PUEBLO OF LAGUNA

Tax Administration Division

P.O. Box 194 Laguna, NM 87026 – (505) 552-6654 – http://lagunapueblo-nsn.gov

Notice of Gross Receipts Tax Payment and Reporting Obligations for Construction and Other Business Activities within the Pueblo of Laguna Reservation

Effective July 1, 2012

Notice

P.O.L.C. Title VI, Chapter 3, § 6-3-4

For the Privilege of engaging in business on the Reservation an excise tax on gross receipts, to be known as the Pueblo Gross Receipts Tax, is imposed on any person engaging in business within the exterior boundaries of the Pueblo of Laguna Reservation.

Reporting Obligations

Class I Gross Receipts[1] received by any person engaging in business within the exterior boundaries of the Pueblo of Laguna Reservation on or after July 1, 2012 shall be reported **directly** to the Pueblo of Laguna Tax Administration Division (Division) in accordance with P.O.L.C. Title VI, Chapter 3, § 6-3-9.

Class I Gross Receipts received by any person engaging in business within the exterior boundaries of the Pueblo of Laguna Reservation will no longer report these receipts using the New Mexico Taxation and Revenue Department (NMTRD) Combined Reporting System (CRS).

(You can find all required forms and instructions for filing *Class I Gross Receipts* with the Pueblo of Laguna Tax Administration Division at, http://lagunapueblo-nsn.gov)

Jurisdiction

Within the Pueblo of Laguna Reservation, there are four (4) Tax Districts (Bernalillo, Cibola, Sandoval, and Valencia) each with its own tax rate published by the NMTRD biannually (See the NMTRD Website at http://www.tax.newmexico.gov/Forms-and-Publications/Forms/Gross-Receipts/Pages/Home.aspx#Rates.aspx for the most current Gross Receipts Tax Rate Schedule). *Class 1 Gross Receipts* taxes shall be reported and paid directly to the Pueblo using these rates for the Tax District within which the taxable transaction occurred. The following rate table shows the current rate for each of the Tax Districts mentioned above:

Sales by a Non-Laguna Pueblo Entity to the Pueblo, Pueblo entities, or Pueblo Members on Laguna Lands (July 1, 2013 through December 31, 2013)

County	Rate
Bernalillo	6.0625%
Cibola	6.6875%
Sandoval	6.2500%
Valencia	6.3750%

Note: Rates are subject to change

[1]**Class I Gross Receipts** – Receipts of a person other than a Pueblo of Laguna entity that are (a) reportable to a location on Pueblo of Laguna land, (b) are derived from the sale of goods or services to a Pueblo of Laguna entity, and (c) are documented by the taxpayer to be exempt from the State Tax as provided by NMAC 3.2.4.7 and NMAC 3.2.4.9.

[2]**Class II Gross Receipts** – Receipts of a person other than a Pueblo of Laguna Entity that are (1) reportable to a location on Pueblo of Laguna Land, (2) and are not Class 1 Receipts.

[3]**Primary Contractor(s)** – Any person or business that directly has a contract with the Pueblo of Laguna or any of its entities to perform commercial construction services within the Pueblo of Laguna Reservation.

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Non-Laguna Pueblo Entities engaging in business transactions with other Non-Laguna Pueblo Entities within the exterior boundaries of the Pueblo of Laguna Reservation shall report, file, and pay their ***Class II Gross Receipts***[2] with the NMTRD using the CRS reporting system **(See the NMTRD Website at http://www.tax.newmexico.gov/Pages/TRD-Homepage.aspx for more information regarding filing *Class II Gross Receipts* using the CRS reporting system).**

Frequently Asked Questions

What transactions are subject to the Pueblo's Gross Receipts Tax?
All business transactions involving the sale of goods, property or services on the Pueblo of Laguna Reservation or on Laguna Pueblo trust lands are subject to the gross receipts tax unless they are expressly exempted as described below. If a business has an office off the Reservation, but sells goods or services on the Reservation, or provides construction services or material on the Reservation, that transaction is subject to the Pueblo's gross receipts tax unless a specific exemption applies.

Are there any exemptions to the Pueblo's Gross Receipts Tax?
Yes, exemptions include such transactions as sales of livestock or agricultural goods, sales of Authentic Pueblo Arts and Crafts and sales of residential construction services. A complete listing can be found in P.O.L.C Title VI, Chapter 3 §6-3-6.

Are sales to the Pueblo, its entities, its members, or Pueblo Member-owned businesses subject to the State Gross Receipts Tax?
Federal Law expressly preempts and bars the imposition of state gross receipts tax on sales and leases of tangible personal property and services to a tribe or tribal member within the exterior boundaries of a federally recognized Tribal Reservation. For a comprehensive look at the regulation governing transactions with "Indian Tribes" see Section 3.2.4.9 NMAC of the New Mexico Selected Taxation and Revenue Laws and Regulations.

How are taxes collected?
Class I Gross Receipts received after July 1, 2012 shall be reported and filed directly with the Pueblo of Laguna Tax Administration Division, along with payment, in accordance with P.O.L.C. § 6-3-9. **(Note: All *Primary Contractor(s)*[3] are responsible for reporting, filing and paying on all Class I Gross Receipts received from the performance of a commercial construction contract within the Pueblo of Laguna Reservation in accordance with P.O.L.C. § 6-3-9.)**

Class II Gross Receipts shall be filed with the NMTRD, along with payment, using the Combined Reporting System (CRS). (See the NMTRD Website at http://www.tax.newmexico.gov/Pages/TRD-Homepage.aspx for more information regarding filing *Class II Gross Receipts* using the CRS reporting system).

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What tax rate do I use when reporting my Class I Gross Receipts?
When filing a Pueblo of Laguna Gross Receipts Tax Return, a taxpayer must use the rate of the Tax District within which the taxable transaction occurred. For example, if a contractor has engaged in a taxable business transaction within the Village of Laguna (Cibola County) it must use the Cibola Tax District tax rate of 6.6875% when calculating its tax liability. (See "Instructions for filing a Pueblo of Laguna Gross Receipts Tax Return").

Do I have to register my business with the Pueblo?
Yes. **All** persons engaging in business within the exterior boundaries of the Pueblo of Laguna Reservation are required to:

1. Secure a **Permit to Enter Laguna Lands** from the Tribal Secretary's Office on or before the date of entry onto the Pueblo of Laguna. (The Pueblo of Laguna Secretary's Office can be reached at (505) 552-6654); and
2. Register with the Pueblo of Laguna Tax Administration Division by completing and submitting an application for a Pueblo of Laguna Tax ID number (TADBRN No.); form 211 "Business Registration Application" can be found on the Pueblo's website at http://lagunapueblo-nsn.gov

Edwin G. Martinez, Director
Pueblo of Laguna Tax Administration Division

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