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SENATE BILL 753

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

PHIL A. GRIEGO

AN ACT

RELATING TO TAXATION; AMENDING A SECTION OF THE NMSA 1978
REGARDING BONA FIDE COMMUNITY LAND GRANT PARTICIPATION IN
DELINQUENT TAX AUCTIONS.

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

Section 1. Section 7-38-67 NMSA 1978 (being Laws 1973,
Chapter 258, Section 107, as amended) is amended to read:

"7-38-67. REAL PROPERTY SALE REQUIREMENTS. --

A. Real property ~~may~~ not be sold for delinquent
taxes before the expiration of three years from the first date
shown on the tax delinquency list on which the taxes on the real
property became delinquent.

B. Notice of the sale ~~[must]~~ shall be published in a
newspaper of general circulation within the county where the
real property is located at least once a week for the three

Underscored material = new
[bracketed material] = delete

1 weeks immediately preceding the week of the sale. The notice
2 shall state the time and place of the sale and shall include a
3 description of the real property sufficient to permit its
4 identification and location by potential purchasers.

5 C. Real property shall be sold at public auction
6 either by the department or an auctioneer hired by the
7 department. The auction shall be held in the county where the
8 real property is located at a time and place designated by the
9 department.

10 D. If the real property can be divided so as to
11 enable the department to sell only part of it and pay all
12 delinquent taxes, penalties, interest and costs, the department
13 may, with the consent of the owner, sell only a part of the real
14 property.

15 E. Before the sale, the department shall determine a
16 minimum sale price for the real property. In determining the
17 minimum price, the department shall consider the value of the
18 property owner's interest in the real property, the amount of
19 all delinquent taxes, penalties and interest for which it is
20 being sold and the costs. The minimum price shall not be less
21 than the total of all delinquent taxes, penalties, interest and
22 costs. Real property may not be sold for less than the minimum
23 price unless no offer met the minimum price when it was offered
24 at an earlier public auction. A sale properly made under the
25 authority of and in accordance with the requirements of this

Underscored material = new
[bracketed material] = delete

1 section constitutes full payment of all delinquent taxes,
2 penalties and interest that are a lien against the property at
3 the time of sale, and the sale extinguishes the lien.

4 F. Payment shall be made in full by the close of the
5 public auction before an offer may be deemed accepted by the
6 department.

7 G. Real property not offered for sale may be offered
8 for sale at a later sale, but the requirements of this section
9 and Section 7-38-66 NMSA 1978 shall be met in connection with
10 each sale.

11 H. A bid at the public auction by a bona fide
12 community land grant functioning under the laws of the state,
13 except for a corporation created pursuant to the provisions of
14 Chapter 49, Article 2 NMSA 1978, that is made in the amount of
15 all past taxes, penalties and interest shall be considered the
16 highest bid at the public auction and shall entitle the
17 community land grant to purchase the property for that amount if
18 the property is situated within the boundaries of the community
19 land grant as contained in the United States patent to the
20 community land grant."

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 February 24, 1997
6

7 Mr. President:
8

9 Your WAYS AND MEANS COMMITTEE, to whom has been
10 referred

11 SENATE BILL 753
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 CONSERVATION COMMITTEE.
16

17 Respectfully submitted,
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22 _____
23 Carlos R. Cisneros, Chairman
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25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Leavell, McSorley

Absent: None

S0753WM1

Underscored material = new
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
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SB 753/a

5 March 1, 1997
6

7 Mr. President:

8
9 Your CONSERVATION COMMITTEE, to whom has been referred

10
11 SENATE BILL 753
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:

15
16 1. On page 3, line 15, after "penalties" insert a comma and
17 strike "and", and after "interest" insert "and cost".

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19 Respectfully submitted,
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23 _____
24 Michael S. Sanchez, Chairman
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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Page 7

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 1 Against

Yes: 5

No: Payne

Excused: Davis, Eisenstadt, Kysar, Macias

Absent: None

S0753C01

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SB 753/a

March 14, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 753, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 3, line 11, strike the words "bona fide"
2. On page 3, line 12, after the word "grant" insert "
pursuant to Chapter 49, ".
3. On page 3, line 13, strike the entire line.
4. On page 3, line 14, strike "Chapter 49, Article 2 NMSA
1978, ".

Respectfully submitted,

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Page 9

Fernando R. Maci as, Chai rman

Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

Date _____

The roll call vote was 5 For 1 Against

Yes: 5

No: 1

Excused: Sanchez

Absent: None

S0753JU1

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

SB 753/a

March 18, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 753, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 3, line 11, strike the words "bona fide"
2. On page 3, line 12, after the word "grant" insert ",
pursuant to Chapter 49, ".
3. On page 3, line 13, strike the entire line.
4. On page 3, line 14, strike "Chapter 49, Article 2 NMSA
1978, ".

Respectfully submitted,

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Page 11

Fernando R. Maci as, Chair man

Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

Date _____

The roll call vote was 5 For 1 Against

Yes: 5

No: 1

Excused: Sanchez

Absent: None

S0753JU1