

**FORTY-SEVENTH LEGISLATURE
SECOND SESSION, 2006**

February 11, 2006

Mr. Speaker:

Your **TAXATION AND REVENUE COMMITTEE**, to whom has been referred

HOUSE BILL 850

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 11, after the semicolon insert "REQUIRING SELLERS OF CIGARETTES TO FILE INFORMATION RETURNS WITH THE TAXATION AND REVENUE DEPARTMENT; CHANGING PENALTY PROVISIONS FOR FAILURE TO RETAIN INVOICES FOR SALE OF CIGARETTES;".

2. On page 1, between lines 16 and 17, insert the following new section:

"Section 1. A new section of the Cigarette Tax Act is enacted to read:

"NEW MATERIAL] INFORMATION RETURN--PENALTY.--

A. A person who sells cigarettes in New Mexico shall file an information return with the department by the twenty-fifth day of each month in a form prescribed by the department. The information return shall include the name and address of each person to whom the seller sells cigarettes for resale and information with respect to the seller's:

- (1) imports of cigarettes into the state;
- (2) exports of cigarettes from the state;
- (3) sales of cigarettes to tribes; and
- (4) sales of cigarettes to retailers.

B. A taxpayer who fails to timely file an information return in accordance with this section shall pay a penalty not to exceed two hundred fifty dollars (\$250). This penalty shall be in addition to other applicable penalties."".

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3. Renumber the succeeding sections accordingly.,
and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

Donald L. Whitaker, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 7 For 5 Against

Yes: 7

No: Crook, Hanosh, Herrera, Nunez, Whitaker

Excused: Harrison, Lujan, B., Rehm, Sandoval

Absent: None

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