### New Mexico Tax Overview

August 14, 2025

Revenue Stabilization and Tax Policy Committee

Presented by

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#### Outline

- Overview of New Mexico's Revenue Structure
- Tax Expenditure Budgeting and Evaluation
- Highlight of Recent Tax Changes 2025
- Tax Burden

#### New Mexico Revenue Structure

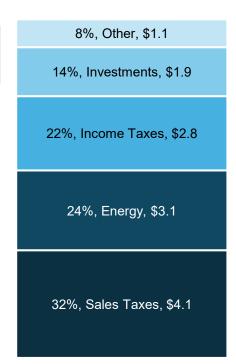
#### General Fund Revenue Sources

- Direct taxes on oil and gas total \$3.1 billion
- A significant share of sales and income taxes is attributed to the oil and gas industry
- The state's investment earnings contribute another \$1.9 billion
  - Permanent funds allow volatile oil and gas revenue to benefit the General Fund through stable, 5-year averaged distributions
    - Diversify General Fund volatility between global oil market factors and investment returns

#### FY24 Recurring Revenues (in billions)

Total: \$13.05

billion



Source: December 2024 CREG

#### Gross Receipts Tax

- General Fund's largest revenue source \$4.1 billion in FY24
- Broad-based
  - Like a "sales" tax but **imposed on the seller, not the buyer**\*
  - Includes goods, services and intangibles
  - Allows indirect tax on federal government activities
- Total imposed rates include "local option" taxes imposed by counties, municipalities, tribal governments, and others (i.e. train and spaceport districts)
- State rate is 4.875%, 1.125% of that goes to municipalities in incorporated areas
- GRT rates range from 4.875% (out of state) to 10.8125% (Espanola/Santa Clara Grant)
- State rate is competitive, local rates push higher
- \*New Mexico has a GRT rather than a sales tax mainly to tax activity of two national labs. States cannot tax the federal government (buyer) but can tax its suppliers (sellers)

#### Gross Receipts Tax

- Taxpayers must source their business receipts to a specific location so revenues can be distributed correctly between local and tribal governments
  - Since July 1, 2021, New Mexico has used "destination sourcing" generally, the place goods or services are delivered/exchanged is the place to source the receipts
    - Exceptions to destination sourcing include professional services, construction, real estate commissions
- Pyramiding: taxation of business-to-business services result in multiple layers of taxation. This pushes up the real rate of taxation
  - Anti-pyramiding GRT deductions for certain consumed services by manufacturers only

#### Compensating Tax

- Tax rate is equal to the GRT rate (including local option compensating rates)
- Companion of the GRT called the "use" tax in other states
- Imposed on the purchaser (GRT is imposed on the seller)
- Imposed on the value of property:
  - manufactured in the state by the person using it
  - acquired outside NM that would have been subject to the GRT had it been acquired in NM
  - that becomes taxable because of subsequent use of the property or service (i.e. using something acquired for resale)
- Product of services must be used in the state
- Credit for sales tax paid to other state up to 5%
- Exemptions & deductions mirror GRT where applicable
- Distribution of state share:
  - 75% to the General Fund \$83 million in FY24
  - 15% to small cities assistance fund, 10% to small counties assistance fund

#### Selective Sales Taxes – Tobacco

- Cigarette Tax
  - Rate is \$2.00 per pack of 20 cigarettes
  - NM tax rate is 19<sup>th</sup> highest in the nation State rates range from \$0.17/pack in Missouri to \$5.35/pack in New York
  - Exemptions
    - U.S. or any agency thereof
    - Governing body or enrolled member of any tribe for sale or use on that tribe or pueblo
    - Sales prohibited by N.M. or U.S. Constitution
  - Distributions include 79.81% General Fund and the remainder to various UNM and NMFA uses
- Tobacco Products Tax (snuff, cigars, e-cigarettes, etc.)
  - 25% of product value (not to exceed 50 cents/cigar)
  - Vaping: 12.5% of wholesale for e-liquids and 50 cents per closed system cartridge
    - 12.5% of wholesale is lower than most states that tax e-cigarettes
  - Exemptions
    - Products sold to or by the U.S. or N.M., or any of their agents or instrumentalities
  - Deductions
    - Interstate sales
  - Distribution is to the General Fund

#### Selective Sales Taxes – Liquor Excise Tax

- Imposed on the wholesaler/distributor, not at retail
- Rates vary by type of liquor NM is 24<sup>th</sup> highest of the 50 states\*
  - Spirituous liquor \$1.60/liter
  - Beer and cider \$0.41/gallon
  - Wine \$0.45/liter
  - Fortified Wine \$1.50/liter
  - Microbrewers, small winegrowers and craft distillers have lower tax rates depending on volume produced
  - Rates have not been adjusted for inflation since 1994 during that time general inflation has risen about 117%
- Exemptions and Deductions
  - Sales to or by instrumentality of the armed forces engaged in resale; interstate sales
- Distributions
  - 50% to General Fund \$24.0 million in FY24
  - 45% to local DWI Grant Fund
  - 5% to Drug Court Fund
  - \$249,000 per year to Farmington

\*Source: Tax Foundation

#### Selective Sales Taxes – Insurance Premium Tax

- Tax rate is 3.003%
  - Imposed on insurance premiums in lieu of all other state taxes except property taxes
  - Goes to General Fund (\$370 million in FY24), except:
    - 10% of premium tax from life, health, general casualty and title insurance distributed to the Law Enforcement Protection Fund
    - 100% premium tax from property and vehicle insurance distributed to the Fire Protection Fund
    - Starting July 1, 2025, 5% of premium tax from health insurance is distributed to the Emergency Medical Services Fund
- Health Insurance Premium Surtax
  - Increased from 1% to 3.75% on January 1, 2022
  - Distribution: 55% to Health Care Affordability Fund, 45% General Fund
  - Imposed on only health insurance premiums

#### Selective Sales Taxes – Gaming Excise Tax

- Administered by the Gaming Control Board
- Tax rates are:
  - 10% of receipts from sale or lease or other transfer of gamine devices
    - Exception for transfer from manufacturers to distributors
  - 10% of the net take of a gaming operator that is a not-for-profit
  - 24.8% of the net take of other gaming operators
- Imposed in lieu of other state and local gross receipts taxes
- Gaming operator that is a racetrack
  - Administered by the Racing Commission
  - 26% of net take to purses (in addition to gaming excise tax)
- Distributed to the General Fund \$67.7 million in FY24

#### Selective Sales Taxes – Cannabis Excise Tax

- Tax rate is phasing up annually:
  - From April 1, 2022 to June 30, 2025 rate was 12%
  - For FY26, rate is 13%
  - Phases up 1% each year from FY27-FY30, reaching 18%
- Imposed on the retail sales price
- Applies to adult-use recreational cannabis, not to medical cannabis
- State rates range from to 3% of retail (Connecticut) to 37% of retail (Washington)
- Distribution:
  - 66.67% to the General Fund \$32.7 million in FY24
  - 33.33% to the applicable local government

#### Selective Sales Taxes – Motor Vehicle Excise

- 4% tax on the sale of new and used vehicles
- NM rate is in the middle of the states range from 0% (AK, DE, MT, NH, OR) to 8.25% (Nevada)
- Paid to Tax & Rev when the vehicle title is obtained
- Exemptions:
  - Manufactured homes
  - Certain vehicles with modifications needed due to disability
  - Vehicles of certain disabled veterans
- Distributions of MVX are:
  - 59.39% is distributed to the General Fund (\$167 million in FY24)
  - 21.86% is distributed to the State Road Fund
  - 18.75% to the local Transportation Project Fund

#### Personal Income Tax

- PIT \$2.2 billion to the general fund in FY24
- NM imposes PIT on residents and non-residents deriving income from New Mexico sources
- Paid by individuals as well as some businesses, such as sole proprietorships and LLCs
- NM conforms with the federal income tax, but makes adjustments through State law
- The NM PIT return starts with federal adjusted gross income (AGI), followed by "below the line" additions and subtractions:
  - + NM additions (e.g., interest on federally tax-exempt bonds; itemized state income tax)
  - Federal standard or itemized deductions and exemptions (if any)
  - NM deductions, exemptions
  - = NM taxable income
  - NM credits and rebates

#### Personal Income Tax

- Graduated marginal PIT rates range from 1.5% to 5.9%
- 7 states have no PIT, 13 have flat PIT, and 31 have graduated rates
- NM's 5.9% top rate is moderate range is 0% to 13.3% (California)
- Credits, rebates, deductions and exemptions reduce tax due
- Credits may be refundable, carried forward, or transferrable
- Wage withholding and estimated payments are applied to taxpayer PIT accounts throughout the year to offset expected tax liability
- Returns typically due April 15, may request extension to file to October 15 from State or IRS
  - Receive a refund if withholding/estimated payments exceeded liability
  - Make a final settlement payment if withholding/estimated payments are short of liability

- Gross CIT revenue was \$535 million in FY24, less \$102 million eliminated by tax credits
- 5.9% flat tax rate (effective tax year 2025) is moderate 28<sup>th</sup> highest amongst the states
- 44 states have a CIT, rates range from 2.25% to 11.5%
- Pass-through entity tax also reported in CIT \$190 million in FY24
- Paid by corporations, other entities taxed as corporations under federal income tax, certain partnerships, LLCs, non-profits (business income unrelated to tax-exempt purpose), trusts
- Nexus: To be subject to tax by New Mexico, entity must:
  - Be employed or engaged in the transaction of business in, into, or from New Mexico; or
  - Derive any income from any property or employment within New Mexico
  - Must have more than "the slightest physical presence" for constitutional nexus
    - Can be established by agents

- NM taxable income is as defined for federal income tax purposes, with certain additions and subtractions
  - Additions:
    - Interest on non-New Mexico state and local bonds
    - Federal Net Operating Losses (NOLs) ( 3-year carryback, 20-year carryforward)
  - Subtractions:
    - Interest on federal bonds and New Mexico state and local bonds subject to federal income tax
    - State NOLs (no carryback, 20-year carryforward
    - Dividends from foreign corporations (not combined filers, and including "gross-up"; percentage based on ownership)
    - State credits

- Reporting Methods
  - Worldwide Combined Reporting
    - Default reporting method, unless taxpayer elects combined or consolidated
  - Water's Edge Combined Reporting
    - Can be elected by "unitary" corporations (determined by inter-relations)
    - Once elected, cannot elect to other methods for seven years
  - Consolidated Reporting
    - Follows federal rules (requires 80% ownership by common parent)
    - Once elected, cannot elect another method for seven years

- Allocation and Apportionment of Income between jurisdictions
  - Corporations with income from outside New Mexico must allocate and apportion their income to New Mexico
  - NM follows Uniform Division of Income for Tax Purposes Act (UDITPA)
  - "Non-business" income is "allocated" to one state (source state)
  - "Business income" is "apportioned" between states by formula
  - NM apportionment formula uses 3- "factors" property, payroll, and sales
  - Each factor is the percentage of the New Mexico amount to the "everywhere" amount, and the three percentages are then added and divided by 3 to get the corporation's NM apportionment percentage
  - Manufacturers and corporate HQs (or some operations) can elect to use a single sales factor formula (which may benefit those who have property and payroll here but sell mostly outside the state)

#### Oil and Natural Gas Taxes

- Five oil and gas related taxes are reported on the same return at a combined rate of 8.27% on oil and 8.97% on natural gas
- Taxes are imposed on the value of natural resource products "severed" from the soil
- Oil and gas emergency school tax is distributed between General Fund (\$1.1 billion in FY24), Tax Stabilization Reserve, Early Childhood Education Trust Fund, and Severance Tax Permanent Fund
- Conservation tax is distributed to the General Fund \$106 million in FY24
- Ad valorem taxes are distributed to local governments and special tax districts
- Severance tax is distributed to the Severance Tax Bonding Fund to finance State and local capital projects

#### Oil and Natural Gas Tax Rates

	Net Price of Oil (\$/bbl)			
Taxes on Oil	Under \$15	\$15 to \$18	Over \$18	
Oil and Gas Emergency School Tax	1.58%	2.36%	3.15%	
Oil and Gas Severance Tax	1.88%	2.81%	3.75%	
Subtotal	3.46%	5.17%	6.90%	
Oil and Gas Conservation Tax	0.19% - 0.24%	0.19% - 0.24%	0.19% - 0.24%	
Production Ad Valorem Tax	1.04%	1.04%	1.04%	
Production Equipment Ad Valorem Tax	0.14%	0.14%	0.14%	
Total	4.83%	6.54%	8.27%	

	Net Price of Natural Ga			
Taxes on Natural Gas	Under	\$1.15 to	Over \$1.35	
	\$1.15	\$1.35		
Oil and Gas Emergency School Tax	2.00%	3.00%	4.00%	
Oil and Gas Severance Tax	1.88%	2.81%	3.75%	
Subtotal	3.88%	5.81%	7.75%	
Oil and Gas Conservation Tax	0.19%	0.19%	0.19%	
Production Ad Valorem Tax	0.88%	0.88%	0.88%	
Production Equipment Ad Valorem Tax	0.15%	0.15%	0.15%	
Total	5.10%	7.03%	8.97%	
Natural Gas Processor's Tax			depends	

Note: ad valorem rates vary by year and taxing district. The rates presented here are statewide averages.

#### Non-General Fund

- Other major recipients of New Mexico revenue include:
  - State Road Fund
  - Severance Tax Bonding Fund
  - Land Grant and Severance Tax Permanent Funds
  - Early Childhood Education and Care Trust Fund
  - Local and Tribal
  - School Districts
  - Unemployment Insurance trust fund
  - NMFA programs

#### Unemployment Insurance (UI) Tax

- The unemployment trust fund receives revenue through UI tax on employers
- The amount of tax an employer pays depends on:
  - its number of employees
  - the state-determined taxable wage base per employee
  - the contribution rate assigned to the employer based on number of former employees claiming UI
  - a multiplier based on the balance of the fund
- The balance of the unemployment trust fund fluctuates based on labor market conditions
- When UI taxes deposited in the fund exceed claims for unemployment, the fund balance grows and the tax rate may be decreased
- When unemployment claims exceed deposits, the trust fund may reach a deficit that must be replenished through higher tax rate or other funding sources

#### Local and Tribal Taxes

- Local GRT and compensating tax
  - Local option GRT and compensating taxes are imposed within limits set by Legislature
  - Main source of revenue for municipalities
  - Tax & Rev collects and distributes to each local government monthly
  - 3% admin fee Tax & Rev sends to the General Fund on local GRT and compensating tax distributions is phasing out. Will save locals/reduce General Fund by an estimated \$69m by FY29
- Cannabis Excise Tax local governments receive 4.33% on cannabis sales sourced to the local government (rising by .33% per year as cannabis rate rises over next several years)
- Property taxes
  - NM has relatively low property tax rates
  - Tax base is assessed by county assessors and Tax & Rev's Property Tax Division
  - Main revenue source for counties
  - Rates are imposed by each taxing authority state, county, muni, school, special district
  - County treasurers collect and distribute the tax
  - Small portion is pledged to repay State General Obligation Bonds
- Tribal taxes
  - Tribal governments are sovereign and have their own taxing power
  - They do not have to align their tax with New Mexico's GRT. It is a matter of mutual convenience that they do.
  - Currently 21 tribal entities impose a GRT administered by the state under cooperative
    agreements to prevent dual taxation. \$34 million distributed to tribes by Tax & Rev in FY24

# Tax Policy Principles

#### Tax Policy Guiding Principles

# Borrowed from the non-profit, non-partisan New Mexico Tax Research Institute:

#### **Adequacy**

Revenues should be sufficient to fund needed services

#### **Efficiency**

Interference with the private economy should be minimized

#### **Equity**

Taxpayers should be treated fairly

#### **Simplicity**

Laws, regulations, forms and procedures should be as simple as possible

#### Comprehensiveness

All taxes should be considered when evaluating the system

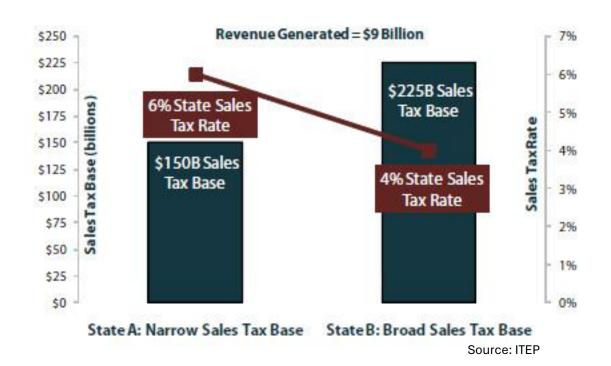
#### **Accountability**

Exceptions should be rare and should be carefully evaluated and justified

#### LFC Tax Expenditure Policy Principles

- **Vetted:** The proposed new or expanded tax expenditure was vetted through interim legislative committees, such as LFC and the Revenue Stabilization and Tax Policy Committee, to review fiscal, legal, and general policy parameters.
- **Targeted:** The tax expenditure has a clearly stated purpose, long-term goals, and measurable annual targets designed to mark progress toward the goals.
- **Transparent:** The tax expenditure requires at least annual reporting by the recipients, the Taxation and Revenue Department, and other relevant agencies.
- **Accountable:** The tax expenditure is set to expire unless legislative action is taken to review the tax expenditure and extend the expiration date. There are sufficient reporting requirements, which may require additional reporting above that reported in the annual, statutorily-required tax expenditure budget.
- **Effective:** The tax expenditure fulfills the stated purpose. If the tax expenditure is designed to alter behavior for example, economic development incentives intended to increase economic growth there are indicators the recipients would not have performed the desired actions "but for" the existence of the tax expenditure.
- **Efficient:** The tax expenditure is the most cost-effective way to achieve the desired results.

# How do tax expenditures interact with revenue stabilization?



# How do tax expenditures interact with equity?

2008-15 Effective Tax Rates & Total Tax Subsidies, by Industry

Industry & Company	Effective Tax Rate	Total Tax Subsidies	% of total Subsidies	
Financial	19.9%	95,620	18.2%	16.6%
Utilities, gas and electric	3.1%	86,062	16.3%	7.1%
Telecommunications	11.5%	78,413	14.9%	8.8%
Miscellaneous services	22.9%	36,003	6.8%	7.8%
Computers, office equip, software, data	20.3%	35,932	6.8%	6.4%
Aerospace & defense	18.3%	33,471	6.4%	5.3%
Oil, gas & pipelines	11.6%	27,568	5.2%	3.1%
Retail & wholesale trade	31.0%	25,471	4.8%	16.9%
Industrial Machinery	11.4%	21,484	4.1%	2.4%
Transportation	20.2%	15,506	2.9%	2.8%
Miscellaneous manufacturing	23.1%	14,616	2.8%	3.2%
Food & beverages & tobacco	28.2%	13,104	2.5%	5.0%
Chemicals	20.5%	11,150	2.1%	2.0%
Household & personal products	22.0%	10,836	2.1%	2.2%
Financial data services	26.9%	7,888	1.5%	2.6%
Pharmaceuticals & medical products	27.7%	5,126	1.0%	1.8%
Health care	32.7%	4,594	0.9%	5.3%
Internet Services & Retailing	15.6%	3,011	0.6%	0.4%
Engineering & construction	28.8%	632	0.1%	0.3%
Publishing, printing	18.0%	273	0.1%	0.0%
ALL INDUSTRIES	21.2%	\$526,760	100%	100%
Financial, Utilities, Telecommunications and Oil, gas & pipelines	10.5%	287,663	54.6%	35.5%

Source: ITEP

# Tax Expenditure Evaluation and Reporting

#### What is the Tax Expenditure Report (TER)?

- Describes areas where the tax code provides for preferential tax treatment of a certain activity
- Tax & Rev has produced a TER yearly since 2012 (also known as a Tax Expenditure Budget)
- 2023 legislation requires the TER to be published annually by November 15 (7-1-84 NMSA)
- Presented to RSTP annually in November or December
- The TER includes an estimate of revenue foregone because of the preferential tax treatment due to:
  - Credits
  - Deductions
  - Exemptions
  - Preferential tax rates
- Every dollar of revenue foregone is a dollar that cannot be appropriated or added to reserves
- State appropriations are rigorously evaluated and reprioritized annually; tax expenditures should be similarly revisited
- TER are important transparency tools that allow State policymakers, advocacy groups, and the public an opportunity to regularly evaluate the State's tax code
- Find them at www.tax.newmexico.gov, then under Forms & Publications, Publications, Tax Expenditure Reports

#### Exclusions, Exemptions, Credits, and Deductions

- **Exclusions** amounts of gross receipts, gross income, or other amount that is removed to define the tax base
  - Taxpayers exclude certain amounts of their "base income" to derive "net income" on which tax is imposed. § 7-2-2(N)
  - The property tax excludes personal property and has a 3% limit on annual value growth on residential property
- Exemptions often eliminate a taxpayer's obligation to register, report, and/or pay
- TRD does not have visibility into income or receipts that are exempt because they are not reported on a tax return
- Deductions reduce liability by eliminating certain transactions or income from amounts taxpayers are required to report on returns
- Deductions and Exemptions have the same effect on a taxpayer's tax liability, but differ in taxpayer reporting obligations
- **Credits** are dollar for dollar credits against the taxpayer's tax liability due

#### Tax Expenditure Categories

• **Citizen Benefits:** benefit all taxpayers or specific population (low-income, disabled, etc.), lessen the burden of taxation

• Economic Development: stimulate investment, job creation or job

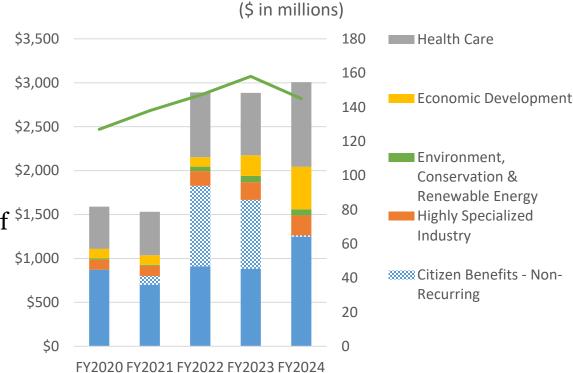
retention, attract industries

Tax Expenditures by Category (\$ in thousands)

Conservation, and Renewable Energy: support environmental health, promote conservation and renewable energy

**Health Care:** increase access to or lower costs of health care

 Highly Specialized Industries: target specific or highly specialized industries



#### Top 10 2024 Tax Expenditures

Name	2024 (\$000's State & Local)	2024 Rank	
Prescription Drugs, Oxygen and Medical Cannabis GRT and GGRT Deduction (this is now separately reported starting July 1, 2025)	506,500	1	Red
Sale of Food at Retail Food Stores GRT Deduction and Hold Harmless Distribution *	466,906	2	Green
DOH-Licensed Hospitals 60 Percent GRT Deduction	259,287	3	Yellow
Sales of Services to Manufacturing GRT Deduction	140,163	4	Yellow
Child Income Tax Credit against PIT	131,233	5	Green
Working Families Tax Credit against PIT	126,732	6	Green
Apportionment Election of CIT for Manufacturing	104,401	7	Yellow
Film and Television Credit against PIT and CIT	102,166	8	Green
Capital Gain Deduction From PIT	101,596	9	Yellow
Medical and Health Care Services GRT Deduction	92,585	10	Yellow

<sup>\*</sup> Includes only the deduction portion in the \$ amounts

#### State vs. Local Tax Expenditure Incidence

- GRT incidence for deductions and exemptions is shared between the State General Fund and local governments in most cases
- Tax expenditures for CIT, PIT, etc., generally impact only State General Fund directly
- Recent large rebates only impacted State General Fund
- Recent State ¼% GRT rate reduction reduces State incidence

# FISCAL YEARS 2022-2024 EXPENDITURES BY STATE AND LOCAL TAX INCIDENCE



#### Recap of Tax Changes from 2025 Session

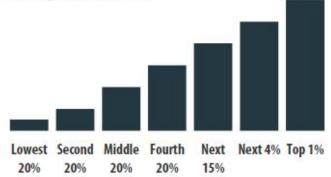
- HB47 Codified two veterans property tax exemptions
- HB218 tax code clean up including:
  - Separate reporting of prescription drug etc. GRT deduction
  - Moved back-to-school GRT holiday one week earlier
  - Limited local GRT rate changes to July 1
  - Removed April 30/March 30 PIT and CIT extended deadlines for epayments and e-filers
  - Allows an amended return to be a refund claim for any tax program
  - Streamlined annual withholding statements and returns
  - Removed AG approval of certain refunds, abatements and agreements
  - Allows tax liens to be e-filed and with Sec. of State
  - Standardized PIT and CIT credit language
  - Repealed 81 obsolete sections of tax code

#### Recap of Tax Changes from 2025 Session

- HB368 streamlines timelines for High Wage Jobs Tax Credit
- SB383 allows 3/8% muni GRT increment for flood recovery bonds
- SB481 creates new State Fairgrounds District and distributes 75% of gaming excise and GRT sourced to the district
- SB535 State Fees & Funds
  - increases workers comp assessment fee on employees and employers gradually over several years
  - Increases telecom relay surcharge from 0.33% to 1.66% and new revenue is distributed to 988 Lifeline Fund

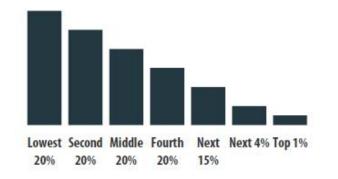
## **Evaluating Tax Burden: Who Pays?**

#### A Progressive Tax



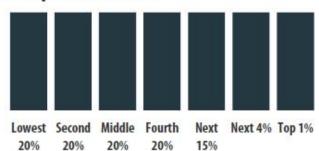
A **progressive tax** is one in which upper-income families pay a larger share of their incomes in tax than do those with lower incomes

#### A Regressive Tax



A **regressive tax** requires the poor and middle-income to pay a larger share of their incomes in taxes than the rich

#### A Proportional Tax

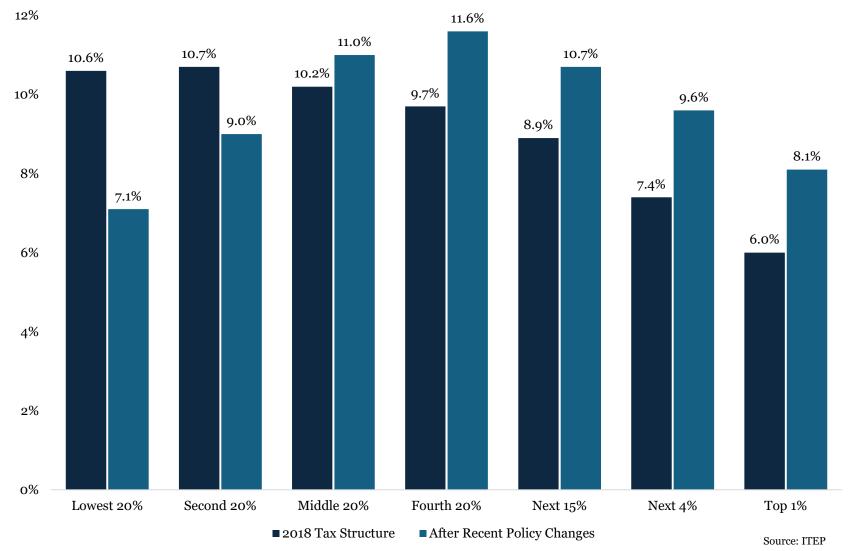


A **proportional tax** takes the same percentage of income from everyone, regardless of how much or how little they earn.

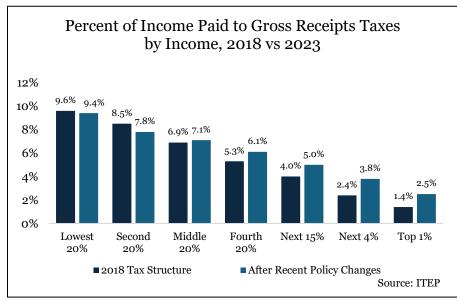
Source: ITEP

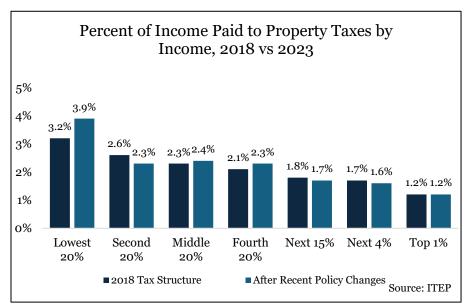
#### Who Pays Taxes in New Mexico?

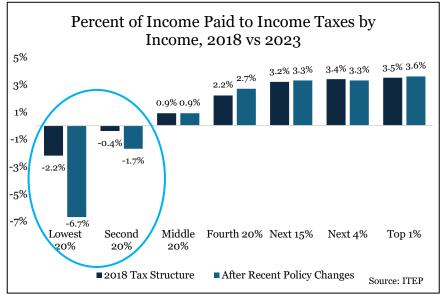
Percent of Income Paid to Taxes by Income Level, 2018 vs 2023



#### New Mexico State and Local Taxes

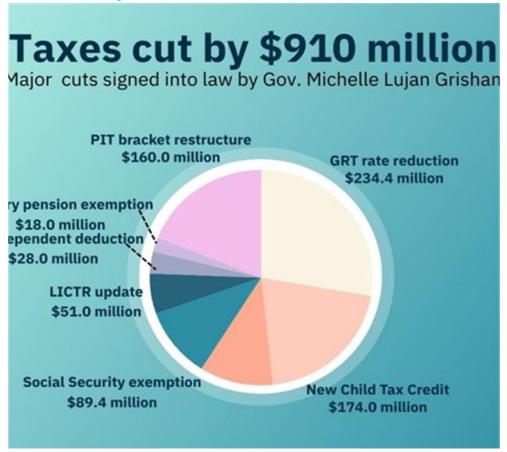






#### Improving Tax Progressivity in New Mexico

- New Mexico jumped 18 spots from #27 to #8 in the Institute for Taxation & Economic Policy (ITEP) latest "Who Pays" progressivity ranking
- Since 2019, over \$910 million per year recurring tax cuts enacted benefitting working families and businesses.
  - PIT rate reform
  - 1/4% GRT rate cut
  - Enhanced working families tax credit
  - Expanded LICTR
  - Child income tax credit
  - Dependent deduction
  - Most Social Security retirement benefits exempted
  - Up to \$30,000 of military pensions exempted



#### Improving Tax Progressivity in New Mexico



# Questions?

#### THANK YOU!