

1 HOUSE BILL 430

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Sarah Maestas Barnes and Patricio Ruiloba and Rod Montoya
5 and Steven P. Neville
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10 AN ACT

11 RELATING TO MUNICIPALITIES; PROHIBITING A MUNICIPALITY FROM
12 IMPOSING AN EXCISE TAX ON FOOD OR BEVERAGES.
13

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

15 SECTION 1. Section 3-18-2 NMSA 1978 (being Laws 1972,
16 Chapter 26, Section 1, as amended) is amended to read:

17 "3-18-2. PROHIBITION ON MUNICIPAL TAXING POWER.--

18 A. Unless otherwise provided by law, no
19 municipality may impose:

20 [~~A.~~] (1) an income tax;

21 [~~B.~~] (2) a tax on property measured on an ad
22 valorem, per unit or other basis; or

23 [~~C.~~] (3) any excise tax, including [~~but not~~
24 ~~limited to~~]:

25 [~~(1)~~] (a) sales taxes;

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underscored material = new
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underscored material = new
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1 [~~(2)~~] (b) gross receipts taxes; and
2 [~~(3)~~] (c) excise taxes on any incident
3 relating to: [~~(a)~~] 1) tobacco; [~~(b)~~] 2) liquor; [~~(e)~~] 3) food
4 or beverages; 4) motor fuels; and [~~(d)~~] 5) motor vehicles.

5 [~~D.~~] B. However, any municipality may impose excise
6 taxes of the sales, gross receipts or any other type on
7 specific products and services, other than those enumerated in
8 Subparagraph (c) of Paragraph (3) of Subsection [E] A of this
9 section, if the products and services taxed are each named
10 specifically in the ordinance imposing the tax on them and if
11 the ordinance is approved by a majority vote in the
12 municipality.

13 [~~E. Subsections C and D~~] C. The provisions in
14 Paragraph (3) of Subsection A and in Subsection B of this
15 section shall not [~~be construed to~~] apply to [~~or otherwise~~
16 ~~affect any occupation tax imposed prior to or after the~~
17 ~~effective date of this act under Sections 3-38-1 through~~
18 ~~3-38-12 NMSA 1978, as those sections may be amended from time~~
19 ~~to time; provided the provisions of this subsection shall not~~
20 ~~apply to the sale of motor vehicles] a license fee authorized
21 pursuant to Section 3-38-1 NMSA 1978."~~