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HOUSE BILL 352
45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002
INTRODUCED BY
W. Ken Martinez

AN ACT
RELATING TO GAMING TAXATION; AMENDING SECTION 60-2E-47 NMSA
1978 (BEING LAWS 1997, CHAPTER 190, SECTION 49, AS AMENDED BY
LAWS 2001, CHAPTER 256, SECTION 1 AND ALSO BY LAWS 2001,
CHAPTER 262, SECTION 3) TO INCLUDE LANGUAGE FROM THE FIRST
BILL SIGNED IN 2001 AMENDING THAT SECTION; REPEALING LAWS
2001, CHAPTER 256, SECTION 1; DECLARING AN EMERGENCY.

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

Section 1. Section 60-2E-47 NMSA 1978 (being Laws 1997,
Chapter 190, Section 49, as amended by Laws 2001, Chapter 256,
Section 1 and also by Laws 2001, Chapter 262, Section 3) is
amended to read:

"60-2E-47. GAMING TAX--IMPOSITION--ADMINISTRATION. --

A. An excise tax is imposed on the privilege of
engaging in gaming activities in the state. This tax shall be

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1 known as the "gaming tax".

2 B. The gaming tax is an amount equal to ten
3 percent of the gross receipts of manufacturer licensees from
4 the sale, lease or other transfer of gaming devices in or into
5 the state, except receipts of a manufacturer from the sale,
6 lease or other transfer to a licensed distributor for
7 subsequent sale or lease may be excluded from gross receipts;
8 ten percent of the gross receipts of distributor licensees
9 from the sale, lease or other transfer of gaming devices in or
10 into the state; ten percent of the net take of a gaming
11 operator licensee that is a nonprofit organization; and
12 twenty-five percent of the net take of every other gaming
13 operator licensee. For the purposes of this section, "gross
14 receipts" means the total amount of money or the value of
15 other consideration received from selling, leasing or
16 otherwise transferring gaming devices.

17 C. The gaming tax imposed on a licensee is in lieu
18 of all state and local gross receipts taxes on that portion of
19 the licensee's gross receipts attributable to gaming
20 activities.

21 D. The gaming tax is to be paid on or before the
22 fifteenth day of the month following the month in which the
23 taxable event occurs. The gaming tax shall be administered
24 and collected by the taxation and revenue department in
25 cooperation with the board. The provisions of the Tax

. 140417. 1

underscored material = new
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1 Administration Act apply to the collection and administration
2 of the tax.

3 E. In addition to the gaming tax, a gaming
4 operator licensee that is a racetrack shall pay twenty percent
5 of its net take to purses to be distributed in accordance with
6 rules adopted by the state racing commission. An amount not
7 to exceed twenty percent of the interest earned on the balance
8 of any fund consisting of money for purses distributed by
9 racetrack gaming operator licensees pursuant to this
10 subsection may be expended for the costs of administering the
11 distributions. A racetrack gaming operator licensee shall
12 spend no less than one-fourth of one percent of the net take
13 of its gaming machines to fund or support programs for the
14 treatment and assistance of compulsive gamblers.

15 F. A nonprofit gaming operator licensee shall
16 distribute at least sixty percent of the balance of its net
17 take, after payment of the gaming tax and any income taxes,
18 for charitable or educational purposes. "

19 Section 2. REPEAL. -- Laws 2001, Chapter 256, Section 1 is
20 repealed.

21 Section 3. EMERGENCY. -- It is necessary for the public
22 peace, health and safety that this act take effect
23 immediately.