

1 SENATE BILL 487

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Stuart Ingle and John Arthur Smith

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10 AN ACT

11 RELATING TO TAXATION; REPEALING DEDUCTIONS FROM GROSS RECEIPTS  
12 AND FROM THE COMPENSATING TAX FOR LOCOMOTIVE FUEL; PROVIDING A  
13 DISTRIBUTION TO THE STATE ROAD FUND OF GROSS RECEIPTS TAX AND  
14 COMPENSATING TAX RECEIPTS ATTRIBUTABLE TO THE SALE OR USE OF  
15 LOCOMOTIVE FUEL; TEMPORARILY INCREASING DISTRIBUTIONS TO THE  
16 STATE ROAD FUND FROM THE MOTOR VEHICLE SUSPENSE FUND.

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

19 SECTION 1. A new section of the Tax Administration Act is  
20 enacted to read:

21 "[NEW MATERIAL] DISTRIBUTION--GROSS RECEIPTS TAX AND  
22 COMPENSATING TAX ATTRIBUTABLE TO LOCOMOTIVE FUEL.--

23 A. A distribution pursuant to Section 7-1-6.1 NMSA  
24 1978 shall be made to the state road fund in an amount equal  
25 to:

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1 (1) the net receipts attributable to the gross  
2 receipts tax on the sale of locomotive fuel; and

3 (2) the net compensating tax receipts  
4 attributable to the use of locomotive fuel.

5 B. As used in this section:

6 (1) "locomotive engine" means a wheeled  
7 vehicle consisting of a self-propelled engine that is used to  
8 draw trains along railway tracks; and

9 (2) "locomotive fuel" means fuel loaded or  
10 used by a common carrier in a locomotive engine."

11 SECTION 2. Section 7-14-10 NMSA 1978 (being Laws 1988,  
12 Chapter 73, Section 20, as amended) is amended to read:

13 "7-14-10. DISTRIBUTION OF PROCEEDS.--The receipts from  
14 the tax and any associated interest and penalties shall be  
15 deposited in the "motor vehicle suspense fund", hereby created  
16 in the state treasury. As of the end of each month, the net  
17 receipts attributable to the tax and associated penalties and  
18 interest shall be distributed as follows:

19 A. prior to July 1, 2022:

20 (1) thirty-three percent to the state road  
21 fund; and

22 (2) the remainder to the general fund; and

23 B. beginning July 1, 2022:

24 (1) four and fifteen-hundredths percent to the  
25 state road fund; and

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[B-] (2) the remainder to the general fund."

SECTION 3. REPEAL.--Sections 7-9-110.1 through 7-9-110.3  
NMSA 1978 (being Laws 2011, Chapter 60, Section 1 and Laws  
2011, Chapter 61, Section 1; Laws 2011, Chapter 60, Section 2  
and Laws 2011, Chapter 61, Section 2; and Laws 2011, Chapter  
60, Section 3 and Laws 2011, Chapter 61, Section 3, as amended)  
are repealed.

SECTION 4. EFFECTIVE DATE.--The effective date of the  
provisions of this act is July 1, 2019.