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SENATE BILL 244

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Gerald P. Ortiz y Pino

AN ACT

RELATING TO AFFORDABLE HOUSING; AUTHORIZING COUNTIES TO COLLECT  
A FEE FOR AFFORDABLE HOUSING.

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

Section 1. Section 14-8-12.2 NMSA 1978 (being Laws 1985,  
Chapter 122, Section 2, as amended) is amended to read:

"14-8-12.2. RECORDING FEES.--

A. For each instrument recorded, the county clerk shall charge a recording fee of five dollars (\$5.00) for the first page and two dollars (\$2.00) for each additional page or portion thereof of the same instrument.

B. For each instrument recorded, the county clerk shall charge, in addition to the recording fee described in Subsection A of this section, a flat fee of thirty dollars (\$30.00). Of this flat fee:

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1                   (1) five dollars (\$5.00) shall be placed in  
2 the county general fund; and

3                   (2) twenty-five dollars (\$25.00) shall be  
4 remitted to the department of finance administration, which in  
5 turn shall remit such fees collected to the state housing  
6 authority to deposit in the New Mexico housing trust fund for  
7 affordable housing.

8                   [~~B.~~] C. For each instrument recorded, the county  
9 clerk may charge, in addition to any other fees authorized by  
10 law, including the [~~fee~~] fees provided in [~~Subsection~~]  
11 Subsections A and B of this section, an equipment recording  
12 fee. The equipment recording fee shall not exceed four dollars  
13 (\$4.00) for each instrument recorded.

14                   [~~C.~~] D. Amounts collected from the equipment  
15 recording fee shall be deposited into a county clerk recording  
16 and filing fund, which shall be established by the county.

17                   [~~D.~~] E. The equipment recording fee and  
18 expenditures from the county clerk recording and filing fund  
19 shall be determined annually by the county clerk and approved  
20 by the board of county commissioners.

21                   [~~E.~~] F. Expenditures from the county clerk  
22 recording and filing fund may be expended only:

23                               (1) to rent, purchase, lease or lease-purchase  
24 recording equipment and for supplies, training and maintenance  
25 for such equipment;

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underscored material = new  
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1 (2) to rent, purchase, lease or lease-purchase  
2 equipment associated with all regular duties in the county  
3 clerk's office and for supplies, training and maintenance for  
4 such equipment;

5 (3) to rent, purchase, lease or lease-purchase  
6 vehicles associated with all regular duties in the county  
7 clerk's office and for supplies, training and maintenance for  
8 such vehicles, provided that the county clerk shall report  
9 annually to the board of county commissioners the usage,  
10 mileage and necessity of any vehicle acquired pursuant to this  
11 paragraph; or

12 (4) for technical assistance, staff travel and  
13 training associated with all regular duties of the county  
14 clerk's office pursuant to the Per Diem and Mileage Act."