

State of New Mexico
County of Eddy

Ordinance No. O-99-37

Adopting a County Gross Receipts Tax

Section 1. Imposition of Tax. There is imposed on any person engaging in business in the county, for the privilege of engaging in business in this county, an excise tax equal to one eighth of one percent (1/8%) 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 "third one-eighth of the county 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 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 third one-eighth of the county gross receipts tax will be used for the purposes listed below, provided that the priority of such use may be determined by the Board of County Commissioners:

1. To pay debt service (i.e, principal, interest, prior redemption premium, if any, and debt service reserve) for any gross receipts tax revenue bonds issued for any or all of the purposes specified hereafter in paragraph 2 of this Section; and
2. To rehabilitate, make improvements to, furnish or equip the existing Eddy County Courthouse, or any combination of the foregoing.

If after this Ordinance No. O-99-37 and the third one-eighth of the county gross receipts tax are repealed as hereafter provided and if such revenue is not needed for the purpose

set forth in paragraphs 1 and 2 of this Section, any remaining revenue may be used for any capital improvements and outlay permitted by law.

Section 5. Effective Date. Such third one-eighth of the county gross receipts tax shall not go into effect until after an election is held and a simple majority of registered voters of Eddy County voting on the question, votes in favor of imposing the third one-eighth of the county gross receipts tax. The effective date of the third one-eighth of the county gross receipts tax shall be July 1, 2000 after this ordinance is approved by the electorate.

Section 6. Delayed Repeal. This Ordinance Number 0-99-37 and such third one-eighth of the county gross receipts tax, if approved by the electorate as herein provided, is repealed ten (10) years after the effective date of the third one-eighth of the county gross receipts tax or on such date as the gross receipts tax revenue bonds are no longer outstanding, whichever is earlier.

APPROVED AND ADOPTED this 5th day of October, 1999, by the Eddy County Board of Commissioners, Carlsbad, NM 88220.

BOARD OF COUNTY COMMISSIONERS
EDDY COUNTY, NEW MEXICO

BY: Ray L. Camp
Ray L. Camp, Chairman, District 5

Glenn Collier
Glenn Collier, Vice Chairman, District 2

Laurie Kincaid
Laurie Kincaid, District 3

Julius Doubrava
Julius Doubrava, District 1

Lucky Briggs
Lucky Briggs, District 4

ATTEST:

Jean Etcheverry
Jean Etcheverry, County Clerk