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HOUSE BILL 457

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

J. "Andy" Kissner

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING CERTAIN PROVISIONS OF THE
MOTOR VEHICLE CODE TO PROVIDE MORE EFFICIENT HANDLING OF
REVENUE DISTRIBUTIONS AND TO MAKE TECHNICAL CORRECTIONS;
MAKING APPROPRIATIONS; AMENDING AND REPEALING CERTAIN SECTIONS
OF THE NMSA 1978.

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

Section 1. Section 66-2-6 NMSA 1978 (being Laws 1978,
Chapter 35, Section 10) is amended to read:

"66-2-6. AUTHORITY TO ADMINISTER OATHS [~~AND CERTIFY
COPIES OF RECORDS~~]. -- [A.] Officers and employees of the
[~~division~~] department designated by the [~~director~~] secretary
or secretary's delegate are, for the purpose of administering
the motor vehicle laws, authorized to administer oaths and
acknowledge signatures.

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1 ~~[B. The director and such officers of the division~~
2 ~~as he may designate are authorized to prepare under the seal~~
3 ~~of the division and deliver upon request a certified copy of~~
4 ~~any record of the division, charging a fee for each document~~
5 ~~so authenticated, and every such certified copy shall be~~
6 ~~admissible in any proceeding in any court in like manner as~~
7 ~~the original thereof.]"~~

8 Section 2. Section 66-2-7 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 11, as amended) is amended to read:

10 "66-2-7. RECORDS OF THE DEPARTMENT. --

11 A. All records of the department relating to the
12 administration and enforcement of the Motor Vehicle Code and
13 any other law relating to motor vehicles, the administration
14 and enforcement of which is charged to the department, other
15 than those declared by law to be confidential for the use of
16 the department, shall be open to public inspection during
17 office hours.

18 B. Disposition of obsolete records of the
19 department relating to the administration and enforcement of
20 the Motor Vehicle Code and any other law relating to motor
21 vehicles, the administration and enforcement of which is
22 charged to the department, shall be made in accordance with
23 the provisions of the Public Records Act.

24 C. The department may copy or abstract records of
25 the department relating to the administration and enforcement

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1 of the Motor Vehicle Code and any other law relating to motor
2 vehicles, the administration and enforcement of which is
3 charged to the department, to the extent permitted by law.
4 The copies or abstracts may be made in paper, electronic,
5 microfilm, optical or other formats. Duly certified copies of
6 official records shall be deemed valid and given the same
7 weight and consideration as original records.

8 D. Any person may purchase copies, printouts or
9 abstracts of records of the department described in Subsection
10 A of this section. The copies, printouts or abstracts may be
11 made in paper, electronic, microfilm, optical or other
12 formats. The department may make a reasonable charge for the
13 furnishing of ~~[all]~~ copies, printouts or abstracts ~~[All fees~~
14 ~~so collected shall be paid to the state treasurer and~~
15 ~~distributed in accordance with Section 66-6-23 NMSA 1978]~~ and
16 for certifying any such copy."

17 Section 3. Section 66-2-16 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 20, as amended) is amended to read:

19 "66-2-16. ADMINISTRATIVE SERVICE FEES--COLLECTION--
20 REMITTANCE--PAYMENT--OPTIONAL SERVICE FEES--APPROPRIATION.--

21 A. The secretary is authorized to establish by
22 rule or regulation a schedule of administrative service fees
23 to be collected by the agents or department to defray the
24 costs of operation of the agents' or department's offices and
25 of rendering service to the public. Fees shall be fifty cents

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1 (\$.50) for each item or transaction or service performed by
2 the agent or department for the [~~director~~] secretary and shall
3 be collected in addition to all other fees and taxes imposed.

4 B. All sums collected by an agent or the
5 department as administrative service fees shall be remitted as
6 provided in Section 66-2-15 NMSA 1978.

7 C. Administrative service fees remitted by
8 department employees shall be deposited by the state treasurer
9 into the motor vehicle suspense fund and distributed in
10 accordance with Section 66-6-23 NMSA 1978.

11 D. Notwithstanding the provisions of Subsections A
12 through C of this section, no class A county with a population
13 exceeding three hundred thousand or municipality with a
14 population exceeding three hundred thousand within a class A
15 county designated as an agent pursuant to Section 66-2-14.1
16 NMSA 1978 shall be paid an administrative service fee.

17 E. The secretary is authorized to establish by
18 regulation fees to cover the expense of providing additional
19 services for the convenience of the motoring public. Any
20 service established for which a fee is adopted [~~under~~]
21 pursuant to this subsection shall be optional, with the fee
22 not being charged to any person not taking advantage of the
23 service. Amounts collected pursuant to this subsection are
24 appropriated to the department for the purpose of defraying
25 the expense of providing the service.

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1 F. The secretary shall review, at the end of each
2 fiscal year, the aggregate total of motor vehicle transactions
3 performed by each municipality, county or fee agent operating
4 a motor vehicle field office, and identify each office
5 exceeding ten thousand aggregate transactions per year. "

6 Section 4. Section 66-5-33.1 NMSA 1978 (being Laws 1985,
7 Chapter 47, Section 1, as amended) is amended to read:

8 "66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR
9 REGISTRATION-- FEE. --

10 A. Whenever a driver's license or registration is
11 suspended or revoked and an application has been made for its
12 reinstatement, compliance with all appropriate provisions of
13 the Motor Vehicle Code and the payment of a fee of twenty-five
14 dollars (\$25.00) is a prerequisite to the reinstatement of any
15 license or registration [~~except that~~].

16 B. If a driver's license was suspended or revoked
17 for driving while under the influence of intoxicating liquor
18 or drugs, for aggravated driving while under the influence of
19 intoxicating liquor or drugs or for a violation of the Implied
20 Consent Act, an additional fee of seventy-five dollars
21 (\$75.00) is required to be paid to reinstate the driver's
22 license. [~~The division shall deposit the additional fee in~~]
23 Fees collected pursuant to this subsection are appropriated to
24 the local governments road fund. The [~~division~~] department
25 shall maintain an accounting of the [~~additional~~] fees

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1 [deposited in the local governments road fund] collected
2 pursuant to this [section] subsection and shall report that
3 amount [annually and] upon request to the legislature."

4 Section 5. Section 66-6-1 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 336, as amended) is amended to read:

6 "66-6-1. MOTORCYCLES--REGISTRATION FEES.--

7 A. For the registration of motorcycles, the
8 [division] department shall collect the following fees for a
9 twelve-month registration period:

10 (1) for each motorcycle having not more than
11 two wheels in contact with the ground, eleven dollars
12 (\$11.00); and

13 (2) for each motorcycle having three wheels
14 in contact with the ground or having a sidecar, eleven dollars
15 (\$11.00).

16 B. [~~Beginning July 1, 1994~~] In addition to other
17 fees required by this section, the [division] department shall
18 collect, for each motorcycle, an annual tire recycling fee of
19 fifty cents (\$.50) for a twelve-month registration period.

20 [~~C. Two dollars (\$2.00) of each fee collected~~
21 ~~pursuant to Paragraphs (1) and (2) of Subsection A of this~~
22 ~~section shall be credited to the motorcycle training fund.~~]"

23 Section 6. Section 66-6-22.1 NMSA 1978 (being Laws 1990,
24 Chapter 120, Section 34) is amended to read:

25 "66-6-22.1. MOTOR VEHICLE SUSPENSE FUND CREATED--

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1 RECEIPTS-- DISBURSEMENTS. --

2 A. There is created in the state treasury a fund
3 to be known as the "motor vehicle suspense fund".

4 B. The fees collected under the provisions of
5 Sections 66-1-1 through [~~66-6-18~~] 66-6-19 and 67-16-14 NMSA
6 1978 shall be paid to the state treasurer for the credit of
7 the motor vehicle suspense fund not later than the close of
8 the second business day after their receipt.

9 C. Money deposited to the credit of or disbursed
10 from the motor vehicle suspense fund shall be accounted for as
11 provided by law or regulation of the secretary of finance and
12 administration. Disbursements from the motor vehicle suspense
13 fund shall be made by the department of finance and
14 administration upon request and certification of their
15 appropriateness by the secretary of finance and administration
16 or the secretary's delegate.

17 D. The balance of the motor vehicle suspense fund
18 is appropriated for the purpose of making refunds,
19 distributions and other disbursements authorized or required
20 by law to be made from the motor vehicle suspense fund,
21 provided that no distribution shall be made to a municipality,
22 county or fee agent operating a motor vehicle field office
23 with respect to money collected and remitted to the department
24 by that municipality, county or fee agent until the report of
25 the municipality, county or fee agent is audited and accepted

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1 by the department. "

2 Section 7. Section 66-6-23 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 358, as amended) is amended to read:

4 "66-6-23. DISPOSITION OF FEES. --

5 A. After the necessary disbursements for refunds
6 and other purposes have been made, the money remaining in the
7 motor vehicle suspense fund, except for remittances received
8 within the previous two months that are unidentified as to
9 source or disposition, shall be distributed as follows:

10 (1) to each municipality, county or fee agent
11 operating a motor vehicle field office:

12 (a) an amount equal to six dollars
13 (\$6.00) per driver's license and three dollars (\$3.00) per
14 identification card or motor vehicle or motorboat registration
15 or title transaction performed; and

16 (b) for each such agent determined by
17 the secretary pursuant to Subsection F of Section 66-2-16 NMSA
18 1978 to have performed ten thousand or more transactions in
19 the preceding fiscal year, other than a class A county with a
20 population exceeding three hundred thousand or any
21 municipality with a population exceeding three hundred
22 thousand that has been designated as an agent pursuant to
23 Section 66-2-14.1 NMSA 1978, an amount equal to one dollar
24 (\$1.00) in addition to the amount distributed pursuant to
25 Subparagraph (a) of this paragraph for each driver's license,

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1 identification card, motor vehicle registration, motorboat
2 registration or title transaction performed;

3 (2) to each municipality or county, other
4 than a class A county with a population [~~in excess of~~]
5 exceeding three hundred thousand or a municipality with a
6 population [~~in excess of~~] exceeding three hundred thousand
7 [~~within a class A county~~] designated as an agent pursuant to
8 Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
9 office, an amount equal to fifty cents (\$.50) for each
10 administrative service fee remitted by that county or
11 municipality to the department pursuant to the provisions of
12 Subsection A of Section 66-2-16 NMSA 1978;

13 (3) to the state road fund:

14 (a) [~~an amount equal to one-half of~~
15 ~~each fee received from motorcycle endorsements; and~~] an amount
16 equal to the fee collected pursuant to Section 66-3-417 NMSA
17 1978;

18 (b) the remainder of each driver's
19 license fee collected by the department employees from an
20 applicant to whom a license is granted after deducting from
21 the driver's license fee the amount of the distribution
22 authorized in Paragraph (1) of this subsection with respect to
23 that collected driver's license fee; and

24 (c) an amount equal to fifty percent of
25 the fees collected pursuant to Section 66-6-19 NMSA 1978;

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1 (4) to the local governments road fund, the
2 amount of the fees [~~provided for in~~] collected pursuant to
3 Subsection B of Section 66-5-33.1 NMSA 1978 and the remainder
4 of the fees collected pursuant to Subsection A of Section
5 66-5-408 NMSA 1978;

6 (5) to the [~~division~~] department:

7 (a) [~~an amount equal to one-half of~~
8 ~~each fee received from motorcycle endorsements~~] any amounts
9 reimbursed to the department pursuant to Subsection C of
10 Section 66-2-14.1 NMSA 1978;

11 (b) an amount equal to two dollars
12 (\$2.00) of each motorcycle registration fee collected pursuant
13 to Section 66-6-1 NMSA 1978; [~~and~~]

14 (c) an amount equal to the fees
15 provided for in Subsection D of Section 66-2-7 NMSA 1978,
16 Subsection E of Section 66-2-16 NMSA 1978, Subsections J and K
17 of Section 66-3-6 NMSA 1978 other than the administrative fee,
18 Subsection C of Section 66-3-16 NMSA 1978, Subsection C of
19 Section 66-5-44 NMSA 1978 and Subsection B of Section 66-5-408
20 NMSA 1978; and

21 (d) the amounts due to the department
22 pursuant to Paragraph (1) of Subsection E of Section 66-3-419
23 NMSA 1978, Subsection E of Section 66-3-422 NMSA 1978 and
24 Subsection E of Section 66-3-423 NMSA 1978;

25 (6) to each New Mexico institution of higher

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1 education, an amount equal to that part of the fees
2 distributed pursuant to Paragraph (2) of Subsection D of
3 Section 66-3-416 NMSA 1978 proportionate to the number of
4 special registration plates issued in the name of the
5 institution to all such special registration plates issued in
6 the name of all institutions;

7 (7) to the armed forces veterans license
8 fund, the amount to be distributed pursuant to Paragraph (2)
9 of Subsection E of Section 66-3-419 NMSA 1978;

10 (8) to the children's trust fund, the amount
11 to be distributed pursuant to Paragraph (2) of Subsection D of
12 Section 66-3-420 NMSA 1978;

13 (9) to the state highway and transportation
14 department, an amount equal to the fees collected pursuant to
15 Section 66-5-35 NMSA 1978;

16 ~~(6)~~ (10) to the state equalization
17 guarantee distribution made annually pursuant to the general
18 appropriation act, an amount equal to one hundred percent of
19 the driver safety fee collected pursuant to Subsection D of
20 Section 66-5-44 NMSA 1978;

21 (11) to the motorcycle training fund, two
22 dollars (\$2.00) of each motorcycle registration fee collected
23 pursuant to Section 66-6-1 NMSA 1978;

24 ~~(7)~~ (12) to the rubberized asphalt fund,
25 forty-five percent of all tire recycling fees collected

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1 pursuant to the provisions of Sections 66-6-1, 66-6-2, 66-6-4,
2 66-6-5 and 66-6-8 NMSA 1978; [and]

3 [~~(8)~~] (13) to the tire recycling fund, the
4 amount remaining, after distributions pursuant to Paragraph
5 [~~(7)~~] (12) of this subsection have been made to the rubberized
6 asphalt fund, from all annual tire recycling fees collected
7 pursuant to the provisions of Sections 66-6-1, 66-6-2, 66-6-4,
8 66-6-5 and 66-6-8 NMSA 1978;

9 (14) to each county, an amount equal to fifty
10 percent of the fees collected pursuant to Section 66-6-19 NMSA
11 1978 multiplied by a fraction, the numerator of which is the
12 total mileage of public roads maintained by the county and the
13 denominator of which is the total mileage of public roads
14 maintained by all counties in the state; and

15 (15) to the litter control and beautification
16 fund, an amount equal to the fees collected pursuant to
17 Section 67-16-14 NMSA 1978.

18 B. The balance, exclusive of unidentified
19 remittances, [~~after having been reduced by the distributions~~
20 ~~required by Subsection A of this section, shall be further~~
21 ~~reduced by a distribution of forty three percent of the~~
22 ~~balance to the state road fund, and the remainder of the~~
23 ~~balance shall be transferred or distributed by the state~~
24 ~~treasurer on or before the last day of the month next after~~
25 ~~its receipt, as follows:-~~

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1 ~~route and location. By agreement and in cooperation with the~~
2 ~~state highway and transportation department, the boards of~~
3 ~~county commissioners of the various counties may use or~~
4 ~~designate any of the funds provided in this paragraph for any~~
5 ~~federal aid program;~~

6 ~~(4) nine and four-tenths percent shall be~~
7 ~~allocated among the counties in the proportion, determined by~~
8 ~~the department in accordance with Subsection C of this~~
9 ~~section, that the registration fees for vehicles in that~~
10 ~~county are to the total registration fees for vehicles in all~~
11 ~~counties. The amount allocated to each county shall be~~
12 ~~transferred to the incorporated municipalities within the~~
13 ~~county in the proportion, determined by the department of~~
14 ~~finance and administration in accordance with Subsection C of~~
15 ~~this section, that the sum of net taxable value, as that term~~
16 ~~is defined in the Property Tax Code, plus the assessed value,~~
17 ~~as that term is used in the Oil and Gas Ad Valorem Production~~
18 ~~Tax Act and in the Oil and Gas Production Equipment Ad Valorem~~
19 ~~Tax Act, determined for the incorporated municipality is to~~
20 ~~the sum of net taxable value plus assessed value determined~~
21 ~~for all incorporated municipalities within the county.~~

22 ~~Amounts transferred to incorporated municipalities under the~~
23 ~~provisions of this paragraph shall be used for the~~
24 ~~construction, maintenance and repair of streets within the~~
25 ~~municipality and for payment of paving assessments against~~

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1 ~~property owned by federal, county or municipal governments.~~
2 ~~In any county in which there are no incorporated~~
3 ~~municipalities, the amount allocated under this paragraph~~
4 ~~shall be transferred to the county road fund and used in~~
5 ~~accordance with the provisions of Paragraph (3) of this~~
6 ~~subsection; and~~

7 ~~(5) fourteen and one-tenth percent shall be~~
8 ~~allocated among the counties in the proportion, determined by~~
9 ~~the department in accordance with Subsection C of this~~
10 ~~section, that the registration fees for vehicles in that~~
11 ~~county are to the total registration fees for vehicles in all~~
12 ~~counties. The amount allocated to each county shall be~~
13 ~~transferred to the county and incorporated municipalities~~
14 ~~within the county in the proportion, determined by the~~
15 ~~department of finance and administration in accordance with~~
16 ~~Subsection C of this section, that the computed taxes due for~~
17 ~~the county and each incorporated municipality within the~~
18 ~~county bear to the total computed taxes due for the county and~~
19 ~~incorporated municipalities within the county. For the~~
20 ~~purposes of this paragraph, the term "computed taxes due" for~~
21 ~~any jurisdiction means the sum of the net taxable value, as~~
22 ~~that term is defined in the Property Tax Code, plus the~~
23 ~~assessed value, as that term is used in the Oil and Gas Ad~~
24 ~~Valorem Production Tax Act and in the Oil and Gas Production~~
25 ~~Equipment Ad Valorem Tax Act, for that jurisdiction multiplied~~

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1 ~~by an average of the rates for residential and nonresidential~~
2 ~~property imposed for that jurisdiction pursuant to Subsection~~
3 ~~B of Section 7-37-7 NMSA 1978.~~

4 ~~C. To carry out the provisions of this section,~~
5 ~~during the month of June of each year:~~

6 ~~(1) the department shall determine and~~
7 ~~certify to the department of finance and administration the~~
8 ~~proportions which the department is required to determine by~~
9 ~~Subsection B of this section using information for the~~
10 ~~preceding calendar year on the number of vehicles registered~~
11 ~~in each county based on the address of the owner or place~~
12 ~~where the vehicle is principally located, the registration~~
13 ~~fees for the vehicles registered in each county, the total~~
14 ~~number of vehicles registered in the state and the total~~
15 ~~registration fees for all vehicles registered in the state;~~
16 ~~and~~

17 ~~(2) the department of finance and~~
18 ~~administration shall determine the proportions that the~~
19 ~~department of finance and administration is required to~~
20 ~~determine by Subsection B of this section based upon the net~~
21 ~~taxable value, as that term is defined in the Property Tax~~
22 ~~Code, and assessed value, as that term is used in the Oil and~~
23 ~~Gas Ad Valorem Production Tax Act and the Oil and Gas~~
24 ~~Production Equipment Ad Valorem Tax Act, for the preceding tax~~
25 ~~year and the tax rates imposed pursuant to Subsection B of~~

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1 ~~Section 7-37-7 NMSA 1978 in the preceding September.~~

2 ~~D. By June 30 of each year, the department of~~
3 ~~finance and administration shall determine the appropriate~~
4 ~~percentage of money to be transferred to each county and~~
5 ~~municipality for each purpose in accordance with Subsection A~~
6 ~~of this section based upon the proportions determined by or~~
7 ~~certified to the department of finance and administration.~~
8 ~~The percentages determined shall be used to compute the~~
9 ~~amounts to be transferred to the counties and municipalities~~
10 ~~during the succeeding fiscal year.~~

11 ~~E. The board of county commissioners of each of~~
12 ~~the respective counties shall, by April 1 of every year,~~
13 ~~certify reports to the secretary of highway and transportation~~
14 ~~of the total mileage of public roads maintained by each county~~
15 ~~as of April 1 of every year; provided that in their reports,~~
16 ~~the boards of county commissioners shall identify each of the~~
17 ~~public roads maintained by them by name, route and location.~~
18 ~~By July 1 of every year, the secretary of highway and~~
19 ~~transportation shall verify the reports of the counties and~~
20 ~~revise, if necessary, the total mileage of public roads~~
21 ~~maintained by each county and the mileage verified by the~~
22 ~~secretary of highway and transportation shall be the official~~
23 ~~mileage of public roads maintained by each county.~~
24 ~~Distribution of amounts to any county for road purposes shall~~
25 ~~be made in accordance with this section.~~

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~~F. If a county has not made the required mileage certification pursuant to Section 67-3-28.3 NMSA 1978 by April 1 of any year, the secretary of highway and transportation shall estimate the mileage maintained by those counties for the purpose of making distribution to all counties, and the amount calculated to be distributed each month to those counties not certifying mileage shall be reduced by one-third each month for that fiscal year and that amount not distributed to those counties shall be distributed equally to all counties that have certified mileages.~~

~~G. The secretary shall review, at the end of each fiscal year, the aggregate total of motor vehicle transactions performed by each municipality, county or fee agent operating a motor vehicle field office, and for each office exceeding ten thousand aggregate transactions per year, that municipality, county or fee agent shall be paid an additional one dollar (\$1.00) per identification card, driver's license, registration or title transaction performed during the next fiscal year]~~ shall be distributed in accordance with Section 66-6-23.1 NMSA 1978.

C. If any of the paragraphs, subsections or sections referred to in Subsection A of this section are recompiled or otherwise re-designated without a corresponding change to Subsection A of this section, the reference in Subsection A of this section shall be construed to be the

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1 recompiled or re-designated paragraph, subsection or section. "

2 Section 8. A new section of the Motor Vehicle Code,
3 Section 66-6-23.1 NMSA 1978, is enacted to read:

4 "66-6-23.1. [NEW MATERIAL] FORMULAIC DISTRIBUTION. --

5 A. The balance from Section 66-6-23 NMSA 1978
6 shall be transferred or distributed by the state treasurer on
7 or before the last day of the month next after its receipt, as
8 follows:

9 (1) sixty-six and five hundred forty-one
10 thousandths percent shall be distributed to the state road
11 fund;

12 (2) ten and thirty-two thousandths percent
13 shall be transferred to each county in the proportion,
14 determined by the department in accordance with Subsection B
15 of this section, that the registration fees for vehicles in
16 that county are to the total registration fees for vehicles in
17 all counties;

18 (3) ten and thirty-two thousandths percent
19 shall be transferred to the counties, with each county
20 receiving an amount equal to the proportion, determined by the
21 secretary of highway and transportation in accordance with
22 Subsection D of this section, that the mileage of public roads
23 maintained by the county is to the total mileage of public
24 roads maintained by all counties of the state. Amounts
25 distributed to each county in accordance with this paragraph

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1 shall be credited to the respective county road fund and be
2 used for the improvement and maintenance of the public roads
3 in the county and to pay for the acquisition of rights of way
4 and material pits. For this purpose, the board of county
5 commissioners of each of the respective counties shall certify
6 by April 1 of each year to the secretary of highway and
7 transportation the total mileage as of April 1 of that year;
8 provided that in their report, the boards of county
9 commissioners shall identify each of the public roads
10 maintained by them by name, route and location. By agreement
11 and in cooperation with the state highway and transportation
12 department, the boards of county commissioners of the various
13 counties may use or designate any of the funds provided in
14 this paragraph for any federal aid program;

15 (4) five and three hundred fifty-eight
16 thousandths percent shall be allocated among the counties in
17 the proportion, determined by the department in accordance
18 with Subsection B of this section, that the registration fees
19 for vehicles in that county are to the total registration fees
20 for vehicles in all counties. The amount allocated to each
21 county shall be transferred to the incorporated municipalities
22 within the county in the proportion, determined by the
23 department of finance and administration in accordance with
24 Subsection C of this section, that the sum of net taxable
25 value, as that term is defined in the Property Tax Code, plus

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1 the assessed value, as that term is used in the Oil and Gas Ad
2 Valorem Production Tax Act and in the Oil and Gas Production
3 Equipment Ad Valorem Tax Act, determined for the incorporated
4 municipality is to the sum of net taxable value plus assessed
5 value determined for all incorporated municipalities within
6 the county. Amounts transferred to incorporated
7 municipalities pursuant to the provisions of this paragraph
8 shall be used for the construction, maintenance and repair of
9 streets within the municipality and for payment of paving
10 assessments against property owned by federal, county or
11 municipal governments. In any county in which there are no
12 incorporated municipalities, the amount allocated pursuant to
13 this paragraph shall be transferred to the county road fund
14 and used in accordance with the provisions of Paragraph (3) of
15 this subsection; and

16 (5) eight and thirty-seven thousandths
17 percent shall be allocated among the counties in the
18 proportion, determined by the department of finance and
19 administration in accordance with Subsection C of this
20 section, that the registration fees for vehicles in that
21 county are to the total registration fees for vehicles in all
22 counties. The amount allocated to each county shall be
23 transferred to the county and incorporated municipalities
24 within the county in the proportion, determined by the
25 department of finance and administration in accordance with

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1 Subsection B of this section, that the computed taxes due for
2 the county and each incorporated municipality within the
3 county bear to the total computed taxes due for the county and
4 incorporated municipalities within the county. For the
5 purposes of this paragraph, the term "computed taxes due" for
6 any jurisdiction means the sum of the net taxable value, as
7 that term is defined in the Property Tax Code, plus the
8 assessed value, as that term is used in the Oil and Gas Ad
9 Valorem Production Tax Act and in the Oil and Gas Production
10 Equipment Ad Valorem Tax Act, for that jurisdiction multiplied
11 by an average of the rates for residential and nonresidential
12 property imposed for that jurisdiction pursuant to Subsection
13 B of Section 7-37-7 NMSA 1978.

14 B. To carry out the provisions of this section,
15 during the month of June of each year:

16 (1) the department shall determine and
17 certify to the department of finance and administration the
18 proportions which the department is required to determine
19 pursuant to Subsection A of this section using information for
20 the preceding calendar year on the number of vehicles
21 registered in each county based on the address of the owner or
22 place where the vehicle is principally located, the
23 registration fees for the vehicles registered in each county,
24 the total number of vehicles registered in the state and the
25 total registration fees for all vehicles registered in the

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1 state; and

2 (2) the department of finance and
3 administration shall determine the proportions that the
4 department of finance and administration is required to
5 determine pursuant to Subsection B of this section based upon
6 the net taxable value, as that term is defined in the Property
7 Tax Code, and the assessed value, as that term is used in the
8 Oil and Gas Ad Valorem Production Tax Act and the Oil and Gas
9 Production Equipment Ad Valorem Tax Act, for the preceding tax
10 year and the tax rates imposed pursuant to Subsection B of
11 Section 7-37-7 NMSA 1978 in the preceding September.

12 C. By June 30 of each year, the department of
13 finance and administration shall determine the appropriate
14 percentage of money to be transferred to each county and
15 municipality for each purpose in accordance with Subsection A
16 of this section based upon the proportions determined by or
17 certified to the department of finance and administration.
18 The percentages determined shall be used to compute the
19 amounts to be transferred to the counties and municipalities
20 during the succeeding fiscal year.

21 D. The board of county commissioners of each of
22 the respective counties shall, by April 1 of every year,
23 certify reports to the secretary of highway and transportation
24 of the total mileage of public roads maintained by each county
25 as of April 1 of every year; provided that in their reports,

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1 the boards of county commissioners shall identify each of the
2 public roads maintained by them by name, route and location.
3 By July 1 of every year, the secretary of highway and
4 transportation shall verify the reports of the counties and
5 revise, if necessary, the total mileage of public roads
6 maintained by each county. The mileage verified by the
7 secretary of highway and transportation shall be the official
8 mileage of public roads maintained by each county.
9 Distribution of amounts to any county for road purposes shall
10 be made in accordance with this section.

11 E. If a county has not made the required mileage
12 certification pursuant to Section 67-3-28.3 NMSA 1978 by April
13 1 of any year, the secretary of highway and transportation
14 shall estimate the mileage maintained by those counties for
15 the purpose of making distribution to all counties, and the
16 amount calculated to be distributed each month to those
17 counties not certifying mileage shall be reduced by one-third
18 each month for that fiscal year, and that amount not
19 distributed to those counties shall be distributed equally to
20 all counties that have certified mileages."

21 Section 9. REPEAL. -- Section 66-6-20 NMSA 1978 (being
22 Laws 1978, Chapter 35, Section 355) is repealed.

23 Section 10. EFFECTIVE DATE. -- The effective date of the
24 provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
3
4
5

6 February 15, 1999
7

8 Mr. Speaker:
9

10 Your TAXATION AND REVENUE COMMITTEE, to whom has
11 been referred
12

13 HOUSE BILL 457
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 APPROPRIATIONS AND FINANCE COMMITTEE.

18 Respectfully submitted,
19
20
21

22 _____
23 Jerry W. Sandel, Chairman
24
25

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HTRC/HB 457

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 10 For 0 Against

11 Yes: 10

12 Excused: Burpo, Gonzales, Gubbels, Stell, Tripp

13 Absent: None

15 J: \99BillsWP\H0457

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 22, 1999

5
6
7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 457

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

17
18
19
20 _____
21 Max Coll, Chair man
22
23
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Coll, Heaton, Picraux, Salazar, Taylor, J. P., Watchman

Absent: None

J: \99BillSWP\H0457

underscored material = new
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