

## NOTICE OF PROPOSED RULEMAKING

The New Mexico Taxation and Revenue Department hereby gives notice as required under Section 14-4-5.2 NMSA 1978 and 1.24.25.11 NMAC that it proposes to repeal certain rules and regulations pertaining to the Income Tax General Provisions Act, Corporate Income and Franchise Tax Act, Gross Receipts and Compensating Tax Act and Alternative Energy Production Manufactures Tax Credit Act.

### Summary of Proposed Changes:

The New Mexico Taxation and Revenue Department proposes to repeal the following rule(s):

#### Income Tax General Provisions Act

Section 7-2-18.14 NMSA 1978 (Repealed 07/01/2025)

- 3.3.28.1 – Issuing Agency*
- 3.3.28.2 – Scope*
- 3.3.28.3 – Statutory Authority*
- 3.3.28.4 – Duration*
- 3.3.28.5 – Effective Date*
- 3.3.28.6 – Objective*
- 3.3.28.7 – Definitions*
- 3.3.28.8 – General Provisions*
- 3.3.28.9 – Application*
- 3.3.28.10 – Application Review Process*
- 3.3.28.11 – Safety, Codes, and Standards*
- 3.3.28.12 – Solar Collector and Module Orientation and Sun Exposure*
- 3.3.28.14 – Innovative Solar Energy Systems*
- 3.3.28.15 – Certification*
- 3.3.28.16 – Calculating the Solar Energy System Cost*
- 3.3.28.17 – Calculating the State Tax Credit*
- 3.3.28.18 – Claiming the State Tax Credit*
- 3.3.28.19 – Consumer Information*
- 3.3.28.20 – Inspection of Solar Energy Systems*

Section 7-2-18.19 NMSA 1978 (Repealed 07/01/2025)

- 3.3.29.1 – Issuing Agency*
- 3.3.29.2 – Scope*
- 3.3.29.3 – Statutory Authority*
- 3.3.29.4 – Duration*
- 3.3.29.5 – Effective Date*
- 3.3.29.6 – Objective*
- 3.3.29.7 – Definitions*
- 3.3.29.8 – General Provisions*
- 3.3.29.9 – Verifier Eligibility*
- 3.3.29.10 – Application for the Sustainable Building Tax Credit*
- 3.3.29.11 – Application Review Process*
- 3.3.29.12 – Calculating the Credit*
- 3.3.29.13 – Claiming the State Tax Credit*

- 3.3.30.1 – Issuing Agency*
- 3.3.30.2 – Scope*
- 3.3.30.3 – Statutory Authority*
- 3.3.30.4 – Duration*
- 3.3.30.5 – Effective Date*

- 3.3.30.6 – *Objective*
- 3.3.30.7 – *Definitions*
- 3.3.30.8 – *General Provisions*
- 3.3.30.9 – *Verifier Eligibility*
- 3.3.30.10 – *Application for the Sustainable Building Tax Credit*
- 3.3.30.11 – *Application Review Process*
- 3.3.30.12 – *Verification of the Alternative Method used for the Energy Reduction Requirement*
- 3.3.30.13 – *Calculating the Tax Credit*
- 3.3.30.14 – *Claiming the State Tax Credit*

## **Corporate Income and Franchise Tax Act**

Section 7-2A-21 NMSA 1978 (Repealed 07/01/2025)

- 3.4.16.1 – *Issuing Agency*
- 3.4.16.2 – *Scope*
- 3.4.16.3 – *Statutory Authority*
- 3.4.16.4 – *Duration*
- 3.4.16.5 – *Effective Date*
- 3.4.16.6 – *Objective*
- 3.4.16.7 – *Definitions*
- 3.4.16.8 – *General Provisions*
- 3.4.16.9 – *Verifier Eligibility*
- 3.4.16.10 – *Application for the Sustainable Building Tax Credit*
- 3.4.16.11 – *Application Review Process*
- 3.4.16.12 – *Claiming the Tax Credit*
- 3.4.16.13 – *Claiming the State Tax Credit*

- 3.4.17.1 – *Issuing Agency*
- 3.4.17.2 – *Scope*
- 3.4.17.3 – *Statutory Authority*
- 3.4.17.4 – *Duration*
- 3.4.17.5 – *Effective Date*
- 3.4.17.6 – *Objective*
- 3.4.17.7 – *Definitions*
- 3.4.17.8 – *General Provisions*
- 3.4.17.9 – *Verifier Eligibility*
- 3.4.17.10 – *Application for the Sustainable Building Tax Credit*
- 3.4.17.11 – *Application Review Process*
- 3.4.17.12 – *Verification of the Alternative Method Used for the Energy Reduction Requirement*
- 3.4.17.13 – *Claiming the Tax Credit*
- 3.4.17.14 – *Claiming the State Tax Credit*

## **Gross Receipts and Compensating Tax Act**

Section 7-9-10 NMSA 1978 (Repealed 07/01/2025)

- 3.2.13.1 – *Issuing Agency*
- 3.2.13.2 – *Scope*
- 3.2.13.3 – *Statutory Authority*
- 3.2.13.4 – *Duration*
- 3.2.13.5 – *Effective Date*
- 3.2.13.6 – *Objective*
- 3.2.13.7 – *Definitions*
- 3.2.13.8 – *Reserved*
- 3.2.13.9 – *Reserved*
- 3.2.13.10 – *Collection of Compensating Tax by Broadcasters*

Section 7-9-79.2 NMSA 1978 (Repealed 07/01/2025)

*3.13.21.1 – Issuing Agency*

*3.13.21.2 – Scope*

*3.13.21.3 – Statutory Authority*

*3.13.21.4 – Duration*

*3.13.21.5 – Effective Date*

*3.13.21.6 – Objective*

*3.13.21.7 – Definitions*

*3.13.21.8 – General Provisions*

*3.13.21.9 – Certificate of Eligibility Applications*

*3.13.21.10 – Application Review Process*

*3.13.21.11 – Claiming the Biodiesel Blending Facility Tax Credit*

### **Alternative Energy Product Manufacturers Tax Credit Act**

Section 7-9J-1 through 7-9J-8 NMSA 1978 (Repealed 07/01/2025)

*3.13.7.1 – Issuing Agency*

*3.13.7.2 – Scope*

*3.13.7.3 – Statutory Authority*

*3.13.7.4 – Duration*

*3.13.7.5 – Effective Date*

*3.13.7.6 – Objective*

*3.13.7.7 – Definitions*

*3.13.7.8 – [Reserved]*

*3.13.7.9 – Items not “Manufacturing Equipment”*

*3.13.7.10 – Items which may be included as “Manufacturing Equipment”*

*3.13.7.11 – Value of Qualified “Manufacturing Equipment”*

*3.13.7.12 – Application of the Credit*

*3.13.7.13 – Carry Forward of Unused Credits*

*3.13.7.14 – Using the Credit*

*3.13.7.15 – Equivalent of One Full-Time Employee*

*3.13.7.16 – Reporting Number of Employees - Estimates*

**Technical Information:** No technical information was consulted in drafting these proposed rule changes.

**Purpose of Proposed Rule:** The proposed repeals are associated with statutes that were repealed during the 2025 legislative session in House Bill-218. All statutes were repealed as of July 1, 2025.

**Notice of Public Rule Hearing:** A public hearing will be held on the proposed rule changes on Thursday, October 9, 2025, from 11AM to 12AM at the 3<sup>rd</sup> floor in the Montoya Building, 1100 South St. Francis Drive, Santa Fe, New Mexico 87504. The hearing will be recorded, and oral comments can be made during the public hearing. Written comments can be submitted as outlined at the end of this notice.

Virtual meeting access also available using Microsoft Teams:

[https://teams.microsoft.com/l/meetup-](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTQ5NjlmMzMtZDkzMC00ZGEzLTk3M2QtZGFhNmViMjgyYmZl%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22124fc7fc-ca47-4a9a-84d4-010bce6239a%22%7d)

[join/19%3ameeting\\_YTQ5NjlmMzMtZDkzMC00ZGEzLTk3M2QtZGFhNmViMjgyYmZl%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22124fc7fc-ca47-4a9a-84d4-010bce6239a%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTQ5NjlmMzMtZDkzMC00ZGEzLTk3M2QtZGFhNmViMjgyYmZl%40thread.v2/0?context=%7b%22Tid%22%3a%2204aa6bf4-d436-426f-bfa4-04b7a70e60ff%22%2c%22Oid%22%3a%22124fc7fc-ca47-4a9a-84d4-010bce6239a%22%7d)

Meeting ID: 227 240 579 610 5      Passcode: KK6gU2Q3

Dial in by phone +1 505-312-4308      Conference ID: 782 424 380#

The rule proposals were placed on file in the Office of the Secretary on August 24, 2025. Pursuant to Regulation 3.1.2.9 NMAC under Section 9-11-6.2 NMSA 1978 of the Taxation and Revenue Department Act, the final of the proposals, if filed, will be filed as required by law on or about November 4, 2025.

Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact the Tax Information and Policy Office at [policy.office@tax.nm.gov](mailto:policy.office@tax.nm.gov). The Taxation and Revenue Department will make every effort to accommodate all reasonable requests but cannot guarantee accommodation of a request that is not received at least ten calendar days prior to the scheduled hearing.

**Copies of the proposed rules** may be found at: <https://www.tax.newmexico.gov/all-nm-taxes/proposed-regulations-hearing-notices/> or are available upon request by contacting the Tax Policy Office at [policy.office@tax.nm.gov](mailto:policy.office@tax.nm.gov).

**Notice of Acceptance of Written Public Comment:** Written comments on the proposals can be submitted by email to [policy.office@tax.nm.gov](mailto:policy.office@tax.nm.gov) or by mail to the Taxation and Revenue Department, Tax Information and Policy Office, Post Office Box 630, Santa Fe, New Mexico 87504-0630 on or by 5PM on Thursday, October 9, 2025.

All written comments received by the agency will be posted on <https://www.tax.newmexico.gov/all-nm-taxes/proposed-regulations-hearing-notices/> no more than 3 business days following receipt to allow for public review.