

NOTICE OF RULEMAKING

The Department of Finance and Administration, Local Government Division, has scheduled a public hearing for the proposed repeal and replacement of New Mexico Administrative Code (NMAC) rule 3.6.50, *Procedures for County Treasurers*. The purpose of the hearing is to take public comment regarding the proposed repeal and replacement of 3.6.50 NMAC. Per Subsection C of 1.24.11.9 NMAC, any amendment of 3.60.5 NMAC requires a repeal and replacement with a new rule. The current, active version of that rule is in a WORD 97-2003 version.

Substantively, the Department proposes to amend the current rule to make grammatical corrections, incorporate new definitions, clarify and streamline the tax rate setting and correction process. Only sections 7, 11, 13 & 20 are being substantively amended.

Notice Date: June 9, 2026

Hearing Date: July 10, 2026

Adoption Date: Proposed as July 16, 2026

Effective Date: Proposed as July 28, 2026

Technical Citations: 3.6.50 NMAC

**The Department is proposing the following substantive amendments to 3.6.50 NMAC as follows:**

**Section 7:**

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C. "Certify" or "Certification" involves verifying and affirming property tax data accuracy and completeness. It includes reviewing, validating, and attesting assessed values and tax calculations to ensure compliance with laws before finalizing and notifying taxpayers or government entities.

~~[C]~~ D. "Delinquent" refers to any payment of taxes that is not paid within thirty days of the date on which they were due.

~~[D]~~ E. "Department" means the department of finance and administration.

F. "Error" refers to an incorrect or incomplete data input or numerical calculation confirmed by the local taxing authority, county assessor, public education department, and/or higher education department that does not include the method used to determine the valuation, or the difference of opinion about the value, of the property subject to taxation.

~~[E]~~ G. "Forfeiture" funds means cash or property that is subject to forfeiture and is under the Controlled Substances Act, Sections 30-31-34 through Section 30-31-35 NMSA 1978.

~~[F]~~ H. "Local government" means a local public body as defined in Section 6-6-1 NMSA 1978.

~~[G]~~ I. "Local government division" means the local government division of the department of finance and administration.

~~[H]~~ J. "Property tax division" means the property tax division of the taxation and revenue department.

~~[I]~~ K. "Refund" is that portion of property taxes in controversy found to be in excess of the amount legally due.

~~[J]~~ L. "Secretary" means the cabinet secretary of the department of finance and administration.

~~[K]~~ M. "State delinquency list" means the tax delinquency list collected by the property tax division as defined in Section 7-38-62 NMSA 1978.

~~[L]~~ N. "Taxes on omitted property" refers to taxes on property subject to property taxation but was omitted from property tax schedules and for which taxes have not been paid but would be due, except for the omission.

~~[M]~~ O. "Treasurer" means a county treasurer as defined by Sections 4-43-1 [repealed] through 4-43-4 NMSA 1978, as amended.

**Section 11:**

A. ~~[Section 7-37-7 NMSA 1978, as amended, provides for the maximum property tax rates and their limitations. The authority to impose general purpose tax rates is granted to local governments and shall be done during the budget making and approval process. The general purpose tax rate imposed by each governmental unit~~

~~for residential property is the same rate that is imposed for nonresidential property.] On or before June 30<sup>th</sup> of each year, the property tax division shall provide the local government division with a digital copy of the compilation of all net taxable values certified by county assessors. On or before August 1<sup>st</sup> each year, the property tax division shall provide the local government division with a digital copy of the amended compilation of net taxable values, which includes the final valuations resulting from completed protests and information on pending protests. Upon receipt, but no later than August 10<sup>th</sup> each year, the local government division shall send each county a copy of the proposed tax rates. Upon receipt, county assessors shall:~~

- ~~(1) Work with county boards and local taxing entities to verify these proposed rates;~~
- ~~(2) [The local government division] Apply the yield control formula and other tax rate limitations in statute that apply to the [imposed] proposed tax rates before certifying these rates [prior to setting the tax rates];~~
- ~~(3) Certify the accuracy of the proposed tax rates to the local government division by August 15<sup>th</sup> of each year;~~
- ~~(4) Use the next taxable values from the immediately preceding tax year for the purpose of estimating available revenue from the current tax year when the compilation of net taxable values is incomplete or indefinite due to pending protests.~~

~~B. Tax rates for school districts and institutions of higher education are set by the state department of education and the commission on higher education public education department [of education and the commission on higher education department, respectively. The state public education department [of education] and the higher education department [commission on higher education] shall certify rates of school districts and institutions of higher education to [These rates are certified to] the local government division [by] as soon as practicable, but no later than August 15<sup>th</sup> of each year.~~

~~C. [Pursuant to Section 7-38-33 NMSA 1978,] On or before August 21<sup>st</sup> of each year, or the next business day if August 21<sup>st</sup> falls on a weekend or holiday, the local government division will compile data of all net taxable values certified to the property tax division by county assessors. It will then multiply this data by the tax rates certified by county assessors, the public education department, and the higher education department to the local government division for each county, municipality, special district, school district, institution of higher education, and/or state debt service within each county. Afterward, the local government division will send draft written orders to county assessors, setting property tax rates for review and concurrence.~~

- ~~(1) The local government division will review property tax revenue listed in each governmental unit's approved budget and compare the projected revenue from the proposed rate-setting order and certified net taxable values to ensure compliance with the Bateman Act (Sections 6-6-11 through 6-6-18 NMSA 1978).~~
- ~~(2) County assessors shall review and identify any errors or requested corrections of draft rate-setting orders to the local government division on or before August 28<sup>th</sup> of each year.~~
- ~~(3) County assessors shall report any errors found in net taxable values for the county to the property tax division.~~
- ~~(4) County assessors shall report any errors found in tax rates to the appropriate municipality, special district, the public education department, the higher education department, or the state debt service.~~
- ~~(5) County assessors shall confirm with the property tax division, appropriate municipality, special district, public education department, higher education department, or state debt service any identified errors before submittal to the local government division.~~

~~[the department shall by written order set property tax rates no later than September 1<sup>st</sup> each year for each county, municipality, special district, school district, institution of higher education and state debt service].~~

~~D. On or before September 1<sup>st</sup> of each year, the secretary shall issue written orders to each county setting property tax rates for the governmental units sharing in the tax in accordance with the Property Tax Code and the budget of each as approved by the local government division.~~

~~E. [Pursuant to Section 7-38-34 NMSA 1978, within five business days of the date of the tax rate order set by the department, t]The board of county commissioners shall issue by written order imposing the certified tax rates on the net taxable value of property allocated to the appropriate governmental units within five business days of the date of the tax rate setting order from the secretary. [Within these five days, it is the responsibility of the county to ensure that the rates set are correct. The local government division must be notified of any errors with regards to the validity of these rates during this five day period.]~~

~~F. Any errors identified in rate-setting orders issued by the secretary on September 1<sup>st</sup> of each year shall be handled in accordance with Section 20 below.~~

### Section 13:

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**D.** If final determination in a claim for refund is less than originally claimed, or if the claim is denied, the difference between the amount placed in the property tax suspense fund and the amount refunded to the taxpayer shall be disbursed in the monthly distribution process as stated in ~~subparagraph 15.6~~ ~~[now Subsection F of 3.6.50.15 NMAC]~~. Upon the final determination of a claim, the treasurer is to send a copy of the final order to the assessor and the director of the property tax division who shall change their respective valuation records to clearly reflect the final determination.

### Section 20:

**A.** ~~[Pursuant to Section 7-38-77.1 NMSA 1978, the department]~~ The local government division may order the treasurer to make changes in the property tax schedule in connection with any property listed on the schedule if the [department] local government division determines that an error was made in the certification of tax rates. To request changes in property tax schedules, counties must follow the following procedures:

(1) Counties must have complied with Section 7-38-34 NMSA 1978 and imposed tax rates for all governmental units within the county.

(2) County assessors must have complied with Section 7-38-35 NMSA 1978 and generated property tax schedules for the county.

(3) County assessors shall coordinate with governmental units in the county and submit to the local government division a letter identifying all errors, with supporting documentation, requesting corrections to property tax rates in property tax schedules on or before September 12<sup>th</sup> each year.

(4) The local government division will review requests for corrections, supporting documentation, and the proposed correction's effect on the governmental units' compliance with the Bateman Act, and issue county draft correction orders on or before September 15<sup>th</sup> each year.

(5) County assessors shall confirm the accuracy of correction orders to the local government division on or before September 17<sup>th</sup> each year.

**B.** Upon [such] a determination of an error by the local government division and confirmation by the county assessor, the local government division will issue a written order identifying any errors in the property tax rate-setting order and requiring the corresponding county treasurer to correct the errors in the property tax schedule. [statement to the county commission and treasurer stating the reason for the error along with the amended certificate of tax rates.]

These proposed repeal and replacement will be contained in 3.6.50 NMAC. The register and the proposed rule are available on the DFA website at <https://www.nmdfa.state.nm.us/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting DFA's General Counsel's officer at [dfalegal@dfa.nm.gov](mailto:dfalegal@dfa.nm.gov).

The DFA plans to adopt this rule on July 16, 2026.

A public hearing to receive testimony on this proposed rule will be held on July 10, 2026, at 9:30 a.m. A hearing will be held at the New Mexico Department of Finance and Administration, Bataan Memorial Building, 407 Galisteo St., Santa Fe, NM 87501, State Budget Conference Room, and via Microsoft Teams.

#### Join Microsoft Teams Meeting

**Link:** <https://teams.microsoft.com/meet/257344129705725?p=UW71g1ZBzYEo5yd0ye>

**Meeting ID:** 257 344 129 705 725

**Passcode:** p448vE7o

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact our staff to discuss your accessibility needs at least one week prior, or as soon as possible, by emailing the Department of Finance and Administration, General Counsel Office at: [dfalegal@dfa.nm.gov](mailto:dfalegal@dfa.nm.gov) or 505-827-3985.

DFA will make copies of all comments available upon request, either by providing copies directly to a requestor or by making them available on the DFA website or at a location within the requestor's county.

Interested persons may address written comments to:

Department of Finance and Administration, Financial Control Division  
ATTN: 2.42.2 NMAC Public Comments  
407 Galisteo St.  
Bataan Memorial Building  
Santa Fe, NM 87501

Recorded comments may be left at (505) 827-3985. Interested persons may also address comments via electronic mail to: [dfalegal@dfa.nm.gov](mailto:dfalegal@dfa.nm.gov). Written mail, electronic mail, and recorded comments must be received no later than 5:00 p.m. MT on July 10, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the DFA website at <https://www.nmdfa.state.nm.us/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.