

LFC Requester:	Marty Daly
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: **Date** March 13, 2015
Original **Amendment** **Bill No:** SB 426
Correction **Substitute**

Sponsor: Ron Griggs **Agency Code:** Attorney General's Office
Short Title: Correction of Errors Affecting Property **Person Writing:** Paul Splett
Phone: 827-6704 **Email:** psplett@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis of Substitute: The substitute to Senate Bill 426 removes the section describing when and how the scrivener’s affidavit becomes effective in Subsection 1(E), and moves five of the six examples of errors of an obvious or minor nature that were formerly in that Subsection to Subsection 1(A) as the new list of drafting and clerical errors to be corrected. The list of drafting and clerical errors to be corrected that were formerly listed under Subsection 1(A) have been removed. Former Subsection 1(F), now new Subsection 1(E), adds an additional provision that clarifies that the use of a scrivener’s affidavit shall not be deemed to require a change to the records of the county assessor or the county treasurer.

Synopsis of Original Bill: Senate Bill 426 is an act adding a new section to Chapter 47, Article 1, NMSA 1978, requiring the use of scrivener’s error affidavits to correct drafting or clerical errors relating to the identification of certain parties and legal descriptions of real property in instruments affecting the title to real property. The bill includes subsections describing who shall be legally able to execute the affidavits, the required contents of the affidavits, how the affidavits are to be recorded and indexed, when and how they become effective, examples of errors of an obvious or minor nature, and the form in which the affidavits should follow.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A