

1 HOUSE BILL 535

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

3 INTRODUCED BY

4 Jane E. Powdrell-Culbert

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10 AN ACT

11 RELATING TO ELECTIONS; CREATING BOND ELECTION DAY; REQUIRING  
12 CERTAIN ELECTIONS TO BE HELD ON BOND ELECTION DAY; REQUIRING  
13 SCHOOL BOND ELECTIONS TO BE HELD ON A CERTAIN DAY; AMENDING AND  
14 ENACTING CERTAIN SECTIONS OF THE NMSA 1978.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. [NEW MATERIAL] BOND ELECTION DAY--SCHOOL BOND  
18 ELECTION DAY.--

19 A. The second Tuesday in September of each year  
20 shall be "bond election day". The following elections shall be  
21 held on bond election day:

22 (1) an election on the imposition of a mill  
23 levy;

24 (2) an election on the imposition of a  
25 property tax rate or property tax increase for a specified

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1 purpose;

2 (3) a bond election that is not a school bond  
3 election or a statewide election; and

4 (4) any nonschool special election at which a  
5 tax increase is being voted on.

6 B. A school bond election shall be held on the  
7 first Tuesday in February of each odd-numbered year.

8 SECTION 2. [NEW MATERIAL] BOND ELECTION--NOTICE.--Notice  
9 of an election pursuant to Section 1 of this 2011 act shall be  
10 published in a newspaper of general circulation and announced  
11 by radio or television broadcast in the geographic area covered  
12 by the election at least once a week for the four weeks  
13 immediately preceding the election.

14 SECTION 3. Section 1-22-3 NMSA 1978 (being Laws 1985,  
15 Chapter 168, Section 5, as amended) is amended to read:

16 "1-22-3. SCHOOL DISTRICT ELECTIONS--QUALIFICATIONS OF  
17 CANDIDATES.--

18 A. A school district election shall be held in each  
19 school district to elect qualified persons to membership on a  
20 [~~local school~~] board. No person shall become a candidate for  
21 membership on a board unless [~~his~~] the person's record of voter  
22 registration shows that [~~he~~] the person is a qualified elector  
23 of the state, physically resides in the school district in  
24 which [~~he~~] the person is a candidate and physically resided in  
25 the district on the date of the [~~school~~] board's proclamation

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1 calling a regular school district election.

2 B. A regular school district election or a school  
3 bond election shall be held in each school district on the  
4 first Tuesday in February of each odd-numbered year.

5 C. A school district election held at any time  
6 other than the date for the regular school district election  
7 shall be a special school district election.

8 D. Except as otherwise provided in the School  
9 Election Law, school district elections shall be called,  
10 conducted and canvassed as provided in the Election Code."

11 SECTION 4. Section 3-8-25 NMSA 1978 (being Laws 1965,  
12 Chapter 300, Section 14-8-3) is amended to read:

13 "3-8-25. REGULAR MUNICIPAL ELECTIONS--TIME OF HOLDING  
14 ELECTION.--Regular municipal elections for the purpose of  
15 electing municipal officers and considering any other question  
16 placed on the ballot by the governing body, but not related to  
17 bonds, levies or taxation, shall be held on the first Tuesday  
18 in March of each even-numbered year; provided that any  
19 municipality [~~which~~] that has adopted a charter shall elect its  
20 municipal officers at the time provided for in the charter."

21 SECTION 5. Section 3-8-35 NMSA 1978 (being Laws 1965,  
22 Chapter 300, Section 14-8-2, as amended) is amended to read:

23 "3-8-35. SPECIAL ELECTION--GIVING NOTICE.--

24 A. When a special election is called or required by  
25 law, an election resolution shall be adopted by the governing

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1 body calling for the election, and notice of the election  
2 resolution shall be [~~published once each week for four~~  
3 ~~consecutive weeks. The first publication of the election~~  
4 ~~resolution shall be between fifty and sixty days before the day~~  
5 ~~of the election]~~ given pursuant to the provisions of Section 2  
6 of this 2011 act. The election resolution shall be posted in  
7 the office of the municipal clerk within twenty-four hours from  
8 the date of adoption until the date of the election. For  
9 information purposes and coordination, one copy of the election  
10 resolution shall be mailed to the secretary of state and the  
11 county clerk of the county in which the municipality is  
12 located.

13 B. The election resolution shall state the purpose  
14 for calling the election, the date of the election, the date  
15 and time of the closing of the registration books by the county  
16 clerk as required by law, the questions to be submitted to the  
17 voters, the location of polling places, the consolidation of  
18 precincts, if any, and, regarding those municipalities  
19 authorized by law to use paper ballots in lieu of voting  
20 machines, if paper ballots or voting machines will be used in  
21 the election."

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

24 "3-30-6. BOND ELECTION--QUALIFICATIONS OF VOTERS--  
25 SEPARATION OF ITEMS--TIME--PUBLICATION OR POSTING--BALLOTS.--

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1           A. Before bonds are issued, the governing body of  
2 the municipality shall submit to a vote of the registered  
3 qualified electors of the municipality and the nonresident  
4 municipal electors the question of issuing the bonds. The  
5 election ~~[may be held at the same time as the regular municipal~~  
6 ~~election or at any special election held pursuant to Article 9,~~  
7 ~~Section 12 of the constitution of New Mexico]~~ shall conform  
8 with the requirements of Sections 1 and 2 of this 2011 act.

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

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 be  
20 voted upon. The ballots shall contain words indicating the  
21 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 in  
24 a separate ballot box unless voting machines are used."

25           **SECTION 7.** Section 3-33-14.1 NMSA 1978 (being Laws 2001,  
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1 Chapter 312, Section 5) is amended to read:

2 "3-33-14.1. IMPOSITION OF IMPROVEMENT DISTRICT PROPERTY  
3 TAX--LIMITATIONS.--

4 A. If in connection with the creation of the  
5 improvement district the governing body determines that it is  
6 in the best interest of the municipality to finance the  
7 district improvements by the imposition of an improvement  
8 district property tax and the issuance of improvement district  
9 general obligation bonds, the governing body shall enact an  
10 ordinance making the determination and provide in the ordinance  
11 the improvement district property tax rate to be imposed; the  
12 date, which may be a predetermined date or a date to be  
13 established in the future after completion of the improvements,  
14 of commencement of the tax; the amount of the bonds to be  
15 issued to finance the improvements; and any other matters the  
16 governing body deems necessary or appropriate. The governing  
17 body shall call an election within the improvement district for  
18 the purpose of authorizing the governing body to issue general  
19 obligation bonds, the proceeds of the sale of which shall be  
20 used for constructing the improvements for which the district  
21 was created and to impose improvement district property taxes  
22 on all taxable property within the district for the purpose of  
23 paying the principal, debt service and other expenses  
24 incidental to the issuance and sale of the bonds. The  
25 ordinance shall also include procedures for the conduct of the

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1 election based upon the size of the improvement district and  
2 the number of voters entitled to vote. The election shall  
3 conform with the requirements of Sections 1 and 2 of this 2011  
4 act.

5 B. If at the election described in Subsection A of  
6 this section the property tax imposition and the issuance of  
7 improvement district general obligation bonds are approved by a  
8 majority of the voters voting on the issues, the governing body  
9 shall impose the tax at a rate sufficient to pay the debt  
10 service on the bonds and retire them at maturity.

11 C. Imposition and collection of the improvement  
12 district property tax authorized in this section shall be made  
13 at the same time and in the same manner as impositions and  
14 collections of property taxes for use by municipalities and  
15 counties are made.

16 D. Bonds issued by the governing body for payment  
17 of the specified improvement district improvements shall be  
18 sold at a price that does not result in a net effective  
19 interest rate exceeding the maximum net effective interest rate  
20 permitted by the Public Securities Act. The bonds may be sold  
21 at public or private sale and may be in denominations that the  
22 governing body determines.

23 E. The form and terms of the bonds, including a  
24 final maturity of thirty years and provisions for their payment  
25 and redemption, shall be as determined by the governing body.

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1 The bonds shall be executed in the name of and on behalf of the  
2 improvement district by the mayor and clerk of the  
3 municipality. The bonds may be executed and sealed in  
4 accordance with the provisions of the Uniform Facsimile  
5 Signature of Public Officials Act.

6 F. To provide for the payment of the interest and  
7 principal of the bonds issued and sold pursuant to this  
8 section, the governing body shall annually impose a property  
9 tax on all taxable property in the district in an amount  
10 sufficient to produce a sum equal to the principal and interest  
11 on all bonds as they mature.

12 G. The bonds authorized in this section are general  
13 obligation bonds of the district, and the full faith and credit  
14 of the district are pledged to the payment of the bonds. The  
15 proceeds obtained from the issuance of the bonds shall not be  
16 diverted or expended for any purposes other than those provided  
17 in Chapter 3, Article 33 NMSA 1978.

18 H. All bonds issued by an improvement district  
19 shall be fully negotiable and constitute negotiable instruments  
20 within the meaning of and for all the purposes of the Uniform  
21 Commercial Code. If lost or completely destroyed, any bond may  
22 be reissued in the form and tenor of the lost or destroyed bond  
23 upon the owner furnishing to the satisfaction of the governing  
24 body:

- 25 (1) proof of ownership;

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- 1 (2) proof of loss or destruction;  
2 (3) a surety bond in twice the face amount of  
3 the bond and coupons; and  
4 (4) payment of the cost of preparing and  
5 issuing the new bond and coupons.

6 I. The governing body may in any proceeding  
7 authorizing improvement district bonds provide for the initial  
8 issuance of one or more bonds aggregating the amount of the  
9 entire issue or may make provision for installment payments of  
10 the principal amount of any bond as it may consider desirable.

11 J. The governing body may issue bonds to be  
12 denominated refunding bonds, for the purpose of refunding any  
13 of the general obligation bonded indebtedness of the  
14 improvement district. Whenever the governing body deems it  
15 expedient to issue refunding bonds, it shall adopt an ordinance  
16 setting out the facts making the issuance of the refunding  
17 bonds necessary or advisable, the determination of the  
18 necessity or advisability by the governing body and the amount  
19 of refunding bonds that the governing body deems necessary and  
20 advisable to issue. The ordinance shall fix the form of the  
21 bonds; the rate or rates of interest of the bonds, but the net  
22 effective interest rate of the bonds shall not exceed the  
23 maximum net effective interest rate permitted by the Public  
24 Securities Act; the date of the refunding bonds; the  
25 denominations of the refunding bonds; the maturity dates; and

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1 the place or places of payment within or without the state of  
2 both principal and interest. Refunding bonds when issued,  
3 except for bonds issued in book entry or similar form without  
4 the delivery of physical securities, shall be negotiable in  
5 form and shall bear the signature or the facsimile signature of  
6 the mayor and clerk of the municipality. All refunding bonds  
7 may be exchanged dollar for dollar for the bonds to be refunded  
8 or they may be sold as directed by the governing body, and the  
9 proceeds of the sale shall be applied only to the purpose for  
10 which the bonds were issued and the payment of any incidental  
11 expenses.

12 K. The principal amount of improvement district  
13 general obligation bonds that may be issued by the governing  
14 body for any improvement district shall not exceed twenty-five  
15 percent of the final estimated value of properties in the  
16 district after completion of the projects to be financed with  
17 the improvement district general obligation bonds and after  
18 development of the properties in the improvement district in  
19 accordance with their planned use, as determined by the  
20 governing body with the assistance of the engineer and other  
21 qualified professionals.

22 L. In connection with an improvement district  
23 project to be financed with the proceeds of improvement  
24 district general obligation bonds issued pursuant to this  
25 section, a property owner subject to the improvement district

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1 property tax or the governing body may enter into contracts to  
2 design, engineer, finance, construct or acquire a project with  
3 contractors and professionals, on such terms and with such  
4 persons as a property owner subject to the improvement district  
5 property tax or the governing body determines to be  
6 appropriate, without following the procedures or meeting the  
7 requirements of the Procurement Code or the requirements of  
8 Sections 6-15-1 through 6-15-22 NMSA 1978."

9 SECTION 8. Section 4-38-17.1 NMSA 1978 (being Laws 2004,  
10 Chapter 113, Section 1, as amended) is amended to read:

11 "4-38-17.1. TAX LEVIES AUTHORIZATION--PROCEDURES--HEALTH  
12 PURPOSES.--

13 A. A board of county commissioners may adopt a  
14 resolution to submit to the qualified electors of the county  
15 the question of whether a property tax at a rate not to exceed  
16 the rate specified in the resolution should be imposed upon the  
17 net taxable value of property allocated to the county under the  
18 Property Tax Code for the purpose of providing health care to  
19 sick and indigent persons in the county.

20 B. The resolution shall specify the rate of the  
21 proposed tax, which shall not exceed one dollar fifty cents  
22 (\$.50) on each one thousand dollars (\$1,000) of net taxable  
23 value of property allocated to the county under the Property  
24 Tax Code and shall:

25 (1) specify the date of the election at which

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1 the question of imposition of the tax to the qualified electors  
2 of the county shall be held, which ~~[may be a general election~~  
3 ~~or a special election called for that purpose, except that the~~  
4 ~~election may not be held on the same ballot as an election held~~  
5 ~~pursuant to Section 4-48B-15 NMSA 1978]~~ shall be the subsequent  
6 bond election day; and

7 (2) limit the imposition of the proposed tax  
8 to no more than eight years.

9 C. The question shall be voted upon as a separate  
10 question and shall be called, conducted and canvassed in  
11 substantially the same manner as provided by law for general  
12 elections. Upon certification, copies of the election shall be  
13 mailed immediately to the department of finance and  
14 administration and the taxation and revenue department.

15 D. For purposes of this section, "county" means a  
16 class B county with a population of no less than forty-one  
17 thousand and no more than forty-five thousand according to the  
18 last federal decennial census.

19 E. The mill levy authorized in this section is not  
20 subject to the rate limitation provisions of Section 7-37-7.1  
21 NMSA 1978 and shall not be used to meet a county's obligations  
22 pursuant to Section 27-10-4 NMSA 1978."

23 **SECTION 9.** Section 4-48A-16 NMSA 1978 (being Laws 1978,  
24 Chapter 29, Section 16, as amended) is amended to read:

25 "4-48A-16. SPECIAL TAX IMPOSED FOR SPECIAL HOSPITAL

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1 DISTRICT.--

2 A. In each special hospital district, the board of  
3 trustees may adopt a resolution calling for an election for the  
4 purpose of authorizing the imposition of an ad valorem tax on  
5 all taxable property within the special hospital district. The  
6 revenue from such tax shall be used for current operations and  
7 maintenance of hospitals, including hospital facilities owned  
8 and operated by the special hospital district or ~~[for]~~  
9 hospitals operated and maintained by the special hospital  
10 district pursuant to an agreement with a political subdivision  
11 as provided in Subsection B of Section 4-48A-11 NMSA 1978, and  
12 to pay the operational costs of the special hospital district.

13 B. In the case of a special hospital district  
14 located wholly within one county, if authorized by a majority  
15 of the qualified electors of the special hospital district  
16 voting on the question, the board of county commissioners of  
17 the county in which the special hospital district is located  
18 shall levy such tax at the same time and in the same manner as  
19 levies for ad valorem taxes for school districts are made and  
20 in the amount certified by the board of trustees as necessary  
21 to meet its approved annual budget, but in no event shall the  
22 tax levied exceed the rate limitation approved by the voters or  
23 the rate limitations provided in Subsection D of this section.

24 C. In the case of a special hospital district  
25 ~~[which]~~ that is composed of all or a portion of two or more

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1 counties, if a majority of the qualified electors of each  
2 subdistrict voting on the question [~~authorize~~] authorizes a tax  
3 levy, the boards of county commissioners of the counties  
4 [~~which~~] that agreed to form the special hospital district shall  
5 levy such tax in the manner provided in Subsection B of this  
6 section.

7 D. The tax authorized in this section shall not  
8 exceed four dollars twenty-five cents (\$4.25), or any lower  
9 maximum amount required by operation of the rate limitation  
10 provisions of Section 7-37-7.1 NMSA 1978 upon any tax imposed  
11 under this section, on each one thousand dollars (\$1,000) of  
12 net taxable value as that term is defined in the Property Tax  
13 Code, of all taxable property of the county within the hospital  
14 district for a period of time greater than four years. An  
15 election upon the question of continuing the levy may be called  
16 by the board of trustees immediately prior to the expiration of  
17 the period of assessment previously approved by the qualified  
18 electors and shall conform to the requirements of Sections 1  
19 and 2 of this 2011 act."

20 SECTION 10. Section 4-48A-17 NMSA 1978 (being Laws 1978,  
21 Chapter 29, Section 17, as amended) is amended to read:

22 "4-48A-17. ELECTION PROCEDURES.--

23 A. In all elections held pursuant to the provisions  
24 of the Special Hospital District Act, except as otherwise  
25 provided in that act, the board of trustees shall give notice

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1 of the election [~~in a newspaper of general circulation in the~~  
2 ~~special hospital district and, in the case of a special~~  
3 ~~hospital district composed of all or portions of two or more~~  
4 ~~counties, in the subdistrict, at least once a week for three~~  
5 ~~consecutive weeks, the last insertion to be not less than two~~  
6 ~~weeks prior to the proposed election] pursuant to the  
7 provisions of Section 2 of this 2011 act.~~

8 B. All elections of the special hospital district,  
9 unless otherwise provided in the Special Hospital District Act,  
10 shall be called, conducted and canvassed in substantially the  
11 same manner as school district elections are called, conducted  
12 and canvassed and shall be held on bond election day. The  
13 board of trustees shall be the canvassing board for such  
14 elections.

15 C. The expenses of elections conducted by the  
16 special hospital district shall be budgeted for and paid from  
17 the operating funds of the special hospital district."

18 SECTION 11. Section 4-48B-6 NMSA 1978 (being Laws 1947,  
19 Chapter 148, Section 4, as amended) is amended to read:

20 "4-48B-6. ELECTION ON BOND QUESTION--PETITION--NOTICE--  
21 LIMITATION ON HOLDING--ELECTION WITHOUT PETITION.--Whenever a  
22 petition signed by not fewer than two hundred qualified  
23 electors of any county in this state shall be presented to the  
24 county commissioners of the particular county asking that a  
25 vote be taken on the question or proposition of constructing,

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1 purchasing, renovating, remodeling, equipping or re-equipping a  
2 county hospital or a county-municipal hospital and acquiring  
3 the land necessary therefor, setting forth in general terms the  
4 object of the petition and the amount of bonds asked to be  
5 voted for, it shall be the duty of the county commissioners of  
6 that county to which the petition may be presented, within ten  
7 days after the presentation, to call an election [~~to be held~~  
8 ~~within sixty days thereafter in that county and to give notice~~  
9 ~~of such election by publication once a week for at least three~~  
10 ~~consecutive weeks in any newspaper published or of general~~  
11 ~~circulation in the county, which notices~~], which shall conform  
12 to Sections 1 and 2 of this 2011 act. The notices of the  
13 election shall set forth the time and place of holding the  
14 election, the hospital proposed to be purchased, constructed,  
15 renovated, remodeled, equipped or re-equipped and the land  
16 necessary to be acquired, and which bonds are to be voted for.  
17 After the defeat of any proposition once voted for, a second  
18 special election upon any question or proposition under the  
19 provisions of the Hospital Funding Act shall not be held for a  
20 term of two years, unless a petition requesting another  
21 election, containing the names of qualified electors of the  
22 county equal to ten percent of the vote cast for governor in  
23 the last preceding election and otherwise conforming to the  
24 requirements of this section, shall be presented to the county  
25 commissioners; provided, however, that in no event shall more

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1 than two elections upon any proposition or question under the  
2 Hospital Funding Act be held in any two-year period. A bond  
3 election as provided in this section also may be called by the  
4 county commissioners without any petition, after the county  
5 commissioners have adopted a resolution calling for such an  
6 election, which resolution shall set forth the object of the  
7 election and the amount of bonds to be issued."

8 SECTION 12. Section 4-48B-15 NMSA 1978 (being Laws 1953,  
9 Chapter 174, Section 2, as amended) is amended to read:

10 "4-48B-15. ELECTION ON SPECIAL LEVY.--

11 A. In the event the county commissioners of a  
12 county, other than a class A county, desire to provide the mill  
13 levy authorized in Paragraph (2) of Subsection A of Section  
14 4-48B-12 NMSA 1978, the county commissioners shall submit to  
15 the qualified electors of the county the question of levying  
16 those taxes not to exceed four dollars twenty-five cents  
17 (\$4.25) on each one thousand dollars (\$1,000) of net taxable  
18 value of property allocated to the county for a period of time  
19 not less than four years nor more than eight years.

20 B. In the event the county commissioners of a class  
21 A county desire to provide the mill levy authorized in  
22 Paragraph (1) of Subsection A of Section 4-48B-12 NMSA 1978,  
23 the county commissioners shall submit to the qualified electors  
24 of the county the question of levying those taxes not to exceed  
25 six dollars fifty cents (\$6.50) on each one thousand dollars

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1 (\$1,000) of net taxable value of property allocated to the  
2 county for a period of time of not less than four years nor  
3 more than eight years.

4 C. The question may be submitted to the electors  
5 and voted upon as a separate question at [~~any general election~~  
6 ~~or at any special election called for that purpose by the~~  
7 ~~county commissioners~~] an election held on bond election day.

8 The election upon the question of a mill levy shall be called,  
9 held, conducted and canvassed in substantially the same manner  
10 as now or hereafter may be provided by law for general  
11 elections.

12 D. In the event the mill levy submitted under  
13 Subsection A or B of this section is voted upon favorably by  
14 the electors of the county, the mill levy shall become  
15 effective and be made for the ensuing fiscal year and those  
16 future years, not less than three nor more than seven, as  
17 stated in the question voted upon; provided that the question  
18 of continuing the mill levy shall thereafter be submitted to  
19 the electors [~~at the general election~~] on the bond election day  
20 immediately prior to the expiration of the period of assessment  
21 previously approved. The county commissioners shall decrease  
22 the rate of any mill levy imposed under the Hospital Funding  
23 Act if required by operation of the rate limitation provisions  
24 of Section 7-37-7.1 NMSA 1978. Subject to the provisions of  
25 Subsection D of Section 4-48B-12 NMSA 1978, the county

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1 commissioners may direct that the mill levy be decreased or not  
2 be made for any year if, in their judgment, sufficient funds  
3 for operation and maintenance of the hospital and transfer to  
4 the county-supported medicaid fund, if applicable, are  
5 available or will be obtained from other sources and if,  
6 relative to a county hospital operated by a state educational  
7 institution named in Article 12, Section 11 of the constitution  
8 of New Mexico, a decision to decrease the mill levy is agreed  
9 to by the state educational institution.

10 E. In the event that the mill levy approved by the  
11 electors is less than the maximum mill levy authorized for the  
12 county by Subsection A of Section 4-48B-12 NMSA 1978 and the  
13 county commissioners desire to increase the amount of the  
14 approved mill levy, the county commissioners shall submit, in  
15 accordance with Subsection C of this section, to the qualified  
16 electors of the county the questions of levying those  
17 additional taxes for a period of time consistent with the  
18 expiration of the mill levy previously approved; provided that  
19 the additional taxes, when added to the mill levy previously  
20 approved, [~~may~~] shall not exceed the mill levy maximum for the  
21 county provided in Subsection A of Section 4-48B-12 NMSA 1978.  
22 In the event that the mill levy increase is voted upon  
23 favorably by the electors of the county, the increase shall  
24 become effective for the years stated in the question voted  
25 upon. Nothing in this subsection shall be construed as

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1 requiring an election to restore the mill levy to an amount no  
2 higher than the mill levy approved by the electors after a  
3 reduction in the mill levy made pursuant to Subsection D of  
4 this section."

5 SECTION 13. Section 4-49-8 NMSA 1978 (being Laws 1891,  
6 Chapter 83, Section 4, as amended) is amended to read:

7 "4-49-8. ELECTION ON BOND QUESTION--PETITION--NOTICE--  
8 ELECTION WITHOUT PETITION.--Whenever a petition signed by not  
9 less than two hundred qualified electors of any county in this  
10 state [~~shall be~~] is presented to the board of county  
11 commissioners asking that a vote be taken on the question or  
12 proposition of building, remodeling or making additions to  
13 necessary public buildings or necessary public projects,  
14 setting forth in general terms the object of the petition and  
15 the amount of bonds asked to be voted for, it shall be the duty  
16 of the board of county commissioners of the county to which the  
17 petition may be presented, within ten days after the  
18 presentation, to call an election [~~to be held within sixty days~~  
19 ~~thereafter in the county. The board shall give notice of the~~  
20 ~~election by publication once a week for at least three~~  
21 ~~consecutive weeks in any newspapers published in the county,~~  
22 ~~which notices~~], which shall conform to Sections 1 and 2 of this  
23 2011 act. The notices of the election shall set forth the time  
24 and place of holding the election, the necessary public  
25 building or necessary public project proposed and which bonds

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1 are to be voted for. Except as provided in Chapter 4, Article  
2 49 NMSA 1978, such elections shall be held and conducted in the  
3 same manner as general elections, including recount and  
4 contest, and the board of county commissioners shall certify  
5 and declare on the records of the county the returns of the  
6 election. After the defeat of any proposition once voted for,  
7 a second special election upon any question or proposition  
8 under the provisions of Chapter 4, Article 49 NMSA 1978 shall  
9 not be held for a term of two years unless a petition  
10 requesting another election, containing the names of qualified  
11 electors of the county equal to ten percent of the vote cast  
12 for governor in the last preceding election and otherwise  
13 conforming to the requirements of this section, [~~shall be~~] is  
14 presented to the board of county commissioners; provided,  
15 however, that in no event shall more than two elections upon  
16 any proposition or question under Chapter 4, Article 49 NMSA  
17 1978 be held in any term of two years. A bond election as  
18 provided in this section may also be called by the board of  
19 county commissioners, without any petition, after the board has  
20 adopted a resolution calling such an election, which resolution  
21 shall set forth the object of the election and the amount of  
22 bonds to be issued."

23 SECTION 14. Section 4-55A-12.1 NMSA 1978 (being Laws  
24 1998, Chapter 47, Section 7, as amended) is amended to read:

25 "4-55A-12.1. IMPOSITION OF IMPROVEMENT DISTRICT PROPERTY

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1 TAX--LIMITATIONS.--

2 A. If in connection with the creation of the  
3 improvement district the board determines that it is in the  
4 best interest of the county to finance the district  
5 improvements by the imposition of an improvement district  
6 property tax and the issuance of improvement district general  
7 obligation bonds, the board shall enact an ordinance making the  
8 determination and provide in the ordinance the improvement  
9 district property tax rate to be imposed; the date, which may  
10 be a predetermined date or a date to be established in the  
11 future after completion of the improvements, of commencement of  
12 the tax; the amount of the bonds to be issued to finance the  
13 improvements; and any other matters the board deems necessary  
14 or appropriate. The board shall call an election within the  
15 improvement district for the purpose of authorizing the board  
16 to issue general obligation bonds, the proceeds of the sale of  
17 which shall be used for constructing the improvements for which  
18 the district was created and to impose property taxes on all  
19 taxable property within the district for the purpose of paying  
20 the principal, debt service and other expenses incidental to  
21 the issuance and sale of the bonds. The ordinance shall also  
22 include procedures for the conduct of the election based upon  
23 the size of the improvement district and the number of voters  
24 entitled to vote. The election shall conform with the  
25 requirements of Sections 1 and 2 of this 2011 act.

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1           B. If at the election described in Subsection A of  
2 this section the property tax imposition and the issuance of  
3 improvement district general obligation bonds are approved by a  
4 majority of the voters voting on the issues, the board shall  
5 impose the tax at a rate sufficient to pay the debt service on  
6 the bonds and retire them at maturity.

7           C. Imposition and collection of the improvement  
8 district property tax authorized in this section shall be made  
9 at the same time and in the same manner as impositions and  
10 collections of property taxes for use by counties are made.

11           D. Bonds issued by the board for payment of the  
12 specified improvement district improvements shall be sold at a  
13 price that does not result in a net effective interest rate  
14 exceeding the maximum net effective interest rate permitted by  
15 the Public Securities Act. The bonds may be sold at public or  
16 private sale and may be in denominations that the board  
17 determines.

18           E. The form and terms of the bonds, including a  
19 final maturity of thirty years and provisions for their payment  
20 and redemption, shall be as determined by the board. The bonds  
21 shall be executed in the name of and on behalf of the  
22 improvement district by the chairman of the board. The bonds  
23 may be executed and sealed in accordance with the provisions of  
24 the Uniform Facsimile Signature of Public Officials Act.

25           F. To provide for the payment of the interest and

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1 principal of the bonds issued and sold pursuant to this  
2 section, the board shall annually impose a property tax on all  
3 taxable property in the district in an amount sufficient to  
4 produce a sum equal to the principal and interest on all bonds  
5 as they mature.

6 G. The bonds authorized in this section are general  
7 obligation bonds of the district, and the full faith and credit  
8 of the district are pledged to the payment of the bonds. The  
9 proceeds obtained from the issuance of the bonds shall not be  
10 diverted or expended for any purposes other than those provided  
11 in the County Improvement District Act.

12 H. All bonds issued by an improvement district  
13 shall be fully negotiable and constitute negotiable instruments  
14 within the meaning of and for all the purposes of the Uniform  
15 Commercial Code. If lost or completely destroyed, any bond may  
16 be reissued in the form and tenor of the lost or destroyed bond  
17 upon the owner furnishing to the satisfaction of the board:

- 18 (1) proof of ownership;  
19 (2) proof of loss or destruction;  
20 (3) a surety bond in twice the face amount of  
21 the bond and coupons; and  
22 (4) payment of the cost of preparing and  
23 issuing the new bond and coupons.

24 I. The board may in any proceedings authorizing  
25 improvement district bonds provide for the initial issuance of

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1 one or more bonds aggregating the amount of the entire issue or  
2 may make provision for installment payments of the principal  
3 amount of any bond as it may consider desirable.

4 J. The board may issue bonds to be denominated  
5 refunding bonds, for the purpose of refunding any of the  
6 general obligation bonded indebtedness of the district.

7 Whenever the board deems it expedient to issue refunding bonds,  
8 it shall adopt a resolution setting out the facts making the  
9 issuance of the refunding bonds necessary or advisable, the  
10 determination of the necessity or advisability by the board and  
11 the amount of refunding bonds that the board deems necessary  
12 and advisable to issue. The resolution shall fix the form of  
13 the bonds; the rate or rates of interest of the bonds, but the  
14 net effective interest rate of the bonds shall not exceed the  
15 maximum net effective interest rate permitted by the Public  
16 Securities Act; the date of the refunding bonds; the  
17 denominations of the refunding bonds; the maturity dates; and  
18 the place or places of payment within or without the state of  
19 both principal and interest. Refunding bonds when issued,  
20 except for bonds issued in book entry or similar form without  
21 the delivery of physical securities, shall be negotiable in  
22 form and shall bear the signature or the facsimile signature of  
23 the ~~[chairman]~~ chair of the board. All refunding bonds may be  
24 exchanged dollar for dollar for the bonds to be refunded or  
25 they may be sold as directed by the board, and the proceeds of

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1 the sale shall be applied only to the purpose for which the  
2 bonds were issued and the payment of any incidental expenses.

3 K. The principal amount of improvement district  
4 general obligation bonds that may be issued by the board for  
5 any improvement district shall not exceed twenty-five percent  
6 of the final estimated value of properties in the improvement  
7 district after completion of the projects to be financed with  
8 the improvement district general obligation bonds and after  
9 development of the properties in the improvement district in  
10 accordance with their planned use, as determined by the board  
11 with the assistance of the engineer and other qualified  
12 professionals.

13 L. In connection with an improvement district  
14 project to be financed with the proceeds of improvement  
15 district general obligation bonds issued pursuant to this  
16 section, a property owner subject to the improvement district  
17 property tax or the board may enter into contracts to design,  
18 engineer, finance, construct or acquire a project with  
19 contractors and professionals, on such terms and with such  
20 persons as the property owner subject to the improvement  
21 district property tax or the board determines to be  
22 appropriate, without following the procedures or meeting the  
23 requirements of the Procurement Code or the requirements of  
24 Sections 6-15-1 through 6-15-22 NMSA 1978."

25 SECTION 15. Section 5-5-10 NMSA 1978 (being Laws 1959,

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1 Chapter 300, Section 10, as amended) is amended to read:

2 "5-5-10. GENERAL OBLIGATION BOND AND DEBT ELECTIONS.--The  
3 governing body of any municipality [~~may fix a date for an~~  
4 ~~election and~~] may order the submission at [~~the~~] an election of  
5 a question or proposal to authorize the issuance of general  
6 obligation bonds or the incurrence of any other indebtedness  
7 for any project or part thereof authorized by the Joint City-  
8 County Building Law subject to the limitations of Section  
9 [~~6-9-9 NMSA 1953~~] 5-5-9 NMSA 1978; and notice of the election  
10 shall [~~be given by publication, commencing at least twenty days~~  
11 ~~prior to the election~~] conform with the provisions of Section 2  
12 of this 2011 act. The notice of election shall be signed by  
13 the clerk of the municipality and by the [~~chairman~~] chair of  
14 the board, mayor of the city or other titular head of the  
15 municipality; and the notice shall contain:

16 A. the time and place [~~or places~~] of holding the  
17 election;

18 B. the hours during the day in which the polls will  
19 be open, which shall be the same as then provided for general  
20 elections;

21 C. the purpose of the proposal for issuing bonds or  
22 otherwise incurring an indebtedness;

23 D. the maximum amount of bonds and the maximum rate  
24 of interest, not to exceed six [~~per centum per annum~~] percent a  
25 year, in the case of any bond proposal; and

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1           E. the maximum number of years, not exceeding  
2 thirty, from the date of the bonds or other evidence of  
3 indebtedness, during which the ~~[bond]~~ bonds shall mature or the  
4 indebtedness shall be defrayed.

5           The statement as to the place ~~[or places]~~ of holding the  
6 election may merely refer generally to the place ~~[or places]~~  
7 theretofore designated for holding the general, regular  
8 municipal or other election with which the bond or other debt  
9 election may be consolidated, or may refer generally to the  
10 place ~~[or places]~~ for holding a previous election, or may  
11 consist of some other similarly sufficient statement  
12 designating such place ~~[or places]~~ by reference thereto or a  
13 general description thereof.

14           A special registration shall be held for any qualified  
15 elector not registered for any such debt election ~~[which]~~ that  
16 is not consolidated with nor held within the sixty days next  
17 succeeding an election for which a registration was held. In  
18 such event, the special registration shall be held for a ten-  
19 day period commencing the twenty-ninth day next preceding the  
20 election and ending the twentieth day next prior thereto. The  
21 county clerk or other official required by law to conduct  
22 registrations for the municipality, upon being given timely  
23 notice of the election by the governing body, shall give notice  
24 of the special registration by publication commencing at least  
25 thirty-two days next prior to the election and stating the

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1 place and the days and hours the special registration will be  
2 held.

3 Except for notices of elections, except for the necessity  
4 of and the time of holding registrations for elections and  
5 except for any provisions inconsistent with any provision in  
6 the Joint City-County Building Law specifically made or  
7 necessarily implied, any debt election for any project shall be  
8 held, conducted, canvassed and otherwise governed as nearly as  
9 practicable as then provided for a regular municipal election  
10 in the case of any city election and as then provided for a  
11 general election in the case of a county election."

12 SECTION 16. Section 5-11-7 NMSA 1978 (being Laws 2001,  
13 Chapter 305, Section 7) is amended to read:

14 "5-11-7. NOTICE AND CONDUCT OF ELECTION--WAIVER.--

15 A. Any election pursuant to the Public Improvement  
16 District Act shall be a nonpartisan election called by posting  
17 notices in three public places within the boundaries of the  
18 district not less than twenty days before the election. Notice  
19 shall also be announced by radio or television broadcast in the  
20 municipality and be published in a newspaper of general  
21 circulation in the municipality or county, or, if there is no  
22 newspaper so circulated in the municipality, in a newspaper of  
23 general circulation in the county in which the municipality is  
24 located [~~once a week for two consecutive weeks before the~~  
25 ~~election~~] pursuant to the provisions of Section 2 of this 2011

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1 act. The notice shall state:

2 (1) the place of holding the election and  
3 provisions for voting by mail, if any;

4 (2) the hours during the day, not less than  
5 six, in which the polls will be open;

6 (3) if the election is a formation election,  
7 the boundaries of the proposed district;

8 (4) if the election is a bond election, the  
9 amount of bonds to be authorized for the district, the maximum  
10 rate of interest to be paid on the bonds and the maximum term  
11 of the bonds, not exceeding thirty years;

12 (5) if the election is a property tax levy  
13 election pursuant to Section ~~[19 of the Public Improvement~~  
14 ~~District Act]~~ 5-11-19 NMSA 1978, the maximum tax rate per one  
15 thousand dollars (\$1,000) of assessed valuation to be imposed,  
16 the purposes for which the revenues raised will be used and the  
17 existing maximum tax rate, if any;

18 (6) that a general plan is on file with the  
19 clerk;

20 (7) the purposes for which the property taxes  
21 or the special levies will be imposed, and the revenues raised  
22 will be used, including a description of the public  
23 improvements to be financed with tax revenues, special levies,  
24 district revenues or bond proceeds; and

25 (8) that the imposition of property taxes or

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1 special levies will result in a lien for the payment thereof on  
2 property within the district.

3 B. The district board or, in the case of a  
4 formation election, the governing body, shall determine the  
5 date of the election and the polling places for the election  
6 and may consolidate county precincts. The district board or  
7 governing body may establish provisions for voting by mail.

8 C. Voter lists shall be used to determine the  
9 resident qualified electors. If the district includes land  
10 lying partly in and partly out of any county election precinct,  
11 the voter lists may contain the names of all registered voters  
12 in the precinct, and the precinct boards at those precincts  
13 shall require that a prospective elector execute an affidavit  
14 stating that the elector is also a resident qualified elector.

15 D. For all elections held pursuant to the Public  
16 Improvement District Act, a prospective elector who is not a  
17 resident qualified elector shall execute an affidavit stating  
18 that the elector is the owner of land in the proposed district  
19 and stating the area of land in acres owned by the prospective  
20 elector. Precinct board members may administer oaths or take  
21 all affirmations for these purposes.

22 E. Except as otherwise provided by this section,  
23 the election shall comply with the general election laws of  
24 this state. The ballot material provided to each voter shall  
25 include:

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1 (1) for a formation election, an impartial  
2 description of the district improvements contemplated and a  
3 brief description of arguments for and against the formation of  
4 the district, if any;

5 (2) for an election concerning the imposition  
6 of property taxes, an impartial description of the taxes to be  
7 imposed, the method of apportionment, collection and  
8 enforcement and other details sufficient to enable each elector  
9 to determine the amount of tax it will be obligated to pay; a  
10 brief description of arguments for and against the imposition  
11 of taxes that are the subject of the election, if any; and a  
12 statement that the imposition of property taxes is for the  
13 provision of certain but not necessarily all public  
14 infrastructure improvements and services that may be needed or  
15 desirable within the district, and that other taxes, levies or  
16 assessments by other governmental entities may be presented for  
17 approval by owners and resident qualified electors; and

18 (3) for a formation election, the ballot,  
19 which shall pose the question to be voted upon as "district,  
20 yes" and "district, no"; for a bond election, "bonds, yes" and  
21 "bonds, no"; for a property tax election, if no tax is in  
22 place, "property tax, yes" and "property tax, no"; and for an  
23 election to change an existing maximum or eliminate an existing  
24 tax, "tax change, yes" and "tax change, no", specifying the  
25 type of tax to which the proposed change pertains.

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1           F. The governing body or, if after formation, the  
2 district board, may provide for the returns of the election to  
3 be made in person or by mail.

4           G. Within thirty days after an election, the  
5 governing body, or if after formation, the district board,  
6 shall meet and canvass the returns, determining the number of  
7 votes properly cast by owners and resident qualified electors.  
8 At least a three-fourths' majority of the votes cast at the  
9 election shall be required for formation, issuing the bonds,  
10 imposing the tax or special levy or changing the tax or special  
11 levy. The canvass may be continued for an additional period  
12 not to exceed thirty days at the election of the governing body  
13 or district board for the purpose of completing the canvass.  
14 Failure of a majority to vote in favor of the matter submitted  
15 shall not prejudice the submission of the same or similar  
16 matters at a later election.

17           H. If a person listed on the assessment roll is no  
18 longer the owner of land in the district and the name of the  
19 successor owner becomes known and is verified by recorded deed  
20 or other similar evidence of transfer of ownership, the  
21 successor owner is deemed to be the owner for the purposes of  
22 the Public Improvement District Act.

23           I. Notwithstanding any other provision of the  
24 Public Improvement District Act, if a petition for formation is  
25 signed by owners of all of the land in the district described

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1 in the petition and is approved by the municipality or county,  
2 the municipality or county may waive any or all requirements of  
3 posting, publication, mailing, notice, hearing and owner  
4 election. On receipt of such a petition, and after approval by  
5 an election of resident qualified electors, if any, the  
6 municipality or county shall declare the district formed  
7 without being required to comply with the provisions of the  
8 Public Improvement District Act for posting, publication,  
9 mailing, notice, hearing or owner election.

10 J. If no person has registered to vote within the  
11 district within fifty days immediately preceding any scheduled  
12 election date, any election required to be held pursuant to the  
13 Public Improvement District Act shall be held by vote of the  
14 owners. Each owner shall have the number of votes or portion  
15 of votes equal to the number of acres or portion of acres  
16 rounded upward to the nearest one-fifth of an acre owned in the  
17 district by that owner.

18 K. In any election held pursuant to the Public  
19 Improvement District Act, an owner who is also a resident  
20 qualified elector shall have the number of votes or portion of  
21 votes to which ~~[he]~~ the owner is entitled as an owner and shall  
22 not be entitled to an additional vote as a result of residing  
23 within the district."

24 SECTION 17. Section 5-11-19 NMSA 1978 (being Laws 2001,  
25 Chapter 305, Section 19, as amended) is amended to read:

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1 "5-11-19. GENERAL OBLIGATION BONDS--TAX LEVY--

2 EXCEPTION.--

3 A. At any time after the hearing on formation of  
4 the district, the district board, or, if before formation, the  
5 governing body may from time to time order and call a general  
6 obligation bond election to submit to the owners and qualified  
7 electors the question of authorizing the district to issue  
8 general obligation bonds of the district to provide money for  
9 any public infrastructure purposes consistent with the general  
10 plan. The election shall conform to the requirements of  
11 Sections 1 and 2 of this 2011 act. The question shall include  
12 authorization for a levy, including a limitation on the levy,  
13 of a property tax to pay debt service on the bonds. The  
14 election may be held in conjunction with the formation  
15 election.

16 B. If general obligation bonds are approved at an  
17 election, the district board may issue and sell general  
18 obligation bonds of the district.

19 C. Bonds may be sold in a public offering or in a  
20 negotiated sale.

21 D. After the bonds are issued, the district board  
22 shall enter in its minutes a record of the bonds sold and their  
23 numbers and dates and shall annually levy and cause a property  
24 tax to be collected, at the same time and in the same manner as  
25 other property taxes are levied and collected on all taxable

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1 property in the district, sufficient, together with any money  
2 from the sources described in Section 5-11-17 NMSA 1978 to pay  
3 debt service on the bonds when due. Money derived from the  
4 levy of property taxes that are pledged to pay the debt service  
5 on the bonds shall be kept separately from other funds of the  
6 district. Property tax revenues not pledged to pay debt  
7 service on bonds may be used to pay other costs of the  
8 district, including costs of formation, administration,  
9 operation and maintenance, services or enhanced services. A  
10 district's levy of property taxes shall constitute a lien on  
11 all taxable property within the district, including, without  
12 limitation, all leased property or improvements to leased land,  
13 which shall be subject to foreclosure in the same manner as  
14 other property tax liens under the laws of this state. The  
15 lien shall include delinquencies and interest thereon at a rate  
16 not to exceed ten percent per year, the actual costs of  
17 foreclosure and any other costs of the district resulting from  
18 the delinquency. The proceeds of any foreclosure sale shall be  
19 deposited in the special bond fund for payment of any  
20 obligations secured thereby.

21 E. Subject to the election requirements of this  
22 section, a district may issue general obligation bonds at such  
23 times and in such amounts as the district deems appropriate to  
24 carry out a project or projects in phases.

25 F. Pursuant to this section, the district may issue

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1 and sell refunding bonds to refund general obligation bonds of  
2 the district authorized by the Public Improvement District Act.  
3 No election is required in connection with the issuance and  
4 sale of refunding bonds. Refunding bonds issued pursuant to  
5 this section shall have a final maturity date no later than the  
6 final maturity date of the bonds being refunded."

7 SECTION 18. Section 5-15-8 NMSA 1978 (being Laws 2006,  
8 Chapter 75, Section 8) is amended to read:

9 "5-15-8. ELECTION.--

10 A. The election procedures set forth in this  
11 section shall be used for:

12 (1) formation of a new tax increment  
13 development district;

14 (2) election of a district board member;

15 (3) adoption of a property tax levy by a tax  
16 increment development district; provided that the election  
17 shall conform with the requirements of Sections 1 and 2 of this  
18 2011 act;

19 (4) use of property tax increment financing by  
20 a tax increment development district; or

21 (5) issuing of property tax increment bonds to  
22 be repaid by funds raised by property tax increments.

23 B. An election may be waived and a tax increment  
24 development district shall be formed upon the governing body's  
25 adoption of a resolution to form a tax increment development

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1 district if a petition is presented to a governing body in  
2 accordance with the Tax Increment for Development Act and if  
3 the petition contains the signatures of all owners of the real  
4 property within the proposed tax increment development area and  
5 states that the owners waive the right to an election.

6 C. An election pursuant to the Tax Increment for  
7 Development Act shall be a nonpartisan election called by  
8 posting notices in three public places within the boundaries of  
9 the district not less than twenty days before the election.  
10 Notice shall also be announced by radio or television broadcast  
11 in the tax increment development district and be published in a  
12 newspaper of general circulation [~~once each week for two~~  
13 ~~consecutive weeks before the election~~] in the municipality or  
14 county in which the proposed district is located pursuant to  
15 the provisions of Section 2 of this 2011 act.

16 D. The notice shall state:

17 (1) the place of holding the election and  
18 provisions for voting by mail, if any;

19 (2) the hours during the day during which the  
20 polls will be open;

21 (3) if the election is a formation election,  
22 the boundaries of the proposed tax increment development  
23 district;

24 (4) if the election is a bond election, the  
25 purpose for which the bonds are to be issued and the amount of

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1 the issue;

2 (5) if the election is a property tax levy  
3 election, the maximum tax rate per one thousand dollars  
4 (\$1,000) of assessed valuation to be imposed, the purposes for  
5 which the revenues raised will be used and the existing maximum  
6 tax rate, if any;

7 (6) that an approved tax increment development  
8 plan is on file with the clerk of the governing body;

9 (7) the purposes for which property taxes will  
10 be imposed and for which the revenues raised will be used,  
11 including a description of the public improvements to be  
12 financed with tax revenues, bond proceeds or other revenues of  
13 the tax increment development district; and

14 (8) that the imposition of property taxes will  
15 result in a lien for the payment on property within the  
16 district.

17 E. The district board, or, in the case of a  
18 formation election, the governing body, shall determine the  
19 date of the election and the polling places for the election  
20 and may consolidate county precincts. The district board or  
21 the governing body may establish provisions for voting by mail.

22 F. Voter lists shall be used to determine the  
23 resident qualified electors. If a district or proposed  
24 district includes land lying partly in and partly out of any  
25 county election precinct, the voter lists may contain the names

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1 of all registered voters in the precinct, and the precinct  
2 boards at these precincts shall require that a prospective  
3 elector execute an affidavit stating that the elector is also a  
4 resident qualified elector.

5 G. For an election held pursuant to the Tax  
6 Increment for Development Act, a prospective elector who is not  
7 a resident qualified elector shall execute an affidavit stating  
8 that the elector is the owner of land in the proposed or  
9 existing district and stating the area of land in acres owned  
10 by the prospective elector. If the prospective elector is not  
11 an individual, the affidavit shall provide that the individual  
12 casting the vote is the designated representative of the  
13 corporation, association, partnership, limited liability  
14 company or other legal entity entitled to vote in the election.  
15 Precinct board members may administer oaths or accept  
16 affirmations for those purposes.

17 H. Except as otherwise provided by this section,  
18 the election shall comply with the general election laws of the  
19 state. The ballot material provided to each voter shall  
20 include:

21 (1) for a formation election, an impartial  
22 description of the tax increment development plan and a brief  
23 description of arguments for and against the formation of the  
24 tax increment development district, if any;

25 (2) for an election concerning the imposition

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1 of property taxes, an impartial description of the taxes to be  
2 imposed, the method of apportionment, collection and  
3 enforcement and other details sufficient to enable each  
4 resident qualified elector to determine the amount of tax it  
5 will be obligated to pay; a brief description of arguments for  
6 and against the imposition of taxes that are the subject of the  
7 election, if any; and a statement that the imposition of  
8 property taxes is for the provision of certain, but not  
9 necessarily all, public improvements that may be needed or  
10 desirable within the tax increment development district, and  
11 that other taxes, levies or assessments by other governmental  
12 entities may be presented for approval by owners and resident  
13 qualified electors;

14 (3) for an election concerning the use of  
15 property tax increment financing, an impartial description of  
16 the estimated increment to be generated over the life of the  
17 project and the nature and extent of the public improvements to  
18 be constructed and maintained using such financing;

19 (4) for a formation election, the question to  
20 be voted upon as "district, yes" and "district, no";

21 (5) for a property tax imposition election,  
22 the question to be voted upon as "property tax, yes" and  
23 "property tax, no";

24 (6) for an election to change an existing  
25 maximum tax or eliminate an existing tax, the question to be

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1 voted upon as "tax change, yes" and "tax change, no" and shall  
2 specify the type of tax to which the proposed change pertains;  
3 and

4 (7) for an election concerning the use of  
5 property tax increment bonds, the ballot shall pose the  
6 question to be voted upon as "bonds, yes" and "bonds, no".

7 I. The governing body or, if after district  
8 formation, the district board, may provide for the returns of  
9 the election to be made in person or by mail.

10 J. Within thirty days after an election, the  
11 governing body, or if after district formation, the district  
12 board, shall meet and canvass the returns, determining the  
13 number of votes properly cast by owners and resident qualified  
14 electors. A majority of the votes cast at the election shall  
15 be required. The canvass may be continued for an additional  
16 period not to exceed thirty days at the election of the  
17 governing body or district board for the purpose of completing  
18 the canvass. Failure of a majority to vote in favor of the  
19 matter submitted shall not prejudice the submission of the same  
20 or similar matters at a later election; provided that an  
21 election on the same question shall not be held within one year  
22 of the failure of a majority to vote in favor of that question.

23 K. If a person transfers real property located in a  
24 district and the name of the successor owner becomes known and  
25 is verified by recorded deed or other similar evidence of

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1 transfer of ownership, the successor owner is deemed to be the  
2 owner of the real property for the purposes of the Tax  
3 Increment for Development Act.

4 L. If there are no persons registered to vote  
5 within a district or proposed district within fifty days  
6 immediately preceding a scheduled election date, an election  
7 required to be held pursuant to the Tax Increment for  
8 Development Act shall be held by vote of the owners of property  
9 within the district or proposed district. Each owner shall  
10 have the number of votes or portion of votes equal to the  
11 number of acres or portion of acres rounded upward to the  
12 nearest one-fifth of an acre owned in the district by that  
13 owner.

14 M. In an election held pursuant to the Tax  
15 Increment for Development Act, an owner who is also a resident  
16 qualified elector shall have the number of votes or portion of  
17 votes equal to the number of acres or portion of acres rounded  
18 upward to the nearest one-fifth of an acre owned in the  
19 district by that owner and shall not be entitled to an  
20 additional vote as a result of residing within the district."

21 SECTION 19. Section 7-2-14.4 NMSA 1978 (being Laws 1994,  
22 Chapter 111, Section 2, as amended) is amended to read:

23 "7-2-14.4. AUTHORIZATION TO FUND PROPERTY TAX REBATE FOR  
24 LOW-INCOME TAXPAYERS--TAX IMPOSITION--ELECTION.--

25 A. The board of county commissioners of any county  
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1 may adopt a resolution to submit to the qualified electors of  
2 the county the question of whether a property tax at a rate not  
3 to exceed one dollar (\$1.00) per thousand dollars (\$1,000) of  
4 taxable value of property should be imposed for the purpose of  
5 providing the necessary funding for the property tax rebate for  
6 low-income taxpayers provided in the Income Tax Act if the  
7 county has adopted an ordinance providing the property tax  
8 rebate.

9 B. The resolution shall:

10 (1) specify the rate of the proposed tax,  
11 which shall not exceed one dollar (\$1.00) per thousand dollars  
12 (\$1,000) of taxable value of property;

13 (2) specify the date an election will be held,  
14 which shall be on the subsequent bond election day, to submit  
15 the question of imposition of the tax to the qualified electors  
16 of the county;

17 (3) impose the tax for one, two, three, four  
18 or five property tax years and limit the imposition of the  
19 proposed tax to no more than five property tax years; and

20 (4) pledge the revenue from the tax solely  
21 for the payment of the income tax revenue reduction resulting  
22 from the implementation of the property tax rebate for  
23 low-income taxpayers.

24 C. The resolution authorized in Subsection A of  
25 this section shall be adopted no later than May 15 in the year

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1 prior to the year in which the tax is proposed to be imposed.  
2 By adoption of an appropriate resolution, the board of county  
3 commissioners may submit the question of imposing the tax for  
4 successive periods of one, two, three, four or five years to  
5 the qualified electors of the county. The procedures for the  
6 election and for the imposition of the tax for subsequent  
7 periods shall be the same as those applying to the initial  
8 imposition of the tax. The election shall be scheduled so that  
9 the imposition of the tax for successive periods results in  
10 continuity of the tax.

11 D. An election on the question of imposing the tax  
12 authorized pursuant to this section [~~may be held in conjunction~~  
13 ~~with a general election or may be conducted as or held in~~  
14 ~~conjunction with a special election, but the election]~~ shall be  
15 held by the date necessary to assure that the results of the  
16 election on the question of imposing the tax may be certified  
17 no later than July 1 of the first property tax year in which  
18 the tax is proposed to be imposed. Conduct of the election  
19 shall be as provided by the Election Code.

20 E. As used in this section, "taxable value of  
21 property" means the combined total of net taxable value of  
22 property allocated to the county under the Property Tax Code;  
23 the assessed value of products severed and sold in the county  
24 for the calendar year preceding the year for which a  
25 determination is made as determined under the Oil and Gas Ad

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1 Valorem Production Tax Act; the assessed value of equipment in  
2 the county as determined under the Oil and Gas Production  
3 Equipment Ad Valorem Tax Act; and the taxable value of copper  
4 mineral property in the county pursuant to Section 7-39-7 NMSA  
5 1978."

6 SECTION 20. Section 7-20C-3 NMSA 1978 (being Laws 1991,  
7 Chapter 176, Section 3, as amended) is amended to read:

8 "7-20C-3. LOCAL HOSPITAL GROSS RECEIPTS TAX--AUTHORITY TO  
9 IMPOSE--ORDINANCE REQUIREMENTS.--

10 A. A majority of the members elected to the  
11 governing body of a county may enact an ordinance imposing an  
12 excise tax on a person engaging in business in the county for  
13 the privilege of engaging in business. This tax is to be  
14 referred to as the "local hospital gross receipts tax". The  
15 rate of the tax shall be:

16 (1) one-half percent of the gross receipts of  
17 the person engaging in business if the tax is initially imposed  
18 before January 1, 1993;

19 (2) one-eighth percent of the gross receipts  
20 of the person engaging in business if the tax is initially  
21 imposed after January 1, 1993; and

22 (3) a rate not to exceed one-half percent of  
23 the gross receipts of the person engaging in business if the  
24 tax is imposed after July 1, 1996 in a county described in  
25 Paragraph (4), (6), (7) or (8) of Subsection A of Section

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1 7-20C-2 NMSA 1978; provided the tax may be imposed in any  
2 number of increments of one-eighth percent not to exceed an  
3 aggregate rate of one-half percent of gross receipts.

4 B. The local hospital gross receipts tax imposed:

5 (1) initially before January 1, 1993 shall be  
6 imposed only once for the period necessary for payment of the  
7 principal and interest on revenue bonds issued to accomplish  
8 the purpose for which the revenue is dedicated, but the period  
9 shall not exceed ten years from the effective date of the  
10 ordinance imposing the tax; or

11 (2) after July 1, 1996 in a county described  
12 in Paragraph (4) or (8) of Subsection A of Section 7-20C-2 NMSA  
13 1978 shall be imposed for the period necessary for payment of  
14 the principal and interest on revenue bonds issued to  
15 accomplish the purpose for which the revenue is dedicated, but  
16 the period shall not exceed forty years from the effective date  
17 of the ordinance imposing the tax; provided, however, that the  
18 governing body of a county described in Paragraph (8) of  
19 Subsection A of Section 7-20C-2 NMSA 1978 that has enacted an  
20 ordinance imposing an increment of the local hospital gross  
21 receipts tax pursuant to the provisions of this paragraph may,  
22 prior to the date of the delayed repeal of the ordinance, enact  
23 an ordinance to modify the period of imposition of the tax and  
24 modify the purposes for which the revenue from the tax is  
25 dedicated, consistent with one or more of the purposes

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1 permitted pursuant to Paragraph (6) of Subsection D of this  
2 section. The ordinance shall be subject to the election  
3 requirement of Subsection E of this section.

4 C. No local hospital gross receipts tax authorized  
5 in Subsection A of this section shall be imposed initially  
6 after January 1, 1993 in a county described in Paragraph (2),  
7 (3) or (5) of Subsection A of Section 7-20C-2 NMSA 1978 unless:

8 (1) in a county described in Paragraph (2) of  
9 Subsection A of Section 7-20C-2 NMSA 1978, the voters of the  
10 county have approved the issuance of general obligation bonds  
11 of the county sufficient to pay at least one-half of the costs  
12 of the county hospital facility or county twenty-four-hour  
13 urgent care or emergency facility for which the local hospital  
14 gross receipts tax revenues are dedicated, including the costs  
15 of all acquisition, renovation and equipping of the facility;  
16 or

17 (2) in a county described in Paragraph (3) or  
18 (5) of Subsection A of Section 7-20C-2 NMSA 1978, the county  
19 will not have in effect at the same time a county hospital  
20 emergency gross receipts tax and the voters of the county have  
21 approved the imposition of a property tax at a rate of one  
22 dollar (\$1.00) on each one thousand dollars (\$1,000) of taxable  
23 value of property in the county for the purpose of operation  
24 and maintenance of a hospital owned by the county and operated  
25 and maintained either by the county or by another party

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1 pursuant to a lease with the county.

2 D. The governing body of a county enacting an  
3 ordinance imposing a local hospital gross receipts tax shall  
4 dedicate the revenue from the tax as provided in this  
5 subsection. In any election held, the ballot shall clearly  
6 state the purpose to which the revenue will be dedicated and  
7 the revenue shall be used by the county for that purpose. The  
8 revenue shall be dedicated as follows:

9 (1) prior to January 1, 1993, the governing  
10 body, at the time of enacting an ordinance imposing the rate of  
11 the tax authorized in Subsection A of this section, shall  
12 dedicate the revenue for acquisition of land for and the  
13 design, construction, equipping and furnishing of a county  
14 hospital facility to be operated by the county or operated and  
15 maintained by another party pursuant to a lease with the  
16 county;

17 (2) if the governing body of a county  
18 described in Paragraph (2), (3) or (5) of Subsection A of  
19 Section 7-20C-2 NMSA 1978 is enacting the ordinance imposing  
20 the tax after July 1, 1993, the governing body shall dedicate  
21 the revenue for acquisition, renovation and equipping of a  
22 building for a county hospital facility or a county twenty-  
23 four-hour urgent care or emergency facility or for operation  
24 and maintenance of that facility, whether operated and  
25 maintained by the county or by another party pursuant to a

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1 lease or management contract with the county, for the period of  
2 time the tax is imposed not to exceed ten years;

3 (3) if the governing body of a county  
4 described in Paragraph (4) or (8) of Subsection A of Section  
5 7-20C-2 NMSA 1978 is enacting the ordinance imposing the tax  
6 after July 1, 1995, the governing body shall dedicate the  
7 revenue for acquisition of land or buildings for and the  
8 renovation, design, construction, equipping or furnishing of a  
9 county hospital facility or health clinic to be operated by the  
10 county or operated and maintained by another party pursuant to  
11 a health care facilities contract, lease or management contract  
12 with the county; provided, however, that the governing body of  
13 a county described in Paragraph (8) of Subsection A of Section  
14 7-20C-2 NMSA 1978 that has imposed an increment of the local  
15 hospital gross receipts tax prior to January 1, 2009 and  
16 dedicated the revenue from that imposition pursuant to the  
17 provisions of this paragraph may, prior to the date of the  
18 delayed repeal of the ordinance imposing the increment of the  
19 tax, enact an ordinance to modify the period of imposition of  
20 the tax and modify the purposes for which the revenue from the  
21 tax is dedicated, consistent with one or more of the purposes  
22 permitted pursuant to Paragraph (6) of this subsection. The  
23 ordinance shall be subject to the election requirement of  
24 Subsection E of this section;

25 (4) if the governing body of a county

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1 described in Paragraph (6) or (9) of Subsection A of Section  
2 7-20C-2 NMSA 1978 is enacting the ordinance imposing the tax  
3 after July 1, 1997, the governing body shall dedicate the  
4 revenue for either or a combination of the following:

5 (a) acquisition of land or buildings for  
6 and the design, construction, renovation, equipping or  
7 furnishing of a hospital facility or health clinic owned by the  
8 county or a hospital or health clinic with which the county has  
9 entered into a health care facilities contract lease or  
10 management contract; or

11 (b) operations and maintenance of a  
12 hospital or health clinic owned by the county or a hospital or  
13 a health clinic with which the county has entered into a health  
14 care facilities contract;

15 (5) if the governing body of a county  
16 described in Paragraph (7) of Subsection A of Section 7-20C-2  
17 NMSA 1978 is enacting the ordinance imposing the tax after  
18 January 1, 2002, the governing body shall dedicate the revenue  
19 for acquisition, lease, renovation or equipping of a hospital  
20 facility or for operation and maintenance of that facility,  
21 whether operated and maintained by the county or by another  
22 party pursuant to a health care facilities contract, lease or  
23 management contract with the county; and

24 (6) if the governing body of a county  
25 described in Paragraph (8) of Subsection A of Section 7-20C-2

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1 NMSA 1978 is enacting the ordinance imposing one or more  
2 increments of the tax after January 1, 2009, the governing body  
3 shall dedicate the revenue for either or both of the following:

4 (a) payment of the principal and  
5 interest on revenue bonds, including refunding bonds, issued  
6 for acquisition of land or buildings for and the renovation,  
7 design, construction, equipping or furnishing of hospital  
8 facilities or health care clinic facilities to be operated by  
9 the county or operated and maintained by another party pursuant  
10 to a health care facilities contract, lease or management  
11 contract with the county; and

12 (b) use as matching funds for state or  
13 federal programs benefiting the facilities.

14 E. The ordinance shall not go into effect until  
15 after an election is held and a simple majority of the  
16 qualified electors of the county voting in the election vote in  
17 favor of imposing the local hospital gross receipts tax and, in  
18 the case of a county described in Paragraph (3) or (5) of  
19 Subsection A of Section 7-20C-2 NMSA 1978, also vote in favor  
20 of a property tax at a rate of one dollar (\$1.00) for each one  
21 thousand dollars (\$1,000) of taxable value of property in the  
22 county. The governing body shall adopt a resolution calling  
23 for an election within [~~seventy-five~~] ninety days of the date  
24 the ordinance is adopted on the question of imposing the tax.  
25 The question [~~may~~] shall be submitted to the qualified electors

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1 and voted on as a separate question in [~~a general election or~~  
2 ~~in any special election called for that purpose by the~~  
3 ~~governing body. A special~~] an election held on bond election  
4 day. An election on the question shall be called, [~~held~~]  
5 conducted and canvassed in substantially the same manner as  
6 provided by law for general elections. If the question of  
7 imposing a local hospital gross receipts tax fails or if the  
8 question of imposing both a local hospital gross receipts tax  
9 and a property tax fails, the governing body shall not again  
10 propose a local hospital gross receipts tax for a period of one  
11 year after the election. A certified copy of any ordinance  
12 imposing a local hospital gross receipts tax shall be mailed to  
13 the department within five days after the ordinance is adopted  
14 in an election called for that purpose.

15 F. An ordinance enacted pursuant to the provisions  
16 of Subsection A of this section shall include an effective date  
17 of either July 1 or January 1, whichever date occurs first  
18 after the expiration of at least three months from the date the  
19 ordinance is approved by the electorate.

20 G. An ordinance repealed under the provisions of  
21 the Local Hospital Gross Receipts Tax Act shall be repealed  
22 effective on either July 1 or January 1.

23 H. As used in this section, "taxable value of  
24 property" means the sum of:

- 25 (1) the net taxable value, as that term is

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1 defined in the Property Tax Code, of property subject to  
2 taxation under the Property Tax Code;

3 (2) the assessed value of products, as those  
4 terms are defined in the Oil and Gas Ad Valorem Production Tax  
5 Act;

6 (3) the assessed value of equipment, as those  
7 terms are defined in the Oil and Gas Production Equipment Ad  
8 Valorem Tax Act; and

9 (4) the taxable value of copper mineral  
10 property, as those terms are defined in the Copper Production  
11 Ad Valorem Tax Act, subject to taxation under the Copper  
12 Production Ad Valorem Tax Act."

13 SECTION 21. Section 16-6-27 NMSA 1978 (being Laws 1947,  
14 Chapter 152, Section 3) is amended to read:

15 "16-6-27. BOND ISSUE ELECTION--PROCEDURE--BOND SALE.--

16 A. The board of county commissioners of Curry  
17 county, New Mexico, may submit to the voters of [~~said~~] the  
18 county at [~~any regular election or at any special election~~  
19 ~~called for that purpose~~] an election that shall conform to  
20 Sections 1 and 2 of this 2011 act the question of issuing bonds  
21 in a sum not to exceed one hundred thousand dollars  
22 [~~(\$100,000.00)~~] (\$100,000) for the purpose of erecting a  
23 building or buildings at the bi-state [~~fair grounds~~]  
24 fairgrounds, such building or buildings to be used for the  
25 holding of the bi-state fair. The proposition to be voted upon

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1 shall be submitted to the voters by separate ballot and shall  
2 be in substantially the following form:

3 "For the issuance of Bi-State Fair Association Bonds in  
4 the sum of \$ \_\_\_\_\_.

5 Against the issuance of Bi-State Fair Association Bonds in  
6 the sum of \$ \_\_\_\_\_."

7 B. The board of county commissioners shall give  
8 notice of such election [~~by publication for at least three~~  
9 ~~consecutive weeks in any newspaper published in said county,~~  
10 ~~which notice]~~ that shall set forth the time and place of  
11 holding [~~such]~~ the election, the fair building or buildings  
12 proposed to be built, the amount of bonds to be voted, the rate  
13 of interest to be paid on [~~such]~~ the bonds and the length of  
14 time for which the bonds shall be issued, which shall not be  
15 less than five [~~(5)]~~ nor more than twenty [~~(20)]~~ years, and no  
16 issue of bonds shall be made under [~~this act]~~ Sections 16-6-25  
17 through 16-6-30 NMSA 1978 in excess of one hundred thousand  
18 dollars [~~(\$100,000.00)]~~ (\$100,000).

19 C. Only the qualified electors of the county who paid  
20 a property tax during the preceding year shall be entitled to  
21 vote at such election, and if a majority of all votes at [~~such]~~  
22 the election [~~shall be]~~ are in favor in the issue of [~~said]~~ the  
23 bonds, [~~then said]~~ the board of county commissioners shall  
24 issue bonds to the amount voted, but no bond shall bear  
25 interest at a rate in excess of six [~~(6) per centum. Said]~~

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1 percent. The bonds shall be known as the bi-state fair  
2 association bonds of Curry county, New Mexico, and shall be  
3 signed by the [~~chairman~~] chair of the board of county  
4 commissioners and countersigned by the county treasurer.  
5 [~~They~~] The bonds shall have interest coupons attached providing  
6 for the payment of interest either annually or semiannually.  
7 The board shall have power by contract to provide a place for  
8 the payment of the principal and interest of [~~said~~] the bonds  
9 and the terms upon which [~~said~~] the interest shall be paid.

10 D. The county treasurer shall advertise for the sale  
11 of [~~said~~] the bonds to the highest bidder in not less than two  
12 weekly issues in some newspaper published in the county, and  
13 [~~said~~] the bonds shall be sold for no less than par and accrued  
14 interest and the proceeds thereof placed to the credit of the  
15 county in a fund to be known as the bi-state fair association  
16 fund, which fund shall be disbursed upon warrants drawn as in  
17 the case of the general funds of the county; provided that  
18 [~~said~~] the bonds or any part thereof may be sold to the state  
19 [~~of New Mexico~~] at private sale without advertisement for not  
20 less than par and accrued interest.

21 E. The county treasurer shall stand charged upon  
22 [~~his~~] official bond for all bonds that may be delivered [~~to~~  
23 ~~him~~] and with all [~~monies~~] money that may be received [~~by him~~]  
24 under the provisions of [~~this Act~~] Sections 16-6-25 through  
25 16-6-30 NMSA 1978."

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1           SECTION 22. Section 21-16A-6 NMSA 1978 (being Laws 2000,  
2 Chapter 105, Section 6) is amended to read:

3           "21-16A-6. LEARNING CENTER TAX LEVY AUTHORIZED--  
4 ELECTION.--

5           A. A board may adopt a resolution authorizing, for  
6 learning center operational purposes, the imposition of a  
7 property tax upon the taxable value of property in the  
8 district. The total tax imposition that may be authorized  
9 under the Learning Center Act shall not exceed a rate of five  
10 dollars (\$5.00) on each one thousand dollars (\$1,000) of  
11 taxable value of property in each district. [A] The tax  
12 authorized pursuant to this section may not be imposed for a  
13 period of more than six years.

14           B. The tax authorized in Subsection A of this section  
15 shall not be imposed in a district unless the question of  
16 authorizing the imposition of the tax is submitted to the  
17 voters of the district at [~~a regular school district election~~  
18 ~~or a special election called for that purpose~~] an election that  
19 conforms with the requirements of Sections 1 and 2 of this 2011  
20 act.

21           C. A resolution adopted pursuant to Subsection A of  
22 this section shall specify:

- 23                   (1) the rate of the proposed tax;  
24                   (2) the date of the election at which the  
25 question of imposition of the tax will be submitted to the

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1 voters of the district;

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

4 (4) the proposed use of the revenues from the  
5 proposed tax.

6 D. The election required by this section shall be  
7 called, conducted and canvassed as provided in the School  
8 Election Law.

9 E. If a majority of the voters voting on the question  
10 votes for a learning center tax levy pursuant to a resolution  
11 adopted under the Learning Center Act, the tax shall be  
12 imposed. The tax rate shall be certified by the department of  
13 finance and administration and imposed, administered and  
14 collected in accordance with the provisions of the Oil and Gas  
15 Ad Valorem Production Tax Act, the Oil and Gas Production  
16 Equipment Ad Valorem Tax Act, the Copper Production Ad Valorem  
17 Tax Act and the Property Tax Code.

18 F. If a majority of the voters voting on the question  
19 votes against a learning center tax levy pursuant to a  
20 resolution adopted under the Learning Center Act, the tax shall  
21 not be imposed. The board shall not again adopt a resolution  
22 authorizing the imposition of a tax levy pursuant to the  
23 Learning Center Act for at least two years after the date of  
24 the resolution that the voters rejected.

25 G. The board may discontinue by resolution the

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1 imposition of any tax authorized pursuant to the Learning  
2 Center Act. The discontinuance resolution shall be mailed to  
3 the department of finance and administration no later than June  
4 15 of the year in which a tax rate pursuant to that act is not  
5 to be certified."

6 SECTION 23. Section 22-18-2 NMSA 1978 (being Laws 1967,  
7 Chapter 16, Section 229, as amended) is amended to read:

8 "22-18-2. BOND ELECTIONS--QUALIFICATION OF VOTERS--  
9 CALLING FOR BOND ELECTIONS.--

10 A. Before any general obligation bonds are issued, a  
11 local school board of a school district shall submit to a vote  
12 of the qualified electors of the school district owning real  
13 estate in the school district the question of creating a debt  
14 by issuing the bonds, and a majority of those persons voting on  
15 the question shall vote for issuing the general obligation  
16 bonds.

17 B. The election on the question of creating a debt by  
18 issuing general obligation bonds shall be held at [~~the same~~  
19 ~~time as a regular school district election or at any special~~  
20 ~~school district election which is not within ninety days after~~  
21 ~~a regular school district election~~] an election that conforms  
22 to the requirements of Sections 1 and 2 of this 2011 act. The  
23 question shall be submitted to a vote [~~at a general or special~~  
24 ~~school district election~~] upon the initiative of a local school  
25 board or upon a petition being filed with a local school board

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1 signed by qualified electors of the school district having paid  
2 a property tax on property in the school district for the  
3 preceding year, according to the latest completed tax rolls.  
4 The number of signatures required on the petition shall be at  
5 least ten percent of the number of votes cast for governor in  
6 the school district in the last preceding general election.  
7 For the purpose of determining the number of votes cast for  
8 governor in the school district at the last preceding general  
9 election, any portion of a voting division within the school  
10 district shall be construed to be wholly within the school  
11 district. ~~[A local school board shall call for a bond election~~  
12 ~~at a regular or special school district election within ninety~~  
13 ~~days from the date a properly signed petition is filed with~~  
14 ~~it.]"~~

15 SECTION 24. Section 22-25-3 NMSA 1978 (being Laws 1975  
16 (S.S.), Chapter 5, Section 3, as amended) is amended to read:

17 "22-25-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO SUBMIT  
18 QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--

19 A. A local school board may adopt a resolution to  
20 submit to the qualified electors of the school district the  
21 question of whether a property tax should be imposed upon the  
22 net taxable value of property allocated to the school district  
23 under the Property Tax Code at a rate not to exceed that  
24 specified in the resolution for the purpose of capital  
25 improvements in the school district. The resolution shall:

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1 (1) identify the capital improvements for which  
2 the revenue proposed to be produced will be used;

3 (2) specify the rate of the proposed tax, which  
4 shall not exceed two dollars (\$2.00) on each one thousand  
5 dollars (\$1,000) of net taxable value of property allocated to  
6 the school district under the Property Tax Code;

7 (3) specify the date an election, which election  
8 shall conform to the requirements of Sections 1 and 2 of this  
9 2011 act, will be held to submit the question of imposition of  
10 the tax to the qualified electors of the district; and

11 (4) limit the imposition of the proposed tax to  
12 no more than six property tax years.

13 B. On or after July 1, 2009, a resolution submitted  
14 to the qualified electors pursuant to Subsection A of this  
15 section shall include capital improvements funding for a  
16 locally chartered or state-chartered charter school located  
17 within the school district if the charter school timely  
18 provides the necessary information to the school district for  
19 inclusion in the resolution that identifies the capital  
20 improvements of the charter school for which the revenue  
21 proposed to be produced will be used."

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

24 "22-25-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

25 A. An election on the question of imposing a tax

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1 under the Public School Capital Improvements Act [~~may be held~~  
2 ~~in conjunction with a regular school district election or may~~  
3 ~~be conducted as or held in conjunction with a special school~~  
4 ~~district election, but the election shall be held prior to July~~  
5 ~~1 of the property tax year in which the tax is proposed to be~~  
6 ~~imposed]~~ shall conform with the requirements of Sections 1 and  
7 2 of this 2011 act. Conduct of the election shall be as  
8 prescribed in the School Election Law for regular and special  
9 school district elections.

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

19 C. The ballot shall include the information specified  
20 in Subsection B of this section and shall present the voter the  
21 choice of voting "for the public school capital improvements  
22 tax" or "against the public school capital improvements tax".

23 SECTION 26. Section 22-26-3 NMSA 1978 (being Laws 1983,  
24 Chapter 163, Section 3, as amended) is amended to read:

25 "22-26-3. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO SUBMIT  
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1 QUESTION OF CAPITAL IMPROVEMENTS TAX IMPOSITION.--

2 A. A local school board may adopt a resolution to  
3 submit to the qualified electors of the school district the  
4 question of whether a property tax at a rate not to exceed the  
5 rate specified in the resolution should be imposed upon the net  
6 taxable value of property allocated to the school district  
7 under the Property Tax Code for the purpose of capital  
8 improvements to public schools in the school district. The  
9 resolution shall:

10 (1) identify the capital improvements for which  
11 the revenue proposed to be produced will be used;

12 (2) specify the rate of the proposed tax, which  
13 shall not exceed ten dollars (\$10.00) on each one thousand  
14 dollars (\$1,000) of net taxable value of property allocated to  
15 the school district under the Property Tax Code;

16 (3) specify the date an election, which election  
17 shall conform with the requirements of Sections 1 and 2 of this  
18 2011 act, will be held to submit the question of imposition of  
19 the tax to the qualified electors of the district; and

20 (4) limit the imposition of the proposed tax to  
21 no more than six property tax years.

22 B. After July 1, 2007, a resolution submitted to the  
23 qualified electors pursuant to Subsection A of this section  
24 shall include capital improvements funding for a locally  
25 chartered or state-chartered charter school located within the

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1 school district if:

2 (1) the charter school timely provides the  
3 necessary information to the school district for inclusion on  
4 the resolution that identifies the capital improvements of the  
5 charter school for which the revenue proposed to be produced  
6 will be used; and

7 (2) the capital improvements are included in the  
8 five-year facilities plan:

9 (a) of the school district, if the charter  
10 school is a locally chartered charter school; or

11 (b) of the charter school, if the charter  
12 school is a state-chartered charter school."

13 SECTION 27. Section 22-26-5 NMSA 1978 (being Laws 1983,  
14 Chapter 163, Section 5, as amended) is amended to read:

15 "22-26-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

16 A. An election on the question of imposing a tax  
17 under the Public School Buildings Act [~~may be held in~~  
18 ~~conjunction with a regular school district election or may be~~  
19 ~~conducted as or held in conjunction with a special school~~  
20 ~~district election, but the election shall be held prior to July~~  
21 ~~1 of the property tax year in which the tax is proposed to be~~  
22 ~~imposed]~~ shall conform to the requirements of Sections 1 and 2  
23 of this 2011 act. Conduct of the election shall be as  
24 prescribed in the School Election Law for regular and special  
25 school district elections, insofar as it does not conflict with

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1 the requirements of Sections 1 and 2 of this 2011 act.

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

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

14 SECTION 28. Section 22-26A-8 NMSA 1978 (being Laws 2007,  
15 Chapter 173, Section 8, as amended) is amended to read:

16 "22-26A-8. AUTHORIZATION FOR LOCAL SCHOOL BOARD TO SUBMIT  
17 QUESTION OF LEASE PURCHASE TAX.--A local school board may adopt  
18 a resolution to submit to the qualified electors of the school  
19 district the question of whether a property tax at a rate not  
20 to exceed the rate specified in the resolution should be  
21 imposed upon the net taxable value of property allocated to the  
22 school district under the Property Tax Code for the purpose of  
23 making payments under lease purchase arrangements. The  
24 resolution shall:

25 A. specify the maximum rate of the proposed tax,

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1 which shall not exceed ten dollars (\$10.00) on each one  
2 thousand dollars (\$1,000) of net taxable value of property  
3 allocated to the school district under the Property Tax Code;

4 B. specify the date an election, which election shall  
5 conform to the requirements of Sections 1 and 2 of this 2011  
6 act, will be held to submit the question of imposition of the  
7 tax to the qualified electors of the district; and

8 C. limit the imposition of the proposed tax to no  
9 more than thirty property tax years."

10 SECTION 29. Section 22-26A-10 NMSA 1978 (being Laws 2007,  
11 Chapter 173, Section 10, as amended) is amended to read:

12 "22-26A-10. CONDUCT OF ELECTION--NOTICE--BALLOT.--

13 A. An election on the question of imposing a tax  
14 under Sections 22-26A-8 through 22-26A-12 NMSA 1978 [~~may be~~  
15 ~~held in conjunction with a regular school district election or~~  
16 ~~may be conducted as or held in conjunction with a special~~  
17 ~~school district election, but the election shall be held prior~~  
18 ~~to July 1 of the property tax year in which the tax is proposed~~  
19 ~~to be imposed] shall conform to the requirements of Sections 1  
20 and 2 of this 2011 act. Conduct of the election shall be as  
21 prescribed in the School Election Law for regular and special  
22 school district elections, insofar as it does not conflict with  
23 the requirements of Sections 1 and 2 of this 2011 act.~~

24 B. The resolution required to be published as notice  
25 of the election under Section 1-22-4 or 1-22-5 NMSA 1978 shall

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1 include as the question to be submitted to the voters whether a  
2 property tax at a rate not to exceed the rate specified in the  
3 authorizing resolution should be imposed for the specified  
4 number of property tax years not exceeding thirty years upon  
5 the net taxable value of all property allocated to the school  
6 district for payments due under lease purchase arrangements.

7 C. The ballot shall include the information specified  
8 in Subsection B of this section and shall present the voter the  
9 choice of voting "for the lease purchase tax" or "against the  
10 lease purchase tax".

11 SECTION 30. Section 27-5-9 NMSA 1978 (being Laws 1965,  
12 Chapter 234, Section 9, as amended) is amended to read:

13 "27-5-9. TAX LEVIES AUTHORIZED.--

14 A. Subject to the provisions of Subsection B of this  
15 section, the board of county commissioners, upon the  
16 certification of the board as to the amount needed in the fund,  
17 shall impose a levy against the net taxable value, as that term  
18 is defined in the Property Tax Code, of the property in the  
19 county sufficient to raise the amount certified by the board.

20 B. The question of imposing an indigent hospital levy  
21 for the purpose of the Indigent Hospital and County Health Care  
22 Act shall be submitted to the electors and voted upon as a  
23 separate question at the next subsequent [~~general election or~~  
24 ~~any special election called prior thereto for such purpose]~~  
25 bond election day.

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1 C. Upon finding by the board of county commissioners  
2 that an election will be necessary, the board of county  
3 commissioners shall meet and order an election to be held at a  
4 designated time in the county upon the question of imposing an  
5 indigent hospital levy for the purpose of the Indigent Hospital  
6 and County Health Care Act in the county. [~~If the question is~~  
7 ~~to be voted upon at a special election, the election shall be~~  
8 ~~held not less than thirty nor more than fifty days after the~~  
9 ~~finding, but in no event shall the election be held within five~~  
10 ~~days preceding or succeeding any general election held in the~~  
11 ~~county.~~] The order for the election shall be made a part of the  
12 official minutes of the board of county commissioners. A copy  
13 of the order shall be published [~~in a newspaper of general~~  
14 ~~circulation in the county at least fifteen days before the date~~  
15 ~~set for the election]~~ pursuant to the provisions of Section 2  
16 of this 2011 act, and an affidavit of publication shall be  
17 obtained. At least five days prior to the date for holding the  
18 election, the board of county commissioners shall publish in a  
19 newspaper of general circulation in the county and post in five  
20 conspicuous places in the county a notice of election, which  
21 shall be in substantially the following form:

22 "NOTICE OF ELECTION ON SPECIAL INDIGENT HOSPITAL LEVY

23 Notice is given on the \_\_\_\_\_ day of

24 \_\_\_\_\_, [~~19~~] 20\_\_\_\_, there will be held in

25 \_\_\_\_\_ county of New Mexico an election on

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1 the question of imposing an indigent hospital levy for the  
2 purposes of the Indigent Hospital and County Health Care Act,  
3 such levy to be made annually against the taxable value of the  
4 property in the county and limited to an amount sufficient to  
5 provide funds necessary to pay claims pursuant to such act.

6 \_\_\_\_\_  
7 Official Title of the Authority".

8 The election shall be held on the date specified in the notice  
9 and shall be, if a special election, conducted and canvassed in  
10 substantially the same manner as general elections are  
11 conducted and canvassed in the county; provided that the ballot  
12 used in any election shall be a special and separate ballot and  
13 shall be in substantially the following form:

14 "BALLOT

15 On the question of imposing an indigent hospital levy  
16 for the purposes of the Indigent Hospital and County Health  
17 Care Act, such levy to be made annually against the taxable  
18 value of the property in \_\_\_\_\_ county of New  
19 Mexico, and limited to an amount sufficient to provide funds  
20 budgeted and certified as necessary to pay claims pursuant to  
21 such act:

22 FOR THE LEVY.....  
23 AGAINST THE LEVY.....".

24 D. If the electors vote in favor of an indigent  
25 hospital levy, the levy shall become effective in the same

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1 manner prescribed by law for all levies upon property within  
2 that county, and a levy for those purposes in such an amount as  
3 will provide sufficient money for the fund shall be made for  
4 each year thereafter.

5 E. Any board of county commissioners that has, prior  
6 to the effective date of this section, made a valid imposition  
7 of a property tax for the purpose of the Indigent Hospital and  
8 County Health Care Act shall not be required to hold an  
9 election on the existing tax, and that tax may be imposed and  
10 continue to be imposed in accordance with the provisions of law  
11 existing at the time of its imposition. However, if any such  
12 tax is not imposed in a given property tax year or if the  
13 authorization for its imposition terminates or expires, the  
14 election requirements of Subsections B and C of this section  
15 shall apply to any subsequent proposed imposition of a property  
16 tax for the purpose of the Indigent Hospital and County Health  
17 Care Act."

18 SECTION 31. Section 67-6-3 NMSA 1978 (being Laws 1912,  
19 Chapter 79, Section 3, as amended) is amended to read:

20 "67-6-3. BONDS--PETITION--BALLOTS.--[~~Sec. 60.~~] Whenever  
21 there [~~shall be~~] is filed with the board of county  
22 commissioners a petition signed by not less than ten [~~per~~  
23 ~~centum~~] percent of the qualified electors in any county in the  
24 state who are taxpayers therein asking for the issuance of  
25 bonds for the purposes [~~above~~] specified in Section 67-6-1 NMSA

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1     1978 in an amount to be designated in [~~such~~] the petition,  
2     subject to the limitations of Section [~~2683, said~~] 67-6-1 NMSA  
3     1978, the county commissioners, within thirty days after the  
4     filing of [~~such~~] the petition, shall call a special election  
5     for the purpose of submitting to the people of the county the  
6     proposition of the issuance of bonds in accordance with such  
7     petition and [~~shall fix a date not less than sixty nor more~~  
8     ~~than ninety days thereafter upon which a vote shall be taken~~  
9     ~~thereon. Such call shall be published in at least one~~  
10    ~~newspaper of general circulation in the county, once a week for~~  
11    ~~four successive weeks, the last publication to be at least~~  
12    ~~three days preceding the date fixed for said election] the  
13    election shall conform to Sections 1 and 2 of this 2011 act.  
14    Ballots at [~~said~~] the election shall have printed thereon the  
15    words "For the \$..... bond issue for roads and bridges",  
16    inserting the amount of the proposed bond issue. Opposite  
17    [~~said~~] the line there shall be a square in which the voters may  
18    make or stamp a cross to indicate whether they vote for or  
19    against [~~said~~] the bond issue, and those voting for [~~said~~] the  
20    bond issue shall do so by placing a cross in the square  
21    opposite the words "For the \$ \_\_\_\_\_ bond issue for roads  
22    and bridges", and those voting against [~~said~~] the bond issue  
23    shall do so by placing a cross in the square opposite "Against  
24    the \$ \_\_\_\_\_ bond issue for roads and bridges"."~~

25           SECTION 32. Section 72-16-28 NMSA 1978 (being Laws 1963,

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1 Chapter 311, Section 28, as amended) is amended to read:

2 "72-16-28. ELECTIONS.--

3 A. Each biennial election of directors [~~each election~~  
4 ~~proposition to issue bonds~~] and all other elections, except as  
5 provided in Subsection B of this section, shall be conducted at  
6 the time of the general election under the direction of the  
7 Bernalillo county clerk and in accordance with the election  
8 laws of New Mexico.

9 B. Each election on the imposition of a mill levy or  
10 of a property tax or property tax increase for a specified  
11 purpose, a bond election that is not a school bond election or  
12 any nonschool special election at which a tax increase is being  
13 voted on shall confirm with the requirements of Sections 1 and  
14 2 of this 2011 act and shall be conducted under the direction  
15 of the Bernalillo county court clerk and in accordance with the  
16 election laws of New Mexico, insofar as they do not conflict  
17 with the requirements of Sections 1 and 2 of this 2011 act."

18 SECTION 33. Section 72-16-31 NMSA 1978 (being Laws 1963,  
19 Chapter 311, Section 31) is amended to read:

20 "72-16-31. NOTICE OF ELECTION.--Notice of such election  
21 shall [~~be given by publication~~] conform to the requirements of  
22 Section 2 of this 2011 act. No other notice of an election  
23 held [~~hereunder~~] pursuant to the Arroyo Flood Control Act need  
24 be given unless otherwise provided by the board."

25 SECTION 34. Section 72-17-28 NMSA 1978 (being Laws 1967,

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1 Chapter 156, Section 28) is amended to read:

2 "72-17-28. ELECTIONS.--Wherever in [~~this~~] the Las Cruces  
3 Arroyo Flood Control Act an election of the qualified electors  
4 or taxpaying electors of the authority is permitted or  
5 required, [~~said~~] the election [~~may be held separately at a~~  
6 ~~special election or may be held concurrently with any primary~~  
7 ~~or general election held under the laws of the state; provided,~~  
8 ~~however:~~

9 A. ~~each biennial election of directors shall be held~~  
10 ~~concurrently with the general election in the state;~~

11 B. ~~no election shall be held at the same time as any~~  
12 ~~regular election of a municipality or school district, any part~~  
13 ~~of the area of which is located within the boundaries of the~~  
14 ~~authority]~~ shall conform with the requirements of Sections 1  
15 and 2 of this 2011 act."

16 SECTION 35. Section 72-17-29 NMSA 1978 (being Laws 1967,  
17 Chapter 156, Section 29) is amended to read:

18 "72-17-29. ELECTION RESOLUTION.--The board shall call any  
19 election by resolution adopted at least [~~sixty~~] seventy-five  
20 days prior to the election. Such resolution shall recite the  
21 objects and purposes of the election, the date upon which such  
22 election shall be held and the form of the ballot. In the case  
23 of any election, [~~not to be held concurrently with a primary or~~  
24 ~~general election]~~ the board shall provide in [~~said~~] the  
25 election resolution or by supplemental resolution for the

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1 appointment of sufficient judges and clerks of the election,  
2 who shall be qualified electors of the authority, and in such  
3 event shall set their compensation. The election resolution  
4 shall also then designate the [~~precints~~] precincts and polling  
5 places. The description of precincts may be made by reference  
6 to any order of the governing body of any county, municipality  
7 or other public body in which the authority or any part thereof  
8 is situated or by reference to any previous order or by other  
9 instrument of such a governing body or by detailed description  
10 of such precincts or by other sufficient description.

11 [~~Precincts established by any such governing body may be~~  
12 ~~consolidated in the election resolution by the board for any~~  
13 ~~election not to be held concurrently with a primary or general~~  
14 ~~election. If the election shall be held concurrently with a~~  
15 ~~primary or general election held under the laws of the state,~~  
16 ~~the judges of election for such primary or general election~~  
17 ~~shall be designated as the judges of election for the election~~  
18 ~~held pursuant to this act, and they shall receive such~~  
19 ~~additional compensation, if any, as the board shall set by the~~  
20 ~~election resolution]."~~

21 SECTION 36. Section 72-17-31 NMSA 1978 (being Laws 1967,  
22 Chapter 156, Section 31) is amended to read:

23 "72-17-31. NOTICE OF ELECTION.--Notice of such election  
24 shall [~~be given by publication~~] conform to the requirements of  
25 Section 2 of this 2011 act. No other notice of an election

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1 held [~~hereunder~~] pursuant to the Las Cruces Arroyo Flood  
2 Control Act need be given unless otherwise provided by the  
3 board."

4 SECTION 37. Section 72-18-35 NMSA 1978 (being Laws 1981,  
5 Chapter 377, Section 35) is amended to read:

6 "72-18-35. ELECTION.--Wherever in the Flood Control  
7 District Act an election of the qualified registered electors  
8 of a district is permitted or required, the 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 held~~  
13 ~~concurrently with the general election in the state; and~~

14 B. ~~no election shall be held at the same time as any~~  
15 ~~regular election of a municipality or school district any part~~  
16 ~~of the area of which is located within the boundaries of the~~  
17 ~~district] shall conform with the requirements of Sections 1 and~~  
18 2 of this 2011 act."

19 SECTION 38. Section 72-18-36 NMSA 1978 (being Laws 1981,  
20 Chapter 377, Section 36) is amended to read:

21 "72-18-36. ELECTION RESOLUTION.--The board shall call any  
22 election by resolution adopted at least [~~sixty~~] seventy-five  
23 days before the election. The resolution shall recite the  
24 objects and purposes of the election, the date on which the  
25 election shall be held and the form of the ballot. In the case

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1 of any election, ~~[not held concurrently with a primary or~~  
2 ~~general election]~~ the board shall provide in the election  
3 resolution or by supplemental resolution for the appointment of  
4 sufficient judges and clerks of the election who shall be  
5 qualified registered electors of the district and shall set  
6 their compensation. ~~[In a special election]~~ The election  
7 resolution shall also designate the precincts and polling  
8 places. The description of precincts may be made by reference  
9 to any order of the governing body of any county, municipality  
10 or other public body in which the district or any part thereof  
11 is situated, by reference to any previous order or by other  
12 instrument of such governing body, by detailed description of  
13 the precincts or by other sufficient description. ~~[Precincts~~  
14 ~~established by a governing body may be consolidated in the~~  
15 ~~election resolution by the board for any election not to be~~  
16 ~~held concurrently with a primary or general election. If the~~  
17 ~~election is held concurrently with a primary or general~~  
18 ~~election under the laws of the state, the judges of election~~  
19 ~~for the election shall be designated as the judges of election~~  
20 ~~held pursuant to the Flood Control District Act, and they shall~~  
21 ~~receive such additional compensation, if any, as the board~~  
22 ~~shall set by the election resolution.]"~~

23 SECTION 39. Section 72-18-37 NMSA 1978 (being Laws 1981,  
24 Chapter 377, Section 37) is amended to read:

25 "72-18-37. CONDUCT OF ELECTION.--An election held

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1 pursuant to the Flood Control District Act shall conform with  
2 the requirements of Sections 1 and 2 of this 2011 act, and  
3 otherwise shall be conducted in the manner provided by the laws  
4 of the state for the conduct of general elections. In an  
5 election held pursuant to the Flood Control District Act, a  
6 qualified registered elector shall be entitled to vote by  
7 absentee ballot in the manner provided by the Absent Voter Act,  
8 except that the functions of the county clerk pursuant to that  
9 act shall be performed by a person designated by the board."

10 SECTION 40. Section 72-18-38 NMSA 1978 (being Laws 1981,  
11 Chapter 377, Section 38) is amended to read:

12 "72-18-38. NOTICE OF ELECTION.--Notice of [~~the~~] an  
13 election held pursuant to the Flood Control District Act shall  
14 [~~be given by publication~~] conform with the requirements of  
15 Section 2 of this 2011 act and shall include the date, time and  
16 polling places of the election, the boundaries of the election  
17 precincts, the offices and questions to be voted on, the names  
18 of all nominees for director and the place where absentee  
19 ballots can be obtained. No other notice of an election held  
20 under the Flood Control District Act need be given unless  
21 otherwise provided by the board."

22 SECTION 41. Section 72-19-28 NMSA 1978 (being Laws 1990,  
23 Chapter 14, Section 28, as amended) is amended to read:

24 "72-19-28. 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. Each  
3 election to seek approval for the issuance of bonds shall  
4 conform with the requirements of Sections 1 and 2 of this 2011  
5 act. Any other election of the authority [~~including an~~  
6 ~~election to seek approval for the issuance of bonds~~] shall be  
7 conducted at any time approved by the board in accordance with  
8 the election laws of New Mexico. Elections for the issuance of  
9 bonds may be by mail-in ballot pursuant to the procedures set  
10 forth in the Mail Ballot Election Act."

11 SECTION 42. Section 72-19-29 NMSA 1978 (being Laws 1990,  
12 Chapter 14, Section 29, as amended) is amended to read:

13 "72-19-29. ELECTION RESOLUTION.--The board shall call any  
14 election by resolution adopted at least [~~fifty~~] seventy-five  
15 days prior to the election. The resolution shall recite the  
16 objects and purposes of the election and the date upon which  
17 the election shall be held."

18 SECTION 43. Section 72-19-30 NMSA 1978 (being Laws 1990,  
19 Chapter 14, Section 30) is amended to read:

20 "72-19-30. CONDUCT OF ELECTION.--An election held  
21 pursuant to the Southern Sandoval County Arroyo Flood Control  
22 Act shall conform with the requirements of Sections 1 and 2 of  
23 this 2011 act, and otherwise shall be conducted in the manner  
24 provided by the laws of the state for the conduct of general  
25 elections."

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1           SECTION 44. Section 72-19-31 NMSA 1978 (being Laws 1990,  
2 Chapter 14, Section 31) is amended to read:

3           "72-19-31. NOTICE OF ELECTION.--Notice of [~~such~~] an  
4 authority election shall [be given by publication] conform with  
5 the requirements of Section 2 of this 2011 act. No other  
6 notice of an election held under the Southern Sandoval County  
7 Arroyo Flood Control Act need be given unless otherwise  
8 provided by the board."

9           SECTION 45. Section 72-20-28 NMSA 1978 (being Laws 2007,  
10 Chapter 99, Section 28) is amended to read:

11           "72-20-28. ELECTIONS.--Each biennial election of  
12 directors shall be conducted at the time of the general  
13 election under the direction of the Sandoval county clerk and  
14 in accordance with the election laws of New Mexico. Each  
15 election to seek approval for the issuance of bonds shall  
16 conform with the requirements of Sections 1 and 2 of this 2011  
17 act. Any other election of the authority [~~including an~~  
18 ~~election to seek approval for the issuance of bonds~~] shall be  
19 conducted at any time approved by the board in accordance with  
20 the election laws of New Mexico. Elections for the issuance of  
21 bonds may be by mail-in ballot pursuant to the procedures set  
22 forth in the Mail Ballot Election Act."

23           SECTION 46. Section 72-20-29 NMSA 1978 (being Laws 2007,  
24 Chapter 99, Section 29) is amended to read:

25           "72-20-29. ELECTION RESOLUTION.--The board shall call any

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1 election by resolution adopted at least [~~fifty~~] seventy-five  
2 days prior to the election. The resolution shall recite the  
3 objects and purposes of the election and the date upon which  
4 the election shall be held."

5 SECTION 47. Section 72-20-30 NMSA 1978 (being Laws 2007,  
6 Chapter 99, Section 30) is amended to read:

7 "72-20-30. CONDUCT OF ELECTION.--An election held  
8 pursuant to the Eastern Sandoval County Arroyo Flood Control  
9 Act shall conform with the requirements of Sections 1 and 2 of  
10 this 2011 act, and otherwise shall be conducted in the manner  
11 provided by the laws of the state for the conduct of general  
12 elections."

13 SECTION 48. Section 72-20-31 NMSA 1978 (being Laws 2007,  
14 Chapter 99, Section 31) is amended to read:

15 "72-20-31. NOTICE OF ELECTION.--Notice of an election  
16 pursuant to Section [~~30 of the Eastern Sandoval County Arroyo~~  
17 ~~Flood Control Act~~] 72-20-30 NMSA 1978 shall [~~be given by~~  
18 ~~publication~~] conform with the requirements of Section 2 of this  
19 2011 act. No other notice of an election held under the  
20 Eastern Sandoval County Arroyo Flood Control Act need be given  
21 unless otherwise provided by the board."

22 SECTION 49. Section 73-8-13 NMSA 1978 (being Laws 1917,  
23 Chapter 22, Section 13) is amended to read:

24 "73-8-13. BIENNIAL ELECTION DATE.--[~~Regular~~]

25 A. Each election on the imposition of a mill levy or

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1 of a property tax or property tax increase for a specified  
2 purpose, a bond election that is not a school bond election or  
3 any nonschool special election at which a tax increase is being  
4 voted on shall be held on bond election day.

5 B. All other elections of any such district shall be  
6 held on the first Tuesday after the first Monday of December of  
7 each second calendar year following the first election  
8 [~~hereinbefore~~] provided for in Chapter 73, Article 8 NMSA  
9 1978."

10 SECTION 50. Section 73-8-23 NMSA 1978 (being Laws 1917,  
11 Chapter 22, Section 23) is amended to read:

12 "73-8-23. ELECTIONS ON BOND ISSUES AND CONTRACTS--  
13 CONDUCT--TERMS OF BONDS.--

14 A. For the purpose of constructing or purchasing or  
15 otherwise acquiring necessary rights of way, franchises,  
16 canals, ditches and other water conduits, or other property  
17 necessary for the use of the district, or for the maintenance,  
18 repair or improvement of its canals, ditches or other conduits  
19 or drainage works, or for the enlargement or extension thereof,  
20 or for the assumption of indebtedness to the United States for  
21 drainage district lands, or for the purpose of paying the first  
22 year's interest, if any, upon bonds, if any [~~shall be~~] have  
23 been issued [~~for and under the purposes of this act~~] as  
24 [~~herein~~] authorized in this section, and otherwise carrying out  
25 the provisions of [~~this act~~] Chapter 73, Article 8 NMSA 1978,

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1 the board of directors of any [~~such~~] district shall, as soon  
2 after [~~such~~] the district has been organized as [~~may be~~]  
3 practicable, estimate and determine the amount of money  
4 necessary to be raised or amount of indebtedness necessary to  
5 be assumed for such purposes [~~and~~]. The board shall  
6 [~~forthwith~~] call [~~a special~~] an election [~~under and~~] in  
7 accordance with the provisions of [~~this act~~] Chapter 73,  
8 Article 8 NMSA 1978, at which election there shall be submitted  
9 in the manner [~~by this act~~] prescribed the question of:

10 (1) whether [~~or not~~] bonds of the district shall  
11 be issued in the amount determined [~~upon~~] to be necessary, if  
12 any, for deposit with the United States in connection with a  
13 contract to be entered into with the United States; [~~or~~]

14 (2) whether [~~or not~~] a contract shall be entered  
15 into with the United States, with or without the deposit of  
16 bonds [~~as aforesaid, as herein provided~~]; or

17 (3) any other of the questions for the purposes  
18 aforesaid.

19 B. Notice of [~~such~~] the election shall [~~be given as~~  
20 ~~hereinbefore specified~~] conform with the requirements of  
21 Section 2 of this 2011 act and shall clearly set forth the  
22 question [~~or questions~~] to be voted upon, the amount of bonds,  
23 if any, proposed to be issued [~~for the purpose aforesaid~~] or  
24 the amount of indebtedness proposed to be assumed [~~for the~~  
25 ~~purposes aforesaid~~] and the substance of any contract proposed

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1 to be entered into with the United States [~~as aforesaid Such~~].  
2 The election and all similar elections [~~which~~] that may be  
3 held, under the provisions of [~~this act~~] Chapter 73, Article 8  
4 NMSA 1978 shall be held and the result thereof determined and  
5 declared as nearly as possible in conformity with the  
6 provisions of [~~this act~~] Chapter 73, Article 8 NMSA 1978. No  
7 informalities in conducting [~~such~~] the election shall  
8 invalidate [~~same~~] it if the election [~~shall have~~] has been  
9 fairly conducted.

10 C. At the first election provided for in this  
11 section, the ballots shall contain the words: "Bonds - Yes"  
12 and "Bonds - No" or "Contract - Yes" and "Contract - No", or  
13 appropriate words equivalent thereto or descriptive of the  
14 question to be voted upon. The same rule shall be followed at  
15 any other elections [~~which~~] that may be held under the  
16 provisions of [~~this act~~] Chapter 73, Article 8 NMSA 1978 at  
17 which similar questions are submitted to a vote.

18 D. If any [~~such~~] election [~~shall carry in conformity~~  
19 ~~with the provisions of this act~~] carries in favor of the  
20 issuance of bonds [~~for the purposes of this act~~] or for the  
21 assumption of the indebtedness to the United States for  
22 drainage district lands or in favor of a contract being entered  
23 into with the United States [~~as herein provided~~], the directors  
24 shall immediately [~~cause to be issued~~] issue bonds as  
25 authorized by [~~such~~] the election or enter into a contract [~~to~~

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1 ~~be entered into~~ with the United States [~~as aforesaid~~]. If  
2 bonds are not to be deposited with the United States in  
3 connection with [~~such~~] the contract, bonds need not be issued.

4 E. Bonds [~~the issuance of which is authorized by the~~  
5 ~~provisions of this act for deposit with the United States~~] may  
6 be of such denominations, may call for the repayment of the  
7 principal at such times as may be agreed upon between the board  
8 and the United States secretary of the interior and may provide  
9 for the payment of [~~such~~] a rate of interest not exceeding six  
10 percent per [~~annum~~] year as may be agreed upon [~~by said~~  
11 ~~parties; and~~]. Where a contract is made and bonds are not  
12 deposited with the United States [~~in connection therewith~~], the  
13 contract may call for the repayment of principal at such times  
14 as may be agreed upon by [~~such~~] the parties. [~~Such~~] The bonds,  
15 if issued, shall be numbered consecutively as issued and shall  
16 bear the date of the time of their issue. Coupons for the  
17 interest shall be attached to each bond, bearing the  
18 [~~lithographed~~] facsimile signature of the president and the  
19 secretary. [~~Such~~] The bonds shall express upon their face that  
20 they are issued by authority of [~~this act, stating its title,~~  
21 ~~and date of approval~~] Chapter 73, Article 8 NMSA 1978.

22 F. The secretary of the district shall keep a record  
23 of all bonds deposited [~~as aforesaid~~], showing their number,  
24 date of issue, the date when [~~same~~] they are deposited with the  
25 United States and the rate of interest required to be paid

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1 [thereon].

2 G. If a contract is proposed to be made with the  
3 United States in connection with which bonds are not to be  
4 deposited with the United States, the question to be submitted  
5 to the voters at ~~[such]~~ the special election shall be whether a  
6 contract shall be entered into with the United States. In  
7 ~~[such]~~ that event, the notice of election shall include a  
8 statement as to the maximum amount of money payable to the  
9 United States for construction purposes, exclusive of penalties  
10 and interest."

11 SECTION 51. Section 73-9-5 NMSA 1978 (being Laws 1919,  
12 Chapter 41, Section 5, as amended) is amended to read:

13 "73-9-5. IRRIGATION DISTRICT--NOTICE--ELECTION--BALLOTS.--  
14 The board of county commissioners shall ~~[thereupon]~~ cause notice  
15 embodying ~~[said]~~ the orders in substance signed by the  
16 ~~[chairman]~~ chair and clerk of ~~[said]~~ the board to be issued,  
17 given and published, giving public notice of ~~[said]~~ the  
18 election, and time and places ~~[thereof]~~ of it and the matter  
19 submitted to the vote of the electors. ~~[Said]~~ The notice ~~[and]~~  
20 ~~order shall be published once a week for at least three weeks~~  
21 ~~immediately prior to the date fixed for such election in a~~  
22 ~~newspaper of general circulation published in said county and.~~  
23 ~~If any portion of such proposed district lies within any other~~  
24 ~~county or counties, then such order and notice shall be~~  
25 ~~published in a newspaper of general circulation published within~~

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1 ~~each of said counties~~ shall conform with the provisions of  
2 Section 2 of this 2011 act. At ~~said~~ the election and all  
3 elections held under the provisions of ~~this article~~ Chapter  
4 73, Article 9 NMSA 1978, all owners of land within ~~such~~ the  
5 district who are qualified electors under the Election Code  
6 shall be qualified electors; provided that if any farm or tract  
7 of land in ~~such~~ the district is owned by more than one owner,  
8 only one person shall be permitted to vote at any election as  
9 the owner of ~~such~~ the one farm or tract of land ~~and providing~~  
10 ~~further that~~. At ~~such~~ the elections, each otherwise  
11 qualified voter shall be entitled to cast and have counted as  
12 many votes as ~~he shall have~~ the qualified voter has acres of  
13 land owned by ~~him~~ the qualified voter and situate within  
14 ~~said~~ the district, but in no event shall ~~such~~ that voter be  
15 entitled to cast and have counted more than one hundred votes.  
16 Insofar as applicable, the general election laws of the state,  
17 except requirements for registration and except as otherwise  
18 provided in ~~this article~~ Chapter 73, Article 9 NMSA 1978,  
19 shall govern ~~such~~ the elections. The ballots to be used and  
20 cast at ~~such~~ the election for the formation of ~~such~~ the  
21 district shall have printed ~~thereon~~ on them the words:  
22 "Irrigation District--Yes," and "Irrigation District--No," or  
23 words equivalent ~~thereto~~ to them and shall also contain the  
24 names of the persons to be voted for as members of the board of  
25 directors of ~~said~~ the district. Each elector may vote for

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1 three directors, one from each division, and shall indicate  
2 [~~his~~] the elector's vote by placing a marginal cross upon the  
3 ballot for or against any question submitted or name voted upon  
4 and opposite [~~thereto~~] to it, together with the figure or  
5 figures indicating the number of votes [~~he~~] the elector is  
6 entitled to cast [~~thereat~~]."

7 SECTION 52. Section 73-9-17 NMSA 1978 (being Laws 1919,  
8 Chapter 41, Section 15, as amended) is amended to read:

9 "73-9-17. BONDS--AUTHORITY TO ISSUE--ELECTION--HOW  
10 PAYABLE--FORM AND CONTENTS.--

11 A. For the purpose of acquiring by purchase or  
12 construction [~~or by any lawful means~~] necessary reservoirs,  
13 water rights, canals, ditches and works, including necessary  
14 drainage works, and acquiring the necessary property and rights  
15 [~~therefor~~] to them, and for the purpose of repairing,  
16 extending, improving and constructing necessary betterments  
17 [~~thereof and thereon~~], and for the payment or retirement of  
18 [~~any or all~~] existing indebtedness not evidenced by outstanding  
19 bonds, or for any one or more of such purposes either singly or  
20 in combination with one or more of such purposes, and to pay  
21 the first year's interest upon the bonds [~~herein~~] authorized in  
22 Chapter 73, Article 9 NMSA 1978 or otherwise to carry out the  
23 provisions of [~~this act~~] that article, the board of directors  
24 of any district shall estimate and determine the amount [~~or~~  
25 ~~amounts~~] of money necessary to be raised for the purpose [~~or~~

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1 ~~purposes]~~ and the amount [~~or amounts]~~ of bonds to issue  
2 therefor [~~provided, however, that~~]. None of the bonds shall  
3 run for a longer period than fifty years from the date  
4 [~~thereof~~] of issuance.

5       B. The board of directors shall [~~thereupon~~] call [~~a~~  
6 ~~special~~] an election [~~at which election shall be submitted~~]  
7 pursuant to Section 1 of this 2011 act to submit to the  
8 electors of the district possessing the qualifications  
9 prescribed by Section 73-9-5 NMSA 1978 the question of whether  
10 or not the bonds of the district shall be issued in the amount  
11 [~~or amounts~~] so determined. A notice of the election shall [~~be~~  
12 ~~given by one publication in any newspaper published in the~~  
13 ~~county wherein the principal office of the district is located,~~  
14 ~~the publication to be made not less than one week prior to the~~  
15 ~~date of the election]~~ conform with the requirements of Section  
16 2 of this 2011 act, and the notice shall specify the time of  
17 holding the election and the amount and purpose of the bonds  
18 proposed to be issued. The election shall be held and the  
19 results [~~thereof~~] determined and declared in all respects as  
20 nearly as possible in conformity with the provisions of the  
21 statute governing the election of directors [~~provided that~~].  
22 No informalities in conducting the election shall invalidate it  
23 if the election has been otherwise fairly conducted.

24       C. At the election, the ballots shall contain the  
25 words: "Bonds--Yes" and "Bonds--No" or words equivalent

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1     ~~[thereto]~~ to them. If a majority of the votes cast, based upon  
2     the number of acres of land owned and voted, by the qualified  
3     electors are voted "Bonds--Yes", the board of directors shall,  
4     by resolution, immediately determine the amounts and series of  
5     the bonds and the due dates ~~[thereof]~~ of the bonds and shall  
6     immediately ~~[thereafter]~~ cause the bonds to be issued in  
7     amounts and payable in series as provided in the resolution.

8             D. Each bond shall bear interest payable semiannually  
9     on June 1 and December 1 of each year. The principal and  
10    interest shall be payable at the office of the county treasurer  
11    of the county in which the organization of the district was  
12    effected ~~[as aforesaid]~~ and at another place ~~[or places]~~, if  
13    any, as the board of directors may designate in the bonds. The  
14    bonds shall be in such form as the board of directors may  
15    determine and be executed in the name of the district and  
16    signed by the president ~~[and]~~. The seal of the district shall  
17    be affixed ~~[thereto]~~ to the bonds and attested by the  
18    secretary, except for bonds issued in book entry or similar  
19    form without the delivery of physical securities. The bonds  
20    shall be numbered consecutively as issued and shall bear the  
21    date ~~[or dates]~~ as may be determined by the board of directors.  
22    Any coupons for interest shall be attached to each bond,  
23    bearing the facsimile signature of the president. The bonds  
24    may provide that they may be registered as to principal only or  
25    as to both principal and interest. The secretary shall keep a

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1 record of the bonds sold, their number, date of sale, the price  
2 received and the name of the purchaser.

3 E. When the money provided by any previous issue of  
4 bonds has become exhausted by expenditures [~~herein authorized~~],  
5 and it becomes necessary to raise additional money for such  
6 purposes, additional bonds may be issued after submitting the  
7 question of issuing the bonds, at [~~a special~~] an election  
8 called and conducted pursuant to the provisions of Section 1 of  
9 this 2011 act, to the qualified voters of the district and  
10 otherwise complying with the provisions of [~~this act~~] Chapter  
11 73, Article 9 NMSA 1978 in respect to an original issue of  
12 bonds."

13 **SECTION 53.** Section 73-10-11 NMSA 1978 (being Laws 1919,  
14 Chapter 20, Section 9) is amended to read:

15 "73-10-11. DIRECTORS' OFFICE--ELECTION--JUDGES.--

16 A. The office of the board of directors shall be  
17 located in the county where the organization was effected.  
18 Fifteen days before any election held under [~~this chapter~~] the  
19 provisions of Chapter 73, Articles 10 and 11 NMSA 1978,  
20 subsequent to the organization of the district, with the  
21 exception of any election on the imposition of a mill levy or  
22 of a property tax or property tax increase for a specified  
23 purpose, a bond election that is not a school bond election or  
24 any nonschool special election at which a tax increase is being  
25 voted on, which election shall be held on bond election day,

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1 the secretary, who shall be appointed by the board of  
2 directors, shall cause notice specifying the polling places of  
3 each precinct to be posted in three public places in each  
4 election precinct, of the time and place of holding the  
5 election, and shall also post a general notice of the same in  
6 the office of [~~said~~] the board, which shall be established and  
7 kept at [~~some~~] a fixed place to be determined by [~~said~~] the  
8 board in [~~said~~] the county.

9 B. Prior to the time for posting the notices, [~~said~~]  
10 the board [~~must~~] shall appoint from each precinct, from [~~the~~]  
11 its electors [~~thereof~~], three judges, one of whom shall act as  
12 clerk, who shall constitute a board of election for [~~such~~] the  
13 precinct. If the board fails to appoint a board of election,  
14 or the members appointed do not attend the opening of the polls  
15 on the morning of election, the electors of the precinct  
16 present at the hour may appoint the board or supply the place  
17 of an absent member [~~thereof~~]. The board of directors [~~must~~]  
18 shall, in its order appointing the board of election, designate  
19 the hour and the place in the precinct where the election  
20 [~~must~~] shall be held."

21 **SECTION 54.** Section 73-10-23 NMSA 1978 (being Laws 1921,  
22 Chapter 39, Section 16) is amended to read:

23 "73-10-23. JOINT WORKS--BOND ISSUES--MANAGEMENT.--

24 A. It is lawful for any irrigation district [~~or~~  
25 ~~districts~~] organized under the laws of the state [~~of New~~

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1 Mexico] to unite with any irrigation district [~~or districts~~] of  
2 an adjoining state [~~or states~~] in the purchase, acquisition or  
3 construction, and in the annual cost of operation and  
4 maintenance, of a system of irrigation and drainage works for  
5 the irrigation of the land and maintaining the irrigability of  
6 the land within the [~~said~~] respective irrigation districts  
7 [~~and~~]. Irrigation districts may also unite in the purchase,  
8 acquisition or construction, and in the annual operation and  
9 maintenance, of hydroelectric power plants, transmission lines  
10 [~~ete~~] and other adjuncts for the sale and distribution of  
11 electric power [~~and~~]. In such case, [~~or cases, said~~] the  
12 irrigation districts are [~~hereby~~] jointly granted the same  
13 power of condemnation [~~as is now~~] possessed by each district  
14 under the laws of the state in which organized [~~and~~].

15 B. The cost of purchase, acquisition or construction,  
16 together with the annual cost of operation and maintenance, of  
17 [~~such~~] the irrigation, drainage system or power plants shall be  
18 apportioned to each district in proportion to the irrigable  
19 acreage [~~there in~~] in the district for which water shall be  
20 provided. [~~Such~~] The joint works shall be owned jointly in  
21 proportion to [~~such~~] the respective acreages; provided that the  
22 lands lying in the two or more [~~said~~] irrigation districts so  
23 united shall receive water from a common source; and provided,  
24 [~~also~~] further, that such irrigation district [~~or districts~~] of  
25 [~~such~~] other adjoining state [~~or states~~] shall be duly

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1 organized under the laws of that state and for purposes the  
2 same or similar as the district [~~or districts~~] in this state  
3 desirous [~~so~~] to unite.

4 C. Whenever it is deemed advisable and agreed to  
5 between such districts, lying in the same or adjoining states,  
6 that for the construction, acquisition or purchase of  
7 irrigation works for hydroelectric power plants [~~ete~~] and other  
8 adjuncts it is necessary to issue bonds, it [~~shall be~~] is  
9 lawful for [~~such~~] the districts to issue bonds in proportion to  
10 their respective acreage [~~and such~~]. The districts may be made  
11 jointly or severally liable for the repayment of [~~such~~] the  
12 bonds. The terms and conditions of [~~such~~] joint ownership,  
13 operation and maintenance [~~of~~] or issuance of bonds, as the  
14 case may be, shall be set out in a written contract. Any such  
15 contract shall not be binding until [~~the same shall have~~] it  
16 has been ratified by the electors of each of [~~such~~] the  
17 districts in the manner provided by law for a bond issue by  
18 such districts respectively. An election shall be held in each  
19 [~~such~~] district to determine whether [~~such~~] the contract shall  
20 be adopted. [~~Such~~]

21 D. The contract shall be printed [~~or in writing~~], and  
22 a true copy shall be filed in the office of each district  
23 [~~fifteen~~] seventy-five days prior to [~~such~~] the election and be  
24 subject to public inspection [~~and one~~]. A true copy shall be  
25 furnished each voter calling at [~~such~~] the office for [~~the~~

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1 ~~same~~ it at any time [~~fifteen~~] seventy-five days prior to  
2 [~~such~~] the election. When [~~such~~] the works are to be  
3 constructed by two or more districts, bids may be jointly  
4 called for and may be opened and considered at the designated  
5 office of either of [~~such~~] the districts, and [~~such~~] the  
6 districts shall approve the letting of the contract and the  
7 contractor's bond and may meet for that purpose at a place  
8 outside of their district or at any office established for  
9 [~~such~~] the joint project and at which all business of [~~such~~]  
10 the joint project may be transacted. All bids, bonds and  
11 contracts [~~ete.~~] of [~~such~~] the joint project may be in the  
12 names of [~~such~~] the joint project districts [~~and such~~]. The  
13 districts [~~being~~] are empowered and authorized to do all acts  
14 by joint action that one district may do, the action of each  
15 district being determined by its board of directors. A general  
16 manager may be employed for [~~such~~] the joint enterprise,  
17 [~~whose~~] and the general manager's duties may be set forth in  
18 the joint ownership contract. [~~Such~~] The contracts may be  
19 amended in the same manner."

20 SECTION 55. Section 73-11-1 NMSA 1978 (being Laws 1919,  
21 Chapter 20, Section 17, as amended) is amended to read:

22 "73-11-1. SPECIAL ELECTION FOR BOND ISSUE OR CONTRACT--  
23 NOTICE--BALLOTS--BOND TERMS AND FORM--RECORD OF BONDS--PRIORITY  
24 OF ISSUES.--

25 A. For the purpose of constructing, [~~or~~] purchasing

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1 or acquiring necessary reservoir sites, reservoirs, water  
2 rights, canals, ditches and works and acquiring the necessary  
3 property and rights [~~therefor~~] for them, for the assumption of  
4 indebtedness to the United States for district lands, for the  
5 purpose of paying the first year's interest upon the bonds  
6 [~~herein~~] authorized in the section and for otherwise carrying  
7 out the provisions of [~~this act~~] Chapter 73, Articles 10 and 11  
8 NMSA 1978, the board of directors of any [~~such~~] district shall,  
9 as soon after the district has been organized as may be  
10 practicable, estimate and determine the amount of money  
11 necessary to be raised or amount of indebtedness necessary to  
12 be assumed for such purposes and shall [~~forthwith~~] call [~~a~~  
13 ~~special~~] an election pursuant to Section 1 of this 2011 act, at  
14 which election shall be submitted to the electors of the  
15 district, possessing the qualifications prescribed by [~~this~~  
16 ~~act~~] those articles, the question of whether or not the bonds  
17 of the district shall be issued in the amount [~~so~~] determined  
18 or whether or not a contract shall be entered into with the  
19 United States as [~~herein~~] provided in this section.

20 [A] B. Notice of [~~such~~] the election [~~must~~] shall be  
21 given by posting notices in three public places in each  
22 election precinct in the district for at least twenty days and  
23 also by publication [~~of such notice in some newspaper of~~  
24 ~~general circulation published in each county wherein is situate~~  
25 ~~any lands within the district once each week for at least four~~

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1 ~~successive weeks.~~ Such] and broadcast pursuant to the  
2 provisions of Section 2 of this 2011 act. The notice shall  
3 specify the time of holding the election and the amount of  
4 bonds proposed to be issued. The election [~~must~~] shall be held  
5 and the result [~~thereof~~] of it determined and declared in all  
6 respects as nearly as possible in conformity with the  
7 provisions of [~~this act~~] Chapter 73, Articles 10 and 11 NMSA  
8 1978; provided that no informalities in conducting the election  
9 shall invalidate it if the election has been otherwise fairly  
10 conducted.

11 C. At [~~such~~] the election, the ballots shall contain  
12 the words "Bonds--Yes" and "Bonds--No", or "Contract--Yes" and  
13 "Contract--No", or words equivalent [~~thereto~~] to them. If any  
14 [~~such~~] election shall carry in conformity with the provisions  
15 of [~~this act~~] those articles, the board of directors shall  
16 immediately cause bonds in such amounts to be issued or  
17 contract made with the United States. If bonds are not to be  
18 deposited with the United States in connection with [~~such~~] the  
19 contract, bonds need not be issued; or if required for the  
20 construction fund in addition to [~~such~~] the contract, bonds  
21 shall be issued only for the amounts needed in addition to  
22 [~~such~~] the contract. Bonds, other than those deposited with  
23 the United States, when required, shall be issued and payable  
24 in series as follows:

25 (1) at the expiration of eleven years, not less

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1 than five percent of the whole amount and number of the bonds;

2 (2) at the expiration of twelve years, not less  
3 than six percent of the whole amount and number of the bonds;

4 (3) at the expiration of thirteen years, not  
5 less than seven percent of the whole amount and number of the  
6 bonds;

7 (4) at the expiration of fourteen years, not  
8 less than eight percent of the whole amount and number of the  
9 bonds;

10 (5) at the expiration of fifteen years, not less  
11 than nine percent of the whole amount and number of the bonds;

12 (6) at the expiration of sixteen years, not less  
13 than ten percent of the whole amount and number of the bonds;

14 (7) at the expiration of seventeen years, not  
15 less than eleven percent of the whole amount and number of the  
16 bonds;

17 (8) at the expiration of eighteen years, not  
18 less than thirteen percent of the whole amount and number of  
19 the bonds;

20 (9) at the expiration of nineteen years, not  
21 less than fifteen percent of the whole amount and number of the  
22 bonds;

23 (10) at the expiration of twenty years, a  
24 percentage sufficient to pay off the remainder of the bonds;

25 (11) that the several enumerated percentages be

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1 of the entire amount of the bond issue;

2 (12) that each bond [~~must~~] shall be payable at  
3 the given time for its entire amount and not for a percentage;  
4 and

5 (13) that the bonds shall bear interest payable  
6 semiannually on June 1 and December 1 of each year.

7 D. The principal and interest shall be payable at the  
8 office of the county treasurer of the county in which the  
9 organization of the district was effected as [~~aforesaid~~]  
10 provided in Chapter 73, Articles 10 and 11 NMSA 1978 and at  
11 such other place or places, if any, as the board of directors  
12 may designate in the bond. The bonds shall be in such form as  
13 the board of directors may determine and, except for bonds  
14 issued in book entry or similar form without the delivery of  
15 physical securities, shall be executed in the name of the  
16 district and signed by the president and secretary, and the  
17 seal of the district shall be affixed thereto; provided that  
18 bonds deposited with the United States may be of the  
19 denominations and may call for the repayment of the principal  
20 at the times agreed upon between the board and the United  
21 States secretary of the interior [~~and~~]. Where a contract is  
22 made and bonds are not deposited with the United States, [~~a~~]  
23 the contract may likewise call for the repayment of principal  
24 at such times as may be agreed upon. The bonds shall be  
25 numbered consecutively as issued and bear date at the time of

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1 their issue. Any coupons for interest shall be attached to  
2 each bond bearing the facsimile signatures of the president and  
3 the secretary. The bonds shall express on their face that they  
4 are issued by the authority of [~~this act, stating its title and~~  
5 ~~date of approval~~] Chapter 73, Articles 10 and 11 NMSA 1978.

6 E. The secretary shall keep a record of the bonds  
7 sold, their number, date of sale, the price received and the  
8 name of the purchaser; provided that any [~~such~~] district may,  
9 in the manner whereby the issuance of bonds may be authorized,  
10 provide for the issuance of bonds that will mature in any  
11 number of years less than twenty and arrange for the payment  
12 [~~thereof~~] of them, in series as [~~above~~] provided in this  
13 section; provided further that when the money provided by any  
14 previous issue of bonds has become exhausted by expenditures  
15 [~~herein~~] authorized [~~therefor~~] in this section for those  
16 purposes and it becomes necessary to raise additional money for  
17 such purposes, additional bonds may be issued after submitting  
18 the question to the qualified voters of the district, as for an  
19 original issue of such bonds; and provided [~~also~~] further that  
20 the lien for the bonds of any issue shall be a preferred lien  
21 to that of any subsequent issue, and the lien for all payments  
22 due or to become due under any contract with the United States,  
23 accompanying which bonds of the district have not been  
24 deposited with the United States as provided in Section  
25 73-10-16 NMSA 1978 [~~provided~~], shall be a preferred lien to any

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1 issue of bonds subsequent to the date of [~~such~~] the contract.

2 F. If a contract is proposed to be made with the  
3 United States and bonds are not to be deposited with the United  
4 States in connection [~~therewith~~] with the contract, the  
5 question to be submitted to the voters at [~~such special~~] the  
6 election shall be whether a contract shall be entered into with  
7 the United States. The notice of election shall state the  
8 maximum amount of money payable to the United States for  
9 construction purposes exclusive of penalties and interest."

10 SECTION 56. Section 73-11-3 NMSA 1978 (being Laws 1921,  
11 Chapter 39, Section 9) is amended to read:

12 "73-11-3. ELECTION ON BOND SALE AT LESS THAN NINETY-FIVE  
13 PERCENT PAR VALUE.--If any irrigation district bonds have been  
14 authorized and the board of directors of [~~said~~] the district  
15 [~~deem~~] deems it [~~as~~] desirable that the [~~said~~] board be  
16 authorized to sell [~~said~~] the bonds for less than ninety-five  
17 percent of [~~the~~] their par value [~~thereof, said~~], the board may  
18 call [~~a special~~] an election to submit to the voters of the  
19 district [~~said~~] the proposition. [~~Such~~] The election shall be  
20 held and notice [~~thereof~~] of it shall be given in the same  
21 manner as is provided in the case of [~~a special~~] an election to  
22 authorize the issuance of bonds for irrigation districts. The  
23 proposition shall be stated in substantially the following  
24 form: "Shall the board of directors of

25 \_\_\_\_\_ irrigation district be authorized to

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1 sell bonds of the district for less than ninety-five percent of  
2 [~~the~~] their par value [~~thereof~~], but not less than  
3 \_\_\_\_\_ percent of the par value?" (Stating the  
4 minimum price), followed by the word "yes" or "no", as provided  
5 in Section [~~6 of said Chapter 20~~] 73-10-6 NMSA 1978. If at  
6 least two-thirds of the legal votes cast at [~~such~~] the election  
7 are for "yes", then the board of directors may sell any such  
8 bonds to the highest responsible bidder at or above the minimum  
9 price authorized at [~~such~~] the election."

10 SECTION 57. Section 73-11-23 NMSA 1978 (being Laws 1921,  
11 Chapter 39, Section 27) is amended to read:

12 "73-11-23. BOND ELECTION--NOTICE--BALLOTS--SALE.--

13 A. The board of directors of any [~~such~~] irrigation  
14 district may estimate and determine the amount of money  
15 necessary to be raised or the amount of indebtedness necessary  
16 to be assumed for such purpose [~~or purposes~~] and may include in  
17 [~~such~~] those amounts a sum sufficient to pay the first four  
18 years' interest on [~~such~~] the indebtedness [~~and~~]. The [~~said~~]  
19 board, deeming it expedient to issue bonds to provide such  
20 funds or provide for such indebtedness, shall [~~forthwith~~]  
21 immediately call [~~a special~~] an election pursuant to the  
22 provisions of Section 1 of this 2011 act, at which election  
23 shall be submitted to the electorate of [~~such~~] the district,  
24 possessing the qualifications required by law, the question  
25 whether [~~or not~~] the bonds of [~~said~~] the district for such

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1 purposes [~~as aforesaid~~] shall be issued in the amount so  
2 determined.

3 B. A notice of [~~such~~] the election [~~must~~] shall be  
4 given by posting notices in three public places in each  
5 election precinct in [~~said~~] the district for at least twenty  
6 [~~(20)~~] days and also by publication [~~of such notice in some~~  
7 ~~newspaper of general circulation published in each county~~  
8 ~~wherein there is situate any lands within the district once~~  
9 ~~each week for at least four consecutive weeks such~~] and  
10 broadcast pursuant to the provisions of Section 2 of this 2011  
11 act. The notice shall specify the time of holding the  
12 election, the amount of bonds proposed to be issued [~~the~~] and  
13 their purpose [~~thereof, and said~~].

14 C. The election [~~must~~] shall be held and [~~the~~] its  
15 result [~~thereof~~] determined and declared in all respects as  
16 nearly as possible in conformity with the provisions of [~~this~~  
17 ~~and said Chapter 20, Session Laws of 1919, and acts amendatory~~  
18 ~~and supplementary thereto and hereof~~] Chapter 73, Articles 10  
19 and 11 NMSA 1978; provided that no informalities in conducting  
20 [~~such~~] the election shall invalidate [~~the same~~] it if the  
21 election [~~shall be~~] is fairly conducted. At [~~such~~] the  
22 election, the ballots shall contain the words "Bonds, yes" and  
23 "Bonds, no" or words equivalent [~~thereto~~] to them. If [~~such~~]  
24 the election [~~shall carry~~] carries in conformity with the  
25 provisions of [~~this, and said Act~~] those articles, the board of

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1 directors shall immediately cause ~~[said]~~ the bonds for such  
2 amounts to be issued ~~[and the same]~~. The bonds may be sold,  
3 placed or disposed of at not less than ninety-five ~~[percentum]~~  
4 percent of their par value ~~[according]~~ as ~~[is now]~~ provided in  
5 ~~[said Chapter 20, Session Laws of 1919 of New Mexico]~~ Chapter  
6 73, Articles 10 and 11 NMSA 1978 for the sale and disposal of  
7 bonds for irrigation and incidental purposes."

8 SECTION 58. Section 73-12-5 NMSA 1978 (being Laws 1929,  
9 Chapter 76, Section 5, as amended) is amended to read:

10 "73-12-5. NOTICE OF ELECTION--QUALIFICATION OF ELECTORS--  
11 ELECTION PROCEDURE.--The board of county commissioners shall  
12 ~~[thereupon]~~ cause notice embodying the orders in substance, signed  
13 by the ~~[chairman]~~ chair and clerks of the board, to be issued,  
14 given and published, giving public notice of the election, the  
15 time and place ~~[thereof]~~ of it and the matters submitted to the  
16 vote of the electors. The notice and order shall be published  
17 ~~[once a week for at least three weeks immediately prior to the~~  
18 ~~date fixed for the election in a newspaper of general circulation~~  
19 ~~published in the county]~~ pursuant to the requirements of Section 2  
20 of this 2011 act, and, if any portion of the proposed district  
21 lies within any other county ~~[or counties]~~, then the order and  
22 notice shall be published in a newspaper of general circulation  
23 published within each ~~[of those counties]~~ county. Publication  
24 shall be made in English. At the election and all elections held  
25 under the provisions of ~~[this act]~~ Chapter 73, Article 12 NMSA

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1 1978, all persons who are resident freeholders and owners of the  
2 land within the district, citizens of the United States and [~~who~~  
3 ~~are~~] qualified electors under the Election Code shall be qualified  
4 electors; provided that if any farm or tract of land in the  
5 district is owned by more than one owner, only one person shall be  
6 permitted to vote at any election as the owner of [~~such one~~] the  
7 farm or tract of land; and provided further that at [~~such~~] the  
8 elections, each otherwise qualified voter shall be entitled to  
9 cast and have counted as many votes as [~~he shall have~~] the  
10 qualified voter has acres of land owned by [~~him~~] the qualified  
11 voter and situate within the district. Insofar as applicable, the  
12 general election laws of the state, except requirements for  
13 registration and except as otherwise provided for in [~~this act~~]  
14 Chapter 73, Article 12 NMSA 1978, shall govern elections. Prior  
15 to the day of the election, the board of directors shall make up a  
16 list of the owners of land or the reputed owners of land for each  
17 of the three election districts, giving the number of acres owned  
18 or reputed to be owned by each person and furnish the list to the  
19 judges of election to be kept at the polls during the day of the  
20 election [~~and~~]. The list of owners and acreage shall be prima  
21 facie evidence of the right of each owner to vote the number of  
22 acres shown to be owned by [~~him~~] the voter by the list. No person  
23 shall vote by proxy or power of attorney except an officer or  
24 agent designated in writing as proxy or agent of a corporation  
25 entitled to vote at the election. The ballot to be used and cast

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1 at the election for the formation of the district shall have  
2 printed or typewritten [~~thereon~~] on it the words  
3 " \_\_\_\_\_ Electrical Irrigation District, \_\_\_\_\_ Yes \_\_\_\_\_ Votes,  
4 and \_\_\_\_\_ Electrical Irrigation District, \_\_\_\_\_ No \_\_\_\_\_ Votes"  
5 or [~~words~~] equivalent [~~thereto~~] words and shall contain the  
6 names of the persons to be voted for as members of the board of  
7 directors of the district [~~and~~]. Each ballot shall be signed  
8 by the person casting [~~the same~~] it. Each elector may vote for  
9 three directors, one from each division, and shall indicate  
10 [~~his~~] the elector's vote by placing a marginal cross upon the  
11 ballot for or against any questions submitted or name voted  
12 upon and opposite [~~thereto~~] to them, together with the figure  
13 or figures indicating the number of votes [~~he~~] the elector is  
14 entitled to cast [~~thereat~~] at the election."

15 SECTION 59. Section 73-12-8 NMSA 1978 (being Laws 1929,  
16 Chapter 76, Section 8) is amended to read:

17 "73-12-8. OFFICE OF BOARD--SUBSEQUENT ELECTIONS.--

18 A. The office of the board of directors shall be  
19 located in the county where the organization was effected.  
20 [~~Fifteen (15) days~~] Four weeks before any election held under  
21 [~~this Act~~] Chapter 73, Article 12 NMSA 1978 subsequent to the  
22 organization [~~of~~] of the district, the secretary, who shall be  
23 appointed by the board of directors, shall cause notice,  
24 specifying the polling places of each precinct, to be posted in  
25 three public places in each election precinct of the time and

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1 place of holding the election and shall also post a general  
2 notice of the [~~same~~] election in the office of [~~said~~] the  
3 board, which shall be established and kept at [~~some~~] a fixed  
4 place to be determined by [~~said~~] the board in [~~said~~] the  
5 county. The notice provisions shall conform with the  
6 requirements of Section 2 of this 2011 act.

7 B. Prior to the time for posting the notices, [~~said~~]  
8 the board [~~must~~] shall appoint from each precinct, from [~~the~~]  
9 its electors [~~thereof~~], three judges, one of whom shall act as  
10 clerk, who shall constitute a board of election for [~~such~~] the  
11 precinct. If the board fails to appoint a board of election or  
12 the members appointed do not attend the opening of the polls on  
13 the morning of the election, the electors of the precinct  
14 present at the hour may appoint the board or supply the place  
15 of an absent member [~~thereof~~] of it. The board of directors  
16 [~~must~~] shall, in its order appointing the board of election,  
17 designate the hour and place in the precinct where the election  
18 [~~must~~] shall be held."

19 **SECTION 60.** Section 73-12-15 NMSA 1978 (being Laws 1929,  
20 Chapter 76, Section 15, as amended) is amended to read:

21 "73-12-15. DETERMINING COST--BOND ELECTION--NOTICE--  
22 CONDUCT--BOND TERMS AND CONDITIONS--SUBSEQUENT ISSUES.--

23 A. For the purpose of constructing, [~~or~~] purchasing  
24 or acquiring the necessary fuel transmission lines, pipelines,  
25 power plants, electrical motors, engines, reservoir sites,

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1 reservoirs, water rights, water wells, canals, ditches and  
2 works, including the necessary drainage works and the acquiring  
3 of the necessary property and rights therefor, and for the  
4 purpose of paying the first year's interest on the bonds  
5 [~~herein~~] authorized in this section, and for the purpose of  
6 paying legal expenses incurred in the organization of the  
7 district and preliminary expenses incurred under the provisions  
8 of Section 73-12-12 NMSA 1978 and otherwise carrying out the  
9 provisions of [~~this act~~] Chapter 73, Article 12 NMSA 1978, the  
10 board of directors of any such district shall, as soon after  
11 the district has been organized as may be practicable, estimate  
12 and determine the amount of money necessary to be raised for  
13 [~~such~~] those purposes and shall, by resolution to be entered in  
14 the minutes of the board of directors of the district, fix the  
15 amounts and series of the bonds of the district proposed to be  
16 issued; provided, however, that none of the bonds shall run for  
17 a longer period than twenty years from [~~the~~] their date [~~there~~  
18 ~~of~~].

19 B. The board of directors shall [~~forthwith call a~~  
20 ~~special~~] call an election, at which election shall be submitted  
21 to the electors of the district, possessing the qualifications  
22 prescribed by [~~this act~~] Chapter 73, Article 12 NMSA 1978, the  
23 question [~~if~~] of whether or not the bonds of the district shall  
24 be issued in the amount so determined. Notice of the election  
25 shall be given by publication [~~in some newspaper published, in~~

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1 ~~the county where the office of the board of directors of the~~  
2 ~~district is required to be kept, once a week for at least three~~  
3 ~~successive weeks immediately preceding the date of the~~  
4 ~~election]~~ pursuant to the requirements of Section 2 of this  
5 2011 act. The notice shall specify the time of holding the  
6 election, the amount of bonds proposed to be issued and [~~the~~]  
7 their series and due dates [~~thereof~~].

8 C. The election shall be held and [~~the~~] its results  
9 [~~thereof~~] determined and declared in all respects as nearly as  
10 possible in conformity with the provisions of [~~this act~~]  
11 Chapter 73, Article 12 NMSA 1978 governing the election of  
12 directors; provided that no informalities in conducting the  
13 election shall invalidate it if the election has been otherwise  
14 fairly conducted. At [~~such~~] the election, the ballots shall  
15 contain the words "Bonds, Yes" or "Bonds, No" or words  
16 equivalent [~~thereto~~] to them. If [~~a~~] the majority of the votes  
17 of the qualified electors who are freeholders within the  
18 district have been voted "Bonds, Yes", the board of directors  
19 shall immediately cause bonds to be issued in amounts and  
20 payable in series as provided in the resolution of the board of  
21 directors.

22 D. Each bond shall bear interest payable semiannually  
23 on June 1 and December 1 of each year. The principal and  
24 interest shall be payable at the office of the county treasurer  
25 of the county in which the organization of the district was

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1 effected as ~~[aforesaid]~~ provided in Chapter 73, Article 12 NMSA  
2 1978 and at such other place or places, if any, as the board of  
3 directors may designate in the bonds. The bonds shall be in  
4 such form as the board of directors may determine and, except  
5 for bonds issued in book entry or similar form without the  
6 delivery of physical securities, shall be executed in the name  
7 of the district and signed by the president and secretary, and  
8 the seal of the district shall be affixed thereto. The bonds  
9 shall be numbered consecutively as issued and bear date at the  
10 time of their issue. Any coupons for interest shall be  
11 attached to each bond bearing the facsimile signature of the  
12 president and the secretary. The bonds shall express on their  
13 face that they are issued by authority of ~~[this act]~~ Chapter  
14 73, Article 12 NMSA 1978 stating its title and date of  
15 approval. The secretary shall keep a record of the bonds sold,  
16 their number, date of sale, the price received and the name of  
17 the purchaser. ~~[Provided that]~~

18 E. When the money provided by any previous issue of  
19 bonds has become exhausted by expenditures ~~[herein]~~ authorized  
20 ~~[therefor]~~ by the provisions of this section, and it becomes  
21 necessary to raise additional money for ~~[such]~~ those purposes,  
22 additional bonds may be issued after submitting the question of  
23 issuing the bonds at a special election to the qualified voters  
24 of the district and otherwise complying with the provisions of  
25 ~~[this act]~~ Chapter 73, Article 12 NMSA 1978 in respect to an

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1 original issue of bonds; provided [~~further~~] that the lien for  
2 taxes for the payment of the interest and the principal of any  
3 bond issue shall be a prior lien to that of any subsequent bond  
4 issue."

5 SECTION 61. Section 73-14-10 NMSA 1978 (being Laws 1965,  
6 Chapter 76, Section 2) is amended to read:

7 "73-14-10. NOTICE OF ELECTION--PUBLICATION.--Upon entry  
8 of the order of the court, the board of county commissioners of  
9 any county within which the proposed district lies shall cause  
10 to be published a notice of the election [~~in a newspaper of~~  
11 ~~general circulation in the proposed conservancy district at~~  
12 ~~least once a week for three consecutive weeks~~] pursuant to the  
13 requirements of Section 2 of this 2011 act."

14 SECTION 62. Section 73-14-20.1 NMSA 1978 (being Laws  
15 1990, Chapter 48, Section 1, as amended) is amended to read:

16 "73-14-20.1. QUALIFIED ELECTOR LIST.--

17 A. The board of directors of the conservancy district  
18 may contract for a list compiler before each election to  
19 compile and produce a qualified [~~elector's~~] elector list for  
20 the district. The list compiler shall deliver the completed  
21 list to the election director no later than [~~forty-five~~]  
22 seventy-five days prior to a district election. An individual  
23 who purchases property ninety days prior to an election and  
24 whose name does not appear on the qualified [~~elector's~~] elector  
25 list shall not vote in that election. The individual may

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1 become certified to vote in a future election by filing [~~his~~] a  
2 deed of title with the appropriate county clerk at least ninety  
3 days before the next conservancy district election.

4 B. Names of qualified electors shall be obtained from  
5 the records of the county clerk of the appropriate county, the  
6 appropriate county assessor of the appropriate county, records  
7 of the conservancy district or [~~from~~] the census bureau and  
8 enrollment records provided by the pueblos. The county  
9 assessor of the appropriate county, the county clerk of the  
10 appropriate county and the tribal representatives of the  
11 appropriate pueblos shall deliver to the election director all  
12 records regarding qualified electors of the benefited area no  
13 later than the last day of each March before a district  
14 election.

15 C. Updating the qualified [~~elector's~~] elector list  
16 shall consist of adding, for any new qualified elector who has  
17 purchased property in the district, the name, address and  
18 description of all property owned by the qualified elector in  
19 the benefited area and removing the name of any elector who is  
20 deceased or [~~is no longer a qualified elector because he~~] who  
21 no longer owns property within the benefited area.

22 D. Proof of ownership of land within the benefited  
23 area requires one of the following:

24 (1) a recorded deed or real estate contract  
25 indicating current ownership of land within the benefited area;

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1                   (2) an individual's name on county clerk records  
2 indicating a description of property the individual owns within  
3 the benefited area;

4                   (3) an individual's name on a list compiled by  
5 the governing body of a pueblo within the benefited area  
6 indicating that the individual named is residing on and has  
7 legal or equitable title in the pueblo; or

8                   (4) a current property tax bill indicating  
9 ownership of land within the benefited area.

10                  E. The election officer or the election director  
11 shall distribute to each polling place a current qualified  
12 [~~elector's~~] elector list for the appropriate county. The  
13 election officer or the election director shall distribute the  
14 [~~qualified elector's~~] list to each polling place within a  
15 pueblo located within the benefited area. A qualified elector  
16 may vote at any one polling place in the pueblo or county where  
17 [~~he~~] the elector owns land. An individual who seeks to cast  
18 [~~his~~] a vote but [~~finds his~~] whose name is not on the qualified  
19 [~~elector's~~] elector list shall not be allowed to vote in that  
20 election."

21                  SECTION 63. Section 73-14-27 NMSA 1978 (being Laws 1975,  
22 Chapter 262, Section 10, as amended) is amended to read:

23                  "73-14-27. ELECTION--LOCATION OF POLLING PLACES--NOTICE  
24 OF ELECTION--CREATION OF ABSENT VOTER PRECINCT.--

25                  A. For every conservancy district election, the board

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1 of directors shall provide for adequate polling places within  
2 the boundaries of the conservancy district. In addition, the  
3 board of directors shall provide a polling place at the main  
4 office of the conservancy district and may provide such other  
5 locations as it deems necessary. The board of directors may  
6 also create absentee-early voter and absent voter precincts.

7 B. Notice of the election shall be published [~~three~~  
8 ~~times in a newspaper of general circulation within each county~~  
9 ~~of the district]~~ pursuant to the requirements of Section 2 of  
10 this 2011 act. Each notice shall state the time, place and  
11 purpose of the election [~~and shall be published twenty, ten and~~  
12 ~~five days before the election]~~."

13 SECTION 64. Section 73-14-73 NMSA 1978 (being Laws 1961,  
14 Chapter 67, Section 5) is amended to read:

15 "73-14-73. ELECTIONS--WHEN HELD.--

16 A. The first election for conservancy districts  
17 existing on July 1, 1961 and eligible under the provisions of  
18 Section [~~75-28-53 New Mexico Statutes Annotated, 1953~~  
19 ~~Compilation]~~ 73-14-74 NMSA 1978 to have an elected board of  
20 directors shall be held on the first Tuesday in October 1961.

21 B. Subsequent elections, except as provided in  
22 Subsection D of this section, shall be held every two years  
23 following the year 1961 and shall be held on the first Tuesday  
24 of October.

25 C. Conservancy districts formed after July 1, 1961

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1 shall hold their first election as provided in Section  
2 [~~75-28-53 New Mexico Statutes Annotated, 1953 Compilation~~]  
3 73-14-74 NMSA 1978.

4 D. Each election to seek approval of the issuance of  
5 bonds shall conform to the requirements of Sections 1 and 2 of  
6 this 2011 act."

7 SECTION 65. Section 73-14-80 NMSA 1978 (being Laws 1961,  
8 Chapter 67, Section 12) is amended to read:

9 "73-14-80. ELECTION--SELECTION OF VOTING PLACES--NOTICE  
10 OF ELECTION.--

11 A. Not less than thirty days prior to an election,  
12 the board of directors then in office shall meet and select a  
13 voting place or voting places within the conservancy district.  
14 This selection shall be by written resolution and shall be  
15 preserved as a permanent record of the board.

16 B. Notice of election shall be posted by the board in  
17 at least three prominent and conspicuous places within the  
18 district [~~The board may publish the notice in a newspaper of~~  
19 ~~general circulation within the district in addition to posting]~~  
20 and shall conform to the requirements of Section 2 of this 2011  
21 act. The notice of election shall state the time, place and  
22 purpose of the election [~~and shall be posted at least twenty~~  
23 ~~days before the election]."~~

24 SECTION 66. Section 73-16-5 NMSA 1978 (being Laws 1961,  
25 Chapter 123, Section 1) is amended to read:

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1 "73-16-5. [~~ELECTION FOR APPROVAL OF~~] DISTRICT  
2 CONSTRUCTION FUND ASSESSMENT LEVY [~~OF CERTAIN DISTRICTS~~]  
3 ELECTION--FORM OF BALLOT--SUPPLEMENTAL LEVIES.--

4 A. In all cases, excepting those [~~hereinafter~~]  
5 excluded by the provisions of the Conservancy Act of New  
6 Mexico, as soon as the first construction fund assessment levy  
7 is made, the board shall call an election to be held not less  
8 than [~~sixty~~] seventy-five days after notice of the election is  
9 completed by publication. The procedure for and conduct of the  
10 election shall be that provided for election of boards of  
11 directors who are elected and shall conform to the requirements  
12 of Sections 1 and 2 of this 2011 act. The question to be  
13 referred to the voters shall be the approval or rejection of  
14 the construction fund assessment levy resolved by the board.  
15 The form of ballots shall be substantially as follows:

16 CONSTRUCTION FUND ASSESSMENT LEVY FOR \_\_\_\_\_  
17 \_\_\_\_\_ DISTRICT

18 (Name of District)

19 FOR the construction fund assessment levy of the district  
20 in the maximum total sum of \$ \_\_\_\_\_ . . . . \_\_\_\_\_

21 AGAINST the construction fund assessment levy of the  
22 district in the maximum total sum of \$ \_\_\_\_\_ . . . .  
23 \_\_\_\_\_.

24 B. If the majority of voters are against the levy,  
25 upon exhibit to the court of the returns so proving, the

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1 district shall be dissolved after insuring payment of all  
2 outstanding debts. If the majority of voters are for the levy,  
3 upon exhibit to the court of the returns so proving, the levy  
4 shall be ordered executed and the secretary shall prepare the  
5 construction fund assessment record of the district.

6 C. Thereafter, from time to time, as the affairs of  
7 the district may demand, the board may make supplemental levies  
8 for the construction fund; provided that the aggregate of all  
9 these supplemental levies shall not exceed ten percent of the  
10 first levy approved in the election or, in principal, the  
11 appraised benefits adjudicated, whichever is less; provided  
12 further that if for any reason the affairs of the district  
13 [~~shall~~] demand a supplemental levy in excess of ten percent, an  
14 election as [~~herein~~] provided in this section shall be required  
15 to approve and order [~~them~~] that the levy into execution [~~and~~].  
16 In the event [~~they are~~] the levy is rejected, the district  
17 shall not execute supplemental levies in excess of the limits  
18 [~~above stated~~] provided in this subsection; and provided  
19 further that in no case shall a levy be submitted to election  
20 where the amount [~~thereof~~] of the levy exceeds in principal the  
21 appraised benefits adjudicated.

22 D. Nothing in this section applies to any district  
23 [~~which~~] that has commenced or completed any phase of  
24 improvements pursuant to official plans or to any district  
25 containing between fifteen thousand to thirty thousand acres."

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1           SECTION 67. Section 73-18-30 NMSA 1978 (being Laws 1955,  
2 Chapter 281, Section 6, as amended) is amended to read:

3           "73-18-30. QUALIFICATIONS OF ELECTORS.--

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

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

23           SECTION 68. Section 73-18-37 NMSA 1978 (being Laws 1955,  
24 Chapter 281, Section 13) is amended to read:

25           "73-18-37. NOTICE OF ELECTION.--The board of directors of

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1     ~~[said]~~ the conservancy district shall issue a notice of ~~[said]~~  
2     the election. Three copies of ~~[such]~~ the notice shall be  
3     posted in conspicuous places in each ~~[such]~~ election precinct  
4     for which an election is to be held and shall be published ~~[in~~  
5     ~~a newspaper qualified to make legal publications in suits in~~  
6     ~~the district court. Such publications shall be made once and~~  
7     ~~shall be made not less than five or more than fifteen days~~  
8     ~~before the election. Such]~~ pursuant to the requirements of  
9     Section 2 of this 2011 act. The notice as so published shall  
10    give the time of ~~[said]~~ the election, the places at which the  
11    election will be held in the different precincts, the names of  
12    the judges who have been designated to hold the elections in  
13    each precinct and the names of all candidates who have filed  
14    declarations of candidacy and shall show the election precinct  
15    which each candidate desires to represent."

16           SECTION 69. Section 73-18-38 NMSA 1978 (being Laws 1955,  
17    Chapter 281, Section 14) is amended to read:

18           "73-18-38. FORMS AND REGULATIONS.--

19           A. The board of directors of the district shall by  
20    resolution adopt all forms deemed by ~~[said]~~ the board to be  
21    necessary to the operation of ~~[this Act]~~ Sections 73-18-25  
22    through 73-18-43 NMSA 1978 and shall make such reasonable  
23    regulations to govern the administration of ~~[this Act]~~ those  
24    sections as ~~[to said board]~~ may seem proper ~~[Such]~~ to the  
25    board. The forms and regulations shall be in harmony with the

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1 purposes of [~~this Act~~] those sections and shall be adopted not  
2 less than [~~thirty (30)~~] ninety days prior to the election and  
3 shall not be changed within [~~thirty (30)~~] seventy-five days  
4 preceding any election. [~~Such~~] The forms and regulations may  
5 be open to inspection by the public at the office of the  
6 district. [~~Copy~~]

7 B. Copies of all regulations and forms adopted and  
8 authorized by the board of directors of [~~such~~] the district  
9 shall be certified by the secretary of [~~said~~] the district,  
10 [~~and~~] authenticated by the seal of [~~said~~] the district and  
11 filed in the office of the county clerk of [~~said~~] the county  
12 immediately after [~~such~~] the regulation or forms are adopted."

13 **SECTION 70.** Section 73-21-28 NMSA 1978 (being Laws 1943,  
14 Chapter 80, Section 25, as amended) is amended to read:

15 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--  
16 Whenever the board shall, by resolution, determine that the  
17 interest of the district and the public interest or necessity  
18 demand the acquisition, construction, installation or  
19 completion of any works or other improvements or facilities, or  
20 the making of any contract with the United States or other  
21 persons or corporations, to carry out the objects or purposes  
22 of the district, requiring the creation of a general obligation  
23 indebtedness of five thousand dollars (\$5,000) or more, secured  
24 by property tax revenue from within the district, the board  
25 shall order the submission of the proposition of issuing the

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1 obligations or bonds or creating other indebtedness to the  
2 qualified taxpaying electors of the district at an election  
3 held for that purpose. Any such election ~~[may be held~~  
4 ~~separately or may be consolidated or held concurrently with any~~  
5 ~~other election]~~ shall be authorized by the Water and Sanitation  
6 District Act and conform to the requirements of Sections 1 and  
7 2 of this 2011 act. The declaration of public interest or  
8 necessity required in this section and the provision for the  
9 holding of the election may be included within one and the same  
10 resolution. The resolution, in addition to the declaration of  
11 public interest or necessity, shall recite the objects and  
12 purposes for which the indebtedness is proposed to be incurred,  
13 the estimated cost of the works or improvements, as the case  
14 may be, the amount of principal of the indebtedness to be  
15 incurred and the maximum rate of interest to be paid on the  
16 indebtedness. The resolution shall also ~~[fix]~~ recite the date  
17 upon which the election shall be held and the manner of holding  
18 it and the method of voting for or against the incurring of the  
19 proposed indebtedness. The resolution shall also fix the  
20 compensation to be paid the officers of the election and shall  
21 designate the polling place and shall appoint, for each polling  
22 place, from the electors of the district, the officers of the  
23 election consisting of three judges, one of whom shall act as  
24 clerk."

25 SECTION 71. Section 73-21-29 NMSA 1978 (being Laws 1943,

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1 Chapter 80, Section 26) is amended to read:

2 "73-21-29. NOTICE OF ELECTION.--The board shall prescribe  
3 the form of the notice of election and direct the publication  
4 of [~~the same, the first publication of said notice to be not~~  
5 ~~less than twenty (20) days prior to the election]~~ it pursuant  
6 to the requirements of Section 2 of this 2011 act."

7 SECTION 72. Section 74-10-13 NMSA 1978 (being Laws 1993,  
8 Chapter 319, Section 13) is amended to read:

9 "74-10-13. ELECTION OF DIRECTORS.--Each biennial  
10 nonpartisan election of directors shall be conducted at the  
11 time of the general election under the direction of the county  
12 clerk and in accordance with the election laws of New Mexico.  
13 Each election to seek approval of the issuance of bonds shall  
14 conform to the requirements of Sections 1 and 2 of this 2011  
15 act. Any other election of the authority [~~including an~~  
16 ~~election to seek approval for the issuance of bonds]~~ shall be  
17 conducted at any time approved by the board in accordance with  
18 the election laws of New Mexico."

19 SECTION 73. Section 74-10-15 NMSA 1978 (being Laws 1993,  
20 Chapter 319, Section 15) is amended to read:

21 "74-10-15. CONDUCT OF ELECTION.--An election held  
22 pursuant to the Solid Waste Authority Act shall conform to the  
23 requirements of Sections 1 and 2 of this 2011 act, and  
24 otherwise shall be conducted in the manner provided by the laws  
25 of the state for the conduct of general elections."

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1           SECTION 74. Section 74-10-16 NMSA 1978 (being Laws 1993,  
2 Chapter 319, Section 16) is amended to read:

3           "74-10-16. NOTICE OF ELECTION.--Notice of ~~[such]~~ an  
4 election pursuant to the provisions of the Solid Waste  
5 Authority Act shall ~~[be given by publication]~~ conform to the  
6 requirements of Section 2 of this 2011 act. No other notice of  
7 an election held ~~[under the Solid Waste Authority]~~ pursuant to  
8 that act need be given unless otherwise provided by the board."

9           SECTION 75. Section 74-10-19 NMSA 1978 (being Laws 1993,  
10 Chapter 319, Section 19) is amended to read:

11           "74-10-19. ELECTION RETURNS.--The authority shall appoint  
12 an authority precinct board at the authority's expense for each  
13 polling place. For authority elections, ~~[held at the time of~~  
14 ~~the general election]~~ the authority shall be provided space in  
15 the polling places where the ~~[general]~~ election is being  
16 conducted. Paper ballots shall be used in the conduct of any  
17 authority election, and the authority precinct board shall  
18 conduct the election as provided in the Election Code where  
19 paper ballots are used. The separate authority precinct board  
20 shall certify the results of the election in that precinct to  
21 the secretary within twelve hours after the close of the polls.  
22 The secretary shall canvass the results of the authority  
23 election as certified by each of the separate authority  
24 precinct boards and shall declare the results of the election  
25 at any regular or special meeting held not less than five days

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1 following the date of the election. Except as otherwise  
2 provided, any proposal submitted at any election held pursuant  
3 to the Solid Waste Authority Act shall not carry unless the  
4 proposal has been approved by a majority of the qualified  
5 electors of the authority voting on the proposal."

6 SECTION 76. Section 74-10-31 NMSA 1978 (being Laws 1993,  
7 Chapter 319, Section 31) is amended to read:

8 "74-10-31. CONDUCT OF ELECTION.--Elections for imposition  
9 of ad valorem taxes shall conform with the requirements of  
10 Sections 1 and 2 of this 2011 act, and otherwise shall be  
11 conducted in a manner prescribed by the laws of the state for  
12 the conduct of general elections and in accordance with the  
13 provisions and procedures outlined in the Solid Waste Authority  
14 Act for the election of directors."

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