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SENATE BILL 462

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO TAXATION; AUTHORIZING COUNTY TREASURERS TO CONDUCT
A TEMPORARY TAX AMNESTY PROGRAM FOR MANUFACTURED HOMES;
PROVIDING A TAX DEDUCTION FOR MANUFACTURED HOMES; DECLARING AN
EMERGENCY.

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

SECTION 1. ~~[NEW MATERIAL]~~ TEMPORARY TAX AMNESTY
PROGRAM.--

A. For the taxes on manufactured homes pursuant to
Section 7-36-26 NMSA 1978, county treasurers are authorized to
declare an amnesty period of no more than ninety days; provided
that any amnesty period shall occur within fiscal year 2012 and
the terms of the tax amnesty program shall conform with the
provisions of Section 7-1-11.1 NMSA 1978.

B. County treasurers are authorized to waive,

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1 during the amnesty period only, the consideration of the
2 relevant factors listed in Subsection D of Section 7-1-11.1
3 NMSA 1978. The taxpayer shall meet the other requirements for
4 a managed audit set forth in Section 7-1-11.1 NMSA 1978 and
5 shall not have been assessed taxes for which the managed audit
6 is requested; provided that the treasurer for the county in
7 which the manufactured home is located has not issued a notice
8 of commencement of an audit to the taxpayer before the taxpayer
9 requests a managed audit pursuant to this section. No interest
10 or penalty shall be imposed on taxes due as the result of a
11 managed audit entered into during the amnesty period if the
12 requirements of Paragraph (4) of Subsection A of Section 7-1-67
13 NMSA 1978 and Paragraph (2) of Subsection G of Section 7-1-69
14 NMSA 1978 are met.

15 SECTION 2. Section 7-36-26 NMSA 1978 (being Laws 1973,
16 Chapter 258, Section 27, as amended) is amended to read:

17 "7-36-26. SPECIAL METHOD OF VALUATION--MANUFACTURED
18 HOMES.--

19 A. The owner of a manufactured home subject to
20 valuation for property taxation purposes shall report the
21 manufactured home annually for valuation to the county assessor
22 of the county in which the manufactured home is located on
23 January 1. The report shall be in a form and contain the
24 information required by department regulation and shall be made
25 no later than the last day of February of the tax year in which

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1 the property is subject to valuation.

2 B. The valuation method used for determining the
3 value of manufactured homes for property taxation purposes
4 shall be a cost method applying generally accepted appraisal
5 techniques and shall generally provide for:

6 (1) the determination of initial cost of a
7 manufactured home based upon classifications of manufactured
8 homes and sales prices for the various classifications;

9 (2) deductions from initial cost for allowable
10 depreciation, which allowances for depreciation shall be
11 developed by the [~~division~~] department; and

12 (3) deduction from initial cost of other
13 justifiable factors, including but not limited to functional
14 and economic obsolescence.

15 C. Whether or not the presence of a manufactured
16 home is declared and reported by the owner to a county assessor
17 as required by this section, the county assessor shall
18 determine the value for property taxation purposes of each
19 manufactured home located in the county and subject to
20 valuation. County assessors shall use the information required
21 to be furnished them under Sections 66-6-10 and 66-7-413 NMSA
22 1978 to [~~assure~~] ensure that accurate records of locations of
23 manufactured homes are maintained.

24 D. Any person who intentionally refuses to make a
25 report required [~~of him~~] under this section or who knowingly

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1 makes a false statement in a report required under this section
2 is guilty of a misdemeanor and shall be punished by the
3 imposition of a fine of not more than [~~one thousand dollars~~
4 ~~(\$1,000)~~] two thousand dollars (\$2,000).

5 E. Any person who fails to make a report required
6 [~~of him~~] under this section is liable for a civil penalty in an
7 amount equal to five percent of the property taxes ultimately
8 determined to be due on the property for the tax year or years
9 for which [~~he~~] the person failed to make the required report.

10 F. Any person who intentionally refuses to make a
11 report required [~~of him~~] under this section with the intent to
12 evade any tax or who fails to make a report required [~~of him~~]
13 under this section with the intent to evade any tax is liable
14 for a civil penalty in an amount equal to twenty-five percent
15 of the property taxes ultimately determined to be due on the
16 property for the tax year or years for which [~~he~~] the person
17 refused or failed to make the required report.

18 G. The civil penalties authorized under Subsections
19 E and F of this section shall be imposed and collected at the
20 time and in the manner that the tax is imposed and collected.
21 In order to assist in the imposition and collection of the
22 penalties, the assessor having responsibility for determining
23 the value of the property shall make an entry in the valuation
24 records indicating the liability for any penalties due under
25 this section.

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H. The value of a manufactured home as determined pursuant to Subsection B of this section shall be reduced by five thousand dollars (\$5,000) to an assessed value of not less than zero dollars (\$0.00)."

SECTION 3. DELAYED REPEAL.--Section 1 of this act is repealed effective July 1, 2012.

SECTION 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.