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SENATE BILL 1169

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

INTRODUCED BY

DIANNA J. DURAN

AN ACT

RELATING TO SUBDIVISIONS; ESTABLISHING PROCEDURES FOR
SUBDIVIDING LAND; PROVIDING FOR INCREASED CIVIL AND CRIMINAL
PENALTIES; REPEALING AND ENACTING SECTIONS OF THE NEW MEXICO
SUBDIVISION ACT.

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

Section 1. Section 47-6-1 NMSA 1978 (being Laws 1973,
Chapter 348, Section 1) is repealed and a new Section 47-6-1
NMSA 1978 is enacted to read:

"47-6-1. [NEW MATERIAL] SHORT TITLE.--Sections 1 through
27 of this act may be cited as the "Subdivision Act". "

Section 2. Section 47-6-2 NMSA 1978 (being Laws 1973,
Chapter 348, Section 2, as amended) is repealed and a new
Section 47-6-2 NMSA 1978 is enacted to read:

"47-6-2. [NEW MATERIAL] DEFINITIONS.--As used in the

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1 Subdivision Act:

2 A. "lease" means to lease or offer to lease land;

3 B. "parcel" means any parcel of land not dedicated
4 for public or common use;

5 C. "person" means any individual, estate, trust,
6 receiver, cooperative association, club, corporation, company,
7 firm, partnership, joint venture, syndicate or other entity;

8 D. "plat" means a map, chart, survey, plan or replat
9 certified by a licensed, registered land surveyor containing a
10 description of the subdivided land with ties to permanent
11 monuments;

12 E. "sell" means to sell or offer to sell land;

13 F. "terrain management" means the control of floods,
14 drainage and erosion and measures required for adapting proposed
15 development to existing soil characteristics and topography;

16 G. "subdivide" means to divide a surface area of land
17 into a subdivision;

18 H. "subdivider" means any person who creates or who
19 has created a subdivision individually or as part of a common
20 promotional plan or any person engaged in the sale or lease of
21 subdivided land which is being sold or leased or has been sold
22 or leased within the preceding three years by the owner in the
23 ordinary course of business; however, "subdivider" does not
24 include any duly licensed real estate broker or salesperson
25 acting on his own account;

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1 I. "subdivision" means the division of a surface
2 area of land, including land within a previously approved
3 subdivision, into two or more parcels for the purpose of sale,
4 lease or other conveyance or for building development, whether,
5 immediate or future, but "subdivision" does not include:

6 (1) the sale, lease or other conveyance of any
7 parcel that is thirty-five acres or larger in size within any
8 twelve-month period, provided that the land has been used
9 primarily and continuously for agricultural purposes, in
10 accordance with Section 7-36-20 NMSA 1978, for the preceding
11 three years;

12 (2) the sale or lease of apartments, offices,
13 stores or similar space within a building;

14 (3) the division of land within the boundaries
15 of a municipality;

16 (4) the division of land in which only gas,
17 oil, mineral or water rights are severed from the surface
18 ownership of the land;

19 (5) the division of land created by court order
20 where the order creates no more than one parcel per party;

21 (6) the division of land for grazing or farming
22 activities provided the land continues to be used for grazing or
23 farming activities;

24 (7) the division of land resulting only in the
25 alteration of parcel boundaries where parcels are altered for

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1 the purpose of increasing or reducing the size of contiguous
2 parcels and where the number of parcels is not increased;

3 (8) the division of land to create burial plots
4 in a cemetery;

5 (9) the division of land to create a parcel
6 that is sold or donated as a gift to an immediate family member;
7 however, this exception shall be limited to allow the seller or
8 donor to sell or give no more than one parcel per tract of land
9 per immediate family member;

10 (10) the division of land created to provide
11 security for mortgages, liens or deeds of trust; provided that
12 the division of land is not the result of a seller-financed
13 transaction;

14 (11) the sale, lease or other conveyance of
15 land that creates no parcel smaller than one hundred forty
16 acres;

17 (12) the division of land to create a parcel
18 that is donated to any trust or nonprofit corporation granted an
19 exemption from federal income tax, as described in Section 501
20 (c)(3) of the Internal Revenue Code of 1986, as amended; school,
21 college or other institution with a defined curriculum and a
22 student body and faculty that conducts classes on a regular
23 basis; or to any church or group organized for the purpose of
24 divine worship, religious teaching or other specifically
25 religious activity; or

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1 (13) the sale, lease or other conveyance of a
2 single parcel from a tract of land, except from a tract within a
3 previously approved subdivision, within any five-year period;
4 provided that a second or subsequent sale, lease or other
5 conveyance from the same tract of land within five years of the
6 first sale, lease or other conveyance shall be subject to the
7 provisions of the Subdivision Act; provided further that a
8 survey shall be filed with the county clerk indicating the five-
9 year holding period for both the original tract and the newly
10 created tract;

11 J. "time of purchase or lease" means the time of
12 signing any document obligating the person signing the document
13 to purchase, lease or otherwise acquire a legal interest in land
14 as a lessee;

15 K. "common promotional plan" means any plan or
16 scheme of operation, undertaken by a single subdivider or a
17 group of subdividers acting in concert, to offer for sale or
18 lease parcels of land where such land is either contiguous or
19 part of the same area of land or is known, designated or
20 advertised as a common unit or by a common name;

21 L. "type-one subdivision" means any subdivision
22 containing five hundred or more parcels, any one of which is
23 less than ten acres in size;

24 M "type-two subdivision" means any subdivision
25 containing not fewer than twenty-five but not more than four

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1 hundred ninety-nine parcels, any one of which is less than ten
2 acres in size;

3 N. "type-three subdivision" means any subdivision
4 containing not fewer than five but not more than twenty-four
5 parcels, any one of which is less than ten acres in size;

6 O. "type-four subdivision" means any subdivision
7 containing twenty-five or more parcels, each of which is ten
8 acres or more in size; and

9 P. "type-five subdivision" means any subdivision
10 containing not fewer than three parcels and not more than
11 twenty-four parcels, each of which is ten acres or more in
12 size. "

13 Section 3. Section 47-6-3 NMSA 1978 (being Laws 1973,
14 Chapter 348, Section 3) is repealed and a new Section 47-6-3
15 NMSA 1978 is enacted to read:

16 "47-6-3. [NEW MATERIAL] SUBDIVISION--DESCRIPTION. --Any
17 person desiring to subdivide land shall have a plat of the
18 proposed subdivision certified by a surveyor registered in New
19 Mexico. The plat shall define the subdivision and all roads by
20 reference to permanent monuments, accurately describe each
21 parcel, number each parcel in progression and give its
22 dimensions and the dimensions of all land dedicated for public
23 use or for the use of the owners of parcels fronting or adjacent
24 to the land. Descriptions of parcels by number and plat
25 designation are valid in conveyances and valid for the purpose

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1 of taxation. "

2 Section 4. Section 47-6-4 NMSA 1978 (being Laws 1973,
3 Chapter 348, Section 4) is repealed and a new Section 47-6-4
4 NMSA 1978 is enacted to read:

5 "47-6-4. [NEW MATERIAL] PLAT ACKNOWLEDGMENT--AFFIDAVIT.--
6 Every plat shall contain a statement that the land being
7 subdivided is subdivided in accordance with the desire of the
8 owner of the land. The plat shall be acknowledged by the owner
9 or his authorized agent in the manner required for the
10 acknowledgment of deeds. Every plat submitted to the county
11 clerk shall be accompanied by an affidavit of the owner or his
12 authorized agent stating whether or not the proposed subdivision
13 lies within the subdivision regulation jurisdiction of the
14 county. "

15 Section 5. Section 47-6-5 NMSA 1978 (being Laws 1973,
16 Chapter 348, Section 5, as amended) is repealed and a new
17 Section 47-6-5 NMSA 1978 is enacted to read:

18 "47-6-5. [NEW MATERIAL] DEDICATION FOR PUBLIC USE--
19 MAINTENANCE.--Approval of a plat by the board of county
20 commissioners dedicates the land designated on the plat for
21 public use. Dedicated land is public property, and the fee
22 vests in the county if the dedicated land lies outside the
23 boundaries of a municipality. The plat shall clearly state that
24 the subdivider has agreed to build the roads within the
25 subdivision in full conformance with the requirements of the

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1 county subdivision regulations. Upon full conformance with the
2 county road construction standards, the roads may be accepted
3 for maintenance by the county."

4 Section 6. Section 47-6-6 NMSA 1978 (being Laws 1973,
5 Chapter 348, Section 6, as amended) is repealed and a new
6 Section 47-6-6 NMSA 1978 is enacted to read:

7 "47-6-6. [NEW MATERIAL] FILING WITH COUNTY CLERK. --The
8 county clerk may not accept any plat subject to the Subdivision
9 Act for filing that has not been approved as provided in the
10 Subdivision Act.

11 Section 7. Section 47-6-7 NMSA 1978 (being Laws 1973,
12 Chapter 348, Section 7) is repealed and a new Section 47-6-7
13 NMSA 1978 is enacted to read:

14 "47-6-7. [NEW MATERIAL] VACATION OF PLATS--APPROVAL--
15 DUTIES OF COUNTY CLERK--EFFECT. --

16 A. Any plat filed in the office of the county clerk
17 may be vacated or a portion of the plat may be vacated if:

18 (1) the owners of the land proposed to be
19 vacated sign an acknowledged statement, declaring the plat or a
20 portion of the plat to be vacated; and

21 (2) the statement is approved by the board of
22 county commissioners of the county within whose platting
23 authority the vacated portion of the subdivision is located.

24 B. In approving the vacation of all or a part of a
25 plat, the board of county commissioners shall determine whether

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1 or not the vacation will adversely affect the interests of
2 persons on contiguous land or persons within the subdivision
3 being vacated. In approving the vacation of all or a portion of
4 a plat, the board of county commissioners may require that
5 streets dedicated to the county in the original plat continue to
6 be dedicated to the county. The owners of lots on the vacated
7 portion of the plat may enclose in equal proportions the
8 adjoining streets and alleys that are authorized to be
9 abandoned.

10 C. The approved statement declaring the vacation of
11 a portion or all of a plat shall be filed in the office of the
12 county clerk wherein the original plat is filed. The county
13 clerk shall mark the original plat with the words "Vacated" or
14 "Partially Vacated" and refer on the plat to the volume and page
15 on which the statement of vacation is recorded.

16 D. The rights of any utility existing prior to the
17 vacation, total or partial, of any plat are not affected by the
18 vacation of a plat. "

19 Section 8. Section 47-6-8 NMSA 1978 (being Laws 1973,
20 Chapter 348, Section 8) is repealed and a new Section 47-6-8
21 NMSA 1978 is enacted to read:

22 "47-6-8. [NEW MATERIAL] REQUIREMENTS PRIOR TO SALE OR
23 LEASE. - -

24 A. It is unlawful to sell or lease land from within
25 a subdivision unless the subdivision plat is approved by the

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1 board of county commissioners and on file with the clerk of the
2 county in which the subdivision is located. Where a subdivision
3 lies within more than one county, the subdivision plat shall be
4 approved by the board of county commissioners of each county in
5 which the subdivision is located and on file with the county
6 clerk of each county in which the subdivision is located.

7 B. It is unlawful to sell or lease land in a type-
8 one, type-two or type-four subdivision until the subdivider has
9 furnished the board of county commissioners and filed with the
10 county clerk a copy of his sales contracts, leases and any other
11 document that will convey an interest in the subdivided land;

12 C. Prior to the sale or lease of any parcel within a
13 type-one, type-two or type-four subdivision by a subdivider in
14 the ordinary course of business all corners of all parcels and
15 blocks within a subdivision shall be permanently marked with
16 metal stakes in the ground and a reference stake placed beside
17 one corner of each parcel. "

18 Section 9. Section 47-6-9 NMSA 1978 (being Laws 1973,
19 Chapter 348, Section 9, as amended) is repealed and a new
20 Section 47-6-9 NMSA 1978 is enacted to read:

21 "47-6-9. [NEW MATERIAL] SUBDIVISION REGULATION-- COUNTY
22 AUTHORITY. --

23 A. The board of county commissioners of each county
24 shall regulate subdivisions within the county's boundaries. In
25 regulating subdivisions, the board of county commissioners of

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1 each county shall adopt regulations setting forth the county's
2 requirement for:

- 3 (1) enough water for subdivision use;
- 4 (2) water of an acceptable quality for
5 subdivision use;
- 6 (3) liquid waste disposal;
- 7 (4) solid waste disposal;
- 8 (5) sufficient and adequate roads;
- 9 (6) terrain management;
- 10 (7) phased development;
- 11 (8) specific information to be contained in a
12 subdivider's disclosure statement in addition to that required
13 in Section 47-6-17 NMSA 1978;
- 14 (9) reasonable fees approximating the cost to
15 the county of determining compliance with the Subdivision Act
16 and county subdivision regulations while passing upon
17 subdivision plats;
- 18 (10) a summary procedure as provided in
19 Sections 47-6-12 and 47-6-13 NMSA 1978; and
- 20 (11) any other matter relating to subdivisions
21 that the board of county commissioners feels is necessary to
22 ensure that development is well planned, giving consideration to
23 population density in the area.

24 B. Subsection A of this section does not preempt the
25 authority of any state agency to regulate or perform any

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1 activity that it is required or authorized by law to perform "

2 Section 10. Section 47-6-10 NMSA 1978 (being Laws 1973,
3 Chapter 348, Section 10, as amended) is repealed and a new
4 Section 47-6-10 NMSA 1978 is enacted to read:

5 "47-6-10. [NEW MATERIAL] COUNTY SUBDIVISION REGULATIONS--
6 HEARINGS--APPEAL.--In promulgating subdivision regulations, the
7 board of county commissioners shall adhere to the following
8 procedures.

9 A. Prior to adopting, amending or repealing any
10 regulation, the board of county commissioners shall consult with
11 representatives of the state engineer's office, the department
12 of environment, all soil and water conservation districts within
13 the county and the state highway and transportation department
14 about the subjects within their respective expertise for which
15 the board of county commissioners is considering promulgating a
16 regulation. In the process of the consultation, the
17 representatives of each of the state agencies shall give
18 consideration to the conditions peculiar to the county and shall
19 submit written guidelines to the board of county commissioners
20 for its consideration in formulating regulations. The
21 guidelines:

22 (1) shall be given consideration by the board
23 of county commissioners in the formulation of the county's
24 subdivision regulations;

25 (2) shall become a part of the record of any

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1 hearing in which regulations are adopted, amended or repealed;
2 and

3 (3) may be in such detail as the agency
4 involved desires.

5 B. A regulation may not be adopted, amended or
6 repealed until after a public hearing held by the board of
7 county commissioners. Notice of the hearing shall be given at
8 least thirty days prior to the hearing date and shall state:

9 (1) the subject of the regulation;

10 (2) the time and place of the hearing;

11 (3) the manner in which interested persons may
12 present their views; and

13 (4) the place and manner in which interested
14 persons may secure copies of any proposed regulation. The board
15 of county commissioners may impose a reasonable charge for the
16 costs incurred in the reproducing and mailing of the proposed
17 regulations.

18 C. The notice shall be published in a newspaper of
19 general circulation in the county.

20 D. Reasonable effort shall be made to give notice to
21 all persons who have made a written request to the board of
22 county commissioners for advance notice of its hearings.

23 E. The board of county commissioners shall give the
24 state engineer, the department of environment, the state highway
25 and transportation department and the soil and water

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1 conservation districts thirty days' notice of its regulation
2 hearings.

3 F. At the hearing, the board of county commissioners
4 shall allow all interested persons reasonable opportunity to
5 submit data, views or arguments, orally or in writing, and to
6 examine witnesses testifying at the hearing. The board shall
7 keep a complete record of the hearing proceedings.

8 G. Representatives from the state engineer's office,
9 the department of environment, the soil and water conservation
10 districts within the county and the state highway and
11 transportation department shall be present at the hearings when
12 the proposed regulation relates to an issue that is within the
13 agencies' respective area of expertise. Where a proposed
14 regulation relates to an issue that is within the agencies'
15 respective area of expertise, the representatives from the state
16 agencies shall enter into the record of the hearing a written
17 statement setting forth any comments that they might have,
18 whether favorable or unfavorable, about the proposed county
19 regulation. Oral statements may also be made by the state
20 agencies' representatives.

21 H. A regulation is not invalid because of the
22 failure of a state agency to submit a guideline prior to the
23 promulgation of the regulation or because the representative of
24 a state agency required to appear at a public hearing on the
25 regulation did not appear or did not make any comment for entry

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1 in the hearing record. If a state agency does not submit
2 guidelines, does not appear as required at a hearing or does not
3 have any comment for the record at a hearing on the regulation,
4 the county shall proceed as if the action required of the state
5 agency had been taken.

6 I. The board of county commissioners shall act on
7 the proposed regulations at the regulation hearings or at a
8 public meeting to be held within thirty days of the hearing on
9 the proposed regulations. Upon adopting the regulations, the
10 board of county commissioners shall include in the record a
11 short statement setting forth the board's reasoning and the
12 basis of the board's decision, including the facts and
13 circumstances considered and the weight given to those facts and
14 circumstances.

15 J. Any person heard or represented at the hearing
16 shall be given written notice of the board's action if the
17 person makes a written request to the board for notice of its
18 decision.

19 K. A regulation, amendment or repeal is not
20 effective until thirty days after its filing with the county
21 clerk and the state records administrator.

22 L. Any person who is or may be adversely affected by
23 a regulation adopted by the board of county commissioners may
24 appeal to the district court for relief. All appeals shall be
25 upon the record made at the hearing and shall be taken to the

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1 district court within thirty days after filing regulations with
2 the state records administrator.

3 M An appeal is perfected by filing a notice of
4 appeal in the district court of the county in which the
5 subdivision is located. The appellant shall certify in his
6 notice of appeal that arrangements have been made with the board
7 of county commissioners for preparation of a sufficient number
8 of transcripts of the record of the hearing to support his
9 appeal, including one copy that he shall furnish at his own
10 expense to the board of county commissioners. A copy of the
11 notice of appeal shall also be served upon the board of county
12 commissioners.

13 N. Upon appeal, the district court shall set aside
14 the regulation only if it is found to be:

- 15 (1) arbitrary, capricious or an abuse of
16 discretion;
17 (2) not supported by substantial evidence; or
18 (3) otherwise not in accordance with law.

19 O. Any party to the action in district court may
20 appeal to the court of appeals for further relief. "

21 Section 11. Section 47-6-11 NMSA 1978 (being Laws 1973,
22 Chapter 348, Section 11, as amended) is repealed and a new
23 Section 47-6-11 NMSA 1978 is enacted to read:

24 "47-6-11. [NEW MATERIAL] SUBDIVISION APPROVAL--TYPE-ONE
25 AND TYPE-TWO SUBDIVISIONS.--

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1 A. Any subdivider having an approved type-one or
2 type-two subdivision shall furnish:

3 (1) water to fulfill the use of water proposed
4 by the subdivider, if any, in his disclosure statement;

5 (2) water of an acceptable quality for the use
6 of water proposed by the subdivider in his disclosure statement;

7 (3) liquid waste disposal facilities to fulfill
8 the liquid waste provisions proposed by the subdivider in his
9 disclosure statement;

10 (4) solid waste disposal facilities to fulfill
11 the solid waste provisions proposed by the subdivider in his
12 disclosure statement;

13 (5) satisfactory roads; and

14 (6) terrain management to fulfill the
15 provisions for terrain management proposed by the subdivider in
16 his disclosure statement.

17 B. Prior to approving the plat for a type-one or
18 type-two subdivision, the board of county commissioners of the
19 county in which the subdivision is located shall:

20 (1) determine whether the subdivider can
21 fulfill the proposals contained in his disclosure statement; and

22 (2) determine whether the subdivision will
23 conform with the requirements of the Subdivision Act and with
24 the county's subdivision regulations.

25 C. The board of county commissioners shall not

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1 approve the plat of any subdivision if the subdivider cannot
2 reasonably demonstrate that he can fulfill the proposals
3 contained in his disclosure statement or if the subdivider has
4 not conformed with the Subdivision Act and the county's
5 subdivision regulations.

6 D. Any subdivider submitting a plat of a type-one or
7 type-two subdivision for approval shall submit sufficient
8 information to the board of county commissioners to permit the
9 board to determine whether:

10 (1) the subdivider can fulfill the proposals
11 contained in his disclosure statement; and

12 (2) the subdivider has conformed with the
13 Subdivision Act and the county's subdivision regulations.

14 E. In determining whether a subdivider can fulfill
15 the proposals contained in his disclosure statement and in
16 determining whether the subdivider's provisions for a type-one
17 or type-two subdivision conform with county regulations, the
18 board of county commissioners shall request opinions from:

19 (1) the state engineer to determine:

20 (a) whether the subdivider can fulfill
21 the proposals in his disclosure statement concerning water for
22 the subdivision, excepting water quality; and

23 (b) whether the subdivider's water
24 proposals conform with county regulations;

25 (2) the department of environment to determine:

1 (a) whether the subdivider can fulfill
2 the proposals contained in his disclosure statement for liquid
3 and solid wastes;

4 (b) whether the water proposed is of an
5 acceptable quality to conform with county regulations; and

6 (c) whether the liquid and solid waste
7 disposal proposals conform with county regulations;

8 (3) the state highway and transportation
9 department detailing the requirements of state highway access
10 when the board of county commissioners determines this to be of
11 importance; and

12 (4) the soil and water conservation district to
13 determine:

14 (a) whether the subdivider can fulfill
15 the proposals contained in his disclosure statement concerning
16 terrain management; and

17 (b) whether the subdivider's proposals
18 for terrain management conform with county regulations.

19 F. If, in the opinion of each appropriate state
20 agency, a subdivider can fulfill the proposals contained in his
21 disclosure statement concerning water, liquid and solid waste
22 disposal and terrain management, and the subdivider has
23 conformed with county regulations in his subdivision proposal,
24 then the board of county commissioners shall weigh these factors
25 in determining whether to approve the subdivision plat.

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1 G. If in the opinion of the state engineer the
2 subdivider's water proposals do not conform with county
3 regulations for a type-one subdivision or, if the state engineer
4 does not have sufficient information upon which to base an
5 opinion, the subdivider shall be notified of this fact by the
6 board of county commissioners and the procedure set out below
7 shall be followed:

8 (1) if the state engineer has rendered an
9 adverse opinion, the board of county commissioners shall give
10 the subdivider a copy of the opinion;

11 (2) the subdivider shall be given forty-five
12 days from the date of notification to submit additional
13 information to the state engineer through the board of county
14 commissioners;

15 (3) if, within sixty days of notification to
16 the subdivider, the state engineer does not change his opinion
17 or issue a favorable opinion when one has been withheld because
18 of insufficient information, the board of county commissioners
19 shall not approve the subdivider's plat unless:

20 (a) the subdivider requests the
21 appointment of three qualified water scientists to be chosen by
22 the water quality control commission and paid by the subdivider;
23 and

24 (b) a majority of the water scientists
25 chosen do not agree with the state engineer's opinion that the

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1 subdivider's water proposals do not conform with county
2 regulations; and

3 (4) if a majority of the water scientists do
4 not agree with the state engineer's opinion that the
5 subdivider's water proposals do not conform with county
6 regulations, then their opinions shall be submitted to the board
7 of county commissioners, which may utilize the opinions in its
8 final determination approving or disapproving the subdivision
9 plat.

10 H. If, in the opinion of the state engineer, the
11 subdivider's water proposals do not conform with county
12 regulations for a type-two subdivision or if the state engineer
13 does not have sufficient information upon which to base an
14 opinion, the subdivider shall be notified of this fact by the
15 board of county commissioners and the procedures set out below
16 shall be followed:

17 (1) if the state engineer has rendered an
18 adverse opinion, the board of county commissioners shall give
19 the subdivider a copy of the opinion;

20 (2) the subdivider shall be given forty-five
21 days from the date of notification to submit more information to
22 the state engineer through the board of county commissioners;
23 and

24 (3) if, within sixty days of the date the
25 subdivider was notified, the state engineer does not change his

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1 opinion or issue a favorable opinion when one has been withheld
2 because of insufficient information, the board of county
3 commissioners shall hold a public hearing devoted solely to
4 determining whether or not the subdivider's water proposals
5 conform with county regulations.

6 I. If, in the opinion of the appropriate state
7 agency, a type-one or type-two subdivision proposal does not
8 conform with county regulations for water of an acceptable
9 quality, liquid and solid waste disposal, highway access and
10 terrain management, or if the appropriate state agency does not
11 have sufficient information upon which to base an opinion on any
12 one of these subjects, the subdivider shall be notified of this
13 fact by the board of county commissioners, and the procedure set
14 out below shall be followed:

15 (1) if the appropriate state agency has
16 rendered an adverse opinion, the board of county commissioners
17 shall give the subdivider a copy of the opinion;

18 (2) the subdivider shall be given forty-five
19 days from the date of notification to submit additional
20 information to the state agency through the board of county
21 commissioners; and

22 (3) if, within sixty days of the date of
23 notification to the subdivider, the state agency does not change
24 its opinion, or issue a favorable opinion when it has withheld
25 one because of insufficient information, the board of county

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1 commissioners shall hold a public hearing devoted solely to
2 determining whether the subdivider has conformed with the
3 applicable county regulation concerning which the state agency
4 has rendered an unfavorable opinion or withheld an opinion
5 because of insufficient information. "

6 Section 12. Section 47-6-14 NMSA 1978 (being Laws 1973,
7 Chapter 348, Section 14) is repealed and a new Section 47-6-14
8 NMSA 1978 is enacted to read:

9 "47-6-14. [NEW MATERIAL] HEARINGS ON SUBDIVISION PLATS. --
10 Whenever a hearing is required because of an adverse report from
11 a state agency that a subdivider's proposal does not meet a
12 specified county regulation or because a state agency has not
13 furnished an opinion due to insufficient information, the board
14 of county commissioners shall adhere to the following
15 requirements concerning the hearing:

16 A. notice of the hearing shall be given at least
17 thirty days prior to the hearing date and shall state:

- 18 (1) the subject of the hearing;
- 19 (2) the time and place of the hearing;
- 20 (3) the manner in which interested persons may
21 present their views; and
- 22 (4) where interested persons may secure copies
23 of the adverse opinion and of the subdivider's proposal on the
24 subject covered by the state agency's opinion or the opinion
25 request. The board of county commissioners may impose a

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1 reasonable charge for the costs incurred in reproducing and
2 mailing the opinion and proposal to those persons requesting
3 copies;

4 B. the notice shall be published in a newspaper of
5 general circulation in the county;

6 C. reasonable effort shall be made to give notice to
7 all persons who have made a written request to the board of
8 county commissioners for advance notice of its hearings. Notice
9 shall also be given to the state agency that prepared the
10 adverse report or withheld a report on the basis of insufficient
11 information;

12 D. at the hearing, the board of county commissioners
13 shall allow all interested persons a reasonable opportunity to
14 submit data, views or arguments, orally or in writing, and to
15 examine witnesses testifying at the hearing; and

16 E. the board of county commissioners shall approve
17 or disapprove the subdivision plat within thirty days of the
18 termination of the hearing at a public meeting of the board of
19 county commissioners. "

20 Section 13. Section 47-6-15 NMSA 1978 (being Laws 1973,
21 Chapter 348, Section 15) is repealed and a new Section 47-6-15
22 NMSA 1978 is enacted to read:

23 "47-6-15. [NEW MATERIAL] APPEALS. --

24 A. Any party who is or may be adversely affected by
25 a decision of the board of county commissioners or its delegate

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1 in approving or disapproving a subdivision plat may appeal to
2 the district court of the county in which the subdivision is
3 located within thirty days of the date of the board's action.

4 B. An appeal is perfected by filing a notice of
5 appeal in the district court. A copy of the notice of appeal
6 shall be served upon the board of county commissioners.

7 C. Upon appeal, the district court shall set aside
8 the action of the board of county commissioners or its delegate
9 only if it is found to be:

10 (1) arbitrary, capricious or an abuse of
11 discretion;

12 (2) not supported by substantial evidence; or

13 (3) otherwise not in accordance with law.

14 D. Any party to the action in district court may
15 appeal to the court of appeals for further relief. "

16 Section 14. Section 47-6-16 NMSA 1978 (being Laws 1973,
17 Chapter 348, Section 16) is repealed and a new Section 47-6-16
18 NMSA 1978 is enacted to read:

19 "47-6-16. [NEW MATERIAL] SUCCEEDING SUBDIVISIONS. -- Any
20 proposed subdivision may be combined and upgraded for
21 classification purposes by the board of county commissioners
22 with a previous subdivision if the proposed subdivision includes
23 either:

24 A. a part of a previous subdivision that has been
25 approved in the preceding three-year period; or

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1 B. any unsubdivided land retained by a subdivider
2 after creating a previous subdivision when the previous
3 subdivision was approved in the preceding three-year period. "

4 Section 15. Section 47-6-17 NMSA 1978 (being Laws 1973,
5 Chapter 348, Section 17) is repealed and a new Section 47-6-17
6 NMSA 1978 is enacted to read:

7 "47-6-17. [NEW MATERIAL] DISCLOSURE. --

8 A. Prior to selling or leasing any land in a type-
9 one, type-two or type-four subdivision, the subdivider shall
10 disclose in writing such information as the board of county
11 commissioners requires, by regulation, to permit the prospective
12 purchaser or lessee to make an informed decision about the
13 purchase or lease of the land.

14 B. The disclosure statement for subdivisions with
15 twenty-five or more parcels but fewer than one hundred parcels
16 shall contain at least the following information:

- 17 (1) the name of the subdivision;
- 18 (2) the name and address of the subdivider and
19 the name and address of the person in charge of sales or leasing
20 in New Mexico;
- 21 (3) the size of the subdivision, both present
22 and anticipated;
- 23 (4) the size of the largest and smallest
24 parcels offered for sale or lease within the subdivision and the
25 proposed range of selling or leasing prices, including financing

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1 terms;

2 (5) the distance from the nearest town to the
3 subdivision and the route over which this distance is computed;

4 (6) the name and address of the person who is
5 recorded as having legal and equitable title to the property
6 offered for sale or lease;

7 (7) a statement of the condition of title
8 including any encumbrances;

9 (8) a statement of all restrictions or
10 reservations of record that subject the subdivided land to any
11 unusual conditions affecting its use or occupancy;

12 (9) the name and address of the escrow agent,
13 if any;

14 (10) a statement as to availability and cost of
15 public utilities;

16 (11) a statement of the proposed use of water,
17 if any, within the subdivision;

18 (12) a statement describing the quality and
19 quantity of water for the proposed use, if any, of the
20 subdivision;

21 (13) a description of the means of liquid waste
22 disposal for the proposed use of the subdivision;

23 (14) a description of the means of solid waste
24 disposal for the proposed use of the subdivision;

25 (15) a description of the means of water

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1 delivery, if any, within the subdivision;

2 (16) the average depth to water within the
3 subdivision if water is available only from subterranean sources
4 and if water is contemplated for the proposed use of the
5 subdivision;

6 (17) a description of access to the
7 subdivision;

8 (18) a statement disclosing whether the roads
9 within the subdivision have been accepted for maintenance by the
10 county;

11 (19) a description of the subdivider's
12 provisions for terrain management;

13 (20) a summary, approved by the issuing state
14 agency, of the opinions, if any, whether favorable or adverse,
15 provided by state agencies to the board of county commissioners
16 concerning any one of the points listed above; and

17 (21) such other information as the board of
18 county commissioners may require.

19 C. The disclosure statement for subdivisions with
20 one hundred or more parcels shall contain all of the information
21 required in Subsection B of this section as well as the
22 following information:

23 (1) a statement of any activities or conditions
24 adjacent to or nearby the subdivision that would subject the
25 subdivided land to any unusual conditions affecting its use or

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1 occupancy;

2 (2) a description of all recreational
3 facilities, actual and proposed, in the subdivision;

4 (3) a statement as to the availability of:
5 (a) fire protection;
6 (b) police protection;
7 (c) public schools for the inhabitants of
8 the subdivision, including a statement concerning the proximity
9 of the nearest elementary and secondary schools;

10 (d) hospital facilities;
11 (e) shopping facilities; and
12 (f) public transportation; and

13 (4) a statement setting forth the projected
14 dates upon which any of the items mentioned in this section for
15 which the subdivider has responsibility will be completed if
16 they are not yet completed.

17 D. The disclosure statement shall be in the form
18 that the board of county commissioners, after consultation with
19 the attorney general, may require by regulation. The form of
20 disclosure statements, insofar as possible, shall be uniform for
21 all counties.

22 E. Any subdivider who has satisfied the disclosure
23 requirement of the Interstate Land Sales Full Disclosure Act may
24 submit his approved statement of record in lieu of the
25 disclosure statement required by the Subdivision Act. However,

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1 any information required in the Subdivision Act and not covered
2 in the subdivider's statement of record shall be attached to the
3 statement of record.

4 F. It is unlawful to sell or lease land in a type-
5 one, type-two or type-four subdivision until:

6 (1) the required disclosure statement has been
7 filed with the county clerk, the board of county commissioners
8 and the attorney general's office; and

9 (2) the prospective purchaser or lessee has
10 been given a copy of the disclosure statement prior to the time
11 of purchase or lease."

12 Section 16. Section 47-6-18 NMSA 1978 (being Laws 1973,
13 Chapter 348, Section 18) is repealed and a new Section 47-6-18
14 NMSA 1978 is enacted to read:

15 "47-6-18. [NEW MATERIAL] ADVERTISING STANDARDS. --

16 A. Brochures, disclosure statements, publications
17 and advertising of any form relating to subdivided land shall:

18 (1) not misrepresent or contain false or
19 misleading statements of fact;

20 (2) not describe deeds, title insurance or
21 other items included in a transaction as "free" and shall not
22 state that any parcel is "free" or given as an "award" or
23 "prize" if any consideration is required for any reason;

24 (3) not describe parcels available for "closing
25 costs only" or similar terms unless all such costs are

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1 accurately and completely itemized or when additional parcels
2 must be purchased at a higher price;

3 (4) not include an asterisk or other reference
4 symbol as a means of contradicting or substantially changing any
5 statement;

6 (5) if subdivision illustrations are used,
7 accurately portray the subdivision in its present state, and if
8 illustrations are used portraying points of interest outside the
9 subdivision, state the actual road miles from the subdivision;

10 (6) not contain artists' conceptions of the
11 subdivision or any facilities within it unless clearly described
12 as such and shall not contain maps unless accurately drawn to
13 scale with the scale indicated;

14 (7) not contain references to any facilities,
15 points of interest or municipalities located outside the
16 subdivision unless the distances from the subdivision are stated
17 in the advertisement in actual road miles; and

18 (8) refer to where the subdivider's disclosure
19 statement may be obtained if a disclosure statement is required
20 for the subdivision.

21 B. Copies of all brochures, publications and
22 advertising relating to subdivided land shall be filed with the
23 board of county commissioners of the county in which the
24 subdivision is located and with the attorney general within
25 fifteen days after initial use by the subdivider. "

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1 Section 17. Section 47-6-19 NMSA 1978 (being Laws 1973,
2 Chapter 348, Section 19, as amended) is repealed and a new
3 Section 47-6-19 NMSA 1978 to read:

4 "47-6-19. [NEW MATERIAL] ROAD DEVELOPMENT. --

5 A. Roads within a subdivision shall be constructed
6 only on a schedule approved by the board of county
7 commissioners. In approving or disapproving a subdivider's road
8 construction schedule, the board of county commissioners shall
9 consider:

- 10 (1) the proposed use of the subdivision;
- 11 (2) the period of time before the roads will
12 receive substantial use;
- 13 (3) the period of time before construction of
14 homes will commence on the portion of the subdivision serviced
15 by the road;
- 16 (4) the county regulations governing phased
17 development; and
- 18 (5) the needs of prospective purchasers and
19 lessees in viewing the land within the subdivision.

20 B. All proposed roads shall conform to minimum
21 county safety standards.

22 C. The board of county commissioners shall not
23 approve the grading or construction of roads unless and until
24 the subdivider can reasonably demonstrate that the roads to be
25 constructed will receive use and that the roads are required to

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1 provide access to parcels or improvements within twenty-four
2 months from the date of construction of the road.

3 D. It is unlawful for the subdivider to grade or
4 otherwise commence construction of roads unless the construction
5 conforms to the schedule of road development approved by the
6 board of county commissioners. "

7 Section 18. Section 47-6-20 NMSA 1978 (being Laws 1973,
8 Chapter 348, Section 20) is repealed and a new Section 47-6-20
9 NMSA 1978 to read:

10 "47-6-20. [NEW MATERIAL] STATE AGENCIES REQUIRED TO
11 PROVIDE COUNTIES WITH INFORMATION. --

12 A. Any state agency receiving a request from the
13 board of county commissioners for an opinion on water, water
14 quality, liquid or solid waste disposal adequacy, terrain
15 management or highway access shall furnish the board with the
16 requested opinion. The board of county commissioners shall
17 furnish the appropriate state agency with all relevant
18 information that the board has received from the subdivider on
19 the subject for which the board is seeking an opinion. If the
20 state agency does not have sufficient information upon which to
21 base an opinion, the state agency shall notify the board of this
22 fact.

23 B. All opinion requests mailed by the board of
24 county commissioners shall be by certified mail "return receipt
25 requested". Boards of county commissioners delivering opinion

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1 requests shall obtain receipts showing the day the opinion
2 request was received by the particular state agency. "

3 Section 19. Section 47-6-21 NMSA 1978 (being Laws 1973,
4 Chapter 348, Section 21) is repealed and a new Section 47-6-21
5 NMSA 1978 is enacted to read:

6 "47-6-21. [NEW MATERIAL] INFORMATION REPORTS. --In
7 determining whether the subdivider can fulfill the proposals
8 contained in his disclosure statement and in determining whether
9 the subdivision will conform with county regulations, the
10 appropriate state agency may request, through the board of
11 county commissioners, that the subdivider submit such
12 information as the agency may feel necessary to permit it to
13 make that determination. "

14 Section 20. Section 47-6-22 NMSA 1978 (being Laws 1973,
15 Chapter 348, Section 22, as amended) is repealed and a new
16 Section 47-6-22 NMSA 1978 is enacted to read:

17 "47-6-22. [NEW MATERIAL] TIME LIMIT ON ADMINISTRATIVE
18 ACTION. --

19 A. All opinions required of state agencies shall be
20 furnished to the board of county commissioners within sixty days
21 after the state agencies receive the written request and
22 accompanying information from the board of county commissioners.
23 If the board of county commissioners does not receive a
24 requested opinion within the sixty-day period, the board shall
25 proceed in accordance with its own best judgment concerning the

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1 subject of the opinion request. The failure of a state agency
2 to provide an opinion when requested by the board of county
3 commissioners does not indicate that the subdivider's provisions
4 concerning the subject of the opinion request were unacceptable
5 or inadequate.

6 B. Subdivision plats submitted to the board of
7 county commissioners for approval shall be approved or
8 disapproved at a public meeting of the board or by summary
9 procedure where appropriate:

10 (1) within forty-five days of the date the
11 final subdivision plat is submitted if the plat is for a type-
12 three, type-four or type-five subdivision;

13 (2) within one hundred eighty days of the date
14 the final subdivision plat is submitted, if the plat is for a
15 type-one or a type-two subdivision when a public hearing is not
16 required on the subdivision; and

17 (3) within thirty days after the conclusion of
18 any public hearing on a type-one or type-two subdivision when
19 the hearing is caused by an adverse opinion from a state agency
20 on the subdivision.

21 C. Except as provided in Subsection G of Section
22 47-6-11 NMSA 1978, if the board of county commissioners does not
23 act upon the plat within the required period of time, the plat
24 is deemed to be approved thirty days after the subdivider gives
25 the attorney general written notice of the board of county

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1 commissioners' failure to act. If the board of county
2 commissioners fails to approve or reject the final plat within
3 the thirty days, after notice to the attorney general, upon
4 demand the board of county commissioners shall issue a
5 certificate stating that the plat has been approved. "

6 Section 21. Section 47-6-23 NMSA 1978 (being Laws 1973,
7 Chapter 348, Section 23) is repealed and a new Section 47-6-23
8 NMSA 1978 is enacted to read:

9 "47-6-23. [NEW MATERIAL] RIGHT OF INSPECTION--
10 RESCISSION.--If the purchaser or lessee of subdivided land has
11 not inspected his parcel prior to the time of purchase or lease,
12 the purchase or lease agreement shall contain a provision giving
13 the purchaser or lessee six months within which to personally
14 inspect his parcel. After making the personal inspection within
15 the six-month period, the purchaser shall have the right to
16 rescind the purchase or lease agreement and receive a refund of
17 all funds paid on the transaction to the seller or lessor when
18 merchantable title is revested in the seller or lessor. Notice
19 of such rescission to the seller shall be made in writing and
20 shall be given within three days of the date of personal
21 inspection. "

22 Section 22. Section 47-6-25 NMSA 1978 (being Laws 1973,
23 Chapter 348, Section 25) is repealed and a new Section 47-6-25
24 NMSA 1978 is enacted to read:

25 "47-6-25. [NEW MATERIAL] SUSPENSION OF RIGHT OF SALE.--

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1 The board of county commissioners may suspend or revoke approval
2 of a plat as to the unsold or unleased portions of a
3 subdivider's plat if the subdivider does not meet the schedule
4 of compliance approved by the board. "

5 Section 23. Section 47-6-25.1 NMSA 1978 (being Laws 1981,
6 Chapter 148, Section 7) is repealed and a new Section 47-6-25
7 NMSA 1978 is enacted to read:

8 "47-6-25.1. [NEW MATERIAL] ATTORNEY GENERAL--DISTRICT
9 ATTORNEYS--INVESTIGATION. --

10 A. If the attorney general or a district attorney
11 has reasonable cause to believe that a person has information or
12 may be in possession, custody or control of any document or
13 other tangible object relevant to a civil investigation for
14 violation of the Subdivision Act, the attorney general or the
15 district attorney, or both, may before bringing any action apply
16 to the district court of Santa Fe county, or any county where
17 the district attorney has his office, for approval of a civil
18 investigative demand, demanding, in writing, such person to
19 appear and be examined under oath, to answer written
20 interrogatories under oath or to produce the document or object
21 for inspection and copying. The demand shall:

22 (1) be served upon the person in the manner
23 required for service of process in this state or, if the person
24 cannot be found or does not reside or maintain a principal place
25 of business within this state, in the manner required for

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1 service of process in the state in which the person resides,
2 maintains a principal place of business or can be found;

3 (2) describe the nature of the conduct under
4 investigation;

5 (3) describe the class of documents or objects
6 with sufficient definiteness to permit it to be fairly
7 identified if the production of documents or objects is
8 requested;

9 (4) contain a copy of the written
10 interrogatories if answers to written interrogatories are
11 sought;

12 (5) prescribe a reasonable time at which the
13 person shall appear to testify or within which the document or
14 object must be produced;

15 (6) specify a place for the taking of testimony
16 or for production of the document or object and designate a
17 person who may be an authorized employee of the attorney general
18 or district attorney to be custodian of the document or object;
19 and

20 (7) contain a copy of Subsections B through D
21 of this section. No demand to produce a document or object for
22 inspection and copying shall contain any requirement that would
23 be unreasonable or improper if contained in a subpoena duces
24 tecum issued in a civil proceeding by a district court of this
25 state. The district court shall approve the demand if it finds

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1 that the attorney general or district attorney has reasonable
2 cause to believe that a person has information or may be in
3 possession, custody or control of any document or other tangible
4 object relevant to a civil investigation for violation of the
5 Subdivision Act and that the demand is proper in form. A demand
6 shall not be issued without approval of the district court.

7 B. If a person fails to comply with the written
8 demand served upon him under the provisions of Subsection A of
9 this section, the attorney general or district attorney may file
10 a petition for an order to enforce the demand in the district
11 court of the county in which the person resides or in which he
12 maintains a principal place of business within this state or of
13 the county of Santa Fe if the person neither resides nor has a
14 principal place of business in this state. Notice of hearing on
15 the petition and a copy of the petition shall be served upon the
16 person, who may appear in opposition to the petition. If the
17 court finds that the demand is proper in form and there is
18 reasonable cause to believe that the person has information or
19 may be in possession, custody or control of any document or
20 other tangible object relevant to a civil investigation for
21 violation of the Subdivision Act, the court shall order the
22 person to comply with the demand, subject to any modification
23 that the court may prescribe. Upon motion by the person and for
24 good cause shown, the court may make any further protective
25 order in the proceedings that justice requires.

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1 C. Prior to the filing of an action under the
2 provisions of the Subdivision Act for the violation under
3 investigation, any testimony taken or material produced under
4 this section shall be kept confidential by the attorney general
5 or district attorney unless confidentiality is waived by the
6 person being investigated and the person who has testified,
7 answered interrogatories or produced material, or unless
8 disclosure is authorized by the court. Any testimony taken or
9 material produced under this section shall be open to inspection
10 only to the attorney general or district attorney and the person
11 upon whom the demand for which inspection is sought has been
12 served, unless otherwise ordered by the court.

13 D. Any person compelled to appear under this section
14 and required to testify under oath may be accompanied,
15 represented and advised by counsel. An objection may properly
16 be made, received and entered upon the record when it is claimed
17 that the person is entitled to refuse to answer the question on
18 grounds of any constitutional or other legal right or
19 privilege. "

20 Section 24. Section 47-6-26 NMSA 1978 (being Laws 1973,
21 Chapter 348, Section 26, as amended) is repealed and a new
22 Section 47-6-26 NMSA 1978 is enacted to read:

23 "47-6-26. [NEW MATERIAL] INJUNCTIVE RELIEF--MANDAMUS.--
24 The board of county commissioners, the district attorney or the
25 attorney general may apply to the district court to have a

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1 subdivider enjoined from selling or leasing land within the
2 affected subdivision until he complies with the terms of
3 Sections 47-5-9 and 47-6-1 through 47-6-28 NMSA 1978. In
4 addition, the board of county commissioners, the district
5 attorney or the attorney general may seek injunctive relief or
6 bring mandamus to compel compliance with the provisions of this
7 act. However, nothing in this section shall be construed as
8 limiting any common-law right of any person in any court
9 relating to subdivisions."

10 Section 25. Section 47-6-27 NMSA 1978 (being Laws 1973,
11 Chapter 348, Section 27, as amended) is repealed and a new
12 Section 47-6-27 NMSA 1978 is enacted to read:

13 "47-6-27. [NEW MATERIAL] CRIMINAL PENALTIES. --

14 A. Any person who sells or leases land that is a
15 part of a subdivision before the plat has been approved and
16 recorded or during a period in which the subdivider's right to
17 sell has been suspended is guilty of a misdemeanor, which shall
18 be punishable by a fine of not more than one thousand dollars
19 (\$1,000) for each parcel for which a violation occurred.

20 B. Any person who publishes or disseminates any
21 material in violation of the Subdivision Act is guilty of a
22 misdemeanor, which shall be punishable by a fine of not more
23 than ten thousand dollars (\$10,000) or by imprisonment for not
24 more than one year or both.

25 C. Any person who violates any other provision of

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1 the Subdivision Act is guilty of a misdemeanor, which shall be
2 punishable by a fine of not more than one thousand dollars
3 (\$1,000) for each violation of the Subdivision Act.

4 D. A conviction based upon any violation of the
5 Subdivision Act requires proof of and a finding of general
6 criminal intent.

7 Section 26. Section 47-6-27.1 NMSA 1978 (being Laws 1981,
8 Chapter 148, Section 9) is repealed and a new Section 47-6-27.1
9 NMSA 1978 is enacted to read:

10 "47-6-27.1. [NEW MATERIAL] PRIVATE REMEDIES. --

11 A. Any transaction involving the sale or lease of
12 subdivided land in a subdivision subject to the Subdivision Act,
13 which has not been approved by the board of county
14 commissioners, in violation of that act shall be voidable at the
15 option of the purchaser or lessee. The purchaser or lessee may
16 recover restitution of all money, property or other things paid
17 to or received by the seller or lessor on his behalf. The
18 action shall be brought within one year after actual discovery
19 by the purchaser or lessee of lack of approval but in no event
20 after three years from the signing of the purchase or lease
21 agreement.

22 B. Any purchaser or lessee of subdivided land who
23 suffers any loss of money or property, real or personal, as a
24 result of any material violation of the Subdivision Act or any
25 county regulations adopted under that act may bring an action to

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1 recover either restitution of all money, property or other
2 things paid to or received by the seller or lessor on his behalf
3 or actual damages. The action shall be brought within three
4 years of the signing of the purchase or lease agreement.

5 C. Any purchaser or lessee of subdivided land who
6 has purchased or leased land within an approved subdivision may
7 bring an action in district court to compel specific performance
8 of any proposed improvement set forth in a subdivider's
9 disclosure statement or in any document obligating the person
10 signing the document to purchase or lease land as a lessee or
11 set forth in any advertising or promotional materials relating
12 to the subdivided land. The action shall be brought within
13 three years after the signing of the purchase or lease
14 agreement.

15 D. Costs shall be allowed to the prevailing party
16 unless the court otherwise directs. The court, in its
17 discretion, may award reasonable attorney fees to the prevailing
18 party.

19 E. The remedies provided in this section are in
20 addition to remedies otherwise available under common law or
21 other statutes of this state.

22 F. This section shall apply to the purchase or lease
23 of subdivided land in approved or unapproved subdivisions that
24 are entered into after the effective date of this section."

25 Section 27. Section 47-6-29 NMSA 1978 (being Laws 1973,

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1 Chapter 348, Section 41, as amended) is repealed and a new
2 Section 47-6-29 NMSA 1978 is enacted to read:

3 "47-6-29. [NEW MATERIAL] JURISDICTION. -- Nothing in the
4 Subdivision Act as currently in force or as hereafter amended
5 shall be construed as limiting the municipal extraterritorial
6 subdivision and platting jurisdiction provided for in Sections
7 3-20-1 through 3-20-15 NMSA 1978. "

8 Section 28. REPEAL. -- Sections 47-6-11.1, 47-6-11.2,
9 47-6-11.3 and Section 47-6-27.2 (being Laws 1995, Chapter 212,
10 Sections 12, 13, 14 and 25) are repealed.

11 Section 29. EFFECTIVE DATE. -- The effective date of the
12 provisions of this act is July 1, 1997.

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