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HOUSE BILL 98

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO TAXATION; AMENDING A SECTION OF THE NMSA 1978  
REGARDING DELINQUENT TAX AUCTIONS; PROVIDING FOR LAND GRANT  
PARTICIPATION IN BIDDING; MAKING AN APPROPRIATION.

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

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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  
13 department may, with the consent of the owner, sell only a  
14 part of the real property.

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

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

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

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

12 H. A bid made at a public auction by a community  
13 land grant described in Chapter 49 NMSA 1978 and functioning  
14 under the laws of the state, except for those land grants that  
15 have organized as for-profit corporations, shall be considered  
16 the highest bid at that public auction and shall entitle the  
17 land grant to purchase the property for the amount bid if:

18 (1) the property is situated within the  
19 boundaries of that land grant as contained in the United  
20 States patent to the community land grant; and

21 (2) the bid is made in the amount of all past  
22 taxes, penalties, interest and costs due on the property. "

23 Section 2. APPROPRIATION. --Twenty thousand dollars  
24 (\$20,000) is appropriated from the general fund to the local  
25 government division of the department of finance and

1 administration for expenditure in fiscal year 2000 for the  
2 purpose of aiding participation of community land grants in  
3 bidding for appropriate properties for sale through delinquent  
4 tax auctions. Any unexpended or unencumbered balance  
5 remaining at the end of fiscal year 2000 shall revert to the  
6 general fund.

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