

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
REDUCING NONPROFIT GAMING OPERATOR DISTRIBUTIONS; AMENDING A
SECTION OF THE GAMING CONTROL ACT.

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

Section 1. 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.--

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

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

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

gaming activities.

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

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

F. A nonprofit gaming operator licensee shall distribute at least sixty percent of the balance of its net take, after payment of the gaming tax and any income taxes, for charitable or educational purposes." _____