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SENATE JOINT RESOLUTION 10

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

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 diminished by the legislature, nor shall any such obligation

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 or liability be extinguished except by the payment thereof
2 into the proper treasury, or by proper proceeding in court.
3 ~~[Provided that the obligations created by Special Session Laws~~
4 ~~1955, Chapter 5, running to the state or any of its agencies,~~
5 ~~remaining unpaid on the effective date of this amendment are~~
6 ~~void.]~~

7 B. The secretary of taxation and revenue or his
8 successor is authorized to compromise the amounts of interest
9 or civil penalty assessed and due on a delinquent tax
10 liability when there is doubt as to the collectibility of
11 those amounts. The legislature shall provide by law for
12 procedures for compromise, appeals to the decision of the
13 secretary, standards of equity and guidelines, as necessary,
14 for the application of the grounds for compromise to specific
15 facts and circumstances. The legislature shall also provide
16 by law for independent review of proposed offers of compromise
17 and rejections of compromise."

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