ORDINANCE NO. 2010-02
ADOPTING A COUNTY CAPITAL OUTLAY
GROSS RECEIPTS TAX

BE IT ORDAINED BY THE GOVERNING BODY OF
THE COUNTY OF CURRY:

Section 1. Imposition of Tax. There is imposed on any person engaging in business in the county for the privilege of engaging business in the county an excise tax equal to one-fourth of one percent (.25%) of the gross receipts reported or required to be reported by the person pursuant to the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be amended. The tax imposed under this ordinance is pursuant to the County Local Option Gross Receipts Taxes Act as it now exists or as it may be amended and shall be known as the "county capital outlay gross receipts tax."

Section 2. General Provisions. This ordinance hereby adopts by reference all definitions, exemptions and deductions contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be amended.

Section 3. Specific Exemptions. No county capital outlay gross receipts tax shall be imposed on the gross receipts arising from:

A. transporting persons or property for hire by railroad, motor vehicle, air transportation or any other means from one point within the county to another point outside the county; or

B. direct broadcast satellite services.

Section 4. Dedication. Revenue from the county capital outlay gross receipts tax will be used for the purposes listed below:

A. the design, construction, acquisition, improvement, renovation, rehabilitation, equipping or furnishing of public buildings or facilities, including parking facilities, the acquisition of land for the public buildings or facilities and the acquisition or improvement of the grounds surrounding public buildings or facilities;

B. acquisition, construction or improvement of water, wastewater or solid waste systems or facilities and related facilities, including water or sewer lines and storm sewers and other drainage improvements;

C. design, construction, acquisition, improvement or equipping of a county jail, juvenile detention facility or other county correctional facility or multipurpose regional adult jail or juvenile detention facility;

D. construction, reconstruction or improvement of roads, streets or bridges, including acquisition of rights of way;

E. design, construction, acquisition, improvement or equipping of airport facilities, including acquisition of land, easements or rights of way for airport facilities;

F. acquisition of land for open space, public parks or public recreational facilities and the design, acquisition, construction, improvement or equipping of parks and recreational facilities; and

G. payment of gross receipts tax revenue bonds issued pursuant to Chapter 4, Article 62 NMSA 1978 for infrastructure purposes.

Section 5. Effective Date. The effective date of this county capital outlay gross receipts tax shall be January 1 or July 1, whichever date occurs first after the expiration of three (3) months from the date when the results of the election are certified to be in favor of the ordinance's adoption and the adopted ordinance is delivered or mailed to the Taxation and Revenue Department.

APPROVED, PASSED AND ADOPTED this 3rd day of August, 2010.

CHAIRMAN, Board of County Commissioners

ATTEST:

COUNTY CLERK

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