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**HOUSE BILL 97**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Ben Lujan**

**AN ACT**

**RELATING TO TAXATION; AMENDING A SECTION OF THE INCOME TAX ACT  
TO CHANGE AND EXPAND THE LOW-INCOME COMPREHENSIVE TAX REBATE.**

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

**Section 1. Section 7-2-14 NMSA 1978 (being Laws 1972,  
Chapter 20, Section 2, as amended) is amended to read:**

**"7-2-14. LOW-INCOME COMPREHENSIVE TAX REBATE. --**

**A. Except as otherwise provided in Subsection B of  
this section, any resident who files an individual New Mexico  
income tax return and who is not a dependent of another  
individual may claim a tax rebate for a portion of state and  
local taxes to which the resident has been subject during the  
taxable year for which the return is filed. The tax rebate  
may be claimed even though the resident has no income taxable  
under the Income Tax Act. A husband and wife who file**

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1 separate returns for a taxable year in which they could have  
2 filed a joint return may each claim only one-half of the tax  
3 rebate that would have been allowed on a joint return.

4 B. No claim for the tax rebate provided in this  
5 section shall be filed by a resident who was an inmate of a  
6 public institution for more than six months during the taxable  
7 year for which the tax rebate could be claimed or who was not  
8 physically present in New Mexico for at least six months  
9 during the taxable year for which the tax rebate could be  
10 claimed.

11 C. For the purposes of this section, the total  
12 number of exemptions for which a tax rebate may be claimed or  
13 allowed is determined by adding the number of ~~[federal~~  
14 ~~exemptions allowable for federal income tax purposes for each~~  
15 ~~individual included in the return who is domiciled in New~~  
16 ~~Mexico plus two additional exemptions for each individual~~  
17 ~~domiciled in New Mexico included in the return who is sixty-~~  
18 ~~five years of age or older plus one additional exemption for~~  
19 ~~each individual domiciled in New Mexico included in the return~~  
20 ~~who, for federal income tax purposes, is blind plus one~~  
21 ~~exemption for each minor child or stepchild of the resident]~~  
22 exemptions for which the resident is eligible. Each resident  
23 filing as a single individual or head of household may claim  
24 one exemption per household plus one exemption for each member  
25 of the resident's household for whom the resident may claim

one or more exemptions for federal income tax purposes and who  
is sixty-five years of age or older, blind or a minor child or  
stepchild of the resident. Residents filing jointly as  
married individuals or as surviving spouses may claim one  
exemption per household plus one exemption for each member of  
the residents' household for whom the residents may claim one  
or more exemptions for federal income tax purposes and who is  
sixty-five years of age or older, blind or a minor child or  
stepchild of the resident. The resident may also claim an  
exemption for a minor child or stepchild who would be a  
 dependent for federal income tax purposes if the public  
 assistance contributing to the support of the child or  
 stepchild was considered to have been contributed by the  
 resident.

D. The tax rebate provided for in this section may be claimed in the amount shown in the following table:

Modified gross income is:	But Not		And the total number of exemptions is:					6 or More
	Over	Over	1	2	3	4	5	
<del>[\$ 0</del>	<del>\$ 500</del>	<del>\$ 120</del>	<del>\$ 160</del>	<del>\$ 200</del>	<del>\$ 240</del>	<del>\$ 280</del>	<del>\$ 320</del>	
<del>500</del>	<del>1,000</del>	<del>135</del>	<del>195</del>	<del>250</del>	<del>310</del>	<del>350</del>	<del>415</del>	
<del>1,000</del>	<del>1,500</del>	<del>135</del>	<del>195</del>	<del>250</del>	<del>310</del>	<del>350</del>	<del>435</del>	
<del>1,500</del>	<del>2,000</del>	<del>135</del>	<del>195</del>	<del>250</del>	<del>310</del>	<del>350</del>	<del>450</del>	
<del>2,000</del>	<del>2,500</del>	<del>135</del>	<del>195</del>	<del>250</del>	<del>310</del>	<del>350</del>	<del>450</del>	

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1	<del>2,500</del>	<del>3,000</del>	<del>135</del>	<del>195</del>	<del>250</del>	<del>310</del>	<del>350</del>	<del>450</del>
2	<del>3,000</del>	<del>3,500</del>	<del>135</del>	<del>195</del>	<del>250</del>	<del>310</del>	<del>350</del>	<del>450</del>
3	<del>3,500</del>	<del>4,000</del>	<del>135</del>	<del>195</del>	<del>250</del>	<del>310</del>	<del>355</del>	<del>450</del>
4	<del>4,000</del>	<del>4,500</del>	<del>135</del>	<del>195</del>	<del>250</del>	<del>310</del>	<del>355</del>	<del>450</del>
5	<del>4,500</del>	<del>5,000</del>	<del>125</del>	<del>190</del>	<del>240</del>	<del>305</del>	<del>355</del>	<del>450</del>
6	<del>5,000</del>	<del>5,500</del>	<del>115</del>	<del>175</del>	<del>230</del>	<del>295</del>	<del>355</del>	<del>430</del>
7	<del>5,500</del>	<del>6,000</del>	<del>105</del>	<del>155</del>	<del>210</del>	<del>260</del>	<del>315</del>	<del>410</del>
8	<del>6,000</del>	<del>7,000</del>	<del>90</del>	<del>130</del>	<del>170</del>	<del>220</del>	<del>275</del>	<del>370</del>
9	<del>7,000</del>	<del>8,000</del>	<del>80</del>	<del>115</del>	<del>145</del>	<del>180</del>	<del>225</del>	<del>295</del>
10	<del>8,000</del>	<del>9,000</del>	<del>70</del>	<del>105</del>	<del>135</del>	<del>170</del>	<del>195</del>	<del>240</del>
11	<del>9,000</del>	<del>10,000</del>	<del>65</del>	<del>95</del>	<del>115</del>	<del>145</del>	<del>175</del>	<del>205</del>
12	<del>10,000</del>	<del>11,000</del>	<del>60</del>	<del>80</del>	<del>100</del>	<del>130</del>	<del>155</del>	<del>185</del>
13	<del>11,000</del>	<del>12,000</del>	<del>55</del>	<del>70</del>	<del>90</del>	<del>110</del>	<del>135</del>	<del>160</del>
14	<del>12,000</del>	<del>13,000</del>	<del>50</del>	<del>65</del>	<del>85</del>	<del>100</del>	<del>115</del>	<del>140</del>
15	<del>13,000</del>	<del>14,000</del>	<del>50</del>	<del>65</del>	<del>85</del>	<del>100</del>	<del>115</del>	<del>140</del>
16	<del>14,000</del>	<del>15,000</del>	<del>45</del>	<del>60</del>	<del>75</del>	<del>90</del>	<del>105</del>	<del>120</del>
17	<del>15,000</del>	<del>16,000</del>	<del>40</del>	<del>55</del>	<del>70</del>	<del>85</del>	<del>95</del>	<del>110</del>
18	<del>16,000</del>	<del>17,000</del>	<del>35</del>	<del>50</del>	<del>65</del>	<del>80</del>	<del>85</del>	<del>105</del>
19	<del>17,000</del>	<del>18,000</del>	<del>30</del>	<del>45</del>	<del>60</del>	<del>70</del>	<del>80</del>	<del>95</del>
20	<del>18,000</del>	<del>19,000</del>	<del>25</del>	<del>35</del>	<del>50</del>	<del>60</del>	<del>70</del>	<del>80</del>
21	<del>19,000</del>	<del>20,000</del>	<del>20</del>	<del>30</del>	<del>40</del>	<del>50</del>	<del>60</del>	<del>65</del>
22	<del>20,000</del>	<del>21,000</del>	<del>15</del>	<del>25</del>	<del>30</del>	<del>40</del>	<del>50</del>	<del>55</del>
23	<del>21,000</del>	<del>22,000</del>	<del>10</del>	<del>20</del>	<del>25</del>	<del>35</del>	<del>40</del>	<del>45]</del>
24	<u>\$ 0</u>	<u>\$2,000</u>	<u>\$ 100</u>	<u>\$ 300</u>	<u>\$ 450</u>	<u>\$ 600</u>	<u>\$750</u>	<u>\$ 900</u>
25	<u>2,000</u>	<u>4,000</u>	<u>110</u>	<u>330</u>	<u>495</u>	<u>660</u>	<u>825</u>	<u>990</u>

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1	<u>4, 000</u>	<u>6, 000</u>	<u>110</u>	<u>330</u>	<u>495</u>	<u>660</u>	<u>825</u>	<u>990</u>
2	<u>6, 000</u>	<u>8, 000</u>	<u>120</u>	<u>360</u>	<u>540</u>	<u>720</u>	<u>900</u>	<u>1, 080</u>
3	<u>8, 000</u>	<u>10, 000</u>	<u>110</u>	<u>330</u>	<u>495</u>	<u>660</u>	<u>825</u>	<u>990</u>
4	<u>10, 000</u>	<u>12, 000</u>	<u>100</u>	<u>300</u>	<u>450</u>	<u>600</u>	<u>750</u>	<u>900</u>
5	<u>12, 000</u>	<u>14, 000</u>	<u>90</u>	<u>270</u>	<u>405</u>	<u>540</u>	<u>675</u>	<u>810</u>
6	<u>14, 000</u>	<u>16, 000</u>	<u>60</u>	<u>180</u>	<u>270</u>	<u>360</u>	<u>450</u>	<u>540</u>
7	<u>16, 000</u>	<u>18, 000</u>	<u>30</u>	<u>90</u>	<u>135</u>	<u>180</u>	<u>225</u>	<u>270</u>
8	<u>18, 000</u>	<u>20, 000</u>	<u>20</u>	<u>60</u>	<u>90</u>	<u>120</u>	<u>150</u>	<u>180</u>
9	<u>20, 000</u>	<u>22, 000</u>	<u>10</u>	<u>30</u>	<u>45</u>	<u>60</u>	<u>75</u>	<u>90.</u>

10 E. If a taxpayer's modified gross income is zero,  
11 the taxpayer may claim a credit in the amount shown in the  
12 first row of the table appropriate for the taxpayer's number  
13 of exemptions.

14 F. The tax rebates provided for in this section  
15 may be deducted from the taxpayer's New Mexico income tax  
16 liability for the taxable year. If the tax rebates exceed the  
17 taxpayer's income tax liability, the excess shall be refunded  
18 to the taxpayer.

19 G. For purposes of this section, "dependent" means  
20 "dependent" as defined by Section 152 of the Internal Revenue  
21 Code of 1986, as that section may be amended or renumbered,  
22 but also includes any minor child or stepchild of the resident  
23 who would be a dependent for federal income tax purposes if  
24 the public assistance contributing to the support of the child  
25 or stepchild was considered to have been contributed by the

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resident. "

Section 2. APPLICABILITY. -- The provisions of this act  
apply to taxable years beginning on or after January 1, 2001.

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