

# **CHAPTER 7**

## **Taxation**

### **ARTICLE 1**

#### **Administration**

##### **7-1-1. Short title.**

Chapter 7, Article 1 NMSA 1978 may be cited as the "Tax Administration Act".

**History:** 1953 Comp., § 72-13-13, enacted by Laws 1965, ch. 248, § 1; 1979, ch. 144, § 1.

#### **ANNOTATIONS**

**Am. Jur. 2d, A.L.R. and C.J.S. references.** — Validity of statutory classifications based on population - tax statutes, 98 A.L.R.3d 1083.

##### **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 [Chapter 7, Article 2 NMSA 1978];
- (2) Withholding Tax Act [Chapter 7, Article 3 NMSA 1978];
- (3) Oil and Gas Proceeds and Pass-Through Entity Withholding Tax Act [Chapter 7, Article 3A NMSA 1978];
- (4) Gross Receipts and Compensating Tax Act [Chapter 7, Article 9 NMSA 1978], Interstate Telecommunications Gross Receipts Tax Act [Chapter 7, Article 9C NMSA 1978] and Leased Vehicle Gross Receipts Tax Act [Chapter 7, Article 14A NMSA 1978];
- (5) Liquor Excise Tax Act [Chapter 7, Article 17 NMSA 1978];
- (6) Local Liquor Excise Tax Act [7-24-8 to 7-24-16 NMSA 1978];
- (7) any municipal local option gross receipts tax or municipal compensating tax;

- (8) any county local option gross receipts tax or county compensating tax;
- (9) Special Fuels Supplier Tax Act [Chapter 7, Article 16A NMSA 1978];
- (10) Gasoline Tax Act [Chapter 7, Article 13 NMSA 1978];
- (11) petroleum products loading fee, which fee shall be considered a tax for the purpose of the Tax Administration Act [Chapter 7, Article 1 NMSA 1978];
- (12) Alternative Fuel Tax Act [Chapter 7, Article 16B NMSA 1978];
- (13) Cigarette Tax Act [Chapter 7, Article 12 NMSA 1978];
- (14) Estate Tax Act [7-7-1 to 7-7-12 NMSA 1978];
- (15) Railroad Car Company Tax Act [Chapter 7, Article 11 NMSA 1978];
- (16) Investment Credit Act [Chapter 7, Article 9A NMSA 1978], rural job tax credit, Laboratory Partnership with Small Business Tax Credit Act [Chapter 7, Article 9E NMSA 1978], Technology Jobs and Research and Development Tax Credit Act [Chapter 7, Article 9F NMSA 1978], Film Production Tax Credit Act [Chapter 7, Article 2F NMSA 1978], Affordable Housing Tax Credit Act [Chapter 7, Article 9I NMSA 1978] and high-wage jobs tax credit;
- (17) Corporate Income and Franchise Tax Act [Chapter 7, Article 2A NMSA 1978];
- (18) Uniform Division of Income for Tax Purposes Act [Chapter 7, Article 4 NMSA 1978];
- (19) Multistate Tax Compact [7-5-1 NMSA 1978];
- (20) Tobacco Products Tax Act [Chapter 7, Article 12A NMSA 1978];
- (21) the telecommunications relay service surcharge imposed by Section 63-9F-11 NMSA 1978, which surcharge shall be considered a tax for the purposes of the Tax Administration Act;
- (22) the Insurance Premium Tax Act [7-40-1 to 7-40-10 NMSA 1978];
- (23) the Health Care Quality Surcharge Act [7-41-1 to 7-41-8 NMSA 1978]; and
- (24) the Cannabis Tax Act [7-42-1 to 7-42-5 NMSA 1978];

B. the administration and enforcement of the following taxes, surtaxes, advanced payments or tax acts as they now exist or may hereafter be amended:

- (1) Resources Excise Tax Act [Chapter 7, Article 25 NMSA 1978];
- (2) Severance Tax Act [7-26-1 to 7-26-8 NMSA 1978];
- (3) any severance surtax;
- (4) Oil and Gas Severance Tax Act [Chapter 7, Article 29 NMSA 1978];
- (5) Oil and Gas Conservation Tax Act [Chapter 7, Article 30 NMSA 1978];
- (6) Oil and Gas Emergency School Tax Act [Chapter 7, Article 31 NMSA 1978];
- (7) Oil and Gas Ad Valorem Production Tax Act [Chapter 7, Article 32 NMSA 1978];
- (8) Natural Gas Processors Tax Act [Chapter 7, Article 33 NMSA 1978];
- (9) Oil and Gas Production Equipment Ad Valorem Tax Act [Chapter 7, Article 34 NMSA 1978];
- (10) Copper Production Ad Valorem Tax Act [Chapter 7, Article 39 NMSA 1978];
- (11) any advance payment required to be made by any act specified in this subsection, which advance payment shall be considered a tax for the purposes of the Tax Administration Act;
- (12) Enhanced Oil Recovery Act [Chapter 7, Article 29A NMSA 1978];
- (13) Natural Gas and Crude Oil Production Incentive Act [7-29B-1 to 7-29B-6 NMSA 1978]; and
- (14) intergovernmental production tax credit and intergovernmental production equipment tax credit;

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

- (1) Weight Distance Tax Act [Chapter 7, Article 15A NMSA 1978];
- (2) the workers' compensation fee authorized by Section 52-5-19 NMSA 1978, which fee shall be considered a tax for purposes of the Tax Administration Act;
- (3) Uniform Unclaimed Property Act (1995) [Chapter 7, Article 8A NMSA 1978];

(4) 911 emergency surcharge and the network and database surcharge, which surcharges shall be considered taxes for purposes of the Tax Administration Act;

(5) the solid waste assessment fee authorized by the Solid Waste Act, which fee shall be considered a tax for purposes of the Tax Administration Act;

(6) the water conservation fee imposed by Section 74-1-13 NMSA 1978, which fee shall be considered a tax for the purposes of the Tax Administration Act; and

(7) the gaming tax imposed pursuant to the Gaming Control Act [Chapter 60, Article 2E NMSA 1978]; and

D. the administration and enforcement of all other laws, with respect to which the department is charged with responsibilities pursuant to the Tax Administration Act, but only to the extent that the other laws do not conflict with the Tax Administration Act.

**History:** 1953 Comp., § 72-13-14, enacted by Laws 1965, ch. 248, § 2; 1966, ch. 54, § 1; 1969, ch. 156, § 1; 1971, ch. 276, § 3; 1973, ch. 346, § 1; 1974, ch. 13, § 1; 1975, ch. 301, § 1; 1978, ch. 182, § 22; 1979, ch. 144, § 2; 1982, ch. 18, § 1; 1983, ch. 211, § 3; 1985, ch. 65, § 1; 1986, ch. 20, § 2; 1987, ch. 45, § 20; 1987, ch. 268, § 1; 1988, ch. 71, § 1; 1988, ch. 73, § 1; 1989, ch. 263, § 1; 1989, ch. 325, § 1; 1989, ch. 326, § 10; 1989, ch. 327, § 1; 1990, ch. 86, § 1; 1990, ch. 88, § 1; 1990, ch. 99, § 45; 1990, ch. 124, § 12; 1990, ch. 125, § 1; 1992, ch. 55, § 1; 1993, ch. 5, § 1; 1994, ch. 51, § 1; 1996, ch. 15, § 1; 1997, ch. 190, § 64; 2000, ch. 28, § 1; 2001, ch. 56, § 1; 2004, ch. 4, § 3; 2006, ch. 25, § 1; 2007, ch. 164, § 1; 2016, ch. 77, § 1; 2019, ch. 47, § 1; 2019, ch. 53, § 10; 2019, ch. 270, § 1; 2021 (1st S.S.), ch. 4, § 48.

## ANNOTATIONS

**Cross references.** — For administration of Income Tax Act, see 7-2-22 NMSA 1978.

For rural job tax credit, see 7-2E-1.1 NMSA 1978.

For administration and enforcement of Estate Tax Act, see 7-7-10 NMSA 1978.

**The 2021 (1st S.S.) amendment**, effective June 29, 2021, added the Cannabis Tax Act to the list of taxes or tax acts to which the Tax Administration Act applies and governs; and in Subsection A, added Paragraph A(24).

**2019 Amendments.** — Laws 2019, ch. 47, § 1, effective January 1, 2020, added the Insurance Premium Tax Act to the list of tax acts to which the Tax Administration Act applies and governs; and in Subsection A, added Paragraph A(22).

Laws 2019, ch. 53, § 10, effective July 1, 2019, added the Health Care Quality Surcharge Act to the list of tax acts to which the Tax Administration Act applies and governs; and in Subsection A, added Paragraph A(22) [now A(23)].