

FIFTY-FOURTH LEGISLATURE
SECOND SESSION, 2020

HB 326/a

February 15, 2020

Mr. President:

Your **CORPORATIONS AND TRANSPORTATION COMMITTEE**, to whom has been referred

HOUSE BILL 326

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

1. On page 1, line 15, strike "CLARIFYING" and insert in lieu thereof "AMENDING".

2. On page 1, line 19, after the semicolon, insert "EXPANDING A GROSS RECEIPTS TAX DEDUCTION FOR MARKETPLACE SELLERS TO ALLOW GOVERNMENTAL GROSS RECEIPTS TO BE DEDUCTED;".

3. On page 14, line 10, strike ", except" and strike lines 11 through 14 in their entirety and insert in lieu thereof:

"; provided that for taxable years beginning prior to January 1, 2024, "manufacturing" includes electricity generation at a facility that does not require location approval and a certificate of convenience and necessity prior to commencing construction or operation of the facility pursuant to the Public Utility Act;".

4. On page 18, between lines 11 and 12, insert the following new section:

"SECTION 6. Section 7-9-117 NMSA 1978 (being Laws 2019, Chapter 270, Section 36) is amended to read:

"7-9-117. DEDUCTION--GROSS RECEIPTS--GOVERNMENTAL GROSS RECEIPTS--MARKETPLACE SELLER.--

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A. A marketplace seller may deduct receipts for sales, leases and licenses of tangible personal property, sales of licenses and sales of services or licenses for use of real property that are facilitated by a marketplace provider from gross receipts and governmental gross receipts; provided that the marketplace seller obtains documentation from the marketplace provider indicating that the marketplace provider is registered with the department and has remitted or will remit the taxes due on the gross receipts from those transactions.

B. The deduction provided by this section shall not apply if the marketplace provider is determined not to owe the tax due to the marketplace provider's reliance on information provided by the seller as determined pursuant to Subsection C of Section 7-9-5 NMSA 1978."".

5. Renumber the succeeding sections accordingly.

6. On page 27, line 4, strike "7 and 10" and insert in lieu thereof "8 and 11".,

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and thence referred to the **FINANCE COMMITTEE.**

Respectfully submitted,

SENATOR CLEMENTE SANCHEZ, CHAIRMAN

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Tallman

Absent: None

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