

# CITY of ALBUQUERQUE

## EIGHTEENTH COUNCIL

COUNCIL BILL NO. \_\_\_\_\_ ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:

1 **ORDINANCE**

2 **IMPOSING AN EXCISE TAX EQUAL TO ONE-FOURTH OF ONE PERCENT OF**  
3 **GROSS RECEIPTS; DEDICATING REVENUES RECEIVED FROM THE TAX FOR**  
4 **TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS.**

5 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
6 **ALBUQUERQUE:**

7 **Section 1. NAME. The municipal gross receipts tax imposed by this**  
8 **ordinance shall be popularly known as the “Transportation Infrastructure**  
9 **Tax.”**

10 **Section 2. IMPOSITION OF TAX. There is imposed on any person**  
11 **engaging in business in this municipality, for the privilege of engaging in**  
12 **business in this municipality, an excise tax equal to one-fourth of one percent**  
13 **of the gross receipts reported or required to be reported by such person**  
14 **pursuant to the New Mexico Gross Receipts and Compensating Tax Act,**  
15 **Chapter 7, Article 9, NMSA 1978, as it now exists or as it may be amended.**  
16 **The tax imposed by this ordinance is pursuant to the Municipal Local Option**  
17 **Gross Receipts Tax Act, Section 7-19D-9 NMSA 1978, as it now exists or as it**  
18 **may be amended, and shall be known as the “municipal gross receipts tax.”**

19 **Section 3. GENERAL PROVISIONS. This ordinance hereby adopts by**  
20 **reference all definitions, exemptions and deductions contained in the Gross**  
21 **Receipts and Compensating Tax Act as it now exists or as it may be amended.**

22 **Section 4. SPECIFIC EXEMPTIONS. The municipal gross receipts tax**  
23 **shall not be imposed on the gross receipts arising from:**

24 **(A) Transporting persons or property for hire by railroad, motor**  
25 **vehicle, air transportation, or any other means from one point within the**  
26 **municipality to another point outside the municipality; or**

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1 (B) A business located outside the boundaries of the municipality  
2 on land owned by the municipality for which a gross receipts tax distribution  
3 is made pursuant to Section 7-1-6.4(C) NMSA 1978; or

4 (C) Direct broadcast satellite services.

5 Section 5. DEDICATION.

6 (A) Revenue from the Transportation Infrastructure Tax will be  
7 used to fund the improvement of transportation systems for the benefit of the  
8 city. The tax shall be dedicated to the following purposes in the specified  
9 percentages of the revenues received from the Transportation Infrastructure  
10 Tax:

11 (1) Road Rehabilitations	Not less than	26%
12 (2) Road Deficiencies	Not more than	26%
13 (3) Road Maintenance		13%
14 (4) Trails and Bikeways		5%
15 (5) Transit		30%

16 The revenues dedicated to roads shall be used for the developed parts of the  
17 city for existing infrastructures including interstate highways. No portion of  
18 these revenues shall be used for the development, improvement or  
19 rehabilitation of any rail transportation system.

20 (B) For the purposes of this dedication, the following definitions  
21 shall apply:

22 (1) DEFICIENCY. Projects required to correct inadequate  
23 service and bring system capacity to adopted level of service standards or  
24 enhance aesthetics. No funds shall be expended to enhance aesthetics on  
25 interstate highways. Deficiency expenditures add system capacity.

26 (2) REHABILITATION. Projects required to extend the  
27 service life of an existing facility, to improve its operation, or to restore  
28 original performance or capacity or enhance aesthetics. No funds shall be  
29 expended to enhance aesthetics on interstate highways.

30 (C) Expenditures for Deficiencies shall be consistent with adopted  
31 city policies as contained in Bill No. F/S R-70 (Enactment 91-1998)  
32 "Establishing a growth policy framework", encouraging infill development,  
33 and other adopted policies regarding urban development.

1       Section 6. **MANDATORY ELECTION.** The tax imposed pursuant to this  
2 ordinance shall not be effective until approved by the majority of registered  
3 voters voting on the question at an election to be held on a date set by the  
4 Council and pursuant to the provisions of the City Charter and of the  
5 Municipal Election Code.

6       Section 7. **EFFECTIVE DATE OF ORDINANCE.** The effective date of this  
7 ordinance shall be July 1, 2010.

8       Section 8. **EFFECTIVE DATE OF TAX.** The effective date of the municipal  
9 gross receipts tax imposed by this ordinance shall be July 1, 2010, pending  
10 the favorable outcome of a mandatory election to be held pursuant to Section  
11 6 above and acceptance of the effective date by the State Taxation and  
12 Revenue Department.

13       Section 9. **EXPIRATION OF TAX.** The Transportation Infrastructure Tax  
14 shall expire ten years after the effective date of the municipal gross receipts  
15 tax imposed by this ordinance.

16       Section 10. **SEVERABILITY.** If any section, paragraph, sentence, clause,  
17 word or phrase of this ordinance is, for any reason, held to be invalid or  
18 unenforceable by any court of competent jurisdiction, such decision shall not  
19 affect the validity of the remaining provisions of this ordinance. The Council  
20 hereby declares that it would have passed this ordinance and each section,  
21 paragraph, sentence, clause, word or phrase thereof irrespective of any  
22 provision being declared unconstitutional or otherwise invalid.

23       Section 11. **COMPILATION.** This ordinance shall be incorporated in and  
24 compiled as part of the Revised Ordinances of Albuquerque, New Mexico,  
25 1994.  
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