

AN ACT

RELATING TO TAXATION; CREATING AN OPTIONAL DESIGNATION FOR A  
PERSONAL INCOME TAX CONTRIBUTION FOR THE LOTTERY TUITION FUND.

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:

"OPTIONAL DESIGNATION OF TAX REFUND CONTRIBUTION--  
LOTTERY TUITION FUND.--

A. Except as otherwise provided in Subsection C of  
this section, any individual whose state income tax liability  
after application of allowable credits and tax rebates in any  
year is lower than the amount of money held by the department  
to the credit of such individual for that tax year may  
designate any portion of the income tax refund due to the  
individual to be paid to the lottery tuition fund. In the  
case of a joint return, both individuals must make such a  
designation.

B. The department shall revise the state income  
tax form to allow the designation of such contributions in the  
following form:

"Lottery Tuition Fund - Check [ ] if you wish to  
contribute a part or all of your tax refund to the  
lottery tuition fund to provide tuition assistance  
for New Mexico resident undergraduates. Enter here

\$\_\_\_\_\_ the amount of your contribution.".

C. The provisions of this section do not apply to income tax refunds subject to interception under the provisions of the Tax Refund Intercept Program Act, and any designation made under the provisions of this section to such refunds is void."

**SECTION 2. APPLICABILITY.**--The provisions of this act apply to taxable years beginning on or after January 1, 2013.==