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SENATE BILL 75

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO AVIATION; DISTRIBUTING A PORTION OF THE GROSS RECEIPTS TAX TO THE STATE AVIATION FUND FOR AIRPORTS AND RELATED FACILITIES; REQUIRING THAT CERTAIN AVIATION DIVISION COLLECTIONS REVERT TO THE STATE AVIATION FUND; MAKING AN APPROPRIATION.

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

Section 1. Section 7-1-6.7 NMSA 1978 (being Laws 1994, Chapter 5, Section 2, as amended) is amended to read:

"7-1-6.7. DISTRIBUTIONS--STATE AVIATION FUND.--

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the state aviation fund in an amount equal to four and seventy-nine hundredths percent of the taxable gross receipts attributable to the sale of fuel specially prepared and sold for use in turboprop or jet-type .153835.1

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1 engines as determined by the department.

2 B. A distribution pursuant to Section 7-1-6.1 NMSA
3 1978 shall be made to the state aviation fund in an amount
4 equal to twenty-six hundredths percent of gasoline taxes,
5 exclusive of penalties and interest, collected pursuant to the
6 Gasoline Tax Act.

7 C. From July 1, 2002 through June 30, 2007, a
8 distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be
9 made to the state aviation fund in an amount equal to forty-six
10 thousandths percent of the net receipts attributable to the
11 gross receipts tax distributable to the general fund.

12 D. A distribution pursuant to Section 7-1-6.1 NMSA
13 1978 shall be made to the state aviation fund in the amount of
14 four hundred sixteen thousand six hundred sixty-seven dollars
15 (\$416,667) monthly from the net receipts attributable to the
16 gross receipts taxes distributable to the general fund and
17 imposed on aircraft, aviation services and aircraft parts and
18 accessories remitted by aircraft dealers, aircraft
19 manufacturers, airlines and airports for the planning,
20 construction, equipment, materials and maintenance of state-
21 owned airports and related facilities."

22 Section 2. Section 64-1-15 NMSA 1978 (being Laws 1963,
23 Chapter 314, Section 7, as amended) is amended to read:

24 "64-1-15. EARMARKED TAXES--APPROPRIATION.--

25 A. There is created in the state treasury the
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1 "state aviation fund". The state treasurer shall credit to the
2 state aviation fund all unrefunded taxes collected on the sale
3 of motor fuel sold for use in aircraft. All income to the
4 state aviation fund is appropriated to the division.

5 B. The amounts distributed to the state aviation
6 fund pursuant to Subsection A of Section 7-1-6.7 NMSA 1978
7 shall be used for planning, construction and maintenance of a
8 system of airports, navigation aids and related facilities
9 serving New Mexico. The amounts distributed to the state
10 aviation fund pursuant to Subsection C of Section 7-1-6.7 NMSA
11 1978 shall be used for the air service assistance program. The
12 amounts distributed to the state aviation fund pursuant to
13 Subsection D of Section 7-1-6.7 NMSA 1978 shall be used for
14 planning, construction, equipment, materials and maintenance of
15 state-owned airports and related facilities. All expenditures
16 shall be made in accordance with budgets approved by the
17 department of finance and administration.

18 C. Reimbursements to the division for planning,
19 construction, equipment, materials and maintenance of state-
20 owned airports and related facilities; collections by the
21 division for aircraft registration pursuant to the Aircraft
22 Registration Act; and payments to the division pursuant to
23 Sections 64-1-13, 64-1-13.1 and 64-1-19 NMSA 1978 shall revert
24 to the state aviation fund."

25 Section 3. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2005.

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