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SENATE JOINT RESOLUTION 24

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Timothy Z. Jennings

A JOINT RESOLUTION

AMENDING ARTICLE 4, SECTION 32 OF THE CONSTITUTION OF NEW MEXICO TO GIVE THE SECRETARY OF TAXATION AND REVENUE THE AUTHORITY TO COMPROMISE THE AMOUNT OF INTEREST OR CIVIL PENALTY ASSESSED AND DUE ON A DELINQUENT TAX LIABILITY WHEN THERE IS DOUBT AS TO THE COLLECTIBILITY OF THE AMOUNTS DUE.

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

Section 1. It is proposed to amend Article 4, Section 32 of the constitution of New Mexico to read:

"A. Except as provided in Subsection B of this section, no obligation or liability of any person, association or corporation held or owned by or owing to the state, or any municipal corporation therein, shall ever be exchanged, transferred, remitted, released, postponed or in any way

underscored material = new  
[bracketed material] = delete

1 diminished by the legislature, nor shall any such obligation or  
2 liability be extinguished except by the payment thereof into  
3 the proper treasury, or by proper proceeding in court.

4 ~~[Provided that the obligations created by Special Session Laws~~  
5 ~~1955, Chapter 5, running to the state or any of its agencies,~~  
6 ~~remaining unpaid on the effective date of this amendment are~~  
7 ~~void.]~~

8 B. The secretary of taxation and revenue or his  
9 successor is authorized to compromise the amounts of interest  
10 or civil penalty assessed and due on a delinquent tax liability  
11 when there is doubt as to the collectibility of those amounts.

12 The legislature shall provide by law for procedures for  
13 compromise, appeals to the decision of the secretary, standards  
14 of equity and guidelines, as necessary, for the application of  
15 the grounds for compromise to specific facts and circumstances.

16 The legislature shall also provide by law for independent  
17 review of proposed offers of compromise and rejections of  
18 compromise. "

19 Section 2. The amendment proposed by this resolution  
20 shall be submitted to the people for their approval or  
21 rejection at the next general election or at any special  
22 election prior to that date which may be called for that  
23 purpose.