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SENATE BILL 248

**49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO TAXATION; SETTING LIMITS ON THE RENEWABLE ENERGY PRODUCTION TAX CREDIT, THE FILM PRODUCTION TAX CREDIT, THE INVESTMENT CREDIT, THE LABORATORY PARTNERSHIP WITH SMALL BUSINESS TAX CREDIT, THE TECHNOLOGY JOBS TAX CREDIT AND THE HIGH-WAGE JOBS TAX CREDIT; PROVIDING FOR NOTICE OF THE LIMITS; DELAYING THE INCREASE IN CERTAIN HOSPITAL GROSS RECEIPTS TAXES; REPEALING THE ANGEL INVESTMENT CREDIT; REPEALING THE GROSS RECEIPTS TAX DEDUCTION FOR CERTAIN TANGIBLE PERSONAL PROPERTY.

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

Section 1. Section 7-2-18.18 NMSA 1978 (being Laws 2007, Chapter 204, Section 2) is amended to read:

"7-2-18.18. RENEWABLE ENERGY PRODUCTION TAX CREDIT.--

A. The tax credit provided in this section may be referred to as the "renewable energy production tax credit".

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1 The tax credit provided in this section may not be claimed with  
2 respect to the same electricity production for which a tax  
3 credit pursuant to Section 7-2A-19 NMSA 1978 has been claimed.

4 B. Subject to the provisions of Subsection N of  
5 this section, a taxpayer who files an individual New Mexico  
6 income tax return and who is not a dependent of another  
7 taxpayer is eligible for the renewable energy production tax  
8 credit if the taxpayer:

9 (1) holds title to a qualified energy  
10 generator that first produced electricity on or before January  
11 1, 2018; or

12 (2) leases property upon which a qualified  
13 energy generator operates from a county or municipality under  
14 authority of an industrial revenue bond and if the qualified  
15 energy generator first produced electricity on or before  
16 January 1, 2018.

17 C. The amount of the tax credit shall equal one  
18 cent (\$.01) per kilowatt-hour of the first four hundred  
19 thousand megawatt-hours of electricity produced by the  
20 qualified energy generator in the taxable year using a wind- or  
21 biomass-derived qualified energy resource, provided that the  
22 total amount of tax credits claimed by all taxpayers for a  
23 single qualified energy generator in a taxable year using a  
24 wind- or biomass-derived qualified energy resource shall not  
25 exceed one cent (\$.01) per kilowatt-hour of the first four

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1 hundred thousand megawatt-hours of electricity produced by the  
2 qualified energy generator.

3 D. The amount of the tax credit for electricity  
4 produced by a qualified energy generator in the taxable year  
5 using a solar-light-derived or solar-heat-derived qualified  
6 energy resource shall be at the amounts specified in Paragraphs  
7 (1) through (10) of this subsection; provided that the total  
8 amount of tax credits claimed for a taxable year by all  
9 taxpayers for a single qualified energy generator using a  
10 solar-light-derived or solar-heat-derived qualified energy  
11 resource shall be limited to the first two hundred thousand  
12 megawatt-hours of electricity produced by the qualified energy  
13 generator in the taxable year:

14 (1) one and one-half cents (\$.015) per  
15 kilowatt-hour in the first taxable year in which the qualified  
16 energy generator produces electricity using a solar-light-  
17 derived or solar-heat-derived qualified energy resource;

18 (2) two cents (\$.02) per kilowatt-hour in the  
19 second taxable year in which the qualified energy generator  
20 produces electricity using a solar-light-derived or solar-heat-  
21 derived qualified energy resource;

22 (3) two and one-half cents (\$.025) per  
23 kilowatt-hour in the third taxable year in which the qualified  
24 energy generator produces electricity using a solar-light-  
25 derived or solar-heat-derived qualified energy resource;

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1 (4) three cents (\$.03) per kilowatt-hour in the  
2 fourth taxable year in which the qualified energy generator  
3 produces electricity using a solar-light-derived or solar-heat-  
4 derived qualified energy resource;

5 (5) three and one-half cents (\$.035) per  
6 kilowatt-hour in the fifth taxable year in which the qualified  
7 energy generator produces electricity using a solar-light-  
8 derived or solar-heat-derived qualified energy resource;

9 (6) four cents (\$.04) per kilowatt-hour in the  
10 sixth taxable year in which the qualified energy generator  
11 produces electricity using a solar-light-derived or  
12 solar-heat-derived qualified energy resource;

13 (7) three and one-half cents (\$.035) per  
14 kilowatt-hour in the seventh taxable year in which the qualified  
15 energy generator produces electricity using a solar-light-  
16 derived or solar-heat-derived qualified energy resource;

17 (8) three cents (\$.03) per kilowatt-hour in the  
18 eighth taxable year in which the qualified energy generator  
19 produces electricity using a solar-light-derived or solar-heat-  
20 derived qualified energy resource;

21 (9) two and one-half cents (\$.025) per  
22 kilowatt-hour in the ninth taxable year in which the qualified  
23 energy generator produces electricity using a solar-light-  
24 derived or solar-heat-derived qualified energy resource; and

25 (10) two cents (\$.02) per kilowatt-hour in the

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1 tenth taxable year in which the qualified energy generator  
2 produces electricity using a solar-light-derived or solar-heat-  
3 derived qualified energy resource.

4 E. Subject to the provisions of Subsection N of this  
5 section, a taxpayer eligible for a renewable energy production  
6 tax credit pursuant to Subsection B of this section shall be  
7 eligible for the renewable energy production tax credit for ten  
8 consecutive years, beginning on the date the qualified energy  
9 generator begins producing electricity.

10 F. As used in this section:

11 (1) "biomass" means organic material that is  
12 available on a renewable or recurring basis, including:

13 (a) forest-related materials, including  
14 mill residues, logging residues, forest thinnings, slash, brush,  
15 low-commercial-value materials or undesirable species, salt  
16 cedar and other phreatophyte or woody vegetation removed from  
17 river basins or watersheds and woody material harvested for the  
18 purpose of forest fire fuel reduction or forest health and  
19 watershed improvement;

20 (b) agricultural-related materials,  
21 including orchard trees, vineyard, grain or crop residues,  
22 including straws and stover, aquatic plants and agricultural  
23 processed co-products and waste products, including fats, oils,  
24 greases, whey and lactose;

25 (c) animal waste, including manure and

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1 slaughterhouse and other processing waste;

2 (d) solid woody waste materials,  
3 including landscape or right-of-way tree trimmings, rangeland  
4 maintenance residues, waste pallets, crates and manufacturing,  
5 construction and demolition wood wastes, excluding pressure-  
6 treated, chemically treated or painted wood wastes and wood  
7 contaminated with plastic;

8 (e) crops and trees planted for the  
9 purpose of being used to produce energy;

10 (f) landfill gas, wastewater treatment  
11 gas and biosolids, including organic waste byproducts generated  
12 during the wastewater treatment process; and

13 (g) segregated municipal solid waste,  
14 excluding tires and medical and hazardous waste;

15 (2) "qualified energy generator" means a  
16 facility with at least one megawatt generating capacity located  
17 in New Mexico that produces electricity using a qualified energy  
18 resource and that sells that electricity to an unrelated person;  
19 and

20 (3) "qualified energy resource" means a  
21 resource that generates electrical energy by means of a  
22 fluidized bed technology or similar low-emissions technology or  
23 a zero-emissions generation technology that has substantial  
24 long-term production potential and that uses only the following  
25 energy sources:

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- 1 (a) solar light;
- 2 (b) solar heat;
- 3 (c) wind; or
- 4 (d) biomass.

5 G. A person that holds title to a facility  
6 generating electricity from a qualified energy resource or a  
7 person that leases such a facility from a county or municipality  
8 pursuant to an industrial revenue bond may request certification  
9 of eligibility for the renewable energy production tax credit  
10 from the energy, minerals and natural resources department,  
11 which shall determine if the facility is a qualified energy  
12 generator. The energy, minerals and natural resources  
13 department may certify the eligibility of an energy generator  
14 only if the total amount of electricity that may be produced  
15 annually by all qualified energy generators that are certified  
16 pursuant to this section and pursuant to Section 7-2A-19 NMSA  
17 1978 will not exceed a total of two million megawatt-hours plus  
18 an additional five hundred thousand megawatt-hours produced by  
19 qualified energy generators using a solar-light-derived or  
20 solar-heat-derived qualified energy resource. Applications  
21 shall be considered in the order received. The energy, minerals  
22 and natural resources department may estimate the annual  
23 power-generating potential of a generating facility for the  
24 purposes of this section. The energy, minerals and natural  
25 resources department shall issue a certificate to the applicant

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1 stating whether the facility is an eligible qualified energy  
2 generator and the estimated annual production potential of the  
3 generating facility, which shall be the limit of that facility's  
4 energy production eligible for the tax credit for the taxable  
5 year. The energy, minerals and natural resources department may  
6 issue rules governing the procedure for administering the  
7 provisions of this subsection and shall report annually to the  
8 appropriate interim legislative committee information that will  
9 allow the legislative committee to analyze the effectiveness of  
10 the renewable energy production tax credit, including the  
11 identity of qualified energy generators, the energy production  
12 means used, the amount of energy produced by those qualified  
13 energy generators and whether any applications could not be  
14 approved due to program limits.

15 H. A taxpayer may be allocated all or a portion of  
16 the right to claim a renewable energy production tax credit  
17 without regard to proportional ownership interest if:

18 (1) the taxpayer owns an interest in a business  
19 entity that is taxed for federal income tax purposes as a  
20 partnership;

21 (2) the business entity:  
22 (a) would qualify for the renewable  
23 energy production tax credit pursuant to Paragraph (1) or (2) of  
24 Subsection B of this section;

25 (b) owns an interest in a business entity

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1 that is also taxed for federal income tax purposes as a  
2 partnership and that would qualify for the renewable energy  
3 production tax credit pursuant to Paragraph (1) or (2) of  
4 Subsection B of this section; or

5 (c) owns, through one or more  
6 intermediate business entities that are each taxed for federal  
7 income tax purposes as a partnership, an interest in the  
8 business entity described in Subparagraph (b) of this paragraph;

9 (3) the taxpayer and all other taxpayers  
10 allocated a right to claim the renewable energy production tax  
11 credit pursuant to this subsection own collectively at least a  
12 five percent interest in a qualified energy generator;

13 (4) the business entity provides notice of the  
14 allocation and the taxpayer's interest to the energy, minerals  
15 and natural resources department on forms prescribed by that  
16 department; and

17 (5) the energy, minerals and natural resources  
18 department certifies the allocation in writing to the taxpayer.

19 I. Upon receipt of notice of an allocation of the  
20 right to claim all or a portion of the renewable energy  
21 production tax credit, the energy, minerals and natural  
22 resources department shall promptly certify the allocation in  
23 writing to the recipient of the allocation.

24 J. A husband and wife who file separate returns for  
25 a taxable year in which they could have filed a joint return may

1 each claim only one-half of the credit that would have been  
2 allowed on a joint return.

3 K. Subject to the provisions of Subsection N of this  
4 section, a taxpayer may claim the renewable energy production  
5 tax credit by submitting to the taxation and revenue department  
6 the certificate issued by the energy, minerals and natural  
7 resources department, pursuant to Subsection G or H of this  
8 section, documentation showing the taxpayer's interest in the  
9 facility, documentation of the amount of electricity produced by  
10 the facility in the taxable year and any other information the  
11 taxation and revenue department may require to determine the  
12 amount of the tax credit due the taxpayer.

13 L. If the requirements of this section have been  
14 complied with, the department, subject to the provisions of  
15 Subsection N of this section, shall approve the renewable energy  
16 production tax credit. The credit may be deducted from a  
17 taxpayer's New Mexico income tax liability for the taxable year  
18 for which the credit is claimed. If the amount of tax credit  
19 exceeds the taxpayer's income tax liability for the taxable  
20 year:

21 (1) the excess may be carried forward for a  
22 period of five taxable years; or

23 (2) if the tax credit was issued with respect  
24 to a qualified energy generator that first produced electricity  
25 using a qualified energy resource on or after October 1, 2007,

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1 the excess shall be refunded to the taxpayer.

2 M. Once a taxpayer has been granted a renewable  
3 energy production tax credit for a given facility, that taxpayer  
4 shall be allowed to retain the facility's original date of  
5 application for tax credits for that facility until either the  
6 facility goes out of production for more than six consecutive  
7 months in a year or until the facility's ten-year eligibility  
8 has expired.

9 N. The aggregate dollar value of the renewable  
10 energy production tax credit approved by the department for all  
11 eligible taxpayers in a fiscal year, including any amounts  
12 refunded, but not including any amounts carried forward,  
13 pursuant to this section and Section 7-2A-19 NMSA 1978, shall  
14 not exceed five million dollars (\$5,000,000) pursuant to the  
15 following provisions:

16 (1) each fiscal year, eligible claims for the  
17 renewable energy production tax credit shall be approved in the  
18 order that they were received by the department until the latest  
19 claim, if approved, taking into account all previous claims and  
20 amounts refunded pursuant to this section and Section 7-2A-19  
21 NMSA 1978 for that fiscal year, would exceed the aggregate  
22 dollar value of five million dollars (\$5,000,000);

23 (2) at the time an approval of the latest  
24 renewable energy production tax credit claim would exceed the  
25 monetary limitation in this subsection, the department shall not

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1 approve but shall hold in abeyance the latest claim and  
2 subsequent claims for that credit until the next fiscal year, at  
3 which time they shall be approved in the order received before  
4 new renewable energy production tax credit claims are approved;

5 (3) claims for refunds pursuant to this section  
6 shall be applied to the monetary limitation in this subsection  
7 in the order received before any held or new claims for the  
8 renewable energy production tax credit are approved;

9 (4) to the extent that there are remaining  
10 balances of refunds pursuant to this section that would cause  
11 the credit to exceed the monetary limitation in this subsection,  
12 those balances may be claimed in subsequent fiscal years and  
13 shall be applied to the limitation in the order the claims were  
14 received before any held or new renewable energy production tax  
15 credit claims are approved; and

16 (5) the department shall develop, in  
17 conjunction with the energy, minerals and natural resources  
18 department, a method of notifying prospective applicants for the  
19 credit of the monetary limitation in this subsection and the  
20 status of any unused portion of the limitation during a fiscal  
21 year."

22 Section 2. Section 7-2A-19 NMSA 1978 (being Laws 2002,  
23 Chapter 59, Section 1, as amended) is amended to read:

24 "7-2A-19. RENEWABLE ENERGY PRODUCTION TAX CREDIT--  
25 LIMITATIONS--DEFINITIONS--CLAIMING THE CREDIT.--

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1           A. The tax credit provided in this section may be  
2 referred to as the "renewable energy production tax credit". The  
3 tax credit provided in this section may not be claimed with  
4 respect to the same electricity production for which the  
5 renewable energy production tax credit provided in the Income  
6 Tax Act has been claimed.

7           B. Subject to the provisions of Subsection M of this  
8 section, a person is eligible for the renewable energy  
9 production tax credit if the person:

10                   (1) holds title to a qualified energy generator  
11 that first produced electricity on or before January 1, 2018; or

12                   (2) leases property upon which a qualified  
13 energy generator operates from a county or municipality under  
14 authority of an industrial revenue bond and if the qualified  
15 energy generator first produced electricity on or before January  
16 1, 2018.

17           C. The amount of the tax credit shall equal one cent  
18 (\$.01) per kilowatt-hour of the first four hundred thousand  
19 megawatt-hours of electricity produced by the qualified energy  
20 generator in the taxable year using a wind- or biomass-derived  
21 qualified energy resource, provided that the total amount of tax  
22 credits claimed by all taxpayers for a single qualified energy  
23 generator in a taxable year using a wind- or biomass-derived  
24 qualified energy resource shall not exceed one cent (\$.01) per  
25 kilowatt-hour of the first four hundred thousand megawatt-hours  
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1 of electricity produced by the qualified energy generator.

2 D. The amount of the tax credit for electricity  
3 produced by a qualified energy generator in the taxable year  
4 using a solar-light-derived or solar-heat-derived qualified  
5 energy resource shall be at the amounts specified in Paragraphs  
6 (1) through (10) of this subsection; provided that the total  
7 amount of tax credits claimed for a taxable year by all  
8 taxpayers for a single qualified energy generator using a solar-  
9 light-derived or solar-heat-derived qualified energy resource  
10 shall be limited to the first two hundred thousand megawatt-  
11 hours of electricity produced by the qualified energy generator  
12 in the taxable year:

13 (1) one and one-half cents (\$.015) per  
14 kilowatt-hour in the first taxable year in which the qualified  
15 energy generator produces electricity using a solar-light-  
16 derived or solar-heat-derived qualified energy resource;

17 (2) two cents (\$.02) per kilowatt-hour in the  
18 second taxable year in which the qualified energy generator  
19 produces electricity using a solar-light-derived or solar-heat-  
20 derived qualified energy resource;

21 (3) two and one-half cents (\$.025) per  
22 kilowatt-hour in the third taxable year in which the qualified  
23 energy generator produces electricity using a solar-light-  
24 derived or solar-heat-derived qualified energy resource;

25 (4) three cents (\$.03) per kilowatt-hour in the

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1 fourth taxable year in which the qualified energy generator  
2 produces electricity using a solar-light-derived or solar-heat-  
3 derived qualified energy resource;

4 (5) three and one-half cents (\$.035) per  
5 kilowatt-hour in the fifth taxable year in which the qualified  
6 energy generator produces electricity using a solar-light-  
7 derived or solar-heat-derived qualified energy resource;

8 (6) four cents (\$.04) per kilowatt-hour in the  
9 sixth taxable year in which the qualified energy generator  
10 produces electricity using a solar-light-derived or solar-heat-  
11 derived qualified energy resource;

12 (7) three and one-half cents (\$.035) per  
13 kilowatt-hour in the seventh taxable year in which the qualified  
14 energy generator produces electricity using a solar-light-  
15 derived or solar-heat-derived qualified energy resource;

16 (8) three cents (\$.03) per kilowatt-hour in the  
17 eighth taxable year in which the qualified energy generator  
18 produces electricity using a solar-light-derived or solar-heat-  
19 derived qualified energy resource;

20 (9) two and one-half cents (\$.025) per  
21 kilowatt-hour in the ninth taxable year in which the qualified  
22 energy generator produces electricity using a solar-light-  
23 derived or solar-heat-derived qualified energy resource; and

24 (10) two cents (\$.02) per kilowatt-hour in the  
25 tenth taxable year in which the qualified energy generator

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1 produces electricity using a solar-light-derived or solar-heat-  
2 derived qualified energy resource.

3 E. Subject to the provisions of Subsection M of this  
4 section, a taxpayer eligible for a renewable energy production  
5 tax credit pursuant to Subsection B of this section shall be  
6 eligible for the renewable energy production tax credit for ten  
7 consecutive years, beginning on the date the qualified energy  
8 generator begins producing electricity.

9 F. As used in this section:

10 (1) "biomass" means organic material that is  
11 available on a renewable or recurring basis, including:

12 (a) forest-related materials, including  
13 mill residues, logging residues, forest thinnings, slash, brush,  
14 low-commercial value materials or undesirable species, salt  
15 cedar and other phreatophyte or woody vegetation removed from  
16 river basins or watersheds and woody material harvested for the  
17 purpose of forest fire fuel reduction or forest health and  
18 watershed improvement;

19 (b) agricultural-related materials,  
20 including orchard trees, vineyard, grain or crop residues,  
21 including straws and stover, aquatic plants and agricultural  
22 processed co-products and waste products, including fats, oils,  
23 greases, whey and lactose;

24 (c) animal waste, including manure and  
25 slaughterhouse and other processing waste;

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1 (d) solid woody waste materials,  
2 including landscape or right-of-way tree trimmings, rangeland  
3 maintenance residues, waste pallets, crates and manufacturing,  
4 construction and demolition wood wastes, excluding  
5 pressure-treated, chemically treated or painted wood wastes and  
6 wood contaminated with plastic;

7 (e) crops and trees planted for the  
8 purpose of being used to produce energy;

9 (f) landfill gas, wastewater treatment  
10 gas and biosolids, including organic waste byproducts generated  
11 during the wastewater treatment process; and

12 (g) segregated municipal solid waste,  
13 excluding tires and medical and hazardous waste;

14 (2) "qualified energy generator" means a  
15 facility with at least one megawatt generating capacity located  
16 in New Mexico that produces electricity using a qualified energy  
17 resource and that sells that electricity to an unrelated person;  
18 and

19 (3) "qualified energy resource" means a  
20 resource that generates electrical energy by means of a  
21 fluidized bed technology or similar low-emissions technology or  
22 a zero-emissions generation technology that has substantial  
23 long-term production potential and that uses only the following  
24 energy sources:

25 (a) solar light;

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- 1 (b) solar heat;
- 2 (c) wind; or
- 3 (d) biomass.

4 G. A person that holds title to a facility  
5 generating electricity from a qualified energy resource or a  
6 person that leases such a facility from a county or municipality  
7 pursuant to an industrial revenue bond may request certification  
8 of eligibility for the renewable energy production tax credit  
9 from the energy, minerals and natural resources department,  
10 which shall determine if the facility is a qualified energy  
11 generator. The energy, minerals and natural resources  
12 department may certify the eligibility of an energy generator  
13 only if the total amount of electricity that may be produced  
14 annually by all qualified energy generators that are certified  
15 pursuant to this section and pursuant to the Income Tax Act will  
16 not exceed a total of two million megawatt-hours plus an  
17 additional five hundred thousand megawatt-hours produced by  
18 qualified energy generators using a solar-light-derived or  
19 solar-heat-derived qualified energy resource. Applications  
20 shall be considered in the order received. The energy, minerals  
21 and natural resources department may estimate the annual  
22 power-generating potential of a generating facility for the  
23 purposes of this section. The energy, minerals and natural  
24 resources department shall issue a certificate to the applicant  
25 stating whether the facility is an eligible qualified energy

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1 generator and the estimated annual production potential of the  
2 generating facility, which shall be the limit of that facility's  
3 energy production eligible for the tax credit for the taxable  
4 year. The energy, minerals and natural resources department may  
5 issue rules governing the procedure for administering the  
6 provisions of this subsection and shall report annually to the  
7 appropriate interim legislative committee information that will  
8 allow the legislative committee to analyze the effectiveness of  
9 the renewable energy production tax credit, including the  
10 identity of qualified energy generators, the energy production  
11 means used, the amount of energy produced by those qualified  
12 energy generators and whether any applications could not be  
13 approved due to program limits.

14 H. A taxpayer may be allocated all or a portion of  
15 the right to claim a renewable energy production tax credit  
16 without regard to proportional ownership interest if:

17 (1) the taxpayer owns an interest in a business  
18 entity that is taxed for federal income tax purposes as a  
19 partnership;

20 (2) the business entity:

21 (a) would qualify for the renewable  
22 energy production tax credit pursuant to Paragraph (1) or (2) of  
23 Subsection B of this section;

24 (b) owns an interest in a business entity  
25 that is also taxed for federal income tax purposes as a

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1 partnership and that would qualify for the renewable energy  
2 production tax credit pursuant to Paragraph (1) or (2) of  
3 Subsection B of this section; or

4 (c) owns, through one or more  
5 intermediate business entities that are each taxed for federal  
6 income tax purposes as a partnership, an interest in the  
7 business entity described in Subparagraph (b) of this paragraph;

8 (3) the taxpayer and all other taxpayers  
9 allocated a right to claim the renewable energy production tax  
10 credit pursuant to this subsection own collectively at least a  
11 five percent interest in a qualified energy generator;

12 (4) the business entity provides notice of the  
13 allocation and the taxpayer's interest to the energy, minerals  
14 and natural resources department on forms prescribed by that  
15 department; and

16 (5) the energy, minerals and natural resources  
17 department certifies the allocation in writing to the taxpayer.

18 I. Upon receipt of notice of an allocation of the  
19 right to claim all or a portion of the renewable energy  
20 production tax credit, the energy, minerals and natural  
21 resources department shall promptly certify the allocation in  
22 writing to the recipient of the allocation.

23 J. Subject to the provisions of Subsection M of this  
24 section, a taxpayer may claim the renewable energy production  
25 tax credit by submitting to the taxation and revenue department

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1 the certificate issued by the energy, minerals and natural  
2 resources department, pursuant to Subsection G or H of this  
3 section, documentation showing the taxpayer's interest in the  
4 facility, documentation of the amount of electricity produced by  
5 the facility in the taxable year and any other information the  
6 taxation and revenue department may require to determine the  
7 amount of the tax credit due the taxpayer.

8 K. If the requirements of this section have been  
9 complied with, the department, subject to the provisions of  
10 Subsection M of this section, shall approve the renewable energy  
11 production tax credit. The credit may be deducted from a  
12 taxpayer's New Mexico corporate income tax liability for the  
13 taxable year for which the credit is claimed. If the amount of  
14 tax credit exceeds the taxpayer's corporate income tax liability  
15 for the taxable year:

16 (1) the excess may be carried forward for a  
17 period of five taxable years; or

18 (2) if the tax credit was issued with respect  
19 to a qualified energy generator that first produced electricity  
20 using a qualified energy resource on or after October 1, 2007,  
21 the excess shall be refunded to the taxpayer.

22 L. Once a taxpayer has been granted a renewable  
23 energy production tax credit for a given facility, that taxpayer  
24 shall be allowed to retain the facility's original date of  
25 application for tax credits for that facility until either the

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1 facility goes out of production for more than six consecutive  
2 months in a year or until the facility's ten-year eligibility  
3 has expired.

4 M. The aggregate dollar value of the renewable  
5 energy production tax credit approved by the department for all  
6 eligible taxpayers in a fiscal year, including any amounts  
7 refunded, but not including any amounts carried forward,  
8 pursuant to this section and Section 7-2-18.18 NMSA 1978, shall  
9 not exceed five million dollars (\$5,000,000) pursuant to the  
10 following provisions:

11 (1) each fiscal year, eligible claims for the  
12 renewable energy production tax credit shall be approved in the  
13 order that they were received by the department until the latest  
14 claim, if approved, taking into account all previous claims and  
15 amounts refunded pursuant to this section and Section 7-2-18.18  
16 NMSA 1978 for that fiscal year, would exceed the aggregate  
17 dollar value of five million dollars (\$5,000,000);

18 (2) at the time an approval of the latest  
19 renewable energy production tax credit claim would exceed the  
20 monetary limitation in this subsection, the department shall not  
21 approve but shall hold in abeyance the latest claim and  
22 subsequent claims for that credit until the next fiscal year, at  
23 which time they shall be approved in the order received before  
24 new renewable energy production tax credit claims are approved;

25 (3) claims for refunds pursuant to this section

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1 shall be applied to the monetary limitation in this subsection  
2 in the order received before any held or new claims for the  
3 renewable energy production tax credit are approved;

4 (4) to the extent that there are remaining  
5 balances of refunds pursuant to this section that would cause  
6 the credit to exceed the monetary limitation in this subsection,  
7 those balances may be claimed in subsequent fiscal years and  
8 shall be applied to the limitation in the order the claims were  
9 received before any held or new claims are approved; and

10 (5) the department shall develop, in  
11 conjunction with the energy, minerals and natural resources  
12 department, a method of notifying prospective applicants for the  
13 credit of the monetary limitation in this subsection and the  
14 status of any unused portion of the limitation during a fiscal  
15 year."

16 Section 3. Section 7-2F-1 NMSA 1978 (being Laws 2002,  
17 Chapter 36, Section 1, as amended) is amended to read:

18 "7-2F-1. FILM PRODUCTION TAX CREDIT.--

19 A. The tax credit created by this section may be  
20 referred to as the "film production tax credit". An eligible  
21 film production company may apply for, and the taxation and  
22 revenue department may allow, subject to the provisions of  
23 Subsection K of this section, a tax credit in an amount equal to  
24 the percentage specified in Subsection B of this section of:

25 (1) direct production expenditures made in New

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1 Mexico that:

2 (a) are directly attributable to the  
3 production in New Mexico of a film or commercial audiovisual  
4 product;

5 (b) are subject to taxation by the state  
6 of New Mexico; and

7 (c) exclude direct production  
8 expenditures for which another taxpayer claims the film  
9 production tax credit; and

10 (2) postproduction expenditures made in New  
11 Mexico that:

12 (a) are directly attributable to the  
13 production of a commercial film or audiovisual product;

14 (b) are for services performed in New  
15 Mexico;

16 (c) are subject to taxation by the state  
17 of New Mexico; and

18 (d) exclude postproduction expenditures  
19 for which another taxpayer claims the film production tax  
20 credit.

21 B. Except as provided in Subsections C and J of this  
22 section, the percentage to be applied in calculating the amount  
23 of the film production tax credit is twenty-five percent.

24 C. With respect to expenditures attributable to a  
25 production for which the film production company receives a tax  
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1 credit pursuant to the federal new markets tax credit program,  
2 the percentage to be applied in calculating the film production  
3 tax credit is twenty percent.

4 D. The film production tax credit shall not be  
5 claimed with respect to direct production expenditures or  
6 postproduction expenditures for which the film production  
7 company has delivered a nontaxable transaction certificate  
8 pursuant to Section 7-9-86 NMSA 1978.

9 E. A long-form narrative film production for which  
10 the film production tax credit is claimed pursuant to Paragraph  
11 (1) of Subsection A of this section shall contain an  
12 acknowledgment that the production was filmed in New Mexico.

13 F. To be eligible for the film production tax  
14 credit, a film production company shall submit to the New Mexico  
15 film division of the economic development department information  
16 required by the division to demonstrate conformity with the  
17 requirements of this section and shall agree in writing:

18 (1) to pay all obligations the film production  
19 company has incurred in New Mexico;

20 (2) to publish, at completion of principal  
21 photography, a notice at least once a week for three consecutive  
22 weeks in local newspapers in regions where filming has taken  
23 place to notify the public of the need to file creditor claims  
24 against the film production company by a specified date;

25 (3) that outstanding obligations are not waived

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1 should a creditor fail to file by the specified date; and

2 (4) to delay filing of a claim for the film  
3 production tax credit until the New Mexico film division  
4 delivers written notification to the taxation and revenue  
5 department that the film production company has fulfilled all  
6 requirements for the credit.

7 G. The New Mexico film division shall determine the  
8 eligibility of the company and shall report this information to  
9 the taxation and revenue department in a manner and at times the  
10 economic development department and the taxation and revenue  
11 department shall agree upon.

12 H. To receive a film production tax credit, a film  
13 production company shall apply to the taxation and revenue  
14 department on forms and in the manner the department may  
15 prescribe. The application shall include a certification of the  
16 amount of direct production expenditures or postproduction  
17 expenditures made in New Mexico with respect to the film  
18 production for which the film production company is seeking the  
19 film production tax credit. If the requirements of this section  
20 have been complied with, the taxation and revenue department,  
21 subject to the provisions of Subsection K of this section, shall  
22 approve the film production tax credit and issue a document  
23 granting the tax credit.

24 I. The film production company may apply all or a  
25 portion of the film production tax credit granted against

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1 personal income tax liability or corporate income tax liability.  
2 If the amount of the film production tax credit claimed exceeds  
3 the film production company's tax liability for the taxable year  
4 in which the credit is being claimed, the excess shall be  
5 refunded.

6 J. As applied to direct production expenditures for  
7 the services of performing artists, the film production tax  
8 credit authorized by this section shall not exceed five million  
9 dollars (\$5,000,000) for services rendered by all performing  
10 artists in a production for which the film production tax credit  
11 is claimed.

12 K. The aggregate amount of the film production tax  
13 credit approved for all eligible film production companies in  
14 any fiscal year, including any amounts refunded pursuant to  
15 Subsection I of this section, shall not exceed fifty million  
16 dollars (\$50,000,000) pursuant to the following provisions:

17 (1) each fiscal year, eligible film production  
18 companies shall be approved to receive the tax credit by the  
19 department in the order in which the department received the  
20 companies' applications for the credit until the latest  
21 application, if approved, taking into account all previous  
22 applications and amounts refunded pursuant to Subsection I of  
23 this section for that fiscal year, would exceed fifty million  
24 dollars (\$50,000,000);

25 (2) at the time the credit would exceed the

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1 monetary limitation in this subsection, the department shall not  
2 approve but shall hold in abeyance the latest application and  
3 subsequent applications until the next fiscal year, at which  
4 time they shall be approved in the order received before new  
5 applications are approved;

6 (3) claims for refunds pursuant to Subsection I  
7 of this section shall be applied to the monetary limitation in  
8 this subsection in the order received before any held or new  
9 applications for the credit are approved;

10 (4) to the extent that there are remaining  
11 balances of refunds that exceed the monetary limitation in this  
12 subsection, those balances may be claimed in subsequent fiscal  
13 years and shall be applied to the limitation in the order the  
14 claims were received before any held or new applications are  
15 approved; and

16 (5) the department shall develop in conjunction  
17 with the New Mexico film division a method of notifying  
18 prospective applicants for the credit of the monetary limitation  
19 in this subsection and the status of any unused portion of the  
20 limitation during a fiscal year."

21 Section 4. Section 7-9-96.1 NMSA 1978 (being Laws 2007,  
22 Chapter 361, Section 7) is amended to read:

23 "7-9-96.1. CREDIT--GROSS RECEIPTS TAX--RECEIPTS OF CERTAIN  
24 HOSPITALS.--

25 A. A hospital licensed by the department of health

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1 may claim a credit for each reporting period against the gross  
2 receipts tax due for that reporting period as follows:

3 (1) for a hospital located in a municipality:

4 (a) on or after July 1, 2007 but before  
5 July 1, 2008, in an amount equal to seven hundred fifty-five  
6 thousandths percent of the hospital's taxable gross receipts for  
7 that reporting period after all applicable deductions have been  
8 taken;

9 (b) on or after July 1, 2008 but before  
10 July 1, 2009, in an amount equal to one and fifty-one hundredths  
11 percent of the hospital's taxable gross receipts for that  
12 reporting period after all applicable deductions have been  
13 taken;

14 (c) on or after July 1, 2009 but before  
15 July 1, [~~2010~~] 2013, in an amount equal to two and two hundred  
16 sixty-five thousandths percent of the hospital's taxable gross  
17 receipts for that reporting period after all applicable  
18 deductions have been taken;

19 (d) on or after July 1, [~~2010~~] 2013 but  
20 before July 1, [~~2011~~] 2014, in an amount equal to three and two  
21 hundredths percent of the hospital's taxable gross receipts for  
22 that reporting period after all applicable deductions have been  
23 taken; and

24 (e) on or after July 1, [~~2011~~] 2014, in  
25 an amount equal to three and seven hundred seventy-five

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1 thousandths percent of the hospital's taxable gross receipts for  
2 that reporting period after all applicable deductions have been  
3 taken; and

4 (2) for a hospital located in the  
5 unincorporated area of a county:

6 (a) on or after July 1, 2007 but before  
7 July 1, 2008, in an amount equal to one percent of the  
8 hospital's taxable gross receipts for that reporting period  
9 after all applicable deductions have been taken;

10 (b) on or after July 1, 2008 but before  
11 July 1, 2009, in an amount equal to two percent of the  
12 hospital's taxable gross receipts for that reporting period  
13 after all applicable deductions have been taken;

14 (c) on or after July 1, 2009 but before  
15 July 1, [~~2010~~] 2013, in an amount equal to three percent of the  
16 hospital's taxable gross receipts for that reporting period  
17 after all applicable deductions have been taken;

18 (d) on or after July 1, [~~2010~~] 2013 but  
19 before July 1, [~~2011~~] 2014, in an amount equal to four percent  
20 of the hospital's taxable gross receipts for that reporting  
21 period after all applicable deductions have been taken; and

22 (e) on or after July 1, [~~2011~~] 2014, in  
23 an amount equal to five percent of the hospital's taxable gross  
24 receipts for that reporting period after all applicable  
25 deductions have been taken.

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1           B. For the purposes of this section, "hospital"  
2 means a facility providing emergency or urgent care, inpatient  
3 medical care and nursing care for acute illness, injury, surgery  
4 or obstetrics and includes a facility licensed by the department  
5 of health as a critical access hospital, general hospital, long-  
6 term acute care hospital, psychiatric hospital, rehabilitation  
7 hospital, limited services hospital and special hospital."

8           Section 5. A new section of the Investment Credit Act is  
9 enacted to read:

10           "[NEW MATERIAL] FISCAL YEAR LIMITATION.--Notwithstanding  
11 any other provision of the Investment Credit Act, the aggregate  
12 amount of investment credit that may be approved by the  
13 department for all applicants in a fiscal year, including any  
14 amounts refunded, but not including any amounts carried forward,  
15 pursuant to Section 7-9A-8 NMSA 1978, shall not exceed seven  
16 million dollars (\$7,000,000) pursuant to the following  
17 provisions:

18           A. each fiscal year, eligible applications for the  
19 credit shall be approved in the order in which they were  
20 received by the department until the latest application, if  
21 approved, taking into consideration all previous claims and  
22 amounts refunded pursuant to Section 7-9A-8 NMSA 1978, would  
23 exceed seven million dollars (\$7,000,000) in that fiscal year;

24           B. at the time the credit would exceed the monetary  
25 limitation in this section, the department shall not approve but

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1 shall hold in abeyance the latest application and subsequent  
2 applications until the next fiscal year, at which time they  
3 shall be approved in the order received before new applications  
4 are approved;

5 C. claims for refunds pursuant to Section 7-9A-8  
6 NMSA 1978 shall be applied to the monetary limitation in this  
7 section in the order received before any new applications for  
8 investment credit are approved;

9 D. to the extent that there are remaining balances  
10 of refunds that exceed the monetary limitation in this section,  
11 those balances may be claimed in subsequent fiscal years and  
12 shall be applied to the limitation in the order the claims were  
13 received before any held or new claims are approved; and

14 E. the department shall develop a method of  
15 notifying prospective applicants for the credit of the monetary  
16 limitation in this subsection and the status of any unused  
17 portion of the limitation during a fiscal year."

18 Section 6. Section 7-9E-8 NMSA 1978 (being Laws 2000 (2nd  
19 S.S.), Chapter 20, Section 8, as amended) is amended to read:

20 "7-9E-8. CLAIMING THE TAX CREDIT--LIMITATION.--

21 A. A national laboratory eligible for the tax credit  
22 pursuant to the Laboratory Partnership with Small Business Tax  
23 Credit Act may claim the amount of each tax credit by crediting  
24 that amount against gross receipts taxes otherwise due pursuant  
25 to the Gross Receipts and Compensating Tax Act. The tax credit

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1 shall be taken on each monthly gross receipts tax return filed  
2 by the laboratory against gross receipts taxes due the state and  
3 shall not impact any local government tax distribution. In no  
4 event shall the tax credits taken by an individual national  
5 laboratory exceed [~~two million four hundred thousand dollars~~  
6 ~~(\$2,400,000)~~] one million two hundred thousand dollars  
7 (\$1,200,000) in a given calendar year.

8 B. Tax credits claimed pursuant to the Laboratory  
9 Partnership with Small Business Tax Credit Act by all national  
10 laboratories in the aggregate for qualified expenditures for a  
11 specific small business not located in a rural area shall not  
12 exceed ten thousand dollars (\$10,000).

13 C. Tax credits claimed pursuant to the Laboratory  
14 Partnership with Small Business Tax Credit Act by all national  
15 laboratories in the aggregate for qualified expenditures for a  
16 specific small business located in a rural area shall not exceed  
17 twenty thousand dollars (\$20,000)."

18 Section 7. Section 7-9F-1 NMSA 1978 (being Laws 2000 (2nd  
19 S.S.), Chapter 22, Section 1) is amended to read:

20 "7-9F-1. SHORT TITLE.--~~[This act]~~ Chapter 7, Article 9F  
21 NMSA 1978 may be cited as the "Technology Jobs Tax Credit Act"."

22 Section 8. A new section of the Technology Jobs Tax Credit  
23 Act is enacted to read:

24 "[NEW MATERIAL] FISCAL YEAR LIMITATION.--Notwithstanding  
25 any other provision of the Technology Jobs Tax Credit Act, the

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1 aggregate amount of investment credit that may be approved by  
2 the department for all applicants in a fiscal year, not  
3 including any amounts carried forward pursuant to Section 7-9F-9  
4 NMSA 1978, shall not exceed five million dollars (\$5,000,000)  
5 pursuant to the following provisions:

6 A. each fiscal year, eligible applications for the  
7 credit shall be approved in the order in which they were  
8 received by the department until the latest application, if  
9 approved, taking into consideration all previous applications,  
10 would exceed five million dollars (\$5,000,000) in that fiscal  
11 year;

12 B. at the time the credit would exceed the monetary  
13 limitation in this section, the department shall not approve but  
14 shall hold in abeyance the latest application and subsequent  
15 applications until the next fiscal year, at which time they  
16 shall be approved in the order received before new applications  
17 are approved; and

18 C. the department shall develop a method of  
19 notifying prospective applicants for the credit of the monetary  
20 limitation in this section and the status of any unused portion  
21 of the limitation during a fiscal year."

22 Section 9. Section 7-9G-1 NMSA 1978 (being Laws 2004,  
23 Chapter 15, Section 1, as amended) is amended to read:

24 "7-9G-1. HIGH-WAGE JOBS TAX CREDIT--QUALIFYING HIGH-WAGE  
25 JOBS.--

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1           A. Subject to the provisions of Subsection I of this  
2 section, a taxpayer who is an eligible employer may apply for,  
3 and the taxation and revenue department may allow, a tax credit  
4 for each new high-wage economic-based job. The credit provided  
5 in this section may be referred to as the "high-wage jobs tax  
6 credit".

7           B. The high-wage jobs tax credit may be claimed and  
8 allowed in an amount equal to ten percent of the wages and  
9 benefits distributed to an eligible employee in a new high-wage  
10 economic-based job, but shall not exceed twelve thousand dollars  
11 (\$12,000).

12           C. The high-wage jobs tax credit may be claimed by  
13 an eligible employer for each new high-wage economic-based job  
14 performed for the year in which the new high-wage economic-based  
15 job is created and for the three following qualifying periods.

16           D. A new high-wage economic-based job shall not be  
17 eligible for a credit pursuant to this section unless the  
18 eligible employer's total number of employees with new high-wage  
19 economic-based jobs on the last day of the qualifying period at  
20 the location at which the job is performed or based is at least  
21 one more than the number on the day prior to the date the job  
22 was created.

23           E. With respect to each new high-wage economic-based  
24 job for which an eligible employer seeks the high-wage jobs tax  
25 credit, the employer shall certify:

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1 (1) the amount of wages paid to each eligible  
2 employee in a new high-wage economic-based job during each  
3 qualifying period;

4 (2) the number of weeks the position was  
5 occupied during the qualifying period;

6 (3) whether the new high-wage economic-based  
7 job was in a municipality with a population of forty thousand or  
8 more or with a population of less than forty thousand according  
9 to the most recent federal decennial census and whether the job  
10 was in the unincorporated area of a county; and

11 (4) the total number of employees employed by  
12 the employer at the job location on the day prior to the  
13 qualifying period and on the last day of the qualifying period.

14 F. To receive a high-wage jobs tax credit with  
15 respect to any qualifying period, an eligible employer shall  
16 apply to the taxation and revenue department on forms and in the  
17 manner prescribed by the department. The application shall  
18 include a certification made pursuant to Subsection E of this  
19 section.

20 G. The credit provided in this section may be  
21 deducted from the modified combined tax liability of a taxpayer.  
22 If the credit exceeds the modified combined tax liability of the  
23 taxpayer, the excess shall be refunded to the taxpayer.

24 H. The economic development department shall report  
25 to the appropriate interim legislative committee before November

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1 of each year the cost of this tax credit to the state and its  
2 impact on company recruitment and job creation.

3 I. The aggregate amount of the high-wage jobs tax  
4 credit approved for all eligible taxpayers in a fiscal year,  
5 including any amounts refunded pursuant to Subsection G of this  
6 section, shall not exceed ten million dollars (\$10,000,000)  
7 pursuant to the following provisions:

8 (1) each fiscal year, eligible applications for  
9 the tax credit shall be approved in the order that they were  
10 received by the department until the latest application, if  
11 approved, taking into account all previous applications and  
12 amounts refunded pursuant to Subsection G of this section for  
13 that fiscal year, would exceed ten million dollars  
14 (\$10,000,000);

15 (2) at the time the credit would exceed the  
16 monetary limitation in this subsection, the department shall not  
17 approve but shall hold in abeyance the latest application and  
18 subsequent applications until the next fiscal year, at which  
19 time they shall be approved in the order received before new  
20 applications are approved;

21 (3) claims for refunds pursuant to Subsection G  
22 of this section shall be applied to the monetary limitation in  
23 this subsection in the order received before any held or new  
24 applications for the credit are approved;

25 (4) to the extent that there are remaining

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1 balances of refunds that exceed the monetary limitation in this  
2 subsection, those balances may be claimed in subsequent fiscal  
3 years and shall be applied to the limitation in the order the  
4 claims were received before any held or new applications are  
5 approved; and

6 (5) the department shall develop in conjunction  
7 with the economic development department a method of notifying  
8 prospective applicants for the credit of the monetary limitation  
9 in this subsection and the status of any unused portion of the  
10 limitation during a fiscal year.

11 [~~F.~~] J. As used in this section:

12 (1) "benefits" means any employee benefit plan  
13 as defined in Title 1, Section 3 of the federal Employee  
14 Retirement Income Security Act of 1974, 29 U.S.C. 1002;

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

18 (a) bears any of the relationships  
19 described in Paragraphs (1) through (8) of 26 U.S.C. Section  
20 152(a) to the employer or, if the employer is a corporation, to  
21 an individual who owns, directly or indirectly, more than fifty  
22 percent in value of the outstanding stock of the corporation or,  
23 if the employer is an entity other than a corporation, to an  
24 individual who owns, directly or indirectly, more than fifty  
25 percent of the capital and profits interest in the entity;

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1 (b) if the employer is an estate or  
2 trust, is a grantor, beneficiary or fiduciary of the estate or  
3 trust or is an individual who bears any of the relationships  
4 described in Paragraphs (1) through (8) of 26 U.S.C. Section  
5 152(a) to a grantor, beneficiary or fiduciary of the estate or  
6 trust;

7 (c) is a dependent, as that term is  
8 described in 26 U.S.C. Section 152(a)(9), of the employer or, if  
9 the taxpayer is a corporation, of an individual who owns,  
10 directly or indirectly, more than fifty percent in value of the  
11 outstanding stock of the corporation or, if the employer is an  
12 entity other than a corporation, of an individual who owns,  
13 directly or indirectly, more than fifty percent of the capital  
14 and profits interest in the entity or, if the employer is an  
15 estate or trust, of a grantor, beneficiary or fiduciary of the  
16 estate or trust; or

17 (d) is working or has worked as an  
18 employee or as an independent contractor for an entity that  
19 directly or indirectly owns stock in a corporation of the  
20 eligible employer or other interest of the eligible employer  
21 that represents fifty percent or more of the total voting power  
22 of that entity or has a value equal to fifty percent or more of  
23 the capital and profits interest in the entity;

24 (3) "eligible employer" means an employer that:

25 (a) made more than fifty percent of its

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1 sales to persons outside New Mexico during the most recent  
2 twelve months of the employer's modified combined tax liability  
3 reporting periods ending prior to claiming a high-wage jobs tax  
4 credit; or

5 (b) is eligible for development training  
6 program assistance pursuant to Section 21-19-7 NMSA 1978;

7 (4) "modified combined tax liability" means the  
8 total liability for the reporting period for the gross receipts  
9 tax imposed by Section 7-9-4 NMSA 1978 together with any tax  
10 collected at the same time and in the same manner as the gross  
11 receipts tax, such as the compensating tax, the withholding tax,  
12 the interstate telecommunications gross receipts tax, the  
13 surcharges imposed by Section 63-9D-5 NMSA 1978 and the  
14 surcharge imposed by Section 63-9F-11 NMSA 1978, minus the  
15 amount of any credit other than the high-wage jobs tax credit  
16 applied against any or all of these taxes or surcharges; but  
17 "modified combined tax liability" excludes all amounts collected  
18 with respect to local option gross receipts taxes;

19 (5) "new high-wage economic-based job" means a  
20 job created by an eligible employer on or after July 1, 2004 and  
21 prior to July 1, 2015 that is occupied for at least forty-eight  
22 weeks of a qualifying period by an eligible employee who is paid  
23 wages calculated for the qualifying period to be at least:

24 (a) forty thousand dollars (\$40,000) if  
25 the job is performed or based in a municipality with a

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1 population of forty thousand or more according to the most  
2 recent federal decennial census; and

3 (b) twenty-eight thousand dollars  
4 (\$28,000) if the job is performed or based in a municipality with  
5 a population of less than forty thousand according to the most  
6 recent federal decennial census or in the unincorporated area of  
7 a county;

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

13 (7) "wages" means wages as defined in  
14 Paragraphs (1), (2) and (3) of 26 U.S.C. Section 51(c)."

15 Section 10. REPEAL.--

16 A. Sections 7-2-18.17 and 7-9-95 NMSA 1978 (being  
17 Laws 2007, Chapter 172, Section 1 and Laws 2005, Chapter 104,  
18 Section 25) are repealed.

19 B. Laws 2007, Chapter 172, Sections 23 and 24 are  
20 repealed.

21 Section 11. EFFECTIVE DATE.--The effective date of the  
22 provisions of this act is July 1, 2010.