

RESOLUTION NO. 02-13

**A RESOLUTION CONCERNING CLARIFICATION OF TAX EXEMPT
STATUS OF AIRCRAFT TEMPORARILY LOCATED IN
NEW MEXICO FOR OVERHAUL, MAINTENANCE,
REPAIR OR STORAGE**

Whereas, events of September 11, 2001, have caused commercial aircraft owners/operators to seek places to temporarily store aircraft ; and,

Whereas, aircraft owners/operators are taking aircraft temporarily out of service for a variety of reasons; and,

Whereas, New Mexico has vast areas that satisfy the needs of these owners/operators and companies that perform overhaul, maintenance, repair and/or storage of aircraft; and,

Whereas, the potential for employment and clean industry in this business could be severely diminished if these aircraft were to be taken to states which clearly do not impose personal property tax on aircraft in a non-revenue situation; and,

Whereas, State Statute 7-36-14-A (3) (b) NMSA (Taxable situs; allocation of value of property) does describe exemption for property temporarily consigned to a warehouse or factory from outside the state for the purpose of storage, manufacturing, processing or fabricating and is in transit to a final destination outside the state; and,

Whereas, the interpretation of this statute is left in the hands of individual county assessors and may cause different interpretations that could result in an unfavorable atmosphere for aircraft owners/operators who could face double taxation on their property.


Now, Therefore, Be It Resolved that the City of Roswell, New Mexico encourages the New Mexico Municipal League to seek legislation that specifically exempts aircraft registered under State Statute 64-4-1 to 64-4-15 NMSA (Aircraft Registration Act) for the purpose of overhaul, maintenance, repair or storage.

Be It Further Resolved that this resolution does not intend to affect other types of taxation, nor shall it apply to dismantled aircraft.

ADOPTED, SIGNED AND APPROVED on this 11th day of April 2002.

CITY SEAL

ATTEST:



Timothy D. Stoessel, City Clerk



Bill B. Owen, Mayor