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SENATE BILL 240

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Cynthia Nava

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO PUBLIC SCHOOLS; PROVIDING FOR DISTRIBUTION OF THE GAMING TAX TO THE PUBLIC SCHOOL CAPITAL OUTLAY FUND; MAKING AN APPROPRIATION.

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

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

" NEW MATERIAL DISTRIBUTION--PUBLIC SCHOOL CAPITAL OUTLAY FUND.--A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the public school capital outlay fund in an amount equal to the net receipts attributable to the gaming tax. "

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

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

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1 A. An excise tax is imposed on the privilege of
2 engaging in gaming activities in the state. This tax shall be
3 known as the "gaming tax".

4 B. The gaming tax is an amount equal to ten
5 percent of the gross receipts of manufacturer licensees from
6 the sale, lease or other transfer of gaming devices in or into
7 the state, except receipts of a manufacturer from the sale,
8 lease or other transfer to a licensed distributor for
9 subsequent sale or lease may be excluded from gross receipts;
10 ten percent of the gross receipts of distributor licensees
11 from the sale, lease or other transfer of gaming devices in or
12 into the state; and twenty-five percent of the net take of
13 every gaming operator licensee. For the purposes of this
14 section, "gross receipts" means the total amount of money or
15 the value of other consideration received from selling,
16 leasing or otherwise transferring gaming devices.

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

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

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1 Administration Act apply to the collection and administration
2 of the tax. Revenue from the gaming tax shall be distributed
3 to the public school capital outlay fund as provided in
4 Section 1 of this act.

5 E. In addition to the gaming tax, a gaming
6 operator licensee that is a racetrack shall pay twenty percent
7 of its net take to purses to be distributed in accordance with
8 regulations adopted by the state racing commission. A
9 racetrack gaming operator licensee shall spend no less than
10 one-fourth of one percent of the net take of its gaming
11 machines to fund or support programs for the treatment and
12 assistance of compulsive gamblers.

13 F. A nonprofit gaming operator licensee shall
14 distribute at least eighty-eight percent of the balance of its
15 net take, after payment of the gaming tax and any income
16 taxes, for charitable or educational purposes. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 4, 1999

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7 Mr. President:

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9 Your EDUCATION COMMITTEE, to whom has been referred

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11 SENATE BILL 240

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 WAYS & MEANS COMMITTEE.
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18 Respectfully submitted,

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

4

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6 Date _____

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8

9 The roll call vote was 7 For 0 Against

10 Yes: 7

11 No: 0

12 Excused: Adair, Duran, Gorham

13 Absent: None

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 March 1, 1999

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7 Mr. President:

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9 Your WAYS & MEANS COMMITTEE, to whom has been referred

10
11 SENATE BILL 240

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 FINANCE COMMITTEE.

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18 Respectfully submitted,

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24 _____
25 Carlos R. Cisneros, Chairman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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6 Date _____

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9 The roll call vote was 7 For 0 Against

10 Yes: 7

11 No: 0

12 Excused: Carraro, Jennings

13 Absent: None

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