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AN ACT

RELATING TO PUBLIC FINANCE; AUTHORIZING THE ISSUANCE OF COUNTY AREA EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES TAX REVENUE BONDS AND COUNTYWIDE EMERGENCY COMMUNICATIONS AND EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES TAX REVENUE BONDS; SPECIFYING THAT REVENUE FROM THOSE TAXES MAY BE USED TO PURCHASE EMERGENCY COMMUNICATIONS EQUIPMENT FOR CERTAIN EMERGENCY COMMUNICATIONS CENTERS; MAKING TECHNICAL AND CLARIFYING CHANGES TO LAW; DECLARING AN EMERGENCY.

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

SECTION 1. Section 4-62-1 NMSA 1978 (being Laws 1992, Chapter 95, Section 1, as amended) is amended to read:

"4-62-1. REVENUE BONDS--AUTHORITY TO ISSUE--PLEDGE OF REVENUES--LIMITATION ON TIME OF ISSUANCE.--

A. In addition to any other law authorizing a county to issue revenue bonds, a county may issue revenue bonds pursuant to Chapter 4, Article 62 NMSA 1978 for the purposes specified in this section. The term "pledged revenues", as used in Chapter 4, Article 62 NMSA 1978, means the revenues, net income or net revenues authorized to be pledged to the payment of particular revenue bonds as specifically provided in Subsections B through N of this section.

1           B. Gross receipts tax revenue bonds may be issued  
2 for one or more of the following purposes:

3                   (1) constructing, purchasing, furnishing,  
4 equipping, rehabilitating, making additions to or making  
5 improvements to one or more public buildings or purchasing or  
6 improving the ground of the building or buildings;

7                   (2) acquiring or improving county or public  
8 parking lots, structures or facilities;

9                   (3) purchasing, acquiring or rehabilitating  
10 firefighting equipment;

11                   (4) acquiring, extending, enlarging,  
12 bettering, repairing or otherwise improving or maintaining  
13 storm sewers and other drainage improvements, sanitary  
14 sewers, sewage treatment plants, water utilities or other  
15 water, wastewater or related facilities, which may include  
16 the acquisition of rights of way and water and water rights;

17                   (5) reconstructing, resurfacing,  
18 maintaining, repairing or otherwise improving existing  
19 alleys, streets, roads or bridges or laying off, opening,  
20 constructing or otherwise acquiring new alleys, streets,  
21 roads or bridges, which may include the acquisition of rights  
22 of way;

23                   (6) purchasing, acquiring, constructing,  
24 making additions to, enlarging, bettering, extending or  
25 equipping airport facilities, which may include the

1 acquisition of land, easements or rights of way;

2 (7) purchasing, otherwise acquiring or  
3 clearing land or purchasing, otherwise acquiring or  
4 beautifying land for open space;

5 (8) acquiring, constructing, purchasing,  
6 equipping, furnishing, making additions to, renovating,  
7 rehabilitating, beautifying or otherwise improving public  
8 parks, public recreational buildings or other public  
9 recreational facilities;

10 (9) acquiring, constructing, extending,  
11 enlarging, bettering, repairing, otherwise improving or  
12 maintaining solid waste disposal equipment, equipment for  
13 operation and maintenance of sanitary landfills, sanitary  
14 landfills or solid waste facilities; and

15 (10) acquiring, constructing, extending,  
16 bettering, repairing or otherwise improving public transit  
17 systems or regional transit systems or facilities.

18 A county may pledge irrevocably any or all of the  
19 revenue from the first one-eighth increment, the third one-  
20 eighth increment and the one-sixteenth increment of the  
21 county gross receipts tax and any increment of the county  
22 infrastructure gross receipts tax and county capital outlay  
23 gross receipts tax for payment of principal and interest due  
24 in connection with, and other expenses related to, gross  
25 receipts tax revenue bonds for any of the purposes authorized

1 in this section or specific purposes or for any area of  
2 county government services. If the revenue from the first  
3 one-eighth increment, the third one-eighth increment or the  
4 one-sixteenth increment of the county gross receipts tax or  
5 any increment of the county infrastructure gross receipts tax  
6 or county capital outlay gross receipts tax is pledged for  
7 payment of principal and interest as authorized by this  
8 subsection, the pledge shall require the revenues received  
9 from that increment of the county gross receipts tax or any  
10 increment of the county infrastructure gross receipts tax or  
11 county capital outlay gross receipts tax to be deposited into  
12 a special bond fund for payment of the principal, interest  
13 and expenses. At the end of each fiscal year, money  
14 remaining in the special bond fund after the annual  
15 obligations for the bonds are fully met may be transferred to  
16 any other fund of the county.

17 Revenues in excess of the annual principal and interest  
18 due on gross receipts tax revenue bonds secured by a pledge  
19 of gross receipts tax revenue may be accumulated in a debt  
20 service reserve account. The governing body of the county  
21 may appoint a commercial bank trust department to act as  
22 trustee of the proceeds of the tax and to administer the  
23 payment of principal of and interest on the bonds.

24 C. Fire protection revenue bonds may be issued  
25 for acquiring, extending, enlarging, bettering, repairing,

1 improving, constructing, purchasing, furnishing, equipping or  
2 rehabilitating an independent fire district project or  
3 facility, including, as applicable, purchasing, otherwise  
4 acquiring or improving the ground for the project. A county  
5 may pledge irrevocably any or all of the county fire  
6 protection excise tax revenue for payment of principal and  
7 interest due in connection with, and other expenses related  
8 to, fire protection revenue bonds. These bonds may be  
9 referred to in Chapter 4, Article 62 NMSA 1978 as "fire  
10 protection revenue bonds".

11 D. Environmental revenue bonds may be issued for  
12 the acquisition and construction of solid waste facilities,  
13 water facilities, wastewater facilities, sewer systems and  
14 related facilities. A county may pledge irrevocably any or  
15 all of the county environmental services gross receipts tax  
16 revenue for payment of principal and interest due in  
17 connection with, and other expenses related to, environmental  
18 revenue bonds. These bonds may be referred to in Chapter 4,  
19 Article 62 NMSA 1978 as "environmental revenue bonds".

20 E. Gasoline tax revenue bonds may be issued for  
21 the acquisition of rights of way for and the construction,  
22 reconstruction, resurfacing, maintenance, repair or other  
23 improvement of county roads and bridges. A county may pledge  
24 irrevocably any or all of the county gasoline tax revenue for  
25 payment of principal and interest due in connection with, and

1 other expenses related to, county gasoline tax revenue bonds.  
2 These bonds may be referred to in Chapter 4, Article 62 NMSA  
3 1978 as "gasoline tax revenue bonds".

4 F. Utility revenue bonds or joint utility revenue  
5 bonds may be issued for acquiring, extending, enlarging,  
6 bettering, repairing or otherwise improving water facilities,  
7 sewer facilities, gas facilities or electric facilities. A  
8 county may pledge irrevocably any or all of the net revenues  
9 from the operation of the utility or joint utility for which  
10 the particular utility or joint utility bonds are issued to  
11 the payment of principal and interest due in connection with,  
12 and other expenses related to, utility or joint utility  
13 revenue bonds. These bonds may be referred to in Chapter 4,  
14 Article 62 NMSA 1978 as "utility revenue bonds" or "joint  
15 utility revenue bonds".

16 G. Project revenue bonds may be issued for  
17 acquiring, extending, enlarging, bettering, repairing,  
18 improving, constructing, purchasing, furnishing, equipping or  
19 rehabilitating any revenue-producing project, including, as  
20 applicable, purchasing, otherwise acquiring or improving the  
21 ground for the project and acquiring and improving parking  
22 lots. The county may pledge irrevocably any or all of the  
23 net revenues from the operation of the revenue-producing  
24 project for which the particular project revenue bonds are  
25 issued to the payment of the interest on and principal of the

1 project revenue bonds. The net revenues of any revenue-  
2 producing project shall not be pledged to the project revenue  
3 bonds issued for any other revenue-producing project that is  
4 clearly unrelated in nature; but nothing in this subsection  
5 prevents the pledge to any of the project revenue bonds of  
6 the revenues received from existing, future or disconnected  
7 facilities and equipment that are related to and that may  
8 constitute a part of the particular revenue-producing  
9 project. A general determination by the governing body that  
10 facilities or equipment is reasonably related to and  
11 constitutes a part of a specified revenue-producing project  
12 shall be conclusive if set forth in the proceedings  
13 authorizing the project revenue bonds. As used in Chapter 4,  
14 Article 62 NMSA 1978:

15 (1) "project revenue bonds" means the bonds  
16 authorized in this subsection; and

17 (2) "project revenues" means the net  
18 revenues of revenue-producing projects that may be pledged to  
19 project revenue bonds pursuant to this subsection.

20 H. Fire district revenue bonds may be issued for  
21 acquiring, extending, enlarging, bettering, repairing,  
22 improving, constructing, purchasing, furnishing, equipping  
23 and rehabilitating a fire district project, including, as  
24 applicable, purchasing, otherwise acquiring or improving the  
25 ground for the project. The county may pledge irrevocably

1 any or all of the revenues received by the fire district from  
2 the fire protection fund as provided in the Fire Protection  
3 Fund Law and any or all of the revenues provided for the  
4 operation of the fire district project for which the  
5 particular bonds are issued to the payment of the interest on  
6 and principal of the bonds. The revenues of a fire district  
7 project shall not be pledged to the bonds issued for a fire  
8 district project that clearly is unrelated in its purpose;  
9 but nothing in this section prevents the pledge to such bonds  
10 of revenues received from existing, future or disconnected  
11 facilities and equipment that are related to and that may  
12 constitute a part of the particular fire district project. A  
13 general determination by the governing body of the county  
14 that facilities or equipment is reasonably related to and  
15 constitutes a part of a specified fire district project shall  
16 be conclusive if set forth in the proceedings authorizing  
17 the fire district revenue bonds.

18 I. Law enforcement protection revenue bonds may be  
19 issued for the repair and purchase of law enforcement  
20 apparatus and equipment that meet nationally recognized  
21 standards. The county may pledge irrevocably any or all of  
22 the revenues received by the county from the law enforcement  
23 protection fund distributions pursuant to the Law Enforcement  
24 Protection Fund Act to the payment of the interest on and  
25 principal of the law enforcement protection revenue bonds.



1           J. Hospital emergency gross receipts tax revenue  
2 bonds may be issued for acquiring, equipping, remodeling or  
3 improving a county hospital or county health facility. A  
4 county may pledge irrevocably to the payment of the interest  
5 on and principal of the hospital emergency gross receipts tax  
6 revenue bonds any or all of the revenues received by the  
7 county from a county hospital emergency gross receipts tax  
8 imposed pursuant to Section 7-20E-12.1 NMSA 1978 and  
9 dedicated to payment of bonds or a loan for acquiring,  
10 equipping, remodeling or improving a county hospital or  
11 county health facility.

12           K. Economic development gross receipts tax revenue  
13 bonds may be issued for the purpose of furthering economic  
14 development projects as defined in the Local Economic  
15 Development Act. A county may pledge irrevocably any or all  
16 of the county infrastructure gross receipts tax to the  
17 payment of the interest on and principal of the economic  
18 development gross receipts tax revenue bonds for the purpose  
19 authorized in this subsection.

20           L. County education gross receipts tax revenue  
21 bonds may be issued for public school or off-campus  
22 instruction program capital projects as authorized in Section  
23 7-20E-20 NMSA 1978. A county may pledge irrevocably any or  
24 all of the county education gross receipts tax revenue to the  
25 payment of interest on and principal of the county education

1 gross receipts tax revenue bonds for the purpose authorized  
2 in this section.

3 M. County area emergency communications and  
4 emergency medical and behavioral health services tax revenue  
5 bonds and countywide emergency communications and emergency  
6 medical and behavioral health services tax revenue bonds may  
7 be issued for the purpose of purchasing emergency  
8 communications equipment for an emergency communications  
9 center that has been determined by the local government  
10 division of the department of finance and administration to  
11 be a consolidated public safety answering point if the useful  
12 life of the equipment exceeds the term in which the bonds  
13 mature. A county may pledge irrevocably any or all of the  
14 county area emergency communications and emergency medical  
15 and behavioral health services tax revenue and the countywide  
16 emergency communications and emergency medical and behavioral  
17 health services tax revenue to the payment of interest on and  
18 principal of county area emergency communications and  
19 emergency medical and behavioral health services tax revenue  
20 bonds and countywide emergency communications and emergency  
21 medical and behavioral health services tax revenue bonds for  
22 the purpose authorized in this section.

23 N. PILT revenue bonds may be issued by a county to  
24 repay all or part of the principal and interest of an  
25 outstanding loan owed by the county to the New Mexico finance

1 authority. A county may pledge irrevocably all or part of  
2 PILT revenue to the payment of principal of and interest on  
3 new loans or preexisting loans provided by the New Mexico  
4 finance authority to finance a public project as "public  
5 project" is defined in Subsection E of Section 6-21-3 NMSA  
6 1978.

7 O. Except for the purpose of refunding previous  
8 revenue bond issues, no county may sell revenue bonds payable  
9 from pledged revenue after the expiration of two years from  
10 the date of the ordinance authorizing the issuance of the  
11 bonds or, for bonds to be issued and sold to the New Mexico  
12 finance authority as authorized in Subsection C of Section  
13 4-62-4 NMSA 1978, after the expiration of two years from the  
14 date of the resolution authorizing the issuance of the bonds.  
15 However, any period of time during which a particular revenue  
16 bond issue is in litigation shall not be counted in  
17 determining the expiration date of that issue.

18 P. No bonds may be issued by a county, other than  
19 an H class county, a class B county as defined in Section  
20 4-36-8 NMSA 1978 or a class A county as described in Section  
21 4-36-10 NMSA 1978, to acquire, equip, extend, enlarge,  
22 better, repair or construct a utility unless the utility is  
23 regulated by the public regulation commission pursuant to the  
24 Public Utility Act and the issuance of the bonds is approved  
25 by the commission. For purposes of Chapter 4, Article 62

1 NMSA 1978, a "utility" includes a water, wastewater, sewer,  
2 gas or electric utility or joint utility serving the public.  
3 H class counties shall obtain public regulation commission  
4 approvals required by Section 3-23-3 NMSA 1978.

5 Q. Any law that imposes or authorizes the  
6 imposition of a county gross receipts tax, a county  
7 environmental services gross receipts tax, a county fire  
8 protection excise tax, a county infrastructure gross receipts  
9 tax, the county education gross receipts tax, a county  
10 capital outlay gross receipts tax, the gasoline tax, the  
11 county hospital emergency gross receipts tax, the countywide  
12 emergency communications and emergency medical and behavioral  
13 health services tax or the county area emergency  
14 communications and emergency medical and behavioral health  
15 services tax, or that affects any of those taxes, shall not  
16 be repealed or amended in such a manner as to impair  
17 outstanding revenue bonds that are issued pursuant to Chapter  
18 4, Article 62 NMSA 1978 and that may be secured by a pledge  
19 of those taxes unless the outstanding revenue bonds have been  
20 discharged in full or for which provision has been fully  
21 made.

22 R. As used in this section:

23 (1) "county area emergency communications  
24 and emergency medical and behavioral health services tax  
25 revenue" means the revenue from the county area emergency

1 communications and emergency medical and behavioral health  
2 services tax transferred pursuant to Section 7-1-6.13 NMSA  
3 1978;

4 (2) "county capital outlay gross receipts  
5 tax revenue" means the revenue from the county capital outlay  
6 gross receipts tax transferred to the county pursuant to  
7 Section 7-1-6.13 NMSA 1978;

8 (3) "county education gross receipts tax  
9 revenue" means the revenue from the county education gross  
10 receipts tax transferred to the county pursuant to Section  
11 7-1-6.13 NMSA 1978;

12 (4) "county environmental services gross  
13 receipts tax revenue" means the revenue from the county  
14 environmental services gross receipts tax transferred to the  
15 county pursuant to Section 7-1-6.13 NMSA 1978;

16 (5) "county fire protection excise tax  
17 revenue" means the revenue from the county fire protection  
18 excise tax transferred to the county pursuant to Section  
19 7-1-6.13 NMSA 1978;

20 (6) "county gross receipts tax revenue"  
21 means the revenue attributable to the first one-eighth  
22 increment, the third one-eighth increment and the one-  
23 sixteenth increment of the county gross receipts tax  
24 transferred to the county pursuant to Section 7-1-6.13 NMSA  
25 1978 and any distribution related to the first one-eighth

1 increment made pursuant to Section 7-1-6.16 NMSA 1978;

2 (7) "county infrastructure gross receipts  
3 tax revenue" means the revenue from the county infrastructure  
4 gross receipts tax transferred to the county pursuant to  
5 Section 7-1-6.13 NMSA 1978;

6 (8) "countywide emergency communications and  
7 emergency medical and behavioral health services tax revenue"  
8 means the revenue from the countywide emergency  
9 communications and emergency medical and behavioral health  
10 services tax transferred to the county pursuant to Section  
11 7-1-6.13 NMSA 1978;

12 (9) "gasoline tax revenue" means the revenue  
13 from that portion of the gasoline tax distributed to the  
14 county pursuant to Sections 7-1-6.9 and 7-1-6.26 NMSA 1978;

15 (10) "PILT revenue" means revenue received  
16 by the county from the federal government as payments in lieu  
17 of taxes; and

18 (11) "public building" includes fire  
19 stations, police buildings, county or regional jails, county  
20 or regional juvenile detention facilities, libraries,  
21 museums, auditoriums, convention halls, hospitals, buildings  
22 for administrative offices, courthouses and garages for  
23 housing, repairing and maintaining county vehicles and  
24 equipment.

25 S. As used in Chapter 4, Article 62 NMSA 1978,

1 "bond" means any obligation of a county issued under Chapter  
2 4, Article 62 NMSA 1978, whether designated as a bond, note,  
3 loan, warrant, debenture, lease-purchase agreement or other  
4 instrument, evidencing an obligation of a county to make  
5 payments."

6 SECTION 2. Section 7-20E-22 NMSA 1978 (being Laws 2002,  
7 Chapter 14, Section 1, as amended) is amended to read:

8 "7-20E-22. COUNTY EMERGENCY COMMUNICATIONS AND  
9 EMERGENCY MEDICAL AND BEHAVIORAL HEALTH SERVICES TAX--  
10 AUTHORITY TO IMPOSE COUNTYWIDE OR ONLY IN THE COUNTY AREA--  
11 ORDINANCE REQUIREMENTS--USE OF REVENUE--ELECTION.--

12 A. The majority of the members of the governing  
13 body of an eligible county that does not have in effect a tax  
14 imposed pursuant to Subsection B of this section may enact an  
15 ordinance imposing an excise tax at a rate not to exceed  
16 one-fourth percent of the gross receipts of a person engaging  
17 in business in the county for the privilege of engaging in  
18 business. The tax imposed by this subsection may be referred  
19 to as the "countywide emergency communications and emergency  
20 medical and behavioral health services tax".

21 B. The majority of the members of the governing  
22 body of an eligible county that does not have in effect a tax  
23 imposed pursuant to Subsection A of this section may enact an  
24 ordinance imposing an excise tax at a rate not to exceed  
25 one-fourth percent of the gross receipts of a person engaging

1 in business in the county area for the privilege of engaging  
2 in business. The tax imposed by this subsection may be  
3 referred to as the "county area emergency communications and  
4 emergency medical and behavioral health services tax".

5 C. The taxes authorized in Subsections A and B of  
6 this section may be imposed in one or more increments of  
7 one-sixteenth percent not to exceed an aggregate rate of  
8 one-fourth percent.

9 D. The governing body, at the time of enacting an  
10 ordinance imposing a rate of tax authorized in Subsection A  
11 or B of this section, shall dedicate the revenue to one or  
12 more of the following purposes:

13 (1) operation of an emergency communications  
14 center that has been determined by the local government  
15 division of the department of finance and administration to  
16 be a consolidated public safety answering point. That  
17 operation may include the purchase of emergency  
18 communications equipment for the center;

19 (2) operation of emergency medical services  
20 provided by the county; or

21 (3) provision of behavioral health services,  
22 including alcohol abuse and substance abuse treatment.

23 E. An ordinance imposing any increment of the  
24 countywide emergency communications and emergency medical and  
25 behavioral health services tax or the county area emergency



1 communications and emergency medical and behavioral health  
2 services tax shall not go into effect until after an election  
3 is held and a majority of the voters voting in the election  
4 votes in favor of imposing the tax. In the case of an  
5 ordinance imposing an increment of the countywide emergency  
6 communications and emergency medical and behavioral health  
7 services tax, the election shall be conducted countywide. In  
8 the case of an ordinance imposing the county area emergency  
9 communications and emergency medical and behavioral health  
10 services tax, the election shall be conducted only in the  
11 county area. The governing body shall adopt a resolution  
12 calling for an election within seventy-five days of the date  
13 the ordinance is adopted on the question of imposing the tax.  
14 The question may be submitted to the voters as a separate  
15 question at a general election or at a special election  
16 called for that purpose by the governing body. A special  
17 election shall be called, conducted and canvassed in  
18 substantially the same manner as provided by law for general  
19 elections. In any election held, the ballot shall clearly  
20 state the purpose to which the revenue will be dedicated  
21 pursuant to Subsection D of this section. If a majority of  
22 the voters voting on the question approves the imposition of  
23 the countywide emergency communications and emergency medical  
24 and behavioral health services tax or the county area  
25 emergency communications and emergency medical and behavioral

1 health services tax, the ordinance shall become effective in  
2 accordance with the provisions of the County Local Option  
3 Gross Receipts Taxes Act. If the question of imposing the  
4 tax fails, the governing body shall not again propose the  
5 imposition of any increment of either tax for a period of one  
6 year from the date of the election.

7 F. For the purposes of this section, "eligible  
8 county" means:

9 (1) a county that operates or, pursuant to a  
10 joint powers agreement, is served by an emergency  
11 communications center that has been determined by the local  
12 government division of the department of finance and  
13 administration to be a consolidated public safety answering  
14 point; or

15 (2) in the case of a county imposing the tax  
16 for the purposes provided in Paragraph (3) of Subsection D of  
17 this section, a county that operates or contracts for the  
18 operation of a behavioral health services facility providing  
19 alcohol abuse, substance abuse and inpatient and outpatient  
20 behavioral health treatment."

21 SECTION 3. EMERGENCY.--It is necessary for the public  
22 peace, health and safety that this act take effect  
23 immediately.

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