

1 HOUSE BILL 368

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Randal S. Crowder

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9  
10 AN ACT

11 RELATING TO TAXATION; PROVIDING AN EXEMPTION FROM GROSS  
12 RECEIPTS FOR THE SALE OF FOOD FROM VENDING MACHINES.

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Gross Receipts and  
16 Compensating Tax Act is enacted to read:

17 "[NEW MATERIAL] EXEMPTION--GROSS RECEIPTS--FOOD FROM  
18 VENDING MACHINES.--

19 A. Exempt from payment of the gross receipts tax  
20 are receipts from the sale of food, as defined by the federal  
21 supplemental nutrition assistance program, 7 USC 2012, from a  
22 coin-operated vending machine owned by a resident New Mexico  
23 business that has a total gross annual revenue of less than two  
24 million dollars (\$2,000,000).

25 B. As used in this section, a "resident New Mexico

.199019.3

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 business" means a business that is licensed to do business in  
2 this state and that files an affidavit with the department  
3 certifying that:

4 (1) the business has paid property taxes or  
5 rent on real property in the state and paid at least one other  
6 tax administered by the state in each of the three years  
7 immediately preceding the submission of the affidavit;

8 (2) if the business is a new business, the  
9 owner or majority of owners has paid property taxes or rent on  
10 real property in the state and has paid at least one other tax  
11 administered by the state in each of the three years  
12 immediately preceding the submission of the affidavit; or

13 (3) if the business is a relocated business,  
14 at least eighty percent of the total personnel of the business  
15 in the year immediately preceding the submission of the  
16 affidavit were residents of the state and that, prior to the  
17 submission of the affidavit, the business either leased real  
18 property for ten years or purchased real property greater than  
19 one hundred thousand dollars (\$100,000) in value in the state."