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HOUSE BILL 441

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Ben Lujan

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO AVIATION; REQUIRING THAT CERTAIN AVIATION DIVISION
OF THE DEPARTMENT OF TRANSPORTATION COLLECTIONS REVERT TO THE
STATE AVIATION FUND; PROVIDING DISTRIBUTIONS 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
engines as determined by the department.

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

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

11 D. A distribution pursuant to Section 7-1-6.1 NMSA
12 1978 shall be made to the state aviation fund from the net
13 receipts attributable to the gross receipts tax distributable
14 to the general fund in an amount equal to:

15 (1) eighty thousand dollars (\$80,000) monthly
16 from July 1, 2006 through June 30, 2007;

17 (2) one hundred sixty-seven thousand dollars
18 (\$167,000) monthly from July 1, 2007 through June 30, 2008; and

19 (3) two hundred fifty thousand dollars
20 (\$250,000) monthly after July 1, 2008."

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

23 "64-1-15. EARMARKED TAXES--APPROPRIATION.--

24 A. There is created in the state treasury the
25 "state aviation fund". ~~[The state treasurer shall credit to~~

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1 ~~the state aviation fund all unrefunded taxes collected on the~~
2 ~~sale of motor fuel sold for use in aircraft.] All income to~~
3 the state aviation fund is appropriated to the division. [~~The~~
4 ~~amounts distributed to the state aviation fund pursuant to~~
5 ~~Subsection A of Section 7-1-6.7 NMSA 1978 shall be used for~~
6 ~~planning, construction and maintenance of a system of airports,~~
7 ~~navigation aids and related facilities serving New Mexico.]~~

8 B. The amounts distributed to the state aviation
9 fund pursuant to Subsection C of Section 7-1-6.7 NMSA 1978
10 shall be used for the air service assistance program. All
11 other amounts distributed to the state aviation fund,
12 collections by the division for aircraft registration pursuant
13 to the Aircraft Registration Act, payments to the division
14 pursuant to Sections 64-1-13 and 64-1-19 NMSA 1978 and
15 reimbursements to the division from federal aviation
16 administration funds or from any other source shall be used for
17 planning and program administration, construction, equipment,
18 materials and maintenance of a system of airports, navigation
19 aids and related facilities. All expenditures shall be made in
20 accordance with budgets approved by the department of [~~finance~~
21 ~~and administration~~] transportation. Balances in the state
22 aviation fund shall not be transferred and shall not revert to
23 any other fund."

24 Section 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2006.

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