

HOUSE BILL 145

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO TAXATION; EXTENDING THE DATE OF ELIGIBILITY FOR THE
HIGH-WAGE JOBS TAX CREDIT.

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

SECTION 1. Section 7-9G-1 NMSA 1978 (being Laws 2004, Chapter 15, Section 1, as amended by Laws 2025, Chapter 107, Section 1 and by Laws 2025, Chapter 130, Section 93) is amended to read:

"7-9G-1. HIGH-WAGE JOBS TAX CREDIT--QUALIFYING HIGH-WAGE
JOBS.--

A. A taxpayer that is an eligible employer may apply for, and the department may allow, a tax credit for each new high-wage job. The credit provided in this section may be referred to as the "high-wage jobs tax credit".

B. The purpose of the high-wage jobs tax credit is

1 to provide an incentive for businesses to create and fill new
2 high-wage jobs in New Mexico.

3 C. The high-wage jobs tax credit may be claimed and
4 allowed in an amount equal to eight and one-half percent of the
5 wages distributed to an eligible employee in a new high-wage
6 job but shall not exceed twelve thousand seven hundred fifty
7 dollars (\$12,750) per job per qualifying period. The high-wage
8 jobs tax credit may be claimed by an eligible employer for each
9 new high-wage job performed for the year in which the new high-
10 wage job is created and for consecutive qualifying periods.

11 D. To receive a high-wage jobs tax credit, a
12 taxpayer shall file a completed application for approval of the
13 credit with the department once per calendar year on forms and
14 in the manner prescribed by the department. The annual
15 application shall contain the certification required by
16 Subsection K of this section and shall contain all qualifying
17 periods that closed during the calendar year for which the
18 application is made. Any qualifying period that did not close
19 in the calendar year for which the application is made shall be
20 denied by the department. The application for a calendar year
21 shall be filed no later than December 31 of the following
22 calendar year. If a taxpayer fails to file the annual
23 application within the time limits provided in this section,
24 the application shall be denied by the department.

25 E. A new high-wage job shall not be eligible for a

1 credit pursuant to this section for the initial qualifying
2 period unless the eligible employer's total number of employees
3 with threshold jobs on the last day of the initial qualifying
4 period at the location at which the job is performed or based
5 is at least one more than the number of threshold jobs on the
6 day prior to the date the new high-wage job was created. A new
7 high-wage job shall not be eligible for a credit pursuant to
8 this section for a consecutive qualifying period unless the
9 total number of threshold jobs at a location at which the job
10 is performed or based on the last day of that qualifying period
11 is greater than or equal to the number of threshold jobs at
12 that same location on the last day of the initial qualifying
13 period for the new high-wage job.

14 F. If a consecutive qualifying period for a new
15 high-wage job does not meet the wage, occupancy and residency
16 requirements, then the qualifying period is ineligible.

17 G. Except as provided in Subsection H of this
18 section, a new high-wage job shall not be eligible for a credit
19 pursuant to this section if:

20 (1) the new high-wage job is created due to a
21 business merger or acquisition or other change in business
22 organization;

23 (2) the eligible employee was terminated from
24 employment in New Mexico by another employer involved in the
25 business merger or acquisition or other change in business

organization with the taxpayer; and

(3) the new high-wage job is performed by:

(a) the person who performed the job or its functional equivalent prior to the business merger or acquisition or other change in business organization; or

(b) a person replacing the person who performed the job or its functional equivalent prior to a business merger or acquisition or other change in business organization.

H. A new high-wage job that was created by another employer and for which an application for the high-wage jobs tax credit was received and is under review by the department prior to the time of the business merger or acquisition or other change in business organization shall remain eligible for the high-wage jobs tax credit for the balance of the consecutive qualifying periods. The new employer that results from a business merger or acquisition or other change in business organization may only claim the high-wage jobs tax credit for the balance of the consecutive qualifying periods for which the new high-wage job is otherwise eligible.

I. A new high-wage job shall not be eligible for a credit pursuant to this section if the job is created due to an eligible employer entering into a contract or becoming a subcontractor to a contract with a governmental entity that replaces one or more entities performing functionally

1 equivalent services for the governmental entity unless the job
2 is a new high-wage job that was not being performed by an
3 employee of the replaced entity.

4 J. A new high-wage job shall not be eligible for a
5 credit pursuant to this section if the eligible employer has
6 more than one business location in New Mexico from which it
7 conducts business and the requirements of Subsection E of this
8 section are satisfied solely by moving the job from one
9 business location of the eligible employer in New Mexico to
10 another business location of the eligible employer in New
11 Mexico.

12 K. With respect to each annual application for a
13 high-wage jobs tax credit, the employer shall certify and
14 include:

15 (1) the amount of wages paid to each eligible
16 employee in a new high-wage job during the qualifying period;

17 (2) the number of weeks each position was
18 occupied during the qualifying period;

19 (3) whether the new high-wage job was in a
20 municipality with a population of sixty thousand or more or
21 with a population of less than sixty thousand according to the
22 most recent federal decennial census and whether the job was in
23 the unincorporated area of a county;

24 (4) which qualifying period the application
25 pertains to for each eligible employee;

(5) the total number of employees employed by the employer at the job location on the day prior to the qualifying period and on the last day of the qualifying period;

(6) the total number of threshold jobs performed or based at the eligible employer's location on the day prior to the qualifying period and on the last day of the qualifying period;

(7) for an eligible employer that has more than one business location in New Mexico from which it conducts business, the total number of threshold jobs performed or based at each business location of the eligible employer in New Mexico on the day prior to the qualifying period and on the last day of the qualifying period;

(8) whether the eligible employer is receiving or is eligible to receive development training program assistance pursuant to Section 21-19-7 NMSA 1978;

(9) whether the eligible employer has ceased business operations at any of its business locations in New Mexico; and

(10) whether the application is precluded by Subsection 0 of this section.

L. Any person who willfully submits a false, incorrect or fraudulent certification required pursuant to Subsection K of this section shall be subject to all applicable penalties under the Tax Administration Act, except that the

1 amount on which the penalty is based shall be the total amount
2 of credit requested on the application for approval.

3 M. Except as provided in Subsection N of this
4 section, an approved high-wage jobs tax credit shall be claimed
5 against the taxpayer's modified combined tax liability and
6 shall be filed with the return due immediately following the
7 date of the credit approval. If the credit exceeds the
8 taxpayer's modified combined tax liability, the excess shall be
9 refunded to the taxpayer.

10 N. If the taxpayer ceases business operations in
11 New Mexico while an application for credit approval is pending
12 or after an application for credit has been approved for any
13 qualifying period for a new high-wage job, the department shall
14 not grant an additional high-wage jobs tax credit to that
15 taxpayer except as provided in Subsection O of this section and
16 shall extinguish any amount of credit approved for that
17 taxpayer that has not already been claimed against the
18 taxpayer's modified combined tax liability.

19 O. A taxpayer that has received a high-wage jobs
20 tax credit shall not submit a new application for the credit
21 for a minimum of two calendar years from the closing date of
22 the last qualifying period for which the taxpayer received the
23 credit if the taxpayer lost eligibility to claim the credit
24 from a previous application pursuant to Subsection N of this
25 section.

P. The economic development department and the taxation and revenue department shall report to the appropriate interim legislative committee each year the cost of the high-wage jobs tax credit to the state and its impact on company recruitment and job creation.

Q. As used in this section:

(1) "benefits" means all remuneration for work performed that is provided to an employee in whole or in part by the employer, other than wages, including the employer's contributions to insurance programs, health care, medical, dental and vision plans, life insurance, employer contributions to pensions, such as a 401(k), and employer-provided services, such as child care, offered by an employer to the employee;

(2) "consecutive qualifying period" means each of the three qualifying periods successively following the qualifying period in which the new high-wage job was created;

(3) "department" means the taxation and revenue department;

(4) "dependent" means "dependent" as defined in 26 U.S.C. 152(a), as that section may be amended or renumbered;

(5) "domicile" means the sole place where an individual has a true, fixed, permanent home. It is the place where the individual has a voluntary, fixed habitation of self and family with the intention of making a permanent home;

(6) "eligible employee" means an individual who is employed in New Mexico by an eligible employer and who is a resident of New Mexico; "eligible employee" does not include an individual who:

(a) is a dependent of the employer;

(b) if the employer is an estate or trust, is a grantor, beneficiary or fiduciary of the estate or trust or is a dependent of a grantor, beneficiary or fiduciary of the estate or trust;

(c) if the employer is a corporation, is a dependent of an individual who owns, directly or indirectly, more than fifty percent in value of the outstanding stock of the corporation; or

(d) if the employer is an entity other than a corporation, estate or trust, is a dependent of an individual who owns, directly or indirectly, more than fifty percent of the capital and profits interests in the entity;

(7) "eligible employer" means an employer that, during the applicable qualifying period, would be eligible for development training program assistance under the fiscal year 2019 policies defining development training program eligibility developed by the industrial training board in accordance with Section 21-19-7 NMSA 1978;

(8) "modified combined tax liability" means the total liability for the reporting period for the gross

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1 receipts tax imposed by Section 7-9-4 NMSA 1978 together with
2 any tax collected at the same time and in the same manner as
3 the gross receipts tax, such as the compensating tax, the
4 withholding tax, the interstate telecommunications gross
5 receipts tax, the surcharges imposed by Section 63-9D-5 NMSA
6 1978 and the surcharge imposed by Section 63-9F-11 NMSA 1978,
7 minus the amount of any credit other than the high-wage jobs
8 tax credit applied against any or all of these taxes or
9 surcharges; but "modified combined tax liability" excludes all
10 amounts collected with respect to local option gross receipts
11 taxes;

12 (9) "new high-wage job" means a new job
13 created in New Mexico by an eligible employer on or after July
14 1, 2004 and prior to July 1, [2026] 2036 that is occupied for
15 at least forty-four weeks of a qualifying period by an eligible
16 employee who is paid wages calculated for the qualifying period
17 to be at least:

18 (a) sixty thousand dollars (\$60,000) if
19 the job is performed or based in or within ten miles of the
20 external boundaries of a municipality with a population of
21 sixty thousand or more according to the most recent federal
22 decennial census or in a class H county; and

23 (b) forty thousand dollars (\$40,000) if
24 the job is performed or based in a municipality with a
25 population of less than sixty thousand according to the most

1 recent federal decennial census or in the unincorporated area,
2 that is not within ten miles of the external boundaries of a
3 municipality with a population of sixty thousand or more, of a
4 county other than a class H county;

5 (10) "new job" means a job that is occupied by
6 an employee who has not been employed in New Mexico by the
7 eligible employer in the three years prior to the date of hire;

8 (11) "qualifying period" means the period of
9 twelve months beginning on the day an eligible employee begins
10 working in a new high-wage job or the period of twelve months
11 beginning on the anniversary of the day an eligible employee
12 began working in a new high-wage job;

13 (12) "resident" means a natural person whose
14 domicile is in New Mexico at the time of hire or within one
15 hundred eighty days of the date of hire;

16 (13) "threshold job" means a job that:

17 (a) is occupied for at least forty-four
18 weeks of the first fifty-two weeks of employment by an eligible
19 employee; provided that the fifty-two-week period begins on the
20 day the eligible employee occupies the job; and

21 (b) meets the wage requirements for a
22 "new high-wage job"; and

23 (14) "wages" means all compensation paid by an
24 eligible employer to an eligible employee through the
25 employer's payroll system, including those wages that the

1 employee elects to defer or redirect or the employee's
2 contribution to a 401(k) or cafeteria plan program, but "wages"
3 does not include benefits or the employer's share of payroll
4 taxes, social security or medicare contributions, federal or
5 state unemployment insurance contributions or workers'
6 compensation."

7 **SECTION 2. APPLICABILITY.**--The provisions of this act
8 apply to taxable years beginning on or after January 1, 2026.

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