

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 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."