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SENATE BILL 454

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO TAXATION; DEFINING "PLACE OF BUSINESS" FOR SALES TO MUNICIPALITIES.

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

Section 1. Section 7-1-14 NMSA 1978 (being Laws 1969, Chapter 145, Section 1, as amended) is amended to read:

"7-1-14. SECRETARY MAY DETERMINE WHERE CERTAIN GROSS RECEIPTS ARE TO BE REPORTED--PLACE OF BUSINESS FOR CONSTRUCTION PROJECTS, [~~AND~~] CERTAIN REAL PROPERTY SALES AND SALES TO MUNICIPALITIES. --

A. By regulation, the secretary may require any person maintaining one or more places of business to report the person's taxable gross receipts and deductions for each municipality or county or area within an Indian reservation or pueblo grant in which the person maintains a place of

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1 business.

2 B. For persons engaged in the construction
3 business, the place where the construction project is
4 performed is a "place of business", and all receipts from that
5 project are to be reported from that place of business.

6 C. The secretary may, by regulation, also require
7 any person maintaining a business outside the boundaries of a
8 municipality on land owned by that municipality to report the
9 person's taxable gross receipts for that municipality.

10 D. For a person engaged in the business of selling
11 real estate, the location of the real property sold is the
12 "place of business", and all receipts from that sale are to be
13 reported from that place of business.

14 E. For a person contracting to provide
15 engineering, waste disposal, hydrology or legal services to a
16 municipality, the municipality is the "place of business", and
17 all receipts from such sales are to be reported from that
18 place of business. "