

1 HOUSE BILL 271

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

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5 Candy Spence Ezzell and Zachary J. Cook
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10 AN ACT

11 RELATING TO GAMING; CREATING THE CAPITAL IMPROVEMENTS GAMING
12 TAX CREDIT FOR CERTAIN GAMING OPERATOR LICENSEES.
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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. A new section of the Gaming Control Act is
16 enacted to read:

17 "[NEW MATERIAL] CAPITAL IMPROVEMENTS GAMING TAX CREDIT.--

18 A. From July 1, 2020 through June 30, 2025, a
19 taxpayer that is a racetrack gaming operator licensee pursuant
20 to Section 60-2E-27 NMSA 1978 may claim, and the taxation and
21 revenue department shall allow, a tax credit in an amount that
22 does not exceed the taxpayer's monthly gaming tax liability
23 pursuant to Section 60-2E-47 NMSA 1978, not to exceed a maximum
24 credit of one million five hundred thousand dollars
25 (\$1,500,000) per fiscal year, if the taxpayer:

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1 (1) had during the taxable period expenditures
2 for capital improvements or for long-term financing of capital
3 improvements at its existing racetrack facility equal to or
4 greater than the tax credit claimed; and

5 (2) had in the immediately prior calendar year
6 a combined net take of under twenty-five million dollars
7 (\$25,000,000).

8 B. The tax credit that may be claimed pursuant to
9 this section may be referred to as the "capital improvements
10 gaming tax credit".

11 C. A taxpayer shall not claim the capital
12 improvements gaming tax credit if the taxpayer has used the
13 expenditures for capital improvements or for long-term
14 financing of capital improvements for another tax credit or
15 deduction from a tax.

16 D. The capital improvements gaming tax credit shall
17 be administered by the taxation and revenue department pursuant
18 to the Tax Administration Act.

19 E. The capital improvements gaming tax credit may
20 be claimed on a monthly basis against the gaming tax remitted
21 to the state on a form provided by the taxation and revenue
22 department."

23 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
24 provisions of this act is July 1, 2020.