

HOUSE BILL 583

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

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AN ACT

RELATING TO TAXATION; IMPOSING AN EXCISE TAX ON TELEVISIONS,  
VIDEO GAMES AND VIDEO GAME EQUIPMENT; MAKING AN APPROPRIATION.

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

Section 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 8 of this act may be cited as the "Leave No Child  
Inside Act".

Section 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
Leave No Child Inside Act:

A. "department" means the taxation and revenue  
department, the secretary of taxation and revenue or any  
employee of the department exercising authority lawfully  
delegated to that employee by the secretary;

B. "retailer" means a person that sells  
televisions, video games or video game equipment to a consumer

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1 in New Mexico, which sale is not for resale;

2 C. "television" means an electronic device for  
3 receiving and reproducing the images and sounds of a combined  
4 audio and visual signal, but does not include televisions as an  
5 installed component in a vehicle or airplane, computers or  
6 other types of recorded-media players;

7 D. "video game" means an electronic or computerized  
8 game played by manipulating images on a video display or  
9 television screen, but does not include computer software,  
10 recorded video or television programs or software used on  
11 cellular phones or hand-held electronic devices; and

12 E. "video game equipment" means an electronic  
13 instrumentality needed to play a video game, but does not  
14 include cellular phones or hand-held electronic devices.

15 Section 3. [NEW MATERIAL] EXCISE TAX ON TELEVISIONS,  
16 VIDEO GAMES AND VIDEO GAME EQUIPMENT.--An excise tax is imposed  
17 on the sale of a television, video game or any video game  
18 equipment in the amount of one percent of the sale price. The  
19 excise tax shall be paid by the retailer. The excise tax  
20 imposed by this section is in addition to the gross receipts  
21 tax and any other applicable state or federal tax and shall be  
22 known as the "television tax".

23 Section 4. [NEW MATERIAL] DEDUCTIONS.--A retailer may  
24 deduct the value of televisions, video games and any video game  
25 equipment sold and shipped to a person in another state from

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1 the units of televisions, video games and video game equipment  
2 subject to the tax imposed by the Leave No Child Inside Act;  
3 provided that the department may require the retailer to submit  
4 evidence satisfactory to the department that the units have  
5 been sold and shipped to a person in another state.

6 Section 5. [NEW MATERIAL] EXEMPTIONS.--Exempt from the  
7 tax imposed by the Leave No Child Inside Act are televisions,  
8 video games and any video game equipment sold by an  
9 instrumentality of the armed forces of the United States  
10 engaged in retail activities.

11 Section 6. [NEW MATERIAL] DATE PAYMENT DUE.--The  
12 television tax shall be paid by the retailer on or before the  
13 twenty-fifth day of the month following the month in which the  
14 taxable event occurs.

15 Section 7. [NEW MATERIAL] INTERPRETATION OF ACT--  
16 ADMINISTRATION AND ENFORCEMENT OF TAX.--

17 A. The department shall interpret the provisions of  
18 the Leave No Child Inside Act.

19 B. The department shall administer and enforce the  
20 collection of the television tax, and the Tax Administration  
21 Act applies to the administration and enforcement of the tax.

22 Section 8. [NEW MATERIAL] FUND CREATED.--

23 A. The "leave no child inside fund" is created in  
24 the state treasury. The fund shall consist of appropriations,  
25 gifts, grants, donations and bequests. Money in the fund and

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1 income produced by the fund are appropriated to the energy,  
2 minerals and natural resources department for its state parks  
3 division, in conjunction with the public education department,  
4 to:

5 (1) develop curriculum-based programs for  
6 teachers to use on public lands and at other outdoor learning  
7 sites for outdoor education initiatives;

8 (2) develop hands-on teaching materials for  
9 children for use in outdoor education programs;

10 (3) provide transportation for children to  
11 experience outdoor education programs;

12 (4) provide substantial and frequent outdoor  
13 experiences for children; and

14 (5) increase outdoor nature-oriented physical  
15 activity programs for school-age children.

16 B. Money in the fund shall not revert at the end of  
17 a fiscal year. The fund shall be administered by the energy,  
18 minerals and natural resources department and shall be expended  
19 upon warrants issued by the secretary of finance and  
20 administration upon vouchers signed by the secretary of energy,  
21 minerals and natural resources.

22 Section 9. A new section of the Tax Administration Act is  
23 enacted to read:

24 "[NEW MATERIAL] DISTRIBUTION--TELEVISION TAX.--Pursuant to  
25 the provisions of Section 7-1-6.1 NMSA 1978:

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A. ninety-five percent of net receipts from the television tax shall be distributed to the leave no child inside fund and invested by the state treasurer as general fund revenues are invested; and

B. five percent of the net receipts from the television tax shall be retained by the department to defray the costs of administering the provisions of the Leave No Child Inside Act."

Section 10. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2009.