

Tax Matters

The Newsletter of the New Mexico Tax Research Institute

Issue No. 2015-05

February 22, 2015

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IN THIS “60-DAY SESSION” ISSUE OF *TAX MATTERS*:

- **Into the Legislative Session**
- **List of Tax Related Introduced Legislation**
- **Hold the Date – NMTRI Annual Tax Policy Conference coming May 7-8**
- **Don’t Forget the Principles**
- **Tax Quotable**

INTO THE LEGISLATIVE SESSION – IT BEGAN JANUARY 15, 2015



The 2015 Regular Session of the New Mexico Legislature convened at noon on Tuesday, January 20, and ends at noon (or somewhere thereabouts) on March 21. The deadline for bill introduction was February 19. Legislation not acted on by the governor is pocket vetoed on April 10. The effective date of legislation that’s not a general appropriation bill, a bill carrying an emergency clause or other specified effective date takes effect on June 19. Being a “long” or 60-day session, non-budgetary legislation and items not

related to the budget are fair game and not limited by the call of the Governor as they are in short 30-day sessions. It is expected to be a very busy session, as high profile and contentious issues in the wake an election cycle that re-installed Governor Martinez, not to mention the significant turnover in the House membership – not to mention the change in the majority status as Republicans, who are now in the majority, have been the minority for over 60 years – may make things harder but more interesting.

New Mexico has an uncompensated volunteer legislature comprised of a 70 member House of Representatives and a 42 member Senate. Legislative sessions alternate between 30-day budget related sessions in even numbered years, and unconstrained 60-day sessions in odd-numbered years.

For several years now bills could be “pre-filed”, or introduced before the start of the session (meaning we have more bills in the hopper in the beginning of the session than we would without pre-filing). House members pre-filed 144 bills, while Senate members pre-filed 207 bills (usually you see more bills from House members but the turnover may well account for apparent shift). The pace of bill introduction picked up and the Senate actually introduced more bills this year than in the last 60-day session (642 in 2013), while the House did not (675 in 2013) before the end, the 19th, when the deadline for bill introduction passed. There are 639 House and 726 Senate bills introduced in the 2015 regular session... and that of course is all there will be. It should be noted with 28 more members than the Senate, the House has been quite restrained with fewer bills introduced than the Senate. The 2015 legislative bill locator, which is a list of all bills, resolutions, and memorials introduced in the House or Senate, can be found [here](#). The Legislative Council Service maintains copies of bills, compiles locators, and publishes lists of bill conflicts during the course of the session. Most information is available in a timely and electronic fashion from their rather robust website, which can be reached at <http://legis.state.nm.us/lcs/>. The site has become increasingly functional and reliable over time. Information is reasonably up to date and legislation can be easily followed from home or office.

Bill Introduction Deadline Passes and We’re Half Way Home

While some may think they’re safe from bad ideas or too late for new good ones... they’re wrong. Bills can still be amended or substituted. Also, one of the reasons for the large influx of bills that were introduced by the deadline was the introduction of “dummy” bills. “Dummy” bills are those introduced by committee chairs and other key legislators by the introduction deadline with titles like “For the Public Peace, Health, Safety, & Welfare.” Those bills do effectively nothing when introduced, but are “in the system” and can be used as vehicles for new legislation via amendment and substitution. The bill title is sufficiently broad to allow for practically anything. Both House and Senate have numerous dummy bills introduced, with the House dummy bills being those numbered 591-639, and, in the Senate, 678-726.

This Week’s Roundup



Things are continuing to move – although still not that fast. Days are becoming longer as high-profile political debates slow the process. Bills are still steadily moving through committees however. There’s been only one bill to pass both houses thus far (and the only one of 17 – up from just the one bill to have passed last week – to pass the Senate at all). House Bill 1, which is known

as the “feed bill”, funds the legislative session. There are 47 bills that have passed the house so far, including those on hot button issues like driver’s licenses for illegal aliens and third grade social promotion.

Three tax bills have caught the one tax related proposal to have passed the House last week at this time: Rep. Carl Trujillo’s [HB 204](#), which increases liquor tax distribution percentages to the local DWI grant fund from 41.5% to 46% until June 2018, after which it returns to 41.5%. Two were two rather innocuous administrative bills in the form of Rep. Gallegos’ [HB 218](#), which provides authority for electronic levies to be served on financial institutions, and Rep. Scott’s [HB 344](#), which provides for electronic filing of corporate income tax and pass-through entity returns, and extends the return and payment due date to the end of the month for those that do so now that the NMTRD has the ability to process them. The other bill to pass the House quickly was, surprisingly, a tax increase. Rep. Youngblood’s [HB 42](#) subjects e-cigarette *devices* to the Tobacco Products Tax Act if signed into law.

Many recent introductions are duplicates of existing proposals most usually found in the other house, but that’s not always the case and sometimes there are nuanced differences in the proposals. In other cases, bill sometimes appear to offer an array of options or represent an evolution in approach (see Sen Munoz’s hold harmless related proposals in his [SB 266](#), [SB 555](#), [SB 621](#), and [SB 633](#)).

Other items of note and further future discussion: House Ways and Means Committee Chair Jason Harper has introduced broad gross receipts tax reform legislation in the form of his [HB 491](#). That proposal sets the record for committee referrals as far as we know, at seven. Generally speaking, the more committee assignments, the less likely one’s bill can pass. So, while not typically viewed as a good thing by sponsors and promoters, in this situation the plethora of assignments was by request. The Chairman says he serious about discussing serious reform efforts and wants to talk to the legislature about it in this way. In the meantime, the broader proposal by Senator Sharer in his [SB 346](#) was amended in Senate Corporations and passed along to Senate Finance.

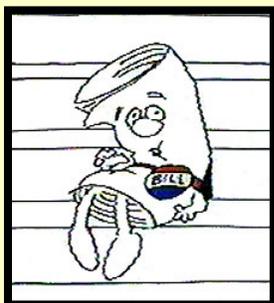
Another late proposal comes from Senator Ingle in his [SB 669](#). It appears that that’s the rumored compromise legislation between local governments and the Taxation and Revenue Department over how and to what extent local government distributions should be insulated from large negative distributions resulting from refunds or other adjustments to prior period taxes. That underlying issue is currently the subject of litigation and dispute over present law meaning and application. This particular proposal amends the taxpayer confidentiality provisions to allow the sharing of some otherwise confidential information with local governments. Several other recent proposals also weaken present law taxpayer confidentiality provisions. Representative Hall’s [HB 475](#) allows the TRD to share information regarding local governments with the NM Mortgage Finance Authority, while Rep. Montoya’s [HB 580](#) allows TRD to share information with local government officials in other states. Senator Campos had introduced a bill in a prior week, [SB 477](#), that also weakens present law confidentiality provisions for purposes of “accountability,”

[NMTRI note: Taxpayer confidentiality is the lynchpin of a voluntary compliance system and changes thereto should not be taken lightly, should be well reasoned and justified, and well crafted. That's not to say there aren't good and valid reasons to share information.]

Thanks for Reading!

Join us weekly through the session as we try to provide balanced policy analysis, commentary (occasionally pithy) and discussions of the tax and budget proposals that implicate tax policy in New Mexico. We'll have a lot more of that this year.

Bills with significant tax or revenue implications introduced in 2015 Legislative Session:



Note – in the table below, if no effective date is mentioned, the bill lacks one and would take effect upon enactment, June 19, 2015. Effective date for GRT and other non-income tax bills is July 1, 2015 unless otherwise noted. Income Tax bills are effective tax years beginning on or after January 1, 2016 unless otherwise noted. “TYBA” = Tax years beginning on or after. Other notes: “CS” indicates committee substitute; “a” indicates amended

Bill Number/ Sponsor:	Title: Link to bill language: Description	Assignments- Location:
HB 16 McCamley	Surtax on Certain Corporations HB 21 Imposes a 1% Corporate Income Tax surtax on corporations that pays its chief executive or other senior officers more than 100% of the average annual salary of all other non-upper management employees.	HRPAC/HW MC-HRPAC
HB 18 McCamley	Separate Tax Deductions & Exemptions: HB 18 Creates separate reporting requirements for some of the Gross Receipts and Compensating Tax Act exemptions and deductions	HHC/HEENC /HBEC/HTP WC/HWMC- HHC-w/o rec- HEENRC
HB 21 Caballero	Phased-in Supplemental Income Tax: HB 21 Imposes an additional 0.3% tax on single individuals, married filing separately, and estates and trusts on taxable income in excess of \$100K in 2016. Married filing joint, surviving spouse and heads of households would be taxed at the same rate on taxable income in excess of \$150K. The tax rate would increase to 0.5% for taxable years beginning on or after January 1, 2017, to 0.8% in 2018, and 1.0% in 2019 and the years thereafter.	HRPAC/HW MC-HRPAC
HB 39 J Trujillo	Tax Refunds for Senior Services: HB 39 Provides for a another option designate a portion of a refund: in this case to donate all or a specified portion of one's personal income tax refund to the North Central New Mexico Economic Development District for purposes of supplementing statewide senior services.	HTPWC/HW MC-HTPWC- w/drn-ref HWMC/HAF C-HWMC- DP-HAFC
HB 40 J Trujillo	Electric Vehicle Income Tax Credit: HB 40 Until January 1, 2021, creates a refundable personal income tax credit for	HTPWC/HEE NC/HJC-

	the sale or lease of an electric vehicle in the amount of \$2500. The proposal also creates credit in the amount of \$3K or 30% of actual cost (whichever is less), for the purchase and installation of charging equipment. The program is capped at \$2M/yr. Also creates for the same period a personal and corporate income tax credit for the purchase and installation of electric vehicle charging units in an amount not to exceed \$3K (\$5K if solar powered). The program is capped at \$1M/yr.	HTPWC-DP/a-HEENC
HB 42 Youngblood	Include E-Cigarette in Tobacco Products Act: HB 42 Subjects e-cigarette <i>devices</i> to the Tobacco Products Tax Act.	HHC/HJC-HHC-DP-HJC-DP-Passed/H
HB 58 Gonzalez	Increase Gas Tax for State Road Fund: HB 58 By 1 cent per gallon per year over 5 years, increases gasoline and special fuels tax (diesel) by 5 cents per gallon (from \$.17 - .22 and .21-.26/gal, respectively), adjusts/reduces other road fund distributions.	HTPWC/HWMC/HAFC-HTPWC
HB 64 Carl Trujillo	Home Energy & Water Efficiency Tax Credit: HB 64 Until 1/1/2022, creates a one-time personal income tax credit (available 2017/2018 for water or energy efficiency. The credit is a sliding scale of fixed dollar benefit (\$1200-\$4000 for energy; \$200-\$1000 for water) for efficiency improvement percentages of 15-35%+.	HEENC/HWMC-w/o rec-HWMC
HB 67 Carl Trujillo	Property Tax Schedule Change Requests: HB 67 Expands authority of the county treasurers to correct obvious errors made by the assessors (i.e. name, address, description, data entry of values, etc.) <i>Endorsed by the interim Revenue Stabilization and Tax Policy Committee.</i>	HEC/HWMC-HEC-DP-HWMC-DP-T
HB 70 Williams Stapleton	Extend Solar Market Development Tax Credit: HB 70 Extends the current sunset of the Solar Market Development Tax Credit from 12/31/2016 to 12/31/2020.	HEENC/HWMC-HEENC-DP-HWMC
HB 72 Christine Trujillo	Long-Term Care Insurance Tax Credit: HB 72 Creates a personal income tax credit in an amount equal to premiums paid for a long term care insurance policy. To qualify for the credit, the policy has to be approved through application with the Human Services Department. The credit cannot be transferred or carried over.	HHC-HWMC-HHC-DNP-CS/DP-HWMC
HB 94 Larranaga	U.S. Dept. of Energy Gross Receipts: HB 94 Creates a deduction for the sale of directed energy or satellite related research and development services and related materials to the department of defense.	HGEIC/HWMC-HGEIC-DP-HWMC
HB 110 McCamley	New Tax Bracket & Income Tax Rates: HB 110 Expands current income tax brackets and creates a new 5.9% bracket for taxable incomes in excess of \$60K (single), \$90K (married, HOH), and \$45K (MFS).	HRPAC/HWMC-HRPAC
HB 112 Gonzales	Define Agricultural Property Tax: HB 112 Expands the definition of “agricultural use” for property tax purposes to include land used to raise or keep horses and certain resting of land. <i>Endorsed by the interim Revenue Stabilization and Tax Policy Committee</i>	HAWC/HWMC-HAWC-DP/a-HWMC

HB 137 Garcia	Reduce Income Tax & Create New Brackets: HB 137 Reduces rates in existing income tax brackets and creates three new brackets on higher incomes (with the first new bracket going as high as income of up to \$250K in the case of joint filers) with rates of 4.6, 6, and 7.1% respectively.	HRPAC/HBE C-HRPAC
HB 135 Gallegos	Delinquent Property Tax Electronic Levy: HB 135 Provides authority for electronic levies to be served on financial institutions.	HBEC/HWM C-HBEC
HB 158 McCamley	Gross Receipts Rate & Deductions: HB 158 Reduces the GRT statewide rate by 5.125 to 5.025 and repeals several GRT deductions including those for stadium surcharge, space vehicle fuel, publications, newspapers, hospitals, software development services, sales to film producers, and the “sales tax holiday”.	HRPAC/HW MC-HRPAC
HB 200 Ezell	Live Horse Racing Gaming Tax Credit: HB 200 Creates a credit against gaming tax in the amount of \$12,500 per racing day for small racinos, and 7,500 for those who paid more than \$10M in gaming tax in the prior year.	HAWC/HW MC-HAWC- HWMC
HB 204 Carl Trujillo	Liquor Excise Tax Distributions: HB 204 Increases distribution percentage to the local DWI grant fund from 41.5% to 46% until 6/18, after which it returns to 41.5%	HWMC-DP- Passed/H
HB 210 James	Pollution Control Equipment Gross Receipts: HB 210 Creates a GRT exemption for pollution control equipment.	HGEIC/HW MC-HGEIC- DP-HWMC
HB 216 J Trujillo	Assignment of Film Production Tax Credits: HB 216 Provides for the assignment of film credits to financial institutions provides they have a legal tax filing obligation in New Mexico.	HBEC/HWM C-DNP- CS/DP- HWMC
HB 218 Gallegos/C Sanchez	Delinquent Tax Electronic Levy Warrants: HB 218 Provides authority for electronic levies to be served on financial institutions.	HWMC-DP- Passed/H
HB 219 Zimmerman	Out-of-State Event Gross Receipts: HB 219 Modifies the imposition of the governmental gross receipts tax to clarify the activities it is imposed upon occur in New Mexico.	HGEIC/HW MC-HGEIC- DP-HWMC
HB 229 Carl Trujillo	Combat Veterans Income Tax Deduction: HB 229 Provides a 100% deduction from income tax for all income earned by a combat veteran.	HGEIC/HW MC-HGEIC- DP-HWMC
HB 230 Carl Trujillo	Tech Jobs & Research & Development Tax Credit: HB 230 Combines the present law technology jobs tax credit and research and development small business tax credit increases the basic credit percentage from 4 to 5% and limits the carryforward to three years. Also makes portions of the additional credit refundable.	HBEC/HWM C-HBEC- DP/a-HWMC
HB 239 Christine Trujillo	Repeal Capital Gains from Net Income: HB 239 Repeals the 50% deduction from personal income tax for capital gains, effective 2016.	HGEIC/HBE C-HGEIC- w/drn-ref- HWMC/HAF C-HWMC

HB 259 J Trujillo	Certain Physician Gross Receipts: HB 259 Expands the GRT deduction for healthcare practitioners to include deductibles paid to physicians, osteopaths, and podiatrists (only).	HHC/HWMC /HAF-C-HHC
HB 261 Powdrell- Culbert	Angel Investment Credit Minimum Investments: HB 261 Increases the amount of qualifying investment from \$100-250K, increases the annual program cap to \$2M, and extends the credits sunset to 2025.	HWMC/HAF C-HWMC
HB 262 Lundstrom	Gas Tax & Road Projects: HB 262 Rises the gasoline tax from 17 to 19 cents per gallon and then indexes it beginning 2017. Also raises the special fuels tax from 21 to 23 cents per year and indexes future increases. Also reduces distribution percentages to non-road fund beneficiaries.	HTPWC/HW MC/HAF-C- HTPWCDNP- CS/w/o rec- HWMC
HB 275 Armstrong	Separate Reporting of Tax Expenditures: HB 275 Requires persons who reduce their tax liabilities with “tax expenditures” to separately state each “expenditure” on the person’s return.	HWMC/HAF C-HWMC
HB 279 Strickler	Reduce Corporate Income Tax Rates: HB 279 Changes the final CIT rate for incomes above 500K to 4.9% in tax year 2018 (the rates are currently being phased down to 5.9% in 2018)	HWMC/HBE C/HAF-C- HWMC
HB 286 James	Single Sales Factor For Corporate Income: HB 286 Expands the existing phasing in single sales factor election for manufacturers to include “headquarters” and regional back office operations to qualify for the election.	HBEC/HWM C/HAF-C- HBEC-DP- HWMC
HB 293 Maez	Increase Working Families Tax Credit: HB 293 Increases the WFTC from 10% of the Federal EITC to 12.5% in 2015 and 15% in taxable years 2106 and beyond.	HWMC/HAF C-HWMC
HB 296 Maestas- Barnes	Solar Energy Installation Lease Tax Credit: HB 296 Expands the solar market development tax credit to include leases of solar photovoltaic and thermal solar systems, rather than just purchases as provided for in present law.	HEENC/HW MC/HAF-C- HEENC-DP- HWMC
HB 301 Maestas- Barnes	Outdoor Water Conservation Gross Receipts: HB 301 Creates a new GRT deduction for the sales “water saving tangible personal property” to non-business consumers. The deduction would only be available from March 1 – March 8.	HAWC/HW MC-HAWC- DP/a-HWMC
HB 302 Adkins	Uniformed Service Retiree Tax Deduction: HB 302 Creates a new personal income tax deduction for uniformed military retirement or retainer pay, not to exceed \$50K.	HWMC/HAF C-HWMC
HB 323 Rehm	County Hospital Funding Property Tax Levy: HB 323 Significantly reduces the maximum mill levy rates that can be imposed my Class A counties (Bernalillo) for county hospital funding (UNMH). Provides authority for a voter imposed levy not to exceed 1 mill for up to eight years for the safety net care pool.	HHC/HJC/H WMC-HHC
HB 325 Egolf	Remove Some TV Shows From Film Tax Credit Cap: HB 325 Removes the annual \$50M cap for series productions, leaving it solely applicable to stand-alone productions.	HBEC/HWM C-HBEC
HB 326 Gonzales	Lodger’s Tax Audits: HB 326 Allows municipalities to outsource lodgers’ tax audits and use that	HGEIC/HBE C/HWMC-

	contractor to bring actions against taxpayers.	HGEIC
HB 333 Strickler	Equal Opportunity Scholarship & Tax Credits: HB 333 Creates a 25% personal and corporate income tax credit for contributions to a 501(c)(3) that is a tuition scholarship organization.	HEC/HWMC- HEC-DP- HWPC
HB 337 Strickler	Rural Infrastructure Tax Credit: HB 337 Creates	HTPWC/HW MC-HTPWC
HB 344 Scott	Change Certain Tax Filing Due Dates: HB 344 Provides for electronic filing of corporate income tax and pass-through entity returns, and extends the return and payment due date to the end of the month for those that do so.	HWMC-DP- Passed/H
HB 358 Maestas- Barnes	Small Business Income Tax Deduction: HB 358 Creates a personal income tax deduction for taxpayers with “business income” less than \$350K and for the underlying business(s) employ at least one full time employee. The credit phases down from in 50K increments from 100% for the first \$50K to 10% for the seventh \$50K	HWMC/HAF C-HWMC
HB 368 Crowder	Vending Machine Gross Receipts: HB 368 Creates a new gross receipts tax deduction for food sold in coin operated vending machines by businesses with less than \$2M in gross annual revenue.	HWMC/HAF C-HWMC
HB 372 Little	Deductions as Tax “Net Income”: HB 372 Removes the add back of itemized state and local taxes deducted for federal income tax purposes - to net income for state tax purposes.	HBEC/HWM C-HBEC
HB 396 James	Remittance of Governmental Gross Receipts: HB 396 Provides for a pro rata return of unexpended GGRT, based on GGRT paid, to the GGRT taxpayers.	HGEIC/HW MC-HGEIC
HB 406 J Trujillo	Estate or Trust Distribution Tax Deduction: HB 406 Creates an income tax deduction for distributions from trusts to nonresident beneficiaries, except income from real estate, oil and gas interests, and water rights.	HSCAC/HW MC-HSCAC
HB 421 Harper	Local Gov’t Gross Receipts & Hold Harmless: HB 421 Limits hold harmless distributions to reduce incentive to impose hold harmless increments provided in 2013 earlier than necessary to replace lost revenue and to prevent “double dipping”.	HGEIC/HW MC-HGEIC
HB 444 Herrell	School Contributions Tax Credit: HB 444 Creates a new personal income tax credit not to exceed \$1000 for the contributions to qualified scholarship organizations and public schools. The credit may be carried forward five years.	HEC/HWMC- HEC
HB 454 Carl Trujillo	Hydrogen Fuel Production Tax Credit: HB 454 Creates a corporate income tax credit in an amount equal to generation costs, but not to exceed \$1/kilogram for the for the first 4 million kilograms of hydrogen sold by a qualified fuel generator or resource generator.	HEENC/HW MC-HEENC
HB 475 Hall	Tax & Rev. dept. Info to NMFA: HB 475 Creates an additional exception to the state’s taxpayer confidentiality provisions by expressly providing that information regarding a local government’s gross receipts may be provided to the NM Mortgage	HGEIC/HW MC-HGEIC

	Finance Authority.	
HB 476 Baldonado	Special Needs Adopted Child Tax Credit: HB 476 Increases the amount of the special needs adoption tax credit in the personal income tax from \$1000 to \$1500 per adoption.	HGEIC/HW MC-HGEIC
HB 491 Harper	Reduce Multiple Tax Rates: HB 491 Eliminates many GRT exemptions and deductions and reduces GRT and compensating tax rates	HTPWC/HBE C/HGEIC/HE ENC/HHC/H WMC/HAFC
HB 495 Caballero	Corporate Tax for Preschool Programs: HB 495 Creates a “corporate low wage tax” imposed on business entities (not just corporations) with “global gross income” in excess of \$1B, at the rate of \$1 for every low wage hour paid (defined as an amount when multiplied by 2080 results in an amount more than 200% below the federal poverty level).	HBEC/HWM C/HAFC- HGEIC
HB 512 Gallegos	Natural Gas Car Tax Deductions & Credits: HB 512 Creates and new GRT deduction for the purchase and installation of natural gas equipment on a vehicle. Creates personal and corporate income tax credits for the purchase or lease of qualified natural gas vehicles, and exempts natural gas vehicles from the motor vehicle excise tax	HEENC/HW MC-HEENC
HB 515 Brown	Direct Sales Company Tax Liability: HB 515 Adds clarifying language to the provisions in the tax administration act that provide for agreements to collect and pay taxes on behalf of another – in this case, direct sales companies – where it’s made clear the agreement if for the tax on the sale of property by the distributor and the commissions.	HBEC/HWM C-HBEC
HB 520 Herrell	Military Acquisition Program Gross Receipts: HB 520 Removes the 2016 sunset on the present law GRT deduction (7-9-94) from certain military program R&D, tests, and evaluations.	HWMC
HB 540 Maestas	New High-Income Tax Bracket: HB 540 Creates a new 5.9% top bracket in the personal income tax for taxable incomes in excess of \$150K (single filers), \$225K (MFJ), and \$112.5 (MFS).	HBEC/HWM C-HBEC
HB 568 Crowder	Quarterly Payment of Weight Distance Tax: HB 568 Eliminates the provision for annual reporting of the weight distance tax on the part of certain taxpayers.	HTPWC/HW MC-HTPWC
HB 571 Garcia	Limit Certain Newspaper Gross Receipts: HB 571 Limits the gross receipts deductions for publishing newspapers or magazines and for selling newspapers to those with a net paid circulation of \$50,000 or less.	HBEC/HWM C-HBEC
HB 580 Montoya	Tax & Rev. Info to Other States: HB 580 Provides an exception to the states confidentiality provisions to allow the TRD to share confidential taxpayer information with an authorized representative of a local government of another state who is charged with administering that state’s tax laws by that state.	HWMC
HB 583	Cultural Property Tax Credit Provisions: HB 583	HRPAC/HW

Maestas	Repeals the present cultural property preservation income and corporate income tax credits and replaces it with a new section that restructures the benefits relative to present law, makes the credit refundable (currently it provide a four year carry-forward) and imposes an annual cap on the program cost of \$1.5 million.	MC-HRPAC
SB 7 Cisneros/Carl Trujillo	Hydrogen Fuel Production Tax Credit: SB 7 Creates a corporate income tax credit in an amount equal to generation costs, but not to exceed \$1/kilogram for the for the first 4 million kilograms of hydrogen sold by a qualified fuel generator or resource generator.	SCORC/SCONC/SFC-SCORC-DP-SCONC-DP-SFC
SB 9 Cisneros/Gonzales	Electric Vehicle Income Tax Credit: SB 9 Until January 1, 2021, creates a refundable personal income tax credit for the sale or lease of an electric vehicle in the amount of \$2500. The proposal also creates credit in the amount of \$3K or 30% of actual cost (whichever is less), for the purchase and installation of charging equipment. The program is capped at \$2M/yr. Also creates for the same period a personal and corporate income tax credit for the purchase and installation of electric vehicle charging units in an amount not to exceed \$3K (\$5K if solar powered). The program is capped at \$1M/yr.	SCONC/SCORC/SFC-SCONC-DP-SCORC
SB 56 Wirth	Unitary Corporation Combined Tax Reporting: SB 56 Deletes recent language requiring retailers to file on a unitary combined basis and requires all corporations to that are unitary to file on a unitary combined basis.	SCORC/SFC-SCORC
SB 57 Wirth	Unitary Corp Restaurant Reporting: SB 57 Adds a section similar to the retailer provision requiring corporations that are restaurants and unitary to file corporate income tax on a unitary combined group basis.	SCORC/SFC-SCORC
SB 75 Cotter	Limit Spaceport Bond & Tax Authority: SB 75 Effectively reduces the budget of Spaceport America by limiting the use of 75% of Spaceport GRT revenue for payment of bonds and interest only, limits the ability to issue new bonds, and eliminates the ability to impose Spaceport GRT increments anywhere in NM.	SCORC/SFC-SCORC-DP-SFC
SB 77 Cotter	Income Tax Exemption Requirements: SB 77 Reduces the present law threshold for the exemption from personal income tax for those 100 years of age and over, to 97 years of age and over.	SCORC/SFC-SCORC-DP-SFC
SB 99 Cisneros/Gonzales	Cybersecurity Device Gross Receipts: SB 99 Creates a GRT deduction until June 30, 2025 for the sale of cybersecurity device that is a port locking device, a port monitoring device, or port monitoring software. <i>Endorsed by the interim Revenue Stabilization and Tax Policy Committee.</i>	SCORC/SFC-SCORC-DP-SFC
SB 101 Neville	Gross Receipts & Hold Harmless Tax Changes: SB 101 Reduces the statewide GRT rate by one quarter percent and authorizes additional rate authority (and in smaller increments) for local governments.	SCORC/SFC-SCORC-DNP-CS/w/o rec-SFC

SB 104 Sharer	Installments for Delinquent Property Taxes: SB 104 Allows county treasurers to act as agents for the states in collecting delinquent property tax payments from installment agreements. <i>Endorsed by the interim Revenue Stabilization and Tax Policy Committee.</i>	SCORC/SPAC-SCORC
SB 105 Martinez	County Gross Receipts for School Improvements: SB 105 Allows Class B counties (counties besides the largest five, De Baca, Harding and Los Alamos), with populations less than 45K to impose a 3/4% GRT increment for the purpose of paying penalty and interest on revenue bonds issues for purposes of funding certain public and charter school capital spending. The increment would be subject to voter approval.	SEC/SFC-SEC-DP-SFC
SB 112 Cisneros	Define Agricultural Use for Property Tax: SB 112 Expands the definition of “agricultural use” for property tax purposes to include land used to raise or keep horses and certain resting of land. <i>Endorsed by the interim Revenue Stabilization and Tax Policy Committee.</i>	SCONC/SCORC/DNP-CS/DP-SCORC
SB 114 Griggs	Local Gov’t Special Fuels Taxes: SB 114 Would allow counties that can impose a municipal gasoline tax to also impose a municipal special fuels (diesel) tax in 1 cent increments up to 2 cents.	SCORC/SFC-SCORC-DP-SFC
SB 117 Rodriguez	Sunset County Gross Receipts Safety Pool: SB 117 Eliminates the GRT transfer from counties GRT to the state’s safety net care pool in 12/2018.	SPAC/SFC-SPAC
SB 131 Stewart	Local Gov’t IRB Notices & Impacts: SB 131 Changes and adds notification requirements for Industrial Revenue Bond project proposals to include all property tax beneficiaries (entities with taxing authority), requires taxpayer funded studies of impacts to school districts, and requires payments in lieu of taxes be negotiated to the satisfaction of the school district for those projects deemed to have a “significant impact” on the school district.	SEC/SFC-SEC
SB 201 Sapien	School Bus Fuel Gross Receipts: SB 201 Creates an exemption from gross receipts and compensating tax for fuel used in school buses.	SEC/SFC-SEC-DP-SFC
SB 214 Leavell	Motor Vehicle Tax to Road Fund: SB 214 Phases in over four years a redirection of motor vehicle excise tax revenues from the general fund to the road fund.	SCORC/SFC-SCORC
SB 240 Griego	Live Horse Race Gaming Tax Credit: SB 240 Creates a credit against gaming tax in the amount of \$12,500 per racing day for small racinos, and 7,500 for those who paid more than \$10M in gaming tax in the prior year.	SCORC/SFC-SCORC-w/o rec-SFC
SB 242 Griego	Renewable Energy Tax Credit Changes: SB 242 Makes changes to rates of credit, amount allowed, other technical changes, adds geothermal as a qualifying generator.	SCONC/SCORC/SFC-SCONC-DP-SCORC
SB 261	Increase Working Families Tax Credit: SB 261	SPAC/SFC-

Candelaria	Increases the rate of the working families tax credit from 10 to 12.5% of the federal EITC in 2015, and 15% in 2016 and thereafter.	SPAC
SB 265 Munoz	Liquor Tax Proceeds For Homeless: SB 265 Allows local governments to amend or create ordinances that provide no less than \$100K in local liquor excise tax revenues for winter homeless shelters.	SPAC/SFC- SPAC-DP/a- SFC
SB 266 Munoz	Exclude Certain Counties from Hold Harmless: SB 266 Creates an exception to the county hold harmless distribution reductions in the case of counties who have not imposed hold harmless increments and seen tax base growth below 11.7%	SPAC/SFC- SPAC-w/o rec-SFC
SB 271 Munoz	Out-of-State Event Gross Receipts: SB271 Modifies the imposition of the governmental gross receipts tax to clarify the activities it is imposed upon occur in New Mexico.	SCORC/SFC- SCORC-DP- SFC
SB 274 Smith	Hold Harmless & Fund Deduction Changes: SB 274 Reduces the statewide GRT and compensating tax rate to 5%, increases the working families, repeals the hold harmless distribution, changes the GRT deduction for food to a credit, and increase local government GRT rate authority.	SCORC/SFC- SCORC
SB 279 Wirth	Sustainable Building Tax Credits: SB 279 Increases aggregate cap amounts and changes/adds categories for purposes of the credit. The proposal also reduces the amount of the credit in the residential category and creates a credit with water conservation requirements.	SCORC/SFC- SCORC- DP/a-SCORC
SB 280 Wirth	Water Harvesting Income Tax Credit: SB 280 Creates a personal income tax credit for the purchase of qualified water harvesting equipment not to exceed \$5K. The program is capped at \$2M/yr and claims are to be processed when received.	SCONC/SCO RC/SFC- SCONC-DP- SCORC
SB 281 Wirth	Income for Tax Purposes Act Changes: SB 281 Strikes present law language providing that services and intangibles be sourced on a greater of cost of performance basis and inserts language requiring apportionment on a destination basis, creating a “market based sourcing” rule.	SCORC/SFC- SCORC
SB 302 Munoz	Admin & Accounting Svc Gross Receipts: SB 302 Slightly expands the control test for purposes of the GRT deduction for the sale of administrative services to affiliates allowing a to take the deduction if they are 50% controlled OR owned. Both are required under present law.	SCORC/SFC- w/o rec-SFC
SB 316 Burt	Uniformed Service Retiree Tax Deduction: SB 316 Creates a personal income tax deduction in an amount not to exceed \$50K for military pension income received by a uniformed service retiree or his/her spouse.	SCORC/SFC- SCORC- DP/a-SFC
SB 332 Cervantes	Border Zone Trade-Support Gross Receipts: SB 332 Resurrects (from 7/15-7/21) the GRT deduction for trade support services that locate open/locate and employee at least two people. A taxpayer may take the deduction for five years.	SCORC/SFC- SCORC

SB 337 Campos	Small Business Investment Tax Credit: SB 337 Creates a personal income tax credit for small business investments not to exceed \$250K. A taxpayer may make up to five qualified investments in different businesses per yer. The program is capped at \$2M annually, and claims are processed and approved in the order received by the Economic Development Department.	SCORC/SFC- SCORC
SB 346 Sharer	Tax Reform: SB 346 Reduces the GRT rate, repeals numerous exemptions and deductions, the compensating tax and many other tax programs.	SCORC/SFC- SCORC- DP/a-SFC
SB 347 Moores	Natural Gas Motor Vehicle Tax Credits: SB 347 Creates and new GRT deduction for the purchase and installation of natural gas equipment on a vehicle. Creates personal and corporate income tax credits for the purchase or lease of qualified natural gas vehicles, and exempts natural gas vehicles from the motor vehicle excise tax.	SCORC/SFC- SCORC
SB 349 Cervantes	Student Loan Interest Tax Deduction: SB 349 Creates a personal income tax deduction not to exceed \$2000 for student loan interest that is deductible for federal income tax purposes.	SCORC/SFC- SCORC
SB 356 Candelaria	Tax Administrative Hearings Office: SB 356 Moves the Taxation and Revenue Hearings Bureau to the Department of Finance and administration. Provides for a bi-partisan nomination process to provide names to the governor, who would appoint the chief hearing officer for a period of six years.	SPAC/SJC- SPAC-DP/a- SJC
SB 373 Candelaria	Student Loan Interest Income Deduction: SB 373 Creates a personal income tax deduction not to exceed \$2000 for student loan interest that is deductible for federal income tax purposes.	SCORC/SFC- SCORC
SB 386 Ingle	Prevent Double Taxing of Certain Gas: SB 386 Expands existing refund authority in the Special Fuels and Gasoline Tax Acts to include situations where rack terminals	SCORC/SFC- SCORC-DP- SFC-DP/a
SB 391 Stewart	Extend Solar Market Development Tax Credit: SB 391 Extends the sunset provision in the solar market development tax credit from 12/2016 to 12/2020.	SCONC/SCO RC/SFC
SB 394 Smith	Increase & Index Gas Tax for Road Fund: SB 394 Raises the gasoline tax from 17 to 19 cents per gallon and then indexes it beginning 2017. Also raises the special fuels tax from 21 to 23 cents per year and indexes future increases. Also reduces distribution percentages to non-road fund beneficiaries.	SCORC/SFC- SCORC
SB 402 Griego	Delete Some Occupancy Tax Exemptions: SB 402 Removes the exception for vendors who don't offer at least three rooms on the premises or three other premises or any combination thereof within the taxing jurisdiction.	SCORC/SFC- SCORC
SB 413 Clemente Sanchez	Angel Investment Minimum & Sunset: SB 413 Extends the 2016 sunset provision to 2025 and increases the number of investments that can be made per year from 2 to 5, increases the maximum amount of investment subject to the credit from \$100K to \$250K, increases the credit carryforward provision from 3 to five years,	SCORC/SFC- SCORC

	and, increases the cap on credits that may be awarded from \$750K to \$2M, and eliminates the restrictions on partnership investment.	
SB 414 Clemente Sanchez	Cultural Property Tax Credit Changes: SB 414 Repeals and re-enacts sections of the property tax credit related to use, cost and benefit (typically 50%).	SCORC/SFC- SCORC
SB 433 Ryan	Include E-Cigarettes in Tobacco Products Act: SB 433 Subjects e-cigarette <i>devices</i> to the Tobacco Products Tax Act.	SPAC/SJC- SPAC
SB 448 Munoz	Military Acquisition Gross Receipts End Dates: SB 448 Removes the 2016 sunset on the present law GRT deduction (7-9-94) from certain military program R&D, tests, and evaluations.	SCORC/SFC- SCORC
SB 464 Cisneros	Lodgers' Tax Audits: SB 464 Allows municipalities to outsource lodgers' tax audits and use that contractor to bring actions against taxpayers.	SCORC/SFC- SCORC
SB 477 Campos	Frontier Community Investment Tax Credit: SB 477 Creates a transferable credit (program capped at \$750K/yr). The total amount of credit that can be claimed by a taxpayer or aggregate members in a partnership is 25% of a qualified investment not to exceed \$25K. The investment must be made in a qualified business that hires three new FTE's. The investments are to be certified by the EDD. Also weakens taxpayer confidentiality provisions.	SCORC/SFC- SCORC
SB 502 Munoz	U.S. Department of Energy Gross Receipts: SB 502 Creates a deduction for the sale of directed energy or satellite related research and development services and related materials to the department of defense.	SCORC/SFC- SCORC
SB 506 Payne	Disabled Veteran Property Tax Exemption: SB 506 Provides that a disabled veteran or surviving spouse may extend may upon transfer leave the exemption in place or transfer it at any time to a new property regardless of present law rules/time limits.	SPAC/SJC- SPAC
SB 508 Torraco	Change Tax Evasion Penalties: SB 508 Amends present law felony and fine imposition for willful attempts to evade or defeat tax to a graduated hierarchy of felonies (4 th -2 nd) based on the amount of tax owed, as well as making the taxpayer responsible for costs of prosecution.	SCORC/SJC- SCORC
SB 555 Munoz	Exclude Some Local Gov'ts From Hold Harmless: SB 555 Make several changes to the hold harmless phase-out provisions limiting their application to counties and municipalities when their gross receipts tax bases grow less than 2% per year in counties with poverty rates in excess of 30% (Gallup/McKinley).	SCORC/SFC- SCORC
SB 561 Candelaria	Corporate Tax for Preschool Programs: SB561 Creates a "corporate low wage tax" imposed on business entities (not just corporations) with "global gross income" in excess of \$1B, at the rate of \$1 for every low wage hour paid (defined as an amount when multiplied by 2080 results in an amount more than 200% below the federal poverty	SCORC/SJC/ SFC-SCORC

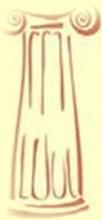
	level).	
SB 565 Payne	Limit Film Production Credit: SB 565	SCORC/SFC- SCORC
SB 577 Leavell	Insurance Code Tax, Fee, and Other Changes: SB 577 Restructure fees, changes the tax base for the health insurance premium surtax, and makes other technical changes to insurance provisions.	SCORC/SJC/ SFC-SCORC
SB 584 Griego	Geothermal Heat Pump Tax Credit: SB 584 Expands the current geothermal income tax credit to provide that it can apply to multiple pumps on multiple units within a property.	SCONC/SCO RC/SFC- SCONC
SB 608 Sanchez	Local Liquor Excise Tax & Rates: SB 608 Makes changes to definitions, imposition, and rate structures of the local liquor excise tax.	SPAC/SFC- SPAC
SB 612 Brandt/Harper	Teacher School Supply Purchase Deduction: SB 612 Provides a personal income tax deduction for the cost of school supplies purchased by the teacher during the year, but not to exceed \$500 in 2015, and \$1000 in tax years thereafter.	SEC/SCORC/ SFC-SEC
SB 623 Stewart	Phase In Higher Income Supplemental Tax: SB 623 Imposes an additional 0.3% tax on single individuals, married filing separately, and estates and trusts on taxable income in excess of \$100K in 2016. Married filing joint, surviving spouse and heads of households would be taxed at the same rate on taxable income in excess of \$150K. The tax rate would increase to 0.5% for taxable years beginning on or after January 1, 2017, to 0.8% in 2018, and 1.0% in 2019 and the years thereafter.	SCORC/SFC- SCORC
SB 621 Munoz	Eliminate Hold Harmless Reductions: SB 621 Eliminates the hold harmless phase out and reinstates the hold harmless distributions. In the case of municipalities with populations in excess of 10K and counties in excess of 48K, the distribution is based on local tax rates in effect in 2007, whereas the smaller local governments are reimbursed on the basis of currently imposed rates.	SCORC/SFC- SCORC
SB 633 Munoz	Eliminate Some Hold Harmless Reductions: SB 633 Eliminates the hold harmless phase out and for those who have not enacted a hold harmless tax increment reinstates the hold harmless distributions. In the case of municipalities with populations in excess of 10K and counties in excess of 48K, the distribution is based on tax local tax rates in effect in 2007, whereas the smaller local governments are reimbursed on the basis of currently imposed rates.	SCORC/SFC- SCORC
SB 635 Rue	Remittance of Gov't Gross Receipts: SB 635 Provides for a pro rata return of unexpended GGRT, based on GGRT paid, to the GGRT taxpayers.	SCORC/SFC- SCORC
SB 654 Smith	Tax Valuation of Certain Properties: SB 654 Removes a property tax provision that creates valuation floor of 12.5% of cost of tangible personal property.	SCORC/SFC- SCORC
SB 655 Smith	Fund Safety Net Care Pool Fund: SB 655 Appropriates \$833,333 to the safety net care pool fund, defines "qualifying hospital", provides that counties that haven't pledged any of	SCORC/SFC- SCORC

	their revenue from their first 1/8 increment to bonds can receive a distribution from the fund, and reduces the rate of GRT credit available to qualifying hospitals.	
SB 656 Smith	Raise Gas Tax & Create Road Maintenance Fund: SB 656 Raises the gasoline tax from 17 to 27 cents per gallon (after 1/1/24) and then indexes it beginning 2025. It also raises the special fuels tax from 21 to 31 cents per year and indexes future increases. Also creates the road maintenance fund and effects distributions.	SCORC/SFC- SCORC
SB 669 Ingle	Local Option GRT Distribution Adjustments: SB 669 Makes changes to local government tax distribution rules particularly in the context of refunds and situations resulting in materially reduced/negative distributions, addresses reporting, changes taxpayer confidentiality provisions and provides that that taxpayer may waive a local governments repayment obligations.	SCORC/SFC- SCORC

**HOLD THE DATE AND MARK YOUR CALENDARS NOW –
12TH ANNUAL NMTRI TAX POLICY CONFERENCE IS
COMING MAY 7-8!**

The TWELTH (can you believe it?) Annual NMTRI Tax Policy Conference and annual members meeting will be held at the Sandia Resort and Casino in Albuquerque May 7-8th. You will be inundated with details shortly! We look forward to seeing you there!

DON'T FORGET THE PRINCIPLES



It's important, particularly when dealing with tough economies, tough decisions, and the emotionally charged subject of taxes, to view the world in the context of principles. Taxes are good in that they raise the money we need to pay for the services we need. They can also be bad if they create inefficiencies, distortions, or inequities. It's a more rational approach to look at our entire tax system rather than getting lost in the weeds focusing only on a particular rate or some item we choose to tax or not tax. We must raise the revenue we need for government (putting aside the debate over how much) while doing the least harm to the economy and to those things we need most (e.g. job creation) while being fair and protecting the most vulnerable in our communities. Accordingly, we've taken the opportunity to reprint our principles of good tax policy here:

State and local taxes should be adequate to provide an appropriate level of those goods and services best provided by the public sector, such as education, public safety, law enforcement, streets and highways, and the courts.

- State and local tax policy should do the least harm to the private economy. Therefore, tax bases should be as broad as possible so that tax rates can be as low as possible in order to raise the necessary revenues.
- State and local tax policy should be fair and equitable towards individuals and businesses similarly situated. Individuals with the same income level should be taxed the same. Businesses engaged in similar commercial activities should be subject to the same level of taxation.
- State and local tax policy should not be costly to administer and should be easily understood by taxpayers so as to minimize taxpayer compliance costs.
- The state and local tax burden should be evaluated on the basis of the impact of all taxes levied on a given taxpayer, not just a single tax or tax rate.
- Deviations from established tax policy in pursuit of economic development, social or other goals should be well-reasoned and pursued only when established tax policies are not significantly undermined and the results of such deviations can subsequently be measured and evaluated.

TAX QUOTABLES

The power of taxing people and their property is essential to the very existence of government."

~James Madison, U.S. President

"No government can exist without taxation. This money must necessarily be levied on the people; and the grand art consists of levying so as not to oppress."

~ Frederick the Great, 18th Century Prussian king

"Taxes are not good things, but if you want services, somebody's got to pay for them so they're a necessary evil."

~ Michael Bloomberg



COMMENTS: Your suggestions and comments on this newsletter, the conferences (past or future), the Distinguished Lectures Series, our research or any aspect of NMTRI's operation and programs are welcome. Please send them to richard.anklam@nmtri.org, call 505-269-6791 or mail them to P.O. Box 91657, Albuquerque, New Mexico 87199-1657. We genuinely solicit your input and thank you for your support.



"The power to tax involves the power to destroy" - McCulloch v. Maryland, 17 U.S. 316 (1819), Chief Justice John Marshall.

"Taxes are what we pay for civilized society" *Campañía General de Tabacos v. Collector*, 275 U.S. 87, 100 (1927), Justice Oliver Wendell Holmes, dissenting.

Join NMTRI today!