AN ACT

RELATING TO TAXATION; PROVIDING ALTERNATE CONTINGENT EFFECTIVE
DATES FOR THE PROVISIONS EXEMPTING LOCOMOTIVE FUEL FROM GROSS
RECEIPTS AND COMPENSATING TAXES.

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

Section 1.  Laws 2007, Chapter 172, Section 29 is amended
to read:

"Section 29.  CONTINGENT EFFECTIVE DATE--NOTIFICATION.--

A.  The effective date of the provisions of Sections
12 and 13 of this act is July 1, 2009, provided that prior to
January 1, 2009, the economic development department certifies
to the taxation and revenue department that construction of a
railroad locomotive refueling facility project in Dona Ana
county has commenced, including land acquisition, acquisition
of all necessary permits and commencement of actual

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construction.  The taxation and revenue department shall notify

the New Mexico compilation commission and the director of the

legislative council service prior to July 1, 2009 as to whether

the certification from the economic development department has

been received.

B.  If the requirements of Subsection A of this

section are not fulfilled, the effective date of the provisions

of Sections 12 and 13 of this act shall be July 1, 2010,

provided that prior to January 1, 2010, the economic

development department certifies to the taxation and revenue

department that construction of a railroad locomotive refueling

facility project in Dona Ana county has commenced, including

land acquisition, acquisition of all necessary permits and

commencement of actual construction.  The taxation and revenue

department shall notify the New Mexico compilation commission

and the director of the legislative council service prior to

July 1, 2010 as to whether the certification from the economic

development department has been received."

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