

1 SENATE BILL 589

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

4 James G. Taylor

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10 AN ACT

11 RELATING TO REAL PROPERTY; PROVIDING FOR RECORDING A NOTICE OF
12 REAL PROPERTY USED FOR MANUFACTURING METHAMPHETAMINE; PROVIDING
13 FOR RECORDING AN AFFIDAVIT THAT REMEDIATION HAS OCCURRED ON
14 PROPERTY USED FOR MANUFACTURING METHAMPHETAMINE; REQUIRING
15 RULES ESTABLISHING METHAMPHETAMINE REMEDIATION STANDARDS TO BE
16 PROMULGATED BY THE ENVIRONMENTAL IMPROVEMENT BOARD.

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

19 Section 1. RECORDING NOTICE OF REAL PROPERTY USED IN
20 MANUFACTURING METHAMPHETAMINE IN THE OFFICE OF THE COUNTY
21 CLERK--RECORDING AFFIDAVIT CERTIFYING REMEDIATION--
22 RULEMAKING.--

23 A. Whenever a state or local law enforcement agency
24 discovers that real property has been used for manufacturing
25 methamphetamine, the law enforcement agency shall file a

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1 "notice of methamphetamine lab", as described in Subsection B
2 of this section, for recording with the county clerk in the
3 county in which the real property or any portion of the real
4 property is located. In lieu of acknowledgment, the signature
5 of an officer of the local law enforcement agency shall be
6 accepted by the county clerk. The county clerk shall record
7 the notice in a manner that ensures its disclosure in the
8 ordinary course of a title search of the subject property. No
9 fee shall be collected for this filing.

10 B. A notice in a form substantially as follows is
11 sufficient to comply with Subsection A of this section:

12 "Notice of Methamphetamine Lab

13 Notice is hereby given that an illegal laboratory for the
14 manufacture of methamphetamine was discovered at the location
15 described below on ___(date)__. The discovery was made by the
16 _____
(law enforcement agency)_____.

17 Name of property owner or owners and tenants, if any:
18 _____
19 _____

20 Property address: _____
21 _____
22 _____

23 Legal description or description of property sufficient to
24 identify: _____
25 _____

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1 Location on property where illegal laboratory was discovered:

2 _____

3 Name and title of person giving notice: _____

4 _____

5 _____

6 (Signature of person giving notice) _____ (Date)".

7 C. A law enforcement agency shall complete the
8 date, law enforcement agency name, name of property owner or
9 owners and tenants, if any, property address, location on
10 property where illegal lab was discovered, name and title of
11 person giving notice, signature of person giving notice and
12 date of signature portions of the notice of methamphetamine
13 lab. A law enforcement agency shall complete the legal
14 description or description of property sufficient to identify
15 portion of the notice to the extent possible.

16 D. In addition to the duties in Subsection A of
17 this section, the county clerk shall:

18 (1) if the description of the property
19 provided by the law enforcement agency on the notice of
20 methamphetamine lab is not sufficient for recording purposes,
21 determine the description sufficient for recording, complete
22 the description in the notice and record the notice;

23 (2) maintain a registry of notices of
24 methamphetamine lab available to the public without fee; and

25 (3) if a public web site is available to the

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1 county clerk, publish the registry of notices of
2 methamphetamine lab on the web site so that it is available to
3 the public without fee.

4 E. Upon remediation of the property described in a
5 notice of methamphetamine lab, a person with an interest in the
6 property may record with the county clerk an affidavit
7 indicating that remediation has occurred. The affidavit shall
8 include the name, address and telephone number of the person
9 completing the remediation, the type of remediation completed
10 and the date of the remediation. The affidavit shall be
11 accompanied by a certificate of the person performing the
12 remediation, certifying that the remediation meets the
13 remediation standards established by the environmental
14 improvement board. The fee for this filing shall be in
15 accordance with Section 14-8-12 NMSA 1978. The county clerk
16 shall record the affidavit in a manner that ensures its
17 disclosure in the ordinary course of a title search of the
18 subject property. For the purposes of this section,
19 "remediation" means the cleanup, removal, treatment or
20 containment of substances, chemicals or items used in
21 manufacturing methamphetamine or the byproducts or degradates
22 of manufacturing methamphetamine to a level that makes the
23 property safe for human habitation, pursuant to standards
24 established in rules of the environmental improvement board.

25 F. The environmental improvement board shall

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1 promulgate rules establishing standards for remediation.

2 Section 2. EFFECTIVE DATE.--The effective date of the
3 provisions this act is July 1, 2006.

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