

1 HOUSE BILL 288

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Roberto "Bobby" J. Gonzales

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10 AN ACT

11 RELATING TO TAXATION; PROVIDING A DEDUCTION FOR CERTAIN  
12 BIODIESEL FOR SUBSEQUENT BLENDING OR RESALE BY A RACK OPERATOR.

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

15 SECTION 1. Section 7-13A-5 NMSA 1978 (being Laws 1990,  
16 Chapter 124, Section 18) is amended to read:

17 "7-13A-5. DEDUCTION--GASOLINE OR SPECIAL FUELS RETURNED--  
18 BIODIESEL FOR SUBSEQUENT BLENDING OR RESALE BY A RACK  
19 OPERATOR.--

20 A. Refunds and allowances made to buyers for  
21 gasoline or special fuels returned to the refiner, pipeline  
22 terminal operator or distributor or amounts of gasoline or  
23 special fuels, the payment for which has not been collected and  
24 has been determined to be uncollectible pursuant to provisions  
25 of regulations issued by the secretary may be deducted from

.196079.2

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 gallons used to determine loads for the purposes of calculating  
2 the petroleum products loading fee. If such a payment is  
3 subsequently collected, the gallons represented shall be  
4 included in determining loads. The deduction under the  
5 provisions of this section shall not be allowed if the  
6 petroleum products loading fee has not been paid previously on  
7 the petroleum products that were returned to the seller or the  
8 sale of which created an uncollectible debt.

9 B. Biodiesel, as defined in the Special Fuels  
10 Supplier Tax Act, loaded in or imported into New Mexico and  
11 delivered to a distributor for subsequent blending or resale by  
12 a rack operator may be deducted from gallons used to determine  
13 loads for the purposes of calculating the petroleum products  
14 loading fee.

15 C. For purposes of this section, "rack operator"  
16 means the operator of a refinery in this state or the owner of  
17 special fuel stored at a pipeline terminal in this state."

18 SECTION 2. APPLICABILITY.--The provisions of this act  
19 apply to biodiesel loaded in or imported into New Mexico on or  
20 after July 1, 2014.