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HOUSE BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO LOW-INCOME HOME ENERGY ASSISTANCE; PROVIDING FOR
DISTRIBUTIONS FROM THE EXTRACTION TAXES SUSPENSE FUND FOR LOW-
INCOME HOME ENERGY ASSISTANCE AND WEATHERIZATION IF NET
RECEIPTS FROM THE OIL AND GAS EMERGENCY SCHOOL TAX EXCEED
CERTAIN AMOUNTS; CREATING A FUND; MAKING AN APPROPRIATION.

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

SECTION 1. Section 7-1-6.20 NMSA 1978 (being Laws 1985,
Chapter 65, Section 6, as amended) is amended to read:

"7-1-6.20. IDENTIFICATION OF MONEY IN EXTRACTION TAXES
SUSPENSE FUND--DISTRIBUTION.--

A. Except as provided in Subsection B of this
section, after the necessary disbursements have been made from
the extraction taxes suspense fund, the money remaining in the
suspense fund as of the last day of the month shall be

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1 identified by tax source and distributed or transferred in
2 accordance with the provisions of Sections 7-1-6.21 through
3 7-1-6.23 and 7-1-6.61 NMSA 1978. After the necessary
4 distributions and transfers, any balance, except for
5 remittances unidentified as to source or disposition, shall be
6 transferred to the general fund.

7 B. Payments on assessments issued by the department
8 pursuant to the Oil and Gas Conservation Tax Act, the Oil and
9 Gas Emergency School Tax Act, the Oil and Gas Ad Valorem
10 Production Tax Act and the Oil and Gas Severance Tax Act shall
11 be held in the extraction taxes suspense fund until the
12 secretary determines that there is no substantial risk of
13 protest or other litigation, whereupon after the necessary
14 disbursements have been made from the extraction taxes suspense
15 fund, the money remaining in the suspense fund as of the last
16 day of the month attributed to these payments shall be
17 identified by tax source and distributed or transferred in
18 accordance with the provisions of Sections 7-1-6.21 through
19 7-1-6.23 and 7-1-6.61 NMSA 1978. After the necessary
20 distributions and transfers, any balance, except for remittance
21 unidentified as to source or disposition, shall be transferred
22 to the general fund."

23 SECTION 2. A new section of the Tax Administration Act,
24 Section 7-1-6.61 NMSA 1978, is enacted to read:

25 "7-1-6.61. [NEW MATERIAL] DISTRIBUTION TO LOW-INCOME HOME

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1 ENERGY ASSISTANCE FUND.--

2 A. A distribution pursuant to Section 7-1-6.20 NMSA
3 1978 shall be made to the low-income home energy assistance
4 fund in an amount equal to twenty percent of the monthly
5 calculation amount.

6 B. For the purposes of this section:

7 (1) "base amount for the current month" means
8 the net receipts attributable to the taxes paid pursuant to the
9 Oil and Gas Emergency School Tax Act for the month in fiscal
10 year 2013 corresponding to the current month multiplied by a
11 fraction, the denominator of which is the consumer price index
12 for the corresponding month in fiscal year 2013 for the United
13 States for all urban consumers, energy item, as published by
14 the United States department of labor, and the numerator of
15 which is the same index for the current month;

16 (2) "current month" means the month of the
17 sales of products subject to the Oil and Gas Emergency School
18 Tax Act, not the month in which the report required by Section
19 7-31-10 NMSA 1978 is required;

20 (3) "monthly calculation amount" means an
21 amount equal to the net receipts of the current month
22 attributable to the tax imposed pursuant to the Oil and Gas
23 Emergency School Tax Act less the base amount for the current
24 month; provided that, if the calculation results in a negative
25 number, the monthly calculation amount for that month shall be

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1 zero; and

2 (4) "net receipts attributable to the taxes
3 paid pursuant to the Oil and Gas Emergency School Tax Act"
4 excludes any amounts paid pursuant to the provisions of Section
5 7-31-26 NMSA 1978."

6 SECTION 3. [NEW MATERIAL] LOW-INCOME HOME ENERGY
7 ASSISTANCE FUND CREATED--APPROPRIATION.--

8 A. The "low-income home energy assistance fund" is
9 created in the state treasury. The fund consists of money
10 appropriated and transferred to the fund and tax revenues
11 distributed to the fund by law. Earnings of the fund shall be
12 credited to the fund. Balances in the fund shall not revert at
13 the end of a fiscal year.

14 B. Eighty percent of the money in the low-income
15 home energy assistance fund is appropriated to the human
16 services department for expenditure for the low-income home
17 energy assistance program. Money in the fund shall be
18 disbursed by warrant of the secretary of finance and
19 administration pursuant to vouchers signed by the secretary of
20 human services or the secretary's designee.

21 C. Twenty percent of the money in the low-income
22 home energy assistance fund is appropriated to the department
23 of finance and administration for the New Mexico mortgage
24 finance authority to provide for weatherization of homes
25 eligible for low-income home energy assistance programs. No

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1 more than five percent of this appropriation shall be used by
2 the New Mexico mortgage finance authority for administrative
3 expenses.

4 SECTION 4. APPLICABILITY.--The provisions of this act
5 apply to current months beginning July 1, 2016.

6 SECTION 5. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2016.