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HOUSE BILL 448

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

George Dodge, Jr.

AN ACT

RELATING TO LOCAL GOVERNMENT; CHANGING PROVISIONS OF THE
WATERSHED DISTRICT ACT THAT ALLOW THE REMOVAL OF LANDS FROM
WATERSHED DISTRICTS OR DISCONTINUANCE OF WATERSHED DISTRICTS.

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

SECTION 1. Section 73-20-22 NMSA 1978 (being Laws 1957,
Chapter 210, Section 21, as amended) is amended to read:

"73-20-22. DETACHING LAND.--The owner or owners of land
who have not been, are not and cannot be benefited by their
inclusion in the watershed district and whose lands do not
contribute to the district's purposes may petition the board of
supervisors to have the lands withdrawn. The petitions shall
be filed with the board of supervisors and the board of
directors and shall describe the lands and state the reasons
why they should be withdrawn. [~~A hearing shall be held within~~

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1 ~~thirty days after the petition is received. Due notice of the~~
2 ~~hearing as provided in Section 73-20-8 NMSA 1978 shall be given~~
3 ~~at least ten days before the hearing.]~~ If it is determined by
4 the board of supervisors that the lands shall be withdrawn, the
5 determination shall be certified to the county clerk of each
6 county in which any portion of the lands lie. After recording,
7 the certification shall be filed with the New Mexico department
8 of agriculture."

9 SECTION 2. Section 73-20-23 NMSA 1978 (being Laws 1957,
10 Chapter 210, Section 22, as amended) 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, [~~twenty-five or more~~
14 ~~landowners within a district or, if less than fifty landowners~~
15 ~~are involved]~~ a majority of the landowners in the district may
16 file a petition with the board of supervisors and the board of
17 directors requesting that the existence of the district be
18 discontinued if all obligations of the district have been met.
19 The petition shall state the reasons for discontinuance and
20 demonstrate that all obligations of the district have been met.

21 B. After giving notice as defined in Section
22 73-20-8 NMSA 1978, the board of supervisors may conduct
23 hearings on the petition as may be necessary to assist it in
24 making a determination.

25 C. Within sixty days after petition is filed, a

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1 referendum shall be held under the supervision of the board of
2 supervisors as provided in Section 73-20-14 NMSA 1978. No
3 informalities in the conduct of the referendum or in any
4 matters relating to the referendum shall invalidate it or its
5 result if notice of the referendum has been given substantially
6 as provided in Subsection B of this section.

7 D. If a majority of the votes cast in the
8 referendum favor the discontinuance of the district and it is
9 found that all obligations have been met, the board of
10 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."