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AN ACT

RELATING TO VETERANS; PROVIDING AN EXEMPTION FROM THE IMPOSITION OF A SPECIAL BENEFIT ASSESSMENT FOR DISABLED VETERANS.

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

SECTION 1. PROPERTY OWNED BY A DISABLED VETERAN IS EXEMPT FROM A SPECIAL BENEFIT ASSESSMENT.--

A. Property owned by a disabled veteran, including joint or community property of the veteran and the veteran's spouse, is exempt from the imposition of a special benefit assessment if the property is occupied by the disabled veteran as the veteran's principal place of residence.

Property held in a grantor trust established under Sections 671 through 677 of the Internal Revenue Code of 1986, as those sections may be amended or renumbered, by a disabled veteran or the veteran's surviving spouse is also exempt from the imposition of a special benefit assessment if the property otherwise meets the requirements for exemption in this subsection or Subsection B of this section.

B. The property of the surviving spouse of a disabled veteran is exempt from the imposition of a special benefit assessment if:

(1) the surviving spouse and the disabled veteran were married at the time of the disabled veteran's

1 death;

2 (2) the surviving spouse continues to occupy
3 the property continuously after the disabled veteran's death
4 as the spouse's principal place of residence; and

5 (3) the surviving spouse has remained
6 unmarried since the time of the disabled veteran's death.

7 C. For purposes of this section:

8 (1) "disabled veteran" means an individual
9 who:

10 (a) has been honorably discharged from
11 membership in the armed forces of the United States or has
12 received a discharge certificate from a branch of the armed
13 forces of the United States for civilian service recognized
14 pursuant to federal law as service in the armed forces of the
15 United States; and

16 (b) has been determined pursuant to
17 federal law to have a one hundred percent permanent and total
18 service-connected disability;

19 (2) "honorably discharged" means discharged
20 from the armed forces pursuant to a discharge other than a
21 dishonorable or bad conduct discharge; and

22 (3) "special benefit assessment" means an
23 assessment or levy authorized by law for benefits, damages,
24 construction, improvements or maintenance on property that is
25 specially benefited by the benefits, damages, construction,

1 improvements or maintenance; and includes an assessment or
2 levy authorized by The Conservancy Act of New Mexico, the
3 Public Improvement District Act, the Tax Increment for
4 Development Act and other similar laws outside the Property
5 Tax Code. _____

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