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AN ACT

RELATING TO COUNTIES; ELIMINATING THE ELECTED POSITION OF
COUNTY SURVEYOR; AMENDING AND REPEALING SECTIONS OF THE NMSA
1978.

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

SECTION 1. Section 1-10-8 NMSA 1978 (being Laws 1977,
Chapter 222, Section 31, as amended) is amended to read:

"1-10-8. BALLOTS--PRIMARY AND GENERAL ELECTIONS--ORDER
OF OFFICES.--The ballot used in the primary and general
elections shall contain, when applicable, the offices to be
voted on in the following order:

- A. president and vice president;
- B. United States senator;
- C. United States representative;
- D. candidates for state offices to be voted on at
large, in order prescribed by the secretary of state;
- E. state senator;
- F. state representative;
- G. other district candidates, in the order
prescribed by the secretary of state;
- H. metropolitan and magistrate judges;
- I. county commissioners;
- J. county clerk;
- K. county treasurer;

- 1 L. county assessor;
- 2 M. county sheriff;
- 3 N. probate judge; and
- 4 O. other issues as prescribed by the secretary of
- 5 state."

6 SECTION 2. Section 4-35-1 NMSA 1978 (being Laws 1912,
7 Chapter 45, Section 1, as amended) is amended to read:

8 "4-35-1. BOUNDARIES--DISPUTE--COMMISSION TO SETTLE.--
9 Whenever the location of the boundary line between two or
10 more counties is in dispute, the controversy shall be settled
11 by a boundary commission consisting of the chair of the board
12 of county commissioners and a licensed professional surveyor
13 appointed by the board of county commissioners of each of the
14 counties affected by the dispute and the district attorney of
15 the district in which the counties are situate. If such
16 counties are in more than one judicial district, the district
17 attorney of each district shall be a member of the
18 commission."

19 SECTION 3. Section 4-42-1 NMSA 1978 (being Laws 1891,
20 Chapter 33, Section 1, as amended) is amended to read:

21 "4-42-1. COUNTY SURVEYOR.--The elected office of county
22 surveyor is abolished."

23 SECTION 4. Section 4-42-3 NMSA 1978 (being Laws 1891,
24 Chapter 33, Section 4, as amended) is amended to read:

25 "4-42-3. LICENSED PROFESSIONAL SURVEYOR--INQUIRY AS TO

1 BOUNDARIES--OATH TO WITNESSES--REPORT.--When a licensed
2 professional surveyor appointed by the board of county
3 commissioners is called upon to make any survey that is to be
4 used in any court, the surveyor is hereby authorized and
5 required, upon application of either party, to administer an
6 oath or affirmation to any witness who may be brought to
7 prove any corner or line of that survey or any natural or
8 artificial object or mark that may be necessary to identify
9 the same, which testimony shall be reduced to writing and
10 subscribed by the witness and a return made thereof with the
11 return of the surveyor."

12 SECTION 5. Section 4-42-4 NMSA 1978 (being Laws 1891,
13 Chapter 33, Section 5, as amended) is amended to read:

14 "4-42-4. LICENSED PROFESSIONAL SURVEYOR--OFFICE AND
15 RECORDS.--A licensed professional surveyor appointed by the
16 board of county commissioners shall keep two books of records
17 that shall be furnished the surveyor by the board of county
18 commissioners for that purpose, which books the surveyor
19 shall transmit to the surveyor's successor in office. One
20 book shall contain the calculations by latitudes and
21 departures of all surveys made by the surveyor or the
22 surveyor's deputies, and each calculation shall have a
23 corresponding number with the plat and field notes to which
24 it refers in the book of records. The other book shall be a
25 book of records and so constituted as to have the left page

1 for diagrams and plats and the right page for notes and
2 remarks, and each diagram and plat shall be numbered
3 progressively. The field notes of the survey so recorded
4 shall contain a full statement of the surveys, with the
5 variations of the magnetic needle, length of lines and
6 location of corners, with description of such corners and
7 description of all witness trees and other marks used as
8 witness marks for such corners, with size, distance and
9 course."

10 SECTION 6. Section 4-42-5 NMSA 1978 (being Laws 1891,
11 Chapter 33, Section 6, as amended) is amended to read:

12 "4-42-5. LICENSED PROFESSIONAL SURVEYOR--LATITUDES AND
13 DEPARTURES--FOLLOWING UNITED STATES INSTRUCTIONS.--All
14 calculations to ascertain the contents of a tract of land by
15 a licensed professional surveyor appointed by the board of
16 county commissioners shall be made by latitudes and
17 departures, and on each plat shall be laid down the
18 variations of the magnetic needle from the true meridian. In
19 re-establishing missing corners, the county surveyor shall
20 establish said corners in strict accordance with the manual
21 of instructions of the United States to the United States
22 deputy surveyors."

23 SECTION 7. Section 4-42-6 NMSA 1978 (being Laws 1891,
24 Chapter 33, Section 7, as amended) is amended to read:

25 "4-42-6. LICENSED PROFESSIONAL SURVEYOR--INTERFERENCE

1 WITH.--If a licensed professional surveyor appointed by the
2 board of county commissioners shall be molested or prevented
3 from doing or performing any of the surveyor's official
4 duties by means of threats or improper interference of any
5 person, the surveyor shall call on the sheriff or other peace
6 officer of the county, who shall accompany the surveyor and
7 afford the surveyor all necessary protection against any
8 person thus threatening or improperly interfering with the
9 surveyor while performing official duties. The person so
10 offending shall, on conviction thereof before any court of
11 competent jurisdiction, be fined in a sum not less than five
12 dollars (\$5.00) nor exceeding one hundred dollars (\$100) and
13 be liable for all damages caused to any person by the
14 hindrance of the surveyor and for all the expenses that may
15 accrue in consequence of the attendance of the sheriff or
16 officer and the delay of the surveyor."

17 SECTION 8. Section 4-42-7 NMSA 1978 (being Laws 1891,
18 Chapter 33, Section 8, as amended) is amended to read:

19 "4-42-7. FEES--PURCHASE OF PLATS OF UNITED STATES
20 SURVEYS--ADMISSIBILITY OF CERTIFIED COPIES OF SURVEYS AS
21 EVIDENCE--FILING COPY OF SURVEYS.--The expense of the chain
22 carriers and corner man shall be paid in advance, if required
23 by a licensed professional surveyor appointed by the board of
24 county commissioners or the surveyor's deputy, by the party
25 on whose application the survey may be made, and the money so

1 advanced shall be accounted for by the surveyor, and the
2 amount expended to be taxed on the bill of costs. However,
3 each surveyor may retain the return of any survey made by the
4 surveyor until the surveyor is paid the fee established by
5 law and may collect fees by action. The board of county
6 commissioners of each county in this state, at its
7 discretion, may procure copies, duly certified by the
8 surveyor general to be correct, of the field notes and plats
9 of the original surveys by the United States of the lands of
10 its county, and the board shall bind the plats and field
11 notes each substantially in book form and keep them in the
12 county clerk's office for the benefit of the public. The
13 certificate of the licensed professional surveyor appointed
14 by the board of county commissioners or any of the surveyor's
15 deputies as to the correctness or accuracy of any survey,
16 plat or field notes made by the surveyor or any certified
17 copy of them shall be admitted as legal evidence in any court
18 of the state, but only when the surveyor is dead or when it
19 is impossible to obtain the surveyor's evidence either by the
20 surveyor's personal attendance or by means of a deposition
21 taken according to law. This evidence may be explained or
22 rebutted by other evidence. The licensed professional
23 surveyors appointed by the boards of county commissioners of
24 the different counties of this state may administer all oaths
25 or affirmations necessary to be administered to road viewers

1 and for all other purposes necessary to the discharge of
2 their official duties. A copy of all surveys shall be filed
3 with the county clerk by the surveyor."

4 SECTION 9. Section 4-42-8 NMSA 1978 (being Laws 1891,
5 Chapter 33, Section 9, as amended) is amended to read:

6 "4-42-8. SURVEY OF LANDS DIVIDED BY COUNTY LINE.--Any
7 person owning or claiming lands divided by a county line and
8 wishing to have the lands surveyed may apply to a licensed
9 professional surveyor appointed by the board of county
10 commissioners of any county in which any part of the land is
11 situate, and, on such application being made, the surveyor is
12 authorized to make a survey, which shall be as valid as
13 though the lands were situate entirely in one county."

14 SECTION 10. Section 4-42-9 NMSA 1978 (being Laws 1891,
15 Chapter 33, Section 10, as amended) is amended to read:

16 "4-42-9. ESTABLISHING COUNTY LINE--JOINT SURVEY.--
17 Where a boundary line between two counties is to be
18 established, licensed professional surveyors appointed by the
19 board of county commissioners, or their deputies, of the two
20 counties affected by the boundaries shall together make the
21 survey and establish the lines and erect monuments, and all
22 corners set by the surveyors or their deputies shall be made
23 in strict conformity with the manual of instructions of the
24 United States."

25 SECTION 11. Section 4-42-10 NMSA 1978 (being Laws 1891, SB 429
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1 Chapter 33, Section 11, as amended) is amended to read:

2 "4-42-10. LICENSED PROFESSIONAL SURVEYOR TO DO ALL
3 COUNTY WORK.--All county surveying and engineering on roads
4 and bridges shall be performed by a licensed professional
5 surveyor appointed by the board of county commissioners, and
6 the surveyor shall by virtue of the surveyor's office be one
7 of the viewers in the establishing of new roads or the
8 location of bridges."

9 SECTION 12. Section 4-42-11 NMSA 1978 (being Laws 1891,
10 Chapter 33, Section 12) is amended to read:

11 "4-42-11. LICENSED PROFESSIONAL SURVEYOR--
12 CONTRACTING.--Private individuals may contract for the work
13 of county surveying."

14 SECTION 13. Section 4-42-13 NMSA 1978 (being Laws 1891,
15 Chapter 33, Section 15, as amended) is amended to read:

16 "4-42-13. LICENSED PROFESSIONAL SURVEYOR--NUMBERING
17 SURVEYS--ASSESSMENT FOR TAXATION.--All surveys made by the
18 licensed professional surveyors appointed by the board of
19 county commissioners of the several counties in accordance
20 with Chapter 4, Article 42 NMSA 1978, which are not
21 government subdivisions, shall be numbered with a consecutive
22 series of numbers, commencing with thirty-seven, and it shall
23 be the duty of the assessor in each county to enter for
24 taxation in the assessor's book all lands liable for
25 taxation, referring to them by the proper number as

1 designated by the surveyor in the surveyor's records."

2 SECTION 14. Section 4-42-14 NMSA 1978 (being Laws 1891,
3 Chapter 33, Section 16, as amended) is amended to read:

4 "4-42-14. LICENSED PROFESSIONAL SURVEYOR--NOT TO CHANGE
5 ESTABLISHED CORNERS OR SURVEY PRIVATE LANDS.--Nothing in
6 Chapter 4, Article 42 NMSA 1978 shall be construed to empower
7 any licensed professional surveyor appointed by the board of
8 county commissioners to change the established lines or
9 corners of any land owned or possessed by any person, and no
10 private lands shall be surveyed except by the consent of the
11 owner of the land."

12 SECTION 15. Section 4-42-15 NMSA 1978 (being Laws 1912,
13 Chapter 34, Section 1, as amended) is amended to read:

14 "4-42-15. COUNTY SURVEYS.--The board of county
15 commissioners is authorized to have the lands of the county,
16 or any portion thereof, surveyed by a licensed land surveyor
17 under the direction and in accordance with the instructions
18 of the board of county commissioners. The board of county
19 commissioners is authorized to purchase from any licensed
20 professional surveyor any survey and the related plats, maps
21 and field notes with payment to be made from the county
22 general fund."

23 SECTION 16. Section 4-44-4 NMSA 1978 (being Laws 1957,
24 Chapter 196, Section 2, as amended) is amended to read:

25 "4-44-4. CLASS A COUNTIES--SALARIES.--The annual

1 salaries of elected officers of class A counties shall not
2 exceed:

3 A. county commissioners, twenty-nine thousand five
4 hundred sixty-nine dollars (\$29,569) each;

5 B. treasurer, sixty-five thousand five hundred one
6 dollars (\$65,501);

7 C. assessor, sixty-five thousand five hundred one
8 dollars (\$65,501);

9 D. sheriff, sixty-eight thousand three hundred
10 eight dollars (\$68,308);

11 E. county clerk, sixty-five thousand five hundred
12 one dollars (\$65,501); and

13 F. probate judge, twenty-eight thousand eight
14 hundred twenty dollars (\$28,820)."

15 SECTION 17. Section 4-44-4.1 NMSA 1978 (being Laws
16 1986, Chapter 67, Section 2, as amended) is amended to read:

17 "4-44-4.1. CLASS B COUNTIES--OVER THREE HUNDRED MILLION
18 DOLLARS (\$300,000,000) VALUATION--SALARIES.--The annual
19 salaries of elected officers of class B counties with an
20 assessed valuation of over three hundred million dollars
21 (\$300,000,000) shall not exceed:

22 A. county commissioners, twenty-two thousand eight
23 hundred thirty-two dollars (\$22,832) each;

24 B. treasurer, fifty-seven thousand two hundred
25 sixty-five dollars (\$57,265);

1 C. assessor, fifty-seven thousand two hundred
2 sixty-five dollars (\$57,265);

3 D. sheriff, fifty-nine thousand six hundred
4 ninety-nine dollars (\$59,699);

5 E. county clerk, fifty-seven thousand two hundred
6 sixty-five dollars (\$57,265); and

7 F. probate judge, twenty thousand twenty-four
8 dollars (\$20,024)."

9 SECTION 18. Section 4-44-5 NMSA 1978 (being Laws 1957,
10 Chapter 196, Section 3, as amended) is amended to read:

11 "4-44-5. CLASS B COUNTIES--SALARIES.--The annual
12 salaries of elected officers of class B counties with an
13 assessed valuation of over seventy-five million dollars
14 (\$75,000,000) but under three hundred million dollars
15 (\$300,000,000) shall not exceed:

16 A. county commissioners, sixteen thousand two
17 hundred eighty-two dollars (\$16,282) each;

18 B. treasurer, forty-nine thousand thirty-one
19 dollars (\$49,031);

20 C. county assessor, forty-nine thousand thirty-one
21 dollars (\$49,031);

22 D. county sheriff, fifty-one thousand two hundred
23 seventy-seven dollars (\$51,277);

24 E. county clerk, forty-nine thousand thirty-one
25 dollars (\$49,031); and

1 F. probate judge, eleven thousand four hundred
2 sixteen dollars (\$11,416)."

3 SECTION 19. Section 4-44-6 NMSA 1978 (being Laws 1957,
4 Chapter 196, Section 4, as amended) is amended to read:

5 "4-44-6. CLASS C COUNTIES--SALARIES.--The annual
6 salaries of elected officers of class C counties shall not
7 exceed:

8 A. county commissioners, sixteen thousand two
9 hundred eighty-two dollars (\$16,282) each;

10 B. county treasurer, forty-nine thousand
11 thirty-one dollars (\$49,031);

12 C. county assessor, forty-nine thousand thirty-one
13 dollars (\$49,031);

14 D. county sheriff, fifty-one thousand two hundred
15 seventy-seven dollars (\$51,277);

16 E. county clerk, forty-nine thousand thirty-one
17 dollars (\$49,031); and

18 F. probate judge, eleven thousand four hundred
19 sixteen dollars (\$11,416)."

20 SECTION 20. Section 4-44-7 NMSA 1978 (being Laws 1957,
21 Chapter 196, Section 5, as amended) is amended to read:

22 "4-44-7. FIRST CLASS COUNTIES--OVER TWENTY-SEVEN
23 MILLION DOLLARS (\$27,000,000) VALUATION--SALARIES.--The
24 annual salaries of elected officers of counties of the first
25 class with an assessed valuation of over twenty-seven million

1 dollars (\$27,000,000) but under forty-five million dollars
2 (\$45,000,000) shall not exceed:

3 A. county commissioners, fourteen thousand seven
4 hundred eighty-four dollars (\$14,784) each;

5 B. treasurer, thirty-five thousand nine hundred
6 thirty-three dollars (\$35,933);

7 C. assessor, thirty-five thousand nine hundred
8 thirty-three dollars (\$35,933);

9 D. sheriff, thirty-eight thousand seven hundred
10 thirty-nine dollars (\$38,739);

11 E. county clerk, thirty-five thousand nine hundred
12 thirty-three dollars (\$35,933); and

13 F. probate judge, nine thousand five hundred
14 forty-five dollars (\$9,545)."

15 SECTION 21. Section 4-44-8 NMSA 1978 (being Laws 1957,
16 Chapter 196, Section 6, as amended) is amended to read:

17 "4-44-8. FIRST CLASS COUNTIES--UNDER TWENTY-SEVEN
18 MILLION DOLLARS (\$27,000,000) VALUATION--SALARIES.--The
19 annual salaries of elected officers of counties of the first
20 class with an assessed valuation of over fourteen million
21 dollars (\$14,000,000) but under twenty-seven million dollars
22 (\$27,000,000) shall not exceed:

23 A. county commissioners, nine thousand nine
24 hundred nineteen dollars (\$9,919) each;

25 B. treasurer, thirty thousand five hundred five

1 dollars (\$30,505);

2 C. assessor, thirty thousand five hundred five
3 dollars (\$30,505);

4 D. sheriff, thirty-eight thousand seven hundred
5 thirty-nine dollars (\$38,739);

6 E. county clerk, thirty thousand five hundred five
7 dollars (\$30,505); and

8 F. probate judge, eight thousand seven hundred
9 ninety-five dollars (\$8,795)."

10 SECTION 22. Section 4-44-36 NMSA 1978 (being Laws 1953,
11 Chapter 167, Section 1, as amended) is amended to read:

12 "4-44-36. ABOLISHMENT OF CERTAIN COUNTY OFFICES.--Any
13 county of the third, fourth or fifth class and H class
14 counties may abolish the offices of county assessor, county
15 clerk and county treasurer and transfer the powers and duties
16 of those offices to the board of county commissioners in the
17 manner prescribed in Sections 4-44-37 through 4-44-45 NMSA
18 1978."

19 SECTION 23. Section 4-44-40 NMSA 1978 (being Laws 1953,
20 Chapter 167, Section 5) is amended to read:

21 "4-44-40. ELECTION JUDGES AND CLERKS--FORM OF BALLOT.--
22 At an election held pursuant to Chapter 4, Article 44 NMSA
23 1978, there shall be three election judges and two election
24 clerks for each polling place. Ballots shall be printed and
25 furnished by the board of county commissioners, which ballots

1 shall read as follows:

2 Shall the offices of county assessor, county
3 clerk and county treasurer be abolished and the
4 powers and duties of such officers be transferred
5 to the board of county commissioners?

6 YES _____

7 NO _____."

8 SECTION 24. Section 4-44-44 NMSA 1978 (being Laws 1953,
9 Chapter 167, Section 11) is amended to read:

10 "4-44-44. PETITION FOR RESTORATION OF OFFICES--
11 ELECTION.--

12 A. Whenever any county has abolished the offices
13 of county assessor, county clerk and county treasurer and
14 transferred the powers and duties of those offices to the
15 board of county commissioners as provided in Chapter 4,
16 Article 44 NMSA 1978, a petition may be filed with the board
17 of county commissioners of that county requesting that an
18 election be held to determine whether the county offices
19 previously abolished are to be reestablished and the powers
20 and duties previously transferred to the board of county
21 commissioners are to be returned to the offices from which
22 they were transferred. The petition shall be signed by at
23 least ten percent of the registered electors of the county.

24 B. Except as provided in this subsection upon the
25 filing of the petition provided for in this section, the

1 provisions of Sections 4-44-38 through 4-44-43 NMSA 1978
2 shall be applicable. Ballots for an election to reestablish
3 county offices previously abolished and to return to those
4 offices the powers and duties previously transferred from the
5 offices shall read as follows:

6 Shall the offices of county assessor, county
7 clerk and county treasurer be reestablished and
8 the powers and duties of those offices previously
9 transferred to the board of county commissioners
10 be returned to the offices from which they were
11 transferred?

12 YES _____

13 NO _____.

14 If a majority of those voting on the above question have
15 voted "Yes", the offices shall be reestablished as of January
16 1 of the next odd-numbered year, and upon that date all
17 powers and duties previously transferred from the offices
18 shall be returned to the office from which they had been
19 previously transferred."

20 SECTION 25. Section 10-1-13 NMSA 1978 (being Laws 1967,
21 Chapter 238, Section 1) is amended to read:

22 "10-1-13. COUNTY OFFICERS--OATH--BOND.--

23 A. As used in this section, "county officer"
24 means county commissioner, county assessor, county clerk,
25 county sheriff, county treasurer, probate judge, county flood

1 commissioner and small claims court clerk.

2 B. Before assuming the duties of office, each
3 county officer shall take and subscribe the oath of office
4 prescribed by the constitution of New Mexico and give an
5 official bond payable to the state and conditioned for the
6 faithful performance of duties, during the county officer's
7 term of office and until a successor is elected or appointed
8 and is qualified, and that the county officer shall pay all
9 money received in the county officer's official capacity to
10 the person entitled to receive it. The bond shall be
11 executed by a corporate surety company authorized to do
12 business in this state. The amount of the bond required
13 shall be fixed by the board of county commissioners in a sum
14 equal to twenty percent of the public money handled by the
15 county officer during the preceding fiscal year but not to
16 exceed:

| | | |
|----|-------------------------------------|----------|
| 17 | county commissioner - - - - - | \$ 5,000 |
| 18 | county assessor - - - - - | 5,000 |
| 19 | county clerk - - - - - | 10,000 |
| 20 | county sheriff - - - - - | 20,000 |
| 21 | county treasurer - - - - - | 50,000 |
| 22 | probate judge - - - - - | 5,000 |
| 23 | county flood commissioner - - - - - | 10,000 |
| 24 | small claims court clerk - - - - - | 10,000. |

25 C. Each county officer shall appoint a deputy or

1 clerk, as allowed by law, who shall take the oath of office
2 required of the appointing county officer and shall receive
3 salary as provided by law. In case of the death of the
4 appointing county officer, the deputy shall continue in
5 office and perform the duties of the county officer until a
6 new county officer is appointed and qualified as required by
7 law.

8 D. The cost of official bonds for county officers
9 shall be paid from the county general fund, and the board of
10 county commissioners may elect to provide a schedule or
11 blanket corporate surety bond covering county officers and
12 employees for any period of time not exceeding four years.

13 E. If any county officer fails to give bond by
14 January 10 following the county officer's election or within
15 ten days of appointment, the board of county commissioners
16 shall declare the office vacant."

17 SECTION 26. Section 61-23-28 NMSA 1978 (being Laws
18 1987, Chapter 336, Section 28, as amended) is amended to
19 read:

20 "61-23-28. REFERENCE MARKS--REMOVAL OR OBLITERATION--
21 REPLACEMENT.--When it becomes necessary by reason of the
22 construction of public or private works to remove or
23 obliterate any triangulation station, benchmark, corner,
24 monument, stake, witness mark or other reference mark, it
25 shall be the duty of the person in charge of the work to

1 cause to be established by a licensed surveyor one or more
2 permanent reference marks, which shall be plainly marked as
3 witness corners or reference marks as near as practicable to
4 the original mark and to record a map, field notes or both
5 with the county clerk of the county wherein located, showing
6 clearly the position of the marks established with reference
7 to the position of the original mark. The surveys or
8 measurements made to connect the reference marks with the
9 original mark shall be of at least the same order of
10 precision as the original survey."

11 SECTION 27. Section 67-3-26 NMSA 1978 (being Laws 1917,
12 Chapter 38, Section 7, as amended) is amended to read:

13 "67-3-26. DUTIES OF SECRETARY--DISBURSEMENT OF STATE
14 ROAD FUND.--The secretary shall have charge of all records of
15 the state transportation commission; shall keep a record of
16 all proceedings and orders pertaining to the business of the
17 secretary's office and of the state transportation
18 commission; and shall keep on file copies of all plans,
19 specifications and estimates prepared by the secretary's
20 office. The secretary shall cause to be made and kept in the
21 secretary's office a general highway plan of the state. The
22 secretary shall prepare or cause to be prepared or call upon
23 the county highway superintendent to furnish a map showing
24 all of the main highways of the several counties of the state
25 and shall, under the direction of the state transportation

1 commission, select and designate the highways that should
2 comprise a system of state roads, which shall, as nearly as
3 practicable, be such as will best serve the traffic needs and
4 develop the resources of the state. Upon its adoption by the
5 state transportation commission, the system of state roads so
6 designated shall be improved as soon thereafter as
7 practicable under the provisions of Chapter 67 NMSA 1978 and
8 such other provisions as the legislature may enact therefor.
9 The system of state roads so designated may be changed or
10 added to from time to time by the secretary subject to the
11 approval of the state transportation commission. The
12 secretary shall collect information with reference to the
13 mileage, character and condition of the highways and bridges
14 in the several counties of the state and shall investigate
15 and determine the methods of road construction and
16 maintenance best adapted to the various sections of the
17 state, having due regard to topography, natural conditions,
18 the availability of road building materials, the prevailing
19 traffic conditions and the ability of the counties to meet
20 the cost of building and maintaining roads and bridges
21 therein. The secretary may, at all reasonable times, be
22 consulted by county and other officials having authority over
23 highways and bridges relative to any question affecting such
24 highways and bridges, and the secretary may in like manner
25 call on county road officials for any information or maps

1 relative to the location, character and condition of the
2 highways and bridges within their jurisdiction or control.
3 Any such official who fails to supply such information when
4 so called upon is guilty of a misdemeanor and upon conviction
5 thereof shall be subject to a fine of not less than ten
6 dollars (\$10.00) nor more than one hundred dollars (\$100).
7 The secretary shall determine the character of and have
8 supervision over the construction, repair and maintenance of
9 all state roads and bridges improved under the provisions of
10 Chapter 67 NMSA 1978 and shall prepare or approve all plans
11 and specifications and estimates therefor. The secretary
12 shall report the proceedings of the secretary's office
13 annually to the state transportation commission at such time
14 as it may designate. All money in the state road fund shall
15 be expended only upon itemized vouchers approved by the
16 secretary, filed with the department of finance and
17 administration, and warrants drawn by the secretary of
18 finance and administration upon the state treasurer."

19 SECTION 28. Section 67-5-12 NMSA 1978 (being Laws 1905,
20 Chapter 124, Section 10, as amended) is amended to read:

21 "67-5-12. LAYING OUT ROAD--ASSESSMENT FOR DAMAGES--
22 SURVEY.--The viewers shall meet at the time and place
23 specified in the warrant and commence at the place designated
24 in the petition as the starting point of the road sought to
25 be altered, widened, changed or laid out and established.

1 The viewers shall proceed to view and mark out the road by
2 setting stakes, blazing trees, turning a furrow or other
3 appropriate monuments to the terminus named in the petition
4 by the most practicable and convenient route that they in
5 their judgment can find. They shall assess the benefits and
6 damages accruing to all persons by reason of the alteration,
7 widening, changing or laying out of the road and award to any
8 person damages in excess of the benefits accruing to the
9 person a sum equal to such excess. If the viewers or a
10 majority of them are of the opinion that the road should be
11 altered, widened, changed or laid out and established, they
12 shall cause a survey and plat of the road to be made by a
13 licensed professional surveyor or other competent person
14 giving the courses and distances and specifying the land over
15 which the road extends."

16 SECTION 29. REPEAL.--Section 4-42-2 NMSA 1978 (being
17 Laws 1891, Chapter 33, Section 3, as amended) is repealed
18 effective December 31, 2012.

19 SECTION 30. EFFECTIVE DATE.--

20 A. The effective date of the provisions of
21 Sections 1, 23 and 24 of this act is July 1, 2011.

22 B. The effective date of the provisions of
23 Sections 2 through 22 and 25 through 28 of this act is
24 December 31, 2012.