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**SENATE BILL 428**

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

**INTRODUCED BY**

**John Arthur Smith**

**AN ACT**

**RELATING TO TAXATION; EXPANDING THE DEFINITION OF GOVERNMENTAL  
GROSS RECEIPTS TO INCLUDE RECEIPTS FROM THE SALE OF TANGIBLE  
PERSONAL PROPERTY TO INMATES OF THE CORRECTIONS DEPARTMENT.**

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

**Section 1. Section 7-9-3.2 NMSA 1978 (being Laws 1991,  
Chapter 8, Section 1, as amended) is amended to read:**

**"7-9-3.2. ADDITIONAL DEFINITION. --**

**A. As used in the Gross Receipts and Compensating  
Tax Act, "governmental gross receipts" means receipts of the  
state or an agency, institution, instrumentality or political  
subdivision from:**

**(1) the sale of tangible personal property  
other than water from facilities open to the general public;**

**(2) the performance of or admissions to**

underscored material = new  
[bracketed material] = delete

1 recreational, athletic or entertainment services or events in  
2 facilities open to the general public;

3 (3) refuse collection or refuse disposal or  
4 both;

5 (4) sewage services;

6 (5) the sale of water by a utility owned or  
7 operated by a county, municipality or other political  
8 subdivision of the state; [~~and~~]

9 (6) the renting of parking, docking or tie-  
10 down spaces or the granting of permission to park vehicles, tie  
11 down aircraft or dock boats; and

12 (7) the sale of tangible personal property to  
13 an inmate of the corrections department under sentence to or  
14 confined in a prison or other correctional institution.

15 "Governmental gross receipts" includes receipts from the  
16 sale of tangible personal property handled on consignment when  
17 sold from facilities open to the general public but excludes  
18 cash discounts taken and allowed, governmental gross receipts  
19 tax payable on transactions reportable for the period and any  
20 type of time-price differential.

21 B. As used in this section, "facilities open to the  
22 general public" does not include point of sale registers or  
23 electronic devices at a bookstore owned or operated by a public  
24 post-secondary educational institution when the registers or  
25 devices are utilized in the sale of textbooks or other

1 materials required for courses at the institution to a student  
2 enrolled at the institution who displays a valid student  
3 identification card. "

4 Section 2. EFFECTIVE DATE. --The effective date of the  
5 provisions of this act is July 1, 2005.

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