

1 HOUSE BILL 301

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Ambrose Castellano

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10 AN ACT

11 RELATING TO THE GAMING TAX; PROVIDING A RATE DIFFERENTIAL FOR
12 CERTAIN GAMING OPERATOR LICENSEES LOCATED IN A CLASS A COUNTY.

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

15 SECTION 1. Section 60-2E-47 NMSA 1978 (being Laws 1997,
16 Chapter 190, Section 49, as amended) is amended to read:

17 "60-2E-47. GAMING TAX--IMPOSITION--ADMINISTRATION.--

18 A. An excise tax is imposed on the privilege of
19 engaging in gaming activities in the state. This tax shall be
20 known as the "gaming tax".

21 B. The gaming tax is an amount equal to:

22 (1) ten percent of the gross receipts of
23 manufacturer licensees from the sale, lease or other transfer
24 of gaming devices in or into the state, except receipts of a
25 manufacturer from the sale, lease or other transfer to a

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1 licensed distributor for subsequent sale or lease may be
2 excluded from gross receipts;

3 (2) ten percent of the gross receipts of
4 distributor licensees from the sale, lease or other transfer of
5 gaming devices in or into the state;

6 (3) ten percent of the net take of a gaming
7 operator licensee that is a nonprofit organization;

8 (4) thirteen percent of the net take of a
9 gaming operator licensee located in a class A county and within
10 a sixty-mile radius of three or more tribal casinos; and

11 (5) twenty-six percent of the net take of
12 every other gaming operator licensee. [~~For the purposes of~~
13 ~~this section, "gross receipts" means the total amount of money~~
14 ~~or the value of other consideration received from selling,~~
15 ~~leasing or otherwise transferring gaming devices.~~]

16 C. The gaming tax imposed on a licensee is in lieu
17 of all state and local gross receipts taxes on that portion of
18 the licensee's gross receipts attributable to gaming
19 activities.

20 D. The gaming tax is to be paid on or before the
21 fifteenth day of the month following the month in which the
22 taxable event occurs. The gaming tax shall be administered and
23 collected by the taxation and revenue department in cooperation
24 with the board. The provisions of the Tax Administration Act
25 apply to the collection and administration of the tax.

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