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SENATE BILL 616

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

MANNY M. ARAGON

AN ACT

RELATING TO TAXATION; REPEALING TAXES FOR THE OPERATION OF STATE  
GOVERNMENT; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 7-1-2 NMSA 1978 (being Laws 1965, Chapter 248, Section 2, as  
amended) is amended to read:

"7-1-2. APPLICABILITY.--The Tax Administration Act applies to and governs:

A. the administration and enforcement of the following taxes or tax acts as  
they now exist or may hereafter be amended:

~~(1) Income Tax Act;~~

~~(2) Withholding Tax Act;~~

~~(3) (1) Gross Receipts and Compensating Tax Act; [and any state  
gross receipts tax;~~

~~(4) Liquor Excise Tax Act;~~

~~(5) (2) Local Liquor Excise Tax Act;~~

~~(6) Banking and Financial Corporations Tax Act;~~

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~~(7)~~ (3) any municipal local option gross receipts tax;  
~~[(8)]~~ (4) any county local option gross receipts tax; and  
~~[(9)]~~ ~~Special Fuels Supplier Tax Act;~~  
~~(10)~~ ~~Gasoline Tax Act;~~  
~~(11)~~ ~~petroleum products loading fee, which fee shall be considered a~~  
~~tax for the purpose of the Tax Administration Act;~~  
~~(12)~~ ~~Cigarette Tax Act;~~  
~~(13)~~ ~~Estate Tax Act;~~  
~~(14)~~ ~~Railroad Car Company Tax Act;~~  
~~(15)~~ ~~Investment Credit Act;~~  
~~(16)~~ ~~Corporate Income Tax Act;~~  
~~(17)~~ ~~Corporate Income and Franchise Tax Act;~~  
~~(18)~~ ~~Uniform Division of Income for Tax Purposes Act;~~  
~~(19)~~ ~~Multistate Tax Compact;~~  
~~(20)~~ ~~Tobacco Products Tax Act;~~  
~~(21)~~ ~~Filmmaker's Credit Act; and~~  
~~(22)~~ (5) the telecommunications relay service surcharge imposed by  
Section 63-9F-11 NMSA 1978, which surcharge shall be considered a tax for the purposes of  
the Tax Administration Act;

B. the administration and enforcement of the following taxes, surtaxes,  
advanced payments or tax acts as they now exist or may hereafter be amended:

- ~~[(1)]~~ ~~Resources Excise Tax Act;~~
- ~~(2)~~ (1) Severance Tax Act;
- ~~[(3)]~~ (2) any severance surtax;
- ~~[(4)]~~ (3) Oil and Gas Severance Tax Act;

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1                   ~~[(5) Oil and Gas Conservation Tax Act;~~  
2                   ~~(6) Oil and Gas Emergency School Tax Act;~~  
3                   ~~(7)]~~ (4) Oil and Gas Ad Valorem Production Tax Act;  
4                   ~~[(8) Natural Gas Processors Tax Act;~~  
5                   ~~(9)]~~ (5) Oil and Gas Production Equipment Ad Valorem Tax Act;  
6                   ~~[(10)]~~ (6) Copper Production Ad Valorem Tax Act; and  
7                   ~~[(11)]~~ (7) any advance payment required to be made by any act  
8 specified in this subsection, which advance payment shall be considered a tax for the purposes  
9 of the Tax Administration Act;

11                   C. the administration and enforcement of the following taxes, surcharges, fees  
12 or acts as they now exist or may hereafter be amended:

13                   ~~[(1) Weight Distance Tax Act;~~  
14                   ~~(2) Special Fuels Tax Act;~~  
15                   ~~(3)]~~ (1) the workers' compensation fee authorized by Section 52-5-19  
16 NMSA 1978, which fee shall be considered a tax for purposes of the Tax Administration Act;

17                   ~~[(4) Controlled Substance Tax Act;~~  
18                   ~~(5)]~~ (2) Uniform Unclaimed Property Act;  
19                   ~~[(6)]~~ (3) 911 emergency surcharge and the network and database  
20 surcharge, which surcharges shall be considered taxes for purposes of the Tax Administration  
21 Act;

23                   ~~[(7)]~~ (4) the solid waste assessment fee authorized by the Solid Waste  
24 Act, which fee shall be considered a tax for purposes of the Tax Administration Act; and

25                   ~~[(8)]~~ (5) the water conservation fee imposed by Section 74-1-13  
NMSA 1978, which fee shall be considered a tax for the purposes of the Tax Administration  
Act; and

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1 D. the administration and enforcement of all other laws, with respect to which  
2 the department is charged with responsibilities pursuant to the Tax Administration Act, but  
3 only to the extent that such other laws do not conflict with the Tax Administration Act."

4 Section 2. Section 7-1-6.15 NMSA 1978 (being Laws 1983, Chapter 211, Section 20,  
5 as amended) is amended to read:

6 "7-1-6.15. ADJUSTMENTS OF DISTRIBUTIONS OR TRANSFERS TO  
7 MUNICIPALITIES OR COUNTIES.--

8 A. The provisions of this section apply to:

9  
10 [~~(1)~~] any distribution to a municipality of gross receipts taxes pursuant  
11 to Section 7-1-6.4 NMSA 1978 or of interstate telecommunications gross receipts tax pursuant  
12 to Section 7-1-6.36 NMSA 1978;

13 [~~(2)~~] (1) any transfer to a municipality with respect to any local option  
14 gross receipts tax imposed by that municipality;

15 [~~(3)~~] (2) any transfer to a county with respect to any local option gross  
16 receipts tax imposed by that county;

17 [~~(4)~~] (3) any distribution to a county pursuant to Section 7-1-6.16  
18 NMSA 1978; and

19 [~~(5)~~] any distribution to a municipality or a county of gasoline taxes  
20 pursuant to Section 7-1-6.9 NMSA 1978;

21 [~~(6)~~] (4) any transfer to a county with respect to any tax imposed in  
22 accordance with the Local Liquor Excise Tax Act.

23 [~~(7)~~] any distribution to a municipality or a county of cigarette taxes  
24 pursuant to Sections 7-1-6.11, 7-12-15 and 7-12-16 NMSA 1978;

25 [~~(8)~~] any distribution to a county from the county government road  
fund pursuant to Section 7-1-6.26 NMSA 1978; and

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~~(9) any distribution to a municipality of gasoline taxes pursuant to Section 7-1-6.27 NMSA 1978.]~~

B. If the secretary determines that any prior distribution or transfer to a municipality or county was erroneous, the secretary shall increase or decrease the next distribution or transfer amount for that municipality or county after the determination, except as provided in Subsection C, D or E of this section, by the amount necessary to correct the error. Subject to the provisions of Subsection E of this section, the secretary shall notify the municipality or county of the amount of each increase or decrease.

C. No decrease shall be made to current or future distributions or transfers to a municipality or a county for any excess distribution or transfer made to that municipality or county more than one year prior to the calendar year in which the determination of the secretary was made.

D. The secretary, in lieu of recovery from the next distribution or transfer amount, may recover an excess distribution or transfer of one hundred dollars (\$100) or more to the municipality or county in installments from current and future distributions or transfers to that municipality or county pursuant to an agreement with the officials of the municipality or county whenever the amount of the distribution or transfer decrease for the municipality or county exceeds ten percent of the average distribution or transfer amount for that municipality or county for the twelve months preceding the month in which the secretary's determination is made; provided that for the purposes of this subsection, the "average distribution or transfer amount" shall be the arithmetic mean of the distribution or transfer amounts within the twelve months immediately preceding the month in which the determination is made.

E. Except for the provisions of this section, if the amount by which a distribution or transfer would be adjusted pursuant to Subsection B of this section is one hundred dollars (\$100) or less, no adjustment or notice need be made.

F. The secretary is authorized to decrease a distribution to a municipality or

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1 county upon being directed to do so by the secretary of finance and administration pursuant to  
2 the State Aid Intercept Act or to redirect a distribution to the New Mexico finance authority  
3 pursuant to an ordinance passed by the county or municipality and a written agreement of the  
4 municipality or county and the New Mexico finance authority. Upon direction to decrease a  
5 distribution or notice to redirect a distribution to a municipality or county, the secretary shall  
6 decrease or redirect the next designated distribution, and succeeding distributions as necessary,  
7 by the amount of the state distributions intercept authorized by the secretary of finance and  
8 administration pursuant to the State Aid Intercept Act or by the amount of the state distribution  
9 intercept authorized pursuant to an ordinance passed by the county or municipality and a  
10 written agreement with the New Mexico finance authority. The secretary shall transfer the state  
11 distributions intercept amount to the municipal or county treasurer or other person designated  
12 by the secretary of finance and administration or to the New Mexico finance authority pursuant  
13 to written agreement to pay the debt service to avoid default on qualified local revenue bonds  
14 or meet other local revenue bond, loan or other debt obligations of the municipality or county  
15 to the New Mexico finance authority."

17 Section 3. Section 7-1-8 NMSA 1978 (being Laws 1965, Chapter 248, Section 13, as  
18 amended by Laws 1993, Chapter 5, Section 3 and also by Laws 1993, Chapter 261, Section 1)  
19 is amended to read:

21 "7-1-8. CONFIDENTIALITY OF RETURNS AND OTHER INFORMATION.--It is  
22 unlawful for any employee of the department or any former employee of the department to  
23 reveal to any individual other than another employee of the department any information  
24 contained in the return of any taxpayer made pursuant to any law subject to administration and  
25 enforcement under the provisions of the Tax Administration Act or any other information about  
any taxpayer acquired as a result of his employment by the department, except:

A. to an authorized representative of another state; provided that the receiving

1 state has entered into a written agreement with the department to use the information for tax  
2 purposes only and that the receiving state has enacted a confidentiality statute similar to this  
3 section;

4 B. to a representative of the secretary of the treasury or the secretary's delegate  
5 pursuant to the terms of a reciprocal agreement entered into with the federal government for  
6 exchange of such information;

7 C. to the multistate tax commission or its authorized representative; provided  
8 that the information is used for tax purposes only and is disclosed by the multistate tax  
9 commission only to states ~~[which]~~ that have met the requirements of Subsection A of this  
10 section;

11 D. to a district court or an appellate court or a federal court:

12 (1) in response to an order thereof in an action relating to taxes to  
13 which the state is a party and in which the information sought is about a taxpayer who is party  
14 to the action and is material to the inquiry, in which case only that information may be required  
15 to be produced in court and admitted in evidence subject to court order protecting the  
16 confidentiality of the information and no more;

17 (2) in any action in which the department is attempting to enforce an  
18 act with which the department is charged or to collect a tax; or

19 (3) in any matter in which the department is a party and the taxpayer  
20 has put his own liability for taxes at issue, in which case only that information regarding the  
21 taxpayer who is party to the action may be produced, but this shall not prevent the disclosure of  
22 department policy or interpretation of law arising from circumstances of a taxpayer who is not  
23 a party;

24 E. to the taxpayer or to the taxpayer's authorized representative; provided,  
25 however, that nothing in this subsection shall be construed to require any employee to testify in

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1 a judicial proceeding except as provided in Subsection D of this section;

2 F. information obtained through the administration of any law not subject to  
3 administration and enforcement under the provisions of the Tax Administration Act to the  
4 extent that release of such information is not otherwise prohibited by law;

5 G. in such manner, for statistical purposes, that the information revealed is not  
6 identified as applicable to any individual taxpayer;

7 ~~[H. with reference to any information concerning the tax on tobacco imposed~~  
8 ~~by Sections 7-12-1 through 7-12-17 NMSA 1978 to a committee of the legislature for a valid~~  
9 ~~legislative purpose;~~

10  
11 ~~F.] H.~~ to a transferee, assignee, buyer or lessor of a liquor license, the amount  
12 and basis of any unpaid assessment of tax for which his transferor, assignor, seller or lessee is  
13 liable;

14 ~~[F.] L.~~ to a purchaser of a business as provided in Sections 7-1-61 through  
15 7-1-64 NMSA 1978, the amount and basis of any unpaid assessment of tax for which the  
16 purchaser's seller is liable;

17 ~~[K.] L.~~ to a municipality upon its request for any period specified by that  
18 municipality within the twelve months preceding the request for such information by that  
19 municipality:

20  
21 (1) the names, taxpayer identification numbers and addresses of  
22 registered gross receipts taxpayers reporting gross receipts for that municipality under the  
23 Gross Receipts and Compensating Tax Act or a local option gross receipts tax imposed by that  
24 municipality. The department may also release, within the twelve months following the request  
25 for such information by the municipality, the information described in this paragraph quarterly  
or upon such other periodic basis as the secretary and the municipality may agree; and

(2) information indicating whether persons shown on any list of



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1 businesses located within that municipality furnished by the municipality have reported gross  
2 receipts to the department but have not reported gross receipts for that municipality under the  
3 Gross Receipts and Compensating Tax Act or a local option gross receipts tax imposed by that  
4 municipality.

5 The employees of municipalities receiving information as provided in this subsection  
6 shall be subject to the penalty contained in Section 7-1-76 NMSA 1978 if such information is  
7 revealed to individuals other than other employees of the municipality in question or the  
8 department;

9  
10 ~~[L.]~~ K. to the commissioner of public lands for use in auditing that pertains to  
11 rentals, royalties, fees and other payments due the state under land sale, land lease or other land  
12 use contracts; the commissioner of public lands and employees of the commissioner are subject  
13 to the same provisions regarding confidentiality of information as employees of the  
14 department;

15 ~~[M.]~~ L. the department shall furnish, upon request by the child support  
16 enforcement division of the human services department, the last known address with date of all  
17 names certified to the department as being absent parents of children receiving public financial  
18 assistance. The child support enforcement division personnel shall use such information only  
19 for the purpose of enforcing the support liability of such absent parents and shall not use the  
20 information or disclose it for any other purpose; the child support enforcement division and its  
21 employees are subject to the provisions of this section with respect to any information acquired  
22 from the department;

23  
24 ~~[N.] with respect to the tax on gasoline imposed by the Gasoline Tax Act, the~~  
25 ~~department shall make available for public inspection at monthly intervals a report covering the~~  
~~amount and gallonage of gasoline and ethanol blended fuels imported, exported, sold and used,~~  
~~including tax exempt sales to the federal government reported or upon which the gasoline tax~~

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1 was paid, together with a tabulation of taxes received from each distributor in the state of New  
2 Mexico;

3 ~~○. the identity of distributors and gallonage reported on returns required under~~  
4 ~~the Gasoline Tax Act or Special Fuels Supplier Tax Act to any distributor or supplier, but only~~  
5 ~~when it is necessary to enable the department to carry out its duties under the Gasoline Tax Act~~  
6 ~~or the Special Fuels Supplier Tax Act;~~

7 ~~P. the department shall release upon request only the names and addresses of~~  
8 ~~all gasoline or special fuel distributors, wholesalers and retailers to the New Mexico~~  
9 ~~department of agriculture, the employees of which are thereby subject to the penalty contained~~  
10 ~~in Section 7-1-76 NMSA 1978 if such information is revealed to individuals other than~~  
11 ~~employees of either the New Mexico department of agriculture or the department;~~

12 ~~○.] M. the department shall answer all inquiries concerning whether a person~~  
13 ~~is or is not a registered taxpayer;~~

14 ~~[R:] N. upon request of the municipality or the county, the department shall~~  
15 ~~permit officials or employees of the municipality or county to inspect the records of the~~  
16 ~~department pertaining to an increase or decrease to a distribution or transfer made pursuant to~~  
17 ~~Section 7-1-6.15 NMSA 1978 for the purpose of reviewing the basis for the increase or~~  
18 ~~decrease. The municipal or county officials or employees receiving information provided in~~  
19 ~~this subsection shall not reveal that information to any person other than another employee of~~  
20 ~~the municipality or the county, the department or a district court, an appellate court or a federal~~  
21 ~~court in a proceeding relating to a disputed distribution and in which both the state and the~~  
22 ~~municipality or county are parties. Any information provided in this subsection that is revealed~~  
23 ~~other than as provided in this subsection shall subject the person revealing the information to~~  
24 ~~the penalties contained in Section 7-1-76 NMSA 1978;~~

25 ~~[S:] Q. to a county that has in effect any local option gross receipts tax~~

1 imposed by the county upon its request for any period specified by that county within the  
2 twelve months preceding the request for such information by that county:

3 (1) the names, taxpayer identification numbers and addresses of  
4 registered gross receipts taxpayers reporting gross receipts either for that county in the case of a  
5 local option gross receipts tax imposed on a county-wide basis or only for the areas of that  
6 county outside of any incorporated municipalities within that county in the case of a county  
7 local option gross receipts tax imposed only in areas of the county outside of any incorporated  
8 municipalities. The department may also release within the twelve months following the  
9 request for such information by the county the information described in this paragraph  
10 quarterly or upon such other periodic basis as the secretary and the county may agree;  
11

12 (2) in the case of a local option gross receipts tax imposed by a county  
13 on a county-wide basis, information indicating whether persons shown on any list of businesses  
14 located within the county furnished by the county have reported gross receipts to the  
15 department but have not reported gross receipts for that county under the Gross Receipts and  
16 Compensating Tax Act or a local option gross receipts tax imposed by that county on a county-  
17 wide basis; and  
18

19 (3) in the case of a local option gross receipts tax imposed by a county  
20 only on persons engaging in business in that area of the county outside of any incorporated  
21 municipalities, information indicating whether persons shown on any list of businesses located  
22 in the area of that county outside of any incorporated municipalities within that county  
23 furnished by the county have reported gross receipts to the department but have not reported  
24 gross receipts for the area of that county outside of any incorporated municipalities within that  
25 county under the Gross Receipts and Compensating Tax Act or any local option gross receipts  
tax imposed by the county only on persons engaging in business in that area of the county  
outside of any incorporated municipalities.

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1           The officers and employees of counties receiving information as provided in this  
2 subsection shall be subject to the penalty contained in Section 7-1-76 NMSA 1978 if such  
3 information is revealed to individuals other than other officers or employees of the county in  
4 question or the department;

5                   [~~F~~] P. to authorized representatives of an Indian nation, tribe or pueblo, the  
6 territory of which is located wholly or partially within New Mexico, pursuant to the terms of a  
7 reciprocal agreement entered into with the Indian nation, tribe or pueblo for the exchange of  
8 such information for tax purposes only; provided that the Indian nation, tribe or pueblo has  
9 enacted a confidentiality statute similar to this section;

10                   [~~E~~] Q. information with respect to the taxes or tax acts administered pursuant  
11 to Subsection B of Section 7-1-2 NMSA 1978, except that:

12                           (1) information for or relating to any period prior to July 1, 1985 with  
13 respect to Sections [~~7-25-1 through 7-25-9 and~~] 7-26-1 through [~~7-26-9~~] 7-26-8 NMSA 1978  
14 may be released only to a committee of the legislature for a valid legislative purpose;

15                           (2) contracts and other agreements between the taxpayer and other  
16 parties and the proprietary information contained in such contracts and agreements shall not be  
17 released without the consent of all parties to the contract or agreement; and

18                           (3) audit workpapers and the proprietary information contained in  
19 such workpapers shall not be released except to a person having a legal interest in the property  
20 that is subject to the audit, to a purchaser of products severed from a property subject to the  
21 audit or to the authorized representative of either, but this paragraph does not prohibit the  
22 release of any proprietary information contained in the workpapers that is also available from  
23 returns or from other sources not subject to the provisions of this section;

24                   [~~V~~] R. information with respect to the taxes, surtaxes, advance payments or  
25 tax acts administered pursuant to Subsection C of Section 7-1-2 NMSA 1978;

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1                   ~~[W.]~~ to the state corporation commission, information with respect to the  
2 Corporate Income and Franchise Tax Act required to enable the commission to carry out its  
3 duties;

4                   ~~[X.]~~ S. to the state racing commission, information with respect to the state,  
5 municipal and county gross receipts taxes paid by race tracks;

6                   ~~[Y.]~~ T. upon request of a corporation authorized to be formed under the  
7 Educational Assistance Act, the department shall furnish the last known address and the date of  
8 that address of every person certified to the department as being an absent obligor of an  
9 educational debt that is due and owed to the corporation or that the corporation has lawfully  
10 contracted to collect. The corporation and its officers and employees shall use such  
11 information only for the purpose of enforcing the educational debt obligation of such absent  
12 obligors and shall not disclose that information or use it for any other purpose;

13                   ~~[Z.]~~ U. any decision and order made by a hearing officer pursuant to Section  
14 7-1-24 NMSA 1978 with respect to a protest filed with the secretary on or after July 1, 1993;

15                   ~~[AA.]~~ V. information required by any provision of the Tax Administration Act  
16 to be made available to the public by the department;

17                   ~~[BB.]~~ W. upon request by the Bernalillo county metropolitan court, the  
18 department shall furnish the last known address and the date of that address for every person  
19 certified to the department by the court as being a person who owes fines, fees or costs to the  
20 court or who has failed to appear pursuant to a court order or a promise to appear; and

21                   ~~[CC.]~~ X. upon request by a magistrate court, the department shall furnish the  
22 last known address and the date of that address for every person certified to the department by  
23 the court as being a person who owes fines, fees or costs to the court or who has failed to  
24 appear pursuant to a court order or a promise to appear."  
25

Section 4. Section 7-1-13.1 NMSA 1978 (being Laws 1988, Chapter 99, Section 3, as

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1 amended) is amended to read:

2 "7-1-13.1. METHOD OF PAYMENT OF CERTAIN TAXES DUE.--

3 A. Payment of the taxes, including any applicable penalties and interest,  
4 described in Paragraph (1) or (2) [~~or (3)~~] of this subsection shall be made on or before the date  
5 due in accordance with Subsection B of this section if the taxpayer's average tax payment for  
6 the group of taxes during the preceding calendar year equaled or exceeded twenty-five  
7 thousand dollars (\$25,000):

8 (1) Group 1: all taxes due under [~~the Withholding Tax Act,~~] the Gross  
9 Receipts and Compensating Tax Act and the local option gross receipts tax acts [~~the Interstate~~  
10 ~~Telecommunications Gross Receipts Tax Act and the Leased Vehicles Gross Receipts Tax~~  
11 ~~Act~~]; or

12 (2) Group 2: all taxes due under the Oil and Gas Severance Tax Act  
13 [~~the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency School Tax Act~~] and the  
14 Oil and Gas Ad Valorem Production Tax Act. [~~or~~

15 (~~3) Group 3: the tax due under the Natural Gas Processors Tax Act.~~]

16 For taxpayers who have more than one identification number issued by the department,  
17 the average tax payment shall be computed by combining the amounts paid under the several  
18 identification numbers.

19 B. Taxpayers who are required to make payment in accordance with the  
20 provisions of this section shall make payment by one or more of the following means on or  
21 before the due date so that funds are immediately available to the state on or before the due  
22 date:

23 (1) automated clearinghouse transactions to allow deposit and fund  
24 availability to the state on or before the due date and containing the information required by the  
25 department;

1 (2) [a] transfer of funds through the wire transfer system operated by  
2 the federal reserve system, which provides immediate availability of funds to the state on or  
3 before the due date and containing the information required by the department;

4 (3) currency of the United States;

5 (4) check drawn on and payable at any New Mexico financial  
6 institution provided that the check is received by the department at the place and time required  
7 by the department at least one banking day prior to the due date; or

8 (5) check drawn on and payable at any domestic non-New Mexico  
9 financial institution provided that the check is received by the department at the time and place  
10 required by the department at least two banking days prior to the due date.  
11

12 C. If the taxes required to be paid under this section are not paid in accordance  
13 with Subsection B of this section, the payment is not timely and is subject to the provisions of  
14 Sections 7-1-67 and 7-1-69 NMSA 1978. When an automated clearinghouse transaction is  
15 reversed or a check is dishonored by the taxpayer's financial institution, neither the department  
16 nor the fiscal agent is obligated to resubmit the automated clearinghouse transaction or check  
17 for payment. If the reversal or dishonoring causes the final payment of taxes to be not timely  
18 under the provisions of this section, then the provisions of Sections 7-1-67 and 7-1-69 NMSA  
19 1978 apply.  
20

21 D. For the purposes of this section:

22 (1) "automated clearinghouse transaction" means an electronic credit  
23 or debit transmitted through an automated clearinghouse payable to the state treasurer and  
24 deposited with the fiscal agent of the state;

25 (2) "average tax payment" means the total amount of taxes paid with  
respect to a group of taxes listed under Subsection A of this section during a calendar year  
divided by the number of months in that calendar year containing a due date on which the

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1 taxpayer was required to pay one or more taxes in the group; and

2 (3) "financial institution" means any state or nationally chartered  
3 federally insured depository institution."

4 Section 5. Section 7-1-26 NMSA 1978 (being Laws 1965, Chapter 248, Section 28, as  
5 amended) is amended to read:

6 "7-1-26. CLAIM FOR REFUND.--

7  
8 A. Any person who believes that an amount of tax has been paid by or  
9 withheld from that person in excess of that for which the person was liable, who has been  
10 denied any credit or rebate claimed or who claims a prior right to property in the possession of  
11 the department pursuant to a levy made under authority of Sections 7-1-31 through 7-1-34  
12 NMSA 1978 may claim a refund by directing to the secretary, within the time limited by the  
13 provisions of Subsections B and C [~~and D~~] of this section, a written claim for refund. Every  
14 claim for refund shall state the nature of the person's complaint and contain information  
15 sufficient to allow processing of the claim, except as provided in Subsection G of this section.  
16 The secretary or the secretary's delegate may allow the claim in whole or in part or may deny  
17 the claim. If the claim is denied in whole or in part in writing, the claim may not be refiled. If  
18 the claim is not granted in full, the person, within ninety days after either the mailing of the  
19 denial of all or any part of the claim, may elect to pursue one, but not more than one, of the  
20 remedies in Paragraphs (1) and (2) of this subsection. If the department has neither granted nor  
21 denied any portion of a claim for refund within one hundred twenty days of the date the claim  
22 was mailed or delivered to the department, the person may refile it within the time limits set  
23 forth in Subsection B of this section or may, within ninety days, elect to pursue one, but only  
24 one, of the remedies in Paragraphs (1) and (2) of this subsection. In any case, if a person does  
25 timely pursue more than one remedy, the person shall be deemed to have elected the first  
remedy invoked. The remedies are as follows:

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1 (1) the person may direct to the secretary a written protest against the  
2 denial of, or failure to either allow or deny, the claim, which shall be set for hearing by a  
3 hearing officer designated by the secretary promptly after the receipt of the protest in  
4 accordance with the provisions of Section 7-1-24 NMSA 1978 and pursue the remedies of  
5 appeal from decisions adverse to the protestant as provided in Section 7-1-25 NMSA 1978; or

6 (2) the person may commence a civil action in the district court for  
7 Santa Fe county by filing a complaint setting forth the circumstance of the claimed  
8 overpayment, alleging that on account thereof the state is indebted to the plaintiff in the amount  
9 stated, together with any interest allowable, demanding the refund to the plaintiff of that  
10 amount and reciting the facts of the claim for refund. The plaintiff or the secretary may appeal  
11 from any final decision or order of the district court to the court of appeals.  
12

13 B. Except as otherwise provided in [~~Subsections~~] Subsection C [~~and D~~] of this  
14 section, no credit or refund of any amount may be allowed or made to any person unless as the  
15 result of a claim made by that person as provided in this section:

16 (1) within three years of the end of the calendar year in which:

17 (a) the payment was originally due or the overpayment  
18 resulted from an assessment by the department pursuant to Section 7-1-17 NMSA 1978,  
19 whichever is later;

20 (b) the final determination of value occurs with respect to any  
21 overpayment that resulted from a disapproval by any agency of the United States or the state of  
22 New Mexico or any court of increase in value of a product subject to taxation under the Oil and  
23 Gas Severance Tax Act [~~the Oil and Gas Conservation Tax Act, the Oil and Gas Emergency~~  
24 ~~School Tax Act~~] and the Oil and Gas Ad Valorem Production Tax Act [~~or the Natural Gas~~  
25 ~~Processors Tax Act~~]; or

(c) property was levied upon pursuant to the provisions of the

Underscored material = new  
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1 Tax Administration Act;

2 (2) within one year of the date an assessment of tax is made or a  
3 proceeding begun in court by the department with respect to any period that is covered by a  
4 waiver signed on or after July 1, 1993 by the taxpayer pursuant to Subsection F of Section  
5 7-1-18 NMSA 1978; or

6 (3) for assessments made on or after July 1, 1993, within one year of  
7 the date of an assessment of tax made under Subsection B, C or D of Section 7-1-18 NMSA  
8 1978 when the assessment applies to a period ending at least three years prior to the beginning  
9 of the year in which the assessment was made, but the claim for refund shall not be made with  
10 respect to any period not covered by the assessment.

11  
12 ~~[C. No credit or refund shall be allowed or made to any person claiming a~~  
13 ~~refund of gasoline tax under Section~~  
14 ~~7-13-11 NMSA 1978 unless notice of the destruction of the gasoline was given the department~~  
15 ~~within thirty days of the actual destruction and the claim for refund is made within six months~~  
16 ~~of the date of destruction. No credit or refund shall be allowed or made to any person claiming~~  
17 ~~a refund of gasoline tax under Section 7-13-14 NMSA 1978 unless the refund is claimed within~~  
18 ~~six months of the date of purchase of the gasoline and the gasoline has been used at the time~~  
19 ~~the claim for refund is made.~~

20  
21 ~~D:]~~ C. If, as a result of an audit by the internal revenue service or the filing of  
22 an amended federal return changing a prior election or making any other change for which  
23 federal approval is required by the Internal Revenue Code, any adjustment of federal tax is  
24 made with the result that there would have been an overpayment of tax if the adjustment to  
25 federal tax had been applied to the taxable period to which it relates, claim for credit or refund  
of only that amount based on the adjustment may be made as provided in this section within  
one year of the date of the internal revenue service audit adjustment or payment of the federal

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[bracketed material] = delete

1 refund or within the period limited by Subsection B of this section, whichever expires later.  
2 Interest, computed at the rate specified in Subsection B of Section 7-1-68 NMSA 1978, shall be  
3 allowed on any such claim for refund from the date one hundred twenty days after the claim is  
4 made until the date the final decision to grant the credit or refund is made.

5 [E:] D. Any refund of tax paid under any tax or tax act administered under  
6 Subsection B of Section 7-1-2 NMSA 1978 may be made, at the discretion of the department,  
7 in the form of credit against future tax payments if future tax liabilities in an amount at least  
8 equal to the credit amount reasonably may be expected to become due.

9 [F:] E. For the purposes of this section, the term "oil and gas tax return" means  
10 a return reporting tax due with respect to oil, natural gas, liquid hydrocarbons or carbon dioxide  
11 pursuant to the Oil and Gas Severance Tax Act, [~~the Oil and Gas Conservation Tax Act, the Oil~~  
12 ~~and Gas Emergency School Tax Act~~] the Oil and Gas Ad Valorem Production Tax Act [~~the~~  
13 ~~Natural Gas Processors Tax Act~~] or the Oil and Gas Production Equipment Ad Valorem Tax  
14 Act.  
15

16 [G:] F. The filing of a fully completed original [~~income tax return, corporate~~  
17 ~~income tax return, corporate income and franchise tax return, estate tax return or special fuel~~  
18 ~~excise tax return that shows a balance due the taxpayer or a fully completed amended income~~  
19 ~~tax return, an amended corporate income tax return, an amended corporate income and~~  
20 ~~franchise tax return, an amended estate tax return, an amended special fuel excise tax return]~~ or  
21 an amended oil and gas tax return that shows a lesser tax liability than the original return  
22 constitutes the filing of a claim for refund for the difference in tax due shown on the original  
23 and amended returns."  
24

25 Section 6. Section 7-1-29 NMSA 1978 (being Laws 1965, Chapter 248, Section 31, as amended) is amended to read:

"7-1-29. AUTHORITY TO MAKE REFUNDS OR CREDITS.--

1           A. In response to a claim for refund made as provided in Section 7-1-26  
2 NMSA 1978, but before any court acquires jurisdiction of the matter, the secretary or the  
3 secretary's delegate may authorize the refund to a person of the amount of any overpayment of  
4 tax determined by the secretary or the secretary's delegate to have been erroneously made by  
5 the person, together with allowable interest. Any refund of tax and interest erroneously paid  
6 and amounting to more than five thousand dollars (\$5,000) may be made to any one person  
7 only with the prior approval of the attorney general, except that ~~[(+)]~~ refunds with respect to the  
8 Oil and Gas Severance Tax Act, ~~[the Oil and Gas Conservation Tax Act, the Oil and Gas~~  
9 ~~Emergency School Tax Act,]~~ the Oil and Gas Ad Valorem Production Tax Act ~~[the Natural Gas~~  
10 ~~Processors Tax Act]~~ or the Oil and Gas Production Equipment Ad Valorem Tax Act ~~[refunds of~~  
11 ~~gasoline tax made under Sections 7-13-13 through 7-13-15 NMSA 1978 and refunds of~~  
12 ~~cigarette tax made under the Cigarette Tax Act]~~ may be made without the prior approval of the  
13 attorney general regardless of the amount. ~~[and~~

14  
15                               ~~(2) refunds with respect to the Corporate Income and Franchise Tax~~  
16 ~~Act amounting to less than twenty thousand dollars (\$20,000) may be made without the prior~~  
17 ~~approval of the attorney general.]~~

18           B. Pursuant to the final order of the district court, the court of appeals, the  
19 supreme court of New Mexico or any federal court, from which order, appeal or review is not  
20 successfully taken, adjudging that any person has made an overpayment of tax, the secretary  
21 shall authorize the refund to the person of the amount thereof.

22           C. In the discretion of the secretary, any amount of tax due to be refunded may  
23 be offset against any amount of tax for the payment of which the person due to receive the  
24 refund is liable.

25           D. Records of refunds made in excess of five thousand dollars (\$5,000) shall  
be available for inspection by the public. The department shall keep such records for a

1 minimum of three years from the date of the refund."

2 Section 7. Section 7-1-61 NMSA 1978 (being Laws 1965, Chapter 248, Section 62, as  
3 amended) is amended to read:

4 "7-1-61. DUTY OF SUCCESSOR IN BUSINESS.--

5 A. As used in Sections 7-1-61 through 7-1-64 NMSA 1978, "tax" means the  
6 amount of tax due imposed by provisions of the Gross Receipts and Compensating Tax Act,  
7 [the Liquor Excise Tax Act, the Resources Excise Tax Act] the County Fire Protection Excise  
8 Tax Act or any municipal or county sales or gross receipts tax.

9 B. The tangible and intangible property used in any business remains subject  
10 to liability for payment of the tax due on account of that business to the extent stated herein,  
11 even though the business changes hands.

12 C. If any person liable for any amount of tax sells out his business, the  
13 purchaser shall withhold and place in a trust account sufficient of the purchase price to cover  
14 such amount until the secretary issues a certificate stating that no amount is due or he shall pay  
15 over the amount due to the department upon proper demand therefor by the secretary."

16 Section 8. Section 7-1-68 NMSA 1978 (being Laws 1965, Chapter 248, Section 69, as  
17 amended) is amended to read:

18 "7-1-68. INTEREST ON OVERPAYMENTS.--

19 A. As provided in this section, interest shall be allowed and paid on the  
20 amount of tax overpaid by a person which is subsequently refunded or credited to that person.

21 B. Interest payable on overpayments of tax shall be paid at the rate of fifteen  
22 percent a year, computed at the rate of one and one-fourth percent per month or fraction  
23 thereof.

24 C. Unless otherwise provided by this section, interest on an overpayment not  
25 arising from an assessment by the department shall be paid from the date the claim for refund

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1 was made until a date preceding by not more than thirty days the date on which the amount  
2 thereof is credited or refunded to any person; interest on an overpayment arising from an  
3 assessment by the department shall be paid from the date overpayment was made until a date  
4 preceding by not more than thirty days the date on which the amount thereof is credited or  
5 refunded to any person.

6 D. No interest shall be allowed or paid with respect to an amount credited or  
7 refunded if:

8 (1) the amount of interest due is less than one dollar (\$1.00);  
9  
10 [~~(2) the credit or refund is made within seventy-five days of the date~~  
11 ~~of the claim for refund of income tax, pursuant to either the Income Tax Act or the Corporate~~  
12 ~~Income and Franchise Tax Act, for the tax year immediately preceding the tax year in which the~~  
13 ~~claim is made;~~

14 [~~(3) the credit or refund is made within one hundred twenty days of the~~  
15 ~~date of the claim for refund of income tax, pursuant to the Income Tax Act, the Corporate~~  
16 ~~Income Tax Act, the Corporate Income and Franchise Tax Act or the Banking and Financial~~  
17 ~~Corporations Tax Act, for any tax year more than one year prior to the year in which the claim~~  
18 ~~is made;~~

19 [~~(4)~~] (2) Sections 6611(f) and 6611(g) of the United States Internal  
20 Revenue Code of 1986, as those sections may be amended or renumbered, prohibit payment of  
21 interest for federal income tax purposes; or

22 [~~(5)~~] (3) the credit or refund is made within sixty days of the date of  
23 the claim for refund of any tax other than income tax. [~~or~~

24 [~~(6) gasoline tax is refunded or credited under the Gasoline Tax Act to~~  
25 ~~users of gasoline off the highways.]"~~

Section 9. Section 7-1-69 NMSA 1978 (being Laws 1965, Chapter 248, Section 70, as

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1 amended) is amended to read:

2 "7-1-69. CIVIL PENALTY FOR FAILURE TO PAY TAX OR FILE A RETURN.--

3 A. In the case of failure, due to negligence or disregard of rules and  
4 regulations, but without intent to defraud, to pay when due any amount of tax required to be  
5 paid or to file by the date required a return regardless of whether any tax is due, there shall be  
6 added to the amount as penalty the greater of:

7 (1) two percent per month or any fraction of a month from the date the  
8 tax was due multiplied by the amount of tax due but not paid, not to exceed ten percent of the  
9 tax due but not paid;

10 (2) two percent per month or any fraction of a month from the date the  
11 return was required to be filed multiplied by the tax liability established in the late return, not  
12 to exceed ten percent of the tax liability established in the late return; or

13 (3) a minimum of five dollars (\$5.00) [~~but the five dollar (\$5.00)~~  
14 ~~minimum penalty shall not apply to taxes levied under the Income Tax Act or~~ except for taxes  
15 administered by the department pursuant to Subsection B of Section 7-1-2 NMSA 1978.

16 B. In the case of failure, with intent to defraud the state, to pay when due any  
17 amount of tax required to be paid, there shall be added to the amount fifty percent of the tax or  
18 a minimum of twenty-five dollars (\$25.00), whichever is greater, as penalty.

19 C. In the case of failure to pay the amount of tax required to be paid in  
20 accordance with Section 7-1-13.1 NMSA 1978 in the manner required by that section, there  
21 shall be added to the amount due a penalty of two percent of the amount due, except that if a  
22 penalty is required to be imposed by this subsection and a penalty is also required to be  
23 imposed under Subsection A of this section, the penalty shall be imposed and collected  
24 pursuant to Subsection A of this section only."  
25

Section 10. Section 59A-6-4 NMSA 1978 (being Laws 1984, Chapter 127, Section

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1 104, as amended) is amended to read:

2 "59A-6-4. PENALTY FOR FAILURE TO REPORT OR PAY ~~[TAX OR]~~ FEES.--

3 Every insurer, nonprofit health care plan, health maintenance organization, prepaid dental plan  
4 or prearranged funeral plan transacting business in New Mexico that fails to ~~[file when due any~~  
5 ~~report for taxation, regardless of whether tax is due, or to]~~ pay when due any ~~[tax or]~~ fees as  
6 required in this article shall be liable to the state for the amount thereof and for penalty of one  
7 thousand dollars (\$1,000) for each month or part thereof it has failed to ~~[file the report or pay~~  
8 ~~the tax or]~~ pay the fees after demand therefor. Services of process in any action against a  
9 person to recover the ~~[tax]~~ fee or penalty may be made upon the superintendent as attorney for  
10 service of process as provided in Section 59A-5-32 NMSA 1978."  
11

12 Section 11. Section 59A-6-5 NMSA 1978 (being Laws 1984, Chapter 127, Section  
13 105, as amended) is amended to read:

14 "59A-6-5. DISTRIBUTION OF INSURANCE DEPARTMENT COLLECTIONS.--

15 A. All money received by the insurance department or insurance board for  
16 fees, licenses and penalties, ~~[and taxes]~~ except as provided by the Law Enforcement Protection  
17 Fund Act, shall be paid daily by the superintendent to the state treasurer and by him credited to  
18 the "insurance department suspense fund" heretofore created and now existing.

19 B. The superintendent, with approval of the corporation commission or  
20 insurance board, as the case may be related to the money involved, may authorize refund of  
21 money erroneously paid as fees, licenses or penalties ~~[or taxes]~~ from the insurance department  
22 suspense fund under request for refund made within three years after the erroneous payment.

23 C. At the end of every month the state treasurer shall transfer to the "fire  
24 protection fund" the balance remaining in the insurance department suspense fund after  
25 applicable refunds made therefrom under Subsection B of this section, and derived from  
property and vehicle insurance business, and transfer to the general fund the balance remaining



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1 in the insurance department suspense fund derived from all other kinds of insurance business."

2 Section 12. Section 59A-6-6 NMSA 1978 (being Laws 1984, Chapter 127, Section  
3 106, as amended) is amended to read:

4 "59A-6-6. ~~[PREEMPTION AND] IN LIEU PROVISION.--[The state government of~~  
5 ~~New Mexico preempts the field of taxation of insurers, nonprofit health care plans, health~~  
6 ~~maintenance organizations, prepaid dental plans, prearranged funeral plans and insurance~~  
7 ~~agents and solicitors as such, and payment of the taxes,] Payment of licenses and fees provided~~  
8 ~~for in the Insurance Code shall be in lieu of all other [taxes,] licenses and fees of every kind~~  
9 ~~now or hereafter imposed by this state or any political subdivision thereof on any [of the~~  
10 ~~foregoing specified entities] insurers, nonprofit health care plans, health maintenance~~  
11 ~~organizations, prepaid dental plans, prearranged funeral plans and insurance agents and~~  
12 ~~solicitors, excepting the regular state, county and city taxes on property located in New Mexico~~  
13 ~~and excepting the income tax on agents and solicitors. As used in this section, "agent" does not~~  
14 ~~include insurance adjusters. No provision of law enacted after January 1, 1985 shall be deemed~~  
15 ~~to modify this provision except by express reference to this section."~~  
16

17 Section 13. REPEAL.--Sections 7-1-6.2, 7-1-6.4 through  
18 7-1-6.11, 7-1-6.18, 7-1-6.19, 7-1-6.21, 7-1-6.24 through  
19 7-1-6.28, 7-1-6.34 through 7-1-6.36, 7-1-6.38, 7-1-6.39, 7-1-14, 7-1-26.1, 7-1-55 and 7-1-71.1  
20 NMSA 1978 (being Laws 1983, Chapter 211, Sections 7 and 9 through 11, Laws 1994, Chapter  
21 5, Section 2, Laws 1983, Chapter 211, Section 13, Laws 1991, Chapter 9, Section 11, Laws  
22 1983, Chapter 211, Sections 15 and 16, Laws 1987, Chapter 257, Section 1, Laws 1991,  
23 Chapter 9, Section 15, Laws 1985, Chapter 65, Section 7, Laws 1987, Chapter 265, Section 3,  
24 Laws 1988, Chapter 70, Section 9, Laws 1987, Chapter 347, Section 11, Laws 1991, Chapter 9,  
25 Sections 20 and 22, Laws 1992, Chapter 108, Sections 3 and 2, Laws 1992, Chapter 50, Section  
13 and Laws 1992, Chapter 67, Section 13, Laws 1994, Chapter 145, Section 1, Laws 1995,

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1 Chapter 6, Section 9, Laws 1969, Chapter 145, Section 1, Laws 1991, Chapter 9, Section 23,  
2 Laws 1975, Chapter 251, Section 3 and Laws 1985, Chapter 65, Section 19, as amended) are  
3 repealed.

4 Section 14. REPEAL.--Sections 7-2-1 through 7-2-4,  
5 7-2-5.2, 7-2-5.4 through 7-2-5.6, 7-2-7, 7-2-7.1, 7-2-9 through 7-2-14, 7-2-14.3 through 7-2-  
6 14.5, 7-2-18 through  
7 7-2-18.4, 7-2-20 through 7-2-24.1 and 7-2-27 through 7-2-31 NMSA 1978 (being Laws 1965,  
8 Chapter 202, Section 1, Laws 1986, Chapter 20, Section 26, Laws 1965, Chapter 202, Sections  
9 3 and 4, Laws 1985, Chapter 114, Section 1, Laws 1988, Chapter 59, Section 1, Laws 1995,  
10 Chapter 42, Section 1, Laws 1995, Chapter 93, Section 8, Laws 1994, Chapter 5, Section 20,  
11 Laws 1980, Chapter 102, Section 1, Laws 1965, Chapter 202, Sections 7 through 10, Laws  
12 1990, Chapter 23, Section 1, Laws 1965, Chapter 202, Section 11, Laws 1972, Chapter 20,  
13 Section 2, Laws 1994, Chapter 111, Sections 1 through 3, Laws 1977, Chapter 196, Section 1,  
14 Laws 1981, Chapter 170, Section 1, Laws 1984, Chapter 34, Section 1, Laws 1994, Chapter 5,  
15 Section 17, Laws 1994, Chapter 115, Section 1, Laws 1965, Chapter 202, Sections 13 and 14,  
16 Laws 1981, Chapter 37, Section 32, Laws 1965, Chapter 202, Section 18, Laws 1981, Chapter  
17 343, Sections 1 and 2, Laws 1992, Chapter 108, Section 4, Laws 1987, Chapter 257, Sections 2  
18 and 3, Laws 1987, Chapter 265, Sections 1 and 2 and Laws 1992, Chapter 108, Section 1, as  
19 amended) are repealed.  
20  
21

22 Section 15. REPEAL.--Sections 7-2A-1 through 7-2A-8,  
23 7-2A-8.3, 7-2A-8.4, 7-2A-8.6 and 7-2A-9 through 7-2A-15 NMSA 1978 (being Laws 1981,  
24 Chapter 37, Section 34, Laws 1986, Chapter 20, Section 33, Laws 1981, Chapter 37, Sections  
25 36 through 38, Laws 1986, Chapter 20, Section 37, Laws 1981, Chapter 37, Sections 39  
through 41, Laws 1983, Chapter 213, Sections 12 and 13, Laws 1984, Chapter 34, Section 2,  
Laws 1981, Chapter 37, Section 42, Laws 1986, Chapter 5, Section 1, Laws 1990, Chapter 23,

1 Section 2, Laws 1981, Chapter 37, Sections 43 through 46, Laws 1983, Chapter 218, Section 1  
2 and Laws 1994, Chapter 115, Section 2, as amended) are repealed.

3 Section 16. REPEAL.--Sections 7-2D-1, 7-2D-2 and 7-2D-4 through 7-2D-14 NMSA  
4 1978 (being Laws 1993, Chapter 313, Sections 1, 2 and 4 through 8, Laws 1995, Chapter 89,  
5 Section 8 and Laws 1993, Chapter 313, Sections 9 through 14, as amended) are repealed.

6 Section 17. REPEAL.--Sections 7-3-1 through 7-3-11 NMSA 1978 (being Laws 1961,  
7 Chapter 243, Section 1, Laws 1990, Chapter 64, Section 1, Laws 1961, Chapter 243, Sections 3  
8 through 5, Laws 1969, Chapter 25, Section 1, Laws 1961, Chapter 243, Sections 8, 9, 11 and 18  
9 and Laws 1990, Chapter 64, Section 9, as amended) are repealed.

10 Section 18. REPEAL.--Sections 7-4-1 through 7-4-21 NMSA 1978 (being Laws 1965,  
11 Chapter 203, Sections 1 through 9, Laws 1993, Chapter 153, Sections 1 and 2 and Laws 1965,  
12 Chapter 203, Sections 11 through 21, as amended) are repealed.

13 Section 19. REPEAL.--Sections 7-5-1 through 7-5-7 NMSA 1978 (being Laws 1967,  
14 Chapter 56, Sections 1 through 6 and 8, as amended) are repealed.

15 Section 20. REPEAL.--Sections 7-7-1 through 7-7-12 NMSA 1978 (being Laws 1973,  
16 Chapter 345, Sections 1 through 12, as amended) are repealed.

17 Section 21. REPEAL.--Sections 7-7-15 through 7-7-20 NMSA 1978 (being Laws  
18 1983, Chapter 209, Sections 1 through 6, as amended) are repealed.

19 Section 22. REPEAL.--Sections 7-9-3.2, 7-9-4, 7-9-4.3,  
20 7-9-7 through 7-9-10, 7-9-12, 7-9-13 through 7-9-20, 7-9-22 through 7-9-41, 7-9-43 through 7-  
21 9-60, 7-9-61.1 through 7-9-71, 7-9-73 through 7-9-79.1 and 7-9.82 through 7-9-87 NMSA  
22 1978 (being Laws 1991, Chapter 8, Section 1, Laws 1966, Chapter 47, Section 4, Laws 1991,  
23 Chapter 8, Section 2, Laws 1966, Chapter 47, Section 7, Laws 1995, Chapter 50, Section 2,  
24 Laws 1966, Chapter 47, Sections 8 through 10, Laws 1969, Chapter 144, Sections 5 and 6,  
25 Laws 1989, Chapter 262, Section 4, Laws 1992, Chapter 100, Section 3, Laws 1969, Chapter

1 144, Section 7, Laws 1970, Chapter 12, Section 1, Laws 1969, Chapter 144, Sections 9 through  
2 11, Laws 1987, Chapter 264, Section 13, Laws 1969, Chapter 144, Section 12, Laws 1988,  
3 Chapter 82, Section 1, Laws 1969, Chapter 144, Section 15, Laws 1987, Chapter 247, Section  
4 1, Laws 1969, Chapter 144, Section 16, Laws 1987, Chapter 247, Section 2, Laws 1969,  
5 Chapter 144, Sections 17 through 21, Laws 1970, Chapter 12, Section 3, Laws 1969, Chapter  
6 144, Sections 23 through 31, Laws 1992, Chapter 50, Section 12 and Laws 1992, Chapter 67,  
7 Section 12, Laws 1969, Chapter 144, Section 32, Laws 1970, Chapter 60, Section 2, Laws  
8 1972, Chapter 61, Section 2, Laws 1966, Chapter 47, Section 13, Laws 1981, Chapter 333,  
9 Section 1, Laws 1969, Chapter 144, Sections 34 through 41, Laws 1993, Chapter 31, Section  
10 14, Laws 1969, Chapter 144, Sections 42 through 44, Laws 1992, Chapter 40, Section 1, Laws  
11 1995, Chapter 183, Section 2, Laws 1969, Chapter 144, Sections 45 and 46, Laws 1994,  
12 Chapter 112, Section 2, Laws 1969, Chapter 144, Sections 47 through 49, Laws 1970, Chapter  
13 12, Section 4, Laws 1981, Chapter 37, Section 52, Laws 1969, Chapter 144, Sections 52  
14 through 54, 56 and 57, Laws 1984, Chapter 129, Section 2, Laws 1969, Chapter 144, Sections  
15 58 and 60 through 63, Laws 1970, Chapter 78, Section 2, Laws 1991, Chapter 8, Section 3,  
16 Laws 1971, Chapter 217, Section 2, Laws 1972, Chapter 39, Section 2, Laws 1977, Chapter  
17 288, Section 2, Laws 1979, Chapter 338, Section 7, Laws 1984, Chapter 2, Section 6, Laws  
18 1966, Chapter 47, Section 15, Laws 1969, Chapter 144, Section 65, Laws 1966, Chapter 47,  
19 Section 16, Laws 1989, Chapter 262, Section 8, Laws 1986, Chapter 20, Section 68, Laws  
20 1993, Chapter 364, Sections 1 and 2, Laws 1994, Chapter 43, Section 1, Laws 1995, Chapter  
21 80, Section 1 and Laws 1995, Chapter 155, Section 35, as amended) are repealed.  
22  
23

24 Section 23. REPEAL.--Sections 7-9A-1 through 7-9A-9 NMSA 1978 (being Laws  
25 1979, Chapter 347, Sections 1 through 7, Laws 1990, Chapter 3, Section 6, Laws 1983, Chapter  
206, Section 6, Laws 1990, Chapter 3, Section 8 and Laws 1979, Chapter 347, Sections 8 and 9,  
as amended) are repealed.

1           Section 24. REPEAL.--Sections 7-9B-1 through 7-9B-7 NMSA 1978 (being Laws  
2 1992, Chapter 47, Sections 1 through 7, as amended) are repealed.

3           Section 25. REPEAL.--Sections 7-9C-1 through 7-9C-11 NMSA 1978 (being Laws  
4 1992, Chapter 50, Section 1 and Laws 1992, Chapter 67, Section 1, Laws 1992, Chapter 50,  
5 Section 1 and Laws 1992, Chapter 67, Section 2, Laws 1992, Chapter 50, Section 3 and Laws  
6 1992, Chapter 67, Section 3, Laws 1992, Chapter 50, Section 4 and Laws 1992, Chapter 67,  
7 Section 4, Laws 1992, Chapter 50, Section 5 and Laws 1992, Chapter 67, Section 5, Laws 1992,  
8 Chapter 50, Section 6 and Laws 1992, Chapter 67, Section 6, Laws 1992, Chapter 50, Section 7  
9 and Laws 1992, Chapter 67, Section 7, Laws 1992, Chapter 50, Section 8 and Laws 1992,  
10 Chapter 67, Section 8, Laws 1992, Chapter 50, Section 9 and Laws 1992, Chapter 67, Section  
11 9, Laws 1992, Chapter 50, Section 10 and Laws 1992, Chapter 67, Section 10 and Laws 1992,  
12 Chapter 50, Section 11 and Laws 1992, Chapter 67, Section 11, as amended) are repealed.

14           Section 26. REPEAL.--Sections 7-10-1 through 7-10-5 NMSA 1978 (being Laws  
15 1970, Chapter 26, Sections 1 through 5, as amended) are repealed.

16           Section 27. REPEAL.--Sections 7-11-1 through 7-11-6 NMSA 1978 (being Laws  
17 1982, Chapter 18, Sections 17 through 22, as amended) are repealed.

18           Section 28. REPEAL.--Sections 7-12-1 through 7-12-13 and 7-12-15 through 7-12-17  
19 NMSA 1978 (being Laws 1971, Chapter 77, Section 1, Laws 1943, Chapter 95, Sections 1 and  
20 2, Laws 1986, Chapter 13, Sections 3 and 4, Laws 1943, Chapter 95, Sections 13, 3, 6, 5, 12, 4  
21 and 7, Laws 1971, Chapter 77, Sections 11 and 12, Laws 1943, Chapter 95, Section 8, Laws  
22 1968, Chapter 50, Sections 5 and 6 and Laws 1971, Chapter 77, Section 14, as amended) are  
23 repealed.

24           Section 29. REPEAL.--Sections 7-12A-1 through 7-12A-10 NMSA 1978 (being Laws  
25 1986, Chapter 112, Sections 2 through 11, as amended) are repealed.

          Section 30. REPEAL.--Sections 7-13-1 through 7-13-3.2,

1 7-13-4, 7-13-5 through 7-13-8 and 7-13-10 through 7-13-15 NMSA 1978 (being Laws 1971,  
2 Chapter 207, Sections 1 through 3, Laws 1995, Chapter 6, Section 1, Laws 1979, Chapter 166,  
3 Sections 7 and 8, Laws 1991, Chapter 9, Section 32, Laws 1971, Chapter 207, Sections 5  
4 through 8, Laws 1977, Chapter 342, Section 5 and Laws 1971, Chapter 207, Sections 10  
5 through 14, as amended) are repealed.

6 Section 31. REPEAL.--Sections 7-13A-1 through 7-13A-6 NMSA 1978 (being Laws  
7 1990, Chapter 124, Sections 14 through 16, Laws 1991, Chapter 9, Section 34 and Laws 1990,  
8 Chapter 124, Sections 18 and 19, as amended) are repealed.

9 Section 32. REPEAL.--Sections 7-14-1 through 7-14-11 NMSA 1978 (being Laws  
10 1988, Chapter 73, Sections 11 through 17, Laws 1991, Chapter 197, Section 4, Laws 1988,  
11 Chapter 73, Sections 18 and 19, Laws 1993, Chapter 347, Sections 4 and 5 and Laws 1988,  
12 Chapter 73, Sections 20 and 21, as amended) are repealed.

13 Section 33. REPEAL.--Sections 7-14A-1 through 7-14A-11 NMSA 1978 (being Laws  
14 1991, Chapter 197, Sections 5 through 7, Laws 1993, Chapter 359, Section 1 and Laws 1991,  
15 Chapter 197, Sections 8 through 15, as amended) are repealed.

16 Section 34. REPEAL.--Sections 7-15-1.1, 7-15-2.1 and  
17 7-15-3.1 through 7-15-6 NMSA 1978 (being Laws 1988, Chapter 73, Sections 22 and 23, Laws  
18 1943, Chapter 125, Section 12 and Laws 1988, Chapter 73, Sections 25 through 27, as  
19 amended) are repealed.

20 Section 35. REPEAL.--Sections 7-15A-1 through 7-15A-11 NMSA 1978 (being Laws  
21 1988, Chapter 73, Sections 28 through 35, Laws 1978, Chapter 35, Section 365, Laws 1988,  
22 Chapter 24, Section 9 and Laws 1988, Chapter 14, Section 2, as amended) are repealed.

23 Section 36. REPEAL.--Sections 7-16A-1 through 7-16A-6,  
24 7-16A-8 through 7-16A-16 and Sections 7-16A-19 through 7-16A-21 NMSA 1978 (being  
25 Laws 1992, Chapter 51, Sections 1 through 6, 8 through 16, 19 and 20 and Laws 1995, Chapter

1 16, Section 15, as amended) are repealed.

2 Section 37. REPEAL.--Sections 7-16B-1 through 7-16B-10 NMSA 1978 (being Laws  
3 1995, Chapter 16, Sections 1 through 10) are repealed.

4 Section 38. REPEAL.--Sections 7-17-1, 7-17-2, 7-17-5,  
5 7-17-6 and 7-17-9 through 7-17-12 NMSA 1978 (being Laws 1966, Chapter 49, Sections 1 and  
6 2, Laws 1993, Chapter 65, Section 8, Laws 1984, Chapter 85, Section 4, Laws 1966, Chapter  
7 49, Sections 7 and 8, Laws 1968, Chapter 22, Section 1 and Laws 1984, Chapter 85, Section 8,  
8 as amended) are repealed.

9 Section 39. REPEAL.--Sections 7-25-1 through 7-25-9 NMSA 1978 (being Laws  
10 1966, Chapter 48, Sections 1 through 4, Laws 1985 (1st S.S.), Chapter 3, Sections 1 and 2 and  
11 Laws 1966, Chapter 48, Sections 6 through 9, as amended) are repealed.

12 Section 40. REPEAL.--Sections 7-29A-1 through 7-29A-5 NMSA 1978 (being Laws  
13 1992, Chapter 38, Sections 1 through 5, as amended) are repealed.

14 Section 41. REPEAL.--Sections 7-29B-1 through 7-29B-6 NMSA 1978 (being Laws  
15 1995, Chapter 15, Sections 1 through 6) are repealed.

16 Section 42. REPEAL.--Section 7-29C-1 NMSA 1978 (being Laws 1995, Chapter 171,  
17 Section 1) is repealed.

18 Section 43. REPEAL.--Sections 7-30-1 and 7-30-2, 7-30-4 through 7-30-11 and 7-30-  
19 27 (being Laws 1959, Chapter 53, Sections 1, 2 and 4 through 11 and Laws 1991, Chapter 9,  
20 Section 37, as amended) are repealed.

21 Section 44. REPEAL.--Sections 7-31-1 and 7-31-2, 7-31-4 through 7-31-11 and 7-31-  
22 26 NMSA 1978 (being Laws 1959, Chapter 54, Sections 1, 2 and 4 through 11 and Laws 1991,  
23 Chapter 9, Section 38, as amended) are repealed.

24 Section 45. REPEAL.--Sections 7-33-1, 7-33-2, 7-33-4 through 7-33-8 NMSA 1978  
25 (being Laws 1963, Chapter 179, Sections 1, 2 and 4 through 8) are repealed.

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Section 46. REPEAL.--Sections 59A-6-2 and 59A-6-3 NMSA 1978 (being Laws 1984, Chapter 127, Sections 102 and 103, as amended) are repealed.

Section 47. REPEAL.--Section 66-12-6.1 NMSA 1978 (being Laws 1987, Chapter 247, Section 9) is repealed.

Section 48. TEMPORARY PROVISION--CONTINUITY OF ACTIONS.--

A. All taxes due but unpaid under the tax acts repealed on the effective date of this act remain due until paid or until a final determination is made that the taxes are not due.

B. Any protests, claims for refund, court proceedings or other actions ongoing with respect to the provisions of any tax act repealed on the effective date of this act shall be finally determined with respect to the applicable provisions of that tax act in effect on the date the tax act was repealed.

Section 49. APPLICABILITY.--The provisions of Sections 3, 5, 6, 8, 9 and 14 through 19 of this act apply to taxable years beginning on or after January 1, 1996.

Section 50. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1996.



1 **FORTY-SECOND LEGISLATURE**  
2 **SECOND SESSION, 1996**

3  
4  
5 JANUARY 31, 1996

6  
7 Mr. President:

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9 Your **COMMITTEES' COMMITTEE**, to whom has been referred

10  
11 **SENATE BILL 616**

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14 has had it under consideration and finds same to be **GERMANE**, PURSUANT TO  
15 CONSTITUTIONAL PROVISIONS and thence referred to the **WAYS AND MEANS**  
16 **COMMITTEE.**

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18 Respectfully submitted,

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25 **SENATOR MANNY M. ARAGON, Chairman**

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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Date \_\_\_\_\_

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~~Underscored material = new~~  
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