

FORTY-SEVENTH LEGISLATURE
SECOND SESSION, 2006

HB 462/a

February 15, 2006

Madam President:

Your **FINANCE COMMITTEE**, to whom has been referred

**HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 462, as amended**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 8, line 10, strike "primarily".
2. On page 11, line 21, strike "shall" and insert in lieu thereof "may".
3. On page 13, line 16, strike the comma and strike line 17 through "maintenance".
4. On page 18, lines 9 through 12, strike Subsection F in its entirety.
5. On page 22, line 17, after the period strike the remainder of the line and strike line 18 through the period.
6. On page 25, line 19, after "election" insert "; provided that an election on the same question shall not be held within one year of the failure of a majority to vote in favor of that question.".
7. On page 27, line 24, after "by" insert "the governing body that adopted a resolution to form the district or by" and strike line 25 from the period through "be".
8. On page 28, line 1, strike the colon.
9. On page 28, line 2, strike the paragraph designation "(1)" and strike "the" and insert in lieu thereof "that".

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10. On page 28, line 2, strike "upon" and insert in lieu thereof a period and strike lines 3 through 7 in their entirety.

11. On page 29, line 20, after "POWERS" insert "--LIMITATIONS".

12. On page 31, line 7, strike "and impose fees and charges".

13. On page 31, line 8, after "district" strike the remainder of the line, strike line 9 in its entirety and strike line 10 through "fees".

14. On page 32, line 2, strike the comma and strike line 3 through "limits".

15. On page 32, line 4, strike both occurrences of "the".

16. On page 32, between lines 14 and 15, insert the following subsections:

"C. A district shall not have the power of eminent domain for any purpose.

D. A casino shall not be located in a district, and a district shall not use the proceeds of property tax increment bonds or gross receipts tax increment bonds to finance public improvements for a casino."

17. On page 34, line 8, after "once" insert "each year".

18. On page 36, strike lines 11 through 13 in their entirety and renumber the succeeding paragraphs accordingly.

19. On page 38, line 13, strike "and" and between lines 13 and 14, insert the following paragraph:

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"(2) based upon review by the state board of finance of the applicable tax increment development plan, the dedication by the state board of finance of a portion of the gross receipts tax increment attributable to the imposition of the state gross receipts tax within the district for use in meeting the required goals of the tax increment plan is reasonable and in the best interest of the state; and".

20. Renumber the succeeding paragraph accordingly.

21. On page 40, line 10, strike "Gross" and insert in lieu thereof "Except as otherwise provided in the Tax Increment for Development Act, gross".

22. On page 40, line 19, strike "thirty" and insert in lieu thereof "twenty-five".

23. On page 45, line 18, after the period strike the remainder of the line and strike lines 19 and 20 in their entirety.

24. On page 46, line 6, strike "Property" and insert in lieu thereof "Except as otherwise provided in the Tax Increment for Development Act, property".

25. On page 46, line 15, strike "thirty" and insert in lieu thereof "twenty-five".

26. On page 53, between lines 15 and 16, insert the following new section:

"Section 21. [NEW MATERIAL] APPROVAL REQUIRED FOR ISSUANCE OF BONDS AGAINST STATE GROSS RECEIPTS TAX INCREMENTS.--In addition to all other requirements of the Tax Increment for Development Act, prior to a district board issuing bonds against a gross receipts tax increment attributable to the imposition of the state gross receipts tax within a district:

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A. the New Mexico finance authority shall review the proposed issuance of the bonds and determine that the proceeds of the bonds will be used for a tax increment development project in accordance with the district's tax increment development plan and present the proposed issuance of the bonds to the legislature for approval; and

B. the issuance of the bonds shall be specifically authorized by law."

27. Renumber the succeeding sections accordingly.

28. On page 55, line 16, after "may" insert ", subject to the approval of the governing body that approved the district's tax increment development plan,".

29. On page 57, lines 9 through 11, strike Section 28 in its entirety and insert in lieu thereof the following section:

"Section 28. BOND TERM EXPIRATION.--The terms of bonds issued pursuant to the Tax Increment for Development Act for a district, including refunding bonds, shall expire not more than twenty-five years after the date that the first bonds are issued for that district."

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Respectfully submitted,

Joseph A. Fidel, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against
Yes: 7
No: 0
Excused: Carraro, Rawson, Rodriguez
Absent: None

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