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HOUSE BILL 98

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO ELECTIONS; ENACTING THE LOCAL ELECTION ACT;
PROVIDING FOR A SINGLE ELECTION DAY AND UNIFORM PROCESSES FOR
CERTAIN LOCAL GOVERNMENT ELECTIONS; PROVIDING THAT CERTAIN
BALLOT MEASURE ELECTIONS THAT ARE HELD AT TIMES OTHER THAN WITH
REGULAR LOCAL ELECTIONS ONLY BE CONDUCTED BY MAILED BALLOT;
REQUIRING SPECIAL STATEWIDE BALLOT QUESTION ELECTIONS TO BE
CONDUCTED BY MAILED BALLOT; PROHIBITING ADVISORY QUESTIONS ON
THE BALLOT; PROVIDING FOR RECALL ELECTIONS FOR COMMISSION-
MANAGER MUNICIPALITIES; UPDATING CIRCUMSTANCES CAUSING A
VACANCY IN LOCAL OFFICE; NAMING CHAPTER 1, ARTICLE 24 NMSA 1978
THE "SPECIAL ELECTION ACT"; REPEALING THE SCHOOL ELECTION LAW,
THE MAIL BALLOT ELECTION ACT, THE MUNICIPAL ELECTION CODE AND
OTHER PROVISIONS OF LAW IN CONFLICT WITH THE LOCAL ELECTION
ACT; MAKING CONFORMING AMENDMENTS TO OTHER SECTIONS OF LAW;
MAKING AN APPROPRIATION.

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

SECTION 1. Section 1-1-19 NMSA 1978 (being Laws 1969, Chapter 240, Section 19, as amended) is amended to read:

"1-1-19. ELECTIONS COVERED BY CODE.--

A. The Election Code applies to the following:

- (1) general elections;
- (2) primary elections;
- (3) ~~[statewide]~~ special elections;
- (4) elections to fill vacancies in the office

of United States representative ~~[in congress; and];~~

(5) ~~[school district]~~ local elections included in the Local Election Act; and

(6) recall elections of county officers, school board members or applicable municipal officers.

B. To the extent procedures are incorporated or adopted by reference by separate laws governing such elections or to the extent procedures are not specified by such laws, certain provisions of the Election Code shall also apply to

~~[(1) municipal officer or municipal bond elections; or~~

~~(2) special district officer or special district bond or other]~~ special district elections not covered by the Local Election Act."

SECTION 2. Section 1-2-1.1 NMSA 1978 (being Laws 1979,

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1 Chapter 74, Section 3, as amended) is amended to read:

2 "1-2-1.1. ATTORNEY GENERAL REQUIRED TO ASSIST SECRETARY
3 OF STATE--DISTRICT ATTORNEYS REQUIRED TO ASSIST SECRETARY OF
4 STATE AND COUNTY CLERKS.--

5 A. The attorney general shall, upon request of the
6 secretary of state, provide legal advice, assistance, services
7 and representation as counsel in any action to enforce the
8 provisions of the Election Code [~~and the Municipal Election~~
9 ~~Code~~].

10 B. Upon the request of the secretary of state or a
11 county clerk, the attorney general and the several district
12 attorneys of the state shall assign investigators or lawyers to
13 aid the secretary of state and county clerks to ensure the
14 proper conduct of an election.

15 C. Each district attorney shall assign a lawyer to
16 be the elections prosecutor for the judicial district or for
17 each county in the judicial district. The district attorney
18 shall communicate and maintain current the name and contact
19 information of the assigned elections prosecutor to the
20 secretary of state and to each county clerk in the judicial
21 district. The assigned elections prosecutor shall receive from
22 the county clerk in the prosecutor's county or judicial
23 district referrals of suspected violations of the Election
24 Code. The assigned elections prosecutor shall each month
25 report in writing to the county clerk and the district attorney

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1 the status of each referral until the matter is concluded."

2 SECTION 3. Section 1-3-2 NMSA 1978 (being Laws 1969,
3 Chapter 240, Section 51, as amended) is amended to read:

4 "1-3-2. PRECINCTS--DUTIES OF COUNTY COMMISSIONERS.--

5 A. [~~Not later than the first Monday in November~~] In
6 June or July of each odd-numbered year, the board of county
7 commissioners shall by resolution:

8 (1) designate the polling place of each
9 precinct that shall provide individuals with physical mobility
10 limitations an unobstructed access to at least one voting
11 machine;

12 (2) consolidate any precincts for the next
13 succeeding primary and general elections pursuant to Section
14 1-3-4 NMSA 1978;

15 (3) designate any mail ballot election
16 precincts for the next succeeding primary and general
17 elections;

18 (4) consolidate precincts for the regular
19 local elections following the next succeeding general election
20 as provided in Section 1-3-4 NMSA 1978;

21 (5) designate any mail ballot election
22 precincts for the regular local election following the next
23 succeeding general election;

24 [~~2~~] (6) create additional precincts to meet
25 the requirements of Section 1-3-1 NMSA 1978 or upon petition

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1 pursuant to Section 4-38-21 NMSA 1978;

2 [~~(3)~~] (7) create additional polling places in
3 existing precincts as necessary pursuant to Section 1-3-7.1
4 NMSA 1978; and

5 [~~(4)~~] ~~consolidate any precincts pursuant to~~
6 ~~Section 1-3-4 NMSA 1978;~~

7 ~~(5)~~] (8) divide any precincts as necessary to
8 meet legal and constitutional requirements for redistricting
9 [~~and~~

10 ~~(6)~~ ~~designate any mail ballot election~~
11 ~~precincts~~].

12 B. The county clerk shall notify the secretary of
13 state in writing of any proposed changes in precincts or the
14 designation of polling places made by the board of county
15 commissioners and shall furnish a copy of the map showing the
16 current geographical boundaries, designation and word
17 description of each new polling place and each new or changed
18 precinct.

19 C. The secretary of state shall review all new or
20 changed precinct maps submitted pursuant to this section for
21 compliance under the Precinct Boundary Adjustment Act. Any
22 necessary precinct boundary adjustments shall be made and
23 submitted to the secretary of state no later than the first
24 Monday in December of each odd-numbered year. Upon approval of
25 the new or changed precincts by the secretary of state, the

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1 precincts and polling places as changed by the resolution of
2 the boards of county commissioners and approved by the
3 secretary of state shall be the official precincts and polling
4 places for the next succeeding primary and general elections
5 and the regular local election following the next succeeding
6 general election."

7 SECTION 4. Section 1-3-4 NMSA 1978 (being Laws 1975,
8 Chapter 255, Section 30, as amended) is amended to read:

9 "1-3-4. CONSOLIDATION OF PRECINCTS.--

10 A. Precincts may be consolidated by the board of
11 county commissioners for the following elections:

- 12 (1) primary and general elections;
13 (2) [~~statewide special~~] local elections; and
14 [~~(3) countywide special elections; and~~
15 ~~(4)~~] (3) special elections to fill vacancies
16 in the office of United States representative.

17 [~~B. Precincts may be consolidated by the governing~~
18 ~~body of a municipality for municipal candidate and bond~~
19 ~~elections, unless otherwise prohibited.~~

20 [~~C. Precincts may be consolidated by the local~~
21 ~~school board for school district candidate and bond elections,~~
22 ~~unless otherwise prohibited.~~

23 ~~D.]~~ B. When precincts are consolidated for a
24 primary and general election or a regular local election, the
25 resolution required by Section 1-3-2 NMSA 1978, in addition to

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1 the other matters required by law, shall state therein which
2 precincts have been consolidated and the designation of the
3 polling place. In addition, when consolidating precincts [~~for~~
4 ~~primary and general elections~~]:

5 (1) any voter of the county shall be allowed
6 to vote in any consolidated precinct polling location in the
7 county;

8 (2) each consolidated precinct in a primary
9 [~~or~~] election, general election or special election to fill a
10 vacancy in the office of United States representative shall be
11 composed of no more than ten precincts;

12 (3) each consolidated precinct in a local
13 election shall be composed of no more than twenty precincts;

14 [~~3~~] (4) each consolidated precinct shall
15 comply with the provisions of Section 1-3-7 NMSA 1978;

16 [~~4~~] (5) each consolidated precinct polling
17 location shall have a broadband internet connection and real-
18 time access to the statewide voter registration electronic
19 management system;

20 [~~5~~] (6) the county clerk may maintain any
21 alternative voting locations previously used in the same
22 election open for voting on election day for any voter in the
23 county, in addition to the polling location established in each
24 consolidated precinct; and

25 [~~6~~] (7) the board of county commissioners

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1 may permit rural precincts to be exempted from operating as or
2 being a part of a consolidated precinct; provided that if the
3 precinct is not designated as a mail ballot election precinct
4 pursuant to Section 1-6-22.1 NMSA 1978 and the polling place
5 for the rural precinct does not have real-time access to the
6 statewide voter registration electronic management system,
7 voters registered in a rural precinct as described in this
8 paragraph are permitted to vote in any consolidated precinct
9 polling location on election day only by use of a provisional
10 paper ballot, which shall be counted after the county clerk
11 confirms that the voter did not also vote in the rural
12 precinct.

13 ~~[E. When precincts are consolidated for a municipal~~
14 ~~election, school election or special county election, the~~
15 ~~proclamation, in addition to the other matters required by law,~~
16 ~~shall state which precincts have been consolidated and the~~
17 ~~designation of the polling place. Precincts consolidated for a~~
18 ~~municipal election, school election or special county election~~
19 ~~may allow any voter to vote in any consolidated precinct in the~~
20 ~~county, which shall be stated in the proclamation.~~

21 ~~F. When precincts are consolidated for a statewide~~
22 ~~special election or for a special election to fill a vacancy in~~
23 ~~the office of United States representative, within twenty-one~~
24 ~~days after the proclamation of election is issued by the~~
25 ~~governor, the board of county commissioners shall pass a~~

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1 ~~resolution that, in addition to other matters required by law,~~
2 ~~shall state which precincts have been consolidated and the~~
3 ~~designation of the polling place. Precincts consolidated for a~~
4 ~~statewide special election or for a special election to fill a~~
5 ~~vacancy in the office of United States representative may allow~~
6 ~~any voter to vote in any consolidated precinct in the county,~~
7 ~~which shall be stated in the resolution.~~

8 G.] C. Unless the county clerk receives a written
9 waiver from the secretary of state specifying the location and
10 specific provision being waived, each consolidated precinct
11 polling location shall:

12 (1) have ballots available for voters from
13 every precinct that is able to vote in the consolidated
14 precinct;

15 (2) have at least one optical scan tabulator
16 programmed to read every ballot style able to be cast in the
17 consolidated precinct;

18 (3) have at least one voting system available
19 to assist disabled voters to cast and record their votes;

20 (4) have sufficient spaces for at least five
21 voters to simultaneously and privately mark their ballots, with
22 at least one of those spaces wheelchair-accessible;

23 (5) have sufficient check-in stations to
24 accommodate voters throughout the day as provided in Section
25 1-9-5 NMSA 1978;

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1 (6) have a secure area for storage of
2 preprinted ballots or for storage of paper ballot stock and a
3 system designed to print ballots at a polling location;

4 (7) issue a ballot to voters who have provided
5 the required voter identification after the voter has signed a
6 signature roster or an electronic equivalent approved by the
7 voting system certification committee or after the voter has
8 subscribed an application to vote on a form approved by the
9 secretary of state; and

10 (8) be in a location that is accessible and
11 compliant with the requirements of the federal Americans with
12 Disabilities Act of 1990.

13 [~~H.~~] D. As a prerequisite to consolidation, the
14 authorizing resolution must find that consolidation will make
15 voting more convenient and accessible to voters of the
16 consolidated precinct and [~~does~~] will not result in delays for
17 voters in the voting process and that the consolidated precinct
18 voting location will be centrally located within the
19 consolidated precinct."

20 SECTION 5. Section 1-3-7 NMSA 1978 (being Laws 1969,
21 Chapter 240, Section 57, as amended) is amended to read:

22 "1-3-7. POLLING PLACES.--

23 A. No less than one polling place shall be provided
24 for each precinct that is not a mail ballot election precinct;
25 provided that in a local election, a precinct that lies partly

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1 within and partly without a district may be located in a single
2 polling place and use a single precinct board.

3 B. The board of county commissioners shall
4 designate as the polling place or places, as the case may be,
5 in each precinct, other than a mail ballot election precinct,
6 the most convenient and suitable public building or public
7 school building in the precinct that can be obtained.

8 C. If no public building or public school building
9 is available, the board of county commissioners shall provide
10 some other suitable place, which shall be the most convenient
11 and appropriate place obtainable in the precinct, considering
12 the purpose for which it is to be used pursuant to the Election
13 Code.

14 D. If, in a precinct that is not a mail ballot
15 election precinct or a consolidated precinct, there is no
16 public building or public school building available in the
17 precinct, and there is no other suitable place obtainable in
18 the precinct, the board of county commissioners may designate
19 as a polling place for the precinct the most convenient and
20 suitable building or public school building nearest to that
21 precinct that can be obtained. No polling place shall be
22 designated outside the boundary of the precinct as provided in
23 this subsection until such designated polling place is approved
24 by written order of the district court of the county in which
25 the precinct is located.

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1 E. Upon application of the board of county
2 commissioners, the governing board of any school district shall
3 permit the use of any school building or a part thereof for
4 registration purposes and the conduct of any election; provided
5 that the building or the part used for the election complies
6 with the standards set out in the federal Voting Accessibility
7 for the Elderly and Handicapped Act.

8 F. Public schools may be closed for elections at
9 the discretion of local school boards."

10 **SECTION 6.** Section 1-6-1 NMSA 1978 (being Laws 1969,
11 Chapter 240, Section 127) is amended to read:

12 "1-6-1. ABSENT VOTER ACT--SHORT TITLE.--~~[Sections 3-6-1~~
13 ~~through 3-6-17 NMSA 1953]~~ Chapter 1, Article 6 NMSA 1978 may be
14 cited as the "Absent Voter Act"."

15 **SECTION 7.** Section 1-6B-1 NMSA 1978 (being Laws 2015,
16 Chapter 145, Section 25) is amended to read:

17 "1-6B-1. SHORT TITLE.--~~[Sections 25 through 41 of this~~
18 ~~act]~~ Chapter 1, Article 6B NMSA 1978 may be cited as the
19 "Uniform Military and Overseas Voters Act"."

20 **SECTION 8.** Section 1-6B-2 NMSA 1978 (being Laws 2015,
21 Chapter 145, Section 26) is amended to read:

22 "1-6B-2. DEFINITIONS.--As used in the Uniform Military
23 and Overseas Voters Act:

24 A. "appropriate clerk" means [a] the county clerk
25 ~~[for elections conducted pursuant to the Election Code and a~~

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1 ~~municipal clerk for elections conducted pursuant to the~~
2 ~~Municipal Election Code]~~ of the county in which the federal
3 qualified elector is eligible to vote;

4 B. "federal postcard application" means the
5 application prescribed under the federal Uniformed and Overseas
6 Citizens Absentee Voting Act;

7 C. "federal write-in absentee ballot" means the
8 ballot approved pursuant to the federal Uniformed and Overseas
9 Citizens Absentee Voting Act;

10 D. "military-overseas ballot" means:
11 (1) a federal write-in absentee ballot; or
12 (2) a ballot sent to a federal qualified
13 elector by the appropriate clerk and cast in accordance with
14 the provisions of the Uniform Military and Overseas Voters Act;

15 E. "state" means a state of the United States, the
16 District of Columbia, Puerto Rico, the United States Virgin
17 Islands or any territory or insular possession subject to the
18 jurisdiction of the United States; and

19 F. "United States", used in the territorial sense,
20 means the several states, the District of Columbia, Puerto
21 Rico, the United States Virgin Islands and any territory or
22 insular possession subject to the jurisdiction of the United
23 States."

24 SECTION 9. Section 1-6B-3 NMSA 1978 (being Laws 2015,
25 Chapter 145, Section 27) is amended to read:

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1 "1-6B-3. ELECTIONS COVERED--FORM OF BALLOT AND BALLOT
2 MATERIALS--BENEFITS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS
3 ACT.--

4 A. The procedures in the Uniform Military and
5 Overseas Voters Act apply to elections conducted pursuant to
6 the Election Code [~~and the Municipal Election Code~~].

7 B. A federal qualified elector may vote for all
8 candidates and on all questions as if the voter were able to
9 cast a ballot in person.

10 C. The form of the military-overseas ballot shall
11 be the same as the ballot provided to all other voters. The
12 form of the military-overseas ballot materials shall be the
13 same as the ballot materials provided to all other voters,
14 except as required by the Uniform Military and Overseas Voters
15 Act.

16 D. To receive the benefits of the Uniform Military
17 and Overseas Voters Act, a federal qualified elector shall
18 inform the appropriate clerk that the individual is a federal
19 qualified elector. Methods of informing the appropriate clerk
20 include:

21 (1) the use of a federal postcard application
22 or federal write-in absentee ballot;

23 (2) the use of an army post office, fleet post
24 office or diplomatic post office address in the correct format
25 as a mailing address on a certificate of registration or as a

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1 delivery address on an absentee ballot application;

2 (3) the use of an overseas address as a
3 mailing address on a certificate of registration or as a
4 delivery address on an absentee ballot application; or

5 (4) the inclusion on a certificate of
6 registration or an absentee ballot application or other
7 information sufficient to identify the voter as a federal
8 qualified elector."

9 SECTION 10. Section 1-6B-4 NMSA 1978 (being Laws 2015,
10 Chapter 145, Section 28) is amended to read:

11 "1-6B-4. ROLE OF SECRETARY OF STATE--FEDERAL UNIFORMED
12 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.--

13 A. The secretary of state shall make available to
14 federal qualified electors information regarding voter
15 registration procedures for federal qualified electors and
16 procedures for casting military-overseas ballots.

17 B. The secretary of state shall establish an
18 electronic transmission system through which a federal
19 qualified elector may apply for and receive voter registration
20 materials, military-overseas ballots and other information
21 pursuant to the Uniform Military and Overseas Voters Act. The
22 secretary of state shall ensure that the electronic
23 transmission system is capable of accepting a federal postcard
24 application, any other approved electronic registration
25 application and any other approved electronic military-overseas

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1 ballot application sent to a county clerk [~~or municipal clerk~~].

2 C. Official transmittal envelopes and official
3 mailing envelopes for transmission of absentee ballot materials
4 to and from federal qualified electors shall be in the same
5 form as those used in the jurisdiction where the voter is
6 registered except as modified to comply with the Uniform
7 Military and Overseas Voters Act or federal law. The secretary
8 of state may, to the extent reasonably possible, coordinate
9 with other states to develop standardized absentee-voting
10 materials, including privacy and transmission envelopes and
11 their electronic equivalents, authentication materials and
12 voting instructions, to be used with the military-overseas
13 ballot of a voter authorized to vote in any jurisdiction in
14 this state.

15 D. The secretary of state shall prescribe the form
16 and content of a declaration for use by a federal qualified
17 elector to swear or affirm specific representations pertaining
18 to the voter's identity, eligibility to vote, status as a
19 federal qualified elector and timely and proper completion of a
20 military-overseas ballot. The declaration shall be based on
21 the declaration prescribed to accompany a federal write-in
22 absentee ballot, as modified to be consistent with the Uniform
23 Military and Overseas Voters Act. The secretary of state shall
24 ensure that a form for the execution of the declaration,
25 including an indication of the date of execution of the

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1 declaration, is a prominent part of all balloting materials for
2 which the declaration is required.

3 E. The secretary of state shall prescribe to the
4 appropriate clerk the form of and distribute to each county
5 clerk a supply of:

6 (1) official inner envelopes for use in
7 sealing the completed absentee ballot;

8 (2) official mailing envelopes for use in
9 returning the official inner envelope to the appropriate clerk;
10 provided that only the official mailing envelope for absentee
11 ballots in a primary election shall contain a designation of
12 party affiliation;

13 (3) absentee ballot instructions describing
14 the proper methods for completion and return of the ballot,
15 including instructions for those federal qualified electors
16 returning a ballot electronically;

17 (4) official transmittal envelopes for use by
18 the appropriate clerk in mailing absentee ballot materials; and

19 (5) official holding envelopes for ballots
20 returned electronically by federal qualified electors."

21 SECTION 11. Section 1-6B-6 NMSA 1978 (being Laws 2015,
22 Chapter 145, Section 30) is amended to read:

23 "1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS
24 BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS
25 BALLOT.--

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1 A. A federal qualified elector who is currently
2 registered to vote in this state may, by the deadline specified
3 in the Absent Voter Act [~~or Municipal Election Code~~] for
4 receipt of absentee ballot applications, apply for a
5 military-overseas ballot by:

6 (1) using an absentee ballot application
7 pursuant to the Absent Voter Act [~~or Municipal Election Code~~];

8 (2) using the federal postcard application or
9 the application's electronic equivalent; or

10 (3) using the declaration accompanying a
11 federal write-in absentee ballot as an application for a
12 military-overseas ballot simultaneously with the submission of
13 the federal write-in absentee ballot.

14 B. A federal qualified elector who is not currently
15 registered to vote in this state may, by the deadline in the
16 Election Code for registering to vote, simultaneously register
17 to vote and apply for a military-overseas ballot by using a
18 federal postcard application or the application's electronic
19 equivalent.

20 C. An application for a military-overseas ballot
21 for a primary election, whether or not timely, is effective as
22 an automatic application for a military-overseas ballot for the
23 general election.

24 D. An application for a military-overseas ballot is
25 effective as an automatic application for a military-overseas

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1 ballot for a top-two runoff election necessary to conclude the
2 election for which the application was submitted."

3 SECTION 12. Section 1-6B-7 NMSA 1978 (being Laws 2015,
4 Chapter 145, Section 31) is amended to read:

5 "1-6B-7. TRANSMISSION OF UNVOTED MILITARY-OVERSEAS
6 BALLOTS TO FEDERAL QUALIFIED ELECTORS.--

7 A. Not later than forty-five days before an
8 election, even if the forty-fifth day before an election falls
9 on a weekend or a holiday, the appropriate clerk shall transmit
10 a ballot and balloting materials to all federal qualified
11 electors who by that date submit a valid military-overseas
12 ballot application.

13 B. The appropriate clerk shall transmit a ballot
14 and balloting materials as soon as practicable when the ballot
15 application from a federal qualified elector arrives after the
16 forty-fifth day before the election and before absentee ballots
17 are transmitted to other voters pursuant to the Absent Voter
18 Act [~~or the provisions of the Municipal Election Code~~].

19 C. The appropriate clerk shall transmit a ballot
20 and balloting materials in accordance with the procedures for
21 processing of all other absentee ballot applications for that
22 jurisdiction when the ballot application from a federal
23 qualified elector arrives after the appropriate clerk has begun
24 transmitting ballots and balloting materials to other voters.

25 D. A federal qualified elector may request that the

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1 ballot and balloting materials be sent by facsimile
2 transmission, electronic mail delivery or other equivalent
3 electronic transmission available to the appropriate clerk
4 where the ballot and balloting materials are sent directly by
5 the clerk to the federal qualified elector. The clerk shall
6 transmit the ballot and balloting materials using the means of
7 transmission requested by the federal qualified elector. The
8 clerk shall determine the most reasonable expedited means of
9 delivery for a ballot and balloting materials for a federal
10 qualified elector who does not request a particular means of
11 transmission."

12 SECTION 13. Section 1-12-71 NMSA 1978 (being Laws 1977,
13 Chapter 222, Section 7, as amended) is amended to read:

14 "1-12-71. RESTRICTION ON LOCAL GOVERNMENT ELECTIONS.--No
15 municipal, [~~school~~] county or special district election or
16 special local election shall be held within [~~fifty~~] seventy
17 days prior to or following any statewide election. This
18 section does not prohibit a local government ballot question
19 authorized by the board of county commissioners from appearing
20 on the general election ballot or regular local election
21 ballot. As used in this section, "statewide election" means a
22 primary, general or special statewide election or a regular
23 local election as provided in the Local Election Act."

24 SECTION 14. Section 1-14-14 NMSA 1978 (being Laws 1969,
25 Chapter 240, Section 343, as amended) is amended to read:

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1 "1-14-14. RECOUNTS--RECHECKS--APPLICATION.--

2 A. Whenever any candidate [~~for any office for which~~
3 ~~the state canvassing board or county canvassing board issues a~~
4 ~~certificate of nomination or election]~~ believes that any error
5 or fraud has been committed by any precinct board in counting
6 or tallying the ballots, in the verification of the votes cast
7 on the voting machines or in the certifying of the results of
8 any election whereby the results of the election in the
9 precinct have not been correctly determined, declared or
10 certified, the candidate, within six days after completion of
11 the canvass by the proper canvassing board, may have a recount
12 of the ballots, or a recheck of the votes shown on the voting
13 machines, that were cast in the precinct.

14 B. In the case of any office for which the state
15 canvassing board issues a certificate of nomination or
16 election, application for recount or recheck shall be filed
17 with the secretary of state.

18 C. In the case of any office for which the county
19 canvassing board or secretary of state issues a certificate of
20 nomination or election, application for recount or recheck
21 shall be filed with the district judge for the county in which
22 the applicant resides."

23 SECTION 15. Section 1-16-8 NMSA 1978 (being Laws 1969,
24 Chapter 240, Section 380, as amended) is amended to read:

25 "1-16-8. OTHER QUESTIONS.--

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1 A. The form for ballots on questions other than
2 proposed constitutional amendments to be submitted to the
3 voters of the entire state shall be prescribed by the secretary
4 of state. The form for ballots on those questions not
5 statewide in application to be submitted to the voters of [~~the~~]
6 a county or local government shall be furnished by the county
7 clerk, and a copy of the resolution proposing [~~such~~] the
8 question shall be sent by the county clerk to the secretary of
9 state not less than [~~thirty~~] seventy days prior to the
10 election. In each case, the ballots shall conform as nearly as
11 practicable to the form required for ballots on proposed
12 constitutional amendments.

13 B. A local government ballot question shall be
14 submitted to the voters by title only, as approved by the local
15 governing body.

16 C. In no case shall a nonbinding or merely advisory
17 question be placed on the ballot for any election held pursuant
18 to the Election Code."

19 **SECTION 16.** Section 1-22-1 NMSA 1978 (being Laws 1985,
20 Chapter 168, Section 3) is repealed and a new Section 1-22-1
21 NMSA 1978 is enacted to read:

22 "1-22-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article
23 22 NMSA 1978 may be cited as the "Local Election Act"."

24 **SECTION 17.** Section 1-22-2 NMSA 1978 (being Laws 1985,
25 Chapter 168, Section 4, as amended) is repealed and a new

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1 Section 1-22-2 NMSA 1978 is enacted to read:

2 "1-22-2. [NEW MATERIAL] DEFINITIONS.--As used in the
3 Local Election Act:

4 A. "local election" means a local government
5 election;

6 B. "local governing body" means a board, council or
7 commission, as appropriate for a given local government;

8 C. "local government" means a school district, a
9 special hospital district, a community college district, a
10 technical and vocational institute district, a learning center
11 district, an arroyo flood control district, a special zoning
12 district, a soil and water conservation district, a water and
13 sanitation district and a municipality, including a home rule
14 municipality governed pursuant to Article 10, Section 6 of the
15 constitution of New Mexico, a municipality operating pursuant
16 to a territorial charter or special charter and, beginning July
17 1, 2022, a conservancy district governed pursuant to Chapter
18 73, Article 14 or 18 NMSA 1978 and a watershed district
19 governed pursuant to the Watershed District Act; and

20 D. "proper filing officer" means the clerk of the
21 county in which the candidate resides."

22 SECTION 18. Section 1-22-3 NMSA 1978 (being Laws 1985,
23 Chapter 168, Section 5, as amended) is repealed and a new
24 Section 1-22-3 NMSA 1978 is enacted to read:

25 "1-22-3. [NEW MATERIAL] REGULAR LOCAL ELECTIONS--SPECIAL

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1 LOCAL ELECTIONS--BALLOT QUESTIONS--QUALIFICATIONS OF
2 CANDIDATES.--

3 A. A regular local election shall be held on the
4 first Tuesday after the first Monday in November of each odd-
5 numbered year.

6 B. A local election shall be held to elect
7 qualified persons to membership on a local governing body and,
8 where applicable, to municipal executive office and to
9 municipal judicial office. No person shall become a candidate
10 in a local election unless the person's record of voter
11 registration shows that the person is a qualified elector of
12 the state, physically resides in the district in which the
13 person is a candidate and was registered to vote in the
14 district on the date the proclamation calling a local election
15 is filed in the office of the secretary of state.

16 C. In addition to candidates in the election, a
17 regular local election ballot may contain ballot questions
18 proposed by the state, county or local government or as
19 otherwise provided by law. An election on a ballot question
20 held at any time other than the date for a regular local
21 election shall be held with the general election or shall be a
22 special local election called, conducted and canvassed as
23 provided in Chapter 1, Article 24 NMSA 1978.

24 D. Except as otherwise provided in the Local
25 Election Act, local elections shall be called, conducted and

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1 canvassed as provided in the Election Code."

2 SECTION 19. Section 1-22-4 NMSA 1978 (being Laws 1985,
3 Chapter 168, Section 6, as amended) is repealed and a new
4 Section 1-22-4 NMSA 1978 is enacted to read:

5 "1-22-4. [NEW MATERIAL] REGULAR LOCAL ELECTION--
6 PROCLAMATION--PUBLICATION.--

7 A. The secretary of state shall by resolution issue
8 a public proclamation in Spanish and English calling a regular
9 local election on the date prescribed by the Local Election
10 Act. The proclamation shall be filed by the secretary of state
11 in the office of the secretary of state ninety days preceding
12 the date of the election.

13 B. Between one hundred twenty and one hundred fifty
14 days before the next local election, each local government
15 shall notify the secretary of state of all local government
16 positions that are to be filled at that election.

17 C. The proclamation shall specify the:
18 (1) date when the election will be held;
19 (2) positions on each local governing body to
20 be filled;
21 (3) executive and judicial positions to be
22 filled;
23 (4) date on which declarations of candidacy
24 are to be filed;
25 (5) date on which declarations of intent to be

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1 a write-in candidate are to be filed; and

2 (6) municipalities subject to a ranked-choice
3 voting runoff election and those subject to a top-two runoff
4 election, and the date of the top-two runoff election should
5 one be necessary.

6 D. After receipt of the proclamation from the
7 secretary of state, the county clerk shall post the entire
8 proclamation on the county clerk's website and, not less than
9 seventy-five days before the date of the election, shall
10 publish portions of the proclamation relevant to the county at
11 least once in a newspaper of general circulation within the
12 county. The publication of the proclamation shall conform to
13 the requirements of the federal Voting Rights Act of 1965, as
14 amended, and shall specify the:

- 15 (1) date when the election will be held;
- 16 (2) positions on each local governing body of
17 a district situated in whole or in part in the county;
- 18 (3) elective executive and judicial positions
19 of each local government situated in whole or in part in the
20 county;
- 21 (4) date on which declarations of candidacy
22 are to be filed;
- 23 (5) location of each polling place;
- 24 (6) location of each alternate voting location
25 for early voting;

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1 (7) hours each polling place and alternate
2 voting location will be open; and

3 (8) date and time of the closing of the
4 registration books by the county as required by law.

5 E. Whenever two or more members of a local
6 governing body are to be elected at large for terms of the same
7 length of time, the secretary of state shall numerically
8 designate the positions on the ballot as "position one",
9 "position two" and such additional consecutively numbered
10 positions as are necessary, but only one member shall be
11 elected for each position. Whenever two or more members of a
12 local governing body are to be elected to represent the same
13 area with terms of different lengths of time, the secretary of
14 state shall list the office with the shorter length of time
15 first and shall designate each position with "for a term
16 expiring ___".

17 SECTION 20. Section 1-22-7 NMSA 1978 (being Laws 1985,
18 Chapter 168, Section 9, as amended) is repealed and a new
19 Section 1-22-7 NMSA 1978 is enacted to read:

20 "1-22-7. [NEW MATERIAL] DECLARATION OF CANDIDACY--FILING
21 DATE--PENALTY.--

22 A. A candidate for a position that will be filled
23 at a local election shall file a declaration of candidacy with
24 the proper filing officer during the period commencing at 9:00
25 a.m. on the seventieth day before the date of the local

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1 election and ending at 5:00 p.m. on the same day.

2 B. A candidate shall file for only one position in
3 the same local government but may file for a position in more
4 than one local government during a filing period.

5 C. A declaration of candidacy shall not be amended
6 after it has been filed with the proper filing officer.

7 D. Whoever knowingly makes a false statement in a
8 declaration of candidacy is guilty of a fourth degree felony
9 and shall be sentenced pursuant to the provisions of Section
10 31-18-15 NMSA 1978."

11 SECTION 21. Section 1-22-8 NMSA 1978 (being Laws 1985,
12 Chapter 168, Section 10, as amended) is repealed and a new
13 Section 1-22-8 NMSA 1978 is enacted to read:

14 "1-22-8. [NEW MATERIAL] DECLARATION OF CANDIDACY--SWORN
15 STATEMENT OF INTENT--FORM.--In making a declaration of
16 candidacy, the candidate shall submit a sworn statement of
17 intent in substantially the following form:

18 "DECLARATION OF CANDIDACY--STATEMENT OF INTENT

19 I, _____ (candidate's name on certificate
20 of registration), being first duly sworn, say that I am a voter
21 of the county of _____, State of New Mexico. I
22 reside at

23 _____

24 and was registered to vote at that place on the date of the
25 proclamation calling this election;

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1 I reside within and am registered to vote in the area to
2 be represented;

3 I desire to become a candidate for the office of
4 _____ at the local election to be held on the date
5 set by law;

6 I will be eligible and legally qualified to hold this
7 office at the beginning of its term; and

8 I make the foregoing affidavit under oath, knowing that
9 any false statement herein constitutes a felony punishable
10 under the criminal laws of New Mexico.

11 _____
12 (Signature of Declarant)

13 _____
14 (Mailing Address)

15 _____
16 (Residence Address)

17 Subscribed and sworn to before me by _____ this
18 _____ day of _____, 20 _____.

19 _____
20 (Notary Public)

21 My commission expires:
22 _____"."

23 SECTION 22. A new section of the Local Election Act,
24 Section 1-22-8.1 NMSA 1978, is enacted to read:

25 "1-22-8.1. [NEW MATERIAL] WRITE-IN CANDIDATES.--

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1 A. Write-in candidates shall be permitted in local
2 elections.

3 B. A person may be a write-in candidate only if the
4 person has the qualifications to be a candidate for the
5 position for which the person is running.

6 C. A person desiring to be a write-in candidate for
7 an office shall file with the proper filing officer a
8 declaration of candidacy. The declaration shall be filed
9 between 9:00 a.m. and 5:00 p.m. on the sixty-third day
10 preceding the date of the election. The county clerk shall
11 ensure that a declaration of candidacy filed pursuant to this
12 section specifies that it is for a write-in candidate.

13 D. A write-in vote shall be counted and canvassed
14 only if:

15 (1) the name written in is the name of a
16 declared write-in candidate and shows two initials and last
17 name; first name, middle initial or name and last name; first
18 and last name; or the full name as it appears on the
19 declaration of candidacy and if misspellings of those
20 combinations can be reasonably determined by a majority of the
21 members of the precinct board to identify a declared write-in
22 candidate; and

23 (2) the name is written on the proper line
24 provided on the ballot for write-in votes for the office and
25 position for which the candidate has declared intent and the

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1 voter has followed the directions for voting for the write-in
2 candidate.

3 E. At the time of filing the declaration of
4 candidacy, the write-in candidate shall be considered a
5 candidate for all purposes and provisions relating to
6 candidates in the Local Election Act except that the write-in
7 candidate's name shall not be printed on the ballot nor posted
8 in any polling place.

9 F. A write-in vote shall be cast by writing in the
10 name. As used in this section, "write-in" does not include the
11 imprinting of any name by rubber stamp or similar device or the
12 use of a preprinted sticker or label.

13 G. No unopposed write-in candidate shall have an
14 election certified unless the candidate receives at least the
15 number of write-in votes equal to ten percent of the total
16 number of ballots on which the office appears on the ballot
17 that are cast in the local election, or two hundred."

18 SECTION 23. Section 1-22-9 NMSA 1978 (being Laws 1985,
19 Chapter 168, Section 11) is repealed and a new Section 1-22-9
20 NMSA 1978 is enacted to read:

21 "1-22-9. [NEW MATERIAL] WITHDRAWAL OF CANDIDATES.--A
22 candidate seeking to withdraw from a local election shall
23 withdraw no later than the sixty-third day before that election
24 by filing a signed and notarized statement of withdrawal with
25 the proper filing officer."

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1 **SECTION 24.** Section 1-22-10 NMSA 1978 (being Laws 1985,
2 Chapter 168, Section 12, as amended) is repealed and a new
3 Section 1-22-10 NMSA 1978 is enacted to read:

4 "1-22-10. [NEW MATERIAL] BALLOTS.--

5 A. The proper filing officer shall determine
6 whether a candidate filing a declaration of candidacy is
7 registered to vote within the local election district and, if
8 required for the office being sought, whether the candidate's
9 nominating petition for that office has been filed with a
10 number of signatures that is equal to or greater than the
11 number required for that office. If the candidate is so
12 qualified and no withdrawal of candidacy has been filed as
13 provided in the Local Election Act, the proper filing officer
14 shall place the candidate's name on the ballot for the position
15 specified in the declaration of candidacy and notify each
16 candidate in writing no later than 5:00 p.m. on the sixtieth
17 day before the local election.

18 B. Ballots for the local election shall be prepared
19 by the proper filing officer and printed in accordance with the
20 provisions of Section 1-10-5 NMSA 1978. The printed ballot
21 shall contain the name of each person who is a candidate and
22 the position for which the person is a candidate. The ballot
23 shall also contain all questions permitted by the board of
24 county commissioners pursuant to Section 1-22-10.1 NMSA 1978
25 that are to be submitted to the voters as certified to the

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1 county clerk in each county in which the local government is
2 situate by the local governing body and shall conform to the
3 requirements of Section 1-16-8 NMSA 1978.

4 C. Paper ballots shall be printed in a form in
5 substantial compliance with the provisions of Section 1-10-12
6 NMSA 1978 and in compliance with the provisions of the federal
7 Voting Rights Act of 1965, as amended.

8 D. A local election shall be a nonpartisan
9 election, and the names of all candidates shall be listed on
10 the ballot without party or slate designation. The order in
11 which the names of candidates are listed on the ballot shall be
12 determined by the secretary of state either by lot or by
13 randomization as provided by rule.

14 E. Space shall be provided on each ballot for a
15 voter to write in the name of one candidate for each position
16 to be filled when a declaration of candidacy by a write-in
17 candidate has been filed."

18 SECTION 25. A new Section 1-22-10.1 NMSA 1978 is enacted
19 to read:

20 "1-22-10.1. [NEW MATERIAL] BALLOT ORDER.--

21 A. The Local Election Act ballot shall list offices
22 in the following order, when applicable:

23 (1) municipal elections, with executive
24 officers listed first, governing board members listed second
25 and judicial officers listed third;

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- 1 (2) school board elections;
2 (3) community college elections;
3 (4) special district elections listed in order
4 by voting population of each special district, with the most
5 populous listed first and the least populous listed last; and
6 (5) in the order prescribed by the secretary
7 of state:
8 (a) county questions;
9 (b) local government questions; and
10 (c) other ballot questions authorized by
11 law.

12 B. A board of county commissioners shall permit
13 local government questions on the local election ballot;
14 provided that there is sufficient space on a single page ballot
15 to accommodate the questions using both sides of the page. If
16 there is not sufficient room, then questions shall be included
17 in the order received by the county clerk until space on the
18 ballot is exhausted. For multicounty districts, exclusion from
19 one county's ballot excludes that question from the local
20 election ballot in all counties comprising the special
21 district.

22 C. A local government question that would require a
23 second ballot page shall be permitted if the local government
24 requesting the inclusion of the question pays the additional
25 costs of the second ballot page; provided that if more than one

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1 local government has a question included on the second ballot
2 page, the local governments with questions on the second ballot
3 page shall share the costs of providing the second ballot
4 page."

5 SECTION 26. Section 1-22-11 NMSA 1978 (being Laws 1985,
6 Chapter 168, Section 13, as amended) is repealed and a new
7 Section 1-22-11 NMSA 1978 is enacted to read:

8 "1-22-11. [NEW MATERIAL] PUBLICATION.--Each county clerk
9 shall issue and publish the proclamation listing the name of
10 each local government that has a candidate or question
11 appearing on the ballot in that county; the name of each
12 candidate for membership on each local governing body; the name
13 of each candidate for executive or judicial office; each
14 question to be submitted to the voters; and the names of the
15 precinct board members for the election. The publication shall
16 be made once each week for two successive weeks, with the last
17 publication being made within twelve days but not later than
18 five days before the date of the local election. The names of
19 the candidates shall be published in the same order and for the
20 same positions as will appear on the ballot. The publication
21 shall be in a newspaper of general circulation in the county
22 and shall conform to the provisions of the federal Voting
23 Rights Act of 1965, as amended."

24 SECTION 27. Section 1-22-13 NMSA 1978 (being Laws 1985,
25 Chapter 168, Section 15) is repealed and a new Section 1-22-13

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1 NMSA 1978 is enacted to read:

2 "1-22-13. [NEW MATERIAL] CHALLENGERS--OBSERVERS.--

3 A. Upon written notice filed with the county clerk
4 no later than seven days before the election, any candidate in
5 a local election may appoint one person as challenger for each
6 polling place in the local election who shall have the powers
7 and be subject to the restrictions provided for challengers in
8 the Election Code.

9 B. Election observers shall be allowed as otherwise
10 provided by the Election Code."

11 **SECTION 28.** Section 1-22-15 NMSA 1978 (being Laws 1985,
12 Chapter 168, Section 17, as amended by Laws 1987, Chapter 249,
13 Section 49 and also by Laws 1987, Chapter 338, Section 3) is
14 repealed and a new Section 1-22-15 NMSA 1978 is enacted to
15 read:

16 "1-22-15. [NEW MATERIAL] CANVASSING BOARD--DUTIES.--

17 A. The canvassing board for the canvass of the
18 results of a local election shall be composed of the board of
19 county commissioners of the county in which the votes were cast
20 in that election.

21 B. Within ten days after the date of the election,
22 the canvassing board shall meet and shall:

23 (1) canvass the returns in the same manner as
24 county election returns are canvassed; and

25 (2) issue a certificate of canvass of the

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1 results of the election and send one copy of the certified
2 results to:

3 (a) each local governing body receiving
4 votes in the county;

5 (b) the secretary of state;

6 (c) the county clerk; and

7 (d) the state canvassing board, if the
8 results are for candidates or ballot questions voted on by the
9 voters of more than one county.

10 C. The state canvassing board shall meet in the
11 state capitol on the second Tuesday after each local election
12 and proceed to canvass and declare the results of the election
13 or nomination of each candidate or ballot question voted upon
14 by the voters of more than one county. Upon the completion of
15 the state canvass, the secretary of state shall notify each
16 county clerk of the results of the state canvass.

17 D. In the event of a tie vote between any
18 candidates in the election for the same office, the
19 determination as to which of the candidates shall be declared
20 to have been elected shall be decided by lot. The method of
21 determining by lot shall be agreed upon by a majority of a
22 committee consisting of the tied candidates and the county
23 clerk and district judge of the county in which the
24 administrative office of the local government is situate. The
25 secretary of state shall issue the certificate of election to

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1 the candidate chosen by lot.

2 E. If a top-two runoff election is required in a
3 municipal election, the canvassing board shall notify the
4 relevant municipality within ten days following the local
5 election.

6 F. Except in the case of a top-two runoff election,
7 on the twenty-first day following the election, the secretary
8 of state shall issue a certificate of election or nomination to
9 each candidate who received the most votes for each position on
10 the ballot and shall certify the passage or defeat of each
11 ballot question."

12 SECTION 29. Section 1-22-16 NMSA 1978 (being Laws 1985,
13 Chapter 168, Section 18) is repealed and a new Section 1-22-16
14 NMSA 1978 is enacted to read:

15 "1-22-16. [NEW MATERIAL] MUNICIPAL RUNOFF ELECTIONS.--

16 A. All runoff elections authorized by Article 7,
17 Section 5 of the constitution of New Mexico shall be conducted
18 as a ranked-choice voting runoff election, except as provided
19 in Subsection B of this section. A ranked-choice voting runoff
20 election shall be conducted on the same ballot as the regular
21 local election and shall follow procedures promulgated in rule
22 by the secretary of state.

23 B. Except for a home rule municipality whose
24 charter mandates use of a ranked-choice voting runoff election,
25 a municipality may by ordinance adopted following the effective

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1 date of the Local Election Act choose to hold a top-two runoff
2 election. The ordinance shall be filed with the secretary of
3 state no later than January 30 of the year the next regular
4 local election is scheduled.

5 C. If a municipality that has passed an ordinance
6 choosing to hold a top-two runoff election is notified by the
7 county canvassing board that a runoff election is required
8 following a local election, the election shall be called,
9 conducted and canvassed in accordance with the provisions of
10 the municipality's ordinance or charter; provided that:

11 (1) the county clerk shall perform the duties
12 of the municipal clerk regarding administration of the election
13 in the case of a municipality whose election is conducted with
14 the regular local election;

15 (2) the canvassing board for the canvass of
16 the election shall be composed of the board of county
17 commissioners;

18 (3) the election shall be held on the sixth
19 Tuesday following the local election; and

20 (4) the certificate of election shall be
21 issued by the secretary of state.

22 D. A municipality that has passed an ordinance to
23 hold top-two runoff elections may rescind that ordinance;
24 provided that, to be effective for the next local election, the
25 ordinance shall be filed with the secretary of state no later

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1 than January 30 of the year the next regular local election is
2 scheduled."

3 SECTION 30. Section 1-22-17 NMSA 1978 (being Laws 1985,
4 Chapter 168, Section 19, as amended) is repealed and a new
5 Section 1-22-17 NMSA 1978 is enacted to read:

6 "1-22-17. [NEW MATERIAL] RECORDS.--The returns and
7 certificates of the result of the canvass of a regular or
8 special local election are public documents, subject to
9 inspection and retention as provided by Section 1-12-69 NMSA
10 1978. The certificate of results of the canvass of the
11 election shall, forty-five days after the election or recount
12 after any contest has been settled by the court, be preserved
13 as a permanent record in the state records center. A copy of
14 the certificate of results of the canvass of the election shall
15 be preserved as a permanent record in the office of the county
16 clerk in a separate book maintained for recording the results
17 of elections."

18 SECTION 31. Section 1-22-18 NMSA 1978 (being Laws 1985,
19 Chapter 168, Section 20, as amended) is repealed and a new
20 Section 1-22-18 NMSA 1978 is enacted to read:

21 "1-22-18. [NEW MATERIAL] LOCAL ELECTION--DATE TERM OF
22 OFFICE BEGINS.--The term of office of a candidate elected in a
23 local election or ensuing top-two runoff election shall begin
24 on January 1 following the candidate's election, and the
25 candidate to whom a certificate of election has been issued

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1 shall take the oath of office before entering upon the duties
2 of office."

3 SECTION 32. Section 1-22-19 NMSA 1978 (being Laws 1985,
4 Chapter 168, Section 21, as amended) is repealed and a new
5 Section 1-22-19 NMSA 1978 is enacted to read:

6 "1-22-19. [NEW MATERIAL] ABSENTEE VOTING--ALTERNATE
7 VOTING LOCATIONS.--

8 A. The provisions of the Absent Voter Act and
9 Uniform Military and Overseas Voter Act apply to absentee
10 voting in local elections; provided that absentee ballots sent
11 pursuant to the:

12 (1) Absent Voter Act shall be sent beginning
13 twenty-two days before a regular local election; and

14 (2) Uniform Military and Overseas Voters Act
15 shall be sent beginning thirty-five days before a regular or
16 special local election.

17 B. Early voting shall be conducted in each office
18 of the county clerk pursuant to Section 1-6-5 NMSA 1978
19 beginning twenty-one days before a regular local election and
20 at such alternate voting locations as may be established by the
21 county clerk pursuant to the provisions of Section 1-6-5.7 NMSA
22 1978."

23 SECTION 33. A new section of the Local Election Act is
24 enacted to read:

25 "[NEW MATERIAL] COSTS OF ELECTIONS--LOCAL ELECTION

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1 ASSESSMENT--LOCAL ELECTION FUND ESTABLISHED.--

2 A. There is created in the state treasury the
3 "local election fund" solely for the purposes of:

4 (1) reimbursing the counties for the costs of
5 conducting and administering regular local elections required
6 by the Local Election Act;

7 (2) paying the administrative costs of the
8 office of the secretary of state for administering elections
9 required by the Local Election Act and for administering the
10 local election fund; and

11 (3) carrying out all other specified
12 provisions of the Local Election Act.

13 B. The state treasurer shall invest the local
14 election fund as other state funds are invested, and all income
15 derived from the fund shall be credited directly to the fund.
16 Remaining balances at the end of a fiscal year shall remain in
17 the fund and not revert to the general fund.

18 C. Money received from the following sources shall
19 be deposited directly into the local election fund:

20 (1) annual assessments imposed on local
21 governments pursuant to Subsection F of this section; and

22 (2) money appropriated to the fund by the
23 legislature.

24 D. Money in the local election fund is appropriated
25 to the secretary of state for the purposes authorized in

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1 Subsection A of this section and for distribution to the
2 counties for reimbursement of reasonable costs associated with
3 conducting and administering regular local elections required
4 by the Local Election Act. Money in the fund shall only be
5 expended on warrants of the department of finance and
6 administration pursuant to vouchers signed by the secretary of
7 state or the secretary's designee.

8 E. In the event that current year balances in the
9 local election fund do not cover the costs of local elections,
10 the secretary of state may apply to the state board of finance
11 for an emergency grant to cover those costs pursuant to Section
12 6-1-2 NMSA 1978.

13 F. Each local government whose local governing body
14 is elected in the regular local election shall pay an annual
15 assessment to the secretary of state for deposit into the local
16 election fund. The first one-half of the annual assessment
17 shall be paid no later than thirty days following the close of
18 the sixth month of each fiscal year, and the second one-half of
19 the annual assessment shall be paid no later than thirty days
20 following the close of each fiscal year. Assessments are based
21 on a local government's total operating expenses for each
22 fiscal year; provided that no assessment shall be made on
23 federal funds received by a local government nor on capital
24 expenditures. The annual assessment shall be equal to two
25 hundred fifty dollars (\$250) per one million dollars

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1 (\$1,000,000) or minor fraction thereof of the local
2 government's general operating expenses; provided that:

3 (1) for a municipality that adopts an
4 ordinance pursuant to Section 1-22-16 NMSA 1978 to have a top-
5 two runoff election, the annual assessment shall be equal to
6 five hundred dollars (\$500) per one million dollars
7 (\$1,000,000) or minor fraction thereof of the municipality's
8 general operating expenses; and

9 (2) no assessment shall be paid by a local
10 government with general operating expenses less than one
11 hundred thousand dollars (\$100,000)."

12 SECTION 34. A new section of the Local Election Act is
13 enacted to read:

14 "[NEW MATERIAL] APPLICATION TO MUNICIPALITIES OPTING OUT
15 OF CERTAIN PROVISIONS OF THE LOCAL ELECTION ACT--OPT-OUT
16 PROVISIONS--OPT-IN PROVISIONS FOR CERTAIN HOME RULE
17 MUNICIPALITIES--STANDARD ELECTION DATE--PROCEDURES--
18 EXCEPTIONS.--

19 A. Except as provided in Subsection B of this
20 section, a municipality may by ordinance opt out of an election
21 of its governing body members in the regular local election if
22 the municipality passes the ordinance and files the ordinance
23 with the secretary of state no later than January 30 of the
24 year in which the next regular local election is scheduled. A
25 municipality that has passed an ordinance pursuant to this

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1 subsection may at any time rescind the ordinance opting out of
2 the election of its governing body members in the regular local
3 election upon filing the rescission with the secretary of state
4 no later than January 30 of the year in which the next regular
5 local election is scheduled.

6 B. A home rule municipality that pursuant to its
7 charter is implementing a form of required voter identification
8 that supersedes the provisions of Section 1-1-24 NMSA 1978
9 shall not participate in the regular local election unless that
10 municipality opts in. To opt in, a municipality subject to
11 this subsection shall repeal the definition of required voter
12 identification that is contained in the home rule charter,
13 amend its charter to participate in the regular local election
14 or adopt an ordinance to participate in the local election;
15 provided that the vote to adopt the ordinance shall be the same
16 vote required to amend its home rule charter. The amended
17 charter or ordinance shall be filed with the secretary of state
18 no later than January 30 of the year in which the next regular
19 local election is scheduled.

20 C. For municipalities that have opted out pursuant
21 to Subsection A of this section or that have not opted in
22 pursuant to Subsection B of this section, all provisions of the
23 Local Election Act as supplemented by the Election Code apply,
24 except as provided in this section and except for those
25 election procedures contained in the charter of a home rule

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1 municipality that operate in lieu of or in addition to the
2 provisions of the Election Code.

3 D. Elections held pursuant to this section shall be
4 held on the first Tuesday after the first Monday in June of
5 each odd-numbered year.

6 E. Except for municipalities that, pursuant to
7 Section 1-22-16 NMSA 1978, have chosen to have a top-two runoff
8 election, the term of office for municipalities holding
9 elections pursuant to this section shall begin the first day of
10 the month following the election. For home rule municipalities
11 that hold a top-two runoff election, the term of office for
12 municipalities holding elections pursuant to this section shall
13 begin the first day of the month following the runoff election.

14 F. A municipality holding local governing body
15 elections pursuant to this section may place ballot questions
16 on the ballot of an election held pursuant to this section and
17 as otherwise provided in the Local Election Act.

18 G. The municipal clerk shall fulfill the duties of
19 the county clerk in the conduct of elections held pursuant to
20 this section. The county clerk shall maintain accurate voter
21 registration information for each municipality located in the
22 county. The county clerk shall provide to the municipal clerk,
23 in advance of an election held pursuant to this section, the
24 names of only those voters entitled to vote in the municipal
25 election. The municipality shall bear the reasonable cost of

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1 preparation of the voter lists, signature rosters and voter
2 registration in electronic format.

3 H. The secretary of state shall issue the
4 proclamation calling for an election pursuant to this section
5 in accordance with the provisions of Section 1-22-4 NMSA 1978.
6 The municipal clerk shall publish the proclamation in
7 accordance with the schedule and procedures provided in
8 Subsection D of Section 1-22-4 NMSA 1978. Each county clerk
9 shall post the entire proclamation on the county clerk's
10 website along with a notice of which municipalities in the
11 county are conducting elections pursuant to this section.

12 I. The governing body of the municipality may act
13 in relation to the duties of the board of county commissioners
14 set forth in Section 1-3-2 NMSA 1978 that are applicable to the
15 conduct of an election held pursuant to this section."

16 SECTION 35. Section 1-22A-2 NMSA 1978 (being Laws 2013,
17 Chapter 180, Section 2) is amended to read:

18 "1-22A-2. DEFINITIONS.--As used in the School District
19 Campaign Reporting Act:

20 A. "campaign committee" means one or more persons
21 authorized by a candidate to raise, collect or expend
22 contributions on the candidate's behalf for the purpose of
23 electing the candidate to office;

24 B. "candidate" means a person who seeks or
25 considers an office in an election covered by the School

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1 District Campaign Reporting Act and who either has filed a
2 declaration of candidacy or has received contributions or made
3 expenditures of five hundred dollars (\$500) or more or
4 authorized another person or campaign committee to receive
5 contributions or make expenditures of five hundred dollars
6 (\$500) or more for the purpose of seeking election to a covered
7 office;

8 C. "contribution" means a gift, subscription, loan,
9 advance or deposit of money or other thing of value, including
10 the estimated value of an in-kind contribution, that is made or
11 received for a political purpose, including payment of a debt
12 incurred in an election campaign; but "contribution" does not
13 include the value of services provided without compensation or
14 unreimbursed travel or other personal expenses of individuals
15 who volunteer a portion or all of their time on behalf of a
16 candidate or campaign committee;

17 D. "covered office" means the position of board of
18 education member of a school district that has an enrollment of
19 twelve thousand students or more or the position of board
20 member of a community college organized or operating pursuant
21 to the provisions of Chapter 21, Article 13 or Article 16 NMSA
22 1978;

23 E. "election cycle" means the period beginning
24 thirty days after an election for an office and ending ~~on~~
25 thirty days following the subsequent election day for that

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1 office;

2 F. "expenditure" means a payment, transfer or
3 distribution or obligation or promise to pay, transfer or
4 distribute any money or other thing of value for a political
5 purpose, including payment of a debt incurred in an election
6 campaign;

7 G. "political purpose" means advocating the
8 election or defeat of a candidate in an election;

9 H. "prescribed form" means a form or electronic
10 format prepared and prescribed by the secretary of state; and

11 I. "reporting individual" means a candidate or
12 treasurer of a campaign committee."

13 SECTION 36. Section 1-22A-3 NMSA 1978 (being Laws 2013,
14 Chapter 180, Section 3) is amended to read:

15 "1-22A-3. REPORTS REQUIRED--TIME AND PLACE OF FILING.--

16 A. A candidate or campaign committee that has
17 received contributions or made expenditures of five hundred
18 dollars (\$500) or more shall file with the secretary of state a
19 report of all contributions received and expenditures made on a
20 prescribed form, and the report shall be filed in the same or
21 similar electronic system as that used for the Campaign
22 Reporting Act. Except as otherwise provided in this section,
23 all reports pursuant to the School District Campaign Reporting
24 Act shall be filed electronically and electronically
25 authenticated by the candidate using an electronic signature in

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1 conformance with the Electronic Authentication of Documents Act
2 and the Uniform Electronic Transactions Act.

3 B. A candidate or campaign committee shall file a
4 campaign report of all contributions received and expenditures
5 made during an election cycle and not previously reported by
6 midnight on the [~~second Monday in April~~] twenty-first day
7 before the election and on the thirtieth day following the
8 election.

9 C. If a reporting date set by Subsection B of this
10 section falls on a [~~weekend or~~] holiday, the report shall be
11 filed on the next business day.

12 D. If a candidate or campaign committee has not
13 received any contributions and has not made any expenditures
14 since the last report filed with the secretary of state, the
15 candidate or campaign committee shall only be required to file
16 a statement of no activity, which shall not be required to be
17 notarized, in lieu of a full report when that report would
18 otherwise be due.

19 E. A report of expenditures and contributions filed
20 after a deadline set forth in this section shall not be deemed
21 to have been timely filed.

22 F. Except for candidates and campaign committees
23 that file a statement of no activity, each candidate or
24 campaign committee shall file a report of expenditures and
25 contributions pursuant to the filing schedules set forth in

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1 this section, regardless of whether any expenditures were made
2 or contributions were received during the reporting period.
3 Reports shall be required until the candidate or campaign
4 committee delivers a report to the secretary of state stating
5 that:

6 (1) there are no outstanding campaign debts;

7 (2) all money has been expended in accordance
8 with the provisions of Section [~~6 of the School District~~
9 ~~Campaign Reporting Act~~] 1-22A-10 NMSA 1978; and

10 (3) the bank account for campaign funds
11 maintained by the candidate or campaign committee has been
12 closed.

13 G. A candidate who does not ultimately file a
14 declaration of candidacy and does not file a statement of no
15 activity shall file reports in accordance with Subsection B of
16 this section.

17 H. A candidate may apply to the secretary of state
18 for exemption from electronic filing in case of hardship, which
19 shall be defined by the secretary of state."

20 SECTION 37. Section 1-24-1 NMSA 1978 (being Laws 1989,
21 Chapter 295, Section 1) is amended to read:

22 "1-24-1. SHORT TITLE--SPECIAL ELECTION [PROCEDURES]
23 ACT--APPLICATION--EXCEPTION.-- [~~To the extent separate laws~~
24 ~~pertaining to the conduct of special elections by local~~
25 ~~governments or special districts or to the extent procedures~~

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1 ~~are not specified under such separate laws for the conduct of~~
2 ~~special elections, the provisions of Sections 1 through 4 of~~
3 ~~this act shall apply]~~

4 A. Chapter 1, Article 24 NMSA 1978 may be cited as
5 the "Special Election Act".

6 B. Notwithstanding any state or local laws to the
7 contrary, the provisions of the Special Election Act govern the
8 conduct of all special elections conducted by the state or a
9 local government, except for ballot questions printed on a
10 general election ballot or a ballot on which local governing
11 body members are elected pursuant to the Local Election Act."

12 SECTION 38. A new section of the Special Election Act is
13 enacted to read:

14 "[NEW MATERIAL] DEFINITION.--As used in the Special
15 Election Act, "local government" means:

- 16 A. a county;
17 B. a local government subject to the Local Election
18 Act; or
19 C. a special district not subject to the Local
20 Election Act."

21 SECTION 39. Section 1-24-2 NMSA 1978 (being Laws 1989,
22 Chapter 295, Section 2, as amended) is amended to read:

23 "1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--
24 PUBLICATION.--

- 25 A. Whenever a local government or special district

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1 special election is to be called or is required by law, the
2 governing body shall by resolution issue a public proclamation
3 calling the election. The proclamation shall forthwith be
4 filed with the county clerk. The proclamation shall specify:

5 (1) the date on which the special election
6 will be held;

7 (2) the purpose for which the special election
8 is called;

9 ~~[(3) if officers are to be elected or~~
10 ~~positions on the governing body are to be filled, the date on~~
11 ~~which declarations of candidacy are to be filed;~~

12 ~~(4) if a question is to be voted upon]~~

13 (3) the text of ~~[that question]~~ any questions
14 to be voted on; and

15 ~~[(5) the precincts in each county in which the~~
16 ~~election is to be held and the location of each polling place~~
17 ~~in the precinct;~~

18 ~~(6) the hours that each polling place will be~~
19 ~~open; and~~

20 ~~(7)]~~ (4) the date and time of closing the
21 registration books by the county clerk as required by law.

22 B. After filing with the county clerk the
23 proclamation issued pursuant to Subsection A of this section,
24 and beginning not less than sixty-three days before the date of
25 the election, the ~~[governing body]~~ county clerk shall publish

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1 the proclamation once each week for two consecutive weeks in a
2 newspaper of general circulation within the boundaries of the
3 local government or special district. The proclamation shall
4 conform to the requirements of the federal Voting Rights Act of
5 1965, as amended.

6 C. Whenever a statewide special election is to be
7 called or is required by law, the governor shall by resolution
8 issue a public proclamation calling the election. Whenever an
9 election to fill a vacancy in the office of United States
10 representative is to be called or is required by law, the
11 governor shall by resolution issue a public proclamation
12 calling the election pursuant to the requirements of Section
13 1-15-18.1 NMSA 1978. The proclamation shall forthwith be filed
14 with the secretary of state. The proclamation shall specify:

15 (1) the date on which the special election
16 will be held;

17 (2) the purpose for which the special election
18 is called;

19 (3) if a vacancy in the office of United
20 States representative is to be filled, the date on which
21 declarations of candidacy are to be filed;

22 (4) ~~[if a question is]~~ the text of any
23 questions to be voted upon ~~[the text of that question]~~; and

24 (5) the date and time of closing the
25 registration books by the county clerk as required by law.

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1 D. After the proclamation issued pursuant to
2 Subsection C of this section is filed with the secretary of
3 state, the secretary of state shall within five days certify
4 the proclamation to each county clerk in the state.
5 Beginning not less than sixty-three days before the date of
6 the election, the county clerk shall publish the proclamation
7 once each week for two consecutive weeks in a newspaper of
8 general circulation [~~which shall include the precincts in the~~
9 ~~county in which the election is to be held and the location~~
10 ~~of each polling place in the precinct and the hours that each~~
11 ~~polling place will be open~~].

12 E. For an election called pursuant to Subsection
13 F of Section 1-15-18.1 NMSA 1978, the proclamation shall be
14 published consistent with this subsection not less than
15 thirty-six days before the date of the election. The
16 proclamation shall conform to the requirements of the federal
17 Voting Rights Act of 1965, as amended."

18 SECTION 40. Section 1-24-3 NMSA 1978 (being Laws 1989,
19 Chapter 295, Section 3) is amended to read:

20 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--
21 [~~Special elections shall be conducted and canvassed in the~~
22 ~~same manner that regular elections are conducted in the local~~
23 ~~government or special district; provided, the governing body~~
24 ~~may, as set forth in the proclamation, consolidate precincts.~~
25 ~~A polling place shall be provided within each of the~~

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1 ~~consolidated precincts.]~~

2 A. The county clerk shall conduct by mailed
3 ballot any special election called by the state or a local
4 government.

5 B. Upon the calling of an election by a mailed
6 ballot, the county clerk shall send each voter of the
7 relevant jurisdiction an absentee ballot along with a
8 statement that there will be no polling place for the
9 election. The voter shall not be required to file an
10 application for the absentee ballot. The ballot shall be
11 mailed to each voter on the twenty-second day before the
12 election. The return envelope for the ballot shall be
13 postage-paid.

14 C. Mailed ballot elections shall be used
15 exclusively for voting in special elections on a ballot
16 question, including a recall election, and shall not be used
17 in connection with elections at which candidates are to be
18 nominated for or elected to office.

19 D. The state shall pay all costs of a statewide
20 special election. A local government shall reimburse the
21 county for all costs associated with the conduct of the local
22 government's special election."

23 SECTION 41. A new section of Chapter 1, Article 24
24 NMSA 1978 is enacted to read:

25 "[NEW MATERIAL] SPECIAL ELECTION PROCEDURES--COSTS OF
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1 ELECTION--PROHIBITION ON NONGOVERNMENTAL ENTITIES.--

2 A. The costs of conducting a special election
3 shall be paid for by the state or local government calling
4 for the election.

5 B. No individual, corporation, person, political
6 action committee or other nongovernmental entity shall pay
7 for or reimburse the state or a local government for the
8 costs associated with conducting a special election.

9 C. Upon a finding of a violation of this section,
10 the district court shall nullify the votes cast in the
11 special election and shall void the result of the special
12 election."

13 SECTION 42. Section 3-1-5 NMSA 1978 (being Laws 1985,
14 Chapter 208, Section 2, as amended) is amended to read:

15 "3-1-5. PETITIONS--EXAMINATIONS OF SIGNATURES--
16 PURGING--JUDICIAL REVIEW.--

17 A. All petitions, filing of petitions,
18 verification of petitions and all other acts to be performed
19 by petitioners, public officers or employees, regarding only
20 those petitions that trigger a municipal special or regular
21 election as authorized in the Municipal Code or otherwise
22 authorized by law, shall comply with the terms of this
23 section, except as otherwise expressly provided by law.

24 B. Each page or group of pages of a petition
25 shall be accepted for filing by a municipal clerk, a county

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1 clerk, a governing body or a board of county commissioners
2 only if:

3 (1) the municipal clerk has approved the
4 form of petitions to be filed with the municipality prior to
5 circulation of the petition; or

6 (2) the county clerk has approved the form
7 of petitions to be filed with the county prior to circulation
8 of the petition; and

9 (3) each page of the petition to be filed
10 contains the approval or facsimile approval of the municipal
11 or county clerk and the petition heading and penalty
12 statement are legible when submitted for filing.

13 C. The municipal or county clerk shall approve a
14 petition as to form if the proposed petition form contains:

15 (1) a heading that complies with a
16 particular form of heading required by law; or

17 (2) a heading that clearly conveys the
18 purpose for signing the petition if no particular form of
19 heading is required by law;

20 (3) a place for the person signing the
21 petition to write the date and the person's name (printed),
22 address and signature, unless other requirements are mandated
23 by law, and then the petition shall comply with those
24 requirements; and

25 (4) a statement that any person knowingly

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1 providing or causing to be provided any false information on
2 a petition, forging a signature or signing a petition when
3 that person knows that person is not a qualified elector in
4 the municipality is guilty of a fourth degree felony.

5 D. The requirements of Subsection B of this
6 section shall be deemed complied with if an original form of
7 petition is submitted to a municipal or county clerk for
8 approval prior to circulation and after approval by the clerk
9 that the original form is reproduced by photocopying or other
10 similar means so that the form and clerk's approval are
11 unchanged from the original and are legible on each page of
12 the petition to be filed.

13 E. A petition filed with a municipal clerk, a
14 county clerk, a governing body or a board of county
15 commissioners shall include all individual pages of a
16 petition complying with the provisions of this section,
17 regardless of whether the pages are filed singly or in a
18 group. Pages complying with the provisions of this section
19 may be filed at different times so long as filing is within
20 the time period allowed by law for the filing of the
21 particular petition to be filed. If no time period is
22 established by law, petition signatures may not span a period
23 of time greater than sixty days from the date of the earliest
24 signature on the petition, and the petition shall be filed
25 within sixty-five days from the date of the earliest

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1 signature on the petition.

2 F. Upon approval of a proposed petition as to
3 form, the municipal clerk shall notify the county clerk of
4 the approval, and the county clerk shall furnish a current
5 voter registration list of qualified electors entitled to
6 vote in municipal elections to the municipal clerk within
7 fourteen days of the notification.

8 G. When a petition is filed with a municipal
9 clerk, a county clerk, a governing body or a board of county
10 commissioners, the governing body or board of county
11 commissioners shall either certify the petition as valid or
12 order an examination of the petition and the names, addresses
13 and signatures on the petition.

14 H. When an examination of the petition and the
15 names, addresses and signatures on the petition is ordered,
16 the municipal clerk, county clerk, governing body or board of
17 county commissioners shall:

18 (1) resolve issues of residency and major
19 infractions in accordance with the [~~rules set forth in the~~
20 ~~Municipal~~] Election Code;

21 (2) determine the minimum number of valid
22 names, addresses and signatures, as mandated by law, that
23 must be contained in the particular petition filed in order
24 for it to be declared a valid petition;

25 (3) examine the petition and the names,

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1 addresses and signatures on the petition, purge from the
2 petition the signature of any person who is not shown as a
3 qualified elector of the municipality on the list of
4 registered voters provided by the county clerk, purge any
5 signature that is a forgery or that is illegible, purge any
6 signature that appears more than once or that cannot be
7 matched to the name, address and signature as shown on the
8 voter registration lists and the original affidavit of
9 registration, purge the signature of any person who has not
10 signed within the time limits set by law and purge the
11 signature of any person who does not meet the qualifications
12 for signing the petition as prescribed by law; and

13 (4) certify, no later than ten days after
14 the petition is filed or after the expiration of the period
15 within which the petition can be filed as prescribed by law,
16 whichever occurs last, whether the petition contains the
17 minimum number of valid names, addresses and signatures as
18 mandated by law.

19 I. Nothing in this section shall preclude a
20 person with a disability or an illiterate person from causing
21 another person to sign a petition on a person with a
22 disability's or an illiterate person's behalf, so long as the
23 person signing for the person with a disability or illiterate
24 person executes an affidavit acknowledged before a notary
25 public that the person is authorized to sign the petition for

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1 the person with a disability or illiterate person. In order
2 for the signature on behalf of the person with a disability
3 or illiterate person to be counted and not purged, the
4 original affidavit shall be submitted along with the petition
5 containing the signature on behalf of the illiterate person
6 or person with a disability.

7 J. If the petition is certified as valid pursuant
8 to Subsection G of this section or is certified as containing
9 in excess of the minimum number of valid names, addresses and
10 signatures mandated by law, then such certification shall be
11 recorded as part of the minutes at the next meeting of the
12 governing body or the board of county commissioners.

13 K. If the petition is certified as containing
14 less than the minimum number of valid names, addresses and
15 signatures mandated by law, then the municipal clerk, county
16 clerk, governing body or board of county commissioners shall:

17 (1) cause the names, addresses and
18 signatures that were purged from the petition to be posted in
19 the municipal or county clerk's office no later than on the
20 day the petition is certified;

21 (2) determine the total number of people
22 signing the petition, the number purged, the number that were
23 not purged and the minimum number of valid names, addresses
24 and signatures required by law for such a petition and post
25 this information along with and at the same time as the

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1 posting required in Paragraph (1) of this subsection;

2 (3) publish once, pursuant to the provisions
3 of Subsection J of Section 3-1-2 NMSA 1978, within one week
4 of the certification, the information compiled pursuant to
5 Paragraphs (1) and (2) of this subsection; and

6 (4) cause the information compiled pursuant
7 to Paragraphs (1) and (2) of this subsection and the date and
8 place of publication pursuant to Paragraph (3) of this
9 subsection to be recorded as part of the minutes at the next
10 meeting of the governing body or the board of county
11 commissioners after publication has occurred.

12 L. The following rules shall govern reinstatement
13 of purged signatures:

14 (1) within ten days after the petition is
15 certified as containing less than the minimum number of valid
16 names, addresses and signatures mandated by law, any person
17 whose signature has been purged from a petition may present
18 evidence to the clerk to show that the person's signature has
19 been wrongfully purged;

20 (2) if the clerk fails to reinstate that
21 person's signature within three days of demand, then that
22 person may, within ten days of the clerk's refusal to
23 reinstate, petition the district court for an order to
24 reinstate the person's signature on the petition. Upon a
25 prima facie showing by the petitioner of the right to have

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1 that person's signature included upon the petition, the
2 district court shall issue an order to the municipal clerk,
3 county clerk, governing body or board of county commissioners
4 to require reinstatement of the signature of the petitioner;

5 (3) within ten days after receiving the
6 order of the district court, the municipal clerk, county
7 clerk, governing body or board of county commissioners shall
8 reinstate the signature of the petitioner on the petition or
9 show cause why the signature of the petitioner has not been
10 reinstated. Upon hearing, if the district court finds that
11 the person whose signature has been purged meets the
12 qualifications for signing the petition, the district court
13 shall make final its order of reinstatement to the municipal
14 clerk, county clerk, governing body or board of county
15 commissioners; and

16 (4) if a sufficient number of signatures are
17 reinstated by the clerk, the district court or both to make
18 the petition valid, then the reinstatement by the clerk or
19 the district court, whichever occurs last, shall be deemed
20 the date of certification of the validity of the petition for
21 the purposes of adopting election resolutions, calling
22 elections or for other matters as provided in the Municipal
23 Code or otherwise provided by law.

24 M. Any petition that contains an insufficient
25 number of signatures after all signatures have been

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1 reinstated pursuant to Subsection L of this section is
2 invalid.

3 N. When a petition governed by this section is
4 filed with the municipal clerk or the governing body of a
5 municipality, the governing body or municipal clerk shall
6 perform or cause to be performed the duties required under
7 this section, except as otherwise prohibited by law. When a
8 petition governed by this section is required to be filed
9 with the county clerk or board of county commissioners, the
10 board of county commissioners or county clerk shall perform
11 or cause to be performed the duties required under this
12 section, except as otherwise prohibited by law.

13 O. Any person or any municipal or county official
14 knowingly violating the provisions of this section, knowingly
15 providing or causing to be provided any false information on
16 a petition or forging a signature or otherwise signing a
17 petition when that person knows the person is not a qualified
18 elector in the municipality is guilty of a fourth degree
19 felony.

20 P. The provisions of this section shall not be
21 binding upon a municipality to the extent such provisions are
22 inconsistent with or superseded by the terms and provisions
23 of:

24 (1) the charter of a municipality
25 incorporated by a special act;

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1 (2) the charter of a municipality adopted
2 pursuant to Article 10, Section 6 of the constitution of New
3 Mexico;

4 (3) the charter of a municipality adopted
5 pursuant to the Municipal Charter Act; or

6 (4) the charter of a combined municipal
7 organization.

8 Q. Once a petition has been filed with a
9 municipal clerk, a county clerk, a governing body or a board
10 of county commissioners, no name on the petition may be
11 withdrawn except those names purged pursuant to Subsection H
12 of this section."

13 **SECTION 43.** Section 3-2-5 NMSA 1978 (being Laws 1965,
14 Chapter 300, Section 14-2-4, as amended) is amended to read:

15 "3-2-5. INCORPORATION--DUTIES OF COUNTY COMMISSIONERS
16 AFTER FILING OF PETITION TO ACT--CENSUS REQUIRED--ELECTION--
17 RIGHT OF APPEAL TO DISTRICT COURT.--

18 A. After the petition for incorporation, together
19 with the accompanying map or plat, the municipal services and
20 revenue plan and the amount of money sufficient to pay the
21 cost of a census have been filed with the board of county
22 commissioners, the board of county commissioners, in lieu of
23 complying with the requirements of Section 3-1-5 NMSA 1978,
24 shall determine within thirty days after the filing of the
25 petition:

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1 (1) from the voter registration list in the
2 office of the county clerk if the signers of the petition are
3 qualified electors residing in the territory proposed to be
4 incorporated; or

5 (2) from the tax schedules of the county if
6 any of the owners of the real estate who signed the petition
7 are delinquent in the payment of property taxes; and

8 (3) if the territory proposed to be
9 incorporated is within an existing municipality or within the
10 urbanized area of a municipality.

11 B. If the board of county commissioners
12 determines that the territory proposed to be incorporated is:

13 (1) not within the boundary of an existing
14 municipality and not within the urbanized area of a
15 municipality; or

16 (2) within the urbanized area of another
17 municipality and in compliance with Section 3-2-3 NMSA 1978,
18 the board of county commissioners shall cause a census to be
19 taken of the persons residing within the territory proposed
20 to be incorporated.

21 C. The census shall be completed and filed with
22 the board of county commissioners within thirty days after
23 the board of county commissioners authorizes the taking of
24 the census.

25 D. Within fifteen days after the date the results

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1 of the census and the municipal incorporation review team's
2 report have been filed with the board of county
3 commissioners, the board of county commissioners shall
4 determine if the conditions for incorporation of the
5 territory as a municipality have been met as required in
6 Sections 3-2-1 through 3-2-3 NMSA 1978 and shall have its
7 determination recorded in the minutes of its meeting.

8 E. Based on the census results and the municipal
9 incorporation review team's report, if the board of county
10 commissioners determines that the conditions for
11 incorporation have not been met, the board of county
12 commissioners shall notify the petitioners of its
13 determination by publishing in a newspaper of general
14 circulation in the territory proposed to be incorporated,
15 once, not more than ten days after its determination, a
16 notice of its determination that the conditions for
17 incorporation have not been met. If there is no newspaper of
18 general circulation in the territory proposed to be
19 incorporated, notice of the determination shall be posted in
20 eight public places within the territory proposed to be
21 incorporated.

22 F. After the board of county commissioners has
23 determined that all of the conditions for incorporation of
24 the territory as a municipality have been met, the board of
25 county commissioners shall hold an election on the question

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1 of incorporating the territory as a municipality. Special
2 elections for the incorporation of municipalities shall only
3 be held in June or July in odd-numbered years [~~on the first~~
4 ~~Tuesday in July or in any year on the first Tuesday in~~
5 ~~January, unless that Tuesday is a holiday, in which case the~~
6 ~~election shall be held on the second Tuesday in July or the~~
7 ~~second Tuesday in January]~~ or July or August in even-numbered
8 years and shall be held pursuant to the provisions of the
9 Local Election Act. The county clerk shall notify the
10 secretary of finance and administration and the secretary of
11 taxation and revenue of the date of the incorporation
12 election within ten days after the adoption of the resolution
13 calling the election.

14 G. The signers of the petition or a municipality
15 within whose urbanized area the territory proposed to be
16 incorporated is located may appeal any determination of the
17 board of county commissioners to the district court pursuant
18 to the provisions of Section 39-3-1.1 NMSA 1978."

19 **SECTION 44.** Section 3-2-8 NMSA 1978 (being Laws 1965,
20 Chapter 300, Section 14-2-7, as amended) is amended to read:

21 "3-2-8. INCORPORATION--ELECTION OF FIRST OFFICERS--
22 DUTIES OF BOARD OF COUNTY COMMISSIONERS AND COUNTY CLERK--
23 SELECTION OF TERMS OF FIRST OFFICERS.--

24 A. If a majority of the votes cast [~~favor~~] favours
25 the incorporation of the territory as a municipality, the

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1 board of county commissioners shall [~~within fifteen days~~
2 ~~after declaring the results of the election~~] call an election
3 for the purpose of electing municipal officers [~~Except for~~
4 ~~the fact that the election need not be held on the date~~
5 ~~specified in the Municipal Election Code for the regular~~
6 ~~municipal election, the election shall be called and~~
7 ~~conducted in the manner provided in the Municipal Election~~
8 ~~Code for regular municipal elections. The board of county~~
9 ~~commissioners shall perform the duties imposed by the~~
10 ~~Municipal Election Code upon the governing body of the~~
11 ~~municipality and the county clerk shall perform the duties~~
12 ~~imposed by the Municipal Election Code upon the municipal~~
13 ~~clerk] at the first regular local or general election
14 following approval. The election shall be conducted pursuant
15 to the provisions of the Local Election Act. The county
16 clerk [~~also~~] shall notify the secretary of finance and
17 administration and the secretary of taxation and revenue of
18 the date of the first election of municipal officers within
19 ten days after the county commissioners have called the
20 election.~~

21 B. At the first election for municipal officers
22 following a vote in favor of incorporating territory as a
23 municipality, the [~~term~~] terms of office for the mayor and
24 the municipal judge shall be until the next regular
25 [~~municipal~~] local election. The terms of office for one-half

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1 of the members of the governing body shall be until the next
2 regular [~~municipal~~] local election and for the remaining one-
3 half of the members of the governing body until the second
4 regular [~~municipal~~] local election is held. The elected
5 municipal officers shall continue in office until their
6 successors are elected and qualified. The length of the
7 terms of the first members shall be determined by lot."

8 SECTION 45. Section 3-3-2 NMSA 1978 (being Laws 1965,
9 Chapter 300, Section 14-3-2, as amended) is amended to read:

10 "3-3-2. MUNICIPALITIES INCORPORATED UNDER SPECIAL
11 ACT--PETITION FOR REORGANIZATION--ELECTION.--Any municipality
12 incorporated under a special act may abandon its organization
13 and organize itself under the provisions of the general law
14 relating to municipalities.

15 A. If a petition signed by qualified electors of
16 the municipality equal in number to not less than one-eighth
17 of the total number of votes at the last preceding regular
18 municipal election requests the governing body to submit to
19 the qualified [~~municipal~~] electors the question of
20 reorganizing the municipality under the provisions of the
21 Municipal Code, the governing body shall, within fourteen
22 days after the petition is certified as valid, adopt an
23 election resolution calling for a special election in the
24 manner provided in the [~~Municipal Election Code~~] Local
25 Election Act on the question of reorganizing the municipality

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1 under the provisions of general law. The special election
2 shall only be held [~~within sixty days after the date the~~
3 ~~election resolution is adopted~~] in June or July in odd-
4 numbered years or July or August in even-numbered years in
5 accordance with the provisions of the Local Election Act.

6 B. The petition may further propose that the
7 boundary of the municipality incorporated by special act be
8 extended by including any or all territory [~~which~~] that is:

9 (1) laid off or platted;

10 (2) adjoining or contiguous to the
11 municipality or any addition or subdivision of the
12 municipality; and

13 (3) not within the boundary of another
14 municipality.

15 C. The petition shall describe the boundary of
16 the municipality as it would exist if the municipality
17 incorporated by special act is reorganized under general law.
18 The registered voters residing within the boundary of the
19 municipality as it would exist if the municipality
20 incorporated by special act is reorganized may vote in the
21 election authorized in this section."

22 SECTION 46. Section 3-3-4 NMSA 1978 (being Laws 1965,
23 Chapter 300, Section 14-3-4, as amended) is amended to read:

24 "3-3-4. MUNICIPALITIES INCORPORATED UNDER SPECIAL
25 ACT--REORGANIZATION APPROVED--ELECTION FOR NEW OFFICERS--TERM

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1 OF OFFICE.--

2 A. If a majority of the votes cast on the
3 question of reorganizing a municipality incorporated by a
4 special act [~~favor~~] favours reorganizing the municipality
5 under general law, the governing body shall [~~within fourteen~~
6 ~~days after the results of the election reorganizing the~~
7 ~~municipality under general law have been canvassed and~~
8 ~~certified~~] adopt an election resolution calling for an
9 election of officers, which shall be held at the first
10 regular local or general election following approval of
11 reorganization. The election shall be called, conducted and
12 canvassed in the manner provided in the [~~Municipal Election~~
13 ~~Code for the election of officers at a regular municipal~~
14 ~~election, except that the provisions of Section 3-8-25 NMSA~~
15 ~~1978 shall not apply and the election shall be held not later~~
16 ~~than one hundred and twelve days from the adoption of the~~
17 ~~election resolution~~] Local Election Act.

18 B. The terms of office for the mayor, municipal
19 judge and one-half of the members of the governing body shall
20 be until the next regular [~~municipal~~] local election. The
21 terms of office for the remaining one-half of the governing
22 body shall be until the second regular [~~municipal~~] local
23 election is held. The elected municipal officers shall
24 continue in office until their successors are elected and
25 qualified. The length of terms of the first members shall be

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1 determined by lot."

2 SECTION 47. Section 3-4-1 NMSA 1978 (being Laws 1965,
3 Chapter 300, Section 14-4-1, as amended) is amended to read:

4 "3-4-1. DISINCORPORATION--PETITION--NOTICE OF
5 ELECTION.--

6 A. If one-fourth of the registered voters of a
7 municipality petition the board of county commissioners of
8 the county [~~wherein~~] in which the municipality is situated to
9 disincorporate the municipality, the board of county
10 commissioners shall, within fourteen days after the petition
11 has been certified as valid, adopt an election resolution
12 calling for a special election to be held within the
13 municipality on the question of disincorporating the
14 municipality. At the top of each page of a disincorporation
15 petition, the following heading shall be printed in
16 substantially the following form:

17 "PETITION TO DISINCORPORATE THE MUNICIPALITY OF.

18 We, the undersigned registered voters of the
19 municipality of, pursuant to Section 3-4-1 NMSA 1978,
20 petition the board of county commissioners of.....county to
21 conduct a special election on the question of
22 disincorporating the municipality of.....

23 Date Name--Printed Address Usual
24 As Registered As Registered Signature."

25 The day for holding the election shall not be less than

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1 fifty days [~~not~~] or more than sixty days after the board of
2 county commissioners adopts the election resolution.

3 B. Notice of the election shall be published as
4 required [~~for special elections as set forth in the Municipal~~
5 ~~Election Code~~] in the Local Election Act."

6 SECTION 48. Section 3-4-3 NMSA 1978 (being Laws 1965,
7 Chapter 300, Section 14-4-3, as amended) is amended to read:

8 "3-4-3. DISINCORPORATION--CONDUCT OF ELECTION.--The
9 election for disincorporation shall be conducted [~~in the same~~
10 ~~manner as a special municipal election except that the~~
11 ~~election officials shall be appointed by the board of county~~
12 ~~commissioners, and the county clerk shall perform the duties~~
13 ~~of the municipal clerk and the board of county commissioners~~
14 ~~shall perform the duties of the governing body. The election~~
15 ~~returns shall be made to the board of county commissioners~~
16 ~~and canvassed in the same manner as are special election~~
17 ~~returns~~] pursuant to the provisions of the Local Election
18 Act."

19 SECTION 49. Section 3-5-1 NMSA 1978 (being Laws 1965,
20 Chapter 300, Section 14-5-1, as amended) is amended to read:

21 "3-5-1. MUNICIPAL CONSOLIDATION--COMMISSIONERS--
22 ORDINANCES--SPECIAL ELECTION--DECLARATION OF CONSOLIDATION--
23 PAYMENT OF BONDED INDEBTEDNESS OR JUDGMENT LEVY.--

24 A. Whenever any two or more contiguous
25 municipalities wish to consolidate as one municipality, the

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1 governing body of each municipality shall appoint three
2 commissioners who shall prepare the terms for consolidation
3 and submit the terms for consolidation to the respective
4 governing bodies. If each governing body approves the terms
5 for consolidation, it shall adopt an ordinance declaring
6 [~~its~~] approval of the terms for consolidation and shall
7 provide for an election on the question of consolidation.
8 The election shall be conducted pursuant to the provisions of
9 the Local Election Act.

10 B. If a majority of the votes cast in each
11 municipality [~~favor~~] favours consolidation, the governing body
12 of each municipality shall declare, by ordinance, that
13 consolidation has been approved between the municipalities
14 and proceed to consolidate under the terms for consolidation.
15 The municipal clerk of each municipality shall notify the
16 secretary of finance and administration and the secretary of
17 taxation and revenue that the consolidation has been approved
18 by the electorate. If the question of consolidating the
19 municipalities fails to receive a majority vote favoring
20 consolidation in any one of the municipalities, the
21 consolidation shall fail.

22 C. If on the day of the election on consolidation
23 any municipality proposing to consolidate has outstanding
24 indebtedness or a judgment payable from a tax on property and
25 the consolidation is approved, a tax sufficient to pay the

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1 interest and principal on such indebtedness or judgment shall
2 continue to be levied on the property within the boundary of
3 the municipality as it existed on the day of the election on
4 the question of consolidation. Indebtedness created by the
5 issuance of revenue bonds and the current obligations of each
6 municipality shall be assumed by the consolidated
7 municipality. The consolidated municipality may refund the
8 indebtedness of the municipalities ~~which~~ that are
9 consolidated.

10 D. Certified copies of the entire proceedings for
11 consolidation shall be filed with the clerk of the
12 municipality so consolidated, ~~with~~ the county clerk and the
13 secretary of state. When certified copies of the
14 consolidation have been filed as required in this section,
15 the consolidation is complete."

16 SECTION 50. Section 3-10-1 NMSA 1978 (being Laws 1965,
17 Chapter 300, Section 14-9-1, as amended) is amended to read:

18 "3-10-1. OFFICERS--ELECTIVE--TERM OF OFFICE.--

19 A. The elective officers of a municipality having a
20 mayor-council form of government are:

- 21 (1) one mayor;
22 (2) the members of the governing body; and
23 (3) a municipal judge.

24 B. The elective officers of a municipality having a
25 commission-manager form of government are:

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1 (1) five commissioners; and

2 (2) a municipal judge.

3 C. Notwithstanding the provisions of Subsection A
4 of this section, a municipality with a population of five
5 hundred persons or less in the last federal decennial census
6 shall not have a municipal judge if it adopts an effective
7 ordinance in accordance with the provisions of Subsection B
8 of Section 35-14-1 NMSA 1978.

9 D. In every noncharter municipality, except those
10 noncharter municipalities having a commission-manager form of
11 government or electing members of the governing body from
12 districts, the terms of office for the mayor and members of
13 the governing body shall be four years. The term of office
14 for members of the governing body shall be staggered so that
15 the terms of office for one-half of the members of the
16 governing body will expire every two years.

17 E. Any elected municipal official whose term of
18 office has expired shall continue in that office until [~~his~~]
19 a successor is elected and has taken office pursuant to the
20 provisions of the [~~Municipal Election Code~~] Local Election
21 Act."

22 SECTION 51. Section 3-11-5 NMSA 1978 (being Laws 1965,
23 Chapter 300, Section 14-10-5, as amended) is amended to read:

24 "3-11-5. MAYOR--APPOINTMENT OF OFFICERS AFTER
25 ELECTION.--

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1 A. At the organizational meeting of the governing
2 body [~~which shall be scheduled pursuant to Section 3-8-33~~
3 ~~NMSA 1978 of the Municipal Election Code~~], the mayor shall
4 submit, for confirmation by the governing body, the names of
5 persons who shall fill the appointive offices of the
6 municipality and the names of persons who shall be employed
7 by the municipality. If the governing body fails to confirm
8 any person as an appointive official or employee of the
9 municipality, the mayor at the next regular meeting of the
10 governing body shall submit the name of another person to
11 fill the appointed office or to be employed by the
12 municipality.

13 B. Any person holding an appointed office at the
14 time of the municipal election shall continue in that office
15 until [~~his~~] the person's successor has been appointed and is
16 qualified."

17 **SECTION 52.** Section 3-12-1 NMSA 1978 (being Laws 1965,
18 Chapter 300, Section 14-11-1, as amended) is amended to read:

19 "3-12-1. VACANCY ON GOVERNING BODY.--

20 ~~[A. Except as provided in Subsection B of this~~
21 ~~section]~~ Any vacancy on the governing body of a mayor-council
22 municipality shall be filled by appointment of a qualified
23 elector by the mayor of the municipality, with the advice and
24 consent of the governing body. Any qualified elector
25 appointed to fill a vacancy on the governing body shall serve

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1 until the next regular [~~municipal~~] local election [~~or any~~
2 ~~special election called in accordance with Subsection B of~~
3 ~~this section~~], at which time a qualified elector shall be
4 elected to fill the remaining unexpired term, if any.

5 [~~B. A special election for the purpose of filling a~~
6 ~~vacancy on the governing body may be called by the mayor with~~
7 ~~the consent of the governing body or by the governing body.~~
8 ~~Except for the fact that the election need not be held on the~~
9 ~~date specified in the Municipal Election Code for the regular~~
10 ~~municipal election, the special election to fill a vacancy~~
11 ~~shall be conducted in the manner set forth in the Municipal~~
12 ~~Election Code for regular municipal elections. However, this~~
13 ~~subsection shall not apply to those municipalities which have~~
14 ~~adopted a charter under the provisions of Article 10, Section~~
15 ~~6 of the constitution of New Mexico or to those counties~~
16 ~~which have incorporated under the provisions of Article 10,~~
17 ~~Section 5 of the constitution of New Mexico.]"~~

18 SECTION 53. Section 3-13-1 NMSA 1978 (being Laws 1965,
19 Chapter 300, Section 14-12-1, as amended) is amended to read:

20 "3-13-1. CLERK--DUTIES.--

21 A. The clerk of the municipality shall:

- 22 (1) keep in custody all minutes, ordinances
23 and resolutions approved by the governing body;
24 (2) attend all meetings of the governing body;
25 (3) record all proceedings, ordinances and

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1 resolutions of the governing body; and

2 (4) upon request, furnish copies of municipal
3 records. The clerk may charge a reasonable fee for the cost
4 of furnishing copies of municipal records.

5 B. The mayor with the consent of the governing body
6 may designate other municipal employees to be deputy
7 municipal clerks who shall have the right and duty to perform
8 all of the duties of the municipal clerk [~~including but not~~
9 ~~limited to the duties created in the Municipal Election~~
10 ~~Code~~]."

11 SECTION 54. Section 3-14-2 NMSA 1978 (being Laws 1965,
12 Chapter 300, Section 14-13-2, as amended) is amended to read:

13 "3-14-2. COMMISSION-MANAGER--SPECIAL ELECTION FOR
14 ADOPTION.--

15 A. Upon petition signed by qualified electors, not
16 less in number than fifteen percent of the votes cast for the
17 office of mayor at the last regular municipal election, filed
18 with the municipal clerk and verified by the municipal clerk
19 to contain a sufficient number of legal signatures, the
20 governing body shall, within ten days of verification, adopt
21 an election resolution calling for the holding of a special
22 election [~~within ninety days after the verification of the~~
23 ~~petition~~] on the question of organizing the municipality
24 under the commission-manager form of government, or the
25 governing body may submit to the qualified electors of the

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1 municipality the question of organizing the municipality
2 under the commission-manager form of government. The
3 election shall be held in June or July in odd-numbered years
4 or July or August in even-numbered years in accordance with
5 the provisions of the Local Election Act.

6 B. The question to be placed shall read
7 substantially as follows:

8 "For the commission-manager form of government and
9 providing for the election of five commissioners ____; and

10 Against the commission-manager form of government
11 and providing for the election of five commissioners ____".

12 SECTION 55. Section 3-14-8 NMSA 1978 (being Laws 1965,
13 Chapter 300, Section 14-13-8, as amended) is amended to read:

14 "3-14-8. COMMISSIONERS--SPECIAL ELECTION--TERMS.--

15 A. Within ten days after the adoption of the
16 commission-manager form of government, the governing body
17 shall adopt an election resolution calling for the holding of
18 [~~a special~~] an election [~~within one hundred twenty days after~~
19 ~~the adoption of the commission-manager form of government~~]
20 for the purpose of electing five commissioners at the first
21 regular or local or general election following adoption of
22 the resolution. The election shall be conducted in the same
23 manner as are regular [~~municipal~~] local elections pursuant to
24 the terms of the [~~Municipal Election Code~~] Local Election
25 Act. The commissioners so elected shall determine their

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1 terms of office by lot, so that three commissioners shall
2 serve until the next regular [~~municipal~~] local election and
3 two commissioners shall serve until the succeeding regular
4 [~~municipal~~] local election.

5 B. Their respective successors shall hold office
6 for staggered periods of four years and until their
7 successors are elected and take office as provided in the
8 [~~Municipal Election Code~~] Local Election Act."

9 SECTION 56. Section 3-14-9 NMSA 1978 (being Laws 1965,
10 Chapter 300, Section 14-13-9, as amended) is amended to read:

11 "3-14-9. VACANCIES IN COMMISSION.--

12 [~~A. Except as provided in Subsection B of this~~
13 ~~section]~~ If a vacancy occurs in the commission, the remaining
14 elected and appointed commissioners shall, by a majority
15 vote, appoint a qualified elector to fill the vacancy until
16 the next regular [~~municipal~~] local election [~~or any special~~
17 ~~election called in accordance with Subsection B of this~~
18 ~~section]~~, at which time a qualified elector shall be elected
19 to fill the remaining unexpired term, if any.

20 [~~B. A special election for the purpose of filling a~~
21 ~~vacancy on the governing body may be called by the chairman~~
22 ~~with the consent of the governing body or by the governing~~
23 ~~body. Except for the fact that the election need not be held~~
24 ~~on the date specified in the Municipal Election Code for the~~
25 ~~regular municipal election, the special election to fill a~~

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1 ~~vacancy shall be conducted in the manner set forth in the~~
2 ~~Municipal Election Code for regular municipal elections.~~
3 ~~However, this subsection shall not apply to those~~
4 ~~municipalities which have adopted a charter under the~~
5 ~~provisions of Article 10, Section 6 of the constitution of~~
6 ~~New Mexico or to those counties which have incorporated under~~
7 ~~the provisions of Article 10, Section 5 of the constitution~~
8 ~~of New Mexico.]"~~

9 SECTION 57. Section 3-14-16 NMSA 1978 (being Laws 1965,
10 Chapter 300, Section 14-13-16) is amended to read:

11 "3-14-16. COMMISSION-MANAGER--RECALL--ELECTION--BALLOT--
12 EFFECT--FILLING VACANCIES.--

13 A. In any municipality whose charter provides for
14 recall elections and in any commission-manager municipality,
15 any elective officer is subject to a recall election [Upon
16 petition seeking the recall of an elective officer] for
17 malfeasance or misfeasance in office or a violation of the
18 oath of office based upon acts or failures to act occurring
19 during the current term of the official sought to be
20 recalled.

21 B. The factual allegations that support the grounds
22 for recall shall be presented in a complaint to the district
23 court for the county in which the recall is proposed to be
24 conducted. The district court shall hold a hearing to
25 determine if probable cause exists for the grounds for

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1 recall. The proponents of the recall effort and the officer
2 sought to be recalled shall be given an opportunity to
3 present evidence at the hearing. In making its
4 determination, the district court shall only consider
5 evidence of acts or failures to act occurring during the
6 current term of the official sought to be recalled.

7 C. If the district court determines that probable
8 cause for the recall exists, the recall petition may be
9 circulated. The recall petition shall cite the grounds of
10 malfeasance or misfeasance in office or a violation of the
11 oath of office by the official concerned. The cited grounds
12 shall be based upon acts or failures to act occurring during
13 the current term of the official sought to be recalled. The
14 grounds for recall in the petition shall be as found by the
15 district court in its finding of probable cause. The recall
16 petition shall be signed by the qualified electors in a
17 number more than twenty percent of the average number of
18 voters who voted at the previous four regular municipal
19 elections or more than twenty percent of the number of voters
20 who voted at the previous regular municipal election,
21 whichever is the greater.

22 D. Upon verification by the municipal clerk of the
23 signatures on the petition, the commission shall call a
24 special election unless the regular municipal election occurs
25 within sixty days, in which case the qualified electors shall

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1 vote on the recall at the regular election. [~~B.~~] In either
2 case, there shall be a special ballot containing the name of
3 the officer, the title of the office [~~he holds~~] and the dates
4 of the beginning and termination of [~~his~~] the officer's
5 official term. Below the name of the officer shall be two
6 phrases, "For the recall" and "Against the recall", one below
7 the other with a space after each for placing a cross where
8 desired. If a majority of the votes cast [~~favor~~] favours
9 recall and the number of votes cast favoring a recall are
10 equal to or more than the number the officer received when
11 [~~he~~] the officer was a candidate for office, the officer who
12 is the subject of recall is recalled from the office and the
13 office in question is declared vacant.

14 [~~G.~~] E. If an officer is recalled, [~~he~~] the officer
15 shall not be eligible for reelection until the term for which
16 [~~he~~] the officer was originally elected has expired.

17 [~~D.~~] F. If the recall election results in a failure
18 to secure the votes necessary to recall, the officer in
19 question shall not be subject again to recall until six
20 months have elapsed from the date the previous recall
21 election was held.

22 [~~E.~~] G. A vacancy created by a recall election
23 shall be filled in the same manner as other vacancies on the
24 commission are filled. If all commissioners are recalled at
25 the same election, the municipal clerk or, if there is no

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1 municipal clerk, the district court shall, within three days,
2 call an election as provided in Section [~~14-13-8 New Mexico~~
3 ~~Statutes Annotated, 1953 Compilation~~] 3-14-8 NMSA 1978 for
4 the election of five commissioners."

5 SECTION 58. Section 3-14-19 NMSA 1978 (being Laws 1965,
6 Chapter 300, Section 14-13-19, as amended) is amended to
7 read:

8 "3-14-19. ABANDONMENT OF COMMISSION-MANAGER
9 GOVERNMENT.--

10 A. Within ten days of the verification of a
11 petition submitted to the municipal clerk and signed by
12 thirty percent of the qualified electors of the municipality,
13 the commission shall adopt an election resolution calling for
14 the holding of a special election [~~within ninety days of~~
15 ~~verification~~] to vote on the question of abandoning the
16 commission-manager form of government. The election shall be
17 held in June or July in odd-numbered years or July or August
18 in even-numbered years in accordance with the provisions of
19 the Local Election Act.

20 B. If a majority of the votes cast at the special
21 election [~~favor~~] favours abandonment of the commission-manager
22 form of government, the form of government reverts to that
23 form of government existing immediately preceding the
24 adoption of the commission-manager form of government after
25 the election and taking office of the new officers and the

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1 commission shall [~~within ten days after the filing of the~~
2 ~~certificate of canvass in the minute book~~] adopt an election
3 resolution calling for the holding of [~~a special~~] an election
4 [~~within one hundred twenty days of such filing~~] to elect new
5 officers, which shall be held at the first regular local or
6 general election following adoption of the resolution.

7 C. The election shall be held in the same manner as
8 regular [~~municipal~~] local elections are held as provided in
9 the [~~Municipal Election Code~~] Local Election Act. The mayor
10 and one-half of the members of the governing body shall hold
11 office until the next regular [~~municipal~~] local election and
12 the remaining one-half of the members of the governing body
13 shall hold office until the succeeding regular [~~municipal~~]
14 local election. The terms of the members of the governing
15 body shall be determined by lot after their election.

16 D. No election shall be held upon the question of
17 abandoning the commission-manager form of government within
18 two years after an election has been held adopting the
19 commission-manager form of government or confirming its
20 continued existence."

21 SECTION 59. Section 3-15-10 NMSA 1978 (being Laws 1965,
22 Chapter 300, Section 14-14-8) is amended to read:

23 "3-15-10. QUALIFICATIONS OF VOTERS--BALLOTS--CONDUCT OF
24 ELECTION--EFFECT OF ADOPTION.--All qualified electors
25 residing within the municipality shall be qualified to vote

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1 at the special election held under [~~Sections 14-14-1 through~~
2 ~~14-14-14 New Mexico Statutes Annotated, 1953 Compilation~~] the
3 Municipal Charter Act, and the vote shall be by separate
4 ballots, one of which shall be:

5 "In favor of adoption of charter "; and the other:

6 "Against adoption of charter .

7 The special election shall be conducted in accordance with
8 [~~Sections 14-8-1 through 14-8-17 New Mexico Statutes~~
9 ~~Annotated, 1953 Compilation~~] the Local Election Act and if a
10 majority of all the votes cast shall favor the adoption of
11 the charter, the [~~same~~] charter shall take effect immediately
12 insofar as necessary to authorize the election of officers
13 [~~thereunder~~], but shall not take effect otherwise until such
14 date as may be specified in the charter, which date shall not
15 be less than sixty days after the special election. After
16 the date fixed by the charter, the municipality shall be
17 deemed reorganized under the provisions of the charter, and
18 the powers and duties of all officers elected or appointed
19 under the former laws shall cease."

20 **SECTION 60.** Section 3-15-11 NMSA 1978 (being Laws 1965,
21 Chapter 300, Section 14-14-9) is amended to read:

22 "3-15-11. FIRST ELECTION OF OFFICERS--TIME--LAW
23 GOVERNING.--In case the charter is adopted pursuant to
24 Section 3-15-10 NMSA 1978, it shall be the duty of the
25 presiding officer of the governing body of the municipality

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1 to issue a proclamation calling a special election for the
2 election of such elective officers as may be provided for in
3 the charter. The election shall be at least ten days before
4 the date specified in the charter for it to go into effect,
5 and the election shall be held in accordance with the
6 provisions of the Local Election Act and the charter."

7 SECTION 61. Section 3-21-19 NMSA 1978 (being Laws 1965,
8 Chapter 206, Section 5) is amended to read:

9 "3-21-19. ZONING COMMISSION.--A zoning commission
10 consisting of five members shall be elected by the registered
11 electors residing within the district in accordance with the
12 provisions of the Local Election Act. Members of the
13 commission shall be residents of the district, and each shall
14 be elected for a term of two years. Any vacancy on the
15 commission shall be filled by the remaining members
16 appointing a new member to fill the unexpired term. Members
17 of the commission shall serve without compensation."

18 SECTION 62. Section 3-21-20 NMSA 1978 (being Laws 1965,
19 Chapter 206, Section 6) is amended to read:

20 "3-21-20. ELECTION OF MEMBERS TO THE COMMISSION.--
21 ~~[Within sixty days after the creation of a district, the~~
22 ~~county commissioners of the county in which the district is~~
23 ~~situate shall hold an election for members to the commission.~~
24 ~~When the district is situate in more than one county, the~~
25 ~~county commissioners of the counties shall cooperate in~~

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1 ~~conducting an election for members to the commission. The~~
2 ~~election shall be conducted in the same manner as elections~~
3 ~~for municipal school board members. The cost of conducting~~
4 ~~elections for members to the commission shall be borne by the~~
5 ~~county or counties in which the district is situate. Each~~
6 ~~county shall pay its pro rata share, which is determined by~~
7 ~~the number of registered electors of the district residing~~
8 ~~within the county.] Election of members to the commission~~
9 ~~shall be conducted pursuant to the Local Election Act."~~

10 SECTION 63. Section 3-23-2 NMSA 1978 (being Laws 1965,
11 Chapter 300, Section 14-22-2, as amended) is amended to read:

12 "3-23-2. ELECTION ON QUESTION OF ACQUIRING UTILITY.--

13 A. No municipality shall acquire a municipal
14 utility from funds acquired from the issuance of revenue
15 bonds until the question of acquiring the utility is
16 submitted, at a regular [~~municipal~~] local election or special
17 election, to a vote of the qualified electors of the
18 municipality, and a majority of the votes cast on the
19 question [~~favor~~] favours the acquisition of the utility. No
20 special election shall be set for a date ninety days prior to
21 the day of a regular [~~municipal~~] local election. The
22 acquisition by a municipality, which owns municipal electric
23 facilities on July 1, 1979, of a generating facility or any
24 interest in a jointly owned generating facility from funds
25 acquired from the issuance of revenue bonds shall not be

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1 subject to the election requirement of this section.

2 B. Each question shall be listed separately on the
3 ballot. The ballot shall:

4 (1) contain a general description of the
5 property to be acquired; and

6 (2) allow each voter to indicate whether ~~[he]~~
7 the voter favors or opposes the acquisition.

8 C. The election shall be called and conducted as
9 provided in ~~[Sections 3-8-1 through 3-8-19 NMSA 1978]~~ the
10 Local Election Act.

11 ~~[G.]~~ D. If a majority of the votes cast on the
12 question ~~[favor]~~ favors the acquisition of the utility, the
13 governing body may acquire the utility.

14 ~~[D.]~~ E. If, pursuant to Article 9, Section 12 of
15 the ~~[New Mexico]~~ of New Mexico and Sections
16 3-30-1 through 3-30-9 NMSA 1978, the qualified electors of
17 the municipality and nonresident municipal electors have
18 voted in favor of creating a debt for the acquisition of a
19 municipal utility and the municipality has incurred the debt,
20 the municipality need not hold the election required in this
21 section and it shall be presumed that the acquisition of a
22 municipal utility has been approved, or, if the municipality
23 has owned and operated a municipal utility for a period of
24 more than one year, it shall be presumed that the acquisition
25 of the municipal utility has been approved."

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1 **SECTION 64.** Section 3-23-5.1 NMSA 1978 (being Laws 2001,
2 Chapter 179, Section 1) is amended to read:

3 "3-23-5.1. MUNICIPAL UTILITY PERMANENT FUND.--

4 A. The governing body of a municipality may by
5 ordinance establish a municipal utility permanent fund for
6 each utility owned and operated by the municipality.

7 B. The municipal utility permanent fund shall be a
8 fund in the municipal treasury into which may be deposited
9 money from the sale of municipal utility assets or any
10 portion of the unappropriated utility fund cash surplus that
11 is in excess of fifty percent of the prior fiscal year's
12 municipal utility budget. Money in the fund may be invested
13 by the municipal board of finance as provided in Sections
14 6-10-10, 6-10-36 and 6-10-44 NMSA 1978.

15 C. Earnings from investment of a municipal utility
16 permanent fund may be budgeted and appropriated by the
17 governing body of the municipality for expenditure for any
18 purpose related to the operation, maintenance and improvement
19 of the municipal utility or deposited in the municipal
20 utility permanent fund.

21 D. Money in the municipal utility permanent fund
22 may be appropriated or expended only pursuant to approval of
23 the voters of the municipality. The municipality may adopt a
24 resolution calling for an election on the question of the
25 expenditure of a specified amount of the municipal utility

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1 permanent fund for a specified purpose. The election shall
2 be held within sixty days after the adoption of the
3 resolution by the governing body. The election shall be
4 called, conducted, counted and canvassed [~~substantially in~~
5 ~~the manner provided by law for special municipal elections~~
6 ~~pursuant to the Municipal Election Code~~] pursuant to the
7 provisions of the Local Election Act. If a majority of the
8 voters of the municipality voting on the question [~~vote~~]
9 votes to approve the expenditure, that amount of money shall
10 be available for appropriation from the municipal utility
11 permanent fund for expenditure by the municipality for the
12 specified purpose. If a majority of the voters of the
13 municipality voting on the question [~~vote~~] votes against the
14 expenditure, no money in the municipal utility permanent fund
15 may be appropriated or expended for that purpose. Following
16 an election at which the question was not approved, that
17 question shall not again be submitted to the voters of the
18 municipality for at least one year from the date of that
19 election."

20 SECTION 65. Section 3-30-6 NMSA 1978 (being Laws 1965,
21 Chapter 300, Section 14-29-6, as amended) is amended to read:

22 "3-30-6. BOND ELECTION--QUALIFICATIONS OF VOTERS--
23 SEPARATION OF ITEMS--TIME--PUBLICATION OR POSTING--BALLOTS.--

24 A. Before bonds are issued, the governing body of
25 the municipality shall submit to a vote of the registered

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1 qualified electors of the municipality and the nonresident
2 municipal electors the question of issuing the bonds. The
3 election may be held at the same time as the regular
4 ~~[municipal]~~ local election or at any special election held
5 pursuant to Article 9, Section 12 of the constitution of New
6 Mexico.

7 B. The governing body of the municipality shall
8 give notice of the time and place of holding the election and
9 the purpose for which the bonds are to be issued. ~~[Notice of
10 a bond election shall be given as required in the Municipal
11 Election Code for special elections. A change in the
12 location of a polling place after notice has been given shall
13 not invalidate a bond election.]~~ The election shall be
14 conducted pursuant to the provisions of the Local Election
15 Act.

16 C. The question shall state the purpose for which
17 the bonds are to be issued and the amount of the issue. If
18 bonds are to be issued for more than one purpose, a separate
19 question shall be submitted to the voter for each purpose to
20 be voted upon. The ballots shall contain words indicating
21 the purpose of the bond issue and a place for a vote "For . .
22 . (designate type) bonds" and "Against . . . (designate type)
23 bonds" for each bond issue. The ballots shall be deposited
24 in a separate ballot box unless voting machines are used."

25 SECTION 66. Section 3-30-7 NMSA 1978 (being Laws 1965,

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1 Chapter 300, Section 14-29-7, as amended) is amended to read:

2 "3-30-7. CANVASS OF BOND ELECTION--CERTIFICATION OF
3 RESULTS--EFFECT.--

4 A. The vote upon each question proposing to issue
5 negotiable bonds shall be canvassed as provided in the
6 [~~Municipal Election Code~~] Local Election Act, and the
7 municipal clerk shall [~~certify the results of the election~~
8 ~~and~~] file the certificate of canvass in the official minute
9 book of the municipality.

10 B. If a majority of those voting on the question
11 [~~favor~~] favours the creation of the debt, the governing body
12 of the municipality may proceed to issue the negotiable
13 bonds."

14 SECTION 67. Section 3-31-4 NMSA 1978 (being Laws 1965,
15 Chapter 300, Section 14-30-4, as amended) is amended to read:

16 "3-31-4. ORDINANCE AUTHORIZING REVENUE BONDS--THREE-
17 FOURTHS MAJORITY REQUIRED--RESOLUTION AUTHORIZING REVENUE
18 BONDS TO BE ISSUED AND SOLD TO THE NEW MEXICO FINANCE
19 AUTHORITY.--

20 A. At a regular or special meeting called for the
21 purpose of issuing revenue bonds as authorized in Section
22 3-31-1 NMSA 1978, the governing body may adopt an ordinance
23 that:

24 (1) declares the necessity for issuing revenue
25 bonds;

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1 (2) authorizes the issuance of revenue bonds
2 by an affirmative vote of three-fourths of all the members of
3 the governing body; and

4 (3) designates the source of the pledged
5 revenues.

6 B. If a majority of the governing body, but less
7 than three-fourths of all the members, votes in favor of
8 adopting the ordinance authorizing the issuance of revenue
9 bonds, the ordinance is adopted but shall not become
10 effective until the question of issuing the revenue bonds is
11 submitted to a vote of the qualified electors for their
12 approval at a special or regular [~~municipal~~] local election.
13 If an election is necessary, the election shall be conducted
14 in the manner provided in [~~Sections 3-8-1 through 3-8-19 NMSA~~
15 ~~1978. Notice of the election shall be given as provided in~~
16 ~~Section 3-8-2 NMSA 1978~~] the Local Election Act.

17 C. In addition and as an alternative to adopting an
18 ordinance as required by the provisions of Subsections A and
19 B of this section, at a regular or special meeting called for
20 the purpose of issuing revenue bonds as authorized in Section
21 3-31-1 NMSA 1978, the governing body may authorize the
22 issuance and sale, from time to time, of revenue bonds in
23 amounts not to exceed one million dollars (\$1,000,000) at any
24 one time to the New Mexico finance authority by adoption of a
25 resolution that:

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1 (1) declares the necessity for issuing and
2 selling revenue bonds to the New Mexico finance authority;

3 (2) authorizes the issuance and sale of
4 revenue bonds to the New Mexico finance authority by an
5 affirmative vote of a majority of all the members of the
6 governing body; and

7 (3) designates the source of the pledged
8 revenues.

9 At the option of the governing body, revenue bonds in an
10 amount in excess of one million dollars (\$1,000,000) may be
11 authorized by an ordinance adopted in accordance with
12 Subsections A and B of this section and issued and sold to
13 the New Mexico finance authority.

14 D. No ordinance or resolution may be adopted under
15 the provisions of this section that uses as pledged revenues
16 the municipal gross receipts tax authorized by Section
17 7-19D-9 NMSA 1978 for a purpose that would be inconsistent
18 with the purpose for which that municipal gross receipts tax
19 revenue was dedicated. Any revenue in excess of the amount
20 necessary to meet all principal and interest payments and
21 other requirements incident to repayment of the bonds ~~[must]~~
22 shall be used for the purposes to which the revenue was
23 dedicated."

24 **SECTION 68.** Section 3-41-2 NMSA 1978 (being Laws 1965,
25 Chapter 300, Section 14-42-2, as amended) is amended to read:

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1 "3-41-2. FLOOD CONTROL--TAX LEVY--LIMITATIONS--
2 ELECTION--RESULT--BOND ISSUE MAY SUPPLEMENT--LEVY.--

3 A. A municipality may levy a tax upon all property
4 subject to property taxation within the municipality for such
5 length of time as is necessary to accomplish the purpose
6 authorized in Sections 3-41-1 and 3-41-3 NMSA 1978. The rate
7 of the tax authorized by this subsection shall not exceed
8 five dollars (\$5.00), or any lower maximum amount required by
9 operation of the rate limitation provisions of Section
10 7-37-7.1 NMSA 1978 upon a tax levied under this section, on
11 each one thousand dollars (\$1,000) of net taxable value, as
12 that term is defined in the Property Tax Code.

13 B. Before levying the tax, the municipality shall
14 submit to the qualified electors of the municipality the
15 question of levying the tax. The question may be submitted
16 at any regular or special [~~municipal~~] local election called
17 for that purpose. Notice of the election shall be given as
18 provided in the [~~Municipal Election Code for special~~
19 ~~elections~~] Local Election Act.

20 C. The municipality shall print the words "For tax
21 levy for flood protection purposes" and "Against tax levy for
22 flood protection purposes" or words of like import. The vote
23 upon the question shall be separately canvassed as other
24 municipal elections are canvassed.

25 D. If a majority of the votes cast [~~favor~~] favours

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1 the levy of the tax, the governing body shall levy and
2 certify the levy as any other tax is levied for municipal
3 purposes.

4 E. Nothing in this section shall be construed as
5 prohibiting the issuance of negotiable bonds as authorized in
6 Section 3-30-5 NMSA 1978 to pay the cost of preventing flood
7 damage.

8 F. If a county has levied a tax for flood control
9 purposes as authorized in Sections 4-50-1 through 4-50-9 NMSA
10 1978 or any other law, the municipality is not prohibited
11 from levying a tax as authorized in this section."

12 **SECTION 69.** Section 3-54-1 NMSA 1978 (being Laws 1983,
13 Chapter 115, Section 1, as amended) is amended to read:

14 "3-54-1. AUTHORITY TO SELL OR LEASE MUNICIPAL UTILITY
15 FACILITIES OR REAL PROPERTY--NOTICE--REFERENDUM.--

16 A. A municipality may lease or sell and exchange
17 any municipal utility facilities or real property having a
18 value of twenty-five thousand dollars (\$25,000) or less by
19 public or private sale or lease any municipal facility or
20 real property of any value normally leased in the regular
21 operations of such facility or real property, and such sale
22 or lease shall not be subject to referendum.

23 B. A municipality may lease or sell and exchange
24 any municipal utility facilities or real property having an
25 appraised value in excess of twenty-five thousand dollars

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1 (\$25,000) by public or private sale or lease, subject to the
2 referendum provisions set forth in this section. The value
3 of municipal utility facilities or real property to be leased
4 or sold and exchanged shall be determined by the appraised
5 value of the municipal utility facilities or real property
6 and not by the value of the lease. An appraisal shall be
7 made by a qualified appraiser and submitted in writing to the
8 governing body. If the sale price is less than the appraised
9 value, the governing body shall cause a detailed written
10 explanation of that difference to be prepared, and the
11 written explanation shall be made available to any interested
12 member of the public upon demand.

13 C. If a public sale is held, the bid of the highest
14 responsible bidder shall be accepted unless the terms of the
15 bid do not meet the published terms and conditions of the
16 proposed sale, in which event the highest bid ~~[which]~~ that
17 does meet the published terms and conditions shall be
18 accepted; provided, however, a municipality may reject all
19 bids. Terms and conditions for a proposed public sale or
20 lease shall be published at least twice, not less than seven
21 days apart, with the last publication no less than fourteen
22 days prior to the bid opening, and in accordance with the
23 provisions of Subsection J of Section 3-1-2 NMSA 1978.

24 D. Any sale or lease of municipal utility
25 facilities or real property entered into pursuant to

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1 Subsection B of this section shall be by ordinance of the
2 municipality. Such an ordinance shall be effective forty-
3 five days after its adoption, unless a referendum election is
4 held pursuant to this section. The ordinance shall be
5 published prior to adoption pursuant to the provisions of
6 Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3
7 NMSA 1978 and shall be published after adoption at least once
8 within one week after adoption pursuant to the provisions of
9 Subsection J of Section 3-1-2 NMSA 1978. Such publications
10 shall concisely set forth at least:

- 11 (1) the terms of the sale or lease;
- 12 (2) the appraised value of the municipal
13 utility facilities or real property;
- 14 (3) the time and manner of payments on the
15 lease or sale;
- 16 (4) the amount of the lease or sale;
- 17 (5) the identities of the purchasers or
18 lessees; and
- 19 (6) the purpose for the municipality making
20 the lease or sale.

21 E. In order to call for a referendum election on a
22 sale or lease ordinance, a petition shall be filed with the
23 municipal clerk:

- 24 (1) no later than thirty days after the
25 adoption of the sale or lease ordinance;

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1 (2) containing the names, addresses and
2 signatures of at least fifteen percent of the qualified
3 electors of the municipality; and

4 (3) containing the following heading on each
5 page of the petition reprinted as follows:

6 "PETITION FOR A REFERENDUM

7 We, the undersigned registered voters of
8 (insert name of
9 municipality) petition the governing body of
10 (insert name of municipality)
11 to conduct a referendum election on ordinance number
12 Ordinance number would cause a . .
13 (insert "sale" or "lease") of
14 municipal (insert
15 "real property" or "utility facilities").

16 Date Name (printed) Address Signature".

17 F. Section 3-1-5 NMSA 1978 shall apply to all
18 petitions filed calling for a referendum election on a sale
19 or lease ordinance.

20 G. If the municipal clerk certifies to the
21 municipal governing body that the petition does contain the
22 minimum number of valid names, addresses and signatures
23 required to call a referendum election on the sale or lease
24 ordinance, the municipal governing body shall adopt an
25 election resolution within fourteen days after the date the

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1 clerk makes such certification, calling for a referendum
2 election on the sale or lease ordinance. The election
3 resolution shall be adopted and published pursuant to the
4 provisions of the [~~Municipal Election Code governing special~~
5 ~~elections~~] Local Election Act and shall also concisely set
6 forth:

- 7 (1) the terms of the sale or lease;
- 8 (2) the appraised value of the municipal
9 utility facilities or real property;
- 10 (3) the time and manner of payments on the
11 lease or sale;
- 12 (4) the amount of the lease or sale;
- 13 (5) the identities of all purchasers or
14 lessees; and
- 15 (6) the purpose for the municipality making
16 the lease or sale.

17 H. The referendum election on the sale or lease
18 ordinance shall be held not later than ninety days after the
19 election resolution is adopted. Such election shall be held
20 at a special or regular [~~municipal~~] local election and shall
21 be conducted [~~as a special election in the manner provided in~~
22 ~~the Municipal Election Code~~] pursuant to the provisions of
23 the Local Election Act. Any qualified elector of the
24 municipality may vote in such a referendum election.

25 I. If a majority of the votes cast [~~are~~] is to

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1 approve the sale or lease ordinance, the sale or lease
2 ordinance shall be effective after the election results have
3 been canvassed and certified. If a majority of the votes
4 cast [~~are~~] is to disapprove the sale or lease ordinance, the
5 ordinance shall not be effective."

6 SECTION 70. Section 4-48A-16 NMSA 1978 (being Laws 1978,
7 Chapter 29, Section 16, as amended) is amended to read:

8 "4-48A-16. SPECIAL TAX IMPOSED FOR SPECIAL HOSPITAL
9 DISTRICT.--

10 A. In each special hospital district, the board of
11 trustees may adopt a resolution calling for an election for
12 the purpose of authorizing the imposition of an ad valorem
13 tax on all taxable property within the special hospital
14 district. The election shall be held pursuant to the Local
15 Election Act. The revenue from such tax shall be used to pay
16 for current operations and maintenance of hospitals,
17 including hospital facilities owned and operated by the
18 special hospital district or [~~for~~] hospitals operated and
19 maintained by the special hospital district pursuant to an
20 agreement with a political subdivision as provided in
21 Subsection B of Section 4-48A-11 NMSA 1978, and to pay the
22 operational costs of the special hospital district.

23 B. In the case of a special hospital district
24 located wholly within one county, if authorized by a majority
25 of the qualified electors of the special hospital district

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1 voting on the question, the board of county commissioners of
2 the county in which the special hospital district is located
3 shall levy such tax at the same time and in the same manner
4 as levies for ad valorem taxes for school districts are made
5 and in the amount certified by the board of trustees as
6 necessary to meet its approved annual budget, but in no event
7 shall the tax levied exceed the rate limitation approved by
8 the voters or the rate limitations provided in Subsection D
9 of this section.

10 C. In the case of a special hospital district
11 [~~which~~] that is composed of all or a portion of two or more
12 counties, if a majority of the qualified electors in the
13 special hospital district of each [~~subdistrict~~] county voting
14 on the question [~~authorize~~] authorizes a tax levy, the boards
15 of county commissioners of the counties [~~which~~] that agreed
16 to form the special hospital district shall levy such tax in
17 the manner provided in Subsection B of this section.

18 D. The tax authorized in this section shall not
19 exceed four dollars twenty-five cents (\$4.25), or any lower
20 maximum amount required by operation of the rate limitation
21 provisions of Section 7-37-7.1 NMSA 1978 upon any tax imposed
22 under this section, on each one thousand dollars (\$1,000) of
23 net taxable value as that term is defined in the Property Tax
24 Code, of all taxable property of the county within the
25 hospital district for a period of time greater than four

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1 years. An election upon the question of continuing the levy
2 may be called by the board of trustees [~~immediately prior to~~
3 ~~the expiration of the period of assessment previously~~
4 ~~approved by the qualified electors]~~ pursuant to the Local
5 Election Act."

6 SECTION 71. Section 4-48A-17 NMSA 1978 (being Laws 1978,
7 Chapter 29, Section 17, as amended) is amended to read:

8 "4-48A-17. ELECTION PROCEDURES.--

9 [A. ~~In all elections held pursuant to the~~
10 ~~provisions of the Special Hospital District Act, except as~~
11 ~~otherwise provided in that act, the board of trustees shall~~
12 ~~give notice of the election in a newspaper of general~~
13 ~~circulation in the special hospital district and, in the case~~
14 ~~of a special hospital district composed of all or portions of~~
15 ~~two or more counties, in the subdistrict, at least once a~~
16 ~~week for three consecutive weeks, the last insertion to be~~
17 ~~not less than two weeks prior to the proposed election.~~

18 B.] All elections of the special hospital district,
19 unless otherwise provided in the Special Hospital District
20 Act, shall be called, conducted and canvassed [~~in~~
21 ~~substantially the same manner as school district elections~~
22 ~~are called, conducted and canvassed. The board of trustees~~
23 ~~shall be the canvassing board for such elections.~~

24 G. ~~The expenses of elections conducted by the~~
25 ~~special hospital district shall be budgeted for and paid from~~

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1 ~~the operating funds of the special hospital district]~~
2 pursuant to the Local Election Act."

3 SECTION 72. Section 4-49-8 NMSA 1978 (being Laws 1891,
4 Chapter 83, Section 4, as amended) is amended to read:

5 "4-49-8. ELECTION ON BOND QUESTION--PETITION--NOTICE--
6 ELECTION WITHOUT PETITION.--

7 A. Whenever a petition signed by not less than two
8 hundred qualified electors of any county in this state [~~shall~~
9 ~~be~~] is presented to the board of county commissioners asking
10 that a vote be taken on the question or proposition of
11 building, remodeling or making additions to necessary public
12 buildings or necessary public projects, setting forth in
13 general terms the object of the petition and the amount of
14 bonds asked to be voted for, [~~it shall be the duty of~~] the
15 board of county commissioners of the county to which the
16 petition [~~may be~~] is presented shall, within ten days after
17 the presentation, [~~to~~] call an election to be held within
18 sixty days thereafter in the county. [~~The board shall give~~
19 ~~notice of the election by publication once a week for at~~
20 ~~least three consecutive weeks in any newspapers published in~~
21 ~~the county, which notices shall set forth the time and place~~
22 ~~of holding the election, the necessary public building or~~
23 ~~necessary public project proposed and which bonds are to be~~
24 ~~voted for.~~] Except as provided in Chapter 4, Article 49 NMSA
25 1978, such elections shall be held and conducted [~~in the same~~

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1 ~~manner as general elections, including recount and contest,~~
2 ~~and the board of county commissioners shall certify and~~
3 ~~declare on the records of the county the returns of the~~
4 ~~election]~~ pursuant to the provisions of the Local Election
5 Act.

6 B. After the defeat of any proposition once voted
7 for, a second special election upon any question or
8 proposition under the provisions of Chapter 4, Article 49
9 NMSA 1978 shall not be held for a term of two years unless a
10 petition requesting another election, containing the names of
11 qualified electors of the county equal to ten percent of the
12 [~~vote~~] votes cast for governor in the last preceding election
13 and otherwise conforming to the requirements of this section,
14 [~~shall be~~] is presented to the board of county commissioners;
15 provided, however, that in no event shall more than two
16 elections upon any proposition or question under Chapter 4,
17 Article 49 NMSA 1978 be held in any term of two years. A
18 bond election as provided in this section may also be called
19 by the board of county commissioners, without any petition,
20 after the board has adopted a resolution calling such an
21 election, which resolution shall set forth the object of the
22 election and the amount of bonds to be issued."

23 **SECTION 73.** Section 5-10-4 NMSA 1978 (being Laws 1993,
24 Chapter 297, Section 4, as amended) is amended to read:

25 "5-10-4. ECONOMIC DEVELOPMENT PROJECTS--RESTRICTIONS ON

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1 PUBLIC EXPENDITURES OR PLEDGES OF CREDIT.--

2 A. No local or regional government shall provide
3 public support for economic development projects as permitted
4 pursuant to Article 9, Section 14 of the constitution of
5 New Mexico except as provided in the Local Economic
6 Development Act or as otherwise permitted by law.

7 B. The total amount of public money expended and
8 the value of credit pledged in the fiscal year in which that
9 money is expended by a local government for economic
10 development projects pursuant to Article 9, Section 14 of the
11 constitution of New Mexico and the Local Economic Development
12 Act shall not exceed ten percent of the annual general fund
13 expenditures of the local government in that fiscal year.

14 The limits of this subsection shall not apply to:

15 (1) the value of any land or building
16 contributed to any project pursuant to a project
17 participation agreement;

18 (2) revenue generated through the imposition
19 of the municipal infrastructure gross receipts tax pursuant
20 to the Municipal Local Option Gross Receipts Taxes Act for
21 furthering or implementing economic development plans and
22 projects as defined in the Local Economic Development Act or
23 projects as defined in the Statewide Economic Development
24 Finance Act; provided that no more than the greater of fifty
25 thousand dollars (\$50,000) or ten percent of the revenue

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1 collected shall be used for promotion and administration of
2 or professional services contracts related to the
3 implementation of any such economic development plan adopted
4 by the governing body;

5 (3) revenue generated through the imposition
6 of a county infrastructure gross receipts tax pursuant to the
7 County Local Option Gross Receipts Taxes Act for furthering
8 or implementing economic development plans and projects as
9 defined in the Local Economic Development Act or projects as
10 defined in the Statewide Economic Development Finance Act;
11 provided that no more than the greater of fifty thousand
12 dollars (\$50,000) or ten percent of the revenue collected
13 shall be used for promotion and administration of or
14 professional services contracts related to the implementation
15 of any such economic development plan adopted by the
16 governing body;

17 (4) the proceeds of a revenue bond issue to
18 which municipal infrastructure gross receipts tax revenue is
19 pledged;

20 (5) the proceeds of a revenue bond issue to
21 which county infrastructure gross receipts tax revenue is
22 pledged; or

23 (6) funds donated by private entities to be
24 used for defraying the cost of a project.

25 C. A regional or local government that generates

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1 revenue for economic development projects to which the limits
2 of Subsection B of this section do not apply shall create an
3 economic development fund into which such revenues shall be
4 deposited. The economic development fund and income from the
5 economic development fund shall be deposited as provided by
6 law. Money in the economic development fund may be expended
7 only as provided in the Local Economic Development Act or the
8 Statewide Economic Development Finance Act.

9 D. In order to expend money from an economic
10 development fund for arts and cultural district purposes,
11 cultural facilities or retail businesses, the governing body
12 of a municipality or county that has imposed a municipal or
13 county local option infrastructure gross receipts tax for
14 furthering or implementing economic development plans and
15 projects as defined in the Local Economic Development Act or
16 projects as defined in the Statewide Economic Development
17 Finance Act by referendum of the majority of the voters
18 voting on the question approving the ordinance imposing the
19 municipal or county infrastructure gross receipts tax before
20 July 1, 2013 shall be required to adopt a resolution. The
21 resolution shall call for an election to approve arts and
22 cultural districts as a qualifying purpose and cultural
23 facilities or retail businesses as a qualifying entity before
24 any revenue generated by the municipal or county local option
25 gross receipts tax for furthering or implementing economic

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1 development plans and projects as defined in the Local
2 Economic Development Act or projects as defined in the
3 Statewide Economic Development Finance Act can be expended
4 from the economic development fund for arts and cultural
5 district purposes, cultural facilities or retail businesses.

6 E. The governing body shall adopt a resolution
7 calling for an election within seventy-five days of the date
8 the ordinance is adopted on the question of approving arts
9 and cultural districts as a qualifying purpose and cultural
10 facilities or retail businesses as a qualifying entity
11 eligible to utilize revenue generated by the Municipal Local
12 Option Gross Receipts Taxes Act or the County Local Option
13 Gross Receipts Taxes Act for furthering or implementing
14 economic development plans and projects as defined in the
15 Local Economic Development Act or projects as defined in the
16 Statewide Economic Development Finance Act.

17 F. The question shall be submitted to the voters of
18 the municipality or county as a separate question at a
19 regular ~~[municipal]~~ local or county election or at a special
20 election called for that purpose by the governing body. A
21 special ~~[municipal]~~ local election shall be called, conducted
22 and canvassed as provided in the ~~[Municipal Election Code]~~
23 Local Election Act. A special county election shall be
24 called, conducted and canvassed in substantially the same
25 manner as provided by law for general elections.

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1 G. If a majority of the voters voting on the
2 question approves the ordinance adding arts and cultural
3 districts and cultural facilities or retail businesses as an
4 approved use of the local option municipal or county economic
5 development infrastructure gross receipts tax fund, the
6 ordinance shall become effective on July 1 or January 1,
7 whichever date occurs first after the expiration of three
8 months from the date of the adopted ordinance. The ordinance
9 shall include the effective date."

10 **SECTION 74.** Section 6-6-19 NMSA 1978 (being Laws 1989,
11 Chapter 276, Section 3, as amended) is amended to read:

12 "6-6-19. LOCAL GOVERNMENT PERMANENT FUND.--

13 A. The local governing body of a county or
14 municipality may by ordinance establish a local government
15 permanent fund and a local government income fund.

16 B. The local government permanent fund shall
17 constitute a fund in the treasury of the county or
18 municipality into which may be deposited at the end of a
19 fiscal year an amount of the unappropriated general fund
20 surplus. The amount that may be deposited into the local
21 government permanent fund is any portion of the
22 unappropriated general fund surplus that is in excess of
23 fifty percent of the prior fiscal year's budget of the county
24 or municipality. Money in the permanent fund may be
25 appropriated or expended only pursuant to approval of the

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1 voters of the county or municipality as provided in
2 Subsection E of this section.

3 C. Money in the local government permanent fund may
4 be invested by the local board of finance for the county or
5 municipality in the types of investments specified in Section
6 6-10-10 NMSA 1978 and as specified in Sections 6-10-36 and
7 6-10-44 NMSA 1978, except as provided in Paragraph (2) of
8 Subsection D of this section. Earnings from the investment
9 of the permanent fund shall be deposited in the local
10 government income fund in the treasury of the county or
11 municipality. Money in the income fund may be budgeted and
12 appropriated by the local governing body for expenditure for
13 any purpose of the county or municipality or may be deposited
14 in the permanent fund.

15 D. Investment authority for a local government
16 permanent fund shall be as follows:

17 (1) if the fund is less than forty million
18 dollars (\$40,000,000), it shall be invested as other funds of
19 the local government; and

20 (2) if the fund is forty million dollars
21 (\$40,000,000) or over, it may be invested as funds of class A
22 counties are invested and, if the fund is managed by an
23 investment advisor that is registered with the federal
24 securities and exchange commission and that currently manages
25 assets with a value of at least five hundred million dollars

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1 (\$500,000,000), the fund may also be invested in the
2 following:

3 (a) corporate debt securities, provided
4 that: 1) the total amount invested in securities issued by
5 the same corporation or related corporate affiliates shall
6 not exceed five percent of the market value of the permanent
7 fund; 2) the securities shall be denominated in United States
8 currency; 3) the securities shall be rated AA- or higher by a
9 nationally recognized statistical rating organization; 4) the
10 final maturity of the securities may not exceed five years;
11 and 5) the total amount invested pursuant to this
12 subparagraph and Subparagraph (b) of this paragraph in the
13 aggregate shall not exceed thirty percent of the market value
14 of the permanent fund;

15 (b) commercial paper, provided that: 1)
16 the total amount invested in securities issued by the same
17 corporation or related corporate affiliates shall not exceed
18 five percent of the market value of the permanent fund; 2)
19 the securities shall be denominated in United States
20 currency; 3) the securities shall be rated in the highest
21 rating category by a nationally recognized statistical rating
22 organization; 4) the final maturity of the securities may not
23 exceed two hundred seventy days; and 5) the total amount
24 invested pursuant to this subparagraph and Subparagraph (a)
25 of this paragraph in the aggregate shall not exceed thirty

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1 percent of the market value of the permanent fund; and

2 (c) asset-backed securities, mortgage-
3 backed securities, collateralized mortgage obligations or
4 commercial mortgage-backed securities, provided that: 1) the
5 total amount invested pursuant to this subparagraph shall not
6 exceed five percent of the market value of the permanent
7 fund; 2) the securities shall be denominated in United States
8 currency; 3) the securities shall be rated AAA by a
9 nationally recognized statistical rating organization; and 4)
10 the final stated maturity of the securities may not exceed
11 ten years.

12 E. The governing body of a county or municipality
13 may adopt a resolution calling for an election on the
14 question of expenditure of any amount of the local government
15 permanent fund for a specified county or municipal purpose.
16 The election shall be held within sixty days after the action
17 of the governing body. The election shall be called,
18 conducted, counted and canvassed substantially in the manner
19 provided by law for general elections within the county or
20 special municipal elections under the ~~[Municipal Election~~
21 ~~Code]~~ Local Election Act. If a majority of the registered
22 voters of the county or municipality voting on the question
23 ~~[vote]~~ votes for the expenditure of a specified amount of the
24 local government permanent fund for a specified county or
25 municipal purpose, then that amount of money shall be

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1 available for appropriation and expenditure by the county or
2 municipality for that purpose. If a majority of the
3 registered voters of the county or municipality voting on the
4 question [~~vote~~] votes against the expenditure of a specified
5 amount of the local government permanent fund for a specified
6 county or municipal purpose, then money in the local
7 government permanent fund shall not be expended or
8 appropriated for that purpose. Following an election at
9 which the question was not approved, the question shall not
10 again be submitted to the voters of that county or
11 municipality within one year of the date of that election."

12 SECTION 75. Section 6-15-26 NMSA 1978 (being Laws 1971,
13 Chapter 132, Section 3, as amended) is amended to read:

14 "6-15-26. BOND ELECTIONS.--

15 A. Each proposition to issue bonds shall be
16 submitted by a single set of ballots to all voters of the
17 municipality, school district, county, junior college
18 district or branch community college district, but the Bond
19 Election Act does not prevent the submission of more than one
20 proposition on the same ballot.

21 ~~[B. The ballots shall be deposited in one ballot~~
22 ~~box for each polling place at any bond election and the vote~~
23 ~~shall be cast, counted, returned and canvassed so that the~~
24 ~~board can determine the total number of votes cast at each~~
25 ~~election for and against each bond proposition.~~

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1 G. ~~The Bond Election Act does not prevent any board~~
2 ~~from using one or more voting machines at any polling place~~
3 ~~for any bond election if the vote is cast, counted, returned~~
4 ~~and canvassed and the election otherwise is conducted in a~~
5 ~~manner which is consistent with the Bond Election Act.~~

6 D.] B. Except as expressly provided in the Bond
7 Election Act, any bond election shall be called, conducted
8 and canvassed pursuant to applicable statutes governing
9 elections for the bonds; provided, however, absentee ballot
10 provisions in the Election Code governing regular elections
11 of the board shall apply. A bond election called by a
12 municipality shall be called, conducted and canvassed
13 pursuant to the applicable provisions of the [~~Municipal~~
14 ~~Election Code~~] Local Election Act, and the absentee ballot
15 provisions of the [~~Municipal Election Code~~] Local Election
16 Act shall apply [~~provided, however, that the provisions of~~
17 ~~this act and any applicable statutes governing elections for~~
18 ~~the bonds shall supersede the Municipal Election Code in the~~
19 ~~event of a conflict]."~~

20 SECTION 76. Section 7-19D-9 NMSA 1978 (being Laws 1978,
21 Chapter 151, Section 1, as amended) is amended to read:

22 "7-19D-9. MUNICIPAL GROSS RECEIPTS TAX--AUTHORITY TO
23 IMPOSE RATE.--

24 A. The majority of the members of the governing
25 body of any municipality may impose by ordinance an excise

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1 tax not to exceed a rate of one and one-half percent of the
2 gross receipts of any person engaging in business in the
3 municipality for the privilege of engaging in business in the
4 municipality. A tax imposed pursuant to this section shall
5 be imposed by the enactment of one or more ordinances, each
6 imposing any number of municipal gross receipts tax rate
7 increments, but the total municipal gross receipts tax rate
8 imposed by all ordinances shall not exceed an aggregate rate
9 of one and one-half percent of the gross receipts of a person
10 engaging in business. Municipalities may impose increments
11 of one-eighth of one percent.

12 B. The tax imposed pursuant to Subsection A of this
13 section may be referred to as the "municipal gross receipts
14 tax".

15 C. The governing body of a municipality may, at the
16 time of enacting an ordinance imposing the tax authorized in
17 Subsection A of this section, dedicate the revenue for a
18 specific purpose or area of municipal government services,
19 including ~~[but not limited to]~~ police protection, fire
20 protection, public transportation or street repair and
21 maintenance. If the governing body proposes to dedicate such
22 revenue, the ordinance and, if any election is held, the
23 ballot shall clearly state the purpose to which the revenue
24 will be dedicated, and any revenue so dedicated shall be used
25 by the municipality for that purpose unless a subsequent

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1 ordinance is adopted to change the purpose to which dedicated
2 or to place the revenue in the general fund of the
3 municipality.

4 D. An election shall be called on the questions of
5 disapproval or approval of any ordinance enacted pursuant to
6 Subsection A of this section or any ordinance amending such
7 ordinance:

8 (1) if the governing body chooses to provide
9 in the ordinance that it shall not be effective until the
10 ordinance is approved by the majority of the registered
11 voters voting on the question at an election to be held
12 pursuant to the provisions of [~~a home-rule charter or on a~~
13 ~~date set by the governing body and pursuant to the provisions~~
14 ~~of the Municipal Election Code governing special elections]~~
15 the Local Election Act; or

16 (2) if the ordinance does not contain a
17 mandatory election provision as provided in Paragraph (1) of
18 this subsection, upon the filing of a petition requesting
19 such an election if the petition is filed:

20 (a) pursuant to the requirements of a
21 referendum provision contained in a municipal home-rule
22 charter and signed by the number of registered voters in the
23 municipality equal to the number of registered voters
24 required in its charter to seek a referendum; or

25 (b) in all other municipalities, with the

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1 municipal clerk within thirty days after the adoption of such
2 ordinance and the petition has been signed by a number of
3 registered voters in the municipality equal to at least five
4 percent of the number of the voters in the municipality who
5 were registered to vote in the most recent regular municipal
6 election.

7 E. The signatures on the petition filed in
8 accordance with Subsection D of this section shall be
9 verified by the municipal clerk. If the petition is verified
10 by the municipal clerk as containing the required number of
11 signatures of registered voters, the governing body shall
12 adopt an election resolution calling for the holding of a
13 special election on the question of approving or disapproving
14 the ordinance unless the ordinance is repealed before the
15 adoption of the election resolution. An election held
16 pursuant to Subparagraph (a) or (b) of Paragraph (2) of
17 Subsection D of this section shall be called, conducted and
18 canvassed as provided in the [~~Municipal Election Code for~~
19 ~~special elections~~] Local Election Act, and the election shall
20 be held within seventy-five days after the date the petition
21 is verified by the municipal clerk or it may be held in
22 conjunction with a regular [~~municipal~~] local election if such
23 election occurs within seventy-five days after the date of
24 verification by the municipal clerk.

25 F. If at an election called pursuant to Subsection

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1 D of this section a majority of the registered voters voting
2 on the question approves the ordinance imposing the tax, the
3 ordinance shall become effective in accordance with the
4 provisions of the Municipal Local Option Gross Receipts Taxes
5 Act. If at such an election a majority of the registered
6 voters voting on the question disapproves the ordinance, the
7 ordinance imposing the tax shall be deemed repealed and the
8 question of imposing any increment of the municipal gross
9 receipts tax authorized in this section shall not be
10 considered again by the governing body for a period of one
11 year from the date of the election.

12 G. Any municipality that has lawfully imposed by
13 the requirements of the Special Municipal Gross Receipts Tax
14 Act a rate of at least one-fourth of one percent shall be
15 deemed to have imposed one-fourth of one percent municipal
16 gross receipts tax pursuant to this section. Any rate of tax
17 deemed to be imposed pursuant to this subsection shall
18 continue to be dedicated to the payment of outstanding bonds
19 issued by the municipality that pledged the tax revenues by
20 ordinance until such time as the bonds are fully paid. A
21 municipality may by ordinance change the purpose for any rate
22 of tax deemed to be imposed at any time the revenues are not
23 committed to payment of bonds.

24 H. Any law that imposes or authorizes the
25 imposition of a municipal gross receipts tax or that affects

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1 the municipal gross receipts tax, or any law supplemental
2 thereto or otherwise appertaining thereto, shall not be
3 repealed or amended or otherwise directly or indirectly
4 modified in such a manner as to impair adversely any
5 outstanding revenue bonds that may be secured by a pledge of
6 such municipal gross receipts tax unless such outstanding
7 revenue bonds have been discharged in full or provision has
8 been fully made therefor."

9 SECTION 77. Section 7-19D-11 NMSA 1978 (being Laws
10 1991, Chapter 9, Section 3, as amended) is amended to read:

11 "7-19D-11. MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS
12 TAX--AUTHORITY BY MUNICIPALITY TO IMPOSE--ORDINANCE
13 REQUIREMENTS--ELECTION.--

14 A. A majority of the members of the governing body
15 of a municipality may enact an ordinance imposing an excise
16 tax on any person engaging in business in the municipality
17 for the privilege of engaging in business. The rate of the
18 tax shall not exceed one-fourth of one percent of the gross
19 receipts of the person engaging in business and may be
20 imposed in one-sixteenth of one percent increments by
21 separate ordinances. Any ordinance enacting any increment of
22 the first one-eighth of one percent of the tax is not subject
23 to a referendum of any kind, notwithstanding any requirement
24 of any charter municipality, except that an increment that is
25 imposed after July 1, 1998 for economic development purposes

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1 set forth in Paragraph (5) of Subsection C of this section
2 shall be subject to a referendum as provided in Subsection D
3 of this section.

4 B. The tax imposed pursuant to Subsection A of this
5 section may be referred to as the "municipal infrastructure
6 gross receipts tax".

7 C. The governing body of a municipality, at the
8 time of enacting any ordinance imposing the rate of the tax
9 authorized in Subsection A of this section, may dedicate the
10 revenue for:

11 (1) payment of special obligation bonds issued
12 pursuant to a revenue bond act;

13 (2) repair, replacement, construction or
14 acquisition of infrastructure improvements, including
15 sanitary sewer lines, storm sewers and other drainage
16 improvements, water, water rights, water lines and utilities,
17 streets, alleys, rights of way, easements, international
18 ports of entry and land within the municipality or within the
19 extraterritorial zone of the municipality;

20 (3) municipal general purposes;

21 (4) acquiring, constructing, extending,
22 bettering, repairing or otherwise improving or operating or
23 maintaining public transit systems or regional transit
24 systems or authorities; and

25 (5) furthering or implementing economic

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1 development plans and projects as defined in the Local
2 Economic Development Act or projects as defined in the
3 Statewide Economic Development Finance Act, and use of not
4 more than the greater of fifty thousand dollars (\$50,000) or
5 ten percent of the revenue collected for promotion and
6 administration of or professional services contracts related
7 to implementation of an economic development plan adopted by
8 the governing body pursuant to the Local Economic Development
9 Act and in accordance with law.

10 D. An ordinance imposing any increment of the
11 municipal infrastructure gross receipts tax in excess of the
12 first one-eighth of one percent or any increment imposed
13 after July 1, 1998 for economic development purposes set
14 forth in Paragraph (5) of Subsection C of this section shall
15 not go into effect until after an election is held and a
16 majority of the voters of the municipality voting in the
17 election votes in favor of imposing the tax. The governing
18 body shall adopt a resolution calling for an election within
19 seventy-five days of the date the ordinance is adopted on the
20 question of imposing the tax. The question shall be
21 submitted to the voters of the municipality as a separate
22 question at a regular [~~municipal~~] local election or at a
23 special election called for that purpose by the governing
24 body. [~~A special municipal~~] An election shall be called,
25 conducted and canvassed as provided in the [~~Municipal~~

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1 ~~Election Code]~~ Local Election Act. If a majority of the
2 voters voting on the question approves the ordinance imposing
3 the municipal infrastructure gross receipts tax, then the
4 ordinance shall become effective in accordance with the
5 provisions of the Municipal Local Option Gross Receipts Taxes
6 Act. If the question of imposing the municipal
7 infrastructure gross receipts tax fails, the governing body
8 shall not again propose the imposition of any increment of
9 the tax in excess of the first one-eighth of one percent for
10 a period of one year from the date of the election."

11 **SECTION 78.** Section 7-19D-15 NMSA 1978 (being Laws
12 2006, Chapter 15, Section 14) is amended to read:

13 "7-19D-15. MUNICIPAL REGIONAL SPACEPORT GROSS RECEIPTS
14 TAX--AUTHORITY TO IMPOSE--RATE--ELECTION REQUIRED.--

15 A. A majority of the members of the governing body
16 of a municipality that desires to become a member of a
17 regional spaceport district pursuant to the Regional
18 Spaceport District Act shall impose by ordinance an excise
19 tax at a rate not to exceed one-half percent of the gross
20 receipts of a person engaging in business in the municipality
21 for the privilege of engaging in business. A tax imposed
22 pursuant to this section may be imposed by one or more
23 ordinances, each imposing any number of tax rate increments,
24 but an increment shall not be less than one-sixteenth percent
25 of the gross receipts of a person engaging in business in the

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1 municipality, and the aggregate of all rates shall not exceed
2 one-half percent of the gross receipts of a person engaging
3 in business in the municipality. The tax may be referred to
4 as the "municipal regional spaceport gross receipts tax".

5 B. A governing body, at the time of enacting an
6 ordinance imposing a tax authorized in Subsection A of this
7 section, shall dedicate a minimum of seventy-five percent of
8 the revenue to a regional spaceport district for the
9 financing, planning, designing, engineering and construction
10 of a regional spaceport pursuant to the Regional Spaceport
11 District Act and may dedicate no more than twenty-five
12 percent of the revenue for spaceport-related projects as
13 approved by resolution of the governing body of the
14 municipality.

15 C. An ordinance imposing a municipal regional
16 spaceport gross receipts tax shall not go into effect until
17 after an election is held and a majority of the voters of the
18 municipality voting in the election votes in favor of
19 imposing the tax. The governing body shall adopt a
20 resolution calling for an election within seventy-five days
21 of the date the ordinance is adopted on the question of
22 imposing the tax. The question shall be submitted to the
23 voters of the municipality as a separate question at a
24 regular [~~municipal~~] local election or at a special election
25 called for that purpose by the governing body. [~~A special~~

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1 ~~municipal~~] An election shall be called, conducted and
2 canvassed as provided in the [~~Municipal Election Code~~] Local
3 Election Act. If a majority of the voters voting on the
4 question approves the ordinance imposing the municipal
5 regional spaceport gross receipts tax, the ordinance shall
6 become effective in accordance with the provisions of the
7 Municipal Local Option Gross Receipts Taxes Act. If the
8 question of imposing the municipal regional spaceport gross
9 receipts tax fails, the governing body shall not again
10 propose the imposition of an increment of the tax for a
11 period of one year from the date of the election.

12 D. The governing body of a municipality imposing
13 the municipal regional spaceport gross receipts tax shall
14 transfer a minimum of seventy-five percent of all proceeds
15 from the tax to the regional spaceport district of which it
16 is a member for regional spaceport purposes in accordance
17 with the provisions of the Regional Spaceport District Act.
18 The governing body of a municipality imposing the municipal
19 regional spaceport gross receipts tax may retain no more than
20 twenty-five percent of the municipal regional spaceport gross
21 receipts tax for spaceport-related projects as approved by
22 resolution of the governing body."

23 **SECTION 79.** Section 7-19D-17 NMSA 1978 (being Laws
24 2012, Chapter 58, Section 1) is amended to read:

25 "7-19D-17. FEDERAL WATER PROJECT GROSS RECEIPTS TAX--

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1 AUTHORIZATION--USE OF REVENUE--REFERENDUM.--

2 A. A majority of the members of the governing body
3 of a municipality may enact an ordinance imposing an excise
4 tax on any person engaging in business in the municipality
5 for the privilege of engaging in business. The rate of the
6 tax shall not exceed one-fourth percent of the gross receipts
7 of the person engaging in business. An ordinance enacting
8 the tax authorized by this section is subject to a positive
9 referendum.

10 B. The tax imposed pursuant to this section may be
11 referred to as the "federal water project gross receipts
12 tax".

13 C. The governing body of a municipality, at the
14 time of enacting an ordinance imposing the rate of the tax
15 authorized in this section, shall dedicate the revenue for
16 the repayment of loan obligations to the federal government
17 for the construction, expansion, operation and maintenance of
18 a water delivery system and for the expansion, operation and
19 maintenance of that water delivery system after the loan
20 obligation to the federal government is retired or repaid.
21 The revenue from the federal water project gross receipts tax
22 shall not be dedicated to repay revenue bonds or any other
23 form of bonds.

24 D. An ordinance imposing the federal water project
25 gross receipts tax shall not go into effect until an election

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1 is held and a majority of the voters of the municipality
2 voting in the election votes in favor of imposing the tax.
3 The governing body shall adopt a resolution calling for an
4 election within seventy-five days of the date the ordinance
5 is adopted on the question of imposing the tax. The question
6 shall be submitted to the voters of the municipality as a
7 separate question at a regular [~~municipal~~] local election or
8 at a special election called for that purpose by the
9 governing body. [~~A special municipal~~] An election shall be
10 called, conducted and canvassed as provided in the [~~Municipal~~
11 ~~Election Code~~] Local Election Act. If a majority of the
12 voters voting on the question approves the ordinance imposing
13 the federal water project gross receipts tax, then the
14 ordinance shall become effective on January 1 or July 1 in
15 accordance with the provisions of the Municipal Local Option
16 Gross Receipts Taxes Act. If the question of imposing the
17 federal water project gross receipts tax fails, the governing
18 body shall not again propose the imposition of the tax for a
19 period of one year from the date of the election.

20 E. A municipality that imposed a federal water
21 project gross receipts tax pursuant to this section shall not
22 also impose a municipal capital outlay gross receipts tax.

23 F. As used in this section, "municipality" means an
24 incorporated municipality that has a population pursuant to
25 the most recent federal decennial census of greater than

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1 twenty thousand but less than twenty-five thousand and is
2 located in a class B county."

3 SECTION 80. Section 7-24A-11 NMSA 1978 (being Laws
4 1978, Chapter 182, Section 11, as amended) is amended to
5 read:

6 "7-24A-11. MUNICIPAL GASOLINE TAX--PROCEDURE FOR
7 ADOPTION OF ORDINANCE--ELECTION.--

8 A. The ordinance imposing a municipal gasoline tax
9 shall not go into effect until after an election is held and
10 a simple majority of the qualified electors of the
11 municipality voting on the question [~~vote~~] votes in favor of
12 imposing the municipal gasoline tax. The governing body of
13 the municipality shall provide for an election on the
14 question of imposing the municipal gasoline tax within sixty
15 days after the day the ordinance is adopted. Such question
16 may be submitted to the electors and voted upon as a separate
17 question at any regular or special election or at any special
18 election called for that purpose by the governing body. The
19 election upon the question shall be called, held, conducted
20 and canvassed in substantially the same manner as provided by
21 law for special [~~municipal~~] elections as provided in the
22 [~~Municipal Election Code~~] Local Election Act. If the
23 question of imposing a municipal gasoline tax fails, the
24 governing body shall not again propose a municipal gasoline
25 tax ordinance for a period of one year after the election.

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1 B. After passage of a municipal gasoline tax
2 ordinance, the governing body of the municipality shall
3 submit a certified copy of the ordinance to the taxation and
4 revenue department."

5 SECTION 81. Section 10-3-1 NMSA 1978 (being Laws 1909,
6 Chapter 36, Section 3, as amended) is amended to read:

7 "10-3-1. CIRCUMSTANCES CAUSING VACANCY IN LOCAL
8 OFFICE.--[~~Sec. 7.~~] Any office belonging to the class
9 mentioned in Section [~~3954~~] 10-4-1 NMSA 1978 becomes vacant
10 under any of the following circumstances:

11 [1] A. by death of the party in office;

12 [2] B. removal of the officer as provided by [~~this~~
13 ~~chapter~~] Sections 10-4-1 through 10-4-29 NMSA 1978;

14 [3] C. failure of the officer to qualify as
15 provided by law;

16 [4] D. expiration of the term of office when no
17 successor has been chosen as provided by law;

18 [5] E. when the officer removes from the [~~county~~
19 ~~in~~] area from which [he is] the officer was elected and, in
20 case of [~~municipal officers~~] an officer serving pursuant to
21 an appointment, when [~~he~~] the officer removes from the [~~town~~
22 ~~or city for which he is elected~~] area the officer was
23 appointed to represent;

24 [6] F. absence from the [~~county~~] political
25 subdivision in which the officer serves for six consecutive

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1 months [~~and, in cases of municipal officers, absence for such~~
2 ~~length of time from the village, town or city for which he is~~
3 ~~elected~~]; but this provision does not apply to those officers
4 wherein the law provides that the duties may be discharged by
5 a deputy, when such absence is due to illness or other
6 unavoidable cause;

7 [7] G. by resignation of the officer; or
8 [8] H. by an officer accepting and undertaking to
9 discharge the duties of another incompatible office."

10 SECTION 82. Section 10-4-1 NMSA 1978 (being Laws 1909,
11 Chapter 36, Section 1, as amended) is amended to read:

12 "10-4-1. LOCAL OFFICERS SUBJECT TO REMOVAL.--[~~Sec. 5.~~]
13 Any [~~county, precinct, district, city, town or village~~]
14 officer of a political subdivision of the state elected by
15 the people and any officer appointed to fill out the
16 unexpired term of any such officer may be removed from office
17 on any of the grounds mentioned in [~~this chapter~~] and
18 according to the [~~provision hereof~~] provisions of Sections
19 10-4-1 through 10-4-29 NMSA 1978."

20 SECTION 83. Section 21-13-8 NMSA 1978 (being Laws 1963,
21 Chapter 17, Section 7, as amended) is amended to read:

22 "21-13-8. COMMUNITY COLLEGE BOARD.--
23 A. Community college board members shall be [~~over~~
24 ~~twenty-one years of age~~] qualified electors and residents of
25 the community college district.

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1 B. Community college board members shall be elected
2 for staggered terms of six years [~~beginning on April 1~~
3 ~~succeeding their elections~~]. Elections shall be held

4 ~~[(1) in conjunction with regular school~~
5 ~~district elections on the first Tuesday of February in each~~
6 ~~odd-numbered year if the community college board and school~~
7 ~~board agree to hold their elections at the same time; or~~

8 ~~(2) on the date otherwise prescribed by the~~
9 ~~Community College] pursuant to the Local Election Act.~~

10 C. All vacancies caused in any other manner than by
11 the expiration of the term of office shall be filled by
12 appointment by the remaining members. An individual
13 appointed by the remaining members of the board to fill a
14 vacancy in office shall serve until the next community
15 college board election, at which time candidates shall file
16 for and be elected to fill the vacant position to serve the
17 remainder of the unexpired term.

18 D. A community college board shall select from its
19 members a chair and secretary who shall serve in these
20 offices until the next regular community college board
21 election. After each community college board election, the
22 members shall proceed to reorganize."

23 SECTION 84. Section 21-16-5.1 NMSA 1978 (being Laws
24 1994, Chapter 83, Section 3, as amended) is amended to read:

25 "21-16-5.1. BOARD MEMBERS--ELECTED FROM DISTRICTS--

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1 ELECTIONS.--

2 A. A district board shall be composed of five or
3 seven members elected for four-year terms who shall reside in
4 and be elected from single-member districts as provided in
5 this section. [~~Any board, the members of which have not been~~
6 ~~elected from single-member districts, shall district and hold~~
7 ~~a special election to coincide with the school district~~
8 ~~elections of 2001.~~] If the board is a seven-member board,
9 board members shall be elected for all seven positions on the
10 board, with the board members elected to positions 1, 3, 5
11 and 7 to be elected for initial terms of two years and the
12 board members elected to positions 2, 4 and 6 to be elected
13 for initial terms of four years. If the board is a five-
14 member board, board members elected to positions 1, 3 and 5
15 shall be elected for initial terms of two years and board
16 members elected to positions 2 and 4 shall be elected for
17 initial terms of four years. After the initial election for
18 a district board, each board member shall be elected for a
19 term of four years.

20 B. [~~Except where specific provision is otherwise~~
21 ~~provided by law~~] All election proceedings for technical and
22 vocational institute district elections shall be conducted
23 pursuant to the provisions of the [~~School Election Law with~~
24 ~~the president of the institute serving in the place of the~~
25 ~~superintendent of schools in every case~~] Local Election Act.

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1 C. Once following each federal decennial census,
2 the board shall redistrict the technical and vocational
3 institute district into election districts to ensure that the
4 districts remain as equal in population as is practicable and
5 shall notify the county clerk of the new boundaries upon
6 completion of the redistricting process. The new districts
7 shall go into effect at the first regular board election
8 thereafter. Candidates for the new single-member districts
9 that are scheduled to be voted on at the election shall
10 reside in and be elected from the appropriate new single-
11 member district. Incumbent board members whose districts
12 before redistricting were not scheduled to be voted on at the
13 election need not reside in the new single-member districts
14 corresponding to their position numbers and may serve out
15 their terms. At the second regular board election held after
16 the redistricting, all candidates for the new single-member
17 districts that are scheduled to be voted on shall reside in
18 and be elected from the appropriate single-member district.

19 D. All election districts covered by this section
20 shall be contiguous, compact and as equal in population as is
21 practicable.

22 E. A vacancy occurring on the board shall be filled
23 in the same manner as provided for school board vacancies in
24 Section 22-5-9 NMSA 1978; provided, however, that a vacancy
25 that occurs in an election district where a nonresident board

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1 member had been serving shall be filled [~~with~~] by a resident
2 of that district."

3 SECTION 85. Section 21-16-14 NMSA 1978 (being Laws
4 1963, Chapter 108, Section 11, as amended) is amended to
5 read:

6 "21-16-14. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF
7 SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL
8 INSTITUTE DISTRICTS.--

9 A. A technical and vocational institute district
10 may be expanded by either the procedure in Subsections B, C
11 and D of this section or the procedure in Subsections E and F
12 of this section.

13 B. The qualified voters of a school district,
14 portion of a school district, group of school districts
15 within a county containing a technical and vocational
16 institute district or in an adjoining county, not included in
17 the technical and vocational institute district as originally
18 formed, may petition the public education department to be
19 added to the technical and vocational institute district.
20 The department shall examine the petition, and if it finds
21 that the petition is signed by a number of qualified voters
22 residing within the pertinent school district or portion of a
23 school district equal to ten percent of the votes cast for
24 governor in such school district or portion of such school
25 district in the last preceding general election, the

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1 department shall cause a survey to be made of the petitioning
2 district or districts to determine the desirability of the
3 proposed expansion of the technical and vocational institute
4 district.

5 C. In conducting the survey, the public education
6 department, in conjunction with the [~~commission on~~] higher
7 education department, shall ascertain the attitude of the
8 technical and vocational institute board and collect other
9 information it deems necessary. If, on the basis of the
10 survey, the public education department finds that the
11 proposed addition of the petitioning area will promote an
12 improved education service in the area, it shall approve the
13 petition. The secretary of public education shall proceed to
14 issue a proclamation and call an election pursuant to the
15 provisions of the Local Election Act within the petitioning
16 area and in the established technical and vocational
17 institute district on the question of the inclusion of the
18 petitioning area in the institute district.

19 D. If a majority of the votes cast in the
20 petitioning area and a majority of the votes cast within the
21 established institute district are in favor of the addition
22 of the area, the public education department shall notify the
23 local school board of each affected school district and the
24 technical and vocational institute board of the results of
25 the election and shall declare the extension of the

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1 boundaries of the institute district to include the
2 petitioning area in which the proposed addition referendum
3 carried by a majority vote.

4 E. If a technical and vocational institute district
5 includes less than all of a school district, the institute
6 board, by resolution of a majority of the members of the
7 board, may call an election within the institute district and
8 in the portion of the school district that is not included in
9 the institute district on the question of the addition of the
10 excluded portion of the school district to the established
11 institute district. [~~Except where specific provision is~~
12 ~~otherwise provided by law~~] Such election shall be conducted
13 pursuant to the provisions of the [~~School Election Law with~~
14 ~~the president of the institute district serving in the place~~
15 ~~of the superintendent of schools in every case; provided~~
16 ~~that:~~

17 (1) ~~the election may be held in conjunction~~
18 ~~with a regular election or as a special election;~~

19 (2) ~~if a precinct lies partly within and~~
20 ~~partly outside the institute district, the parts of the~~
21 ~~precinct within and outside the institute district shall~~
22 ~~constitute separate precincts for purposes of the election;~~
23 and

24 (3) ~~precincts may be consolidated for purposes~~
25 ~~of administrative convenience] Local Election Act.~~

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1 F. If a majority of the votes cast in the institute
2 district and the portion of the school district that is
3 outside the institute district are in favor of the addition
4 of the excluded portion of the school district to the
5 institute district, the board of the institute district shall
6 declare the institute district to be expanded to include all
7 of such school district.

8 G. Each area added to an existing technical and
9 vocational institute district shall automatically be subject
10 to any special levy on taxable property approved for the
11 institute district for the maintenance of facilities and
12 services and for support of bond issues."

13 SECTION 86. Section 21-16-20 NMSA 1978 (being Laws 1964
14 (1st S.S.), Chapter 12, Section 5) is amended to read:

15 "21-16-20. SUBMISSION AT ELECTION--NOTICE--
16 CERTIFICATION.--If [the] a question is submitted pursuant to
17 Section 21-16-16 NMSA 1978 at [~~a general~~] an election, the
18 submitting board shall [~~publish notice thereof in the manner~~
19 ~~required for general elections, except that such notice need~~
20 ~~not include the names of any election officials or the places~~
21 ~~where such election is to be held in each precinct and voting~~
22 ~~division and no posting shall be required~~] notify the county
23 clerk pursuant to the Local Election Act. The submitting
24 board shall [~~not less than thirty days before the election~~]
25 furnish to the county clerk of each county in which [~~each~~] an

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1 affected school district is situate a certificate specifying
2 the question to be submitted [~~and the precincts and voting~~
3 ~~divisions included in the school district or districts or in~~
4 ~~the technical and vocational institute district. The county~~
5 ~~clerk of each such county shall include such question on the~~
6 ~~ballots and voting machines in the proper voting divisions.~~
7 ~~The election officials in such voting divisions shall execute~~
8 ~~separate certificates certifying the results of the voting on~~
9 ~~such question, and, upon receipt thereof, each county clerk~~
10 ~~shall deliver the same to the president of the board or his~~
11 ~~designated representative]."~~

12 SECTION 87. Section 21-16A-6 NMSA 1978 (being Laws
13 2000, Chapter 105, Section 6) is amended to read:

14 "21-16A-6. LEARNING CENTER TAX LEVY AUTHORIZED--
15 ELECTION.--

16 A. A board may adopt a resolution authorizing, for
17 learning center operational purposes, the imposition of a
18 property tax upon the taxable value of property in the
19 district. The total tax imposition that may be authorized
20 under the Learning Center Act shall not exceed a rate of five
21 dollars (\$5.00) on each one thousand dollars (\$1,000) of
22 taxable value of property in each district. [A] The tax
23 authorized pursuant to this section may not be imposed for a
24 period of more than six years.

25 B. The tax authorized in Subsection A of this

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1 section shall not be imposed in a district unless the
2 question of authorizing the imposition of the tax is
3 submitted to the voters of the district at [~~a regular school~~
4 ~~district~~] an election [~~or a special election called for that~~
5 ~~purpose~~] held pursuant to the Local Election Act.

6 C. A resolution adopted pursuant to Subsection A of
7 this section shall specify:

8 (1) the rate of the proposed tax;

9 (2) the date of the election at which the
10 question of imposition of the tax will be submitted to the
11 voters of the district;

12 (3) the period of time the tax is authorized
13 to be imposed; and

14 (4) the proposed use of the revenues from the
15 proposed tax.

16 D. The election required by this section shall be
17 called, conducted and canvassed as provided in the [~~School~~
18 ~~Election Law~~] Local Election Act.

19 E. If a majority of the voters voting on the
20 question votes for a learning center tax levy pursuant to a
21 resolution adopted under the Learning Center Act, the tax
22 shall be imposed. The tax rate shall be certified by the
23 department of finance and administration and imposed,
24 administered and collected in accordance with the provisions
25 of the Oil and Gas Ad Valorem Production Tax Act, the Oil and

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1 Gas Production Equipment Ad Valorem Tax Act, the Copper
2 Production Ad Valorem Tax Act and the Property Tax Code.

3 F. If a majority of the voters voting on the
4 question votes against a learning center tax levy pursuant to
5 a resolution adopted under the Learning Center Act, the tax
6 shall not be imposed. The board shall not again adopt a
7 resolution authorizing the imposition of a tax levy pursuant
8 to the Learning Center Act for at least two years after the
9 date of the resolution that the voters rejected.

10 G. The board may discontinue by resolution the
11 imposition of any tax authorized pursuant to the Learning
12 Center Act. The discontinuance resolution shall be mailed to
13 the department of finance and administration no later than
14 June 15 of the year in which a tax rate pursuant to that act
15 is not to be certified."

16 SECTION 88. Section 22-5-8 NMSA 1978 (being Laws 1967,
17 Chapter 16, Section 31, as amended) is amended to read:

18 "22-5-8. TERM OF OFFICE.--

19 A. The full term of office of a member of a local
20 school board shall be four years [~~from March 1~~] succeeding
21 [~~his~~] the member's election to office at a regular [~~school~~
22 ~~district~~] local election held pursuant to the Local Election
23 Act.

24 B. Any member of a local school board whose term of
25 office has expired shall continue in that office until [~~his~~]

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1 a successor is elected and qualified."

2 SECTION 89. Section 22-7-1 NMSA 1978 (being Laws 1977,
3 Chapter 308, Section 1) is amended to read:

4 "22-7-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article 7
5 NMSA 1978 may be cited as the "Local School Board Member
6 Recall Act"."

7 SECTION 90. Section 22-7-13 NMSA 1978 (being Laws 1977,
8 Chapter 308, Section 13, as amended) is amended to read:

9 "22-7-13. SPECIAL RECALL ELECTION.--

10 A. The date of the special recall election shall be
11 set no later than one hundred twenty days after the date of
12 the determination by the county clerk, but in no event shall
13 the election be held within the period of time prohibited for
14 local government elections pursuant to Section 1-12-71 NMSA
15 1978.

16 B. The question to be submitted to the voters at
17 the special recall election shall be whether the named member
18 shall be recalled.

19 C. A special recall election may be held in
20 conjunction with a regular or [~~a~~] local special [~~school~~
21 ~~district~~] election.

22 ~~D. [Whenever a special recall election is called,~~
23 ~~the county clerk shall give public notice of the special~~
24 ~~recall election by publishing information regarding the~~
25 ~~election once each week for four consecutive weeks. The~~

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1 ~~first publication of the information shall be made between~~
2 ~~forty-five and sixty days before the date of the special~~
3 ~~recall election. Information regarding the election shall be~~
4 ~~in compliance with the federal Voting Rights Act of 1965, as~~
5 ~~amended, and shall include the date when the special recall~~
6 ~~election will be held, the question to be submitted to the~~
7 ~~voters, a brief description of the boundaries of each~~
8 ~~precinct, the location of each polling place, the hours each~~
9 ~~polling place will be open and the date and time of the~~
10 ~~closing of the registration books by the county clerk as~~
11 ~~required by law.] Except as otherwise provided in the Local~~
12 ~~School Board Member Recall Act, special recall elections in a~~
13 ~~school district shall be conducted pursuant to the provisions~~
14 ~~of the Local Election Act.~~

15 E. The ballot shall be in compliance with the
16 federal Voting Rights Act of 1965, as amended, and shall
17 present the voter the choice of voting "for the removal of
18 the named member" or "against the removal of the named
19 member".

20 ~~[F. All special recall elections shall be held in~~
21 ~~compliance with the federal Voting Rights Act of 1965, as~~
22 ~~amended.~~

23 ~~G. Except as otherwise provided in the Local School~~
24 ~~Board Member Recall Act, special recall elections in a school~~
25 ~~district shall be conducted as provided in the Election~~

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1 Code.]"

2 SECTION 91. Section 22-18-2 NMSA 1978 (being Laws 1967,
3 Chapter 16, Section 229, as amended) is amended to read:

4 "22-18-2. BOND ELECTIONS--QUALIFICATION OF VOTERS--
5 CALLING FOR BOND ELECTIONS.--

6 A. Before any general obligation bonds are issued,
7 a local school board of a school district shall submit to a
8 vote of the qualified electors of the school district [~~owning~~
9 ~~real estate in the school district~~] the question of creating
10 a debt by issuing the bonds, and a majority of those persons
11 voting on the question shall vote for issuing the general
12 obligation bonds.

13 B. The election on the question of creating a debt
14 by issuing general obligation bonds shall be held [~~at the~~
15 ~~same time as a regular school district election or at any~~
16 ~~special school district election which is not within ninety~~
17 ~~days after a regular school district election~~] pursuant to
18 the provisions of the Local Election Act. The question shall
19 be submitted to a vote at a [~~general or special school~~]
20 district election upon the initiative of a local school board
21 or upon a petition being filed with a local school board
22 signed by qualified electors of the school district [~~having~~
23 ~~paid a property tax on property in the school district for~~
24 ~~the preceding year, according to the latest completed tax~~
25 ~~rolls~~]. The number of signatures required on the petition

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1 shall be at least ten percent of the number of votes cast for
2 governor in the school district in the last preceding general
3 election. For the purpose of determining the number of votes
4 cast for governor in the school district at the last
5 preceding general election, any portion of a voting division
6 within the school district shall be construed to be wholly
7 within the school district. A local school board shall call
8 for a bond election at [a] the next regular local or special
9 ~~[school district]~~ election within ninety days ~~[from]~~
10 following the date a properly signed petition is filed with
11 it; provided that the timing of the election does not
12 conflict with the provisions of Section 1-12-71 NMSA 1978."

13 SECTION 92. Section 22-18-4 NMSA 1978 (being Laws 1967,
14 Chapter 16, Section 231, as amended) is amended to read:

15 "22-18-4. BOND ELECTIONS--CONDUCT.--

16 A. A person is required to be a registered ~~[voter]~~
17 qualified elector to vote in a bond election in a school
18 district.

19 B. Bond elections in a school district shall be
20 conducted pursuant to the ~~[Election Code, except as otherwise~~
21 ~~provided in Sections 22-18-1 through 22-18-12 NMSA 1978, the~~
22 ~~School Election Law and the Bond]~~ Local Election Act."

23 SECTION 93. Section 22-18-8 NMSA 1978 (being Laws 1967,
24 Chapter 16, Section 235) is amended to read:

25 "22-18-8. RESTRICTION ON BOND ELECTIONS.--In the event

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1 a majority of those persons voting on a question submitted to
2 the voters in a bond election [~~vote~~] votes against creating a
3 debt by issuing general obligation bonds, no bond election
4 shall be held on the same question for a period of two years
5 from the date of the bond election [~~except upon the~~
6 ~~presentation of a petition pursuant to Section 77-15-2 New~~
7 ~~Mexico Statutes Annotated, 1953 Compilation and after the~~
8 ~~expiration of at least six months from the date of the~~
9 ~~previous bond election on the question. If a majority of~~
10 ~~those persons voting on a question submitted to the voters in~~
11 ~~a bond election for a second time within two years vote~~
12 ~~against creating a debt by issuing general obligation bonds,~~
13 ~~no bond election shall then be held on the same question for~~
14 ~~a period of two years from the date of first bond election on~~
15 ~~the question]."~~

16 SECTION 94. Section 22-25-5 NMSA 1978 (being Laws 1975
17 (S.S.), Chapter 5, Section 5, as amended) is amended to read:

18 "22-25-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

19 A. An election on the question of imposing a tax
20 under the Public School Capital Improvements Act [~~may~~] shall
21 be held [~~in conjunction with a regular school district~~
22 ~~election or may be conducted as or held in conjunction with a~~
23 ~~special school district election, but the election shall be~~
24 ~~held prior to July 1 of the property tax year in which the~~
25 ~~tax is proposed to be imposed. Conduct of the election shall~~

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1 be] as prescribed in the [~~School Election Law for regular and~~
2 ~~special school district elections~~] Local Election Act.

3 B. The proclamation required to be published as
4 notice of the election under Section [~~1-22-4 or 1-22-5~~
5 1-22-11] NMSA 1978 shall include as the question to be
6 submitted to the voters whether a property tax at a rate not
7 to exceed the rate specified in the authorizing resolution
8 should be imposed for the specified number of property tax
9 years not exceeding six years upon the net taxable value of
10 all property allocated to the school district for the capital
11 improvements specified in the authorizing resolution.

12 C. The ballot shall include the information
13 specified in Subsection B of this section and shall present
14 the voter the choice of voting "for the public school capital
15 improvements tax" or "against the public school capital
16 improvements tax".

17 **SECTION 95.** Section 22-26-5 NMSA 1978 (being Laws 1983,
18 Chapter 163, Section 5, as amended) is amended to read:

19 "22-26-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

20 A. An election on the question of imposing a tax
21 under the Public School Buildings Act [~~may~~] shall be held [~~in~~
22 ~~conjunction with a regular school district election or may be~~
23 ~~conducted as or held in conjunction with a special school~~
24 ~~district election, but the election shall be held prior to~~
25 July 1 of the property tax year in which the tax is proposed

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1 ~~to be imposed. Conduct of the election shall be~~ as
2 prescribed in the [~~School Election Law for regular and~~
3 ~~special school district elections~~] Local Election Act.

4 B. The resolution required to be published as
5 notice of the election under Section [~~1-22-4 or 1-22-5~~
6 1-22-11] NMSA 1978 shall include as the question to be
7 submitted to the voters whether a property tax at a rate not
8 to exceed the rate specified in the authorizing resolution
9 should be imposed for the specified number of property tax
10 years not exceeding six years upon the net taxable value of
11 all property allocated to the school district for capital
12 improvements.

13 C. The ballot shall include the information
14 specified in Subsection B of this section and shall present
15 the voter the choice of voting "for the public school
16 buildings tax" or "against the public school buildings tax."

17 **SECTION 96.** Section 22-26A-10 NMSA 1978 (being Laws
18 2007, Chapter 173, Section 10, as amended) is amended to
19 read:

20 "22-26A-10. CONDUCT OF ELECTION--NOTICE--BALLOT.--

21 A. An election on the question of imposing a tax
22 under Sections 22-26A-8 through 22-26A-12 NMSA 1978 [~~may~~
23 shall] be held [~~in conjunction with a regular school district~~
24 ~~election or may be conducted as or held in conjunction with a~~
25 ~~special school district election, but the election shall be~~

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1 ~~held prior to July 1 of the property tax year in which the~~
2 ~~tax is proposed to be imposed. Conduct of the election shall~~
3 ~~be] as prescribed in the [School Election Law for regular and~~
4 ~~special school district elections] Local Election Act.~~

5 B. The resolution required to be published as
6 notice of the election under Section [~~1-22-4 or 1-22-5~~]
7 1-22-11 NMSA 1978 shall include as the question to be
8 submitted to the voters whether a property tax at a rate not
9 to exceed the rate specified in the authorizing resolution
10 should be imposed for the specified number of property tax
11 years not exceeding thirty years upon the net taxable value
12 of all property allocated to the school district for payments
13 due under lease purchase arrangements.

14 C. The ballot shall include the information
15 specified in Subsection B of this section and shall present
16 the voter the choice of voting "for the lease purchase tax"
17 or "against the lease purchase tax"."

18 SECTION 97. Section 22-26A-11 NMSA 1978 (being Laws
19 2007, Chapter 173, Section 11) is amended to read:

20 "22-26A-11. ELECTION RESULTS--CERTIFICATION.--The
21 certification of the results of an election held on the
22 question of imposition of a lease purchase tax shall be made
23 in accordance with the [~~School Election Law~~] Local Election
24 Act, and a copy of the certificate of results shall be mailed
25 immediately to the secretary."

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1 **SECTION 98.** Section 60-5A-1 NMSA 1978 (being Laws 1981,
2 Chapter 39, Section 15, as amended) is amended to read:

3 "60-5A-1. ELECTIONS FOR LOCAL OPTION.--Any municipality
4 containing over five thousand [~~population~~] persons according
5 to the latest United States census, whether the county in
6 which that municipality is situated has adopted the local
7 option provisions of the Liquor Control Act or any former act
8 or not, or any county in the state may adopt local option in
9 the county or municipality upon the following terms and
10 conditions:

11 A. at any time after the effective date of the
12 Liquor Control Act, the registered qualified electors of
13 [~~any~~] a proposed local option district may petition the
14 governing body by filing one or more petitions in the
15 appropriate office to hold an election for the purpose of
16 determining whether the county or municipality shall adopt
17 the local option provisions of the Liquor Control Act. If
18 the aggregate of the signatures of such electors on all the
19 petitions equals or exceeds five percent of the number of
20 registered voters of the district, the governing body shall
21 call an election within seventy-five days of the verification
22 of the petition. The date of the filing of the petition
23 shall be the date of the filing of the last petition [~~which~~]
24 that brings the number of signatures up to the required five
25 percent; provided, however, that the governing body shall

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1 refuse to recognize the petition if more than three months
2 have elapsed between the date of the first signature and the
3 filing of the last petition necessary to bring the number of
4 signatures on the petition up to five percent;

5 B. the election shall be called, conducted, counted
6 and canvassed substantially in the manner provided by law for
7 general elections within the county or special [~~municipal~~]
8 elections within the municipality, except as otherwise
9 provided in this section;

10 C. the votes at the election shall be counted,
11 returned and canvassed as provided for in the case of general
12 elections within the county or special [~~municipal~~] elections
13 within the municipality;

14 D. except as otherwise provided in this section,
15 contests, recounts and rechecks shall be permitted as
16 provided for in the case of candidates for county office in
17 general elections or as provided for in the case of special
18 [~~municipal~~] elections within the municipality. Applications
19 for contests, recounts or rechecks may be filed by any person
20 who voted in the election, and service shall be made upon the
21 county clerk or municipal clerk as the case may be;

22 E. if a majority of all the votes cast at the
23 election [~~are~~] is cast in favor of the sale, service or
24 public consumption of alcoholic beverages in the county or
25 municipality, the [~~chairman~~] chair of the governing body

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1 shall declare by order entered upon the records of the county
2 or municipality that the county or municipality has adopted
3 the local option provisions of the Liquor Control Act and
4 shall notify the department of [~~such~~] the results;

5 F. no election held pursuant to this section shall
6 be held within forty-two days of [~~any~~] a primary or general
7 [~~municipal or school district~~] election. If within sixty
8 days from the verification of [~~any~~] a petition as provided in
9 Subsection A of this section a primary or general [~~municipal~~
10 ~~or school~~] election is held, the governing body may call an
11 election for a day not less than sixty days after the primary
12 or general [~~municipal or school~~] election;

13 G. if an election is held under the provisions of
14 the Liquor Control Act in [~~any~~] a county [~~which~~] that
15 contains within its limits [~~any~~] a municipality of more than
16 five thousand persons according to the [~~last~~] latest United
17 States census, it is not necessary for the registered
18 qualified electors in the municipality to file a separate
19 petition asking for a separate or different vote on the
20 question of adopting the local option provisions of the
21 Liquor Control Act by the municipality. The election in the
22 county shall be conducted so as to separate the votes in the
23 municipality from those in the remaining parts of the county.
24 If a majority of the voters in the county, including the
25 voters in the municipality, [~~vote~~] votes against the sale,

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1 service or public consumption of alcoholic beverages in the
2 county, the county shall not adopt the local option
3 provisions of the Liquor Control Act; but if a majority of
4 the votes in the municipality [~~are~~] is in favor of the sale,
5 service or public consumption of alcoholic beverages, the
6 municipality shall have adopted the local option provisions
7 of the Liquor Control Act. Nothing contained in this
8 subsection shall prevent any municipality from having a
9 separate election under the terms of this section;

10 H. [~~any~~] a county or municipality composing a local
11 option district under the provisions of the Liquor Control
12 Act or [~~any~~] a former act may vote to discontinue the sale,
13 service or public consumption of alcoholic beverages in the
14 local option district; the discontinuance shall become
15 effective on the ninetieth day after the local option
16 election is held; and

17 I. nothing in this section shall invalidate any
18 local option election held pursuant to any former act prior
19 to July 1, 1981."

20 SECTION 99. Section 60-7A-1 NMSA 1978 (being Laws 1981,
21 Chapter 39, Section 47, as amended by Laws 2017, Chapter 9,
22 Section 1 and by Laws 2017, Chapter 49, Section 1) is amended
23 to read:

24 "60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--
25 CHRISTMAS DAY SALES--SALES FOR CONSUMPTION OFF THE LICENSED

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1 PREMISES--ELECTIONS.--

2 A. Provided that nothing in this section shall
3 prohibit the consumption at any time of alcoholic beverages
4 in guest rooms of hotels, alcoholic beverages shall be sold,
5 served and consumed on licensed premises only during the
6 following hours and days:

7 (1) on Mondays from 7:00 a.m. until midnight;

8 (2) on Tuesdays through Saturdays from after
9 midnight of the previous day until 2:00 a.m., then from 7:00
10 a.m. until midnight, except as provided in Subsections E and
11 G of this section; and

12 (3) on Sundays only after midnight of the
13 previous day until 2:00 a.m., except as provided in
14 Subsections D and F of this section and Section 60-7A-2 NMSA
15 1978.

16 B. Except as provided in Subsection C of this
17 section, alcoholic beverages may be sold by a dispenser or a
18 retailer in unbroken packages, for consumption off the
19 licensed premises and not for resale, only on Mondays through
20 Saturdays from 7:00 a.m. until midnight, except as provided
21 in Subsections E and G of this section.

22 C. The governing body of a local option district
23 that is a class B county with a population greater than
24 seventy thousand and less than seventy-six thousand according
25 to the most recent federal decennial census or that is a

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1 municipality located within a class B county with a
2 population greater than seventy thousand and less than
3 seventy-six thousand according to the most recent federal
4 decennial census may pass an ordinance to place restrictions,
5 in addition to those provided in this section, on the hours
6 during which a dispenser or retailer may sell alcoholic
7 beverages in unbroken packages for consumption off the
8 licensed premises and not for resale. The ordinance may
9 restrict sales between 7:00 a.m. and 10:00 a.m. and shall
10 provide the hours between 7:00 a.m. and 10:00 a.m., if any,
11 during which a dispenser or retailer may sell alcoholic
12 beverages in unbroken packages for consumption off the
13 licensed premises and not for resale.

14 D. A dispenser, restaurant licensee or club may,
15 upon payment of an additional fee of one hundred dollars
16 (\$100), obtain a permit to sell, serve or permit the
17 consumption of alcoholic beverages by the drink on the
18 licensed premises on Sundays, subject to approval obtained
19 pursuant to the process set forth in Subsection F of this
20 section. Alcoholic beverages may be sold, served and
21 consumed from 11:00 a.m. until midnight as set forth in the
22 licensee's Sunday sales permit, and in those years when
23 December 31 falls on a Sunday, from 11:00 a.m. until 2:00
24 a.m. of the following day, except as otherwise provided for a
25 restaurant licensee in Section 60-6A-4 NMSA 1978. The Sunday

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1 sales permit shall expire on June 30 of each year and may be
2 renewed from year to year upon application for renewal and
3 payment of the required fee. The permit fee shall not be
4 prorated. Sales made pursuant to this subsection or
5 Subsection H of this section shall be called "Sunday sales".

6 E. Retailers, dispensers, canopy licensees that
7 were replaced by dispenser's licensees pursuant to Section
8 60-6B-16 NMSA 1978, restaurant licensees, club licensees and
9 governmental licensees or their lessees shall not sell,
10 serve, deliver or allow the consumption of alcoholic
11 beverages on the licensed premises from 2:00 a.m. on
12 Christmas day until 7:00 a.m. on the day after Christmas,
13 except as permitted pursuant to Subsection G of this section.

14 F. Sunday sales pursuant to the provisions of
15 Subsection D of this section are permitted in a local option
16 district that voted to permit them. If in that election a
17 majority of the voters in a local option district voted "no"
18 on the question "Shall Sunday sales of alcoholic beverages by
19 the drink for consumption on the licensed premises of
20 licensees be allowed in this local option district?", Sunday
21 sales are unlawful in that local option district upon
22 certification of the election returns unless the provisions
23 of Subsection K of this section apply. The question shall
24 not again be placed on the ballot in that local option
25 district until:

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- 1 (1) at least one year has passed; and
2 (2) a petition is filed with the local
3 governing body bearing the signatures of registered qualified
4 electors of the local option district equal in number to ten
5 percent of the number of votes cast and counted in the local
6 option district for governor in the last preceding general
7 election in which a governor was elected. The signatures on
8 the petition shall be verified by the clerk of the county in
9 which the local option district is situated.

10 G. On and after July 1, 2002, dispensers, canopy
11 licensees that were replaced by dispenser's licensees
12 pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees,
13 club licensees and governmental licensees or lessees of these
14 licensees, provided that the licensees have current, valid
15 food service establishment permits, may sell, serve or allow
16 the consumption of alcoholic beverages by the drink on
17 licensed premises from noon until 10:00 p.m. on Christmas
18 day, except in a local option district in which, pursuant to
19 petition and election under this subsection, a majority of
20 the voters voting on the question votes against continuing
21 such sales or consumption on Christmas day. An election
22 shall be held on the question of whether to continue to allow
23 the sale, service or consumption of alcoholic beverages by
24 the drink on licensed premises from noon until 10:00 p.m. on
25 Christmas day in a local option district, if a petition

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1 requesting the governing body of that district to call the
2 election is signed by at least ten percent of the registered
3 voters of the district and is filed with the clerk of the
4 governing body of the district. Upon verification by the
5 clerk that the petition contains the required number of
6 signatures of registered voters, the governing body shall
7 adopt a resolution calling an election on the question of
8 allowing the sale, service or consumption of alcoholic
9 beverages by the drink on licensed premises from noon until
10 10:00 p.m. on Christmas day. The election [~~shall be held~~
11 ~~within sixty days after the date the petition is verified, or~~
12 ~~it~~] may be held in conjunction with a regular election of the
13 governing body [~~if that election occurs within sixty days of~~
14 ~~such verification~~] or a regular local or special election
15 held pursuant to the Local Election Act. The election shall
16 be called, conducted, counted and canvassed in substantially
17 the same manner as provided for general elections in the
18 county under the Election Code or for special [~~municipal~~
19 elections in a municipality under the [~~Municipal Election~~
20 ~~Code~~] Local Election Act. If a majority of the voters voting
21 on the question votes against continuing the sale, service or
22 consumption of alcoholic beverages by the drink on licensed
23 premises from noon until 10:00 p.m. on Christmas day, then
24 such sales and consumption shall be prohibited. If a
25 majority of the voters voting on the question votes to allow

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1 continued sale, service and consumption of alcoholic
2 beverages by the drink on licensed premises from noon until
3 10:00 p.m. on Christmas day, then such sales and consumption
4 shall be allowed to continue. The question then shall not be
5 submitted again to the voters within two years of the date of
6 the last election on the question.

7 H. Notwithstanding the provisions of Subsection F
8 of this section, any Indian nation, tribe or pueblo whose
9 lands are wholly situated within the state that has, by
10 statute, ordinance or resolution, elected to permit the sale,
11 possession or consumption of alcoholic beverages on lands
12 within the territorial boundaries of the Indian nation, tribe
13 or pueblo may, by statute, ordinance or resolution of the
14 governing body of the Indian nation, tribe or pueblo, permit
15 Sunday sales by the drink on the licensed premises of
16 licensees on lands within the territorial boundaries of the
17 Indian nation, tribe or pueblo; provided that a certified
18 copy of such enactment is filed with the office of the
19 director and with the secretary of state.

20 I. Subject to the provisions of Subsection J of
21 this section, a dispenser or retailer, upon payment of an
22 additional fee of one hundred dollars (\$100), may obtain a
23 permit to sell alcoholic beverages in unbroken packages for
24 consumption off the licensed premises on Sundays from noon
25 until midnight, and in those years when December 31 falls on

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1 a Sunday, from noon on December 31 until 2:00 a.m. of the
2 following day. The permit shall expire on June 30 of each
3 year and may be renewed from year to year upon application
4 for renewal and payment of the required fee. The permit fee
5 shall not be prorated. Sales made pursuant to the provisions
6 of this subsection shall be called "Sunday package sales".

7 J. If a petition requesting the governing body of a
8 local option district to call an election on the question of
9 continuing to allow sales of alcoholic beverages in unbroken
10 packages for consumption off the licensed premises on Sundays
11 is filed with the clerk of the governing body and that
12 petition is signed by at least ten percent of the number of
13 registered voters of the local option district and the clerk
14 of the governing body verifies the petition signatures, the
15 governing body shall adopt a resolution calling an election
16 on the question. The election shall be held within sixty
17 days of the date that the petition is verified, or it may be
18 held in conjunction with a regular election of the governing
19 body, if the regular election occurs within sixty days of the
20 petition verification. The election shall be called,
21 conducted, counted and canvassed substantially in the manner
22 provided by law for general elections within a county or for
23 special ~~[municipal]~~ elections within a municipality pursuant
24 to the Local Election Act. If a majority of the voters of
25 the local option district voting in the election votes to

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1 allow the sale of alcoholic beverages in unbroken packages
2 for consumption off the licensed premises, then those sales
3 shall continue to be allowed. If a majority of the voters of
4 the local option district voting in the election votes not to
5 allow the Sunday package sales, then those Sunday package
6 sales shall be prohibited commencing the first Sunday after
7 the results of the election are certified. Following the
8 election, the question of allowing the Sunday package sales
9 shall not be submitted again to the voters within two years
10 of the date of the last election on the question.

11 K. Sunday sales of alcoholic beverages shall be
12 permitted at resorts and at horse racetracks statewide
13 pursuant to the provisions of Section 60-7A-2 NMSA 1978."

14 **SECTION 100.** Section 62-6-5 NMSA 1978 (being Laws 1941,
15 Chapter 84, Section 17A, as amended) is amended to read:

16 "62-6-5. LOCAL OPTION.--Notwithstanding any of the
17 provisions in Section 62-6-4 NMSA 1978, any municipality
18 desiring to avail itself of all the benefits of the Public
19 Utility Act and of the regulatory services of the commission
20 may elect to come within the provisions of that act and to
21 have the utilities owned and operated by it, either directly
22 or through a municipally owned corporation, regulated and
23 supervised under the provisions of that act. When a
24 municipality so elects, in the manner provided in this
25 section, it shall be subject to all the provisions of the

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1 Public Utility Act. The election shall be held as follows:

2 A. at any time after the effective date of the
3 Public Utility Act, the legal voters of any municipality may
4 petition in writing the governing body of the municipality by
5 filing a petition in the office of the municipal clerk to
6 hold an election for the purpose of determining whether the
7 municipality shall be subject to the provisions of that act.
8 If the aggregate of the names signed to the petition equals
9 or exceeds twenty-five percent of the number of legal votes
10 cast in the municipality for governor at the last preceding
11 general election, the governing body of the municipality
12 shall call an election to be held within sixty days of the
13 filing of the petition in accordance with the provisions of
14 the Local Election Act. Provided, however, that if a
15 [~~general municipal~~] local election is to be held [~~for any~~
16 ~~other purpose~~] within six months of the filing of the
17 petition, the election provided for in this section shall be
18 held at the same time as [~~and through the election machinery~~
19 ~~used at~~] that election;

20 B. the election shall be held in the same manner as
21 and with the same registration books as for other municipal
22 elections. The ballots to be submitted to the voters at the
23 election shall present the following questions:

24 "For regulation of municipally owned
25 utilities by the [~~New Mexico~~] public

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1 [~~utility~~] regulation commission _____
2 Against regulation of municipally owned
3 utilities by the [~~New Mexico~~] public
4 [~~utility~~] regulation commission _____".

5 The votes at the election shall be counted, returned and
6 canvassed as provided for in [~~general municipal elections~~]
7 the Local Election Act. If the majority of all the votes are
8 in favor of regulation of municipally owned utilities, the
9 governing body of the municipality shall declare, by order
10 entered upon the records of the municipality, that it is
11 subject to all the provisions of the Public Utility Act. If
12 the majority of all the votes are against such regulation,
13 the result of the election shall be declared and entered in
14 the same manner; and

15 C. no elections for the same purpose shall be held
16 within two years of each other."

17 **SECTION 101.** Section 72-16-1 NMSA 1978 (being Laws
18 1963, Chapter 311, Section 1) is amended to read:

19 "72-16-1. SHORT TITLE.--[~~This act~~] Chapter 72, Article
20 16 NMSA 1978 may be cited as the "Arroyo Flood Control Act"."

21 **SECTION 102.** Section 72-16-4 NMSA 1978 (being Laws
22 1963, Chapter 311, Section 4) is amended to read:

23 "72-16-4. DEFINITIONS.--Except where the context
24 otherwise requires, [~~the definitions in this section govern~~
25 ~~the construction hereof~~] as used in the Arroyo Flood Control

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1 Act:

2 A. "act" means [~~this~~] the Arroyo Flood Control Act;

3 B. "acquisition" or "acquire" means the opening,
4 laying out, establishment, purchase, construction, securing,
5 installation, reconstruction, lease, gift, grant from the
6 federal government or any public body or person, endowment,
7 bequest, devise, condemnation, transfer, assignment, option
8 to purchase, other contract or other acquirement, or any
9 combination [~~thereof~~] of those, of facilities, other property
10 or any project, or an interest [~~therein, herein~~] in them,
11 authorized by the Arroyo Flood Control Act;

12 C. "authority" means the Albuquerque metropolitan
13 arroyo flood control authority [~~hereby created~~];

14 D. "board" means the board of directors of the
15 Albuquerque metropolitan arroyo flood control authority;

16 E. [~~"chairman"~~] "chair" means the [~~chairman~~] chair
17 of the board and president of the authority;

18 F. "condemnation" or "condemn" means the
19 acquisition by the exercise of the power of eminent domain of
20 property for any facilities, other property or project, or an
21 interest [~~therein, herein~~] in them, authorized by the Arroyo
22 Flood Control Act. The authority may exercise in the state
23 the power of eminent domain, either within or without the
24 authority, and in the manner provided by law for the
25 condemnation of private property for public use, may take any

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1 property necessary to carry out any of the objects or
2 purposes [~~hereof~~] of the Arroyo Flood Control Act. In the
3 event the construction of any facility or project [~~herein~~]
4 authorized by that act, or any part [~~thereof, shall make~~] of
5 the act makes necessary the removal and relocation of any
6 public utilities, whether on private or public right of way,
7 the authority shall reimburse the owner of [~~such~~] the public
8 utility facility for the expense of [~~such~~] removal and
9 relocation, including the cost of any necessary land or
10 rights in land;

11 G. "cost" or "cost of the project", or words of
12 similar import, means [~~all, or~~] any part designated by the
13 board of the cost of any facilities, project or interest
14 [~~therein~~] being acquired and of [~~all or~~] any property,
15 rights, easements, privileges, agreements and franchises
16 deemed by the authority to be necessary or useful and
17 convenient [~~therefor~~] or in connection therewith, which cost,
18 at the option of the board, may include [~~all or~~] any part of
19 the incidental costs pertaining to the project, including
20 without limiting the generality of the foregoing, preliminary
21 expenses advanced by any municipality from funds available
22 for use [~~therefor~~] in the making of surveys, preliminary
23 plans, estimates of cost and other preliminaries; for the
24 costs of appraising and printing and employing engineers,
25 architects, fiscal agents, attorneys at law, clerical help or

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1 other agents or employees; for the costs of capitalizing
2 interest or any discount on securities, of inspection, of any
3 administrative, operating and other expenses of the authority
4 prior to the levy and collection of taxes and of reserves for
5 working capital, operation, maintenance or replacement
6 expenses or for payment or security of principal of or
7 interest on any securities; for the costs of making,
8 publishing, posting, mailing and otherwise giving any notice
9 in connection with the project, the taking of options, the
10 issuance of securities, the filing or recordation of
11 instruments and the levy and collection of taxes and
12 installments [~~thereof~~]; for the costs of reimbursements by
13 the authority to any public body, the federal government or
14 any person of any [~~moneys theretofore~~] money expended for or
15 in connection with any facility or project; and for all other
16 expenses necessary or desirable and appertaining to any
17 project, as estimated or otherwise ascertained by the board;

18 H. "director" means a member of the board;

19 I. "disposal" or "dispose" means the sale,
20 destruction, razing, loan, lease, gift, grant, transfer,
21 assignment, mortgage, option to sell, other contract or other
22 disposition, or any combination thereof, of facilities, other
23 property or any project, or an interest [~~therein, herein~~] in
24 them, authorized by the Arroyo Flood Control Act;

25 J. "engineer" means any engineer in the permanent

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1 employ of the authority or any independent competent engineer
2 or firm of [~~such~~] engineers employed by the authority in
3 connection with any facility, property project or power
4 [~~herein~~] authorized by the Arroyo Flood Control Act;

5 K. "equipment" or "equip" means the furnishing of
6 all necessary or desirable, related or appurtenant
7 facilities, or any combination [~~thereof~~] of them,
8 appertaining to any facilities, property or project or
9 interest [~~therein, herein~~] in them, authorized by the Arroyo
10 Flood Control Act;

11 L. "facility" means any of the water facilities,
12 sewer facilities or other property appertaining to the flood
13 control system of the authority;

14 M. "federal government" means the United States [~~of~~
15 ~~America~~] or any agency, instrumentality or corporation
16 [~~thereof~~] of the United States;

17 N. "federal securities" means the bills,
18 certificates of indebtedness, notes or bonds [~~which~~] that are
19 direct obligations of, or the principal and interest of which
20 obligations are unconditionally guaranteed by, the United
21 States [~~of America~~];

22 O. "governing body" means the city council, city
23 commission, board of commissioners, board of trustees, board
24 of directors or other legislative body of the public body
25 proceeding [~~hereunder~~] under the Arroyo Flood Control Act, in

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1 which body the legislative powers of the public body are
2 vested;

3 P. "hereby", "herein", "hereinabove",
4 "hereinafter", "hereinbefore", "hereof", "hereto" and
5 "hereunder" refer to ~~[this]~~ the Arroyo Flood Control Act and
6 not solely to the particular portion ~~[thereof]~~ of the act in
7 which such word is used;

8 Q. "improvement" or "improve" means the extension,
9 widening, lengthening, betterment, alteration,
10 reconstruction, repair or other improvement, or any
11 combination, ~~[thereof]~~ of facilities, other property or
12 project or any interest ~~[therein, herein]~~ in them, authorized
13 by the Arroyo Flood Control Act;

14 R. "mailed notice" or "notice by mail" means the
15 giving by the engineer, secretary or any deputy ~~[thereof]~~, as
16 determined by the board, of any designated written or printed
17 notice addressed to the last known owner ~~[or owners]~~ of each
18 tract of real property in question or other designated person
19 at ~~[his or their]~~ the owner's last known address ~~[or~~
20 ~~addresses]~~, by deposit, at least ten days prior to the
21 designated hearing or other time or event, in the United
22 States mails, postage prepaid, as first-class mail. In the
23 absence of fraud, the failure to mail ~~[any such]~~ a notice
24 shall not invalidate any proceedings ~~[hereunder]~~ under the
25 Arroyo Flood Control Act. The names and addresses of ~~[such]~~

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1 the property owners shall be obtained from the records of the
2 county assessor or from such other source [~~or sources~~] as the
3 secretary or the engineer [~~deem~~] deems reliable. Any list of
4 [~~such~~] names and addresses may be revised from time to time,
5 but [~~such a~~] the list need not be revised more frequently
6 than at twelve-month intervals. Any mailing of [~~any~~] notice
7 [~~herein~~] required shall be verified by the affidavit or
8 certificate of the engineer, secretary, [~~the~~] deputy or other
9 person mailing the notice, which verification shall be
10 retained in the records of the authority at least until all
11 taxes and securities appertaining [~~thereto~~] to taxes have
12 been paid in full or any claim is barred by a statute of
13 limitations;

14 S. "may" is permissive;

15 T. "municipality" means the city of Albuquerque or
16 any other incorporated city, town or village in the state,
17 whether incorporated or governed under a general act, special
18 legislative act or special charter of any type. "Municipal"
19 pertains thereto;

20 U. "person" means any human being, association,
21 partnership, firm or corporation, excluding a public body and
22 excluding the federal government;

23 V. "president" means the president of the authority
24 and the [~~chairman~~] chair of the board;

25 W. "project" means any structure, facility,

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1 undertaking or system [~~which~~] that the authority is [~~herein~~]
2 authorized to acquire, improve, equip, maintain or operate.

3 A project may consist of all kinds of personal and real
4 property. A project shall appertain to the flood control
5 system [~~which~~] that the authority is [~~hereby~~] authorized and
6 directed to provide within and without the authority's
7 boundaries;

8 X. "property" means real property and personal
9 property;

10 Y. "publication" or "publish" means publication in
11 at least the one newspaper designated as the authority's
12 official newspaper and published in the authority in the
13 English language at least once a week and of general
14 circulation in the authority. Except as [~~herein~~] otherwise
15 specifically provided or necessarily implied, "publication"
16 or "publish" also means publication for at least once a week
17 for three consecutive weeks by three weekly insertions, the
18 first publication being at least fifteen days prior to the
19 designated time or event, unless otherwise [~~so~~] stated. It
20 is not necessary that publication be made on the same day of
21 the week in each of the three calendar weeks, but not less
22 than fourteen days shall intervene between the first
23 publication and the last publication, and publication shall
24 be complete on the day of the last publication. Any
25 publication [~~herein~~] required shall be verified by the

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1 affidavit of the publisher and filed with the secretary;

2 Z. "public body" means the state [~~of New Mexico~~] or
3 any agency, instrumentality or corporation [~~thereof~~] of the
4 state, or any municipality, school district or other type
5 district or any other political subdivision of the state,
6 excluding the authority and excluding the federal government;

7 AA. "qualified elector" means a person qualified
8 and registered to vote in general elections in the state [~~of~~
9 ~~New Mexico~~] who is a resident of the authority at the time of
10 any election held under the provisions of [~~this~~] the Arroyo
11 Flood Control Act or at any other time in reference to which
12 the term "qualified elector" is used;

13 BB. "real property" means:

14 (1) land, including land under water;

15 (2) buildings, structures, fixtures and
16 improvements on land;

17 (3) any property appurtenant to or used in
18 connection with land; and

19 (4) every estate, interest, privilege,
20 easement, franchise and right in land, legal or equitable,
21 including without limiting the generality of the foregoing,
22 rights of way, terms for years and liens, charges or
23 encumbrances by way of judgment, mortgage or otherwise, and
24 the indebtedness secured by [~~such~~] the liens;

25 CC. "secretary" means the secretary of the

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1 authority;

2 DD. "secretary of state" means the secretary of the
3 state of New Mexico;

4 EE. "securities" means any notes, warrants, bonds,
5 temporary bonds or interim debentures or other obligations of
6 the authority or any public body appertaining to any project,
7 or interest [~~therein, herein~~] in a project authorized by the
8 Arroyo Flood Control Act;

9 FF. "sewer facilities" means any one or more of the
10 various devices used in the collection, [~~channelling~~]
11 channeling, impounding or disposition of storm, flood or
12 surface drainage waters, including all inlets, collection,
13 drainage or disposal lines, canals, intercepting sewers,
14 outfall sewers, all pumping, power and other equipment and
15 appurtenances; all extensions, improvements, remodeling,
16 additions and alterations [~~thereof~~]; and any [~~and all~~] rights
17 or interest in such sewer facilities;

18 GG. "sewer improvement" or "improve any sewer"
19 means the acquisition, reacquisition, improvement,
20 reimprovement or repair of any storm sewer, or combination
21 storm and sanitary sewer, including [~~but not limited to~~]
22 collecting and intercepting sewer lines or mains, submains,
23 trunks, laterals, outlets, ditches, ventilation stations,
24 pumping facilities, ejector stations and all other
25 appurtenances and machinery necessary, useful or convenient

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1 for the collection, transportation and disposal of storm
2 water;

3 HH. "shall" is mandatory;

4 II. "state" means the state of New Mexico or any
5 agency, instrumentality or corporation [~~thereof~~] of the state
6 of New Mexico;

7 JJ. "street" means any street, avenue, boulevard,
8 alley, highway or other public right of way used for any
9 vehicular traffic;

10 KK. "taxes" means general (ad valorem) taxes
11 pertaining to any project [~~herein~~] authorized by the Arroyo
12 Flood Control Act; and

13 [~~LL. "taxpaying elector" means a qualified elector~~
14 ~~of the authority who is an owner of real or personal property~~
15 ~~within the boundaries of the authority, which property is~~
16 ~~subject to general (ad valorem) taxation at the time of any~~
17 ~~election held under the provisions of this act or at any~~
18 ~~other time in reference to which the term "taxpaying elector"~~
19 ~~is used. A person who is obligated to pay general (ad~~
20 ~~valorem) taxes under a contract to purchase real property in~~
21 ~~the authority shall be considered as such an owner. The~~
22 ~~ownership of any property subject to the payment of a~~
23 ~~specific ownership tax on a motor vehicle or trailer or of~~
24 ~~any other excise or property tax other than such general (ad~~
25 ~~valorem) taxes shall not constitute the ownership of property~~

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1 ~~subject to taxation as herein provided;~~

2 ~~MM.]~~ LL. "treasurer" means the treasurer of the
3 authority."

4 **SECTION 103.** Section 72-16-8 NMSA 1978 (being Laws
5 1963, Chapter 311, Section 8) is amended to read:

6 "72-16-8. BOARD OF DIRECTORS.--The governing body of
7 the authority hereby created is a board of directors
8 consisting of five qualified electors of the authority. All
9 powers, rights, privileges and duties vested in or imposed
10 upon the authority are exercised and performed by and through
11 the board of directors; provided that the exercise of any
12 [~~and all~~] executive, administrative and ministerial powers
13 may be, by the board, delegated and redelegated to officers
14 and employees of the authority. Except for the first
15 directors appointed as [~~hereinafter~~] provided for in Section
16 72-16-9 NMSA 1978, and except for any director chosen to fill
17 an unexpired term, the term of each director [~~commences on~~
18 ~~the first day of January next following a general election in~~
19 ~~the state and~~] runs for six years. Each director, subject to
20 [~~said~~] such exceptions, shall serve [~~such~~] a six-year term
21 [~~ending on the first day of January next following a general~~
22 ~~election~~], and each director shall serve until [~~his~~] a
23 successor has been duly chosen and qualified."

24 **SECTION 104.** Section 72-16-10 NMSA 1978 (being Laws
25 1963, Chapter 311, Section 10, as amended) is amended to

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1 read:

2 "72-16-10. ELECTION OF DIRECTORS.--

3 A. ~~[At each general election]~~ Elections shall be
4 held pursuant to the provisions of the Local Election Act.
5 Directors shall be elected from single-member districts in
6 which they reside. The board shall ensure that the districts
7 remain contiguous, compact and as equal in population as is
8 practicable, assessing the existing districts following each
9 federal decennial census to accomplish that objective. A
10 redistricting shall be effective at the following regular
11 board election. Incumbent board members whose residences are
12 redistricted out of their districts may serve out their term
13 of office.

14 B. The qualified electors of the authority shall
15 elect similarly one or two qualified electors as directors to
16 serve six-year terms as directors and as successors to the
17 directors whose terms end ~~[on the first day of January next]~~
18 following each election. Nothing ~~[herein]~~ may be construed
19 as preventing ~~[a]~~ qualified ~~[elector]~~ electors of the
20 authority from ~~[any]~~ single-member ~~[district]~~ districts from
21 being elected or reelected as ~~[a director]~~ directors to
22 succeed ~~[himself]~~ themselves."

23 SECTION 105. Section 72-16-11 NMSA 1978 (being Laws
24 1963, Chapter 311, Section 11, as amended) is amended to
25 read:

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1 "72-16-11. NOMINATION OF DIRECTORS.--~~[Not later than~~
2 ~~forty-five days before a proposal to incur debt is first~~
3 ~~submitted to the taxpaying electors or at the first general~~
4 ~~election next following the effective date of the Arroyo~~
5 ~~Flood Control Act, whichever occurs first]~~ Written
6 nominations of any candidate as director may be filed ~~[with~~
7 ~~the secretary of the board]~~ in accordance with the provisions
8 of the Local Election Act. Each nomination of any candidate
9 shall be signed by not less than fifty ~~[taxpaying]~~ qualified
10 electors who reside within the district for which the
11 candidate has been nominated, shall designate ~~[therein]~~ the
12 name of the ~~[candidates thereby]~~ candidate nominated and
13 shall recite that the subscribers are ~~[taxpaying]~~ qualified
14 electors of the district for which the candidate is nominated
15 and that the candidate ~~[or candidates]~~ designated ~~[therein~~
16 ~~are]~~ is a qualified ~~[electors]~~ elector of the authority and
17 ~~[reside]~~ resides within the district for which ~~[they are]~~ the
18 candidate is nominated. No ~~[taxpaying]~~ qualified elector may
19 nominate more than one candidate for any vacancy. ~~[If a~~
20 ~~candidate does not withdraw his name before the time~~
21 ~~established by the county for purposes of absentee ballots or~~
22 ~~as set forth in the Election Code, whichever is earlier, his~~
23 ~~name shall be placed on the ballot. For any election held~~
24 ~~after November 6, 1984, nominations shall be made by~~
25 ~~qualified electors in accordance with the procedures and~~

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1 ~~limitations of this section, except that such nominations~~
2 ~~shall be filed with the secretary of the board not later than~~
3 ~~the fourth Tuesday in June preceding the general election.]"~~

4 SECTION 106. Section 72-16-13 NMSA 1978 (being Laws
5 1963, Chapter 311, Section 13) is amended to read:

6 "72-16-13. ORGANIZATIONAL MEETINGS.--Except for the
7 first board, each board shall meet on the first business day
8 [next] following the first day of [~~January in each odd-~~
9 ~~numbered year~~] the month that the term of office begins for
10 members elected in the immediately preceding election at the
11 office of the board within the authority. Each member of the
12 board, before entering upon [~~his~~] the member's official
13 duties, shall take and subscribe on oath [~~that he will~~] to
14 support the constitution of the United States and the
15 constitution and laws of New Mexico and [~~that he will~~] to
16 discharge faithfully and impartially [~~discharge~~] the duties
17 of [~~his~~] office to the best of [~~his~~] the member's ability,
18 which oath shall be filed in the office of the secretary of
19 state. Each director shall, before entering upon [~~his~~] the
20 director's official duties, give a bond to the authority in
21 the sum of ten thousand dollars (\$10,000) with good and
22 sufficient surety, conditioned for the faithful performance
23 of [~~each and~~] all of the duties of [~~his~~] office, without
24 fraud, deceit or oppression, and the accounting for all
25 [~~moneys~~] money and property coming into [~~his~~] the director's

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1 hands and the prompt and faithful payment of all [~~monies~~
2 money and the delivering of all property coming into [~~his~~
3 the director's custody or control belonging to the authority
4 to [~~his~~] the director's successors in office. Premiums on
5 all bonds provided for in this section shall be paid by the
6 authority, and all such bonds shall be kept on file in the
7 office of the secretary of state."

8 SECTION 107. Section 72-16-22 NMSA 1978 (being Laws
9 1963, Chapter 311, Section 22, as amended) is amended to
10 read:

11 "72-16-22. ADDITIONAL POWERS OF THE AUTHORITY.--The
12 authority may exercise the following duties, privileges,
13 immunities, rights, liabilities and disabilities appertaining
14 to a public body politic and corporate and constituting a
15 quasi-municipal corporation and political subdivision of the
16 state established as an instrumentality exercising public and
17 essential governmental and proprietary functions to provide
18 for the public health, safety and general welfare:

- 19 A. have perpetual existence and succession;
20 B. adopt, have and use a corporate seal and alter
21 the same at pleasure;
22 C. sue and be sued and be a party to suits, actions
23 and proceedings;
24 D. commence, maintain, intervene in, defend,
25 compromise, terminate by settlement or otherwise, and

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1 otherwise participate in, and assume the cost and expense of,
2 any and all actions and proceedings now or hereafter begun
3 and appertaining to the authority, its board, its officers,
4 agents or employees, or any of the authority's duties,
5 privileges, immunities, rights, liabilities and disabilities,
6 or the authority's flood control system, other property of
7 the authority or any project;

8 E. enter into contracts and agreements, including
9 ~~[but not limited to]~~ contracts with the federal government,
10 the state and any other public body;

11 F. borrow money and issue securities evidencing any
12 loan to or amount due by the authority, provide for and
13 secure the payment of any securities and the rights of the
14 holders thereof, and purchase, hold and dispose of
15 securities, as hereinafter provided;

16 G. refund any loan or obligation of the authority
17 and issue refunding securities to evidence such loan or
18 obligation without any election;

19 H. purchase, trade, exchange, encumber and
20 otherwise acquire, maintain and dispose of property and
21 interests therein;

22 I. levy and cause to be collected general (ad
23 valorem) taxes on all property subject to property taxation
24 within the authority; provided that the total tax levy,
25 excluding any levy for the payment of any debt of the

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1 authority authorized pursuant to the Arroyo Flood Control
2 Act, for any fiscal year shall not exceed an aggregate total
3 of fifty cents (\$.50), or any lower amount required by
4 operation of the rate limitation provisions of Section
5 7-37-7.1 NMSA 1978 upon this tax levy, for each one thousand
6 dollars (\$1,000) of net taxable value, as that term is
7 defined in the Property Tax Code, by certifying, on or before
8 the fifteenth day of July in each year in which the board
9 determines to levy a tax, to the board of county
10 commissioners of Bernalillo county, or by such other date as
11 the laws of the state may prescribe to such other body having
12 authority to levy taxes within each county wherein the
13 authority has any territory, the rate so fixed, with
14 directions that, at the time and in the manner required by
15 law for levying taxes for other purposes, such body having
16 authority to levy taxes shall levy the tax upon the net
17 taxable value of all property subject to property taxation
18 within the authority, in addition to such other taxes as may
19 be levied by such body, as provided in Sections 72-16-23
20 through 72-16-27 NMSA 1978. No taxes may be levied and
21 collected for any purpose, or any contract made, until a bond
22 issue has been submitted to and approved by the ~~[taxpaying]~~
23 qualified electors as hereinafter provided;

24 J. hire and retain officers, agents, employees,
25 engineers, attorneys and any other persons, permanent or

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1 temporary, necessary or desirable to effect the purposes
2 hereof, defray any expenses incurred thereby in connection
3 with the authority, and acquire office space, equipment,
4 services, supplies, fire and extended coverage insurance, use
5 and occupancy insurance, [~~workmen's~~] workers' compensation
6 insurance, property damage insurance, public liability
7 insurance for the authority and its officers, agents and
8 employees, and other types of insurance, as the board may
9 determine; provided, however, that no provision herein
10 authorizing the acquisition of insurance shall be construed
11 as waiving any immunity of the authority or any director,
12 officer or agent thereof and otherwise existing under the
13 laws of the state;

14 K. condemn property for public use;

15 L. acquire, improve, equip, hold, operate, maintain
16 and dispose of a flood control system, storm sewer
17 facilities, project and appurtenant works, or any interest
18 therein, wholly within the authority, or partially within and
19 partially without the authority, and wholly within, wholly
20 without or partially within and partially without any public
21 body all or any part of the area of which is situated within
22 the authority;

23 M. pay or otherwise defray the cost of any project;

24 N. pay or otherwise defray and contract so to pay
25 or defray, for any term not exceeding fifty years, without an

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1 election, except as hereinafter otherwise provided, the
2 principal of, any interest on, and any other charges
3 appertaining to, any securities or other obligations of the
4 federal government or any public body or person incurred in
5 connection with any such property so acquired by the
6 authority;

7 O. establish and maintain facilities within or
8 without the authority, across or along any public street,
9 highway, bridge, viaduct or other public right of way, or in,
10 upon, under or over any vacant public lands, which public
11 lands are now, or may become, the property of the state, or
12 across any stream of water or water course, without first
13 obtaining a franchise from the municipality, county or other
14 public body having jurisdiction over the same; provided that
15 the authority shall cooperate with any public body having
16 such jurisdiction, shall promptly restore any such street,
17 highway, bridge, viaduct or other public right of way to its
18 former state of usefulness as nearly as may be and shall not
19 use the same in such manner as to impair completely or
20 unnecessarily the usefulness thereof;

21 P. deposit any money of the authority, subject to
22 the limitations in Article 8, Section 4 of the constitution
23 of New Mexico, in any banking institution within or without
24 the state and secured in such manner and subject to such
25 terms and conditions as the board may determine, with or

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1 without the payment of any interest on any such deposit;

2 Q. invest any surplus money in the authority
3 treasury, including such money in any sinking or reserve fund
4 established for the purpose of retiring any securities of the
5 authority, not required for the immediate necessities of the
6 authority, in its own securities or in federal securities, by
7 direct purchase of any issue of such securities, or part
8 thereof, at the original sale of the same, or by the
9 subsequent purchase of such securities;

10 R. sell any such securities thus purchased and
11 held, from time to time;

12 S. reinvest the proceeds of any such sale in other
13 securities of the authority or in federal securities, as
14 provided in Subsection Q of this section;

15 T. sell in season from time to time such securities
16 thus purchased and held, so that the proceeds may be applied
17 to the purposes for which the money with which such
18 securities were originally purchased was placed in the
19 treasury of the authority;

20 U. accept contributions or loans from the federal
21 government for the purpose of financing the planning,
22 acquisition, improvement, equipment, maintenance and
23 operation of any enterprise in which the authority is
24 authorized to engage, and enter into contracts and cooperate
25 with, and accept cooperation and participation from, the

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1 federal government for these purposes;

2 V. enter, without any election, into joint
3 operating or service contracts and agreements, acquisition,
4 improvement, equipment or disposal contracts or other
5 arrangements, for any term not exceeding fifty years, with
6 the federal government, any public body or any person
7 concerning storm sewer facilities, or any project, whether
8 acquired by the authority or by the federal government, any
9 public body or any person, and accept grants and
10 contributions from the federal government, any public body or
11 any person in connection therewith;

12 W. enter into and perform, without any election,
13 when determined by the board to be in the public interest and
14 necessary for the protection of the public health, contracts
15 and agreements, for any term not exceeding fifty years, with
16 the federal government, any public body or any person for the
17 provision and operation by the authority of storm sewer
18 facilities;

19 X. enter into and perform, without any election,
20 contracts and agreements with the federal government, any
21 public body or any person for or concerning the planning,
22 construction, lease or other acquisition, improvement,
23 equipment, operation, maintenance, disposal, and the
24 financing of any project, including ~~[but not necessarily~~
25 ~~limited to]~~ any contract or agreement for any term not

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1 exceeding fifty years;

2 Y. enter upon any land, make surveys, borings,
3 soundings and examinations for the purposes of the authority,
4 and locate the necessary works of any project and roadways
5 and other rights of way appertaining to any project herein
6 authorized; acquire all property necessary or convenient for
7 the acquisition, improvement or equipment of such works;

8 Z. cooperate with and act in conjunction with the
9 state, or any of its engineers, officers, boards, commissions
10 or departments, or with the federal government or any of its
11 engineers, officers, boards, commissions or departments, or
12 with any other public body or any person in the acquisition,
13 improvement or equipment of any project for the controlling
14 of flood or storm waters of the authority, or for the
15 protection of life or property therein, or for any other
16 works, acts or purposes provided for herein, and adopt and
17 carry out any definite plan or system of work for any such
18 purpose;

19 AA. cooperate with the federal government or any
20 public body by an agreement therewith by which the authority
21 may:

22 (1) acquire and provide, without cost to the
23 operating entity, the land, easements and [~~rights of way~~]
24 rights of way necessary for the acquisition, improvement or
25 equipment of the flood control system or any project;

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1 (2) hold and save harmless the cooperating
2 entity free from any claim for damages arising from the
3 acquisition, improvement, equipment, maintenance and
4 operation of the flood control system or any project;

5 (3) maintain and operate any project in
6 accordance with regulations prescribed by the cooperating
7 entity; and

8 (4) establish and enforce flood channel limits
9 and regulations, if any, satisfactory to the cooperating
10 entity;

11 BB. carry on technical and other investigations of
12 all kinds, make measurements, collect data and make analyses,
13 studies and inspections pertaining to control of floods,
14 sewer facilities, and any project, both within and without
15 the authority, and for this purpose the authority has the
16 right of access through its authorized representative to all
17 lands and premises within the state;

18 CC. have the right to provide from revenues or
19 other available funds an adequate fund for the improvement
20 and equipment of the authority's flood control system or of
21 any parts of the works and properties of the authority;

22 DD. prescribe and enforce reasonable rules and
23 regulations for the prevention of further encroachment upon
24 existing defined waterways, by their enlargement or other
25 modification, for additional waterway facilities to prevent

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1 flooding;

2 EE. require any person desiring to make a
3 connection to any storm water drain or flood control facility
4 of the authority or to cause storm waters to be emptied into
5 any ditch, drain, canal, floodway or other appurtenant
6 structure of the authority firstly to make application to the
7 board to make the connection, to require the connection to be
8 made in such manner as the board may direct;

9 FF. refuse, if reasonably justified by the
10 circumstances, permission to make any connection designated
11 in Subsection DD or Subsection EE of this section;

12 GG. make and keep records in connection with any
13 project or otherwise concerning the authority;

14 HH. arbitrate any differences arising in connection
15 with any project or otherwise concerning the authority;

16 II. have the management, control and supervision of
17 all the business and affairs appertaining to any project
18 herein authorized, or otherwise concerning the authority, and
19 of the acquisition, improvement, equipment, operation and
20 maintenance of any such project;

21 JJ. prescribe the duties of officers, agents,
22 employees and other persons and fix their compensation;
23 provided that the compensation of employees and officers
24 shall be established at prevailing rates of pay for
25 equivalent work;

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1 KK. enter into contracts of indemnity and guaranty,
2 in such form as may be approved by the board, relating to or
3 connected with the performance of any contract or agreement
4 [~~which~~] that the authority is empowered to enter into under
5 the provisions hereof or of any other law of the state;

6 LL. provide, by any contract for any term not
7 exceeding fifty years, or otherwise, without an election:

8 (1) for the joint use of personnel, equipment
9 and facilities of the authority and any public body,
10 including without limitation public buildings constructed by
11 or under the supervision of the board of the authority or the
12 governing body of the public body concerned, upon such terms
13 and agreements and within such areas within the authority as
14 may be determined, for the promotion and protection of
15 health, comfort, safety, life, welfare and property of the
16 inhabitants of the authority and any such public body; and

17 (2) for the joint employment of clerks,
18 stenographers and other employees appertaining to any
19 project, now existing or hereafter established in the
20 authority, upon such terms and conditions as may be
21 determined for the equitable apportionment of the expenses
22 therefrom resulting;

23 MM. obtain financial statements, appraisals,
24 economic feasibility reports and valuations of any type
25 appertaining to any project or any property pertaining

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1 thereto;

2 NN. adopt any resolution authorizing a project or
3 the issuance of securities, or both, or otherwise
4 appertaining thereto, or otherwise concerning the authority;

5 OO. make and execute a mortgage, deed of trust,
6 indenture or other trust instrument appertaining to a project
7 or to any securities herein authorized, or to both, except as
8 provided in Subsection PP of this section and in Section
9 72-16-54 NMSA 1978;

10 PP. make all contracts, execute all instruments and
11 do all things necessary or convenient in the exercise of the
12 powers granted herein, or in the performance of the
13 authority's covenants or duties, or in order to secure the
14 payment of its securities; provided that no encumbrance,
15 mortgage or other pledge of property, excluding any money, of
16 the authority is created thereby; and provided further that
17 no property, excluding money, of the authority is liable to
18 be forfeited or taken in payment of such securities;

19 QQ. have and exercise all rights and powers
20 necessary or incidental to or implied from the specific
21 powers granted herein, which specific powers shall not be
22 considered as a limitation upon any power necessary or
23 appropriate to carry out the purposes and intent hereof; and

24 RR. exercise all or any part or combination of the
25 powers herein granted."

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1 SECTION 108. Section 72-16-28 NMSA 1978 (being Laws
2 1963, Chapter 311, Section 28, as amended) is amended to
3 read:

4 "72-16-28. ELECTIONS.--Each biennial election of
5 directors, each election proposition to issue bonds and all
6 other elections shall be conducted [~~at the time of the~~
7 ~~general election under the direction of the Bernalillo county~~
8 ~~clerk and~~] in accordance with the [~~election laws of New~~
9 ~~Mexico~~] Local Election Act."

10 SECTION 109. Section 72-16-89 NMSA 1978 (being Laws
11 1963, Chapter 311, Section 89) is amended to read:

12 "72-16-89. ISSUANCE OF INTERIM DEBENTURES AND PLEDGE OF
13 BONDS AS COLLATERAL SECURITY.--Notwithstanding any limitation
14 or other provision herein, whenever a majority of the
15 [~~taxpaying~~] qualified electors of the authority voting on a
16 proposal to issue bonds has authorized the authority to issue
17 bonds for any purpose herein authorized, the authority is
18 authorized to borrow money without any other election in
19 anticipation of taxes, the proceeds of [~~said~~] the bonds or
20 any other revenues of the authority, or any combination
21 thereof, and to issue interim debentures to evidence the
22 amount so borrowed. Interim debentures may mature at such
23 time [~~or times~~] not exceeding a period of time equal to the
24 estimated time needed to effect the purpose [~~or purposes~~] for
25 which the bonds are so authorized to be issued, plus two

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1 years, as the board may determine. Except as otherwise
2 provided in this section [~~89~~] and in Sections [~~90 and 91~~
3 ~~hereof~~] 72-16-90 and 72-16-91 NMSA 1978, interim debentures
4 shall be issued as provided herein for securities in Sections
5 [~~47 to 80, both inclusive~~] 72-16-47 through 72-16-80 NMSA
6 1978. Taxes, other revenues of the authority, including
7 without limiting the generality of the foregoing, proceeds of
8 bonds to be thereafter issued or reissued or bonds issued for
9 the purpose of securing the payment of interim debentures may
10 be pledged for the purpose of securing the payment of the
11 interim debentures. Any bonds pledged as collateral security
12 for the payment of any interim debentures shall mature at
13 such time [~~or times~~] as the board may determine, but in no
14 event exceeding forty years from the date of either any of
15 such bonds or any of such interim debentures, whichever date
16 [~~be~~] is the earlier. Any such bonds pledged as collateral
17 security shall not be issued in an aggregate principal amount
18 exceeding the aggregate principal amount of the interim
19 debenture [~~or interim debentures~~] secured by a pledge of such
20 bonds, nor shall they bear interest at any time [~~which~~] that
21 with any interest accruing at the same time on the interim
22 debenture [~~or interim debentures~~] so secured exceeds six
23 percent per [~~annum~~] year."

24 SECTION 110. Section 72-17-1 NMSA 1978 (being Laws
25 1967, Chapter 156, Section 1) is amended to read:

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1 "72-17-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article
2 17 NMSA 1978 may be cited as the "Las Cruces Arroyo Flood
3 Control Act"."

4 SECTION 111. Section 72-17-4 NMSA 1978 (being Laws
5 1967, Chapter 156, Section 4) is amended to read:

6 "72-17-4. DEFINITIONS.--Except where the context
7 otherwise requires, ~~[the definitions in this section govern~~
8 ~~the construction hereof]~~ as used in the Las Cruces Arroyo
9 Flood Control Act:

10 A. "act" means the Las Cruces Arroyo Flood Control
11 Act;

12 B. "acquisition" or "acquire" means the opening,
13 laying out, establishment, purchase, construction, securing,
14 installation, reconstruction, lease, gift, grant from the
15 federal government or any public body or person, endowment,
16 bequest, devise, condemnation, transfer, assignment, option
17 to purchase, other contract or other acquirement, or any
18 combination thereof, of facilities, other property or any
19 project or an interest ~~[therein, herein]~~ in any facilities,
20 other property or project authorized;

21 C. "authority" means the Las Cruces metropolitan
22 arroyo flood control authority hereby created;

23 D. "board" means the board of directors of the Las
24 Cruces metropolitan arroyo flood control authority;

25 E. [~~chairman~~] "chair" means the [~~chairman~~] chair

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1 of the board and president of the authority;

2 F. "condemnation" or "condemn" means the
3 acquisition by the exercise of the power of eminent domain of
4 property for any facilities, other property or project or an
5 interest [~~therein, herein~~] in any facilities, other property
6 or project authorized. The authority may exercise in the
7 state the power of eminent domain, either within or without
8 the authority and in the manner provided by law for the
9 condemnation of private property for public use, and may take
10 any property necessary to carry out any of the objects or
11 purposes [~~hereof~~] of the act. In the event the construction
12 of any facility or project herein authorized, or any part
13 thereof, [~~shall make~~] makes necessary the removal and
14 relocation of any public utilities, whether on private or
15 public right of way, the authority shall reimburse the owner
16 of [~~such~~] the public utility facility for the expense of
17 [~~such~~] removal and relocation, including the cost of any
18 necessary land or rights in land;

19 G. "cost" or "cost of the project" or words of
20 similar import, means all or any part designated by the board
21 of the cost of any facilities or project, or interest
22 [~~therein~~] in the facilities or project, being acquired, and
23 all or any property, rights, easements, privileges,
24 agreements and franchises deemed by the authority to be
25 necessary or useful and convenient [~~thereof~~] or in connection

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1 ~~[therewith]~~ with the facilities or project, which cost, at
2 the option of the board, may include all or any part of the
3 incidental costs pertaining to the project, including,
4 without limiting the generality of the foregoing, preliminary
5 expenses advanced by any municipality from funds available
6 for use ~~[therefor]~~ in the making of surveys, preliminary
7 plans, estimates of cost and other preliminaries; for the
8 costs of appraising and printing and employing engineers,
9 architects, fiscal agents, attorneys at law, clerical help
10 and other agents or employees; for the costs of capitalizing
11 interest or any discount on securities, of inspection, of any
12 administrative, operating and other expenses of the authority
13 prior to the levy and collection of taxes and of reserves for
14 working capital, operation, maintenance or replacement
15 expenses or for payment or security of principal of or
16 interest on any securities; for the costs of making,
17 publishing, posting, mailing and otherwise giving any notice
18 in connection with the project, the taking of options, the
19 issuance of securities, the filing or recordation of
20 instruments and the levy and collection of taxes and
21 installments ~~[thereof]~~; for the costs of reimbursements by
22 the authority to any public body, the federal government or
23 any person of any ~~[moneys theretofore]~~ money expended for or
24 in connection with any facility or project; and for all other
25 expenses necessary or desirable and appertaining to any

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1 project, as estimated or otherwise ascertained by the board;

2 H. "director" means a member of the board;

3 I. "disposal" or "dispose" means the sale,
4 destruction, razing, loan, lease, gift, grant, transfer,
5 assignment, mortgage, option to sell, other contract or other
6 disposition, or any combination thereof, of facilities, other
7 property or any project or an interest [~~therein~~] in the
8 facilities, property or project, herein authorized;

9 J. "engineer" means any engineer in the permanent
10 employ of the authority or any independent competent engineer
11 or firm of [~~such~~] engineers employed by the authority in
12 connection with any facility, property, project or power
13 herein authorized;

14 K. "equipment" or "equip" means the furnishing of
15 all necessary or desirable, related or appurtenant
16 facilities, or any combination thereof, appertaining to any
17 facilities, property or project or interest [~~therein~~] in the
18 facilities, property or project, herein authorized;

19 L. "facility" means any of the water facilities,
20 sewer facilities or other property appertaining to the flood
21 control system of the authority;

22 M. "federal government" means the United States [~~of~~
23 ~~America~~] or any agency, instrumentality or corporation
24 [~~thereof~~] of the United States;

25 N. "federal securities" means the bills,

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1 certificates of indebtedness, notes or bonds [~~which~~] that are
2 direct obligations of, or the principal and interest of which
3 obligations are unconditionally guaranteed by, the United
4 States [~~of America~~];

5 O. "governing body" means the city council, city
6 commission, board of commissioners, board of trustees, board
7 of directors or other legislative body of the public body
8 proceeding [~~hereunder~~] under the Las Cruces Arroyo Flood
9 Control Act, in which body the legislative powers of the
10 public body are vested;

11 P. "hereby", "herein", "hereinabove",
12 "hereinafter", "hereinbefore", "hereof", "hereto" and
13 "hereunder" refer to [~~this~~] the Las Cruces Arroyo Flood
14 Control Act and not solely to the particular portion
15 [~~thereof~~] in which [~~such~~] the word is used;

16 Q. "improvement" or "improve" means the extension,
17 widening, lengthening, betterment, alteration,
18 reconstruction, repair or other improvement, or any
19 combination thereof, of facilities, other property or project
20 or any interest [~~therein~~] in the facilities, property or
21 project, herein authorized;

22 R. "mailed notice" or "notice by mail" means the
23 giving by the engineer, secretary or any deputy [~~thereof~~] of
24 the engineer or secretary, as determined by the board, of any
25 designated written or printed notice addressed to the last

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1 known owner [~~or owners~~] of each tract of real property in
2 question or other designated person at [~~his or their~~] the
3 person's last known address [~~or addresses~~], by deposit, at
4 least ten days prior to the designated hearing or other time
5 or event, in the United States mails, postage prepaid, as
6 first-class mail. In the absence of fraud, the failure to
7 mail [~~any such~~] a notice shall not invalidate any proceedings
8 hereunder. The names and addresses of [~~such~~] the property
9 owners shall be obtained from the records of the county
10 assessor or from such other source [~~or sources~~] as the
11 secretary or the engineer [~~deem~~] deems reliable. Any list of
12 [~~such~~] names and addresses may be revised from time to time,
13 but [~~such a~~] the list need not be revised more frequently
14 than at twelve-month intervals. Any mailing of [~~any~~] a
15 notice herein required shall be verified by the affidavit or
16 certificate of the engineer, secretary, the deputy or other
17 person mailing the notice, which verification shall be
18 retained in the records of the authority at least until all
19 taxes and securities appertaining [~~thereto~~] to them have been
20 paid in full or any claim is barred by a statute of
21 limitations;

22 S. "may" is permissive;

23 T. "municipality" means the city of Las Cruces or
24 any other incorporated city, town or village in the state,
25 whether incorporated or governed under a general act, special

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1 legislative act or special charter of any type. "Municipal"
2 pertains thereto;

3 U. "person" means any human being, association,
4 partnership, firm or corporation, excluding a public body and
5 excluding the federal government;

6 V. "president" means the president of the authority
7 and the ~~[chairman]~~ chair of the board;

8 W. "project" means any structure, facility,
9 undertaking or system ~~[which]~~ that the authority is ~~[herein]~~
10 authorized to acquire, improve, equip, maintain or operate.

11 A project may consist of all kinds of personal and real
12 property. A project shall appertain to the flood control
13 system ~~[which]~~ that the authority is ~~[hereby]~~ authorized and
14 directed to provide within and without the authority's
15 boundaries;

16 X. "property" means real property and personal
17 property;

18 Y. "publication" or "publish" means publication in
19 at least the one newspaper designated as the authority's
20 official newspaper and published in the authority in the
21 English language at least once a week and of general
22 circulation in the authority. Except as ~~[herein]~~ otherwise
23 specifically provided or necessarily implied, "publication"
24 or "publish" also means publication for at least once a week
25 for three consecutive weeks by three weekly insertions, the

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1 first publication being at least fifteen days prior to the
2 designated time or event, unless otherwise [~~so~~] stated. It
3 is not necessary that publication be made on the same day of
4 the week in each of the three calendar weeks, but not less
5 than fourteen days shall intervene between the first
6 publication and the last publication, and publication shall
7 be complete on the day of the last publication. Any
8 publication [~~herein~~] required shall be verified by the
9 affidavit of the publisher and filed with the secretary;

10 Z. "public body" means the state [~~of New Mexico~~] or
11 any agency, instrumentality or corporation [~~thereof~~] of the
12 state or any municipality, school district or other type
13 district or any other political subdivision of the state,
14 excluding the authority and excluding the federal government;

15 AA. "qualified elector" means a person qualified
16 and registered to vote in general elections in the state [~~of~~
17 ~~New Mexico~~], who is a resident of the authority at the time
18 of any election held under the provisions of [~~this~~] the Las
19 Cruces Arroyo Flood Control Act or at any other time in
20 reference to which the term "qualified elector" is used;

21 BB. "real property" means:

22 (1) land, including land under water;

23 (2) buildings, structures, fixtures and
24 improvements on land;

25 (3) any property appurtenant to or used in

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1 connection with land; and

2 (4) every estate, interest, privilege,
3 easement, franchise and right in land, legal or equitable,
4 including without limiting the generality of the foregoing,
5 rights of way, terms for years and liens, charges or
6 encumbrances by way of judgment, mortgage or otherwise, and
7 the indebtedness secured by [~~such~~] liens;

8 CC. "secretary" means the secretary of the
9 authority;

10 DD. "secretary of state" means the secretary of the
11 state of New Mexico;

12 EE. "securities" means any notes, warrants, bonds,
13 temporary bonds or interim debentures or other obligations of
14 the authority or any public body appertaining to any project
15 or interest [~~therein~~] in any project herein authorized;

16 FF. "sewer facilities" means any one or more of the
17 various devices used in the collection, [~~channelling~~]
18 channeling, impounding or disposition of storm, flood or
19 surface drainage waters, including all inlets, collection,
20 drainage or disposal lines, canals, intercepting sewers,
21 outfall sewers, all pumping, power and other equipment and
22 appurtenances, all extensions, improvements, remodeling,
23 additions and alterations thereof, and any and all rights or
24 interest in [~~such~~] the sewer facilities;

25 GG. "sewer improvement" or "improve any sewer"

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1 means the acquisition, reacquisition, improvement,
2 reimprovement or repair of any storm sewer or combination
3 storm and sanitary sewer, including [~~but not limited to~~]
4 collecting and intercepting sewer lines or mains, submains,
5 trunks, laterals, outlets, ditches, ventilation stations,
6 pumping facilities, ejector stations and all other
7 appurtenances and machinery necessary, useful or convenient
8 for the collection, transportation and disposal of storm
9 water;

10 HH. "shall" is mandatory;

11 II. "state" means the state of New Mexico or any
12 agency, instrumentality or corporation [~~thereof~~] of the state
13 of New Mexico;

14 JJ. "street" means any street, avenue, boulevard,
15 alley, highway or other public right of way used for any
16 vehicular traffic;

17 KK. "taxes" means general (ad valorem) taxes
18 pertaining to any project herein authorized; and

19 [~~LL. "taxpaying elector" means a qualified elector~~
20 ~~of the authority who is an owner of real or personal property~~
21 ~~within the boundaries of the authority, which property is~~
22 ~~subject to general (ad valorem) taxation at the time of any~~
23 ~~election held under the provisions of this act or at any~~
24 ~~other time in reference to which the term "taxpaying elector"~~
25 ~~is used. A person who is obligated to pay general (ad~~

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1 ~~valorem) taxes under a contract to purchase real property in~~
2 ~~the authority shall be considered as such an owner. The~~
3 ~~ownership of any property subject to the payment of a~~
4 ~~specific ownership tax on a motor vehicle or trailer or of~~
5 ~~any other excise or property tax other than such general (ad~~
6 ~~valorem) taxes shall not constitute the ownership of property~~
7 ~~subject to taxation as herein provided;~~

8 ~~MM.]~~ LL. "treasurer" means the treasurer of the
9 authority."

10 **SECTION 112.** Section 72-17-8 NMSA 1978 (being Laws
11 1967, Chapter 156, Section 8) is amended to read:

12 "72-17-8. BOARD OF DIRECTORS.--The governing body of
13 the authority hereby created is a board of directors
14 consisting of five qualified electors of the authority. All
15 powers, rights, privileges and duties vested in or imposed
16 upon the authority are exercised and performed by and through
17 the board of directors; provided that the exercise of any
18 [~~and all~~] executive, administrative and ministerial powers
19 may be, by the board, delegated and redelegated to officers
20 and employees of the authority. Except for the first
21 directors appointed as [~~hereinafter~~] provided and except for
22 any director chosen to fill an unexpired term, the term of
23 each director [~~commences on the first day of January next~~
24 ~~following a general election in the state and~~] runs for six
25 years. Each director, subject to [~~said~~] such exceptions,

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1 shall serve [~~such~~] a six-year term [~~ending on the first day~~
2 ~~of January next following a general election~~], and each
3 director shall serve until [~~his~~] a successor has been duly
4 chosen and qualified."

5 SECTION 113. Section 72-17-10 NMSA 1978 (being Laws
6 1967, Chapter 156, Section 10) is amended to read:

7 "72-17-10. ELECTION OF DIRECTORS.--At the time that a
8 proposal to incur debt [~~shall be~~] is first submitted to the
9 [~~taxpaying~~] qualified electors [~~or at the first general~~
10 ~~election next following the effective date of the Las Cruces~~
11 ~~Arroyo Flood Control Act, whichever occurs first~~], the
12 qualified electors of the authority shall elect five
13 qualified directors, two to serve a term ending January 1,
14 1969, two to serve a term ending January 1, 1971 and one to
15 serve a term ending January 1, 1973. At the first election,
16 the five candidates receiving the highest number of votes
17 shall be elected as directors. The terms of the directors
18 shall be determined by lot at their organizational meeting.
19 At each [~~general~~] election thereafter, the qualified electors
20 of the authority shall elect similarly one or two qualified
21 electors as directors to serve six-year terms as directors
22 and as successors to the directors whose terms end [~~on the~~
23 ~~first day of January next~~] following each [~~such~~] election.
24 Nothing [~~herein~~] in this section may be construed as
25 preventing [~~a~~] qualified [~~elector~~] electors of the authority

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1 from being elected or reelected as [~~a director~~] directors to
2 succeed [~~himself. If there be only one vacancy on the board,~~
3 ~~the candidate receiving the highest number of votes shall be~~
4 ~~elected as director. If there be two vacancies on the board,~~
5 ~~the candidate receiving the highest number of votes and the~~
6 ~~candidate receiving the next highest number of votes shall be~~
7 ~~elected as directors~~] themselves."

8 SECTION 114. Section 72-17-11 NMSA 1978 (being Laws
9 1967, Chapter 156, Section 11) is amended to read:

10 "72-17-11. NOMINATION OF DIRECTORS.--~~[Not later than~~
11 ~~forty-five days before a proposal to incur debt shall be~~
12 ~~first submitted to the taxpaying electors or at the first~~
13 ~~general election next following the effective date of the Las~~
14 ~~Cruces Arroyo Flood Control Act, whichever occurs first]~~

15 Written nominations of any candidate as director may be filed
16 with the [~~secretary of the board~~] proper filing officer in
17 accordance with the provisions of the Local Election Act.

18 Each nomination of any candidate shall be signed by not less
19 than fifty [~~taxpaying~~] qualified electors regardless of
20 whether or not nominated [~~therein~~], shall designate [~~therein~~]
21 the name of the candidates [~~thereby nominated~~] and shall
22 recite that the subscribers [~~thereto~~] are [~~taxpaying~~]
23 qualified electors and that the [~~candidate or~~] candidates
24 designated [~~therein~~] are qualified electors of the authority.

25 No written nomination may designate more qualified electors

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1 as candidates than there are vacancies. No [~~taxpaying~~
2 qualified elector may nominate more than one candidate for
3 any vacancy. [~~If a candidate does not withdraw his name~~
4 ~~before the first publication of the notice of election, his~~
5 ~~name shall be placed on the ballot.~~]"

6 SECTION 115. Section 72-17-13 NMSA 1978 (being Laws
7 1967, Chapter 156, Section 13) is amended to read:

8 "72-17-13. ORGANIZATIONAL MEETINGS.--Except for the
9 first board, each board shall meet on the first business day
10 next following the first day of [~~January in each odd-numbered~~
11 ~~year~~] the month that the term of office begins for members
12 elected in the immediately preceding election at the office
13 of the board within the authority. Each member of the board,
14 before entering upon [~~his~~] the member's official duties,
15 shall take and subscribe an oath that [~~he~~] the member will
16 support the constitution of the United States and the
17 constitution and laws of New Mexico and that [~~he~~] the member
18 will faithfully and impartially discharge the duties of [~~his~~]
19 office to the best of [~~his~~] the member's ability, which oath
20 shall be filed in the office of the secretary of state. Each
21 director shall, before entering upon [~~his~~] the director's
22 official duties, give a bond to the authority in the sum of
23 ten thousand dollars (\$10,000) with good and sufficient
24 surety, conditioned for the faithful performance of each [~~and~~
25 ~~all~~] of the duties of [~~his~~] office, without fraud, deceit or

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1 oppression, and the accounting for all [~~moneys~~] money and
2 property coming into [~~his~~] the director's hands, and the
3 prompt and faithful payment of all [~~moneys~~] money and the
4 delivering of all property coming into [~~his~~] the director's
5 custody or control belonging to the authority of [~~his~~] the
6 director's successors in office. Premiums on all bonds
7 provided for in this section shall be paid by the authority,
8 and all such bonds shall be kept on file in the office of the
9 secretary of state."

10 SECTION 116. Section 72-17-22 NMSA 1978 (being Laws
11 1967, Chapter 156, Section 22, as amended) is amended to
12 read:

13 "72-17-22. ADDITIONAL POWERS OF AUTHORITY.--The
14 authority may exercise the following powers:

15 A. have duties, privileges, immunities, rights,
16 liabilities and disabilities appertaining to a public body
17 politic and corporate and constituting a quasi-municipal
18 corporation and political subdivision of the state
19 established as an instrumentality exercising public and
20 essential governmental and proprietary functions to provide
21 for the public health, safety and general welfare;

22 B. have perpetual existence and succession;

23 C. adopt, have and use a corporate seal and alter
24 the same at pleasure;

25 D. sue and be sued and be a party to suits, actions

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1 and proceedings;

2 E. commence, maintain, intervene in, defend,
3 compromise, terminate by settlement or otherwise and
4 otherwise participate in and assume the cost and expense of
5 any actions and proceedings now or hereafter begun and
6 appertaining to the authority, its board, its officers,
7 agents or employees or any of the authority's duties,
8 privileges, immunities, rights, liabilities and disabilities
9 or the authority's flood control system, other property of
10 the authority or any project;

11 F. enter into contracts and agreements, including
12 [~~but not limited to~~] contracts with the federal government,
13 the state and any other public body;

14 G. borrow money and issue securities evidencing any
15 loan to or amount due by the authority, provide for and
16 secure the payment of any securities and the rights of the
17 holders thereof and purchase, hold and dispose of securities
18 as hereinafter provided;

19 H. refund any loan or obligation of the authority
20 and issue refunding securities to evidence such loan or
21 obligation without any election;

22 I. purchase, trade, exchange, encumber and
23 otherwise acquire, maintain and dispose of property and
24 interests therein;

25 J. levy and cause to be collected general (ad

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1 valorem) taxes on all property subject to property taxation
2 within the authority; provided that the total tax levy,
3 excluding any levy for the payment of any debt of the
4 authority authorized by the [~~taxpaying~~] qualified electors of
5 the authority, for any fiscal year shall not exceed an
6 aggregate total of fifty cents (\$.50), or any lower maximum
7 amount required by operation of the rate limitation
8 provisions of Section 7-37-7.1 NMSA 1978 upon this tax levy,
9 on each one thousand dollars (\$1,000) of net taxable value,
10 as that term is defined in the Property Tax Code, by
11 certifying, on or before July 15 of each year in which the
12 board determines to levy a tax, to the board of county
13 commissioners of Dona Ana county, or by such other date as
14 the laws of the state may prescribe to such other body having
15 authority to levy taxes within each county wherein the
16 authority has any territory, the rate so fixed, with
17 directions that, at the time and in the manner required by
18 law for levying taxes for other purposes, such body having
19 authority to levy taxes shall levy such tax upon the net
20 taxable value of all property subject to property taxation
21 within the authority, in addition to such other taxes as may
22 be levied by such body as provided in Sections 72-17-23
23 through 72-17-27 NMSA 1978. No taxes may be levied and
24 collected for any purpose and no contract may be made until a
25 bond issue has been submitted to and approved by the

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1 ~~[taxpaying]~~ qualified electors as hereinafter provided;

2 K. hire and retain officers, agents, employees,
3 engineers, attorneys and any other persons, permanent or
4 temporary, necessary or desirable to effect the purposes
5 hereof, defray any expenses incurred thereby in connection
6 with the authority and acquire office space, equipment,
7 services, supplies, fire and extended coverage insurance, use
8 and occupancy insurance, ~~[workmen's]~~ workers' compensation
9 insurance, property damage insurance, public liability
10 insurance for the authority and its officers, agents and
11 employees and other types of insurance as the board may
12 determine; provided, however, that no provision herein
13 authorizing the acquisition of insurance shall be construed
14 as waiving any immunity of the authority or any director,
15 officer or agent thereof and otherwise existing under the
16 laws of the state;

17 L. condemn property for public use;

18 M. acquire, improve, equip, hold, operate, maintain
19 and dispose of a flood control system, sewer facilities,
20 project and appurtenant works or any interest therein wholly
21 within the authority, or partially within and partially
22 without the authority, and wholly within, wholly without or
23 partially within and partially without any public body all or
24 any part of the area of which is situated within the
25 authority;

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1 N. pay or otherwise defray the cost of any project;

2 O. pay or otherwise defray and contract so to pay
3 or defray for any term not exceeding fifty years, without an
4 election, except as hereinafter otherwise provided, the
5 principal of, any interest on and any other charges
6 appertaining to any securities or other obligations of the
7 federal government, any public body or person incurred in
8 connection with any such property so acquired by the
9 authority;

10 P. establish and maintain facilities within or
11 without the authority, across or along any public street,
12 highway, bridge, viaduct or other public [~~right-of-way~~] right
13 of way or in, upon, under or over any vacant public lands,
14 which public lands are now or may become the property of the
15 state, or across any stream of water or water course, without
16 first obtaining a franchise from the municipality, county or
17 other public body having jurisdiction over the same; provided
18 that the authority shall cooperate with any public body
19 having such jurisdiction, shall promptly restore any such
20 street, highway, bridge, viaduct or other public [~~right-of-~~
21 ~~way~~] right of way to its former state of usefulness as nearly
22 as may be and shall not use the same in such manner as to
23 impair completely or unnecessarily the usefulness thereof;

24 Q. deposit any money of the authority, subject to
25 the limitations in Article 8, Section 4 of the constitution

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1 of New Mexico, in any banking institution within or without
2 the state and secured in such manner and subject to such
3 terms and conditions as the board may determine, with or
4 without the payment of any interest on any such deposit;

5 R. invest any surplus money in the authority
6 treasury, including such money in any sinking or reserve fund
7 established for the purpose of retiring any securities of the
8 authority, not required for the immediate necessities of the
9 authority, in its own securities or in federal securities, by
10 direct purchase of any issue of such securities, or part
11 thereof, at the original sale of the same or by the
12 subsequent purchase of such securities;

13 S. sell any such securities thus purchased and held
14 from time to time;

15 T. reinvest the proceeds of any such sale in other
16 securities of the authority or in federal securities, as
17 provided in Subsection R of this section;

18 U. sell in season from time to time such securities
19 thus purchased and held, so that the proceeds may be applied
20 to the purpose for which the money with which such securities
21 were originally purchased was placed in the treasury of the
22 authority;

23 V. accept contributions or loans from the federal
24 government for the purpose of financing the planning,
25 acquisition, improvement, equipment, maintenance and

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underscoring material = new
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1 operation of any enterprise in which the authority is
2 authorized to engage and enter into contracts and cooperate
3 with, and accept cooperation and participation from, the
4 federal government for these purposes;

5 W. enter, without any election, into joint
6 operating or service contracts and agreements, acquisition,
7 improvement, equipment or disposal contracts or other
8 arrangements for any term not exceeding fifty years with the
9 federal government, any public body or any person concerning
10 sewer facilities, or any project, whether acquired by the
11 authority or by the federal government, any public body or
12 any person, and accept grants and contributions from the
13 federal government, any public body or any person in
14 connection herewith;

15 X. enter into and perform, without any election,
16 when determined by the board to be in the public interest and
17 necessary for the protection of the public health, contracts
18 and agreements for any term not exceeding fifty years with
19 the federal government, any public body or any person for the
20 provision and operation by the authority of sewer facilities;

21 Y. enter into and perform, without any election,
22 contracts and agreements with the federal government, any
23 public body and any person for or concerning the planning,
24 construction, lease or other acquisition, improvement,
25 equipment, operation, maintenance, disposal and the financing

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1 of any project, including ~~[but not necessarily limited to]~~
2 any contract or agreement for any term not exceeding fifty
3 years;

4 Z. enter upon any land, make surveys, borings,
5 soundings and examinations for the purposes of the authority
6 and locate the necessary works of any project and roadways
7 and other ~~[rights-of-way]~~ rights of way appertaining to any
8 project herein authorized and acquire all property necessary
9 or convenient for the acquisition, improvement or equipment
10 of such works;

11 AA. cooperate with and act in conjunction with the
12 state or any of its engineers, officers, boards, commissions
13 or departments or with the federal government or any of its
14 engineers, officers, boards, commissions or departments or
15 with any other public body or any person in the acquisition,
16 improvement or equipment of any project for the controlling
17 of flood or storm waters of the authority or for the
18 protection of life or property therein or for any other
19 works, acts or purposes provided for herein and adopt and
20 carry out any definite plan or system of work for any such
21 purpose;

22 BB. cooperate with the federal government or any
23 public body by an agreement therewith by which the authority
24 may:

25 (1) acquire and provide, without cost to the

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1 operating entity, the land, easements and [~~rights-of-way~~
2 rights of way necessary for the acquisition, improvement or
3 equipment of the flood control system or any project;

4 (2) hold and save harmless the cooperating
5 entity free from any claim for damages arising from the
6 acquisition, improvement, equipment, maintenance and
7 operation of the flood control system or any project;

8 (3) maintain and operate any project in
9 accordance with regulations prescribed by the cooperating
10 entity; and

11 (4) establish and enforce flood channel limits
12 and regulations, if any, satisfactory to the cooperating
13 entity;

14 CC. carry on technical and other investigations of
15 all kinds, make measurements, collect data and make analyses,
16 studies and inspections pertaining to control of floods,
17 sewer facilities and any project, both within and without the
18 authority, and for this purpose the authority has the right
19 of access through its authorized representative to all lands
20 and premises within the state;

21 DD. have the right to provide from revenues or
22 other available funds an adequate fund for the improvement
23 and equipment of the authority's flood control system or of
24 any parts of the works and properties of the authority;

25 EE. prescribe and enforce reasonable rules and

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underscoring material = new
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1 regulations for the prevention of further encroachment upon
2 existing defined waterways, by their enlargement or other
3 modification, for additional waterway facilities to prevent
4 flooding;

5 FF. require any person desiring to make a
6 connection to any storm water drain or flood control facility
7 of the authority or to cause storm waters to be emptied into
8 any ditch, drain, canal, floodway or other appurtenant
9 structure of the authority firstly to make application to the
10 board to make the connection, to require the connection to be
11 made in such manner as the board may direct;

12 GG. refuse, if reasonably justified by the
13 circumstances, permission to make any connection designated
14 in Subsection EE or Subsection FF of this section;

15 HH. make and keep records in connection with any
16 project or otherwise concerning the authority;

17 II. arbitrate any differences arising in connection
18 with any project and otherwise concerning the authority;

19 JJ. have the management, control and supervision of
20 all the business and affairs appertaining to any project
21 herein authorized, or otherwise concerning the authority, and
22 of the acquisition, improvement, equipment, operation and
23 maintenance of any such project;

24 KK. prescribe the duties of officers, agents,
25 employees and other persons and fix their compensation;

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1 provided that the compensation of employees and officers
2 shall be established at prevailing rates of pay for
3 equivalent work;

4 LL. enter into contracts of indemnity and guaranty
5 in such form as may be approved by the board relating to or
6 connected with the performance of any contract or agreement
7 [~~which~~] that the authority is empowered to enter into under
8 the provisions hereof or of any other law of the state;

9 MM. provide, by any contract for any term not
10 exceeding fifty years, or otherwise, without an election:

11 (1) for the joint use of personnel, equipment
12 and facilities of the authority and any public body,
13 including without limitation public buildings constructed by
14 or under the supervision of the board of the authority or the
15 governing body of the public body concerned, upon such terms
16 and agreements and within such areas within the authority as
17 may be determined, for the promotion and protection of
18 health, comfort, safety, life, welfare and property of the
19 inhabitants of the authority and any such public body; and

20 (2) for the joint employment of clerks,
21 stenographers and other employees appertaining to any
22 project, now existing or hereafter established in the
23 authority, upon such terms and conditions as may be
24 determined for the equitable apportionment of the expenses
25 therefrom resulting;

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1 NN. obtain financial statements, appraisals,
2 economic feasibility reports and valuations of any type
3 appertaining to any project or any property pertaining
4 thereto;

5 OO. adopt any resolution authorizing a project or
6 the issuance of securities, or both, or otherwise
7 appertaining thereto, or otherwise concerning the authority;

8 PP. make and execute a mortgage, deed of trust,
9 indenture or other trust instrument appertaining to a project
10 or to any securities herein authorized, or to both, except as
11 provided in Subsection QQ of this section and in Section
12 72-17-54 NMSA 1978;

13 QQ. make all contracts, execute all instruments and
14 do all things necessary or convenient in the exercise of the
15 powers granted herein or in the performance of the
16 authority's covenants or duties or in order to secure the
17 payment of its securities; provided that no encumbrance,
18 mortgage or other pledge of property, excluding any money, of
19 the authority is created thereby; and provided further that
20 no property, excluding money, of the district is liable to be
21 forfeited or taken in payment of such securities;

22 RR. have and exercise all rights and powers
23 necessary or incidental to or implied from the specific
24 powers granted herein, which specific powers shall not be
25 considered as a limitation upon any power necessary or

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underscored material = new
[bracketed material] = delete

1 appropriate to carry out the purposes and intent hereof; and
2 SS. exercise all or any part or combination of the
3 powers herein granted."

4 SECTION 117. Section 72-17-28 NMSA 1978 (being Laws
5 1967, Chapter 156, Section 28) is amended to read:

6 "72-17-28. ELECTIONS.--~~[Wherever in this act an~~
7 ~~election of the qualified electors or taxpaying electors of~~
8 ~~the authority is permitted or required, said election may be~~
9 ~~held separately at a special election or may be held~~
10 ~~concurrently with any primary or general election held under~~
11 ~~the laws of the state; provided, however:~~

12 A. ~~each biennial election of directors shall be~~
13 ~~held concurrently with the general election in the state;~~

14 B. ~~no election shall be held at the same time as~~
15 ~~any regular election of a municipality or school district,~~
16 ~~any part of the area of which is located within the~~
17 ~~boundaries of the authority.] Elections shall be held~~
18 ~~pursuant to the provisions of the Local Election Act."~~

19 SECTION 118. Section 72-17-44 NMSA 1978 (being Laws
20 1967, Chapter 156, Section 44) is amended to read:

21 "72-17-44. ISSUANCE OF BONDS AND INCURRENCE OF DEBT.--
22 The authority is authorized to borrow money in anticipation
23 of taxes or other revenues, or both, and to issue bonds to
24 evidence the amount so borrowed. No bonded indebtedness
25 [~~nor~~] or any other indebtedness not payable in full within

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1 one year, except for interim debentures as provided in
2 Sections [~~46, 89, 90, and 91 hereof~~] 72-17-46 and 72-17-89
3 through 72-17-91 NMSA 1978, shall be created by the authority
4 without first submitting a proposition of issuing such bonds
5 to the [~~taxpaying~~] qualified electors of the authority and
6 being approved by a majority of such electors voting thereon
7 at an election held for that purpose in accordance with
8 Sections [~~28 to 34, both inclusive, of this act~~] 72-17-28
9 through 72-17-34 NMSA 1978 and all laws amendatory thereof
10 and supplemental thereto. Bonds so authorized may be issued
11 in one series or more and may mature at such time or times
12 not exceeding forty years from their issuance as the board
13 may determine. The total of all outstanding indebtedness at
14 any one time shall not exceed twelve million five hundred
15 thousand dollars (\$12,500,000) without prior approval of the
16 state legislature."

17 **SECTION 119.** Section 72-17-89 NMSA 1978 (being Laws
18 1967, Chapter 156, Section 89) is amended to read:

19 "72-17-89. ISSUANCE OF INTERIM DEBENTURES AND PLEDGE OF
20 BONDS AS COLLATERAL SECURITY.--Notwithstanding any limitation
21 or other provision herein, whenever a majority of the
22 [~~taxpaying~~] qualified electors of the authority voting on a
23 proposal to issue bonds has authorized the authority to issue
24 bonds for any purpose herein authorized, the authority is
25 authorized to borrow money without any other election in

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1 anticipation of taxes, the proceeds of [~~said~~] such bonds or
2 any other revenues of the authority, or any combination
3 thereof, and to issue interim debentures to evidence the
4 amount so borrowed. Interim debentures may mature at such
5 time or times not exceeding a period of time equal to the
6 estimated time needed to effect the purpose [~~or purposes~~] for
7 which the bonds are so authorized to be issued, plus two
8 years, as the board may determine. Except as otherwise
9 provided in this section and in Sections [~~90 and 91 hereof~~]
10 72-17-90 and 72-17-91 NMSA 1978, interim debentures shall be
11 issued as provided herein for securities in Sections [~~47 to~~
12 ~~80, both inclusive~~] 72-17-47 through 72-17-80 NMSA 1978.

13 Taxes, other revenues of the authority, including without
14 limiting the generality of the foregoing, proceeds of bonds
15 to be thereafter issued or reissued or bonds issued for the
16 purpose of securing the payment of interim [~~debenture~~]
17 debentures may be pledged for the purpose of securing the
18 payment of the interim debentures. Any bonds pledged as
19 collateral security for the payment of any interim debentures
20 shall mature at such time or times as the board may
21 determine, but in no event exceeding forty years from the
22 date of either any of such bonds or any of such interim
23 debentures, whichever date be the earlier. Any such bonds
24 pledged as collateral security shall not be issued in an
25 aggregate principal amount exceeding the aggregate principal

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1 amount of the interim debenture or interim debenture secured
2 by a pledge of such bonds, nor shall they bear interest at
3 any time [~~which~~] that, with any interest accruing at the same
4 time on the interim debenture or interim debentures so
5 secured, exceeds six percent per [~~annum~~] year."

6 SECTION 120. Section 72-18-1 NMSA 1978 (being Laws
7 1981, Chapter 377, Section 1) is amended to read:

8 "72-18-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article
9 18 NMSA 1978 may be cited as the "Flood Control District
10 Act"."

11 SECTION 121. Section 72-18-13 NMSA 1978 (being Laws
12 1981, Chapter 377, Section 13) is amended to read:

13 "72-18-13. ORGANIZATION OF BOARD--INITIAL TERMS OF
14 DIRECTORS.--

15 A. After taking oath and filing bonds, the board
16 shall choose one of its members as [~~chairman~~] chair of the
17 board and shall choose a secretary and a treasurer of the
18 board and of the district. The secretary and treasurer may
19 be one person.

20 B. The terms of the members of the initial board of
21 directors shall be determined by lot at their organizational
22 meeting. Two members shall serve [~~until January 1 following~~
23 ~~the first general election in the state]~~ an initial term of
24 two years following organization of the district, two members
25 shall serve [~~until January 1 following the second general~~

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1 ~~election in the state]~~ an initial term of four years
2 following organization of the district and one member shall
3 serve [~~until January 1 following the third general election~~
4 ~~in the state]~~ an initial term of six years following
5 organization of the district."

6 SECTION 122. Section 72-18-14 NMSA 1978 (being Laws
7 1981, Chapter 377, Section 14) is amended to read:

8 "72-18-14. ELECTION OF DIRECTORS [~~NOMINATIONS~~].--~~[A.]~~
9 Flood control district elections shall be held pursuant to
10 the Local Election Act. At each [~~general]~~ local election [~~in~~
11 ~~the state]~~ after organization of the district, there shall be
12 elected by the qualified registered electors of the district
13 one or two members of the board to serve for a term of six
14 years. Except for the initial board of directors and except
15 for any director chosen to fill an unexpired term, the term
16 of each director [~~commences on January 1 following the~~
17 ~~general election in the state and]~~ runs for six years. [~~Each~~
18 ~~director, subject to such exceptions, shall serve a six-year~~
19 ~~term ending on January 1 next following a general election.]~~
20 Each director shall serve until [~~his~~] a successor has been
21 duly chosen and qualified.

22 [~~B. Not later than thirty days before any election,~~
23 ~~nominations may be filed with the secretary, and, if a~~
24 ~~nominee does not withdraw his name before the first~~
25 ~~publication of the notice of election, his name shall be~~

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1 ~~placed on the ballot.]"~~

2 SECTION 123. Section 72-18-15 NMSA 1978 (being Laws
3 1981, Chapter 377, Section 15) is amended to read:

4 "72-18-15. VACANCIES ON THE BOARD.--Any vacancy on the
5 board shall be filled by appointment by a majority of the
6 remaining members of the board. The appointee shall serve
7 until the next ~~[general]~~ local election pursuant to the Local
8 Election Act when the vacancy shall be filled by election.

9 If the board fails to fill any vacancy within thirty days
10 after it occurs, the court declaring the organization of the
11 district shall fill the vacancy."

12 SECTION 124. Section 72-18-35 NMSA 1978 (being Laws
13 1981, Chapter 377, Section 35) is amended to read:

14 "72-18-35. ELECTION.--Wherever in the Flood Control
15 District Act an election of the qualified registered electors
16 of a district is permitted or required, the election ~~[may be~~
17 ~~held separately at a special election or may be held~~
18 ~~concurrently with any primary or general election held under~~
19 ~~the laws of the state; provided, however:~~

20 A. ~~each biennial election of directors shall be~~
21 ~~held concurrently with the general election in the state; and~~

22 B. ~~no election shall be held at the same time as~~
23 ~~any regular election of a municipality or school district any~~
24 ~~part of the area of which is located within the boundaries of~~
25 ~~the district]~~ shall be held pursuant to the Local Election

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1 Act."

2 SECTION 125. Section 72-18-35.1 NMSA 1978 (being Laws
3 1985, Chapter 177, Section 2) is amended to read:

4 "72-18-35.1. ELECTION OF DIRECTORS--ESTABLISHED
5 DISTRICT.--In a district established pursuant to the Flood
6 Control District Act [~~whose boundaries are coterminous with~~
7 ~~the voting precincts of the county~~], the election of
8 directors shall be conducted [~~by the county clerk in the same~~
9 ~~manner and at the same time as the general election in the~~
10 ~~state and the same election officials shall preside. The~~
11 ~~returns of the election shall be filed with the county clerk,~~
12 ~~who shall submit them to the board of the district for the~~
13 ~~purposes of canvassing the election of the district. The~~
14 ~~nominees for offices of directors shall be determined in~~
15 ~~accordance with the resolution of the board calling for the~~
16 ~~election, which shall provide that nominees shall file for~~
17 ~~the office of director in the same manner and form as for~~
18 ~~municipal offices, and a list of the nominees shall be~~
19 ~~provided to the county clerk not later than three days~~
20 ~~following the primary election. All costs for materials and~~
21 ~~supplies incurred by the county clerk on behalf of the~~
22 ~~district shall be paid by the district to the clerk's office.~~
23 ~~The district may provide for the cost of one additional clerk~~
24 ~~of election to assist the county clerk specifically in the~~
25 ~~conduct of the district election]~~ in accordance with the

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1 provisions of the Local Election Act."

2 SECTION 126. Section 72-19-1 NMSA 1978 (being Laws
3 1990, Chapter 14, Section 1) is amended to read:

4 "72-19-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article
5 19 NMSA 1978 may be cited as the "Southern Sandoval County
6 Arroyo Flood Control Act"."

7 SECTION 127. Section 72-19-4 NMSA 1978 (being Laws
8 1990, Chapter 14, Section 4, as amended) is amended to read:

9 "72-19-4. DEFINITIONS.--Except where the context
10 otherwise requires, as used in the Southern Sandoval County
11 Arroyo Flood Control Act:

12 A. "acquisition" or "acquire" means the opening,
13 laying out, establishment, purchase, construction, securing,
14 installation, reconstruction, lease, gift, grant from the
15 federal government or any public body or person, endowment,
16 bequest, devise, condemnation, transfer, assignment, option
17 to purchase, other contract or other acquirement, or any
18 combination thereof, of facilities, other property or any
19 project or an interest ~~[therein]~~ in the facilities, other
20 property or project authorized by the Southern Sandoval
21 County Arroyo Flood Control Act;

22 B. "authority" means the southern Sandoval county
23 arroyo flood control authority;

24 C. "board" means the board of directors of the
25 authority;

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1 D. [~~chairman~~] "chair" means the [~~chairman~~] chair
2 of the board and president of the authority;

3 E. "condemnation" or "condemn" means the
4 acquisition by the exercise of the power of eminent domain of
5 property for any facilities, other property or project or an
6 interest [~~therein~~] in the facilities, other property or
7 project authorized by the Southern Sandoval County Arroyo
8 Flood Control Act. The authority may exercise in the state
9 the power of eminent domain, either within or without the
10 authority, and, in the manner provided by law for the
11 condemnation of private property for public use, may take any
12 property necessary to carry out any of the objects or
13 purposes of that act. In the event the construction of any
14 facility or project authorized by that act, or any part
15 thereof, makes necessary the removal and relocation of any
16 public utilities, whether on private or public right of way,
17 the authority shall reimburse the owner of the public utility
18 facility for the expense of removal and relocation, including
19 the cost of any necessary land or rights in land;

20 F. "cost" or "cost of the project", or words of
21 similar import, means all, or any part designated by the
22 board, of the cost of any facilities or project or interest
23 [~~therein~~] in the facilities or project being acquired and of
24 all or any property, rights, easements, privileges,
25 agreements and franchises deemed by the authority to be

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1 necessary or useful and convenient ~~[therefor]~~ to or in
2 connection ~~[therewith]~~ with the facilities or project, which
3 cost, at the option of the board, may include all or any part
4 of the incidental costs pertaining to the project, including
5 without limiting the generality of the foregoing, preliminary
6 expenses advanced by any municipality or other public body
7 from funds available for use ~~[therefor]~~ in the making of
8 surveys, preliminary plans, estimates of cost or other
9 preliminaries; for the costs of appraising and printing and
10 employing engineers, architects, fiscal agents, attorneys at
11 law, clerical help and other agents or employees; for the
12 costs of capitalizing interest or any discount on securities,
13 of inspection, of any administrative, operating and other
14 expenses of the authority prior to the levy and collection of
15 taxes and of reserves for working capital, operation,
16 maintenance or replacement expenses or for payment or
17 security of principal of or interest on any securities; for
18 the costs of making, publishing, posting, mailing and
19 otherwise giving any notice in connection with the project,
20 the taking of options, the issuance of securities, the filing
21 or recordation of instruments and the levy and collection of
22 taxes and installments ~~[thereof]~~ of taxes; for the costs of
23 reimbursements by the authority to any public body, the
24 federal government or any person of any money ~~[theretofore]~~
25 expended for or in connection with any facility or project;

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1 and for all other expenses necessary or desirable and
2 appertaining to any project, as estimated or otherwise
3 ascertained by the board;

4 G. "director" means a member of the board;

5 H. "disposal" or "dispose" means the sale,
6 destruction, razing, loan, lease, gift, grant, transfer,
7 assignment, mortgage, option to sell, other contract or other
8 disposition, or any combination thereof, of facilities, other
9 property or any project, or an interest [~~therein~~] in the
10 facilities, other property or project authorized by the
11 Southern Sandoval County Arroyo Flood Control Act;

12 I. "engineer" means any engineer in the permanent
13 employ of the authority or any independent competent engineer
14 or firm of [~~such~~] engineers employed by the authority in
15 connection with any facility, property, project or power
16 authorized by the Southern Sandoval County Arroyo Flood
17 Control Act;

18 J. "equipment" or "equip" means the furnishing of
19 all necessary or desirable, related or appurtenant
20 facilities, or any combination thereof, appertaining to any
21 facilities, property, project or interest [~~therein~~]
22 authorized by the Southern Sandoval County Arroyo Flood
23 Control Act;

24 K. "facility" means any of the water facilities,
25 sewer facilities or other property appertaining to the flood

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1 control system of the authority;

2 L. "federal government" means the United States or
3 any agency, instrumentality or corporation [~~thereof~~] of the
4 United States;

5 M. "federal securities" means the bills,
6 certificates of indebtedness, notes or bonds that are direct
7 obligations of, or the principal and interest of which
8 obligations are unconditionally guaranteed by, the United
9 States;

10 N. "governing body" means the city council, city
11 commission, board of commissioners, board of trustees, board
12 of directors or other legislative body of the public body
13 proceeding under the Southern Sandoval County Arroyo Flood
14 Control Act, in which body the legislative powers of the
15 public body are vested;

16 O. "improvement" or "improve" means the extension,
17 widening, lengthening, betterment, alteration,
18 reconstruction, repair or other improvement, or any
19 combination thereof, of facilities, other property or project
20 or any interest [~~therein~~] in the facilities, other property
21 or project authorized by the Southern Sandoval County Arroyo
22 Flood Control Act;

23 P. "mailed notice" or notice by "mail" means the
24 giving by the engineer, secretary or any deputy [~~thereof~~], as
25 determined by the board, of any designated written or printed

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1 notice addressed to the last known owner of each tract of
2 real property in question or other designated person at [~~his~~]
3 the person's last known address, by deposit, at least ten
4 days prior to the designated hearing or other time or event,
5 in the United States mails, postage prepaid, as first-class
6 mail. In the absence of fraud, the failure to mail [~~any~~
7 ~~such~~] the notice shall not invalidate any proceedings under
8 the Southern Sandoval County Arroyo Flood Control Act. The
9 names and addresses of those property owners shall be
10 obtained from the records of the county assessor or from such
11 other source as the secretary or the engineer deems reliable.
12 Any list of [~~such~~] names and addresses may be revised from
13 time to time, but [~~such a~~] the list need not be revised more
14 frequently than at twelve-month intervals. Any mailing of
15 any notice required shall be verified by the affidavit or
16 certificate of the engineer, secretary, deputy or other
17 person mailing the notice, which verification shall be
18 retained in the records of the authority at least until all
19 taxes and securities appertaining thereto have been paid in
20 full or any claim is barred by a statute of limitations;

21 Q. "municipality" means any incorporated city, town
22 or village in the state, whether incorporated or governed
23 under a general act, special legislative act or special
24 charter of any type. "Municipal" pertains to municipality;

25 R. "person" means any human being, association,

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1 partnership, firm or corporation, excluding a public body and
2 excluding the federal government;

3 S. "president" means the president of the authority
4 and the ~~[chairman]~~ chair of the board;

5 T. "project" means any structure, facility,
6 undertaking or system that the authority is authorized to
7 acquire, improve, equip, maintain or operate. A project may
8 consist of all kinds of personal and real property. A
9 project shall appertain to the flood control system that the
10 authority is authorized and directed to provide within and
11 without the authority's boundaries;

12 U. "property" means real property and personal
13 property;

14 V. "publication" or "publish" means publication in
15 at least the one newspaper designated as the authority's
16 official newspaper and published in the authority in the
17 English language at least once a week and of general
18 circulation in the authority. Except as otherwise
19 specifically provided or necessarily implied, "publication"
20 or "publish" also means publication for at least once a week
21 for three consecutive weeks by three weekly insertions, the
22 first publication being at least fifteen days prior to the
23 designated time or event, unless otherwise ~~[so]~~ stated. It
24 is not necessary that publication be made on the same day of
25 the week in each of the three calendar weeks, but not less

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1 than fourteen days shall intervene between the first
2 publication and the last publication, and publication shall
3 be complete on the day of the last publication. Any
4 publication required shall be verified by the affidavit of
5 the publisher and filed with the secretary;

6 W. "public body" means the state or any agency,
7 instrumentality or corporation [~~thereof~~] of the state or any
8 municipality, school district or other type district or any
9 other political subdivision of the state, excluding the
10 authority and excluding the federal government;

11 X. "qualified elector" means a person qualified and
12 registered to vote in general elections in the state who is a
13 resident of the authority at the time of any election held
14 under the provisions of the Southern Sandoval County Arroyo
15 Flood Control Act or at any other time in reference to which
16 the term "qualified elector" is used;

17 Y. "real property" means:

18 (1) land, including land under water;

19 (2) buildings, structures, fixtures and
20 improvements on land;

21 (3) any property appurtenant to or used in
22 connection with land; and

23 (4) every estate, interest, privilege,
24 easement, franchise and right in land, legal or equitable,
25 including without limiting the generality of the foregoing,

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1 rights of way, terms for years and liens, charges or
2 encumbrances by way of judgment, mortgage or otherwise and
3 the indebtedness secured by such liens;

4 Z. "secretary" means the secretary of the
5 authority;

6 AA. "secretary of state" means the secretary of the
7 state of New Mexico;

8 BB. "securities" means any notes, warrants, bonds,
9 temporary bonds or interim debentures or other obligations of
10 the authority or any public body appertaining to any project
11 or interest [~~therein~~] in a project authorized by the Southern
12 Sandoval County Arroyo Flood Control Act;

13 CC. "sewer facilities" means any one or more of the
14 various devices used in the collection, channeling,
15 impounding or disposition of storm, flood or surface drainage
16 waters, including all inlets, collection, drainage or
17 disposal lines, canals, intercepting sewers, outfall sewers,
18 all pumping, power and other equipment and appurtenances, all
19 extensions, improvements, remodeling, additions and
20 alterations thereof and any rights or interest in such sewer
21 facilities;

22 DD. "sewer improvement" or "improve any sewer"
23 means the acquisition, reacquisition, improvement,
24 reimprovement or repair of any storm sewer or combination
25 storm and sanitary sewer, including [~~but not limited to~~]

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1 collecting and intercepting sewer lines or mains, submains,
2 trunks, laterals, outlets, ditches, ventilation stations,
3 pumping facilities, ejector stations and all other
4 appurtenances and machinery necessary, useful or convenient
5 for the collection, transportation and disposal of storm
6 water;

7 EE. "state" means the state of New Mexico or any
8 agency, instrumentality or corporation [~~thereof~~] of the
9 state;

10 FF. "street" means any street, avenue, boulevard,
11 alley, highway or other public right of way used for any
12 vehicular traffic;

13 GG. "taxes" means general (ad valorem) taxes
14 pertaining to any project authorized by the Southern Sandoval
15 County Arroyo Flood Control Act; and

16 HH. "treasurer" means the treasurer of the
17 authority."

18 SECTION 128. Section 72-19-8 NMSA 1978 (being Laws
19 1990, Chapter 14, Section 8, as amended) is amended to read:

20 "72-19-8. BOARD OF DIRECTORS.--The governing body of
21 the authority is a board of directors consisting of five
22 qualified electors of the authority. All powers, rights,
23 privileges and duties vested in or imposed upon the authority
24 are exercised and performed by and through the board of
25 directors; provided that the exercise of any executive,

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1 administrative and ministerial powers may be, by the board,
2 delegated and redelegated to officers and employees of the
3 authority. Except for the first directors appointed as
4 provided for in Section 72-19-9 NMSA 1978 or elected as
5 provided for in Section 72-19-10 NMSA 1978 and except for any
6 director chosen to fill an unexpired term, the term of each
7 director [~~commences on the first day of January next~~
8 ~~following a general election in the state and~~] runs for six
9 years. Each director, subject to such exceptions, shall
10 serve a six-year term [~~ending on the first day of January~~
11 ~~next following a general election~~], and each director shall
12 serve until [~~his~~] a successor has been duly chosen and
13 qualified."

14 SECTION 129. Section 72-19-10 NMSA 1978 (being Laws
15 1990, Chapter 14, Section 10, as amended) is amended to read:

16 "72-19-10. ELECTION OF DIRECTORS.--At the time that a
17 proposal to incur debt is first submitted to the qualified
18 electors [~~or at the first general election next following the~~
19 ~~effective date of the Southern Sandoval County Arroyo Flood~~
20 ~~Control Act, whichever occurs first~~], the qualified electors
21 of the authority shall elect five qualified directors, two to
22 serve a term ending January 1, 1993, two to serve a term
23 ending January 1, 1995 and one to serve a term ending January
24 1, 1997. At the first election, the five candidates
25 receiving the highest number of votes shall be elected as

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1 directors. The terms of the directors shall be determined by
2 lot at their organizational meeting. At each ~~[general]~~ local
3 election thereafter, the qualified electors of the authority
4 shall elect similarly one or two qualified electors as
5 directors to serve six-year terms as directors ~~[and as~~
6 ~~successors to the directors whose terms end on the first day~~
7 ~~of January next following each such election]~~. Elections
8 shall be held pursuant to the provisions of the Local
9 Election Act. Nothing in the Southern Sandoval County Arroyo
10 Flood Control Act shall be construed as preventing [a]
11 qualified ~~[elector]~~ electors of the authority from being
12 elected or reelected as ~~[a director]~~ directors to succeed
13 ~~[himself. If there is only one vacancy on the board, the~~
14 ~~candidate receiving the highest number of votes shall be~~
15 ~~elected as director. If there are two vacancies on the~~
16 ~~board, the candidate receiving the highest number of votes~~
17 ~~and the candidate receiving the next highest number of votes~~
18 ~~shall be elected as directors]~~ themselves."

19 SECTION 130. Section 72-19-11 NMSA 1978 (being Laws
20 1990, Chapter 14, Section 11, as amended) is amended to read:

21 "72-19-11. NOMINATION OF DIRECTORS.--~~[Not later than~~
22 ~~forty-five days before a proposal to incur debt is first~~
23 ~~submitted to the qualified electors or at the first general~~
24 ~~election next following the effective date of the Southern~~
25 ~~Sandoval County Arroyo Flood Control Act, whichever occurs~~

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1 ~~first]~~ Written nominations of any candidate as director may
2 be filed with the ~~[secretary of the board]~~ proper filing
3 officer in accordance with the provisions of the Local
4 Election Act. Each nomination of any candidate shall be
5 signed by not less than fifty qualified electors, regardless
6 of whether or not nominated ~~[therein]~~, shall designate
7 ~~[therein]~~ the name of the candidates ~~[thereby]~~ nominated and
8 shall recite that the subscribers ~~[thereto]~~ are qualified
9 electors and that the ~~[candidate or]~~ candidates designated
10 ~~[therein]~~ are qualified electors of the authority. No
11 written nomination may designate more qualified electors as
12 candidates than there are vacancies. No qualified elector
13 may nominate more than one candidate for any vacancy. ~~[If a~~
14 ~~candidate does not withdraw his name before the first~~
15 ~~publication of the notice of election, his name shall be~~
16 ~~placed on the ballot. For any election held after November~~
17 ~~1990, nominations shall be made by qualified electors in~~
18 ~~accordance with the procedures and limitations of this~~
19 ~~section, except that such nominations shall be filed with the~~
20 ~~secretary of the board not later than the fourth Tuesday in~~
21 ~~June preceding the general election.]"~~

22 SECTION 131. Section 72-19-13 NMSA 1978 (being Laws
23 1990, Chapter 14, Section 13) is amended to read:

24 "72-19-13. ORGANIZATIONAL MEETINGS.--Except for the
25 first board, each board shall meet on the first business day

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1 next following the first day of [~~January in each odd-numbered~~
2 ~~year~~] the month that the term of office begins for members
3 elected in the immediately preceding election at the office
4 of the board within the authority. Each member of the board,
5 before entering upon [~~his~~] official duties, shall take and
6 subscribe on oath that [~~he~~] the member will support the
7 constitution of the United States and the constitution and
8 laws of New Mexico and [~~that he~~] will faithfully and
9 impartially discharge the duties of [~~his~~] office to the best
10 of [~~his~~] the member's ability, which oath shall be filed in
11 the office of the secretary of state. Each director shall,
12 before entering upon [~~his~~] official duties, give a bond to
13 the authority in the sum of ten thousand dollars (\$10,000)
14 with good and sufficient surety, conditioned for the faithful
15 performance of all of the duties of [~~his~~] office, without
16 fraud, deceit or oppression, and the accounting for all money
17 and property coming into [~~his~~] the director's hands, and the
18 prompt and faithful payment of all money and the delivering
19 of all property coming into [~~his~~] the director's custody or
20 control belonging to the authority, to [~~his~~] the director's
21 successors in office. Premiums on all bonds provided for in
22 this section shall be paid by the authority, and all such
23 bonds shall be kept on file in the office of the secretary of
24 state."

25 SECTION 132. Section 72-19-28 NMSA 1978 (being Laws

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1 1990, Chapter 14, Section 28, as amended) is amended to read:

2 "72-19-28. ELECTIONS.--Each biennial election of
3 directors [~~shall be conducted at the time of the general~~
4 ~~election under the direction of the Sandoval county clerk and~~
5 ~~in accordance with the election laws of New Mexico. Any] and
6 other election of the authority, including an election to
7 seek approval for the issuance of bonds, shall be conducted
8 [~~at any time approved by the board in accordance with the~~
9 ~~election laws of New Mexico. Elections for the issuance of~~
10 ~~bonds may be by mail-in ballot pursuant to the procedures set~~
11 ~~forth in the Mail Ballot] pursuant to the Local Election
12 Act."~~~~

13 SECTION 133. Section 72-20-4 NMSA 1978 (being Laws
14 2007, Chapter 99, Section 4) is amended to read:

15 "72-20-4. DEFINITIONS.--Except where the context
16 otherwise requires, as used in the Eastern Sandoval County
17 Arroyo Flood Control Act:

18 A. "acquisition" or "acquire" means the opening,
19 laying out, establishment, purchase, construction, securing,
20 installation, reconstruction, lease, gift, grant from the
21 federal government or any public body or person, endowment,
22 bequest, devise, condemnation, transfer, assignment, option
23 to purchase, other contract or other acquirement, or any
24 combination thereof, of facilities, other property or any
25 project or an interest therein authorized by the Eastern

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1 Sandoval County Arroyo Flood Control Act;

2 B. "authority" means the eastern Sandoval county
3 arroyo flood control authority;

4 C. "board" means the board of directors of the
5 authority;

6 D. "chair" means the chair of the board and
7 president of the authority;

8 E. "condemnation" or "condemn" means the
9 acquisition by the exercise of the power of eminent domain of
10 property for any facilities, other property or project or an
11 interest therein authorized by the Eastern Sandoval County
12 Arroyo Flood Control Act. The authority may exercise in the
13 state the power of eminent domain, either within or without
14 the authority and, in the manner provided by law for the
15 condemnation of private property for public use, may take any
16 property necessary to carry out any of the objects or
17 purposes of the Eastern Sandoval County Arroyo Flood Control
18 Act. In the event the construction of any facility or
19 project authorized by the Eastern Sandoval County Arroyo
20 Flood Control Act, or any part thereof, makes necessary the
21 removal and relocation of any public utilities, whether on
22 private or public right of way, the authority shall reimburse
23 the owner of the public utility facility for the expense of
24 removal and relocation, including the cost of any necessary
25 land or rights in land;

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1 F. "cost" or "cost of the project", or words of
2 similar import, means all, or any part designated by the
3 board, of the cost of any facilities, project or interest
4 therein being acquired and of all or any property, rights,
5 easements, privileges, agreements and franchises deemed by
6 the authority to be necessary or useful and convenient
7 therefor or in connection therewith, which cost, at the
8 option of the board, may include all or any part of the
9 incidental costs pertaining to the project, including without
10 limiting the generality of the foregoing, preliminary
11 expenses advanced by any municipality or other public body
12 from funds available for use therefor in the making of
13 surveys, preliminary plans, estimates of cost and other
14 preliminaries; for the costs of appraising and printing and
15 employing engineers, architects, fiscal agents, attorneys at
16 law, clerical help and other agents or employees; for the
17 costs of capitalizing interest or any discount on securities,
18 of inspection, of any administrative, operating and other
19 expenses of the authority prior to the levy and collection of
20 taxes and of reserves for working capital, operation,
21 maintenance or replacement expenses or for payment or
22 security of principal of or interest on any securities; for
23 the costs of making, publishing, posting, mailing and
24 otherwise giving any notice in connection with the project,
25 the taking of options, the issuance of securities, the filing

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1 or recordation of instruments and the levy and collection of
2 taxes and installments thereof; for the costs of
3 reimbursements by the authority to any public body, the
4 federal government or any person of any money theretofore
5 expended for or in connection with any facility or project;
6 and for all other expenses necessary or desirable and
7 appertaining to any project, as estimated or otherwise
8 ascertained by the board;

9 G. "director" means a member of the board;

10 H. "disposal" or "dispose" means the sale,
11 destruction, razing, loan, lease, gift, grant, transfer,
12 assignment, mortgage, option to sell, other contract or other
13 disposition, or any combination thereof, of facilities, other
14 property or any project or an interest therein authorized by
15 the Eastern Sandoval County Arroyo Flood Control Act;

16 I. "engineer" means any engineer in the permanent
17 employ of the authority or any independent competent engineer
18 or firm of such engineers employed by the authority in
19 connection with any facility, property, project or power
20 authorized by the Eastern Sandoval County Arroyo Flood
21 Control Act;

22 J. "equipment" or "equip" means the furnishing of
23 all necessary or desirable, related or appurtenant
24 facilities, or any combination thereof, appertaining to any
25 facilities, property or project or interest therein

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1 authorized by the Eastern Sandoval County Arroyo Flood
2 Control Act;

3 K. "facility" means any of the water facilities,
4 sewer facilities or other property appertaining to the flood
5 control system of the authority;

6 L. "federal government" means the United States or
7 any agency, instrumentality or corporation thereof;

8 M. "federal securities" means the bills,
9 certificates of indebtedness, notes or bonds that are direct
10 obligations of, or the principal and interest of which
11 obligations are unconditionally guaranteed by, the United
12 States;

13 N. "governing body" means the city council, city
14 commission, board of commissioners, board of trustees, board
15 of directors or other legislative body of the public body
16 proceeding under the Eastern Sandoval County Arroyo Flood
17 Control Act, in which body the legislative powers of the
18 public body are vested;

19 O. "improvement" or "improve" means the extension,
20 widening, lengthening, betterment, alteration,
21 reconstruction, repair or other improvement, or any
22 combination thereof, of facilities, other property or project
23 or any interest therein authorized by the Eastern Sandoval
24 County Arroyo Flood Control Act;

25 P. "mailed notice" or notice by "mail" means the

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1 giving by the engineer, secretary or any deputy thereof, as
2 determined by the board, of any designated written or printed
3 notice addressed to the last known owner of each tract of
4 real property in question or other designated person at the
5 last known address, by deposit, at least ten days prior to
6 the designated hearing or other time or event, in the United
7 States mail, postage prepaid, as first-class mail. In the
8 absence of fraud, the failure to mail any such notice shall
9 not invalidate any proceedings under the Eastern Sandoval
10 County Arroyo Flood Control Act. The names and addresses of
11 those property owners shall be obtained from the records of
12 the county assessor or from such other source as the
13 secretary or the engineer deems reliable. Any list of such
14 names and addresses may be revised from time to time, but
15 such a list need not be revised more frequently than at
16 twelve-month intervals. Any mailing of any notice required
17 shall be verified by the affidavit or certificate of the
18 engineer, secretary, deputy or other person mailing the
19 notice, which verification shall be retained in the records
20 of the authority at least until all taxes and securities
21 appertaining thereto have been paid in full or any claim is
22 barred by a statute of limitations;

23 Q. "municipality" means any incorporated city, town
24 or village in the state, whether incorporated or governed
25 under a general act, special legislative act or special

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underscoring material = new
~~[bracketed material] = delete~~

1 charter of any type. "Municipal" pertains to municipality;

2 R. "person" means any human being, association,
3 partnership, firm or corporation, excluding a public body and
4 excluding the federal government;

5 S. "president" means the president of the authority
6 and the chair of the board;

7 T. "project" means any structure, facility,
8 undertaking or system that the authority is authorized to
9 acquire, improve, equip, maintain or operate. A project may
10 consist of all kinds of personal and real property. A
11 project shall appertain to the flood control system that the
12 authority is authorized and directed to provide within and
13 without the authority's boundaries;

14 U. "property" means real property and personal
15 property;

16 V. "publication" or "publish" means publication in
17 at least the one newspaper designated as the authority's
18 official newspaper and published in the authority in the
19 English language at least once a week and of general
20 circulation in the authority. Except as otherwise
21 specifically provided or necessarily implied, "publication"
22 or "publish" also means publication for at least once a week
23 for three consecutive weeks by three weekly insertions, the
24 first publication being at least fifteen days prior to the
25 designated time or event, unless otherwise so stated. It is

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1 not necessary that publication be made on the same day of the
2 week in each of the three calendar weeks, but not less than
3 fourteen days shall intervene between the first publication
4 and the last publication, and publication shall be complete
5 on the day of the last publication. Any publication required
6 shall be verified by the affidavit of the publisher and filed
7 with the secretary;

8 W. "public body" means the state or any agency,
9 instrumentality or corporation thereof or any municipality,
10 school district or other type of district or any other
11 political subdivision of the state, excluding the authority
12 and excluding the federal government;

13 X. "qualified elector" means a person qualified and
14 registered to vote in general elections in the state, who is
15 a resident of the authority at the time of any election held
16 under the provisions of the Eastern Sandoval County Arroyo
17 Flood Control Act or at any other time in reference to which
18 the term "qualified elector" is used;

19 Y. "real property" means:

20 (1) land, including land under water;

21 (2) buildings, structures, fixtures and
22 improvements on land;

23 (3) any property appurtenant to or used in
24 connection with land; and

25 (4) every estate, interest, privilege,

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1 easement, franchise and right in land, legal or equitable,
2 including without limiting the generality of the foregoing,
3 rights of way, terms for years and liens, charges or
4 encumbrances by way of judgment, mortgage or otherwise and
5 the indebtedness secured by such liens;

6 Z. "secretary" means the secretary of the
7 authority;

8 AA. "secretary of state" means the secretary of
9 state of New Mexico;

10 BB. "securities" means any notes, warrants, bonds,
11 temporary bonds or interim debentures or other obligations of
12 the authority or any public body appertaining to any project
13 or interest therein authorized by the Eastern Sandoval County
14 Arroyo Flood Control Act;

15 CC. "sewer facilities" means any one or more of the
16 various devices used in the collection, channeling,
17 impounding or disposition of storm, flood or surface drainage
18 waters, including all inlets, collection, drainage or
19 disposal lines, canals, intercepting sewers, outfall sewers,
20 all pumping, power and other equipment and appurtenances, all
21 extensions, improvements, remodeling, additions and
22 alterations thereof and any rights or interest in such sewer
23 facilities;

24 DD. "sewer improvement" or "improve any sewer"
25 means the acquisition, reacquisition, improvement,

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1 reimprovement or repair of any storm sewer or combination
2 storm and sanitary sewer, including [~~but not limited to~~]
3 collecting and intercepting sewer lines or mains, submains,
4 trunks, laterals, outlets, ditches, ventilation stations,
5 pumping facilities, ejector stations and all other
6 appurtenances and machinery necessary, useful or convenient
7 for the collection, transportation and disposal of storm
8 water;

9 EE. "state" means the state of New Mexico or any
10 agency, instrumentality or corporation thereof;

11 FF. "street" means any street, avenue, boulevard,
12 alley, highway or other public right of way used for any
13 vehicular traffic;

14 GG. "taxes" means general (ad valorem) taxes
15 pertaining to any project authorized by the Eastern Sandoval
16 County Arroyo Flood Control Act; and

17 HH. "treasurer" means the treasurer of the
18 authority."

19 **SECTION 134.** Section 72-20-8 NMSA 1978 (being Laws
20 2007, Chapter 99, Section 8, as amended) is amended to read:

21 "72-20-8. BOARD OF DIRECTORS.--

22 A. The governing body of the authority is a board
23 of directors consisting of three registered qualified
24 electors of the authority; provided that, after single-member
25 districts are created pursuant to Subsection B of Section

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1 72-20-10 NMSA 1978 and after the expiration of the terms of
2 any directors-at-large who are serving at the time that
3 single-member districts are created:

4 (1) each director shall reside within and
5 represent a specified district; and

6 (2) if a director no longer resides within the
7 district that the director represents, the director's
8 position shall be deemed vacant and a successor shall be
9 appointed to serve the unexpired term pursuant to Section
10 72-20-12 NMSA 1978.

11 B. All powers, rights, privileges and duties vested
12 in or imposed upon the authority are exercised and performed
13 by and through the board of directors; provided that the
14 exercise of any executive, administrative and ministerial
15 powers may be, by the board, delegated and redelegated to
16 officers and employees of the authority or to any officer or
17 employee contracted by agreement to manage and administer the
18 operations of the authority. Except for the first directors
19 appointed as provided for in Section 72-20-9 NMSA 1978 or
20 elected as provided in Section 72-20-10 NMSA 1978 and except
21 for any director chosen to fill an unexpired term, and except
22 for the first directors serving after the authority is
23 divided into single-member districts, the term of each
24 director [~~commences on the first day of January next~~
25 ~~following a general election in the state and~~] runs for six

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1 years. Each director, subject to such exceptions, shall
2 serve a six-year term [~~ending on the first day of January~~
3 ~~next following a general election~~], and each director shall
4 serve until a successor has been duly chosen and qualified."

5 SECTION 135. Section 72-20-10 NMSA 1978 (being Laws
6 2007, Chapter 99, Section 10, as amended) is amended to read:

7 "72-20-10. ELECTION OF DIRECTORS--SINGLE-MEMBER
8 DISTRICTS.--

9 A. At the time that a proposal to incur debt is
10 first submitted to the qualified electors [~~or at the first~~
11 ~~general election following March 30, 2007, whichever occurs~~
12 ~~first~~], the qualified electors of the authority shall elect
13 five qualified directors, two to serve a term ending January
14 1, 2011, two to serve a term ending January 1, 2013 and one
15 to serve a term ending January 1, 2015. At the first
16 election, the five candidates receiving the highest number of
17 votes shall be elected as directors. The terms of the
18 directors shall be determined by lot at their organizational
19 meeting.

20 B. Upon the exclusion of land pursuant to
21 Subsection C of Section 72-20-6 NMSA 1978, the two directors
22 elected in the 2010 general election shall be deemed to have
23 resigned, and, notwithstanding the provisions of Section
24 72-20-12 NMSA 1978, their positions shall not be filled.
25 Thereafter, the board shall consist of three directors. The

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1 board shall divide the authority into three single-member
2 districts. The following provisions shall govern the
3 procedure for converting to single-member districts:

4 (1) the districts shall be as contiguous,
5 compact and as equal in population as is practicable;

6 (2) remaining terms for the three incumbent
7 directors shall be chosen by lot so that one term expires on
8 January 1, 2013, one term expires on January 1, 2015 and one
9 term expires on January 1, 2017;

10 (3) if, as a result of the division of the
11 authority into districts, two or more incumbent directors
12 reside within the same district, the board shall determine,
13 by lot, one of the directors to represent the district, and
14 the other directors residing within that district shall
15 represent the authority at large until their terms expire;

16 (4) if, as a result of the exclusion of land
17 pursuant to Subsection C of Section 72-20-6 NMSA 1978, one or
18 more incumbent directors reside outside of any district, the
19 directors shall represent the authority at large until their
20 terms expire; and

21 (5) if more than one director represents the
22 authority at large pursuant to Paragraph (3) or (4) of this
23 subsection, the board shall determine by lot the district
24 that will elect a resident to succeed a director-at-large as
25 the term of each director-at-large expires.

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1 C. ~~[At the 2012 and each subsequent general~~
2 ~~election, for the single-member district in which the term of~~
3 ~~the incumbent director or the term of a director-at-large~~
4 ~~assigned by lot pursuant to Paragraph (2) of Subsection B of~~
5 ~~this section will expire on the first day of the January~~
6 ~~immediately following the election]~~ A director who is a
7 qualified elector and a resident of the district shall be
8 elected by the qualified electors who are residents of that
9 district to serve a six-year term. Elections for directors
10 shall be held pursuant to the Local Election Act.

11 D. Nothing in this section shall be construed as
12 preventing qualified electors of the authority from being
13 elected or reelected as directors to succeed themselves;
14 provided that they reside in the district from which they are
15 elected.

16 E. As soon as feasible after each federal decennial
17 census, the board shall assess the existing districts to
18 determine if the districts remain as equal in population as
19 is practicable and, if necessary, shall redistrict the
20 authority into districts that remain contiguous, compact and
21 as equal in population as is practicable; provided that:

22 (1) a redistricting shall be effective at the
23 next following ~~[general]~~ local election; ~~[and]~~

24 (2) an incumbent director whose residence is
25 redistricted out of the district represented by the director

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1 shall serve until the next ~~[general]~~ local election, at which
2 a qualified elector who resides within the district shall be
3 elected to fill the unexpired term; and

4 (3) the board shall notify the county clerk of
5 the new district boundaries."

6 SECTION 136. Section 72-20-11 NMSA 1978 (being Laws
7 2007, Chapter 99, Section 11, as amended) is amended to read:

8 "72-20-11. NOMINATION OF DIRECTORS.--~~[Not later than~~
9 ~~forty-five days before a proposal to incur debt is first~~
10 ~~submitted to the qualified electors or at the first general~~
11 ~~election following March 30, 2007, whichever occurs first]~~

12 Written nominations of any candidate as director may be filed
13 with the ~~[secretary of the board]~~ proper filing officer in
14 accordance with the provisions of the Local Election Act.

15 Each nomination of any candidate shall be signed by not less
16 than fifty qualified electors, regardless of whether or not
17 nominated ~~[therein]~~, shall designate ~~[therein]~~ the name of
18 the candidates ~~[thereby]~~ nominated and shall recite that the
19 subscribers ~~[thereto]~~ are qualified electors and that the
20 ~~[candidate or]~~ candidates designated ~~[therein]~~ are qualified
21 electors of the authority. No written nomination may
22 designate more qualified electors as candidates than there
23 are vacancies. No qualified elector may nominate more than
24 one candidate for any vacancy. ~~[If a candidate does not~~
25 ~~withdraw the candidate's name before the first publication of~~

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1 ~~the notice of election, the candidate's name shall be placed~~
2 ~~on the ballot. For any election held after November 2010,~~
3 ~~nominations shall be made by qualified electors in accordance~~
4 ~~with the procedures and limitations of this section, except~~
5 ~~that:~~

6 ~~A. such nominations shall be filed with the~~
7 ~~secretary of the board not later than the fourth Tuesday in~~
8 ~~June preceding the general election;~~

9 ~~B. each nomination shall designate only one~~
10 ~~candidate;~~

11 ~~C. all of the qualified electors signing each~~
12 ~~nomination and the person nominated shall reside within the~~
13 ~~district for which the candidate has been nominated; and~~

14 ~~D. each nomination shall recite that the~~
15 ~~subscribers thereto are qualified electors who reside in the~~
16 ~~district for which the candidate is nominated and that the~~
17 ~~person nominated is a qualified elector who resides in the~~
18 ~~district for which the person is nominated.]"~~

19 SECTION 137. Section 72-20-13 NMSA 1978 (being Laws
20 2007, Chapter 99, Section 13) is amended to read:

21 "72-20-13. ORGANIZATIONAL MEETINGS.--Except for the
22 first board, each board shall meet on the first business day
23 next following the first day of [~~January in each odd-numbered~~
24 ~~year~~] the month that the term of office begins for members
25 elected in the immediately preceding election, at the office

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1 of the board within the authority. Each member of the board,
2 before entering upon the member's official duties, shall take
3 and subscribe on oath that the member will support the
4 constitution of the United States and the constitution and
5 laws of New Mexico and that the member will faithfully and
6 impartially discharge the duties of the office to the best of
7 the member's ability, which oath shall be filed in the office
8 of the secretary of state. Each director shall, before
9 entering upon the director's official duties, give a bond to
10 the authority in the sum of ten thousand dollars (\$10,000)
11 with good and sufficient surety, conditioned for the faithful
12 performance of all of the duties of the director's office,
13 without fraud, deceit or oppression, and the accounting for
14 all money and property coming into the director's hands and
15 the prompt and faithful payment of all money and the
16 delivering of all property coming into the director's custody
17 or control belonging to the authority to the director's
18 successors in office. Premiums on all bonds provided for in
19 this section shall be paid by the authority, and all such
20 bonds shall be kept on file in the office of the secretary of
21 state."

22 SECTION 138. Section 72-20-28 NMSA 1978 (being Laws
23 2007, Chapter 99, Section 28) is amended to read:

24 "72-20-28. ELECTIONS.--Each biennial election of
25 directors [~~shall be conducted at the time of the general~~

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1 ~~election under the direction of the Sandoval county clerk and~~
2 ~~in accordance with the election laws of New Mexico] and any~~
3 other election of the authority, including an election to
4 seek approval for the issuance of bonds, shall be conducted
5 ~~[at any time approved by the board in accordance with the~~
6 ~~election laws of New Mexico. Elections for the issuance of~~
7 ~~bonds may be by mail-in ballot pursuant to the procedures set~~
8 ~~forth in the Mail Ballot] pursuant to the Local Election~~
9 Act."

10 SECTION 139. Section 73-14-20 NMSA 1978 (being Laws
11 1975, Chapter 262, Section 3, as amended) is amended to read:

12 "73-14-20. DEFINITIONS.--As used in Sections 73-14-18
13 through ~~[73-14-32]~~ 73-14-30 NMSA 1978:

14 ~~[A. "absent voter" means a qualified elector who~~
15 ~~has requested an absentee ballot forty days prior to an~~
16 ~~election;~~

17 ~~B. "absentee early voter" means a qualified elector~~
18 ~~who has voted early, prior to election day, on an electronic~~
19 ~~voting machine at a designated absentee early voter precinct;~~

20 ~~G.]~~ A. "benefited area" means that area described
21 by a property appraisal that receives a benefit as a result
22 of the creation of a district for any of the purposes
23 specified in Section 73-14-4 NMSA 1978;

24 ~~[D. "election director" means the person whom the~~
25 ~~board of directors may request to provide election services~~

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1 ~~by a contract approved by the secretary of state;~~

2 ~~E. "election officer" means a person appointed by~~
3 ~~the board of directors to conduct the election in the absence~~
4 ~~of an election director and who performs all election~~
5 ~~services required by statute;~~

6 ~~F.]~~ B. "list compiler" means a contractor approved
7 by the board of directors to compile and produce a qualified
8 elector list for a conservancy district;

9 ~~[G.]~~ C. "qualified elector" means an individual who
10 owns real property within the benefited area of the
11 conservancy district and who has provided proof of an
12 ownership interest to one of the sources specified in
13 Subsection B of Section 73-14-20.1 NMSA 1978 within the
14 required time period, or who resides on and owns legal or
15 equitable title in tribal lands and who is over the age of
16 majority;

17 ~~[H.]~~ D. "qualified elector's list" means the list
18 compiled before each election that contains the individual
19 names of all qualified electors; and

20 ~~[I.]~~ E. "residence" means a dwelling that lies
21 partially or completely within the benefited area."

22 **SECTION 140.** Section 73-14-20.1 NMSA 1978 (being Laws
23 1990, Chapter 48, Section 1, as amended) is amended to read:

24 "73-14-20.1. QUALIFIED ELECTOR LIST.--

25 A. The board of directors of the conservancy

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1 district may contract for a list compiler before each
2 election to compile and produce a qualified elector's list
3 for the district. The list compiler shall deliver the
4 completed list to the ~~[election director]~~ appropriate county
5 clerk no later than ~~[forty-five]~~ one hundred eighty days
6 prior to a district election and update the list every thirty
7 days until ninety days before the election, which list the
8 county clerk shall use for the election. An individual who
9 purchases property ninety days prior to an election and whose
10 name does not appear on the qualified elector's list shall
11 not vote in that election. The individual may become
12 certified to vote in a future election by filing ~~[his]~~ a deed
13 of title with the appropriate county clerk at least ninety
14 days before the next conservancy district election.

15 B. Names of qualified electors shall be obtained
16 from the records of the county clerk of the appropriate
17 county, the appropriate county assessor of the appropriate
18 county, records of the conservancy district or from the
19 census bureau and enrollment records provided by the pueblos.
20 The county assessor of the appropriate county, the county
21 clerk of the appropriate county and the tribal
22 representatives of the appropriate pueblos shall deliver to
23 the ~~[election director]~~ list compiler all records regarding
24 qualified electors of the benefited area no later than the
25 last day of each March before a district election.

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1 C. Updating the qualified elector's list shall
2 consist of adding, for any new qualified elector who has
3 purchased property in the district, the name, address and
4 description of all property owned by the qualified elector in
5 the benefited area and removing the name of any elector who
6 is deceased or ~~[is no longer a qualified elector because he]~~
7 who no longer owns property within the benefited area.

8 D. Proof of ownership of land within the benefited
9 area requires one of the following:

10 (1) a recorded deed or real estate contract
11 indicating current ownership of land within the benefited
12 area;

13 (2) an individual's name on county clerk
14 records indicating a description of property the individual
15 owns within the benefited area;

16 (3) an individual's name on a list compiled by
17 the governing body of a pueblo within the benefited area
18 indicating that the individual named is residing on and has
19 legal or equitable title in the pueblo; or

20 (4) a current property tax bill indicating
21 ownership of land within the benefited area.

22 E. The ~~[election officer or the election director]~~
23 appropriate county clerk shall distribute to each polling
24 place a current qualified elector's list for the appropriate
25 county. The ~~[election officer or the election director]~~

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1 appropriate county clerk shall distribute the qualified
2 elector's list to each polling place within a pueblo located
3 within the benefited area. A qualified elector may vote at
4 any one polling place in the pueblo or county where ~~[he]~~ the
5 elector owns land. An individual who seeks to cast ~~[his]~~ a
6 vote but ~~[finds his]~~ whose name is not on the qualified
7 elector's list shall not be allowed to vote in that
8 election."

9 SECTION 141. Section 73-14-24 NMSA 1978 (being Laws
10 1975, Chapter 262, Section 7, as amended) is amended to read:

11 "73-14-24. TIME AND PROCEDURE FOR ELECTION.--

12 ~~[A. On the first Tuesday after the first Monday in~~
13 ~~January prior to the middle Rio Grande conservancy district~~
14 ~~election, an election proclamation shall be published that~~
15 ~~includes a list of the offices for which a candidate may~~
16 ~~file, the date and place at which declarations of candidacy~~
17 ~~shall be filed and the date of the election. The election~~
18 ~~proclamation shall be published once in a newspaper of~~
19 ~~general circulation in the counties in which the election~~
20 ~~shall be held.~~

21 ~~B.]~~ A. The members of the boards of directors
22 created pursuant to the provisions of Sections 73-14-18
23 through ~~[73-14-32]~~ 73-14-30 NMSA 1978 shall be elected ~~[at an~~
24 ~~election held on the first Tuesday after the first Monday in~~
25 ~~June in 2001 and in each odd-numbered year thereafter]~~

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1 pursuant to the Local Election Act.

2 [G.] B. The elections for the members of the board
3 of directors of the conservancy district shall be conducted,
4 counted and canvassed as provided in [Sections 73-14-18
5 through 73-14-32 and 73-14-84 through 73-14-86 NMSA 1978.
6 The polls may be opened and closed in the same manner as
7 provided for the general election under the Election Code.

8 D. ~~If only one candidate has filed a declaration of~~
9 ~~candidacy for a position to be filled at an election, no~~
10 ~~declared write-in candidate has filed for a position and~~
11 ~~there are no questions or bond issues on the ballot, only one~~
12 ~~polling place for the election may be designated. The one~~
13 ~~polling place may be located in the office of the election~~
14 ~~director or in the office of the middle Rio Grande~~
15 ~~conservancy district] the Local Election Act."~~

16 SECTION 142. Section 73-14-25 NMSA 1978 (being Laws
17 1975, Chapter 262, Section 8, as amended) is amended to read:

18 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF
19 ELECTORS.--

20 A. [Any] A person who desires to become a candidate
21 for election as a member of the conservancy district board of
22 directors shall file [his] a written declaration of candidacy
23 with the [election director or with the election officer at
24 least sixty days before the election. The election officer
25 or the election director shall certify the candidates to the

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1 ~~board of directors]~~ proper filing officer in accordance with
2 the provisions of the Local Election Act.

3 B. The declaration of candidacy shall ~~[contain:~~

4 ~~(1) a statement that the candidate is a~~
5 ~~qualified elector of the district and meets the~~
6 ~~qualifications of a director as required by law;~~

7 ~~(2) the candidate's name, address, county of~~
8 ~~residence and date of declaration of candidacy;~~

9 ~~(3) the numerical designation of the position~~
10 ~~on the board of directors for which he desires to be a~~
11 ~~candidate;~~

12 ~~(4)]~~ be accompanied by:

13 (1) if a candidate for a position representing
14 a county in the conservancy district, a petition signed by at
15 least seventy-five qualified electors of the district who
16 reside in that county; or

17 ~~(5)]~~ (2) if a candidate for the position at
18 large in the conservancy district, a petition signed by at
19 least one hundred twenty-five qualified electors [~~and~~

20 ~~(6) a statement that the candidate resides~~
21 ~~within the conservancy district and in the county for which~~
22 ~~he desires to be a candidate on the board of directors]."~~

23 SECTION 143. Section 73-14-28.1 NMSA 1978 (being Laws
24 1996, Chapter 42, Section 12) is amended to read:

25 "73-14-28.1. ELECTION.--~~[The board of directors of the~~

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1 ~~conservancy district shall conduct the election]~~ Elections
2 shall be conducted pursuant to [~~Chapter 73, Article 14]~~
3 Sections 73-14-18 through 73-14-30 NMSA 1978 and [~~other~~
4 ~~applicable election laws or shall select an election director~~
5 ~~as defined in Section 73-14-20 NMSA 1978 to provide election~~
6 ~~services. The election director shall operate pursuant to a~~
7 ~~contract approved by the secretary of state. The election~~
8 ~~may be conducted by emergency paper ballot, electronic voting~~
9 ~~machine or any other state-certified tabulating voting~~
10 ~~machine]~~ the Local Election Act."

11 SECTION 144. Section 73-14-55 NMSA 1978 (being Laws
12 1943, Chapter 126, Section 2) is amended to read:

13 "73-14-55. BOARDS OF DIRECTORS--MEMBERSHIP--
14 QUALIFICATIONS.--The boards of directors [~~hereby~~] created in
15 Sections 73-14-54 through 73-14-69 NMSA 1978 shall consist of
16 five [~~(5)~~] directors, each of whom must own real property
17 within the conservancy district [~~which~~] that is subject to
18 conservancy district appraisals, assessments, levies and
19 taxes, and each of whom must actually reside within the
20 conservancy district and also within the county from which
21 [~~he shall be~~] the director is elected [~~as hereinafter~~
22 ~~provided~~]."

23 SECTION 145. Section 73-14-57 NMSA 1978 (being Laws
24 1943, Chapter 126, Section 4, as amended) is amended to read:

25 "73-14-57. DEFINITION OF "QUALIFIED ELECTORS"--

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1 QUALIFIED ELECTOR LIST.--

2 A. The term "qualified electors", as used in
3 Sections [~~75-28-33 through 75-28-48 NMSA 1953~~] 73-14-54
4 through 73-14-69 NMSA 1978, means only those persons who have
5 reached the age of majority and, for at least six months
6 prior to the election, have owned, during the entire six-
7 month period, real property situated within the district
8 [~~which~~] that is subject to conservancy district appraisals,
9 assessments, levies and taxes.

10 B. The conservancy district shall compile and
11 deliver a qualified elector list to the appropriate county
12 clerk no later than one hundred eighty days before an
13 election, and update the list every thirty days until ninety
14 days before the election, which list the county clerk shall
15 use for that election."

16 SECTION 146. Section 73-14-58 NMSA 1978 (being Laws
17 1943, Chapter 126, Section 5) is amended to read:

18 "73-14-58. TERMS--VACANCIES.--Each director shall be
19 elected for a term of six years from and after the date of
20 [~~his~~] election and, unless removed from office as
21 [~~hereinafter~~] provided in Section 73-14-59 NMSA 1978, shall
22 serve until [~~his~~] a successor is duly elected and has
23 qualified; provided that at the first election, one director
24 shall be elected for a term of two years, two for a term of
25 four years and two for a term of six years, to be determined

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1 according to counties if there ~~[be]~~ is land in any district
2 in more than one county, by the board calling the election.
3 Appointments to fill vacancies shall be for the unexpired
4 term of the director whose office becomes vacant. [~~Within~~
5 ~~ten days after the first and each succeeding election to be~~
6 ~~held under the provisions of this act, the directors so~~
7 ~~elected shall meet and qualify as directors and shall~~
8 ~~organize the board of directors hereby created in the same~~
9 ~~manner now by law required of members of the board of~~
10 ~~directors hereby abolished. When the elected directors shall~~
11 ~~have qualified and the boards of directors hereby created~~
12 ~~shall have been organized as aforesaid, then the present~~
13 ~~boards of directors as now constituted shall immediately~~
14 ~~cease to exist and to function, and all conservancy district~~
15 ~~records and property of what kind or character soever shall~~
16 ~~be, by the outgoing board and its outgoing directors,~~
17 ~~officers and employees, transferred and delivered unto the~~
18 ~~newly organized board of directors of said conservancy~~
19 ~~district.]"~~

20 SECTION 147. Section 73-14-61 NMSA 1978 (being Laws
21 1943, Chapter 126, Section 8, as amended) is amended to read:

22 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF
23 ELECTORS.--Any qualified elector [~~as herein defined~~] who
24 desires to become a candidate for election as a director
25 shall [~~at least forty days prior to the election~~] file with

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1 the ~~[secretary of the board of directors then in office his]~~
2 proper filing officer in accordance with the provisions of
3 the Local Election Act a written notice of candidacy, which
4 shall state ~~[his]~~ the candidate's name and residence ~~[and the~~
5 ~~term for which he is a candidate for election]~~ within the
6 conservancy district. If ~~[he]~~ the candidate is a candidate
7 at large, ~~[his]~~ the candidate's notice of candidacy ~~[must]~~
8 shall be signed by twenty qualified electors resident within
9 the district. If ~~[he]~~ the candidate is a candidate only from
10 that portion of the district ~~[which]~~ that lies within one
11 county, ~~[his]~~ the candidate's notice of candidacy ~~[must]~~
12 shall be signed by ten qualified electors who reside within
13 that particular portion of the district and county from which
14 the candidate seeks to be elected. ~~[No person who has not~~
15 ~~filed his notice of candidacy as and within the time required~~
16 ~~in this section shall be placed on the ballot.]"~~

17 SECTION 148. Section 73-14-62 NMSA 1978 (being Laws
18 1943, Chapter 126, Section 9, as amended) is amended to read:

19 "73-14-62. TIME, PLACE AND PROCEDURE FOR ELECTION.--
20 ~~[A.]~~ The five director-members of the board of directors ~~[by~~
21 ~~this act]~~ created by Sections 73-14-54 through 73-14-69 NMSA
22 1978 shall be elected ~~[on the first Tuesday of October of the~~
23 ~~year 1943 and of each succeeding sixth year thereafter at~~
24 ~~general election for districts having less than one hundred~~
25 ~~thousand acres. The five director-members of the boards of~~

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1 ~~directors of conservancy districts formed after July 1, 1952~~
2 ~~shall be elected on the first Tuesday of October, 1959 and of~~
3 ~~each succeeding sixth year thereafter at general election.~~

4 ~~B. Not less than thirty days prior to said~~
5 ~~election, the board of directors then in office shall meet~~
6 ~~and by written resolution, which shall be preserved among the~~
7 ~~permanent records of the board, shall select a voting place~~
8 ~~within each voting precinct or voting division thereof within~~
9 ~~the conservancy district and shall select three judges of~~
10 ~~election to conduct the election at the place so selected.~~
11 ~~Said judges shall be qualified electors, as herein defined,~~
12 ~~and residents of the precinct within which they are appointed~~
13 ~~to act and shall serve without pay. The resolution shall~~
14 ~~appoint one of said judges to receive the ballots and post~~
15 ~~its notice of election. Not less than five days thereafter,~~
16 ~~the secretary of said board shall notify each judge so~~
17 ~~selected of his appointment as such and send to the judge~~
18 ~~selected to receive the ballots four copies of a notice of~~
19 ~~election which shall state the time and purpose thereof, the~~
20 ~~place where held within the precinct and the names of the~~
21 ~~judges selected for such precinct and said notices shall be~~
22 ~~posted at the four most prominent places within the precinct~~
23 ~~as soon as received] in accordance with the provisions of the~~
24 ~~Local Election Act."~~

25 SECTION 149. Section 73-14-71 NMSA 1978 (being Laws

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1 1961, Chapter 67, Section 3, as amended) is amended to read:

2 "73-14-71. DEFINITION OF "QUALIFIED ELECTOR"--QUALIFIED
3 ELECTOR LIST.--

4 A. As used in the provisions of Sections [~~75-28-49~~
5 ~~through 75-28-67 NMSA 1953~~] 73-14-70 through 73-14-88 NMSA
6 1978, "qualified elector" means a natural person who has
7 reached the age of majority and who, for at least six months
8 prior to the election, has owned, either in community or
9 separately, real property located within the district and
10 subject to conservancy district appraisals, assessments,
11 levies and taxes.

12 B. The conservancy district shall compile and
13 deliver a qualified elector list to the appropriate county
14 clerk no later than one hundred eighty days before an
15 election, and update the list every thirty days until ninety
16 days before the election, which list the county clerk shall
17 use for that election."

18 **SECTION 150.** Section 73-14-73 NMSA 1978 (being Laws
19 1961, Chapter 67, Section 5) is amended to read:

20 "73-14-73. ELECTIONS [~~WHEN HELD~~].--~~[A. The first~~
21 ~~election for conservancy districts existing on July 1, 1961~~
22 ~~and eligible under the provisions of Section 75-28-53 New~~
23 ~~Mexico Statutes Annotated, 1953 Compilation to have an~~
24 ~~elected board of directors shall be held on the first Tuesday~~
25 ~~in October 1961.~~

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1 B. ~~Subsequent~~] Elections shall be held [~~every two~~
2 ~~years following the year 1961 and shall be held on the first~~
3 ~~Tuesday of October;~~

4 G.] pursuant to the Local Election Act. Conservancy
5 districts formed after July 1, 1961 shall hold their first
6 election as provided in Section [~~75-28-53 New Mexico Statutes~~
7 ~~Annotated, 1953 Compilation~~] 73-14-74 NMSA 1978."

8 SECTION 151. Section 73-14-74 NMSA 1978 (being Laws
9 1961, Chapter 67, Section 6, as amended) is amended to read:

10 "73-14-74. ELIGIBILITY OF DISTRICT TO HOLD ELECTION.--

11 A. No election shall be held in [~~any~~] an existing
12 conservancy district until the main canals in that district
13 are in such a condition that water can be delivered from them
14 for irrigation on the lands within the district.

15 B. The first election in any district formed after
16 July 1, 1961 [~~or in a district existing on July 1, 1961, and~~
17 ~~having an appointed board of directors~~] shall be held [~~on the~~
18 ~~first Tuesday of October occurring in an odd-numbered year~~
19 ~~during or~~] with the first regular local election occurring
20 after [~~which~~] the requirements of Subsection A of this
21 section are fulfilled."

22 SECTION 152. Section 73-14-78 NMSA 1978 (being Laws
23 1961, Chapter 67, Section 10) is amended to read:

24 "73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF
25 ELECTORS.--~~[A.]~~ Any qualified elector who desires to become a

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1 candidate for election as a member of a conservancy district
2 board of directors shall file [~~his~~] a written notice of
3 candidacy with the [~~secretary of the existing appointed or~~
4 ~~elected board at least twenty days before the election.~~

5 B. ~~A notice for candidacy shall state:~~

6 (1) ~~the candidate's name and address; and~~

7 (2) ~~the numerical designation of the office~~
8 ~~position on the board for which he desires to be a candidate.~~

9 G.] proper filing officer in accordance with the
10 provisions of the Local Election Act. In addition, [~~to the~~
11 ~~requirements of Subsection B~~] a notice for candidacy shall be
12 signed by at least ten qualified electors within the
13 conservancy district."

14 SECTION 153. Section 73-18-27 NMSA 1978 (being Laws
15 1955, Chapter 281, Section 3, as amended) is amended to read:

16 "73-18-27. [~~CALLING OF FIRST ELECTION~~] ELECTIONS.--[~~The~~
17 ~~board of directors of the conservancy district shall meet at~~
18 ~~the office of the conservancy district at 10:00 a.m. on the~~
19 ~~second Tuesday of August 1955 and shall call an election in~~
20 ~~the election precincts outside the municipality to be held on~~
21 ~~the second Tuesday in October 1955. The election shall be~~
22 ~~called by the board of directors by resolution that shall fix~~
23 ~~a voting place for each election precinct within the district~~
24 ~~outside the municipality and designate the necessary~~
25 ~~qualified electors of each election precinct to act as judges~~

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1 of the election in each precinct. In the discretion of the
2 board of directors of the conservancy district, the election
3 may be held at any place within the district. Judges of the
4 elections shall be paid an amount to be determined by the
5 board of directors for service. Expenses of the elections
6 shall be paid by the district.] In each odd-numbered year
7 after 1955, elections shall be called [in the same manner and
8 at the same times as provided in Sections 73-18-25 through
9 73-18-43 NMSA 1978] and conducted pursuant to the Local
10 Election Act for the election of directors to succeed any
11 directors whose terms expire in that year."

12 SECTION 154. Section 73-18-28 NMSA 1978 (being Laws
13 1955, Chapter 281, Section 4) is amended to read:

14 "73-18-28. DIRECTOR-AT-LARGE AND MUNICIPAL DIRECTOR--
15 QUALIFIED ELECTOR LIST.--

16 A. The director to represent the municipality [~~or~~
17 ~~municipalities~~] and the director-at-large for the period from
18 October 1955 to October 1957 shall be selected at the
19 September 1955 meeting by the board of directors of [~~such~~]
20 the conservancy district as [~~the same~~] it exists prior to
21 [~~such~~] the election. [~~Such~~] The members shall be elected
22 from the membership of the previously existing board if there
23 [~~be~~] are qualified members of [~~such~~] the board willing to
24 serve for [~~such~~] the additional two years. If there [~~be~~] are
25 no members of the existing board willing to serve for [~~such~~]

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1 the additional period of two years or if there [~~be~~] is only
2 one, [~~then said~~] the existing board may select one or both of
3 [~~such~~] the directors from qualified electors of the district
4 for [~~such~~] the position or positions [~~as a director as no~~
5 ~~member of the existing board shall be willing to accept~~].

6 B. In the election to be held in October 1957, a
7 director to represent the municipal voting precinct shall be
8 elected from the qualified electors of the municipality, and
9 a director-at-large shall be elected from the qualified
10 electors of the district.

11 C. Every resident, otherwise qualified, owning real
12 estate of any character within the district shall have one
13 vote for director-at-large. Each elector resident of the
14 municipal voting precinct shall have one vote for municipal
15 director. The right of a voter to vote for municipal
16 director shall not be affected by [~~such~~] the elector voting
17 in any other election precinct in which [~~such~~] the elector
18 may own class "A" land.

19 D. The conservancy district shall compile and
20 deliver a qualified elector list to the appropriate county
21 clerk no later than one hundred eighty days before an
22 election, and update the list every thirty days until ninety
23 days before the election, which list the county clerk shall
24 use for that election."

25 **SECTION 155.** Section 73-18-33 NMSA 1978 (being Laws

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1 1955, Chapter 281, Section 9, as amended) is amended to read:

2 "73-18-33. QUALIFICATIONS OF DIRECTORS.--The director-
3 at-large shall be the owner of class "A" land within the
4 district and shall be a resident of the district. The
5 director for the municipal election precinct shall be a
6 resident and shall be the owner of real estate within the
7 district boundaries of the municipality. A director
8 representing a district election precinct outside the
9 municipality shall be a resident of the district and the
10 owner of irrigable land within the voting precinct for which
11 ~~[he]~~ the director is a director."

12 SECTION 156. Section 73-18-34 NMSA 1978 (being Laws
13 1955, Chapter 281, Section 10, as amended) is amended to
14 read:

15 "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any
16 person wishing to become a candidate for the office of
17 director in any district shall ~~[by the last Friday of July~~
18 ~~before the election]~~ file ~~[in the office of the secretary of~~
19 ~~the district]~~ a declaration of candidacy pursuant to the
20 provisions of the Local Election Act, stating the election
21 precinct for which the person is a candidate, accompanied by
22 a petition signed by not less than ten qualified electors of
23 the election precinct for which the person is a candidate to
24 represent. No declaration of candidacy shall be accepted ~~[by~~
25 ~~the secretary]~~ unless accompanied by such petition, signed by

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1 electors."

2 SECTION 157. Section 73-18-35 NMSA 1978 (being Laws
3 1955, Chapter 281, Section 11) is amended to read:

4 "73-18-35. TERM OF OFFICE FOR DIRECTOR.--The regular
5 term of office for a director [~~shall be~~] is four [~~(4)~~] years,
6 and the director shall serve until [his] a successor [shall
7 have] has been chosen and [shall have] has qualified. A
8 director shall qualify by taking an oath of office. Newly
9 elected directors shall take office [~~at the next regular~~
10 ~~meeting of the board of directors]~~ on the date that their
11 terms of office begin following the election of [~~such~~] the
12 director."

13 SECTION 158. Section 73-18-41 NMSA 1978 (being Laws
14 1955, Chapter 281, Section 17) is amended to read:

15 "73-18-41. APPLICATION OF [~~GENERAL ELECTION LAWS~~] LOCAL
16 ELECTION ACT.--In any election held under [~~this act~~] Sections
17 73-18-25 through 73-18-43 NMSA 1978, the [~~general election~~
18 ~~laws]~~ Local Election Act shall be applicable [~~except as~~
19 ~~otherwise provided in this act and]~~ except as to the
20 requirement for registration and residence in state, county
21 or precinct as a qualification of an elector in offering to
22 vote."

23 SECTION 159. Section 73-20-1 NMSA 1978 (being Laws
24 1957, Chapter 210, Section 1) is amended to read:

25 "73-20-1. SHORT TITLE.--[~~This act~~] Sections 73-20-1

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1 through 73-20-24 NMSA 1978 may be cited as the "Watershed
2 District Act".

3 SECTION 160. Section 73-20-9 NMSA 1978 (being Laws
4 1957, Chapter 210, Section 9, as amended) is amended to read:

5 "73-20-9. REFERENDUM.--After the board of supervisors
6 has made and recorded a determination that there is need, in
7 the interest of the public health, safety and welfare, for
8 creation of the proposed watershed district, it shall
9 consider the question whether the operation of a district
10 within the proposed boundaries with the powers conferred upon
11 such districts in Section [~~45-5-31 NMSA 1953~~] 73-20-13 NMSA
12 1978 is administratively practicable and feasible. To assist
13 the board of supervisors in this determination, the board
14 shall, within a reasonable time after entry of the finding
15 that there is need for the organization of the district and
16 the determination of the boundaries of the district, hold a
17 referendum within the proposed district upon the proposition
18 of the creation of the district. Due notice of the
19 referendum shall be given as provided in [~~Section 45-5-26~~
20 ~~NMSA 1953~~] the Local Election Act, except that notice sent to
21 absentee landowners shall also inform them of their right to
22 request a ballot. [~~Such notice shall state the date of~~
23 ~~holding the referendum, the hours of opening and closing the~~
24 ~~polls and shall designate one or more places within the~~
25 ~~proposed district as polling places. The board shall appoint~~

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1 ~~a polling superintendent and other necessary polling officers~~
2 ~~giving equal representation to the proponents and opponents~~
3 ~~of the question involved.]~~ Ballots shall be sent to all
4 absentee landowners upon request and they may vote by return
5 ballot by first class mail."

6 SECTION 161. Section 73-20-10 NMSA 1978 (being Laws
7 1957, Chapter 210, Section 10, as amended) is amended to
8 read:

9 "73-20-10. ~~[BALLOTS]~~ QUALIFIED ELECTOR LIST.--~~[The~~
10 ~~question to be voted on shall be submitted by ballots that~~
11 ~~define the boundaries of the proposed district as determined~~
12 ~~by the board of supervisors.]~~ Only owners of lands lying
13 within the boundaries of the territory, as determined by the
14 board, shall be eligible to vote in the referendum or in
15 elections following formation of the district. The board
16 shall compile and deliver to the appropriate county clerks a
17 list of qualified electors one hundred eighty days prior to a
18 district election, and update the list every thirty days
19 until ninety days before an election, which list the county
20 clerk shall use for the election."

21 SECTION 162. Section 73-20-11 NMSA 1978 (being Laws
22 1957, Chapter 210, Section 11, as amended) is amended to
23 read:

24 "73-20-11. ~~VOTES--RESULTS.--~~The votes shall be counted
25 ~~[by the election officers at the close of the polls and~~

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1 ~~report of the results along with the ballots delivered to the~~
2 ~~polling superintendent, who shall certify the results to the~~
3 ~~board of supervisors]~~ in accordance with the provisions of
4 the Local Election Act. If a majority of the votes cast
5 [~~favor~~] favours creation of the district, the county
6 canvassing board [~~of supervisors~~] shall certify the results
7 to the county clerk in the county involved. Upon proper
8 recording of the action, the watershed district shall be duly
9 created. After recording, the certification shall be filed
10 with the New Mexico department of agriculture."

11 SECTION 163. Section 73-20-12 NMSA 1978 (being Laws
12 1957, Chapter 210, Section 12, as amended) is amended to
13 read:

14 "73-20-12. DIRECTORS--ELECTION.--

15 A. [~~Within thirty days~~] At the next regular local
16 election held pursuant to the Local Election Act after a
17 watershed district is created, the board of supervisors of
18 the soil and water conservation district involved shall cause
19 an election to be held for the election of a board of
20 directors of the watershed district. The board shall consist
21 of five members. The first board shall determine by lot from
22 among its membership two members to serve terms of two years,
23 two members to serve terms of three years and one member to
24 serve a term of four years. Thereafter, as these initial
25 terms expire, their replacements shall be elected for terms

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1 of four years. Vacancies occurring before the expiration of
2 a term shall be filled by the remaining members of the board
3 for the unexpired term. Two or more vacancies occurring
4 simultaneously shall be filled by appointment by the board of
5 supervisors. The board of directors shall, under the
6 supervision of the board of supervisors, be the governing
7 body of the watershed district.

8 B. If the territory embraced within a watershed
9 district lies within more than one soil and water
10 conservation district, each additional soil and water
11 conservation district having a minority of the land involved
12 in the watershed shall be entitled to elect three additional
13 directors. These additional directors after their election
14 shall determine by lot one of their number to serve a term of
15 two years, one a term of three years and one a term of four
16 years. Thereafter, their successors shall be elected for
17 terms of four years. The representatives of each of these
18 minority districts shall fill vacancies in the district's
19 membership for the unexpired term.

20 C. The board of directors shall annually elect from
21 its membership a [~~chairman~~] chair, secretary and treasurer.
22 The treasurer shall execute an official bond for the faithful
23 performance of the duties of [~~his~~] office to be approved by
24 the board of directors. The bond shall be executed with at
25 least three solvent personal sureties whose solvency shall

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1 exceed the amount of the bond, or by a surety company
2 authorized to do business in this state, and shall be in an
3 amount determined by the board of directors. If the
4 treasurer is required to execute a surety company bond, the
5 premium of the bond shall be paid by the board of directors.

6 D. The board of directors shall prepare and submit
7 to the department of finance and administration such reports
8 as it may require from among those required to be submitted
9 by other political subdivisions.

10 E. Each person desiring to be a director of a
11 watershed district shall file a nominating petition with the
12 ~~[board of supervisors]~~ proper filing officer in accordance
13 with the provisions of the Local Election Act, signed by ten
14 or more landowners within the watershed districts of the
15 county involved, or, if less than fifty landowners are
16 involved, a majority of such landowners. If the candidates
17 nominated do not exceed the positions available, they shall
18 be declared elected. ~~[No]~~ A person shall not be eligible to
19 be a director of a watershed district ~~[who]~~ if the person is
20 not a landowner in the district in which ~~[he]~~ the person
21 seeks election."

22 SECTION 164. Section 73-20-14 NMSA 1978 (being Laws
23 1957, Chapter 210, Section 14, as amended) is amended to
24 read:

25 "73-20-14. BONDS.--

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1 A. Bonds authorized by Section 73-20-13 NMSA 1978
2 shall not be issued until proposed by order or resolution of
3 the board of directors, specifying the purpose for which the
4 funds are to be used, and the proposed undertaking, the
5 amount of bonds to be issued, the rate of interest they are
6 to bear and the amount of any necessary assessment levy in
7 excess of the maximum authorized in Section 73-20-17 NMSA
8 1978 to establish a sinking fund for the liquidation of bonds
9 as provided in Section 73-20-17 NMSA 1978. A copy of the
10 order or resolution shall be certified to the board of
11 supervisors.

12 B. The board of supervisors shall conduct a hearing
13 on the proposal after notice given pursuant to Section
14 73-20-8 NMSA 1978. If it appears that the proposal is within
15 the scope and purpose of the Watershed District Act and meets
16 all other requirements of the law, the proposal shall be
17 submitted to the landowners of the district ~~[by referendum~~
18 ~~under supervision of the board of supervisors]~~ at an election
19 held pursuant to the Local Election Act.

20 ~~[C. Provisions of Sections 73-20-8 through 73-20-11~~
21 ~~NMSA 1978 as to notice, qualifications of voters and manner~~
22 ~~of holding referendum election in organizing a watershed~~
23 ~~district shall apply to the referendum held under this~~
24 ~~section.~~

25 ~~D.]~~ C. If two-thirds of the landowners voting favor

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1 the proposal, the bonds may be issued."

2 SECTION 165. Section 73-20-21 NMSA 1978 (being Laws
3 1957, Chapter 210, Section 20, as amended) is amended to
4 read:

5 "73-20-21. ADDITION OF LAND.--

6 A. Any one or more owners of land may petition the
7 board of supervisors to have their lands added to a watershed
8 district. The petition shall define the boundaries of the
9 land desired to be annexed, the number of acres of land
10 involved and other information pertinent to the proposal.
11 When the boundary described embraces lands of others than the
12 petitioners, the petition shall so state and shall be signed
13 by twenty-five or more of the landowners in the territory
14 described, if fifty or more such owners are involved, or by a
15 majority if less than fifty landowners are involved.

16 B. Within thirty days after the petition is filed,
17 the board shall cause due notice to be given as provided in
18 Section 73-20-8 NMSA 1978 of a hearing on the petition. All
19 interested parties shall have a right to attend the hearing
20 and be heard. The board shall determine whether the lands
21 described in the petition or any portion of them shall be
22 included in the district. If all the landowners in the
23 territory involved are not petitioners, a referendum shall be
24 held within the territory [~~as provided in Sections 73-20-8~~
25 ~~through 73-20-11 NMSA 1978~~] in accordance with the Local

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1 Election Act before making a final determination. If it is
2 determined that the land should be added, this fact shall be
3 certified by the board of supervisors to the county clerk in
4 the county involved. After recording, the certification
5 shall be filed with the New Mexico department of
6 agriculture."

7 SECTION 166. Section 73-20-23 NMSA 1978 (being Laws
8 1957, Chapter 210, Section 22, as amended by Laws 2013,
9 Chapter 17, Section 2 and by Laws 2013, Chapter 169, Section
10 2) is amended to read:

11 "73-20-23. DISCONTINUANCE OF DISTRICTS.--

12 A. At any time after five years from the
13 organization of a watershed district, a majority of the
14 landowners in the district may file a petition with the board
15 of supervisors and the board of directors requesting that the
16 existence of the district be discontinued if all obligations
17 of the district have been met. The petition shall state the
18 reasons for discontinuance and demonstrate that all
19 obligations of the district have been met.

20 B. After giving notice as defined in Section
21 73-20-8 NMSA 1978, the board of supervisors may conduct
22 hearings on the petition as may be necessary to assist it in
23 making a determination.

24 C. Within sixty days after petition is filed, a
25 referendum shall be held [~~under the supervision of the board~~

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1 ~~of supervisors as provided in Section 73-20-14 NMSA 1978. No~~
2 ~~informalities in the conduct of the referendum or in any~~
3 ~~matters relating to the referendum shall invalidate it or its~~
4 ~~result if notice of the referendum has been given~~
5 ~~substantially as provided in Subsection B of this section]~~
6 pursuant to the provisions of the Local Election Act.

7 D. If a majority of the votes cast in the
8 referendum [~~favor~~] favours the discontinuance of the district
9 and it is found that all obligations have been met, the board
10 of supervisors shall make a determination that the watershed
11 district shall be discontinued. A copy of the determination
12 shall be certified by the clerk of the county involved for
13 recording. After recording, the certification shall be filed
14 with the New Mexico department of agriculture."

15 SECTION 167. Section 73-20-37 NMSA 1978 (being Laws
16 1965, Chapter 137, Section 11, as amended) is amended to
17 read:

18 "73-20-37. DISTRICT SUPERVISORS--ELECTION AND
19 APPOINTMENT--NEW DISTRICTS.--

20 A. The governing body of a district shall be
21 composed of five supervisors who shall be residents of the
22 district and shall be elected pursuant to the provisions of
23 the Local Election Act; provided, however, that two
24 additional supervisors may be appointed to the governing body
25 of each district by the commission in accordance with the

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1 provisions of the Soil and Water Conservation District Act.
2 Four elected supervisor positions of each district shall be
3 filled by landowners within the defined geographical area of
4 their district. One elected supervisor position shall be
5 designated supervisor-at-large, and the supervisor filling
6 that position may serve the district without landowner
7 qualification.

8 ~~[B. Unless a different time is prescribed by the~~
9 ~~commission, within thirty days following the issuance of a~~
10 ~~certificate of organization to the two interim supervisors of~~
11 ~~a district, declarations of candidacy for supervisors of the~~
12 ~~district may be filed with the commission. The commission~~
13 ~~shall give due notice of election for the offices of five~~
14 ~~district supervisors. All registered voters residing within~~
15 ~~the district shall be eligible to vote. The commission shall~~
16 ~~adopt and prescribe regulations governing the conduct of the~~
17 ~~election, shall determine voter eligibility and shall~~
18 ~~supervise the election and publish its results. The~~
19 ~~districts shall bear the expenses of elections; however, the~~
20 ~~commission shall bear the expenses of the first election of a~~
21 ~~newly organized district.~~

22 G.] B. In the first election of supervisors to
23 serve a newly organized district, two supervisors shall be
24 elected for terms of four years and three supervisors shall
25 be elected for terms of two years. Thereafter, each elected

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1 supervisor shall serve a term of four years and shall
2 continue in office until [~~his~~] a successor has been elected
3 or appointed and has completed an oath of office. [~~Oaths of~~
4 ~~office may not be completed prior to July 1 after an~~
5 ~~election.~~] A vacant unexpired term of the office of an
6 elected supervisor shall be filled by appointment by the
7 remaining supervisors of the district. Two or more vacant
8 unexpired terms occurring simultaneously in the same district
9 shall be filled by appointment by the commission.

10 [~~D.~~] C. Appointed interim supervisors may continue
11 to serve as appointed supervisors [~~at the pleasure of the~~
12 ~~commission or~~] until their successors are [~~otherwise~~
13 ~~appointed~~] elected at the next local election pursuant to the
14 Local Election Act."

15 SECTION 168. Section 73-20-38 NMSA 1978 (being Laws
16 1965, Chapter 137, Section 12, as amended) is amended to
17 read:

18 "73-20-38. DISTRICT SUPERVISORS--ELECTION AND
19 APPOINTMENT--ORGANIZED DISTRICTS.--

20 A. Successors to supervisors whose terms end in a
21 calendar year shall be elected [~~on the first Tuesday in May~~
22 ~~of that year~~] pursuant to the Local Election Act. Elections
23 shall be called, conducted and [~~returned~~] canvassed in
24 accordance with [~~rules adopted and prescribed by the~~
25 ~~commission.~~

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1 B. ~~A canvassing board appointed by the commission~~
2 ~~shall determine the results of a district election, shall~~
3 ~~certify and publish the results and shall give the commission~~
4 ~~notice of its canvass within seven days of its completion. A~~
5 ~~canvass is considered complete when all challenges have been~~
6 ~~resolved to the satisfaction of the canvassing board.~~

7 G. ~~Rules adopted and published by the commission~~
8 ~~and the election provisions of the Soil and Water~~
9 ~~Conservation District Act shall be exclusive in the conduct~~
10 ~~of district elections. The commission may adopt and publish~~
11 ~~rules to carry out the provisions of the Soil and Water~~
12 ~~Conservation District Act.~~

13 D.] the Local Election Act.

14 B. By June 15 of each year, the district
15 supervisors may submit to the commission a list of persons
16 interested in the district and who by experience or training
17 are qualified to serve as supervisors. The commission may
18 appoint from the list submitted [~~or at will~~] two persons to
19 serve as supervisors if it is the determination of the
20 commission that the appointments are necessary or desirable
21 and would benefit or facilitate the work and functions of the
22 district. In the event a list is not submitted to the
23 commission by the supervisors by June 15, the commission may
24 appoint [~~at will~~] two supervisors qualified to serve by
25 training or experience. Appointed supervisors shall serve

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1 ~~[at the pleasure of the commission]~~ a term of two years and
2 shall have the same powers and perform the same duties as
3 elected supervisors. Successors to appointed supervisors, or
4 replacement-appointed supervisors in the event of vacancy,
5 shall be appointed by the commission from a list of
6 candidates ~~[or at will]~~ in accordance with the provisions of
7 this subsection."

8 SECTION 169. Section 73-20-46 NMSA 1978 (being Laws
9 1965, Chapter 137, Section 20, as amended) is amended to
10 read:

11 "73-20-46. DISTRICT ASSESSMENTS.--

12 A. In the event a district is unable to meet or
13 bear the expense of the duties imposed upon it by the Soil
14 and Water Conservation District Act, the supervisors may
15 adopt a resolution that, to be effective, shall be approved
16 by referendum in the district and that shall provide for an
17 annual levy for a stated period of up to ten years in a
18 stated amount not exceeding one dollar (\$1.00) on each one
19 thousand dollars (\$1,000) of net taxable value, as that term
20 is defined in the Property Tax Code, of real property within
21 the district, except that real property within incorporated
22 cities and towns in the district may be excluded. The
23 referendum held to approve or reject the resolution of the
24 supervisors shall be conducted ~~[with appropriate ballot and~~
25 ~~in substantially the same manner as a referendum adopting and~~

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1 ~~approving the creation of a proposed district]~~ pursuant to
2 the Local Election Act. After the initial authorization is
3 approved by referendum, the supervisors shall adopt a
4 resolution in each following year authorizing the levy. To
5 extend an assessment beyond the period of time originally
6 authorized and approved by referendum, the supervisors shall
7 adopt a new resolution and the district voters shall approve
8 it in a referendum. The extension shall be for the same
9 period of time as originally approved, but the rate of the
10 tax may be different as long as it does not exceed one dollar
11 (\$1.00) on each one thousand dollars (\$1,000) of net taxable
12 value of real property within the district, except that real
13 property within incorporated municipalities in the district
14 may be excluded. If the district is indebted to the United
15 States or the state or any of their respective agencies or
16 instrumentalities, including the New Mexico finance
17 authority, at the time of the expiration of the original
18 authorization, the supervisors may renew the assessment by
19 resolution for a period not to exceed the maturity date of
20 the indebtedness, and no referendum for that renewal is
21 necessary.

22 B. A resolution authorized under Subsection A of
23 this section shall not be effective, and neither a referendum
24 nor a levy is authorized, unless the resolution is submitted
25 to and approved in writing by the commission.

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1 C. In the event a resolution of the supervisors is
2 adopted and approved in accordance with the provisions of
3 Subsection A of this section, the supervisors of the district
4 shall certify by the fifteenth of July of each year to the
5 county assessor of each county in which there is situate land
6 subject to the district assessment:

7 (1) a copy of the resolution of the
8 supervisors;

9 (2) the results of any referendum held in the
10 year the certification is made; and

11 (3) a list of landowners of the district and a
12 description of the land owned by each that is subject to
13 assessment.

14 D. A county assessor shall indicate the information
15 on the tax schedules, compute the assessment and present the
16 district assessment by regular tax bill.

17 E. The district assessment shall be collected by
18 the county treasurer of each county in which taxable district
19 land is situate in the same manner and at the same time that
20 county ad valorem taxes are levied. The conditions,
21 penalties and rates of interest applicable to county ad
22 valorem taxation apply to the levy and collection of district
23 assessments. A county treasurer shall be entitled to a
24 collection fee equal to the actual costs of collection or
25 four percent of the money collected from the levy of the

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1 district assessment, whichever is the lesser.

2 F. District funds, regardless of origin, shall be
3 transferred to and held by the supervisors and shall be
4 expended for district obligations and functions. The
5 supervisors shall prepare an annual budget and submit it for
6 approval to the commission and to the local government
7 division of the department of finance and administration.
8 All district funds shall be expended in accordance with the
9 approved budgets.

10 G. In the event the supervisors of a district
11 determine that there are or will be sufficient funds
12 available for the operation of the district for any year for
13 which an assessment is to be levied, they shall, by
14 resolution, direct the assessor of each county in which
15 taxable district land is situate, by July 15 of each year, to
16 decrease the district assessment or to delete the district
17 assessment reflected on the tax schedules.

18 H. Any levy authorized by the Soil and Water
19 Conservation District Act, and any loan or other indebtedness
20 authorized by that act that will require a levy, shall be
21 based exclusively on or levied exclusively on the real
22 property in the district, except that real property within
23 incorporated cities and towns may be excluded."

24 SECTION 170. Section 73-21-14 NMSA 1978 (being Laws
25 1943, Chapter 80, Section 13, as amended) is amended to read:

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1 "73-21-14. ELECTIONS.--

2 A. In any district, except a district created
3 pursuant to a petition signed by the chair of the board of
4 county commissioners of a county, [~~on the second Tuesday of~~
5 ~~January in the second calendar year after the organization of~~
6 ~~the district and on the second Tuesday of January every~~
7 ~~second year thereafter]~~ in accordance with the Local Election
8 Act there shall be elected by the [~~taxpaying~~] qualified
9 electors of the district one member of the board to serve for
10 a term of six years, except that if the district elects to
11 adopt four-year terms, the member shall serve for a term of
12 four years.

13 B. In any district created pursuant to a petition
14 signed by the chair of the board of county commissioners of a
15 county, [~~one~~] in the odd-numbered year after the organization
16 of the district and every second year thereafter, there shall
17 be elected by the [~~taxpaying~~] qualified electors of the
18 district at least two, but no more than three, members of the
19 board to serve for a term of two years. The election shall
20 be held in accordance with the provisions of the Local
21 Election Act.

22 C. [~~Not later than thirty days before any election~~
23 ~~pursuant to Subsection A or B of this section]~~ Nominations
24 may be filed with the [~~secretary of the board, and, if a~~
25 ~~nominee does not withdraw the nominee's name before the first~~

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1 ~~publication of the notice of election, the name shall be~~
2 ~~placed on the ballot. The board shall provide for holding~~
3 ~~such election and shall appoint judges to conduct it. The~~
4 ~~secretary of the district shall give notice of election by~~
5 ~~publication and shall arrange such other details in~~
6 ~~connection with the election as the board may direct] proper~~
7 ~~filing officer in accordance with the provisions of the Local~~
8 ~~Election Act.~~ If within ninety days prior to a board
9 election the district publishes materials that describe the
10 qualifications, experience and accomplishments of incumbents,
11 equal space shall be made available without charge for
12 similar information provided by opponents seeking a position
13 on the board. [~~The returns of the election shall be~~
14 ~~certified to and shall be canvassed and declared by the~~
15 ~~board. The candidate receiving the most votes shall be~~
16 ~~elected. Any new member of the board shall qualify in the~~
17 ~~same manner as members of the first board qualify.]"~~

18 SECTION 171. Section 73-21-28 NMSA 1978 (being Laws
19 1943, Chapter 80, Section 25, as amended) is amended to read:

20 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--
21 Whenever the board shall, by resolution, determine that the
22 interest of the district and the public interest or necessity
23 demand the acquisition, construction, installation or
24 completion of any works or other improvements or facilities,
25 or the making of any contract with the United States or other

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1 persons or corporations, to carry out the objects or purposes
2 of the district, requiring the creation of a general
3 obligation indebtedness of five thousand dollars (\$5,000) or
4 more, secured by property tax revenue from within the
5 district, the board shall order the submission of the
6 proposition of issuing the obligations or bonds or creating
7 other indebtedness to the qualified [~~taxpaying~~] electors of
8 the district at [~~an~~] a district election held [~~for that~~
9 ~~purpose. Any such election may be held separately or may be~~
10 ~~consolidated or held concurrently with any other election~~
11 ~~authorized by the Water and Sanitation District] in
12 accordance with the provisions of the Local Election Act.~~

13 The declaration of public interest or necessity required in
14 this section and the provision for the holding of the
15 election may be included within one and the same resolution.

16 The resolution, in addition to the declaration of public
17 interest or necessity, shall recite the objects and purposes
18 for which the indebtedness is proposed to be incurred, the
19 estimated cost of the works or improvements, as the case may
20 be, the amount of principal of the indebtedness to be
21 incurred and the maximum rate of interest to be paid on the
22 indebtedness. The resolution shall also [~~fix~~] announce the
23 date upon which the election shall be held [~~and the manner of~~
24 ~~holding it and the method of voting for or against the~~
25 ~~incurring of the proposed indebtedness. The resolution shall~~

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1 ~~also fix the compensation to be paid the officers of the~~
2 ~~election and shall designate the polling place and shall~~
3 ~~appoint, for each polling place, from the electors of the~~
4 ~~district, the officers of the election consisting of three~~
5 ~~judges, one of whom shall act as clerk]; provided that the~~
6 ~~date is not in conflict with the provisions of Section~~
7 ~~1-12-71 NMSA 1978.~~"

8 SECTION 172. TEMPORARY PROVISION.--

9 A. The term of an elected local government officer
10 that was set to expire on or before June 30, 2020 pursuant to
11 the governing statutes of that local government in effect
12 before the effective date of this act shall expire on
13 December 31, 2019, and that officer's successor shall be
14 elected in the local election held on the first Tuesday after
15 the first Monday of November 2019 for a term beginning on
16 January 1, 2020.

17 B. The term of an elected local government officer
18 that was set to expire on or after July 1, 2020 but on or
19 before June 30, 2022 pursuant to the governing statutes of
20 that local government in effect before the effective date of
21 this act shall expire on December 31, 2021, and that
22 officer's successor shall be elected in the local election
23 held on the first Tuesday after the first Monday of November
24 2021 for a term beginning on January 1, 2022.

25 C. The term of an elected local government officer

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1 that was set to expire on or after July 1, 2022 pursuant to
2 the governing statutes of that local government in effect
3 before the effective date of this act shall expire on
4 December 31, 2023, and that officer's successor shall be
5 elected in the local election held on the first Tuesday after
6 the first Monday of November 2023 for a term beginning on
7 January 1, 2024.

8 D. For a municipality whose governing body members
9 are not elected at the regular local election and that has
10 not opted to have a top-two runoff election, terms of office
11 shall expire on July 1 preceding the January 1 when those
12 terms of office would have expired pursuant to the schedule
13 in Subsections A through C of this section, and the member's
14 successor shall be elected at the municipal election on the
15 first Tuesday after the first Monday in June preceding the
16 regular local election when the member's successor would have
17 been elected. For a municipality whose governing body
18 members are not elected at the regular local election and
19 that has opted to have a top-two runoff election, terms of
20 office shall expire on August 1 preceding the January 1 when
21 those terms of office would have expired pursuant to the
22 schedule in Subsections A through C of this section, and the
23 member's successor shall be elected at the municipal election
24 on the first Tuesday after the first Monday in June preceding
25 the regular local election when the member's successor would

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1 have been elected, with any necessary top-two runoff election
2 taking place pursuant to the Local Election Act.

3 E. The provisions of this section only apply to
4 local government officers whose elections are subject to the
5 provisions of the Local Election Act but do not apply to
6 conservancy district or watershed district elections, which
7 are subject to the provisions of Section 173 of this act.

8 SECTION 173. TEMPORARY PROVISION.--

9 A. The term of a conservancy district or watershed
10 district board member that was set to expire on or before
11 June 30, 2024 pursuant to the governing statutes of that
12 district in effect before the effective date of this section
13 shall expire on December 31, 2023, and that member's
14 successor shall be elected in the local election held on the
15 first Tuesday after the first Monday of November 2023 for a
16 term beginning on January 1, 2024.

17 B. The term of a conservancy district or watershed
18 district board member that was set to expire on or after July
19 1, 2024 but on or before June 30, 2026 pursuant to the
20 governing statutes of that district in effect before the
21 effective date of this section shall expire on December 31,
22 2025, and that member's successor shall be elected in the
23 local election held on the first Tuesday after the first
24 Monday of November 2025 for a term beginning on January 1,
25 2026.

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1 C. The term of a conservancy district or watershed
2 district board member that was set to expire on or after July
3 1, 2026 pursuant to the governing statutes of that district
4 in effect before the effective date of this section shall
5 expire on December 31, 2027, and that member's successor
6 shall be elected in the local election held on the first
7 Tuesday after the first Monday of November 2027 for a term
8 beginning on January 1, 2028.

9 **SECTION 174. TEMPORARY PROVISION.--**References in law to
10 the Municipal Election Code and to the School Election Law
11 shall be deemed to be references to the Local Election Act.

12 **SECTION 175. REPEAL.--**

13 A. Sections 1-6-19, 1-22-5, 1-22-6, 1-22-12,
14 1-22-14, 1-23-1 through 1-23-7, 21-13-18.1, 21-13-18.2,
15 21-16-21, 21-16-22, 72-16-29 through 72-16-34, 72-17-29
16 through 72-17-34, 72-18-36 through 72-18-41, 72-19-29 through
17 72-19-34, 72-20-29 through 72-20-34, 73-21-29 and 73-21-30
18 NMSA 1978 (being Laws 1969, Chapter 54, Section 1, Laws 1985,
19 Chapter 168, Sections 7, 8, 14 and 16, Laws 1987, Chapter
20 160, Sections 1 through 6, Laws 1991, Chapter 105, Section
21 43, Laws 1987, Chapter 160, Section 7, Laws 1993, Chapter 75,
22 Sections 3 and 4, Laws 1964 (1st S.S.), Chapter 12, Sections
23 6 and 7, Laws 1963, Chapter 311, Sections 29 through 34, Laws
24 1967, Chapter 156, Sections 29 through 34, Laws 1981, Chapter
25 377, Sections 36 through 41, Laws 1990, Chapter 14, Sections

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1 29 through 34, Laws 2007, Chapter 99, Sections 29 through 34
2 and Laws 1943, Chapter 80, Sections 26 and 27, as amended)
3 are repealed.

4 B. Sections 3-8-1 through 3-8-14, 3-8-16, 3-8-17,
5 3-8-18 through 3-8-40, 3-8-41, 3-8-43 through 3-8-80, 3-9-1,
6 3-9-3 through 3-9-13.1, 3-9-15, 3-9-16 and 3-14-7 NMSA 1978
7 (being Laws 1985, Chapter 208, Sections 9 through 14, Laws
8 1991, Chapter 123, Section 2, Laws 1965, Chapter 300, Section
9 14-8-5, Laws 1985, Chapter 208, Sections 16 through 22 and 24
10 through 26, Laws 1971, Chapter 306, Sections 8 and 9, Laws
11 1985, Chapter 208, Sections 29 through 32, Laws 1965, Chapter
12 300, Sections 14-8-3, 14-8-4, 14-8-8 and 14-8-6, Laws 1985,
13 Chapter 208, Section 37, Laws 1965, Chapter 300, Section
14 14-8-9, Laws 1971, Chapter 306, Section 10, Laws 1965,
15 Chapter 300, Section 14-8-13, Laws 1985, Chapter 208,
16 Sections 41 and 42, Laws 1965, Chapter 300, Section 14-8-2,
17 Laws 1985, Chapter 208, Sections 44 and 45, Laws 2009,
18 Chapter 278, Section 31, Laws 1985, Chapter 208, Sections 46
19 through 49 and 51 through 60, Laws 1965, Chapter 300, Section
20 14-8-14, Laws 1985, Chapter 208, Sections 62 through 69, Laws
21 1965, Chapter 300, Section 14-8-16, Laws 1985, Chapter 208,
22 Sections 71 through 88, Laws 1973, Chapter 375, Sections 2,
23 1, 3 and 6 through 10, Laws 1985, Chapter 208, Sections 98
24 through 100, Laws 1973, Chapter 375, Section 11, Laws 2003,
25 Chapter 244, Section 19, Laws 1973, Chapter 375, Sections 13

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1 and 14 and Laws 1965, Chapter 300, Section 14-13-7, as
2 amended) are repealed.

3 SECTION 176. DELAYED REPEAL.--Sections 73-14-27,
4 73-14-28, 73-14-29, 73-14-31 through 73-14-31.3, 73-14-63
5 through 73-14-65, 73-14-80 through 73-14-86 and 73-18-37
6 through 73-18-40 NMSA 1978 (being Laws 1975, Chapter 262,
7 Sections 10 through 12 and 14, Laws 1996, Chapter 42,
8 Sections 15 and 16, Laws 1999, Chapter 168, Section 8, Laws
9 1943, Chapter 126, Sections 10 through 12, Laws 1961, Chapter
10 67, Sections 12 through 17, Laws 1996, Chapter 42, Section
11 17, Laws 1961, Chapter 67, Section 18 and Laws 1955, Chapter
12 281, Sections 13 through 16, as amended) are repealed
13 effective July 1, 2022.

14 SECTION 177. EFFECTIVE DATE.--

15 A. The effective date of the provisions of Sections
16 1 through 138, 167 through 172, 174 and 175 of this act is
17 July 1, 2018.

18 B. The effective date of the provisions of Sections
19 139 through 166, 173 and 176 of this act is July 1, 2022.