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AN ACT
RELATING TO HOUSEHOLD RELIEF; CREATING SUPPLEMENTAL 2021
INCOME TAX REBATES; PROVIDING RELIEF PAYMENTS TO STATE
RESIDENTS NOT ELIGIBLE FOR THE REBATES; AUTHORIZING A
TRANSFER FROM THE TAX STABILIZATION RESERVE IF REVENUES AND
TRANSFERS ARE NOT SUFFICIENT TO MEET APPROPRIATIONS DUE TO
THE COST OF THE REBATES AND RELIEF PAYMENTS; MAKING
APPROPRIATIONS; DECLARING AN EMERGENCY.

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

SECTION 1. A new section of the Income Tax Act is
enacted to read:

"SUPPLEMENTAL 2021 INCOME TAX REBATES.--

A. A resident who files an individual New Mexico
income tax return for taxable year 2021 by May 31, 2023 and
who is not a dependent of another individual is eligible for
two tax rebates pursuant to this section; provided that the
resident did not receive a relief payment pursuant to Section
2 of this 2022 act.

B. For a resident who files an income tax return
by May 31, 2022:

(1) the first tax rebate shall be made as
soon as possible, but no later than June 30, 2022, in the
following amounts:

(a) five hundred dollars (\$500) for

1 heads of household, surviving spouses and married individuals
2 filing joint returns; and

3 (b) two hundred fifty dollars (\$250)
4 for single individuals and married individuals filing
5 separate returns; and

6 (2) the second tax rebate shall be made
7 between August 1 and August 30, 2022 in the following
8 amounts:

9 (a) five hundred dollars (\$500) for
10 heads of household, surviving spouses and married individuals
11 filing joint returns; and

12 (b) two hundred fifty dollars (\$250)
13 for single individuals and married individuals filing
14 separate returns.

15 C. For a resident who files an income tax return
16 for taxable year 2021 after May 31, 2022, rebates shall be
17 made in the amounts and as provided in Subsection B of this
18 section as soon as possible after the return is received;
19 provided that a rebate shall not be allowed for a return
20 filed after May 31, 2023.

21 D. The rebates provided by this section may be
22 deducted from the taxpayer's New Mexico income tax liability
23 for taxable year 2021. If the amount of rebate exceeds the
24 taxpayer's income tax liability, the excess shall be refunded
25 to the taxpayer.

1 E. The department may require a taxpayer to claim
2 a rebate provided by this section on forms and in a manner
3 required by the department."

4 **SECTION 2. TEMPORARY PROVISION--RELIEF PAYMENT.--**

5 A. The human services department shall provide a
6 relief payment to state residents on a first-come, first-
7 served basis pursuant to this section until the appropriation
8 pursuant to Subsection A of Section 4 of this act is
9 exhausted; provided that the state residents:

10 (1) are not eligible for a tax rebate
11 provided by Section 1 of this act;

12 (2) are not dependents, as that term is used
13 in the Income Tax Act, of a recipient of a rebate provided by
14 Section 1 of this act;

15 (3) were at least eighteen years of age
16 during any part of 2021; and

17 (4) file an application with the department
18 by May 31, 2023.

19 B. For a resident who applies to the department by
20 May 31, 2022, the relief payment shall be made as soon as
21 possible, but no later than July 31, 2022, in the following
22 amounts:

23 (1) one thousand dollars (\$1,000) for
24 households of married couples or single individuals with one
25 or more dependents; and

1 (2) five hundred dollars (\$500) for
2 households of single individuals without dependents.

3 C. For a resident who files an application after
4 May 31, 2022, the relief payment shall be made in the amounts
5 and as provided in Subsection B of this section as soon as
6 possible after the application is received; provided that a
7 relief payment shall not be allowed for an application
8 received after May 31, 2023.

9 D. The department shall require a resident to
10 apply for the relief provided by this section on forms and in
11 a manner required by the department. The application shall
12 include documentation of the resident's social security
13 number or individual taxpayer identification number.

14 **SECTION 3. TEMPORARY PROVISION--TRANSFER FROM TAX**
15 **STABILIZATION RESERVE.--**If revenues and transfers to the
16 general fund are not sufficient to meet appropriations at the
17 end of fiscal year 2022 due to the cost of the rebates and
18 relief payments provided by this act, the governor, with
19 state board of finance approval, may transfer to the
20 appropriation account of the general fund the amount
21 necessary to meet that fiscal year's obligations from the tax
22 stabilization reserve pursuant to Section 6-4-2.2 NMSA 1978;
23 provided that the total amount transferred pursuant to this
24 section shall not exceed two hundred million dollars
25 (\$200,000,000).

1 SECTION 4. APPROPRIATIONS.--

2 A. Twenty million dollars (\$20,000,000) is
3 appropriated from the general fund to the human services
4 department for expenditure in fiscal years 2022 and 2023 to
5 provide the relief payments pursuant to Section 2 of this
6 act. Any unexpended or unencumbered balance remaining at the
7 end of fiscal year 2023 shall revert to the general fund.

8 B. Ten thousand dollars (\$10,000) is appropriated
9 from the general fund to the human services department for
10 expenditure in fiscal years 2022 and 2023 for reasonable
11 technology and administrative costs necessary to implement
12 the provisions of Section 2 of this act. Any unexpended or
13 unencumbered balance remaining at the end of fiscal year 2023
14 shall revert to the general fund.

15 C. Six hundred thousand dollars (\$600,000) is
16 appropriated from the general fund to the taxation and
17 revenue department for expenditure in fiscal years 2022 and
18 2023 for reasonable technology and administrative costs
19 necessary to implement the provisions of Section 1 of this
20 act and to assist the human services department with
21 implementation of the provisions of Section 2 of this act.
22 Any unexpended or unencumbered balance remaining at the end
23 of fiscal year 2023 shall revert to the general fund.

24 D. One hundred seventy-five thousand dollars
25 (\$175,000) is appropriated from the general fund to the

1 department of finance and administration for expenditure in
2 fiscal years 2022 and 2023 for fiscal agent fees and
3 administrative expenses necessary to implement the provisions
4 of this act. Any unexpended or unencumbered balance
5 remaining at the end of fiscal year 2023 shall revert to the
6 general fund.

7 SECTION 5. EMERGENCY.--It is necessary for the public
8 peace, health and safety that this act take effect
9 immediately. _____

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