

HOUSE BILL 186

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Alan T. Martinez

AN ACT

RELATING TO PROPERTY TAX; PROVIDING FLEXIBILITY REGARDING THE  
REQUIREMENT TO PROVIDE PROOF OF ELIGIBILITY FOR A DISABLED  
VETERAN'S PROPERTY TAX EXEMPTION.

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

SECTION 1. Section 7-38-17 NMSA 1978 (being Laws 1973,  
Chapter 258, Section 57, as amended) is amended to read:

"7-38-17. CLAIMING EXEMPTIONS--REQUIREMENTS--PENALTIES.--

A. Subject to the requirements of Subsection E of  
this section, head-of-family exemptions, veteran exemptions,  
disabled veteran exemptions or veterans' organization  
exemptions claimed and allowed in a tax year need not be  
claimed for subsequent tax years if there is no change in  
eligibility for the exemption nor any change in ownership of  
the property against which the exemption was claimed. Head-of-

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1 family, veteran and veterans' organization exemptions allowable  
2 under this subsection shall be applied automatically by county  
3 assessors in the subsequent tax years.

4 B. Other exemptions of real property specified  
5 under Section 7-36-7 NMSA 1978 for nongovernmental entities  
6 shall be claimed in order to be allowed. Once such exemptions  
7 are claimed and allowed for a tax year, they need not be  
8 claimed for subsequent tax years if there is no change in  
9 eligibility. Exemptions allowable under this subsection shall  
10 be applied automatically by county assessors in subsequent tax  
11 years.

12 C. Except as set forth in Subsection H of this  
13 section, an exemption required to be claimed under this section  
14 shall be applied for no later than thirty days after the  
15 mailing of the county assessor's notices of valuation pursuant  
16 to Section 7-38-20 NMSA 1978 in order for it to be allowed for  
17 that tax year.

18 D. A person who has had an exemption applied to a  
19 tax year and subsequently becomes ineligible for the exemption  
20 because of a change in the person's status or a change in the  
21 ownership of the property against which the exemption was  
22 applied shall notify the county assessor of the loss of  
23 eligibility for the exemption by the last day of February of  
24 the tax year immediately following the year in which loss of  
25 eligibility occurs.

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1           E. Exemptions may be claimed by filing proof of  
2 eligibility for the exemption with the county assessor. The  
3 proof shall be in a form prescribed by regulation of the  
4 department. Procedures for determining eligibility of  
5 claimants for any exemption shall be prescribed by regulation  
6 of the department, and these regulations shall include  
7 provisions for requiring the veterans' services department to  
8 issue certificates of eligibility for veteran and veterans'  
9 organization exemptions in a form and with the information  
10 required by the department. The regulations shall also include  
11 verification procedures to assure that veteran exemptions in  
12 excess of the amount authorized under Section 7-37-5 NMSA 1978  
13 are not allowed as a result of multiple claiming in more than  
14 one county or claiming against more than one property in a  
15 single tax year.

16           F. The department shall consult and cooperate with  
17 the veterans' services department in the development, adoption  
18 and promulgation of regulations under Subsection E of this  
19 section. The veterans' services department shall comply with  
20 the promulgated regulations. The veterans' services department  
21 shall collect a fee of five dollars (\$5.00) for the issuance of  
22 a duplicate certificate of eligibility to a veteran or to a  
23 veterans' organization.

24           G. A person who violates the provisions of this  
25 section by intentionally claiming and receiving the benefit of

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1 an exemption to which the person is not entitled or who fails  
2 to comply with the provisions of Subsection D of this section  
3 is guilty of a misdemeanor and shall be punished by a fine of  
4 not more than one thousand dollars (\$1,000). A county assessor  
5 or the assessor's employee who knowingly permits a claimant for  
6 an exemption to receive the benefit of an exemption to which  
7 the claimant is not entitled is guilty of a misdemeanor and  
8 shall be punished by a fine of not more than one thousand  
9 dollars (\$1,000) and shall also be automatically removed from  
10 office or dismissed from employment upon conviction under this  
11 subsection.

12 ~~[H. A veteran or the veteran's unmarried surviving~~  
13 ~~spouse who became eligible to receive a property tax exemption~~  
14 ~~due to the expansion of the class of eligible veterans~~  
15 ~~resulting from approval by the electorate in November 2004 of~~  
16 ~~an amendment to Article 8, Section 5 of the constitution of New~~  
17 ~~Mexico shall apply at the time the veteran or the veteran's~~  
18 ~~unmarried surviving spouse applies for the 2005 veteran~~  
19 ~~exemption, to the county assessor of the county in which the~~  
20 ~~property of the veteran or the veteran's unmarried surviving~~  
21 ~~spouse is located to have the veteran exemptions for the 2004~~  
22 ~~and 2005 property tax years applied to the 2005 taxable value~~  
23 ~~of the property. The same form of documentation required for a~~  
24 ~~veteran's property exemption for property tax year 2005 is~~  
25 ~~required to be presented to the county assessor for property~~

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