

ARTICLE 2B

Solar Capital Investments (Recompiled.)

7-2B-1. Recompiled.

ANNOTATIONS

Recompilations. — Laws 1983, ch. 213, § 4, recompiled former 7-2B-1 NMSA 1978, relating to tax credit for solar investments, as 7-2-16.1 NMSA 1978.

Laws 1990, ch. 49, § 20 repealed 7-2-16.1 NMSA 1978, effective May 16, 1990.

ARTICLE 2C

Tax Refund Intercept Program

7-2C-1. Short title.

Chapter 7, Article 2C NMSA 1978 may be cited as the "Tax Refund Intercept Program Act".

History: Laws 1985, ch. 106, § 1; 1993, ch. 30, § 12.

ANNOTATIONS

The 1993 amendment, effective June 18, 1993, substituted "Chapter 7, Article 2C NMSA 1978" for "This act".

Am. Jur. 2d, A.L.R. and C.J.S. references. — 71 Am. Jur. 2d State and Local Taxation §§ 608, 610.

85 C.J.S. Taxation § 1763 to 1764.

7-2C-2. Purpose.

A. The purpose of the Tax Refund Intercept Program Act is to comply with state and federal law:

(1) by enhancing the enforcement of child support and medical support obligations;

(2) to aid collection of outstanding debts owed for:

(a) overpayment of public assistance and overissuance of food stamps;

(b) overpayment of unemployment compensation benefits and nonpayment of contributions or payments in lieu of contributions or other amounts due under the Unemployment Compensation Law [Chapter 51 NMSA 1978];

(c) nonpayment of reimbursements owed to the uninsured employers' fund under the Workers' Compensation Act [Chapter 52, Article 1 NMSA 1978]; and

(d) nonpayment of the workers' compensation fee due under the Workers' Compensation Administration Act [Chapter 52, Article 5 NMSA 1978];

(3) to promote repayment of educational loans;

(4) to aid collection of fines, fees and costs owed to the district, magistrate and municipal courts;

(5) to aid collection of fines, fees and costs owed to the Bernalillo county metropolitan court; and

(6) to aid in the payment to the state investment officer of film production tax credit amounts owed to the state investment officer due to loans made against the credit pursuant to Subsection D of Section 7-27-5.26 NMSA 1978.

B. Efforts to accomplish the purpose of the Tax Refund Intercept Program Act may be enhanced by establishing a system to collect debts, in particular, outstanding child support obligations, educational loans, amounts due under the Unemployment Compensation Law, the Workers' Compensation Act and the Workers' Compensation Administration Act, fines, fees and costs owed to the district, magistrate and municipal courts, film production tax credit amounts owed to the state investment officer and fines, fees and costs owed to the Bernalillo county metropolitan court, by setting off the amount of such debts against the state income tax refunds or film production tax credit amounts due the debtors.

History: Laws 1985, ch. 106, § 2; 1987, ch. 125, § 1; 1988, ch. 49, § 1; 1991, ch. 184, § 1; 1993, ch. 261, § 2; 1994, ch. 76, § 1; 1997, ch. 210, § 1; 2005, ch. 101, § 1; 2006, ch. 52, § 1; 2006, ch. 53, § 1.

ANNOTATIONS

The 2006 amendment, effective May 17, 2006, added Subparagraphs (c) and (d) of Paragraph (2) of Subsection A, which provided that the act is to aid collection of outstanding debts owed for nonpayment of reimbursements owed to the uninsured employers' fund under the Workers' Compensation Act and workers' compensation fees due under the Workers' Compensation Administration Act; and in Subsection B, added amounts due under the Workers' Compensation Act and the Workers' Compensation Administration Act.

Duplicate laws. — Laws 2006, ch. 52, § 1 and Laws 2006, ch. 53, § 1 enacted identical amendments to this section. The section was set out as amended by Laws 2006, ch. 53, § 1. See 12-1-8 NMSA 1978.

Applicability. — Laws 2006, ch. 53, § 5, effective May 17, 2006, provided that Laws 2006, ch. 53, § 1 apply to tax refunds issued on or after January 1, 2007.

The 2005 amendment, effective June 17, 2005, added Subsection A(6), which provided that a purpose of the Tax Refund Intercept Program Act is to comply with state and federal law to aid in the payment to the state investment officer of film production tax credit amounts owed to the state investment officer due to a loan made against the credit; and in Subsection B, added that the purpose may be enhanced by establishing a system to collect film production tax credit amounts owed to the state investment officer and amounts owed to Bernalillo County metropolitan court by setting off the amount of such debts against the film production tax credit amounts.

The 1997 amendment, effective June 20, 1997, substituted "district, magistrate and municipal courts" for "magistrate courts" in Paragraph A(4) and near the middle of Subsection B.

The 1994 amendment, effective March 4, 1994, inserted "and medical support" in Paragraph A(1).

The 1993 amendment, effective July 1, 1993, rewrote the section, adding subsection and paragraph designations and adding Paragraphs (4) and (5) to Subsection A.

The 1991 amendment, effective January 1, 1992, inserted the provisions relating to collection of amounts due under the Unemployment Compensation Law.

7-2C-3. Definitions.

As used in the Tax Refund Intercept Program Act:

A. "claimant agency" means the taxation and revenue department or any of its divisions, the human services department [health care authority department], the workforce transition services division of the workforce solutions department, the higher education department, the workers' compensation administration, any corporation authorized to be formed under the Educational Assistance Act [Chapter 21, Article 21A NMSA 1978], a district, magistrate or municipal court or the Bernalillo county metropolitan court;

B. "debt" means a legally enforceable obligation of an employer subject to the Unemployment Compensation Law [Chapter 51 NMSA 1978], the Workers' Compensation Act [Chapter 52, Article 1 NMSA 1978] and the Workers' Compensation Administration Act [Chapter 52, Article 5 NMSA 1978], or an individual to pay a liquidated amount of money that:

(1) is equal to or more than one hundred dollars (\$100);

(2) is due and owing a claimant agency, which a claimant agency is obligated by law to collect or which, in the case of an educational loan, a claimant agency has lawfully contracted to collect;

(3) has accrued through contract, tort, subrogation or operation of law; and

(4) either:

(a) has been secured by a warrant of levy and lien for amounts due under the Unemployment Compensation Law or workers' compensation fees due under the Workers' Compensation Administration Act; or

(b) has been reduced to judgment for all other cases;

C. "debtor" means any employer subject to the Unemployment Compensation Law, the Workers' Compensation Act and the Workers' Compensation Administration Act, or any individual owing a debt;

D. "department" or "division" means, unless the context indicates otherwise, the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary;

E. "educational loan" means any loan for educational purposes owned by a public post-secondary educational institution, originated and owned by the higher education department or owned or guaranteed by any corporation authorized to be formed under the Educational Assistance Act;

F. "medical support" means amounts owed to the human services department [health care authority department] pursuant to the provisions of Subsection B of Section 40-4C-12 NMSA 1978;

G. "public post-secondary educational institution" means a publicly owned or operated institution of higher education or other publicly owned or operated post-secondary educational facility located within New Mexico;

H. "spouse" means an individual who is or was a spouse of the debtor and who has joined with the debtor in filing a joint return of income tax pursuant to the provisions of the Income Tax Act [Chapter 7, Article 2 NMSA 1978], which joint return has given rise to a refund that may be subject to the provisions of the Tax Refund Intercept Program Act; and

I. "refund" means a refund, including any amount of tax rebates or credits, under the Income Tax Act or the Corporate Income and Franchise Tax Act [Chapter 7, Article

2A NMSA 1978] that the department has determined to be due to an individual or corporation.

History: Laws 1985, ch. 106, § 3; 1986, ch. 20, § 53; 1987, ch. 125, § 2; 1988, ch. 49, § 2; 1991, ch. 141, § 1; 1991, ch. 184, § 2; 1993, ch. 261, § 3; 1994, ch. 56, § 1; 1994, ch. 76, § 2; 1997, ch. 210, § 2; 2006, ch. 52, § 2; 2006, ch. 53, § 2; 2017, ch. 82, § 1.

ANNOTATIONS

Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law. Laws 2023, ch. 205, § 16 provided that references to the human services department shall be deemed to be references to the health care authority department.

The 2017 amendment, effective June 16, 2017, authorized the higher education department to be a claimant under the Tax Refund Intercept Program Act, and revised the definition of "educational loan" to include any loan originated and owned by the higher education department; in Subsection A, after "human services department, the", deleted "employment security division of the labor" and added "workforce transition services division of the workforce solutions", and after the next occurrence of "department,", added "the higher education department"; and in Subsection E, after "educational institution", added "originated and owned by the higher education department".

The 2006 amendment, effective May 17, 2006, added the workers' compensation administration to the definition of "claimant agency" in Subsection A; added obligations of employers subject to the Workers' Compensation Act and the Workers' Compensation Administration Act as a "debt" in Subsection B; deleted former Paragraph (4) of Subsection B, which provided that a "debt" included obligations due under the unemployment compensation law that has been secured by a warrant of levy or lien or has been reduced to judgment; added Subparagraphs (a) and (b) of Paragraph (4) of Subsection B, which provided that "debt" includes obligations that have either been secured by a warrant of levy and lien for amounts due under the unemployment compensation law or workers' compensation fees due under the Workers' Compensation Administration Act or reduced to judgment for other cases; included within the definition of "debtor" in Subsection C, employers subject to the Workers' Compensation Act and the Workers' Compensation Administration Act; and included rebates or credits under the Corporate Income and Franchise Tax Act due to a corporation as a "refund" in Subsection I.

The 1997 amendment, effective June 20, 1997, substituted "district, magistrate or municipal court" for "magistrate court" in Subsection A.

The 1994 amendment, effective March 4, 1994, inserted Subsection F, and redesignated former Subsections F to H as Subsections G to I.

The 1993 amendment, effective July 1, 1993, deleted "or" before "any corporation" and added "a magistrate court or the Bernalillo county metropolitan court" to the end, in Subsection A; substituted "one hundred dollars (\$100)" for "one hundred fifty dollars (\$150)" in Paragraph (1) of Subsection B; and made a stylistic change in Subsection H.

The 1991 amendment, effective January 1, 1992, inserted "the employment security division of the labor department" in Subsection A; in Subsection B, inserted "an employer subject to the Unemployment Compensation Law or" in the introductory phrase, deleted "and has been reduced to judgment" following "law" in Paragraph (3), rewrote Paragraph (4), which read "which, in the case of an educational loan has been reduced to judgment," and made minor stylistic changes; and inserted "employer subject to the Unemployment Compensation Law or any" in Subsection C.

7-2C-4. Remedy additional.

The remedies of a claimant agency under the Tax Refund Intercept Program Act are in addition to and not in substitution for any other remedies available by law.

History: Laws 1985, ch. 106, § 4.

ANNOTATIONS

Effective dates. — Laws 1985, ch. 106 contained no effective date provision, but, pursuant to N.M. Const., art. IV, § 23, was effective June 14, 1985, 90 days after the adjournment of the legislature.

7-2C-5. Department to aid in collection of debts through setoff.

Subject to the limitations contained in the Tax Refund Intercept Program Act, the department, upon request, shall render assistance in the collection of any debt owed to a claimant agency or any debt that a claimant agency is obligated by law to collect. This assistance shall be provided by withholding from any refund due to the debtor pursuant to the Income Tax Act [Chapter 7, Article 2 NMSA 1978] the amount of debt meeting the requirements of the Tax Refund Intercept Program Act and paying over to the claimant agency the amount withheld.

History: Laws 1985, ch. 106, § 5; 1994, ch. 56, § 2.

ANNOTATIONS

The 1994 amendment, effective May 18, 1994, substituted "Department" for "Division" in the section heading, and "department" for "division" and "that" for "which" in the first sentence.

7-2C-6. Procedures for setoff; notifications to debtor.

A. Each year a claimant agency seeking to collect a debt through setoff shall notify the department in the manner and by the date required by the department, which date shall be in the period from November 1 through December 15. The notice to the department shall include the amount of the debt, the name and identification number of the debtor and such other information as the department may require. The notice shall also include certification that the debt is due and owing the claimant agency or that the claimant agency is obligated by law to collect the debt. This notice shall be effective only to initiate setoff against refunds that would be made in the calendar year subsequent to the year in which notification is made to the department.

B. The claimant agency shall inform the department within one week of any changes in the status of any debt submitted by the claimant agency for setoff.

C. Upon proper and timely notification from the claimant agency, the department shall determine whether the debtor is entitled to a refund of at least fifty dollars (\$50.00). The department shall notify the claimant agency in writing, or in such other manner as the department and the claimant agency may agree, with respect to each debt accepted for setoff whether the debtor is due a refund of fifty dollars (\$50.00) or more and, if so, the amount of refund, the address of the debtor entered upon the return and, if the refund arises from a joint return, the name and address of the spouse as entered upon the return.

D. Within ten days after receiving the notification from the department pursuant to Subsection C of this section, the claimant agency shall send a notice by first class mail to the debtor at the debtor's last known address. The notice required by this subsection shall include:

(1) a statement that a transfer of the refund will be made and that the claimant agency intends to set off the amount of the transfer against a claimed debt;

(2) the amount of the debt asserted and a description of how the debt asserted arose;

(3) the name, address and telephone number of the claimant agency;

(4) the amount of refund to be set off against the debt asserted;

(5) a statement that the debtor has thirty days from the date indicated on the notice to contest the setoff by applying to the claimant agency for a hearing with respect to the validity of the debt asserted by that agency; and

(6) a statement that failure of the debtor to apply for a hearing within thirty days will be deemed a waiver of the opportunity to contest the setoff and to a hearing.

E. If the refund against which a debt is intended to be set off results from a joint tax return, the claimant agency shall send a notice by first class mail to the spouse named

on the return within ten days after receiving the notification from the department pursuant to Subsection C of this section. The notice to the spouse shall contain the following information:

- (1) a statement that a transfer of the refund will be made and that the claimant agency intends to set off the amount of the transfer against a claimed debt;
- (2) the total amount of the refund and the amount of each claimed debt;
- (3) the name, address and telephone number of the claimant agency;
- (4) a statement that no debt is claimed against the spouse and that the spouse may be entitled to receive all or part of the refund regardless of the claimed debt against the debtor spouse;
- (5) a statement that to assert a claim to all or part of the refund, the spouse shall apply to the claimant agency for a hearing within thirty days from the date indicated on the notice with respect to the entitlement of the spouse to all or part of the refund from which a transfer will be made at the request of the claimant agency; and
- (6) a statement that failure of the spouse to apply for a hearing within thirty days may be deemed a waiver of any claim of the spouse with respect to the refund.

F. A debtor may contest the setoff of a debt by applying to the claimant agency for a hearing within thirty days of the date the notice required by Subsection D of this section is sent to the debtor. Failure of the debtor to apply for a hearing within the time required shall constitute a waiver of the right to contest the debt or the setoff of the debt.

G. A spouse may contest the setoff of a debt against a refund to which the spouse claims entitlement in whole or in part by applying to the claimant agency for a hearing within thirty days of the date the notice required by Subsection E of this section was sent to the spouse. Failure of the spouse to apply for a hearing within the time required shall constitute a waiver of the right to contest the setoff of the debt against a refund to which the spouse may claim entitlement.

H. The department shall apply against the refund the amount of the claimed debt, not to exceed the amount of the refund, and shall transfer that amount to the claimant agency with an accounting of the amount transferred. When the amount of refund due exceeds the amount of all applied debts, the department shall treat the excess as it does other refunds relating to income taxes.

I. Whether or not the refund due the debtor exceeds the amount of the applied debt, the department shall notify the debtor at the time of the transfer to the claimant agency of:

- (1) the fact of the transfer and that the claimant agency intends to set off the amount of the transfer against the asserted debt;
- (2) the total amount of the refund;
- (3) the amount of debt asserted by the claimant agency; and
- (4) the name, address and telephone number of the claimant agency.

J. Once the department has sent to the debtor the notice required by Subsection I of this section, together with any excess of the amount of refund over the amount of asserted debts, the department shall be deemed to have made the refund required by the Income Tax Act [Chapter 7, Article 2 NMSA 1978] or the Corporate Income and Franchise Tax Act [Chapter 7, Article 2A NMSA 1978].

History: Laws 1985, ch. 106, § 6; 1994, ch. 56, § 3; 2006, ch. 52, § 3; 2006, ch. 53, § 3.

ANNOTATIONS

The 2006 amendment, effective May 17, 2006, provided in Subsection J that when the department has sent to the debtor the notice and any excess amount of refund, the department shall be deemed to have made the refund required by the Corporate Income and Franchise Tax Act.

Duplicate laws. — Laws 2006, ch. 52, § 3 and Laws 2006, ch. 53, § 3 enacted identical amendments to this section. The section was set out as amended by Laws 2006, ch. 53, § 3. See 12-1-8 NMSA 1978.

Applicability. Laws 2006, ch. 53, § 5, effective May 17, 2006, provided that Laws 2006, ch. 53, § 3 apply to tax refunds issued on or after January 1, 2007.

The 1994 amendment, effective May 18, 1994, substituted "department" for "division" throughout the section; and, in Subsection H, deleted the former first two sentences, relating to confirmation that the claimant agency has met the requirements of Subsection D, and deleted "If the division receives timely confirmation from the claimant agency" at the beginning of the first sentence.

7-2C-7. Suspense account.

Upon receipt of money transferred from the department pursuant to Subsection H of Section 7-2C-6 NMSA 1978, the claimant agency shall deposit and hold the money in the suspense account until a final determination of the setoff is made.

History: Laws 1985, ch. 106, § 7; 1994, ch. 56, § 4.

ANNOTATIONS

The 1994 amendment, effective May 18, 1994, substituted "department" for "division" and "Section 7-2C-6 NMSA 1978" for "Section 6 of the Tax Refund Intercept Program Act".

7-2C-8. Interest becomes obligation of claimant agency.

Once a transfer is made by the department pursuant to Subsection H of Section 7-2C-6 NMSA 1978, notwithstanding any other provision of law to the contrary, the department, except in its capacity as a claimant agency, is not obligated in any manner for the payment of interest to the debtor or to the claimant agency with respect to that portion of the refund against which the asserted debt was applied for any period after the date of transfer. Any interest subsequently determined to be due the debtor with respect to any refund against which the asserted debt was applied for any period after the date of transfer is the responsibility of the claimant agency; provided, however, compliance by the department and claimant agency with the provisions of the Tax Refund Intercept Program Act bars accrual of interest, notwithstanding the provisions of Section 7-1-68 NMSA 1978.

History: Laws 1985, ch. 106, § 8; 1994, ch. 56, § 5.

ANNOTATIONS

The 1994 amendment, effective May 18, 1994, substituted "department" for "division" twice in the first sentence and once in the proviso clause in the second sentence, and "Section 7-2C-6 NMSA 1978" for "Section 6 of the Tax Refund Intercept Program Act" in the first sentence.

7-2C-9. Administrative hearing required of claimant agency; department exempted.

A. The claimant agency shall provide notice and opportunity for hearing, consistent with due process, as required by Subsections F and G of Section 7-2C-6 NMSA 1978.

B. Notwithstanding any other provision of law, the department, except in its capacity as a claimant agency, is not obligated to grant, and will not grant, a hearing to any debtor or spouse with respect to any action taken or any issue arising under the provisions of the Tax Refund Intercept Program Act.

History: Laws 1985, ch. 106, § 9; 1994, ch. 56, § 6.

ANNOTATIONS

The 1994 amendment, effective May 18, 1994, substituted "department" for "division" in the catchline and in Subsection B, and "Section 7-2C-6 NMSA 1978" for "Section 6 of the Tax Refund Intercept Program Act" in Subsection A.

7-2C-10. Final determination and notice of setoff.

A. The determination of the validity and the amount of the setoff asserted or the application of setoff to a refund to which a debtor or spouse asserts entitlement in whole or in part under the provisions of the Tax Refund Intercept Program Act shall be final upon the exhaustion of the administrative or appellate process as applicable.

B. If, during application of setoff procedures, any changes occur in the amount of the refund subject to setoff, including any changes resulting from the filing of amended returns or the filing of additional returns during the calendar year for which the claimant agency has requested setoff with respect to the debtor, the department shall notify the claimant agency of these changes. The department shall promulgate regulations or other appropriate administrative directives to set forth the procedures by which such notice shall be made and by which the amount held in suspense shall be adjusted when required.

C. Upon final determination of the entitlement of a debtor or spouse to any or all of that portion of a refund that has been transferred to the claimant agency, as the amount transferred may be adjusted in accordance with Subsection B of this section, the claimant agency shall remit to the debtor or spouse from the suspense fund the amount determined to be due, with an appropriate accounting. A copy of the accounting shall be sent to the department.

D. Upon final determination, the claimant agency shall remit to itself from the suspense account that amount determined to be due the claimant agency and shall credit that amount against the debt. In the case that the amount remitted is not sufficient to extinguish the debt, the claimant agency shall have the right to pursue collection of the remaining debt through any available remedy, including a proceeding under the Tax Refund Intercept Program Act for other calendar years.

E. Upon remittance from the suspense fund to the credit of the debtor's account pursuant to Subsection D of this section, the claimant agency shall notify the debtor in writing of the final determination of the setoff. A copy of the notice shall be sent to the department. The notice shall include:

(1) a final accounting of the refund against which the debt was set off, including the amount of the refund to which the debtor was entitled prior to setoff;

(2) the final determination of the amount of the debt that has been satisfied and the amount of debt, if any, still due and owing; and

(3) the amount of the refund in excess of the debt finally determined to be due and owing and the amount of any interest due.

F. Upon remittance from the suspense fund to the credit of the debtor's account pursuant to Subsection D of this section, any amount finally determined to be due to the

debtor with respect to the refund amount shall be promptly paid by the claimant agency from the suspense account to the debtor with an appropriate accounting. Interest due the debtor with respect to the amount of refund finally determined to be due the debtor for any period after the transfer to the suspense fund by the department pursuant to Subsection H of Section 7-2C-6 NMSA 1978 is authorized to be paid by the claimant agency from any funds available to it for this purpose.

History: Laws 1985, ch. 106, § 10; 1994, ch. 56, § 7.

ANNOTATIONS

The 1994 amendment, effective May 18, 1994, substituted "department" for "division" throughout the section, "that" for "which" in the first sentence in Subsection C and "Section 7-2C-6 NMSA 1978" for "Section 6 of the Tax Refund Intercept Program Act" in the second sentence in Subsection F.

7-2C-11. Priority of claims.

A. Claims of the department take precedence over the claim of any competing claimant agency, whether the department asserts a claim or sets off an asserted debt under the provisions of the Tax Refund Intercept Program Act or under the provisions of any other law that authorizes the department to apply amounts of tax owed against any refund due an individual pursuant to the Income Tax Act [Chapter 7, Article 2 NMSA 1978].

B. After claims of the department, claims shall take priority in the following order before claims of any competing claimant agency:

(1) claims of the human services department [health care authority department] resulting from child support enforcement liabilities;

(2) claims of the human services department [health care authority department] resulting from medical support liabilities;

(3) claims resulting from educational loans made under the Educational Assistance Act [Chapter 21, Article 21A NMSA 1978];

(4) claims of the human services department [health care authority department] resulting from temporary assistance for needy families liabilities;

(5) claims of the human services department [health care authority department] resulting from supplemental nutrition assistance program liabilities;

(6) claims of the workforce transition services division of the workforce solutions department arising under the Unemployment Compensation Law [Chapter 51 NMSA 1978];

- (7) claims of a district court for fines, fees or costs owed to that court;
- (8) claims of a magistrate court for fines, fees or costs owed to that court;
- (9) claims of the Bernalillo county metropolitan court for fines, fees or costs owed to that court;
- (10) claims of a municipal court for fines, fees or costs owed to that court;
- (11) claims of the workers' compensation administration arising under the Workers' Compensation Act [Chapter 52, Article 1 NMSA 1978] or the Workers' Compensation Administration Act [Chapter 52, Article 5 NMSA 1978]; and
- (12) claims from educational loans made by the higher education department.

History: Laws 1985, ch. 106, § 11; 1988, ch. 49, § 3; 1991, ch. 184, § 3; 1993, ch. 261, § 4; 1994, ch. 76, § 3; 1997, ch. 210, § 3; 2006, ch. 52, § 4; 2006, ch. 53, § 4; 2017, ch. 82, § 2.

ANNOTATIONS

Bracketed material. — The bracketed material was inserted by the compiler and is not part of the law. Laws 2023, ch. 205, § 16 provided that references to the human services department shall be deemed to be references to the health care authority department.

The 2017 amendment, effective June 16, 2017, added claims from educational loans made by the higher education department to the priority of claims list under the provisions of the Tax Refund Intercept Program Act; in Subsection B, Paragraph B(4), after "resulting from", deleted "AFDC" and added "temporary assistance for needy families", in Paragraph B(5), after "resulting from", deleted "food stamp" and added "supplemental nutrition assistance program", in Paragraph B(6), after "claims of the", deleted "employment security division of the labor" and added "workforce transition services division of the workforce solutions", and added Paragraph B(12).

The 2006 amendment, effective May 17, 2006, added Paragraph (11) of Subsection B to provide for the priority of claims of the workers' compensation administration arising under the Workers' Compensation Act or the Workers' Compensation Administration Act.

The 1997 amendment, effective June 20, 1997, made a minor stylistic change in Subsection A, and in Subsection B, added Paragraphs (7) and (10), redesignated former Paragraphs (7) and (8) as Paragraphs (8) and (9) and made stylistic changes accordingly.

The 1994 amendment, effective March 4, 1994, inserted Paragraph B(2) and redesignated former Paragraphs B(2) to B(7) as Paragraphs B(3) to B(8).

The 1993 amendment, effective July 1, 1993, added Paragraphs (6) and (7) to Subsection B, making a related grammatical change.

The 1991 amendment, effective January 1, 1992, in Subsection B, added Paragraph (5) and made a related stylistic change.

7-2C-12. Administrative costs; charges appropriated to department.

A. The department shall charge claimant agencies an administrative fee of three percent of the debts for the claimant agencies pursuant to the Tax Refund Intercept Program Act.

B. The administrative fee authorized pursuant to Subsection A of this section shall be withheld on all debts set off and collected by the department on or after July 1, 1997 and shall be distributed monthly to the New Mexico finance authority to be pledged irrevocably for the payment of the principal, interest and expenses or other obligations related to the bonds for the taxation and revenue information management systems project. That distribution shall continue until the earlier of December 31, 2005 or the date on which the New Mexico finance authority certifies to the department that all obligations for bonds issued pursuant to Section 12 of this 1997 act have been fully discharged or provision has been made for their discharge and directs the department to cease distributing the money from the fee pursuant to Subsection A of this section to the authority. Thereafter, the administrative fees are appropriated to the department for use in administering the Tax Refund Intercept Program Act.

History: Laws 1985, ch. 106, § 12; 1994, ch. 56, § 8; 1997, ch. 125, § 5.

ANNOTATIONS

Compiler's notes. — The phrase "Section 12 of this 1997 act" in Subsection B referred to Section 12 of Laws 1997, ch. 125, which was an uncompiled provision authorizing the issuance of revenue bonds.

The 1997 amendment, effective July 1, 1997, added the Subsection A designation, rewrote Subsection A, and added Subsection B.

The 1994 amendment, effective May 18, 1994, substituted "department" for "division" in the section heading and throughout the section.

7-2C-13. Confidentiality; exemption.

A. The information obtained by a claimant agency from the department in accordance with the provisions of the Tax Refund Intercept Program Act shall be