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HOUSE BILL 295

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Roberto J. Gonzales

AN ACT

RELATING TO TAXATION; ENACTING A SOLAR MARKET DEVELOPMENT  
INCOME TAX CREDIT FOR PURCHASE AND INSTALLATION OF PHOTOVOLTAIC  
SYSTEMS AND SOLAR THERMAL SYSTEMS; DECLARING AN EMERGENCY.

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] SOLAR MARKET DEVELOPMENT TAX CREDIT--  
RESIDENTIAL AND SMALL BUSINESS SOLAR THERMAL AND PHOTOVOLTAIC  
MARKET DEVELOPMENT TAX CREDIT.--

A. Except as provided in Subsection B of this  
section, a taxpayer who files an individual New Mexico income  
tax return for a taxable year beginning on or after January 1,  
2006 and who purchases and installs after January 1, 2006 but  
before December 31, 2015 a solar thermal system or a

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1 photovoltaic system in a residence, business or agricultural  
2 enterprise in New Mexico owned by that taxpayer may apply for,  
3 and the department may allow, a solar market development tax  
4 credit of up to thirty percent of the purchase and installation  
5 costs of the system less applicable federal tax credits. The  
6 total solar market development tax credit allowed for either a  
7 photovoltaic system or a solar thermal system shall not exceed  
8 nine thousand dollars (\$9,000). The department shall allow  
9 solar market development tax credits only for solar thermal  
10 systems and photovoltaic systems certified by the energy,  
11 minerals and natural resources department.

12 B. Solar market development tax credits may not be  
13 claimed or allowed for:

14 (1) a heating system for a swimming pool or a  
15 hot tub; or

16 (2) a commercial or industrial photovoltaic  
17 system other than an agricultural photovoltaic system on a farm  
18 or ranch that is not connected to an electric utility  
19 transmission or distribution system.

20 C. The department may allow a maximum annual  
21 aggregate of:

22 (1) two million dollars (\$2,000,000) in solar  
23 market development tax credits for solar thermal systems; and

24 (2) three million dollars (\$3,000,000) in  
25 solar market development tax credits for photovoltaic systems.

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1           D. A portion of the solar market development tax  
2 credit that remains unused in a taxable year may be carried  
3 forward for a maximum of ten consecutive taxable years  
4 following the taxable year in which the credit originates until  
5 fully expended.

6           E. Prior to July 1, 2006, the energy, minerals and  
7 natural resources department shall adopt rules establishing  
8 procedures to provide certification of solar thermal systems  
9 and photovoltaic systems for purposes of obtaining a solar  
10 market development tax credit. The rules shall address  
11 technical specifications and requirements relating to safety,  
12 code and standards compliance, solar collector orientation and  
13 sun exposure, minimum system sizes, system applications and  
14 lists of eligible components. The energy, minerals and natural  
15 resources department may modify the specifications and  
16 requirements as necessary to maintain a high level of system  
17 quality and performance.

18           F. As used in this section:

19                   (1) "photovoltaic system" means an energy  
20 system that collects or absorbs sunlight for conversion into  
21 electricity; and

22                   (2) "solar thermal system" means an energy  
23 system that collects or absorbs solar energy for conversion  
24 into heat for the purposes of space heating, space cooling or  
25 water heating."

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Section 2. APPLICABILITY.--The provisions of this act apply to taxable years beginning on or after January 1, 2006.

Section 3. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.