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SENATE BILL 32

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 1999

INTRODUCED BY

Gloria Howes

AN ACT

RELATING TO TAXATION; REDUCING INCOME TAXES BY PROVIDING AN
EXEMPTION FOR CHILDREN WHO ARE SCHOOLED AT HOME.

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

Section 1. A new section of the Income Tax Act is
enacted to read:

"[NEW MATERIAL] EXEMPTION--CHILD SCHOOLED AT HOME. --

A. A resident who files an individual New Mexico
income tax return and is not a dependent of another taxpayer
may claim an exemption for each eligible dependent of the
resident in an amount determined in Subsection B of this
section of income includable except for this exemption in net
income.

B. The amount of the exemption that may be claimed
in Subsection A of this section for each eligible dependent

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1 shall be seven hundred dollars (\$700) for the school year
2 ending during the taxable year for an eligible dependent who
3 is registered as attending a home school for the entire school
4 year. The amount of the exemption shall be one-half of that
5 amount for an eligible dependent who is registered as
6 attending a home school for less than the entire school year
7 but at least one-half of the school year ending during the
8 taxable year. An exemption may not be claimed for an eligible
9 dependent who is registered as attending a home school for
10 less than one-half of the school year ending in the taxable
11 year.

12 C. The secretary may adopt rules or instructions
13 to require reasonable documentation of home schooling.

14 D. As used in this section:

15 (1) "dependent" means "dependent" as defined
16 in Section 152 of the Internal Revenue Code, but also includes
17 any minor child or stepchild of the resident who would be a
18 dependent for federal income tax purposes if the public
19 assistance contributing to the support of the child or
20 stepchild was considered to have been contributed by the
21 resident; and

22 (2) "eligible dependent" means a dependent
23 who is:

24 (a) a school-age person who is
25 registered with the state department of public education as

1 attending a home school, as that term is defined in the Public
2 School Code, during the school year that ended during the
3 taxable year; and

4 (b) claimed as a dependent on the
5 resident's federal income tax return or who would have been
6 entitled to be claimed as a dependent on the resident's
7 federal return, if the resident did not file a federal
8 return. "

9 Section 2. APPLICABILITY. --The provisions of this act
10 apply to taxable years beginning on or after January 1, 1999.

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