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AN ACT

RELATING TO TAXATION; APPLYING THE PROVISIONS OF THE TAX
ADMINISTRATION ACT TO THE INSURANCE PREMIUM TAX ACT;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA.

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

SECTION 1. Section 7-1-2 NMSA 1978 (being Laws 1965,
Chapter 248, Section 2, as amended) is amended to read:

"7-1-2. APPLICABILITY.--The Tax Administration Act
applies to and governs:

A. the administration and enforcement of the
following taxes or tax acts as they now exist or may
hereafter be amended:

- (1) Income Tax Act;
- (2) Withholding Tax Act;
- (3) Venture Capital Investment Act;
- (4) Gross Receipts and Compensating Tax Act
and any state gross receipts tax;
- (5) Liquor Excise Tax Act;
- (6) Local Liquor Excise Tax Act;
- (7) any municipal local option gross
receipts tax;
- (8) any county local option gross receipts
tax;
- (9) Special Fuels Supplier Tax Act;

- 1 (10) Gasoline Tax Act;
- 2 (11) petroleum products loading fee, which
- 3 fee shall be considered a tax for the purpose of the Tax
- 4 Administration Act;
- 5 (12) Alternative Fuel Tax Act;
- 6 (13) Cigarette Tax Act;
- 7 (14) Estate Tax Act;
- 8 (15) Railroad Car Company Tax Act;
- 9 (16) Investment Credit Act, rural job tax
- 10 credit, Laboratory Partnership with Small Business Tax Credit
- 11 Act, Technology Jobs and Research and Development Tax Credit
- 12 Act, Film Production Tax Credit Act, Affordable Housing Tax
- 13 Credit Act and high-wage jobs tax credit;
- 14 (17) Corporate Income and Franchise Tax Act;
- 15 (18) Uniform Division of Income for Tax
- 16 Purposes Act;
- 17 (19) Multistate Tax Compact;
- 18 (20) Tobacco Products Tax Act;
- 19 (21) the telecommunications relay service
- 20 surcharge imposed by Section 63-9F-11 NMSA 1978, which
- 21 surcharge shall be considered a tax for the purposes of the
- 22 Tax Administration Act; and
- 23 (22) the Insurance Premium Tax Act;

24 B. the administration and enforcement of the

25 following taxes, surtaxes, advanced payments or tax acts as

1 they now exist or may hereafter be amended:

2 (1) Resources Excise Tax Act;

3 (2) Severance Tax Act;

4 (3) any severance surtax;

5 (4) Oil and Gas Severance Tax Act;

6 (5) Oil and Gas Conservation Tax Act;

7 (6) Oil and Gas Emergency School Tax Act;

8 (7) Oil and Gas Ad Valorem Production Tax
9 Act;

10 (8) Natural Gas Processors Tax Act;

11 (9) Oil and Gas Production Equipment Ad
12 Valorem Tax Act;

13 (10) Copper Production Ad Valorem Tax Act;

14 (11) any advance payment required to be made
15 by any act specified in this subsection, which advance
16 payment shall be considered a tax for the purposes of the Tax
17 Administration Act;

18 (12) Enhanced Oil Recovery Act;

19 (13) Natural Gas and Crude Oil Production
20 Incentive Act; and

21 (14) intergovernmental production tax credit
22 and intergovernmental production equipment tax credit;

23 C. the administration and enforcement of the
24 following taxes, surcharges, fees or acts as they now exist
25 or may hereafter be amended:

- 1 (1) Weight Distance Tax Act;
- 2 (2) the workers' compensation fee authorized
- 3 by Section 52-5-19 NMSA 1978, which fee shall be considered a
- 4 tax for purposes of the Tax Administration Act;
- 5 (3) Uniform Unclaimed Property Act (1995);
- 6 (4) 911 emergency surcharge and the network
- 7 and database surcharge, which surcharges shall be considered
- 8 taxes for purposes of the Tax Administration Act;
- 9 (5) the solid waste assessment fee
- 10 authorized by the Solid Waste Act, which fee shall be
- 11 considered a tax for purposes of the Tax Administration Act;
- 12 (6) the water conservation fee imposed by
- 13 Section 74-1-13 NMSA 1978, which fee shall be considered a
- 14 tax for the purposes of the Tax Administration Act; and
- 15 (7) the gaming tax imposed pursuant to the
- 16 Gaming Control Act; and

17 D. the administration and enforcement of all other

18 laws, with respect to which the department is charged with

19 responsibilities pursuant to the Tax Administration Act, but

20 only to the extent that the other laws do not conflict with

21 the Tax Administration Act."

22 SECTION 2. A new section of the Tax Administration Act

23 is enacted to read:

24 "DISTRIBUTION--PREMIUM TAX.--

25 A. A distribution pursuant to Section 7-1-6.1 NMSA HB 162
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1 1978 shall be made to the law enforcement protection fund in
2 an amount equal to ten percent of the net receipts
3 attributable to the premium tax from life, general casualty
4 and title insurance business.

5 B. A distribution pursuant to Section 7-1-6.1 NMSA
6 1978 shall be made to the fire protection fund of the net
7 receipts attributable to the premium tax derived from
8 property and vehicle insurance business."

9 SECTION 3. A new section of the New Mexico Insurance
10 Code is enacted to read:

11 "SUPERINTENDENT SHALL PROVIDE INFORMATION TO THE
12 TAXATION AND REVENUE DEPARTMENT NECESSARY TO ADMINISTER THE
13 INSURANCE PREMIUM TAX ACT.--The superintendent shall provide
14 to the taxation and revenue department information regarding
15 an insurer or plan subject to the Insurance Premium Tax Act
16 that is necessary to that department to administer the
17 provisions of the Insurance Premium Tax Act."

18 SECTION 4. REPEAL.--Sections 7-40-8 and 7-40-9 NMSA
19 1978 (being Laws 2018, Chapter 57, Sections 8 and 9) are
20 repealed.

21 SECTION 5. EFFECTIVE DATE.--The effective date of the
22 provisions of Sections 1 through 3 of this act is January 1,
23 2020.