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HOUSE BILL 646

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY  
RON GENTRY

AN ACT

RELATING TO DEVELOPMENT FEES; ADDING MUNICIPAL UTILITIES AND  
SOLID WASTE FACILITIES TO THE LIST OF ELIGIBLE CAPITAL  
IMPROVEMENTS PURSUANT TO THE DEVELOPMENT FEES ACT.

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

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

Underscored material = new  
[bracketed material] = delete

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1 Development Fees Act;

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

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

8 (1) water supply, treatment and distribution  
9 facilities; wastewater collection and treatment facilities; and  
10 storm water, drainage and flood control facilities;

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

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

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

20 (5) municipal utilities and related facilities;

21 and

22 (6) solid waste facilities and systems;

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

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

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

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

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

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1 valid ordinance or regulation and is necessitated by and  
2 attributable to the new development;

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

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

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

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

22 N. "roadway facilities" means arterial or collector  
23 streets or roads that have been designated on an officially  
24 adopted roadway plan of the municipality or county, including  
25 bridges, bike and pedestrian trails, bus bays, rights of way,

. 110909. 1

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1 traffic signals, landscaping and any local components of state  
2 or federal highways;

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

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

**State of New Mexico**  
**House of Representatives**

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**FORTY-SECOND LEGISLATURE**  
**SECOND SESSION, 1996**

February 1, 1996

Mr. Speaker:

Your RULES AND ORDER OF BUSINESS COMMITTEE, to  
whom has been referred

HOUSE BILL 646

has had it under consideration and finds same to be  
GERMANE in accordance with constitutional provisions.

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Respectfully submitted,

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Barbara A. Perea Casey,

Chairperson

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Lujan, Olguin, Rodella, R. G. Sanchez, S. M. Williams

Absent: None

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