are imposed in the county area not within a municipality;

13 (c) ten percent of the total deductions
14 claimed pursuant to Section 7-9-93 NMSA 1978 for the month by
15 taxpayers from business locations within a municipality in the
16 county multiplied by the combined rate of all county local
17 option gross receipts taxes in effect on January 1, 2007 that
18 are imposed throughout the county; and

19 (d) ten percent of the total deductions
20 claimed pursuant to Section 7-9-93 NMSA 1978 for the month by
21 taxpayers from business locations in the county but not within
22 a municipality multiplied by the combined rate of all county
23 local option gross receipts taxes in effect on January 1, 2007
24 that are imposed in the county area not within a municipality.

25 K. Distribution pursuant to [~~Subsection A of~~] this

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1 section is in lieu of revenue that would have been received by
2 the county but for the deductions provided by Sections 7-9-92
3 and 7-9-93 NMSA 1978. The distribution shall be considered
4 gross receipts tax revenue and shall be used by the county in
5 the same manner as gross receipts tax revenue, including
6 payment of gross receipts tax revenue bonds.

7 ~~[G.]~~ L. A distribution pursuant to this section may
8 be adjusted for a distribution made to a tax increment
9 development district with respect to a portion of a gross
10 receipts tax increment dedicated by a county pursuant to the
11 Tax Increment for Development Act."

12 **SECTION 3. DELAYED REPEAL.**--Sections 7-1-6.46 and
13 7-1-6.47 NMSA 1978 (being Laws 2004, Chapter 116, Sections 1
14 and 2, as amended by Sections 1 and 2 of this act) are repealed
15 effective July 1, 2021.

16 **SECTION 4. EFFECTIVE DATE.**--The effective date of the
17 provisions of this act is July 1, 2011.