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SENATE BILL 115

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO TAXATION; AMENDING A SECTION OF THE PROPERTY TAX
CODE TO CLARIFY THAT PROPERTY LEASED TO A PUBLIC SCHOOL
DISTRICT OR PUBLIC SCHOOL AND USED EXCLUSIVELY FOR EDUCATIONAL
PURPOSES IS EXEMPT FROM PROPERTY TAX.

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

Section 1. Section 7-36-7 NMSA 1978 (being Laws 1973,
Chapter 258, Section 15, as amended) is amended to read:

"7-36-7. PROPERTY SUBJECT TO VALUATION FOR PROPERTY
TAXATION PURPOSES.--

A. Except for the property listed in Subsection B
of this section or exempt pursuant to Section 7-36-8 NMSA 1978,
all property is subject to valuation for property taxation
purposes under the Property Tax Code if it has a taxable situs
in the state.

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1 B. The following property is not subject to
2 valuation for property taxation purposes under the Property Tax
3 Code:

4 (1) property exempt from property taxation
5 under the federal or state constitution, federal law, the
6 Property Tax Code or other laws, but:

7 (a) this does not include property all
8 or a part of the value of which is exempt because of the
9 application of the veteran, disabled veteran or head-of-family
10 exemption;

11 (b) this provision does not excuse an
12 owner from obligations to report the owner's property as
13 required by regulation of the department adopted under Section
14 7-38-8.1 NMSA 1978 or to claim its exempt status under
15 Subsection C of Section 7-38-17 NMSA 1978;

16 (c) this includes property of a museum
17 that: 1) has been granted exemption from the federal income
18 tax by the United States commissioner of internal revenue as an
19 organization described in Section 501(c)(3) of the Internal
20 Revenue Code of 1986, as amended or renumbered; 2) is used to
21 provide educational services; and 3) grants free admission to
22 each student who attends a public school in the county in which
23 the museum is located; [~~and~~]

24 (d) this includes property that: 1) is
25 leased to a public school district or to a public school,

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1 including a public school that is a charter school as defined
2 in the Charter Schools Act; and 2) is used exclusively for
3 public school educational purposes; and

4 [~~(d)~~] (e) this includes property that is
5 operated either as a community to which the Continuing Care Act
6 applies or as a facility licensed by the department of health
7 to operate as a nursing facility, a skilled nursing facility,
8 an adult residential care facility, an intermediate care
9 facility or an intermediate care facility for the
10 developmentally disabled; and is owned by a charitable nursing,
11 retirement or long-term care organization that: 1) has been
12 granted exemption from the federal income tax by the United
13 States commissioner of internal revenue as an organization
14 described in Section 501(c)(3) of the Internal Revenue Code of
15 1986, as amended or renumbered; 2) donates or renders
16 gratuitously a portion of its services or facilities; and 3)
17 uses all funds remaining after payment of its usual and
18 necessary expenses of operation, including the payment of liens
19 and encumbrances upon its property, to further its charitable
20 purpose, including the maintenance, improvement or expansion of
21 its facilities;

22 (2) oil and gas property subject to valuation
23 and taxation under the Oil and Gas Ad Valorem Production Tax
24 Act and the Oil and Gas Production Equipment Ad Valorem Tax
25 Act; and

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1 (3) productive copper mineral property subject
2 to valuation and taxation under the Copper Production Ad
3 Valorem Tax Act; for the purposes of this section, "copper
4 mineral property" means all mineral property and property held
5 in connection with mineral property when seventy-five percent
6 or more, by either weight or value, of the salable mineral
7 extracted from or processed by the mineral property is copper."

8 Section 2. APPLICABILITY.--The provisions of this act
9 apply to the 2009 and subsequent property tax years.

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