

TITLE 3: TAXATION
CHAPTER 2: GROSS RECEIPTS TAXES
PART 107: EXEMPTION - GROSS RECEIPTS TAX - LIVESTOCK FEEDING

3.2.107.1 ISSUING AGENCY: Taxation and Revenue Department, Joseph M. Montoya Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630
[11/15/96; 3.2.107.1 NMAC - Rn, 3 NMAC 2.19.1, 5/15/01]

3.2.107.2 SCOPE: This part applies to each person engaging in business in New Mexico and feeding, pasturing, penning, handling or training livestock.
[11/15/96; 3.2.107.2 NMAC - Rn, 3 NMAC 2.19.2, 5/15/01]

3.2.107.3 STATUTORY AUTHORITY: Section 9-11-6.2 NMSA 1978.
[11/15/96; 3.2.107.3 NMAC - Rn, 3 NMAC 2.19.3, 5/15/01]

3.2.107.4 DURATION: Permanent.
[11/15/96; 3.2.107.4 NMAC - Rn, 3 NMAC 2.19.4, 5/15/01]

3.2.107.5 EFFECTIVE DATE: 11/15/96, unless a later date is cited at the end of a section, in which case the later date is the effective date.
[11/15/96; 3.2.107.5 NMAC - Rn, 3 NMAC 2.19.5 & A, 5/15/01]

3.2.107.6 OBJECTIVE: The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Gross Receipts and Compensating Tax Act.
[11/15/96; 3.2.107.6 NMAC - Rn, 3 NMAC 2.19.6, 5/15/01]

3.2.107.7 DEFINITIONS: [Reserved.]
[11/15/96; 3.2.107.7 NMAC - Rn, 3 NMAC 2.19.7, 5/15/01]

3.2.107.8 RECEIPTS FROM FEEDING ANIMALS:

A. Only the receipts from feeding, pasturing, penning or handling livestock are exempt under Section 7-9-19 NMSA 1978. The receipts from feeding, pasturing, penning or handling any animals which are not livestock are subject to the gross receipts tax.

B. The following examples illustrate the application of Section 7-9-19 NMSA 1978.

(1) Example 1: A owns 1,000 sheep. A pastures them with B, who owns a ranch, for fifteen cents (\$0.15) per head per month. The receipts which B receives are exempt from the gross receipts tax.

(2) Example 2: V, a veterinarian, maintains facilities for boarding animals. V boards cats and dogs that are under veterinary care. V's receipts from these services are not exempt under Section 7-9-19 NMSA 1978 because the cats and dogs are not livestock.

[9/29/67, 12/5/69, 3/9/72, 11/20/72, 3/20/74, 7/26/76, 6/18/79, 4/7/82, 5/4/84, 4/2/86, 11/26/90, 11/15/96, 4/30/99; 3.2.107.8 NMAC - Rn, 3 NMAC 2.19.8 & A, 5/15/01; A, 12/30/10]

HISTORY OF 3.2.107 NMAC:

Pre-NMAC History:

BOR 67-2, NM Gross Receipts and Compensating Tax Regulations, September 1967, filed 9/29/67.

BOR 69-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12-5-69, filed 12/5/69.

BOR 72-4, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 3/9/72, filed 3/9/72.

BOR 74-2, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 12/15/73, filed 3/20/74.

BOR 76-1, Regulations in Effect and Pertaining to the New Mexico Gross Receipts and Compensating Tax Act, 7/26/76, filed 7/26/76.

R.D.79-1, Gross Receipts and Compensating Tax Act Regulations, filed 6/18/79.

R.D. Rule No. 82, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 4/7/82.

R.D. Rule No. 84, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 5/4/84.

TRD Rule No. 9-86, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 4/2/86.

TRD Rule GR-90, Regulations Pertaining to the Gross Receipts and Compensating Tax Act, Sections 7-9-1 to 7-9-80.1 NMSA 1978, filed 11/26/90.

History of Repealed Material: [RESERVED]

NMAC History:

3 NMAC 2.19, Exemption - Gross Receipts Tax - Livestock Feeding, filed 11/4/96.

3.2.107 NMAC, Exemption - Gross Receipts Tax - Livestock Feeding, filed 4/30/2001.