

FORTY-SIXTH LEGISLATURE
SECOND SESSION, 2004

HB 44/a

February 14, 2004

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

HOUSE BILL 44, as amended

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

1. Strike House Taxation and Revenue Committee Amendment 3.
2. On page 1, line 12, before "EXPANDING" insert "AMENDING REFERENDUM REQUIREMENTS;"
3. On page 1, between lines 14 and 15, insert the following new section:

"Section 1. Section 7-20E-3 NMSA 1978 (being Laws 1993, Chapter 354, Section 3) is amended to read:

"7-20E-3. OPTIONAL REFERENDUM SELECTION--EFFECTIVE DATE OF ORDINANCE.--

A. The governing body of a county imposing a tax or an increment of tax authorized by the County Local Option Gross Receipts Taxes Act or any other county local option gross receipts tax act that is subject to optional referendum selection shall select, when enacting the ordinance imposing the tax, one of the following referendum options:

(1) the ordinance imposing the tax or increment of tax shall go into effect on July 1 or January 1 in accordance with the provisions of the County Local Option Gross Receipts Taxes Act, but an election may be called in the county on the question of approving or disapproving that ordinance as follows:

(a) an election shall be called when: 1) in a county having a referendum provision in its charter, a petition

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requesting such an election is filed pursuant to the requirements of that provision in the charter and signed by the number of registered voters in the county equal to the number of registered voters required in its charter to seek a referendum; and 2) in all other counties, a petition requesting such an election is filed with the county clerk within sixty days of enactment of the ordinance by the governing body and the petition has been signed by a number of registered voters in the county equal to at least five percent of the number of the voters in the county who were registered to vote in the most recent general election;

(b) the signatures on the petition requesting an election shall be verified by the county clerk. If the petition is verified by the county clerk as containing the required number of signatures of registered voters, the governing body shall adopt a resolution calling an election on the question of approving or disapproving the ordinance. The election shall be held within sixty days after the date the petition is verified by the county clerk, or it may be held in conjunction with a general election if that election occurs within sixty days after the date of the verification. The election shall be called, held, conducted and canvassed in substantially the same manner as provided by law for general elections; and

(c) if a majority of the registered voters voting on the question approves the ordinance, the ordinance shall go into effect on July 1 or January 1 in accordance with the provisions of the County Local Option Gross Receipts Taxes Act. If at such an election a majority of the registered voters voting on the question disapproves the ordinance, the ordinance imposing the tax shall be deemed repealed and the question of imposing the tax or increment of tax shall not be considered again by the governing body for a period of one year from the date of the election; or

(2) the ordinance imposing the tax or increment of tax shall not go into effect until after an election is held and a simple majority of the registered voters of the county voting on the

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question votes in favor of imposing the tax or increment of tax. The governing body shall adopt a resolution calling for an election within seventy-five days of the date the ordinance is adopted on the question of imposing the tax or increment of tax. Such question may be submitted to the voters and voted upon as a separate question at any general election or at any special election called for that purpose by the governing body. The election upon the question shall be called, held, conducted and canvassed in substantially the same manner as may be provided by law for general elections. If the question of imposing the tax or increment of tax fails, the governing body shall not again propose the tax or increment of tax for a period of one year after the election.

B. An ordinance imposing, amending or repealing a tax or an increment of tax authorized by the County Local Option Gross Receipts Taxes Act shall be effective on July 1 or January 1, whichever date occurs first after the expiration of at least three months from the date the adopted ordinance is mailed or delivered to the department. The ordinance shall include that effective date.".

4. Renumber succeeding sections accordingly.

5. On page 4, strike lines 3 through 25 and on page 5, strike lines 1 through 20 and insert in lieu thereof "be subject to optional referendum selection by the governing body, pursuant to Subsection A of Section 7-20E-3 NMSA 1978."

6. On page 16, line 5, after "shall" insert "be subject to optional referendum selection by the governing body, as provided in Subsection A of Section 7-20E-3 NMSA 1978."

7. On page 17, strike lines 18 through 25, on page 18, strike lines 1 through 25 and on page 19, strike lines 1 through 8.

8. On page 20, between lines 12 and 13, insert the following new section:

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"Section 8. TEMPORARY PROVISION.--An ordinance imposing the county fire protection excise tax that has an effective date on or after July 1, 2004 shall not be subject to the time limit on tax imposition specified in that version of Section 7-20E-15 NMSA 1978 that was in effect prior to the effective date of this 2004 act, and any delayed repeal provision included in that ordinance shall be ineffective."

9. Renumber succeeding sections accordingly.

10. On page 20, line 14, after "of" insert "Sections 1 through 3 and 5 through 7 of".,

and thence referred to the **FINANCE COMMITTEE**.

Respectfully submitted,

Dede Feldman, Chairman

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

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Adair, Boitano, Kysar, Pinto

Absent: None

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