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SENATE BILL 396

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Shannon Robinson

AN ACT

RELATING TO TAXATION; PROVIDING A GAMING TAX RATE FOR  
NONPROFIT GAMING OPERATOR LICENSEES; AMENDING A SECTION OF  
THE GAMING CONTROL ACT.

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) 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 known as the "gaming tax".

B. The gaming tax is an amount equal to ten  
percent of the gross receipts of manufacturer licensees from  
the sale, lease or other transfer of gaming devices in or  
into the state, except receipts of a manufacturer from the  
sale, lease or other transfer to a licensed distributor for

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1 subsequent sale or lease may be excluded from gross receipts;  
2 ten percent of the gross receipts of distributor licensees  
3 from the sale, lease or other transfer of gaming devices in  
4 or into the state; ~~and~~ twenty-five percent of the net take  
5 of every gaming operator licensee that is a racetrack; and  
6 fifteen percent of the net take of every nonprofit gaming  
7 operator licensee. For the purposes of this section, "gross  
8 receipts" means the total amount of money or the value of  
9 other consideration received from selling, leasing or  
10 otherwise transferring gaming devices.

11 C. The gaming tax imposed on a licensee is in lieu  
12 of all state and local gross receipts taxes on that portion  
13 of the licensee's gross receipts attributable to gaming  
14 activities.

15 D. The gaming tax is to be paid on or before the  
16 fifteenth day of the month following the month in which the  
17 taxable event occurs. The gaming tax shall be administered  
18 and collected by the taxation and revenue department in  
19 cooperation with the board. The provisions of the Tax  
20 Administration Act apply to the collection and administration  
21 of the tax.

22 E. In addition to the gaming tax, a gaming  
23 operator licensee that is a racetrack shall pay twenty  
24 percent of its net take to purses to be distributed in  
25 accordance with rules adopted by the state racing commission.  
A racetrack gaming operator licensee shall spend no less than  
one-fourth of one percent of the net take of its gaming

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1 machines to fund or support programs for the treatment and  
2 assistance of compulsive gamblers.

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

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