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SENATE BILL 82

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO TAXATION; ENACTING AUTHORITY TO IMPOSE A SPECIAL COUNTY EDUCATION GROSS RECEIPTS TAX DEDICATED TO PAYMENT FOR BONDS FOR PUBLIC SCHOOL CAPITAL OUTLAY IMPROVEMENTS FOR QUALIFYING COUNTIES.

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

SECTION 1. A new section of the County Local Option Gross Receipts Taxes Act is enacted to read:

"~~[NEW MATERIAL]~~ SPECIAL COUNTY EDUCATION GROSS RECEIPTS TAX--AUTHORITY TO IMPOSE--RATE--ELECTION--USE OF REVENUE.--

A. Upon submission of a resolution to the governing body pursuant to Subsection D of this section, the governing body of a county shall enact an ordinance imposing an excise tax at a rate of three-fourths percent on any person engaging in business in the county for the privilege of engaging in

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1 business in the county. The tax imposed pursuant to this  
2 section may be referred to as the "special county education  
3 gross receipts tax".

4 B. The governing body of a county, at the time of  
5 enacting an ordinance imposing a special county education gross  
6 receipts tax pursuant to this section, shall dedicate the  
7 revenue only for the payment of special county education gross  
8 receipts tax revenue bonds for public school capital  
9 improvements for participating public schools, locally  
10 chartered charter schools and state-chartered charter schools  
11 in the county. The tax shall be imposed for the period  
12 necessary for payment of the principal and interest on the  
13 special county education gross receipts tax revenue bonds  
14 issued to accomplish the purpose for which the revenue is  
15 dedicated, but the period for a tax shall not exceed twenty  
16 years from the effective date of the ordinance imposing the  
17 tax.

18 C. The governing body of a county may reimpose a  
19 special county education gross receipts tax to be effective  
20 upon termination of a previously imposed special county  
21 education gross receipts tax by following the procedure set  
22 forth in this section.

23 D. Upon a finding of need, the boards of each  
24 participating school district, locally chartered charter school  
25 and state-chartered charter school in a county that is located

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1 either wholly within the exterior boundaries of the county or  
2 that has a student membership no more than fifty percent of  
3 which resides outside the exterior boundaries of the county may  
4 enter into a joint agreement to submit a resolution to the  
5 governing body of the county requiring the governing body to  
6 impose a special county education gross receipts tax and to  
7 issue special county education gross receipts tax revenue bonds  
8 for funding public school capital improvements for  
9 participating school districts, locally chartered charter  
10 schools and state-chartered charter schools. The revenues  
11 shall be distributed proportionately to each of the  
12 participating school districts, locally chartered charter  
13 schools and state-chartered charter schools for capital  
14 improvements based on the ratio of the enrollment for the  
15 fortieth day of the school year, as submitted to the public  
16 education department's student teacher accountability reporting  
17 system, to the total student enrollment of all those school  
18 districts, locally chartered charter schools and state-  
19 chartered charter schools. The board of any school district,  
20 locally chartered charter school or state-chartered charter  
21 school may decline to participate and thereby become ineligible  
22 to receive a proportionate share of the bond proceeds.

23 E. An ordinance imposing the special county  
24 education gross receipts tax shall not go into effect until  
25 after an election is held and a majority of the voters in the

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1 county voting in the election votes in favor of imposing the  
2 tax. The governing body of the county shall adopt a resolution  
3 calling for an election within sixty days of the date the  
4 ordinance is adopted on the question of imposing the tax. The  
5 question shall be submitted to the voters of the county as a  
6 separate question at a general election or at a special  
7 election called for that purpose by the governing body. A  
8 special election shall be called, conducted and canvassed in  
9 substantially the same manner as provided by law for general  
10 elections. If a majority of the voters voting on the question  
11 approves the ordinance imposing the special county education  
12 gross receipts tax, then the ordinance shall become effective  
13 in accordance with the provisions of the County Local Option  
14 Gross Receipts Taxes Act. If the question of imposing the  
15 special county education gross receipts tax fails, a resolution  
16 from the boards of the school districts, locally chartered  
17 charter schools and state-chartered charter schools in the  
18 county may not again be proposed to the governing body  
19 requesting imposition of the tax for a period of one year from  
20 the date of the election.

21 F. The proceeds from special county education gross  
22 receipts tax revenue bonds shall be administered by the  
23 governing body of the county and disbursed by the county  
24 treasurer to the respective school districts in the amounts and  
25 for the purposes authorized in this section and as set out in

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1 the resolution submitted by the boards to the governing body.

2 G. As used in this section:

3 (1) "board" means a board of education of a  
4 school district or the governing body of a locally chartered or  
5 state-chartered charter school;

6 (2) "capital improvements" means:

7 (a) erecting, remodeling, making  
8 additions to, providing equipment for or furnishing public  
9 school buildings; and

10 (b) purchasing or improving school  
11 grounds;

12 (3) "county" means a class B county with a  
13 population of less than forty-five thousand according to the  
14 2010 federal decennial census and a net taxable value for  
15 property tax purposes for the 2012 property tax year of more  
16 than one billion five hundred million dollars (\$1,500,000,000);  
17 and

18 (4) "equipment" means installation of  
19 equipment and technology used for education."

20 SECTION 2. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is July 1, 2014.

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