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HOUSE BILL 433

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

INTRODUCED BY

Dennis J. Kintigh

AN ACT

RELATING TO LOCAL GOVERNMENTS; EXPANDING THE SCOPE OF THE
CONVENTION CENTER FINANCING ACT TO CIVIC CENTERS AND TO ALL
MUNICIPALITIES.

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

SECTION 1. Section 5-13-2 NMSA 1978 (being Laws 2003,
Chapter 87, Section 2) is amended to read:

"5-13-2. DEFINITIONS.--As used in the Convention Center
Financing Act:

~~[A. "additional municipality" means an incorporated
municipality, not a qualified municipality, that is authorized
to impose convention center fees pursuant to the Convention
Center Financing Act;]~~

A. "convention center" includes a civic center or
similar facility intended for public use;

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underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 B. "convention center fee" means the fee imposed by
2 a local ~~[government]~~ governmental entity pursuant to the
3 Convention Center Financing Act on vendees for the use of
4 lodging facilities;

5 C. "local governmental entity" means a qualified
6 municipality or a county ~~[or an additional municipality]~~
7 authorized by the Convention Center Financing Act to impose
8 convention center fees;

9 D. "lodging facility" means a hotel, motel or motor
10 hotel, a bed and breakfast facility, an inn, a resort or other
11 facility offering rooms for payment of rent or other
12 consideration;

13 E. "qualified municipality" means an incorporated
14 municipality ~~[that has a population of more than seventy~~
15 ~~thousand but less than one hundred thousand according to the~~
16 ~~2000 federal decennial census located in a class A county]~~ or
17 an H class county;

18 F. "room" means a unit of a lodging facility, such
19 as a hotel room;

20 G. "vendee" means a person who rents or pays
21 consideration to a vendor for use of a room; and

22 H. "vendor" means a person or ~~[his]~~ the person's
23 agent who furnishes rooms for occupancy for consideration."

24 SECTION 2. Section 5-13-3 NMSA 1978 (being Laws 2003,
25 Chapter 87, Section 3) is amended to read:

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1 "5-13-3. AUTHORIZED LOCAL GOVERNMENTAL ENTITIES.--

2 A. The following local governmental entities are
3 authorized to impose convention center fees:

4 [~~A.~~] (1) a qualified municipality if the
5 governing body of the qualified municipality has enacted an
6 ordinance to impose a convention center fee; and

7 [~~B.~~] (2) a county in which a qualified
8 municipality is located, provided that:

9 [~~(1)~~] (a) a qualified municipality
10 within the county has enacted an ordinance to impose a
11 convention center fee;

12 [~~(2)~~] (b) the board of county
13 commissioners of the county has enacted an ordinance to impose
14 a convention center fee;

15 [~~(3)~~] (c) the qualified municipality and
16 the county have entered into a joint powers agreement pursuant
17 to the Joint Powers Agreements Act to collect the revenue from
18 the convention center fee and to expend the revenue as required
19 in the Convention Center Financing Act; and

20 [~~(4)~~] (d) the fee shall only apply to
21 lodging facilities located within twenty miles of the corporate
22 limits of the qualified municipality. [~~and~~

23 ~~G. an additional municipality located within twenty~~
24 ~~miles of the corporate limits of a qualified municipality in~~
25 ~~the same county in which that qualified municipality is~~

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underscored material = new
[bracketed material] = delete

1 ~~located, provided that:~~

2 ~~(1) the qualified municipality has enacted an~~
3 ~~ordinance imposing a convention center fee;~~

4 ~~(2) the additional municipality has enacted an~~
5 ~~ordinance imposing a convention center fee; and~~

6 ~~(3) the qualified municipality and the~~
7 ~~additional municipality have entered into a joint powers~~
8 ~~agreement pursuant to the Joint Powers Agreements Act to~~
9 ~~collect the revenue from the convention center fee and to~~
10 ~~expend the revenue as required by the Convention Center~~
11 ~~Financing Act.]~~

12 B. Two qualified municipalities may enter into a
13 joint powers agreement pursuant to the Joint Powers Agreements
14 Act to collect revenue from a convention center fee and to
15 expend the revenue as required by the Convention Center
16 Financing Act if the municipalities:

17 (1) are located in the same county within
18 twenty miles of the corporate limits of each other; and

19 (2) have each enacted an ordinance to impose a
20 convention center fee."