

1 HOUSE BILL 358

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Dennis J. Roch

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9  
10 AN ACT

11 RELATING TO CONSERVANCY DISTRICTS; AMENDING REQUIREMENTS FOR  
12 CERTAIN CONSERVANCY DISTRICT ELECTIONS.

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

15 SECTION 1. Section 73-18-25 NMSA 1978 (being Laws 1955,  
16 Chapter 281, Section 1, as amended) is amended to read:

17 "73-18-25. CONSERVANCY DISTRICTS TO WHICH ACT  
18 APPLIES.--Sections 73-18-25 through 73-18-43 NMSA 1978 apply to  
19 conservancy districts organized under the laws of New Mexico  
20 having a contract with the United States under the reclamation  
21 laws of the United States, as provided under Chapter 73,  
22 Article 18 NMSA 1978, and [~~to those districts that have~~] having  
23 an area of land of all classes within the exterior boundaries  
24 of the district of more than one hundred thousand acres and  
25 less than one hundred [~~forty~~] forty-five thousand acres."

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1           SECTION 2. Section 73-18-27 NMSA 1978 (being Laws 1955,  
2 Chapter 281, Section 3) is amended to read:

3           "73-18-27. CALLING OF FIRST ELECTION.--The board of  
4 directors of [~~said~~] the conservancy district shall meet at the  
5 office of the conservancy district at 10:00 [~~o'clock~~] a.m. on  
6 the second Tuesday of August [~~in the year~~] 1955 and shall call  
7 an election in the election precincts outside [~~of~~] the  
8 municipality [~~or municipalities~~] to be held on the second  
9 Tuesday in October [~~of the year~~] 1955. [~~Said~~] The election  
10 shall be called by [~~said~~] the board of directors by resolution  
11 [~~which resolution~~] that shall fix a voting place [~~or places~~]  
12 for each election precinct within [~~such~~] the district outside  
13 [~~of~~] the municipality [~~or municipalities~~] and designate the  
14 necessary qualified electors of each election precinct to act  
15 as judges of [~~such~~] the election in each [~~such~~] precinct. In  
16 the discretion of the board of directors of [~~such~~] the  
17 conservancy district, [~~all of such~~] the election may be held at  
18 any place [~~or places~~] within the district. [~~Women who are~~  
19 ~~wives of electors shall be qualified to act as judges of~~  
20 ~~elections.~~] Judges of the elections shall be paid [~~(\$5.00) per~~  
21 ~~day~~] an amount to be determined by the board of directors for  
22 service. Expenses of [~~such~~] the elections shall be paid by the  
23 district. In each odd-numbered year after 1955, elections  
24 shall be called in the same manner and at the same times as  
25 [~~herein~~] provided in Sections 73-18-25 through 73-18-43 NMSA

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1     1978 for the election of directors to succeed any directors  
2     whose terms expire in [~~such~~] that year."

3             SECTION 3. Section 73-18-30 NMSA 1978 (being Laws 1955,  
4     Chapter 281, Section 6, as amended) is amended to read:

5             "73-18-30. QUALIFICATIONS OF ELECTORS.--

6                     ~~[A. During the month of September preceding a~~  
7     ~~district election, the secretary of the district shall mail to~~  
8     ~~each owner of irrigable land within the district at the address~~  
9     ~~of the landowner, as shown by the district records, a statement~~  
10    ~~signed by the secretary or assistant secretary and~~  
11    ~~authenticated by the seal of the district, showing the number~~  
12    ~~of acres of irrigable land owned by the landowner in each~~  
13    ~~voting precinct of the district. A separate statement shall be~~  
14    ~~furnished of land in each election precinct. In the event of~~  
15    ~~the failure of any landowner to receive the statement, the~~  
16    ~~landowner may secure the statement by request at the district~~  
17    ~~office, not later than noon on the Friday preceding the~~  
18    ~~election.~~

19                     ~~B.]~~ The board of directors of the conservancy  
20     district shall, by resolution, adopt a plan with necessary  
21     rules and regulations by which nonresident owners of [~~class "A"~~  
22     ~~lands~~] land or other owners of [~~class "A" lands~~] land, who are  
23     unable to personally attend the election, may vote for  
24     directors [~~other than the municipal director and the director-~~  
25     ~~at-large~~]."

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1           SECTION 4. Section 73-18-32 NMSA 1978 (being Laws 1955,  
2 Chapter 281, Section 8, as amended) is amended to read:

3           "73-18-32. VOTING RIGHTS.--

4           A. In district precinct elections, landowners  
5 owning one acre of irrigable land five months preceding the  
6 election shall be entitled to one vote for each acre of  
7 irrigable land or major fraction [~~thereof~~] of an acre owned by  
8 the landowner up to one hundred sixty acres. Landowners owning  
9 less than one acre of irrigable land have no vote. A landowner  
10 may vote in all voting precincts in which [~~he~~] the landowner  
11 has irrigable land, entitling [~~him~~] the landowner to vote as  
12 provided in Sections 73-18-30 and 73-18-31 NMSA 1978.

13           B. For director-at-large, all persons who are over  
14 the age of eighteen and who have been the owners of real estate  
15 within the district for more than [~~one month~~] two months  
16 preceding the election shall be entitled to one vote.

17           C. All persons who are over the age of eighteen and  
18 who have been the owners of real estate within any municipality  
19 within the district for more than [~~one month~~] two months  
20 preceding the election shall be entitled to one vote for  
21 director representing the municipal election precinct.

22           D. To qualify voters to vote for directors-at-large  
23 and for director representing the municipal voting precinct,  
24 the ownership of real estate by the spouse shall be considered  
25 also ownership by the other spouse."

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1           SECTION 5. Section 73-18-34 NMSA 1978 (being Laws 1955,  
2 Chapter 281, Section 10) is amended to read:

3           "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any person  
4 wishing to become a candidate for the office of director in any  
5 [~~such~~] district shall, [~~not less than twenty days~~] by the last  
6 Friday of July before the election, file in the office of the  
7 secretary of the [~~said~~] district a declaration of candidacy,  
8 stating the election precinct for which [~~such~~] the person is a  
9 candidate, accompanied by a petition signed by not less than  
10 ten qualified electors of the election precinct for which  
11 [~~such~~] the person is a candidate to represent. No declaration  
12 of candidacy shall be accepted by [~~said~~] the secretary unless  
13 accompanied by such petition, signed by electors [~~as above~~  
14 ~~stated, provided that when the time shall have passed for the~~  
15 ~~filing of such declaration as above stated, if there be any~~  
16 ~~precinct in said district outside of the municipality for which~~  
17 ~~no person has filed as a candidate for the office of director,~~  
18 ~~the said secretary of the district shall accept a declaration~~  
19 ~~of candidacy by any qualified elector for such election~~  
20 ~~precinct without such accompanying petition. No such~~  
21 ~~declaration of candidacy shall be accepted by said secretary~~  
22 ~~less than one week before the election]."~~

23           SECTION 6. Section 73-18-36 NMSA 1978 (being Laws 1955,  
24 Chapter 281, Section 12) is amended to read:

25           "73-18-36. COMPENSATION OF DIRECTORS.--Each director

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1 shall receive compensation payable out of the funds of the  
2 district [~~to the amount of (\$40.00) per month~~] in an amount to  
3 be determined by the board of directors of the district;  
4 provided that no director may receive an increase in  
5 compensation during the term for which that director was  
6 elected."

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