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HOUSE BILL 174

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

James E. Smith and Daniel A. Ivey-Soto and Daymon Ely

AN ACT

RELATING TO ELECTIONS; ENACTING THE LOCAL ELECTION ACT;  
PROVIDING FOR A SINGLE ELECTION DAY AND UNIFORM PROCESSES FOR  
CERTAIN LOCAL GOVERNMENT ELECTIONS; PROVIDING THAT CERTAIN  
BALLOT MEASURE ELECTIONS THAT ARE HELD AT TIMES OTHER THAN WITH  
REGULAR LOCAL ELECTIONS ONLY BE CONDUCTED BY MAILED BALLOT;  
REQUIRING SPECIAL STATEWIDE BALLOT QUESTION ELECTIONS TO BE  
CONDUCTED BY MAILED BALLOT; PROHIBITING ADVISORY QUESTIONS ON  
THE BALLOT; ELIMINATING WRITE-IN CANDIDATES IN LOCAL ELECTIONS;  
MAKING AN APPROPRIATION; REPEALING THE SCHOOL ELECTION LAW, THE  
MAIL BALLOT ELECTION ACT, THE MUNICIPAL ELECTION CODE AND OTHER  
PROVISIONS OF LAW IN CONFLICT WITH THE LOCAL ELECTION ACT;  
MAKING CONFORMING AMENDMENTS TO OTHER SECTIONS OF LAW.

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

**SECTION 1.** Section 1-1-19 NMSA 1978 (being Laws 1969,

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1 Chapter 240, Section 19, as amended) is amended to read:

2 "1-1-19. ELECTIONS COVERED BY CODE.--

3 A. The Election Code applies to the following:

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

8 of representative in congress; ~~[and]~~

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

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

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

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

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

22 SECTION 2. Section 1-2-1.1 NMSA 1978 (being Laws 1979,  
23 Chapter 74, Section 3, as amended) is amended to read:

24 "1-2-1.1. ATTORNEY GENERAL REQUIRED TO ASSIST SECRETARY  
25 OF STATE--DISTRICT ATTORNEYS REQUIRED TO ASSIST SECRETARY OF

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1 STATE AND COUNTY CLERKS.--

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

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

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

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

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

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

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

9 (2) create additional precincts to meet the  
10 requirements of Section 1-3-1 NMSA 1978 or upon petition  
11 pursuant to Section 4-38-21 NMSA 1978;

12 (3) create additional polling places in  
13 existing precincts as necessary pursuant to Section 1-3-7.1  
14 NMSA 1978;

15 (4) consolidate [~~any~~] precincts for primary  
16 and general elections pursuant to Section 1-3-4 NMSA 1978;

17 (5) consolidate precincts for local elections  
18 as provided in Section 1-3-4 NMSA 1978;

19 [~~(5)~~] (6) divide any precincts as necessary to  
20 meet legal and constitutional requirements for redistricting;  
21 and

22 [~~(6)~~] (7) designate any mail ballot election  
23 precincts.

24 B. The county clerk shall notify the secretary of  
25 state in writing of any proposed changes in precincts or the

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1 designation of polling places made by the board of county  
2 commissioners and shall furnish a copy of the map showing the  
3 current geographical boundaries, designation and word  
4 description of each new polling place and each new or changed  
5 precinct.

6 C. The secretary of state shall review all new or  
7 changed precinct maps submitted pursuant to this section for  
8 compliance under the Precinct Boundary Adjustment Act. Any  
9 necessary precinct boundary adjustments shall be made and  
10 submitted to the secretary of state no later than the first  
11 Monday in December of each odd-numbered year. Upon approval of  
12 the new or changed precincts by the secretary of state, the  
13 precincts and polling places as changed by the resolution of  
14 the boards of county commissioners and approved by the  
15 secretary of state shall be the official precincts and polling  
16 places for the next succeeding local, primary and general  
17 elections."

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

20 "1-3-4. CONSOLIDATION OF PRECINCTS.--

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

- 23 (1) primary and general elections;  
24 (2) [~~statewide special~~] local elections; and  
25 [~~(3) countywide special elections; and~~]

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1                   ~~(4)~~] (3) special elections to fill vacancies  
2 in the office of United States representative.

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

6                   ~~C. Precincts may be consolidated by the local~~  
7 ~~school board for school district candidate and bond elections,~~  
8 ~~unless otherwise prohibited.~~

9                   ~~D.]~~ B. When precincts are consolidated for a local,  
10 primary ~~[and]~~ or general election, the resolution required by  
11 Section 1-3-2 NMSA 1978, in addition to the other matters  
12 required by law, shall state therein which precincts have been  
13 consolidated and the designation of the polling place. In  
14 addition, when consolidating precincts ~~[for primary and general~~  
15 ~~elections]~~:

16                   (1) any voter of the county shall be allowed  
17 to vote in any consolidated precinct polling location in the  
18 county;

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

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

25                   ~~(3)]~~ (4) each consolidated precinct shall

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1 comply with the provisions of Section 1-3-7 NMSA 1978;

2                   [~~(4)~~] (5) each consolidated precinct polling  
3 location shall have a broadband internet connection and real-  
4 time access to the statewide voter registration electronic  
5 management system;

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

11                   [~~(6)~~] (7) the board of county commissioners  
12 may permit rural precincts to be exempted from operating as or  
13 being a part of a consolidated precinct; provided that if the  
14 precinct is not designated as a mail ballot election precinct  
15 pursuant to Section 1-6-22.1 NMSA 1978 and the polling place  
16 for the rural precinct does not have real-time access to the  
17 statewide voter registration electronic management system,  
18 voters registered in a rural precinct as described in this  
19 paragraph are permitted to vote in any consolidated precinct  
20 polling location on election day only by use of a provisional  
21 paper ballot, which shall be counted after the county clerk  
22 confirms that the voter did not also vote in the rural  
23 precinct.

24                   ~~[E. When precincts are consolidated for a municipal~~  
25 ~~election, school election or special county election, the~~

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1 ~~proclamation, in addition to the other matters required by law,~~  
2 ~~shall state which precincts have been consolidated and the~~  
3 ~~designation of the polling place. Precincts consolidated for a~~  
4 ~~municipal election, school election or special county election~~  
5 ~~may allow any voter to vote in any consolidated precinct in the~~  
6 ~~county, which shall be stated in the proclamation.~~

7 F.] C. When precincts are consolidated for a  
8 [~~statewide special election or for a~~] special election to fill  
9 a vacancy in the office of United States representative, within  
10 twenty-one days after the proclamation of election is issued by  
11 the governor, the board of county commissioners shall pass a  
12 resolution that, in addition to other matters required by law,  
13 shall state which precincts have been consolidated and the  
14 designation of the polling place. Precincts consolidated for a  
15 [~~statewide special election or for a~~] special election to fill  
16 a vacancy in the office of United States representative may  
17 allow any voter to vote in any consolidated precinct in the  
18 county, which shall be stated in the resolution.

19 [G.] D. Unless the county clerk receives a written  
20 waiver from the secretary of state specifying the location and  
21 specific provision being waived, each consolidated precinct  
22 polling location shall:

23 (1) have ballots available for voters from  
24 every precinct that is [~~able to vote~~] in the consolidated  
25 precinct;

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

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

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

9 (5) have sufficient check-in stations to  
10 accommodate voters throughout the day as provided in Section  
11 1-9-5 NMSA 1978;

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

15 (7) issue a ballot to voters who have provided  
16 the required voter identification after the voter has signed a  
17 signature roster or an electronic equivalent approved by the  
18 voting system certification committee or after the voter has  
19 subscribed an application to vote on a form approved by the  
20 secretary of state; and

21 (8) be in a location that is accessible and  
22 compliant with the requirements of the federal Americans with  
23 Disabilities Act of 1990.

24 [H.] E. As a prerequisite to consolidation, the  
25 authorizing resolution must find that consolidation will make

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1 voting more convenient and accessible to voters of the  
2 consolidated precinct and [~~does~~] will not result in delays for  
3 voters in the voting process and that the consolidated precinct  
4 voting location will be centrally located within the  
5 consolidated precinct."

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

8 "1-3-7. POLLING PLACES.--

9 A. No less than one polling place shall be provided  
10 for each precinct that is not a mail ballot election precinct;  
11 provided that in a local election, a precinct that lies partly  
12 within and partly without a district may be consolidated in a  
13 polling place for that election.

14 B. The board of county commissioners shall  
15 designate as the polling place or places, as the case may be,  
16 in each precinct, other than a mail ballot election precinct,  
17 the most convenient and suitable public building or public  
18 school building in the precinct that can be obtained.

19 C. If no public building or public school building  
20 is available, the board of county commissioners shall provide  
21 some other suitable place, which shall be the most convenient  
22 and appropriate place obtainable in the precinct, considering  
23 the purpose for which it is to be used pursuant to the Election  
24 Code.

25 D. If, in a precinct that is not a mail ballot

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1 election precinct or a consolidated precinct, there is no  
2 public building or public school building available in the  
3 precinct, and there is no other suitable place obtainable in  
4 the precinct, the board of county commissioners may designate  
5 as a polling place for the precinct the most convenient and  
6 suitable building or public school building nearest to that  
7 precinct that can be obtained. No polling place shall be  
8 designated outside the boundary of the precinct as provided in  
9 this subsection until such designated polling place is approved  
10 by written order of the district court of the county in which  
11 the precinct is located.

12 E. Upon application of the board of county  
13 commissioners, the governing board of any school district shall  
14 permit the use of any school building or a part thereof for  
15 registration purposes and the conduct of any election; provided  
16 that the building or the part used for the election complies  
17 with the standards set out in the federal Voting Accessibility  
18 for the Elderly and Handicapped Act.

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

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

23 "1-6-1. ABSENT VOTER ACT--SHORT TITLE.--~~[Sections 3-6-1~~  
24 ~~through 3-6-17 NMSA 1953]~~ Chapter 1, Article 6 NMSA 1978 may be  
25 cited as the "Absent Voter Act"."

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

3           "1-6B-1. SHORT TITLE.--~~[Sections 25 through 41 of this~~  
4 ~~act]~~ Chapter 1, Article 6B NMSA 1978 may be cited as the  
5 "Uniform Military and Overseas Voters Act"."

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

8           "1-6B-2. DEFINITIONS.--As used in the Uniform Military  
9 and Overseas Voters Act:

10           A. "appropriate clerk" means ~~[a]~~ the county clerk  
11 ~~[for elections conducted pursuant to the Election Code and a~~  
12 ~~municipal clerk for elections conducted pursuant to the~~  
13 ~~Municipal Election Code]~~ of the county in which the federal  
14 qualified elector is eligible to vote;

15           B. "federal postcard application" means the  
16 application prescribed under the federal Uniformed and Overseas  
17 Citizens Absentee Voting Act;

18           C. "federal write-in absentee ballot" means the  
19 ballot approved pursuant to the federal Uniformed and Overseas  
20 Citizens Absentee Voting Act;

21           D. "military-overseas ballot" means:  
22                 (1) a federal write-in absentee ballot; or  
23                 (2) a ballot sent to a federal qualified  
24 elector by the appropriate clerk and cast in accordance with  
25 the provisions of the Uniform Military and Overseas Voters Act;

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1           E. "state" means a state of the United States, the  
2 District of Columbia, Puerto Rico, the United States Virgin  
3 Islands or any territory or insular possession subject to the  
4 jurisdiction of the United States; and

5           F. "United States", used in the territorial sense,  
6 means the several states, the District of Columbia, Puerto  
7 Rico, the United States Virgin Islands and any territory or  
8 insular possession subject to the jurisdiction of the United  
9 States."

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

12           "1-6B-3. ELECTIONS COVERED--FORM OF BALLOT AND BALLOT  
13 MATERIALS--BENEFITS OF THE UNIFORM MILITARY AND OVERSEAS VOTERS  
14 ACT.--

15           A. The procedures in the Uniform Military and  
16 Overseas Voters Act apply to elections conducted pursuant to  
17 the Election Code [~~and the Municipal Election Code~~].

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

21           C. The form of the military-overseas ballot shall  
22 be the same as the ballot provided to all other voters. The  
23 form of the military-overseas ballot materials shall be the  
24 same as the ballot materials provided to all other voters,  
25 except as required by the Uniform Military and Overseas Voters

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1 Act.

2 D. To receive the benefits of the Uniform Military  
3 and Overseas Voters Act, a federal qualified elector shall  
4 inform the appropriate clerk that the individual is a federal  
5 qualified elector. Methods of informing the appropriate clerk  
6 include:

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

9 (2) the use of an army post office, fleet post  
10 office or diplomatic post office address in the correct format  
11 as a mailing address on a certificate of registration or as a  
12 delivery address on an absentee ballot application;

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

16 (4) the inclusion on a certificate of  
17 registration or an absentee ballot application or other  
18 information sufficient to identify the voter as a federal  
19 qualified elector."

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

22 "1-6B-4. ROLE OF SECRETARY OF STATE--FEDERAL UNIFORMED  
23 AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.--

24 A. The secretary of state shall make available to  
25 federal qualified electors information regarding voter

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1 registration procedures for federal qualified electors and  
2 procedures for casting military-overseas ballots.

3 B. The secretary of state shall establish an  
4 electronic transmission system through which a federal  
5 qualified elector may apply for and receive voter registration  
6 materials, military-overseas ballots and other information  
7 pursuant to the Uniform Military and Overseas Voters Act. The  
8 secretary of state shall ensure that the electronic  
9 transmission system is capable of accepting a federal postcard  
10 application, any other approved electronic registration  
11 application and any other approved electronic military-overseas  
12 ballot application sent to a county clerk ~~[or municipal clerk]~~.

13 C. Official transmittal envelopes and official  
14 mailing envelopes for transmission of absentee ballot materials  
15 to and from federal qualified electors shall be in the same  
16 form as those used in the jurisdiction where the voter is  
17 registered except as modified to comply with the Uniform  
18 Military and Overseas Voters Act or federal law. The secretary  
19 of state may, to the extent reasonably possible, coordinate  
20 with other states to develop standardized absentee-voting  
21 materials, including privacy and transmission envelopes and  
22 their electronic equivalents, authentication materials and  
23 voting instructions, to be used with the military-overseas  
24 ballot of a voter authorized to vote in any jurisdiction in  
25 this state.

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1           D. The secretary of state shall prescribe the form  
2 and content of a declaration for use by a federal qualified  
3 elector to swear or affirm specific representations pertaining  
4 to the voter's identity, eligibility to vote, status as a  
5 federal qualified elector and timely and proper completion of a  
6 military-overseas ballot. The declaration shall be based on  
7 the declaration prescribed to accompany a federal write-in  
8 absentee ballot, as modified to be consistent with the Uniform  
9 Military and Overseas Voters Act. The secretary of state shall  
10 ensure that a form for the execution of the declaration,  
11 including an indication of the date of execution of the  
12 declaration, is a prominent part of all balloting materials for  
13 which the declaration is required.

14           E. The secretary of state shall prescribe to the  
15 appropriate clerk the form of and distribute to each county  
16 clerk a supply of:

17                   (1) official inner envelopes for use in  
18 sealing the completed absentee ballot;

19                   (2) official mailing envelopes for use in  
20 returning the official inner envelope to the appropriate clerk;  
21 provided that only the official mailing envelope for absentee  
22 ballots in a primary election shall contain a designation of  
23 party affiliation;

24                   (3) absentee ballot instructions describing  
25 the proper methods for completion and return of the ballot,

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1 including instructions for those federal qualified electors  
2 returning a ballot electronically;

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

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

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

9 "1-6B-6. METHODS OF APPLYING FOR MILITARY-OVERSEAS  
10 BALLOT--TIMELINESS--SCOPE OF APPLICATION FOR MILITARY-OVERSEAS  
11 BALLOT.--

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

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

19 (2) using the federal postcard application or  
20 the application's electronic equivalent; or

21 (3) using the declaration accompanying a  
22 federal write-in absentee ballot as an application for a  
23 military-overseas ballot simultaneously with the submission of  
24 the federal write-in absentee ballot.

25 B. A federal qualified elector who is not currently

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1 registered to vote in this state may, by the deadline in the  
2 Election Code for registering to vote, simultaneously register  
3 to vote and apply for a military-overseas ballot by using a  
4 federal postcard application or the application's electronic  
5 equivalent.

6 C. An application for a military-overseas ballot  
7 for a primary election, whether or not timely, is effective as  
8 an automatic application for a military-overseas ballot for the  
9 general election.

10 D. An application for a military-overseas ballot is  
11 effective as an automatic application for a military-overseas  
12 ballot for a runoff election necessary to conclude the election  
13 for which the application was submitted."

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

16 "1-6B-7. TRANSMISSION OF UNVOTED MILITARY-OVERSEAS  
17 BALLOTS TO FEDERAL QUALIFIED ELECTORS.--

18 A. Not later than forty-five days before an  
19 election, even if the forty-fifth day before an election falls  
20 on a weekend or a holiday, the appropriate clerk shall transmit  
21 a ballot and balloting materials to all federal qualified  
22 electors who by that date submit a valid military-overseas  
23 ballot application.

24 B. The appropriate clerk shall transmit a ballot  
25 and balloting materials as soon as practicable when the ballot

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1 application from a federal qualified elector arrives after the  
2 forty-fifth day before the election and before absentee ballots  
3 are transmitted to other voters pursuant to the Absent Voter  
4 Act [~~or the provisions of the Municipal Election Code~~].

5 C. The appropriate clerk shall transmit a ballot  
6 and balloting materials in accordance with the procedures for  
7 processing of all other absentee ballot applications for that  
8 jurisdiction when the ballot application from a federal  
9 qualified elector arrives after the appropriate clerk has begun  
10 transmitting ballots and balloting materials to other voters.

11 D. A federal qualified elector may request that the  
12 ballot and balloting materials be sent by facsimile  
13 transmission, electronic mail delivery or other equivalent  
14 electronic transmission available to the appropriate clerk  
15 where the ballot and balloting materials are sent directly by  
16 the clerk to the federal qualified elector. The clerk shall  
17 transmit the ballot and balloting materials using the means of  
18 transmission requested by the federal qualified elector. The  
19 clerk shall determine the most reasonable expedited means of  
20 delivery for a ballot and balloting materials for a federal  
21 qualified elector who does not request a particular means of  
22 transmission."

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

25 "1-12-71. RESTRICTION ON SPECIAL LOCAL GOVERNMENT

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1 ELECTIONS.--No [~~municipal, school~~] county [~~or~~] election,  
2 special district election or special local election shall be  
3 held within fifty days prior to or following any statewide  
4 election. This section does not prohibit a local government  
5 ballot question authorized by the board of county commissioners  
6 from appearing on the general election ballot or regular local  
7 election ballot. As used in this section, "statewide election"  
8 means a primary, general or special statewide election or a  
9 regular local election as provided in the Local Election Act."

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

12 "1-14-14. RECOUNTS--RECHECKS--APPLICATION.--

13 A. Whenever any candidate [~~for any office for which~~  
14 ~~the state canvassing board or county canvassing board issues a~~  
15 ~~certificate of nomination or election]~~ believes that any error  
16 or fraud has been committed by any precinct board in counting  
17 or tallying the ballots, in the verification of the votes cast  
18 on the voting machines or in the certifying of the results of  
19 any election whereby the results of the election in the  
20 precinct have not been correctly determined, declared or  
21 certified, the candidate, within six days after completion of  
22 the canvass by the proper canvassing board, may have a recount  
23 of the ballots, or a recheck of the votes shown on the voting  
24 machines, that were cast in the precinct.

25 B. In the case of any office for which the state

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1 canvassing board issues a certificate of nomination or  
2 election, application for recount or recheck shall be filed  
3 with the secretary of state.

4 C. In the case of any office for which the county  
5 canvassing board or secretary of state issues a certificate of  
6 nomination or election, application for recount or recheck  
7 shall be filed with the district judge for the county in which  
8 the applicant resides."

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

11 "1-16-8. OTHER QUESTIONS.--

12 A. The form for ballots on questions other than  
13 proposed constitutional amendments to be submitted to the  
14 voters of the entire state shall be prescribed by the secretary  
15 of state. The form for ballots on those questions not  
16 statewide in application to be submitted to the voters of [~~the~~]  
17 a county or local government shall be furnished by the county  
18 clerk, and a copy of the resolution proposing [~~such~~] the  
19 question shall be sent by the county clerk to the secretary of  
20 state not less than [~~thirty~~] seventy days prior to the  
21 election. In each case, the ballots shall conform as nearly as  
22 practicable to the form required for ballots on proposed  
23 constitutional amendments.

24 B. The form for ballots shall include the full  
25 title of the question to be submitted to the voters, and the

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1 county clerk or local government may provide an analysis of the  
2 question on the ballot.

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

6 SECTION 16. Section 1-22-1 NMSA 1978 (being Laws 1985,  
7 Chapter 168, Section 3) is repealed and a new Section 1-22-1  
8 NMSA 1978 is enacted to read:

9 "1-22-1. [NEW MATERIAL] SHORT TITLE.--Chapter 1, Article  
10 22 NMSA 1978 may be cited as the "Local Election Act"."

11 SECTION 17. Section 1-22-2 NMSA 1978 (being Laws 1985,  
12 Chapter 168, Section 4, as amended) is repealed and a new  
13 Section 1-22-2 NMSA 1978 is enacted to read:

14 "1-22-2. [NEW MATERIAL] DEFINITIONS.--As used in the  
15 Local Election Act:

16 A. "local election" means a local government  
17 election;

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

20 C. "local government" means a school district, a  
21 special hospital district, a community college district, a  
22 technical and vocational institute district, a learning center  
23 district, an arroyo flood control district, a special zoning  
24 district, a soil and water conservation district, a water and  
25 sanitation district and a municipality, including a home rule

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1 municipality governed pursuant to Article 10, Section 6 of the  
2 constitution of New Mexico and a municipality operating  
3 pursuant to a territorial charter; and

4 D. "proper filing officer" means the clerk of the  
5 county in which the candidate resides."

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

9 "1-22-3. [NEW MATERIAL] REGULAR LOCAL ELECTIONS--SPECIAL  
10 LOCAL ELECTIONS--BALLOT QUESTIONS--QUALIFICATIONS OF  
11 CANDIDATES.--

12 A. A regular local election shall be held on the  
13 first Tuesday after the first Monday in October of each odd-  
14 numbered year.

15 B. A local election shall be held to elect  
16 qualified persons to membership on a local governing body and,  
17 where applicable, to municipal executive office and to  
18 municipal judicial office. No person shall become a candidate  
19 in a local election unless the person's record of voter  
20 registration shows that the person is a qualified elector of  
21 the state, physically resides in the district in which the  
22 person is a candidate and was registered to vote in the  
23 district on the date the proclamation calling a local election  
24 is filed in the office of the secretary of state.

25 C. In addition to candidates in the election, a

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1 regular local election ballot may contain ballot questions  
2 proposed by the state, county or local government. An election  
3 on a ballot question held at any time other than the date for a  
4 regular local election shall be held with the general election  
5 or shall be a special local election called, conducted and  
6 canvassed as provided in Chapter 1, Article 24 NMSA 1978.

7 D. Except as otherwise provided in the Local  
8 Election Act, local elections shall be called, conducted and  
9 canvassed as provided in the Election Code."

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

13 "1-22-4. [NEW MATERIAL] REGULAR LOCAL ELECTION--  
14 PROCLAMATION--PUBLICATION.--

15 A. The secretary of state shall by resolution issue  
16 a public proclamation in Spanish and English calling a regular  
17 local election on the date prescribed by the Local Election  
18 Act. The proclamation shall be filed by the secretary of state  
19 in the office of the secretary of state ninety days preceding  
20 the date of the election.

21 B. Between one hundred twenty and one hundred fifty  
22 days before the next local election, each local government  
23 shall notify the secretary of state of all local government  
24 positions that are to be filled at that election.

25 C. The proclamation shall specify the:

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- 1 (1) date when the election will be held;
- 2 (2) positions on each local governing body to
- 3 be filled;
- 4 (3) executive and judicial positions to be
- 5 filled; and
- 6 (4) date on which declarations of candidacy
- 7 are to be filed.

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

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

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1 election is to be held and the location of each polling place;  
2 (6) location of each alternate voting location  
3 for early voting;  
4 (7) hours each polling place and alternate  
5 voting location will be open; and  
6 (8) date and time of the closing of the  
7 registration books by the county as required by law."

8 SECTION 20. Section 1-22-6 NMSA 1978 (being Laws 1985,  
9 Chapter 168, Section 8, as amended) is repealed and a new  
10 Section 1-22-6 NMSA 1978 is enacted to read:

11 "1-22-6. [NEW MATERIAL] PRECINCTS.--The same precincts  
12 that were used in the immediately preceding general election  
13 shall be used in a local election; provided that if a precinct  
14 lies partly within and partly without a district, the part of  
15 the precinct lying within the district constitutes a precinct  
16 part in the local election."

17 SECTION 21. Section 1-22-7 NMSA 1978 (being Laws 1985,  
18 Chapter 168, Section 9, as amended) is repealed and a new  
19 Section 1-22-7 NMSA 1978 is enacted to read:

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

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

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

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

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

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

12 "1-22-8. [NEW MATERIAL] DECLARATION OF CANDIDACY--SWORN  
13 STATEMENT OF INTENT--FORM.--In making a declaration of  
14 candidacy, the candidate shall submit a sworn statement of  
15 intent in substantially the following form:

16 "DECLARATION OF CANDIDACY--STATEMENT OF INTENT

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

21 \_\_\_\_\_  
22 and was registered to vote at that place on the date of the  
23 proclamation calling this election;

24 I reside within and am registered to vote in the area to  
25 be represented;

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1 I desire to become a candidate for the office of  
2 \_\_\_\_\_ at the local election to be held on the date  
3 set by law;

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

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

9 \_\_\_\_\_  
10 (Declarant)

11 \_\_\_\_\_  
12 (Mailing Address)

13 \_\_\_\_\_  
14 (Residence Address)

15 Subscribed and sworn to before me this \_\_\_\_\_ day of  
16 \_\_\_\_\_, 20 \_\_\_\_\_.

17 \_\_\_\_\_  
18 (Notary Public)

19 My commission expires:  
20 \_\_\_\_\_".

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

24 "1-22-9. [NEW MATERIAL] WITHDRAWAL OF CANDIDATES.--A  
25 candidate seeking to withdraw from a local election shall

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1 withdraw no later than the sixty-third day before that election  
2 by filing a signed and notarized statement of withdrawal with  
3 the proper filing officer."

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

7 "1-22-10. [NEW MATERIAL] BALLOTS.--

8 A. The proper filing officer shall determine  
9 whether a candidate filing a declaration of candidacy is  
10 registered to vote within the local election district and, if  
11 required for the office being sought, whether the candidate's  
12 nominating petition for that office has been filed. If the  
13 candidate is so qualified and no withdrawal of candidacy has  
14 been filed as provided in the Local Election Act, the proper  
15 filing officer shall place the candidate's name on the ballot  
16 for the position specified in the declaration of candidacy and  
17 notify each candidate in writing no later than 5:00 p.m. on the  
18 sixty-third day before the local election. A declaration of  
19 candidacy shall not be amended after it has been filed with the  
20 proper filing officer.

21 B. Ballots for the local election shall be prepared  
22 by the proper filing officer and printed in accordance with the  
23 provisions of Section 1-10-5 NMSA 1978. The printed ballot  
24 shall contain the name of each person who is a candidate and  
25 the position for which the person is a candidate. The ballot

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1 shall also contain all questions to be submitted to the voters  
2 as certified to the county clerk in each county in which the  
3 local government is situate by the local governing body and  
4 shall conform to the requirements of Section 1-16-8 NMSA 1978.

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

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

15 E. Whenever two or more members of a local  
16 governing body are to be elected at large for terms of the same  
17 length of time, the secretary of state shall numerically  
18 designate the positions on the ballot as "position one",  
19 "position two" and such additional consecutively numbered  
20 positions as are necessary, but only one member shall be  
21 elected for each position."

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

24 "1-22-10.1. [NEW MATERIAL] BALLOT ORDER.--

25 A. The Local Election Act ballot shall list offices

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1 in the following order, when applicable:

2 (1) municipal elections, with executive  
3 officers listed first, governing board members listed second  
4 and judicial officers listed third;

5 (2) school board elections;

6 (3) community college elections;

7 (4) special district elections listed in order  
8 by voting population of each special district, with the most  
9 populous listed first and the least populous listed last; and

10 (5) in the order prescribed by the secretary  
11 of state:

12 (a) county questions;

13 (b) local government questions; and

14 (c) other ballot questions authorized by  
15 law.

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

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

4           "1-22-11. [NEW MATERIAL] PUBLICATION.--Each county clerk  
5 shall issue and publish the proclamation listing the name of  
6 each local government that has a candidate or question  
7 appearing on the ballot in that county; the name of each  
8 candidate for membership on each local governing body; the name  
9 of each candidate for executive or judicial office; each  
10 question to be submitted to the voters; and the names of the  
11 precinct board members for the election. The publication shall  
12 be made once each week for two successive weeks, with the last  
13 publication being made within twelve days but not later than  
14 five days before the date of the local election. The names of  
15 the candidates shall be published in the same order and for the  
16 same positions as will appear on the ballot. The publication  
17 shall be in a newspaper of general circulation in the county  
18 and shall conform to the provisions of the federal Voting  
19 Rights Act of 1965, as amended."

20           **SECTION 27.** Section 1-22-12 NMSA 1978 (being Laws 1985,  
21 Chapter 168, Section 14, as amended) is repealed and a new  
22 Section 1-22-12 NMSA 1978 is enacted to read:

23           "1-22-12. [NEW MATERIAL] CONDUCT OF ELECTIONS.--Except  
24 as otherwise provided in the Local Election Act, the county  
25 clerk shall administer and conduct local elections pursuant to

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1 the provisions of the Election Code for the conduct of general  
2 elections."

3 SECTION 28. Section 1-22-13 NMSA 1978 (being Laws 1985,  
4 Chapter 168, Section 15) is repealed and a new Section 1-22-13  
5 NMSA 1978 is enacted to read:

6 "1-22-13. [NEW MATERIAL] CHALLENGERS.--Upon written  
7 notice filed with the county clerk no later than seven days  
8 before the election, any candidate in a local election may  
9 appoint one person as challenger for each precinct in the local  
10 election who shall have the powers and be subject to the  
11 restrictions provided for challengers in the Election Code."

12 SECTION 29. Section 1-22-15 NMSA 1978 (being Laws 1985,  
13 Chapter 168, Section 17, as amended by Laws 1987, Chapter 249,  
14 Section 49 and also by Laws 1987, Chapter 338, Section 3) is  
15 repealed and a new Section 1-22-15 NMSA 1978 is enacted to  
16 read:

17 "1-22-15. [NEW MATERIAL] CANVASSING BOARD--DUTIES.--

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

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

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

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1 (2) issue a certificate of canvass of the  
2 results of the election and send one copy of the certified  
3 results to:

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

6 (b) the secretary of state; and

7 (c) the county clerk.

8 C. In the event of a tie vote between any  
9 candidates in the election for the same office, the  
10 determination as to which of the candidates shall be declared  
11 to have been elected shall be decided by lot. The method of  
12 determining by lot shall be agreed upon by a majority of a  
13 committee consisting of the tied candidates and the county  
14 clerk and district judge of the county in which the  
15 administrative office of the local government is situate. The  
16 secretary of state shall issue the certificate of election to  
17 the candidate chosen by lot.

18 D. If a runoff election is required in a municipal  
19 election, the canvassing board shall notify the relevant  
20 municipality within ten days following the local election.

21 E. Except in the case of a runoff election, on the  
22 twenty-first day following the election, the secretary of state  
23 shall issue a certificate of election to each candidate who  
24 received the most votes for each position on the ballot and  
25 shall certify the passage or defeat of each ballot question."

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1           **SECTION 30.** Section 1-22-16 NMSA 1978 (being Laws 1985,  
2 Chapter 168, Section 18) is repealed and a new Section 1-22-16  
3 NMSA 1978 is enacted to read:

4           "1-22-16. [NEW MATERIAL] MUNICIPAL RUNOFF ELECTIONS.--If  
5 a municipality that provides for runoff elections is notified  
6 by the county canvassing board that a runoff election is  
7 required following a local election, the runoff election shall  
8 be called, conducted and canvassed in accordance with the  
9 provisions of the municipality's ordinance or charter; provided  
10 that:

11           A. the county clerk shall perform the duties of the  
12 municipal clerk regarding administration of the election;

13           B. the canvassing board for the canvass of the  
14 election shall be composed of the board of county  
15 commissioners; and

16           C. the election shall be held on the first Tuesday  
17 after the first Monday of the month following the local  
18 election."

19           **SECTION 31.** Section 1-22-17 NMSA 1978 (being Laws 1985,  
20 Chapter 168, Section 19, as amended) is repealed and a new  
21 Section 1-22-17 NMSA 1978 is enacted to read:

22           "1-22-17. [NEW MATERIAL] RECORDS.--The returns and  
23 certificates of the result of the canvass are public documents,  
24 subject to inspection and retention as provided by Section  
25 1-12-69 NMSA 1978. The certificate of results of the canvass

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1 of the election shall, thirty days after the election or  
2 recount or immediately after any contest has been settled by  
3 the court, be preserved as a permanent record in the state  
4 records center. A copy of the certificate of results of the  
5 canvass of the election shall be preserved as a permanent  
6 record in the office of the county clerk."

7 SECTION 32. Section 1-22-18 NMSA 1978 (being Laws 1985,  
8 Chapter 168, Section 20, as amended) is repealed and a new  
9 Section 1-22-18 NMSA 1978 is enacted to read:

10 "1-22-18. [NEW MATERIAL] LOCAL ELECTION--DATE TERM OF  
11 OFFICE BEGINS.--The term of office of a candidate elected in a  
12 local election or ensuing runoff election shall begin on  
13 December 1 following the candidate's election, and the  
14 candidate shall take the oath of office on or after December 1  
15 following election."

16 SECTION 33. Section 1-22-19 NMSA 1978 (being Laws 1985,  
17 Chapter 168, Section 21, as amended) is repealed and a new  
18 Section 1-22-19 NMSA 1978 is enacted to read:

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

21 A. The provisions of the Absent Voter Act and  
22 Uniform Military and Overseas Voter Act apply to absentee  
23 voting in local elections.

24 B. Early voting shall be conducted in each office  
25 of the county clerk and at such alternate voting locations as

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1 may be established by the county clerk pursuant to the  
2 provisions of Section 1-6-5.7 NMSA 1978."

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

5 "[NEW MATERIAL] COSTS OF ELECTIONS--LOCAL ELECTION  
6 ASSESSMENT--LOCAL ELECTION FUND ESTABLISHED.--

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

9 (1) reimbursing the counties for the costs of  
10 conducting and administering regular local elections required  
11 by the Local Election Act;

12 (2) paying the administrative costs of the  
13 office of the secretary of state of administering elections  
14 required by the Local Election Act; and

15 (3) carrying out all other specified  
16 provisions of the Local Election Act.

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

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

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

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1 (2) money appropriated to the fund by the  
2 legislature.

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

12 E. In the event that current year balances in the  
13 local election fund do not cover the costs of local elections,  
14 the secretary of state may apply to the state board of finance  
15 for an emergency grant to cover those costs pursuant to Section  
16 6-1-2 NMSA 1978.

17 F. Each local government subject to the Local  
18 Election Act shall be assessed by the secretary of state  
19 annually the greater of two hundred fifty dollars (\$250) or an  
20 amount equal to twenty-five thousandths percent of the local  
21 government's general operating expenses to be paid to the  
22 secretary of state for deposit into the local election fund for  
23 the purpose of paying the costs of regular local elections;  
24 provided that a municipality that requires runoff elections  
25 shall be assessed an additional ten-thousandths percent of the

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1 municipality's general operating expenses."

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

4 "1-22A-2. DEFINITIONS.--As used in the School District  
5 Campaign Reporting Act:

6 A. "campaign committee" means one or more persons  
7 authorized by a candidate to raise, collect or expend  
8 contributions on the candidate's behalf for the purpose of  
9 electing the candidate to office;

10 B. "candidate" means a person who seeks or  
11 considers an office in an election covered by the School  
12 District Campaign Reporting Act and who either has filed a  
13 declaration of candidacy or has received contributions or made  
14 expenditures of five hundred dollars (\$500) or more or  
15 authorized another person or campaign committee to receive  
16 contributions or make expenditures of five hundred dollars  
17 (\$500) or more for the purpose of seeking election to a covered  
18 office;

19 C. "contribution" means a gift, subscription, loan,  
20 advance or deposit of money or other thing of value, including  
21 the estimated value of an in-kind contribution, that is made or  
22 received for a political purpose, including payment of a debt  
23 incurred in an election campaign; but "contribution" does not  
24 include the value of services provided without compensation or  
25 unreimbursed travel or other personal expenses of individuals

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1 who volunteer a portion or all of their time on behalf of a  
2 candidate or campaign committee;

3 D. "covered office" means the position of board of  
4 education member of a school district that has an enrollment of  
5 twelve thousand students or more or the position of board  
6 member of a community college organized or operating pursuant  
7 to the provisions of Chapter 21, Article 13 or Article 16 NMSA  
8 1978;

9 E. "election cycle" means the period beginning  
10 thirty days after an election for an office and ending ~~on~~  
11 thirty days following the subsequent election day for that  
12 office;

13 F. "expenditure" means a payment, transfer or  
14 distribution or obligation or promise to pay, transfer or  
15 distribute any money or other thing of value for a political  
16 purpose, including payment of a debt incurred in an election  
17 campaign;

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

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

22 I. "reporting individual" means a candidate or  
23 treasurer of a campaign committee."

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

.204553.6



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

2 A. A candidate or campaign committee that has  
3 received contributions or made expenditures of five hundred  
4 dollars (\$500) or more shall file with the secretary of state a  
5 report of all contributions received and expenditures made on a  
6 prescribed form, and the report shall be filed in the same or  
7 similar electronic system as that used for the Campaign  
8 Reporting Act. Except as otherwise provided in this section,  
9 all reports pursuant to the School District Campaign Reporting  
10 Act shall be filed electronically and electronically  
11 authenticated by the candidate using an electronic signature in  
12 conformance with the Electronic Authentication of Documents Act  
13 and the Uniform Electronic Transactions Act.

14 B. A candidate or campaign committee shall file a  
15 campaign report of all contributions received and expenditures  
16 made during an election cycle and not previously reported by  
17 midnight on the [~~second Monday in April~~] twenty-first day  
18 before the election and thirty days following the election.

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

22 D. If a candidate or campaign committee has not  
23 received any contributions and has not made any expenditures  
24 since the last report filed with the secretary of state, the  
25 candidate or campaign committee shall only be required to file

.204553.6

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1 a statement of no activity, which shall not be required to be  
2 notarized, in lieu of a full report when that report would  
3 otherwise be due.

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

7 F. Except for candidates and campaign committees  
8 that file a statement of no activity, each candidate or  
9 campaign committee shall file a report of expenditures and  
10 contributions pursuant to the filing schedules set forth in  
11 this section, regardless of whether any expenditures were made  
12 or contributions were received during the reporting period.  
13 Reports shall be required until the candidate or campaign  
14 committee delivers a report to the secretary of state stating  
15 that:

16 (1) there are no outstanding campaign debts;

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

20 (3) the bank account for campaign funds  
21 maintained by the candidate or campaign committee has been  
22 closed.

23 G. A candidate who does not ultimately file a  
24 declaration of candidacy and does not file a statement of no  
25 activity shall file reports in accordance with Subsection B of  
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1 this section.

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

5 SECTION 37. Section 1-24-2 NMSA 1978 (being Laws 1989,  
6 Chapter 295, Section 2, as amended) is amended to read:

7 "1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--  
8 PUBLICATION.--

9 A. Whenever a local government or special district  
10 special election is to be called or is required by law, the  
11 governing body shall by resolution issue a public proclamation  
12 calling the election. The proclamation shall forthwith be  
13 filed with the county clerk. The proclamation shall specify:

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

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

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

21 ~~(4)]~~ (3) if a question is to be voted upon,  
22 the text of that question;

23 (4) the date and time of closing the  
24 registration books by the county clerk as required by law; and

25 (5) in elections not subject to the Local

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1 Election Act:

2 (a) the precincts in each county in  
3 which the election is to be held and the location of each  
4 polling place in the precinct; and

5 [~~(6)~~] (b) the hours that each polling  
6 place will be open [~~and~~

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

9 B. After filing with the county clerk the  
10 proclamation issued pursuant to Subsection A of this section,  
11 and not less than [~~fifty-six~~] sixty-three days before the date  
12 of the election, the governing body shall publish the  
13 proclamation once each week for two consecutive weeks in a  
14 newspaper of general circulation within the boundaries of the  
15 local government or special district. The proclamation shall  
16 conform to the requirements of the federal Voting Rights Act of  
17 1965, as amended.

18 C. Whenever a statewide special election is to be  
19 called or is required by law, the governor shall by resolution  
20 issue a public proclamation calling the election. Whenever an  
21 election to fill a vacancy in the office of United States  
22 representative is to be called or is required by law, the  
23 governor shall by resolution issue a public proclamation  
24 calling the election pursuant to the requirements of Section  
25 1-15-18.1 NMSA 1978. The proclamation shall forthwith be filed

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1 with the secretary of state. The proclamation shall specify:

2 (1) the date on which the special election  
3 will be held;

4 (2) the purpose for which the special election  
5 is called;

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

9 (4) if a question is to be voted upon, the  
10 text of that question; and

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

13 D. After the proclamation issued pursuant to  
14 Subsection C of this section is filed with the secretary of  
15 state, the secretary of state shall within five days certify  
16 the proclamation to each county clerk in the state. Not less  
17 than ~~[fifty-six]~~ sixty-three days before the date of the  
18 election, the county clerk shall publish the proclamation once  
19 each week for two consecutive weeks in a newspaper of general  
20 circulation ~~[which shall include the precincts in the county in  
21 which the election is to be held and the location of each  
22 polling place in the precinct and the hours that each polling  
23 place will be open].~~

24 E. For an election called pursuant to Subsection F  
25 of Section 1-15-18.1 NMSA 1978, the proclamation shall be

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1 published consistent with this subsection not less than  
2 thirty-six days before the date of the election and shall  
3 include the precincts in the county in which the election is to  
4 be held and the location of each polling place in the precinct  
5 and the hours that each polling place will be open. The  
6 proclamation shall conform to the requirements of the federal  
7 Voting Rights Act of 1965, as amended."

8 SECTION 38. Section 1-24-3 NMSA 1978 (being Laws 1989,  
9 Chapter 295, Section 3) is amended to read:

10 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--~~[Special~~  
11 ~~elections shall be conducted and canvassed in the same manner~~  
12 ~~that regular elections are conducted in the local government or~~  
13 ~~special district; provided, the governing body may, as set~~  
14 ~~forth in the proclamation, consolidate precincts. A polling~~  
15 ~~place shall be provided within each of the consolidated~~  
16 ~~precincts.]~~

17 A. The state shall conduct by mailed ballot any  
18 statewide special election as provided by law.

19 B. Unless the election is held concurrently with a  
20 general election or regular local election, a local government,  
21 county or special district, by resolution of its governing  
22 body, shall conduct any special election by mailed ballot.

23 C. Upon the calling of an election by a mailed  
24 ballot, each voter of the relevant jurisdiction shall be mailed  
25 an absentee ballot along with a statement that there will be no

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1 polling place for the election. The voter shall not be  
2 required to file an application for the absentee ballot. The  
3 ballot shall be mailed to each voter no earlier than the  
4 twenty-first day prior to the election, and the mailing shall  
5 be completed by the fourteenth day before the election. The  
6 return envelope for the ballot shall be postage-paid.

7 D. Mailed ballot elections shall be used  
8 exclusively for voting in special elections on a ballot  
9 question, including a recall election, and shall not be used in  
10 connection with elections at which candidates are to be  
11 nominated for or elected to office.

12 E. The state shall pay all costs of a statewide  
13 special election. A local government shall reimburse the  
14 county for all costs associated with the conduct of the local  
15 government's special election."

16 SECTION 39. A new section of Chapter 1, Article 24 NMSA  
17 1978 is enacted to read:

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

20 A. The costs of conducting a special election shall  
21 be paid for by the state, local government or special district  
22 calling for the election.

23 B. No individual, corporation, person, political  
24 action committee or other nongovernmental entity shall pay for  
25 or reimburse the state, a local government or a special

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1 district for the costs associated with conducting a special  
2 election.

3 C. Upon a finding of a violation of this section,  
4 the district court shall nullify the votes cast in the special  
5 election and shall void the result of the special election."

6 SECTION 40. Section 3-1-5 NMSA 1978 (being Laws 1985,  
7 Chapter 208, Section 2, as amended) is amended to read:

8 "3-1-5. PETITIONS--EXAMINATIONS OF SIGNATURES--  
9 PURGING--JUDICIAL REVIEW.--

10 A. All petitions, filing of petitions, verification  
11 of petitions and all other acts to be performed by petitioners,  
12 public officers or employees, regarding only those petitions  
13 that trigger a municipal special or regular election as  
14 authorized in the Municipal Code or otherwise authorized by  
15 law, shall comply with the terms of this section, except as  
16 otherwise expressly provided by law.

17 B. Each page or group of pages of a petition shall  
18 be accepted for filing by a municipal clerk, a county clerk, a  
19 governing body or a board of county commissioners only if:

20 (1) the municipal clerk has approved the form  
21 of petitions to be filed with the municipality prior to  
22 circulation of the petition; or

23 (2) the county clerk has approved the form of  
24 petitions to be filed with the county prior to circulation of  
25 the petition; and

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

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

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

9 (2) a heading that clearly conveys the purpose  
10 for signing the petition if no particular form of heading is  
11 required by law;

12 (3) a place for the person signing the  
13 petition to write the date and the person's name (printed),  
14 address and signature, unless other requirements are mandated  
15 by law, and then the petition shall comply with those  
16 requirements; and

17 (4) a statement that any person knowingly  
18 providing or causing to be provided any false information on a  
19 petition, forging a signature or signing a petition when that  
20 person knows that person is not a qualified elector in the  
21 municipality is guilty of a fourth degree felony.

22 D. The requirements of Subsection B of this section  
23 shall be deemed complied with if an original form of petition  
24 is submitted to a municipal or county clerk for approval prior  
25 to circulation and after approval by the clerk that the

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1 original form is reproduced by photocopying or other similar  
2 means so that the form and clerk's approval are unchanged from  
3 the original and are legible on each page of the petition to be  
4 filed.

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

18 F. Upon approval of a proposed petition as to form,  
19 the municipal clerk shall notify the county clerk of the  
20 approval, and the county clerk shall furnish a current voter  
21 registration list of qualified electors entitled to vote in  
22 municipal elections to the municipal clerk within fourteen days  
23 of the notification.

24 G. When a petition is filed with a municipal clerk,  
25 a county clerk, a governing body or a board of county

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1 commissioners, the governing body or board of county  
2 commissioners shall either certify the petition as valid or  
3 order an examination of the petition and the names, addresses  
4 and signatures on the petition.

5 H. When an examination of the petition and the  
6 names, addresses and signatures on the petition is ordered, the  
7 municipal clerk, county clerk, governing body or board of  
8 county commissioners shall:

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

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

16 (3) examine the petition and the names,  
17 addresses and signatures on the petition, purge from the  
18 petition the signature of any person who is not shown as a  
19 qualified elector of the municipality on the list of registered  
20 voters provided by the county clerk, purge any signature that  
21 is a forgery or that is illegible, purge any signature that  
22 appears more than once or that cannot be matched to the name,  
23 address and signature as shown on the voter registration lists  
24 and the original affidavit of registration, purge the signature  
25 of any person who has not signed within the time limits set by

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1 law and purge the signature of any person who does not meet the  
2 qualifications for signing the petition as prescribed by law;  
3 and

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

9 I. Nothing in this section shall preclude a person  
10 with a disability or an illiterate person from causing another  
11 person to sign a petition on a person with a disability's or an  
12 illiterate person's behalf, so long as the person signing for  
13 the person with a disability or illiterate person executes an  
14 affidavit acknowledged before a notary public that the person  
15 is authorized to sign the petition for the person with a  
16 disability or illiterate person. In order for the signature on  
17 behalf of the person with a disability or illiterate person to  
18 be counted and not purged, the original affidavit shall be  
19 submitted along with the petition containing the signature on  
20 behalf of the illiterate person or person with a disability.

21 J. If the petition is certified as valid pursuant  
22 to Subsection G of this section or is certified as containing  
23 in excess of the minimum number of valid names, addresses and  
24 signatures mandated by law, then such certification shall be  
25 recorded as part of the minutes at the next meeting of the

.204553.6

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1 governing body or the board of county commissioners.

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

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

10 (2) determine the total number of people  
11 signing the petition, the number purged, the number that were  
12 not purged and the minimum number of valid names, addresses and  
13 signatures required by law for such a petition and post this  
14 information along with and at the same time as the posting  
15 required in Paragraph (1) of this subsection;

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

20 (4) cause the information compiled pursuant to  
21 Paragraphs (1) and (2) of this subsection and the date and  
22 place of publication pursuant to Paragraph (3) of this  
23 subsection to be recorded as part of the minutes at the next  
24 meeting of the governing body or the board of county  
25 commissioners after publication has occurred.

.204553.6

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1           L. The following rules shall govern reinstatement  
2 of purged signatures:

3                   (1) within ten days after the petition is  
4 certified as containing less than the minimum number of valid  
5 names, addresses and signatures mandated by law, any person  
6 whose signature has been purged from a petition may present  
7 evidence to the clerk to show that the person's signature has  
8 been wrongfully purged;

9                   (2) if the clerk fails to reinstate that  
10 person's signature within three days of demand, then that  
11 person may, within ten days of the clerk's refusal to  
12 reinstate, petition the district court for an order to  
13 reinstate the person's signature on the petition. Upon a prima  
14 facie showing by the petitioner of the right to have that  
15 person's signature included upon the petition, the district  
16 court shall issue an order to the municipal clerk, county  
17 clerk, governing body or board of county commissioners to  
18 require reinstatement of the signature of the petitioner;

19                   (3) within ten days after receiving the order  
20 of the district court, the municipal clerk, county clerk,  
21 governing body or board of county commissioners shall reinstate  
22 the signature of the petitioner on the petition or show cause  
23 why the signature of the petitioner has not been reinstated.  
24 Upon hearing, if the district court finds that the person whose  
25 signature has been purged meets the qualifications for signing

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1 the petition, the district court shall make final its order of  
2 reinstatement to the municipal clerk, county clerk, governing  
3 body or board of county commissioners; and

4 (4) if a sufficient number of signatures are  
5 reinstated by the clerk, the district court or both to make the  
6 petition valid, then the reinstatement by the clerk or the  
7 district court, whichever occurs last, shall be deemed the date  
8 of certification of the validity of the petition for the  
9 purposes of adopting election resolutions, calling elections or  
10 for other matters as provided in the Municipal Code or  
11 otherwise provided by law.

12 M. Any petition that contains an insufficient  
13 number of signatures after all signatures have been reinstated  
14 pursuant to Subsection L of this section is invalid.

15 N. When a petition governed by this section is  
16 filed with the municipal clerk or the governing body of a  
17 municipality, the governing body or municipal clerk shall  
18 perform or cause to be performed the duties required under this  
19 section, except as otherwise prohibited by law. When a  
20 petition governed by this section is required to be filed with  
21 the county clerk or board of county commissioners, the board of  
22 county commissioners or county clerk shall perform or cause to  
23 be performed the duties required under this section, except as  
24 otherwise prohibited by law.

25 O. Any person or any municipal or county official

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

6 P. The provisions of this section shall not be  
7 binding upon a municipality to the extent such provisions are  
8 inconsistent with or superseded by the terms and provisions of:

9 (1) the charter of a municipality incorporated  
10 by a special act;

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

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

16 (4) the charter of a combined municipal  
17 organization.

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

22 SECTION 41. Section 3-2-5 NMSA 1978 (being Laws 1965,  
23 Chapter 300, Section 14-2-4, as amended) is amended to read:

24 "3-2-5. INCORPORATION--DUTIES OF COUNTY COMMISSIONERS  
25 AFTER FILING OF PETITION TO ACT--CENSUS REQUIRED--ELECTION--

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1 RIGHT OF APPEAL TO DISTRICT COURT.--

2 A. After the petition for incorporation, together  
3 with the accompanying map or plat, the municipal services and  
4 revenue plan and the amount of money sufficient to pay the cost  
5 of a census have been filed with the board of county  
6 commissioners, the board of county commissioners, in lieu of  
7 complying with the requirements of Section 3-1-5 NMSA 1978,  
8 shall determine within thirty days after the filing of the  
9 petition:

10 (1) from the voter registration list in the  
11 office of the county clerk if the signers of the petition are  
12 qualified electors residing in the territory proposed to be  
13 incorporated; or

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

17 (3) if the territory proposed to be  
18 incorporated is within an existing municipality or within the  
19 urbanized area of a municipality.

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

22 (1) not within the boundary of an existing  
23 municipality and not within the urbanized area of a  
24 municipality; or

25 (2) within the urbanized area of another

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1 municipality and in compliance with Section 3-2-3 NMSA 1978,  
2 the board of county commissioners shall cause a census to be  
3 taken of the persons residing within the territory proposed to  
4 be incorporated.

5 C. The census shall be completed and filed with the  
6 board of county commissioners within thirty days after the  
7 board of county commissioners authorizes the taking of the  
8 census.

9 D. Within fifteen days after the date the results  
10 of the census and the municipal incorporation review team's  
11 report have been filed with the board of county commissioners,  
12 the board of county commissioners shall determine if the  
13 conditions for incorporation of the territory as a municipality  
14 have been met as required in Sections 3-2-1 through 3-2-3 NMSA  
15 1978 and shall have its determination recorded in the minutes  
16 of its meeting.

17 E. Based on the census results and the municipal  
18 incorporation review team's report, if the board of county  
19 commissioners determines that the conditions for incorporation  
20 have not been met, the board of county commissioners shall  
21 notify the petitioners of its determination by publishing in a  
22 newspaper of general circulation in the territory proposed to  
23 be incorporated, once, not more than ten days after its  
24 determination, a notice of its determination that the  
25 conditions for incorporation have not been met. If there is no

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1 newspaper of general circulation in the territory proposed to  
2 be incorporated, notice of the determination shall be posted in  
3 eight public places within the territory proposed to be  
4 incorporated.

5 F. After the board of county commissioners has  
6 determined that all of the conditions for incorporation of the  
7 territory as a municipality have been met, the board of county  
8 commissioners shall hold an election on the question of  
9 incorporating the territory as a municipality. Elections for  
10 the incorporation of municipalities shall only be held in June  
11 or July in odd-numbered years [~~on the first Tuesday in July or~~  
12 ~~in any year on the first Tuesday in January, unless that~~  
13 ~~Tuesday is a holiday, in which case the election shall be held~~  
14 ~~on the second Tuesday in July or the second Tuesday in January]~~  
15 or July or August in even-numbered years and shall be held  
16 pursuant to the provisions of the Local Election Act. The  
17 county clerk shall notify the secretary of finance and  
18 administration and the secretary of taxation and revenue of the  
19 date of the incorporation election within ten days after the  
20 adoption of the resolution calling the election.

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

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1           SECTION 42. Section 3-2-8 NMSA 1978 (being Laws 1965,  
2 Chapter 300, Section 14-2-7, as amended) is amended to read:

3           "3-2-8. INCORPORATION--ELECTION OF FIRST OFFICERS--  
4 DUTIES OF BOARD OF COUNTY COMMISSIONERS AND COUNTY CLERK--  
5 SELECTION OF TERMS OF FIRST OFFICERS.--

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

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1           B. At the first election for municipal officers  
2 following a vote in favor of incorporating territory as a  
3 municipality, the ~~[term]~~ terms of office for the mayor and the  
4 municipal judge shall be until the next regular ~~[municipal]~~  
5 local election. The terms of office for one-half of the  
6 members of the governing body shall be until the next regular  
7 ~~[municipal]~~ local election and for the remaining one-half of  
8 the members of the governing body until the second regular  
9 ~~[municipal]~~ local election is held. The elected municipal  
10 officers shall continue in office until their successors are  
11 elected and qualified. The length of the terms of the first  
12 members shall be determined by lot."

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

15           "3-3-2. MUNICIPALITIES INCORPORATED UNDER SPECIAL ACT--  
16 PETITION FOR REORGANIZATION--ELECTION.--Any municipality  
17 incorporated under a special act may abandon its organization  
18 and organize itself under the provisions of the general law  
19 relating to municipalities.

20           A. If a petition signed by qualified electors of  
21 the municipality equal in number to not less than one-eighth of  
22 the total number of votes at the last preceding regular  
23 municipal election requests the governing body to submit to the  
24 qualified ~~[municipal]~~ electors the question of reorganizing the  
25 municipality under the provisions of the Municipal Code, the

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1 governing body shall, within fourteen days after the petition  
2 is certified as valid, adopt an election resolution calling for  
3 a special election in the manner provided in the ~~[Municipal~~  
4 ~~Election Code]~~ Local Election Act on the question of  
5 reorganizing the municipality under the provisions of general  
6 law. The election shall only be held ~~[within sixty days after~~  
7 ~~the date the election resolution is adopted]~~ in June or July in  
8 odd-numbered years or July or August in even-numbered years in  
9 accordance with the provisions of the Local Election Act.

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

- 13 (1) laid off or platted;  
14 (2) adjoining or contiguous to the  
15 municipality or any addition or subdivision of the  
16 municipality; and  
17 (3) not within the boundary of another  
18 municipality.

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

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1           SECTION 44. Section 3-3-4 NMSA 1978 (being Laws 1965,  
2 Chapter 300, Section 14-3-4, as amended) is amended to read:

3           "3-3-4. MUNICIPALITIES INCORPORATED UNDER SPECIAL ACT--  
4 REORGANIZATION APPROVED--ELECTION FOR NEW OFFICERS--TERM OF  
5 OFFICE.--

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

21           B. The terms of office for the mayor, municipal  
22 judge and one-half of the members of the governing body shall  
23 be until the next regular [~~municipal~~] local election. The  
24 terms of office for the remaining one-half of the governing  
25 body shall be until the second regular [~~municipal~~] local

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1 election is held. The elected municipal officers shall  
2 continue in office until their successors are elected and  
3 qualified. The length of terms of the first members shall be  
4 determined by lot."

5 SECTION 45. Section 3-4-1 NMSA 1978 (being Laws 1965,  
6 Chapter 300, Section 14-4-1, as amended) is amended to read:

7 "3-4-1. DISINCORPORATION--PETITION--NOTICE OF  
8 ELECTION.--

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

20 "PETITION TO DISINCORPORATE THE MUNICIPALITY OF. . . . .

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

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1           Date           Name--Printed           Address           Usual  
2                           As Registered           As Registered           Signature."

3           The day for holding the election shall not be less than  
4 fifty days [~~not~~] or more than sixty days after the board of  
5 county commissioners adopts the election resolution.

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

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

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

22           SECTION 47. Section 3-5-1 NMSA 1978 (being Laws 1965,  
23 Chapter 300, Section 14-5-1, as amended) is amended to read:

24           "3-5-1. MUNICIPAL CONSOLIDATION--COMMISSIONERS--  
25 ORDINANCES--SPECIAL ELECTION--DECLARATION OF CONSOLIDATION--

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1 PAYMENT OF BONDED INDEBTEDNESS OR JUDGMENT LEVY.--

2 A. Whenever any two or more contiguous  
3 municipalities wish to consolidate as one municipality, the  
4 governing body of each municipality shall appoint three  
5 commissioners who shall prepare the terms for consolidation  
6 and submit the terms for consolidation to the respective  
7 governing bodies. If each governing body approves the terms  
8 for consolidation, it shall adopt an ordinance declaring  
9 [~~its~~] approval of the terms for consolidation and shall  
10 provide for an election on the question of consolidation.  
11 The election shall be conducted pursuant to the provisions of  
12 the Local Election Act.

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

25 C. If on the day of the election on consolidation

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1 any municipality proposing to consolidate has outstanding  
2 indebtedness or a judgment payable from a tax on property and  
3 the consolidation is approved, a tax sufficient to pay the  
4 interest and principal on such indebtedness or judgment shall  
5 continue to be levied on the property within the boundary of  
6 the municipality as it existed on the day of the election on  
7 the question of consolidation. Indebtedness created by the  
8 issuance of revenue bonds and the current obligations of each  
9 municipality shall be assumed by the consolidated  
10 municipality. The consolidated municipality may refund the  
11 indebtedness of the municipalities ~~which~~ that are  
12 consolidated.

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

19 SECTION 48. Section 3-10-1 NMSA 1978 (being Laws 1965,  
20 Chapter 300, Section 14-9-1, as amended) is amended to read:

21 "3-10-1. OFFICERS--ELECTIVE--TERM OF OFFICE.--

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

24 (1) one mayor;

25 (2) the members of the governing body; and

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1 (3) a municipal judge.

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

4 (1) five commissioners; and

5 (2) a municipal judge.

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

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

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

25 SECTION 49. Section 3-11-5 NMSA 1978 (being Laws 1965,  
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1 Chapter 300, Section 14-10-5, as amended) is amended to read:

2 "3-11-5. MAYOR--APPOINTMENT OF OFFICERS AFTER  
3 ELECTION.--

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

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

20 SECTION 50. Section 3-12-1 NMSA 1978 (being Laws 1965,  
21 Chapter 300, Section 14-11-1, as amended) is amended to read:

22 "3-12-1. VACANCY ON GOVERNING BODY.--

23 [~~A. Except as provided in Subsection B of this~~  
24 ~~section~~] Any vacancy on the governing body of a mayor-council  
25 municipality shall be filled by appointment of a qualified

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1 elector by the mayor of the municipality, with the advice and  
2 consent of the governing body. Any qualified elector  
3 appointed to fill a vacancy on the governing body shall serve  
4 until the next regular [~~municipal~~] local election [~~or any~~  
5 ~~special election called in accordance with Subsection B of~~  
6 ~~this section~~], at which time a qualified elector shall be  
7 elected to fill the remaining unexpired term, if any.

8 [~~B. A special election for the purpose of filling a~~  
9 ~~vacancy on the governing body may be called by the mayor with~~  
10 ~~the consent of the governing body or by the governing body.~~  
11 ~~Except for the fact that the election need not be held on the~~  
12 ~~date specified in the Municipal Election Code for the regular~~  
13 ~~municipal election, the special election to fill a vacancy~~  
14 ~~shall be conducted in the manner set forth in the Municipal~~  
15 ~~Election Code for regular municipal elections. However, this~~  
16 ~~subsection shall not apply to those municipalities which have~~  
17 ~~adopted a charter under the provisions of Article 10, Section~~  
18 ~~6 of the constitution of New Mexico or to those counties~~  
19 ~~which have incorporated under the provisions of Article 10,~~  
20 ~~Section 5 of the constitution of New Mexico.]"~~

21 SECTION 51. Section 3-13-1 NMSA 1978 (being Laws 1965,  
22 Chapter 300, Section 14-12-1, as amended) is amended to read:

23 "3-13-1. CLERK--DUTIES.--

24 A. The clerk of the municipality shall:

25 (1) keep in custody all minutes, ordinances

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- 1 and resolutions approved by the governing body;
- 2 (2) attend all meetings of the governing body;
- 3 (3) record all proceedings, ordinances and
- 4 resolutions of the governing body; and
- 5 (4) upon request, furnish copies of municipal
- 6 records. The clerk may charge a reasonable fee for the cost
- 7 of furnishing copies of municipal records.

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

14 SECTION 52. Section 3-14-2 NMSA 1978 (being Laws 1965,  
15 Chapter 300, Section 14-13-2, as amended) is amended to read:

16 "3-14-2. COMMISSION-MANAGER--SPECIAL ELECTION FOR  
17 ADOPTION.--

18 A. Upon petition signed by qualified electors, not  
19 less in number than fifteen percent of the votes cast for the  
20 office of mayor at the last regular municipal election, filed  
21 with the municipal clerk and verified by the municipal clerk  
22 to contain a sufficient number of legal signatures, the  
23 governing body shall, within ten days of verification, adopt  
24 an election resolution calling for the holding of a special  
25 election [~~within ninety days after the verification of the~~

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1 ~~petition~~] on the question of organizing the municipality  
2 under the commission-manager form of government, or the  
3 governing body may submit to the qualified electors of the  
4 municipality the question of organizing the municipality  
5 under the commission-manager form of government. The  
6 election shall be held in June or July in odd-numbered years  
7 or July or August in even-numbered years in accordance with  
8 the provisions of the Local Election Act.

9 B. The question to be placed shall read  
10 substantially as follows:

11 "For the commission-manager form of government and  
12 providing for the election of five commissioners \_\_\_\_; and

13 Against the commission-manager form of government  
14 and providing for the election of five commissioners \_\_\_\_".

15 SECTION 53. Section 3-14-8 NMSA 1978 (being Laws 1965,  
16 Chapter 300, Section 14-13-8, as amended) is amended to read:

17 "3-14-8. COMMISSIONERS--SPECIAL ELECTION--TERMS.--

18 A. Within ten days after the adoption of the  
19 commission-manager form of government, the governing body  
20 shall adopt an election resolution calling for the holding of  
21 ~~[a special]~~ an election ~~[within one hundred twenty days after~~  
22 ~~the adoption of the commission-manager form of government]~~  
23 for the purpose of electing five commissioners at the first  
24 regular or local or general election following adoption of  
25 the resolution. The election shall be conducted in the same

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1 manner as are regular [~~municipal~~] local elections pursuant to  
2 the terms of the [~~Municipal Election Code~~] Local Election  
3 Act. The commissioners so elected shall determine their  
4 terms of office by lot, so that three commissioners shall  
5 serve until the next regular [~~municipal~~] local election and  
6 two commissioners shall serve until the succeeding regular  
7 [~~municipal~~] local election.

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

12 SECTION 54. Section 3-14-9 NMSA 1978 (being Laws 1965,  
13 Chapter 300, Section 14-13-9, as amended) is amended to read:

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

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

23 [~~B. A special election for the purpose of filling a~~  
24 ~~vacancy on the governing body may be called by the chairman~~  
25 ~~with the consent of the governing body or by the governing~~

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1 body. ~~Except for the fact that the election need not be held~~  
2 ~~on the date specified in the Municipal Election Code for the~~  
3 ~~regular municipal election, the special election to fill a~~  
4 ~~vacancy shall be conducted in the manner set forth in the~~  
5 ~~Municipal Election Code for regular municipal elections.~~  
6 ~~However, this subsection shall not apply to those~~  
7 ~~municipalities which have adopted a charter under the~~  
8 ~~provisions of Article 10, Section 6 of the constitution of~~  
9 ~~New Mexico or to those counties which have incorporated under~~  
10 ~~the provisions of Article 10, Section 5 of the constitution~~  
11 ~~of New Mexico.]"~~

12 SECTION 55. Section 3-14-19 NMSA 1978 (being Laws 1965,  
13 Chapter 300, Section 14-13-19, as amended) is amended to  
14 read:

15 "3-14-19. ABANDONMENT OF COMMISSION-MANAGER  
16 GOVERNMENT.--

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

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1 the Local Election Act.

2 B. If a majority of the votes cast at the special  
3 election [~~favor~~] favours abandonment of the commission-manager  
4 form of government, the form of government reverts to that  
5 form of government existing immediately preceding the  
6 adoption of the commission-manager form of government after  
7 the election and taking office of the new officers and the  
8 commission shall [~~within ten days after the filing of the~~  
9 ~~certificate of canvass in the minute book~~] adopt an election  
10 resolution calling for the holding of [~~a special~~] an election  
11 [~~within one hundred twenty days of such filing~~] to elect new  
12 officers, which shall be held at the first regular local or  
13 general election following adoption of the resolution.

14 C. The election shall be held in the same manner as  
15 regular [~~municipal~~] local elections are held as provided in  
16 the [~~Municipal Election Code~~] Local Election Act. The mayor  
17 and one-half of the members of the governing body shall hold  
18 office until the next regular [~~municipal~~] local election and  
19 the remaining one-half of the members of the governing body  
20 shall hold office until the succeeding regular [~~municipal~~]  
21 local election. The terms of the members of the governing  
22 body shall be determined by lot after their election.

23 D. No election shall be held upon the question of  
24 abandoning the commission-manager form of government within  
25 two years after an election has been held adopting the

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1 commission-manager form of government or confirming its  
2 continued existence."

3 SECTION 56. Section 3-15-10 NMSA 1978 (being Laws 1965,  
4 Chapter 300, Section 14-14-8) is amended to read:

5 "3-15-10. QUALIFICATIONS OF VOTERS--BALLOTS--CONDUCT OF  
6 ELECTION--EFFECT OF ADOPTION.--All qualified electors  
7 residing within the municipality shall be qualified to vote  
8 at the special election held under [~~Sections 14-14-1 through~~  
9 ~~14-14-14 New Mexico Statutes Annotated, 1953 Compilation~~] the  
10 Municipal Charter Act, and the vote shall be by separate  
11 ballots, one of which shall be:

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

13 "Against adoption of charter .

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

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1 under the former laws shall cease."

2 SECTION 57. Section 3-15-11 NMSA 1978 (being Laws 1965,  
3 Chapter 300, Section 14-14-9) is amended to read:

4 "3-15-11. FIRST ELECTION OF OFFICERS--TIME--LAW  
5 GOVERNING.--In case the charter is adopted pursuant to  
6 Section 3-15-10 NMSA 1978, it shall be the duty of the  
7 presiding officer of the governing body of the municipality  
8 to issue a proclamation calling a special election for the  
9 election of such elective officers as may be provided for in  
10 the charter. The election shall be at least ten days before  
11 the date specified in the charter for it to go into effect,  
12 and the election shall be held in accordance with the  
13 provisions of the Local Election Act and the charter."

14 SECTION 58. Section 3-21-19 NMSA 1978 (being Laws 1965,  
15 Chapter 206, Section 5) is amended to read:

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

25 SECTION 59. Section 3-21-20 NMSA 1978 (being Laws 1965,

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1 Chapter 206, Section 6) is amended to read:

2 "3-21-20. ELECTION OF MEMBERS TO THE COMMISSION.--

3 ~~[Within sixty days after the creation of a district, the~~  
4 ~~county commissioners of the county in which the district is~~  
5 ~~situate shall hold an election for members to the commission.~~  
6 ~~When the district is situate in more than one county, the~~  
7 ~~county commissioners of the counties shall cooperate in~~  
8 ~~conducting an election for members to the commission. The~~  
9 ~~election shall be conducted in the same manner as elections~~  
10 ~~for municipal school board members. The cost of conducting~~  
11 ~~elections for members to the commission shall be borne by the~~  
12 ~~county or counties in which the district is situate. Each~~  
13 ~~county shall pay its pro rata share, which is determined by~~  
14 ~~the number of registered electors of the district residing~~  
15 ~~within the county.] Election of members to the commission~~  
16 ~~shall be conducted pursuant to the Local Election Act."~~

17 SECTION 60. Section 3-23-2 NMSA 1978 (being Laws 1965,  
18 Chapter 300, Section 14-22-2, as amended) is amended to read:

19 "3-23-2. ELECTION ON QUESTION OF ACQUIRING UTILITY.--

20 A. No municipality shall acquire a municipal  
21 utility from funds acquired from the issuance of revenue  
22 bonds until the question of acquiring the utility is  
23 submitted, at a regular ~~[municipal]~~ local election or special  
24 election, to a vote of the qualified electors of the  
25 municipality, and a majority of the votes cast on the

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1 question [~~favor~~] favours the acquisition of the utility. No  
2 special election shall be set for a date ninety days prior to  
3 the day of a regular [~~municipal~~] local election. The  
4 acquisition by a municipality, which owns municipal electric  
5 facilities on July 1, 1979, of a generating facility or any  
6 interest in a jointly owned generating facility from funds  
7 acquired from the issuance of revenue bonds shall not be  
8 subject to the election requirement of this section.

9 B. Each question shall be listed separately on the  
10 ballot. The ballot shall:

11 (1) contain a general description of the  
12 property to be acquired; and

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

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

18 [~~G.~~] D. If a majority of the votes cast on the  
19 question [~~favor~~] favours the acquisition of the utility, the  
20 governing body may acquire the utility.

21 [~~D.~~] E. If, pursuant to Article 9, Section 12 of  
22 the [~~New Mexico~~] constitution of New Mexico and Sections  
23 3-30-1 through 3-30-9 NMSA 1978, the qualified electors of  
24 the municipality and nonresident municipal electors have  
25 voted in favor of creating a debt for the acquisition of a

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1 municipal utility and the municipality has incurred the debt,  
2 the municipality need not hold the election required in this  
3 section and it shall be presumed that the acquisition of a  
4 municipal utility has been approved, or, if the municipality  
5 has owned and operated a municipal utility for a period of  
6 more than one year, it shall be presumed that the acquisition  
7 of the municipal utility has been approved."

8 SECTION 61. Section 3-23-5.1 NMSA 1978 (being Laws 2001,  
9 Chapter 179, Section 1) is amended to read:

10 "3-23-5.1. MUNICIPAL UTILITY PERMANENT FUND.--

11 A. The governing body of a municipality may by  
12 ordinance establish a municipal utility permanent fund for  
13 each utility owned and operated by the municipality.

14 B. The municipal utility permanent fund shall be a  
15 fund in the municipal treasury into which may be deposited  
16 money from the sale of municipal utility assets or any  
17 portion of the unappropriated utility fund cash surplus that  
18 is in excess of fifty percent of the prior fiscal year's  
19 municipal utility budget. Money in the fund may be invested  
20 by the municipal board of finance as provided in Sections  
21 6-10-10, 6-10-36 and 6-10-44 NMSA 1978.

22 C. Earnings from investment of a municipal utility  
23 permanent fund may be budgeted and appropriated by the  
24 governing body of the municipality for expenditure for any  
25 purpose related to the operation, maintenance and improvement

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1 of the municipal utility or deposited in the municipal  
2 utility permanent fund.

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

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1 election."

2 SECTION 62. Section 3-30-6 NMSA 1978 (being Laws 1965,  
3 Chapter 300, Section 14-29-6, as amended) is amended to read:

4 "3-30-6. BOND ELECTION--QUALIFICATIONS OF VOTERS--  
5 SEPARATION OF ITEMS--TIME--PUBLICATION OR POSTING--BALLOTS.--

6 A. Before bonds are issued, the governing body of  
7 the municipality shall submit to a vote of the registered  
8 qualified electors of the municipality and the nonresident  
9 municipal electors the question of issuing the bonds. The  
10 election may be held at the same time as the regular  
11 [~~municipal~~] local election or at any special election held  
12 pursuant to Article 9, Section 12 of the constitution of New  
13 Mexico.

14 B. The governing body of the municipality shall  
15 give notice of the time and place of holding the election and  
16 the purpose for which the bonds are to be issued. [~~Notice of~~  
17 ~~a bond election shall be given as required in the Municipal~~  
18 ~~Election Code for special elections. A change in the~~  
19 ~~location of a polling place after notice has been given shall~~  
20 ~~not invalidate a bond election.] The election shall be  
21 conducted pursuant to the provisions of the Local Election  
22 Act.~~

23 C. The question shall state the purpose for which  
24 the bonds are to be issued and the amount of the issue. If  
25 bonds are to be issued for more than one purpose, a separate

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1 question shall be submitted to the voter for each purpose to  
2 be voted upon. The ballots shall contain words indicating  
3 the purpose of the bond issue and a place for a vote "For . .  
4 . (designate type) bonds" and "Against . . . (designate  
5 type) bonds" for each bond issue. The ballots shall be  
6 deposited in a separate ballot box unless voting machines are  
7 used."

8 SECTION 63. Section 3-30-7 NMSA 1978 (being Laws 1965,  
9 Chapter 300, Section 14-29-7, as amended) is amended to read:

10 "3-30-7. CANVASS OF BOND ELECTION--CERTIFICATION OF  
11 RESULTS--EFFECT.--

12 A. The vote upon each question proposing to issue  
13 negotiable bonds shall be canvassed as provided in the  
14 [~~Municipal Election Code~~] Local Election Act, and the  
15 municipal clerk shall [~~certify the results of the election~~  
16 ~~and~~] file the certificate of canvass in the official minute  
17 book of the municipality.

18 B. If a majority of those voting on the question  
19 [~~favor~~] favours the creation of the debt, the governing body  
20 of the municipality may proceed to issue the negotiable  
21 bonds."

22 SECTION 64. Section 3-31-4 NMSA 1978 (being Laws 1965,  
23 Chapter 300, Section 14-30-4, as amended) is amended to read:

24 "3-31-4. ORDINANCE AUTHORIZING REVENUE BONDS--THREE-  
25 FOURTHS MAJORITY REQUIRED--RESOLUTION AUTHORIZING REVENUE

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1 BONDS TO BE ISSUED AND SOLD TO THE NEW MEXICO FINANCE  
2 AUTHORITY.--

3 A. At a regular or special meeting called for the  
4 purpose of issuing revenue bonds as authorized in Section  
5 3-31-1 NMSA 1978, the governing body may adopt an ordinance  
6 that:

7 (1) declares the necessity for issuing revenue  
8 bonds;

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

12 (3) designates the source of the pledged  
13 revenues.

14 B. If a majority of the governing body, but less  
15 than three-fourths of all the members, votes in favor of  
16 adopting the ordinance authorizing the issuance of revenue  
17 bonds, the ordinance is adopted but shall not become  
18 effective until the question of issuing the revenue bonds is  
19 submitted to a vote of the qualified electors for their  
20 approval at a special or regular [~~municipal~~] local election.  
21 If an election is necessary, the election shall be conducted  
22 in the manner provided in [~~Sections 3-8-1 through 3-8-19 NMSA~~  
23 ~~1978. Notice of the election shall be given as provided in~~  
24 ~~Section 3-8-2 NMSA 1978~~] the Local Election Act.

25 C. In addition and as an alternative to adopting an  
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1 ordinance as required by the provisions of Subsections A and  
2 B of this section, at a regular or special meeting called for  
3 the purpose of issuing revenue bonds as authorized in Section  
4 3-31-1 NMSA 1978, the governing body may authorize the  
5 issuance and sale, from time to time, of revenue bonds in  
6 amounts not to exceed one million dollars (\$1,000,000) at any  
7 one time to the New Mexico finance authority by adoption of a  
8 resolution that:

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

11 (2) authorizes the issuance and sale of  
12 revenue bonds to the New Mexico finance authority by an  
13 affirmative vote of a majority of all the members of the  
14 governing body; and

15 (3) designates the source of the pledged  
16 revenues.

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

22 D. No ordinance or resolution may be adopted under  
23 the provisions of this section that uses as pledged revenues  
24 the municipal gross receipts tax authorized by Section  
25 7-19D-9 NMSA 1978 for a purpose that would be inconsistent

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1 with the purpose for which that municipal gross receipts tax  
2 revenue was dedicated. Any revenue in excess of the amount  
3 necessary to meet all principal and interest payments and  
4 other requirements incident to repayment of the bonds [~~must~~]  
5 shall be used for the purposes to which the revenue was  
6 dedicated."

7 SECTION 65. Section 3-41-2 NMSA 1978 (being Laws 1965,  
8 Chapter 300, Section 14-42-2, as amended) is amended to read:

9 "3-41-2. FLOOD CONTROL--TAX LEVY--LIMITATIONS--  
10 ELECTION--RESULT--BOND ISSUE MAY SUPPLEMENT--LEVY.--

11 A. A municipality may levy a tax upon all property  
12 subject to property taxation within the municipality for such  
13 length of time as is necessary to accomplish the purpose  
14 authorized in Sections 3-41-1 and 3-41-3 NMSA 1978. The rate  
15 of the tax authorized by this subsection shall not exceed  
16 five dollars (\$5.00), or any lower maximum amount required by  
17 operation of the rate limitation provisions of Section  
18 7-37-7.1 NMSA 1978 upon a tax levied under this section, on  
19 each one thousand dollars (\$1,000) of net taxable value, as  
20 that term is defined in the Property Tax Code.

21 B. Before levying the tax, the municipality shall  
22 submit to the qualified electors of the municipality the  
23 question of levying the tax. The question may be submitted  
24 at any regular or special [~~municipal~~] local election called  
25 for that purpose. Notice of the election shall be given as

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1 provided in the [~~Municipal Election Code for special~~  
2 ~~elections~~] Local Election Act.

3 C. The municipality shall print the words "For tax  
4 levy for flood protection purposes" and "Against tax levy for  
5 flood protection purposes" or words of like import. The vote  
6 upon the question shall be separately canvassed as other  
7 municipal elections are canvassed.

8 D. If a majority of the votes cast [~~favor~~] favours  
9 the levy of the tax, the governing body shall levy and  
10 certify the levy as any other tax is levied for municipal  
11 purposes.

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

16 F. If a county has levied a tax for flood control  
17 purposes as authorized in Sections 4-50-1 through 4-50-9 NMSA  
18 1978 or any other law, the municipality is not prohibited  
19 from levying a tax as authorized in this section."

20 **SECTION 66.** Section 3-54-1 NMSA 1978 (being Laws 1983,  
21 Chapter 115, Section 1, as amended) is amended to read:

22 "3-54-1. AUTHORITY TO SELL OR LEASE MUNICIPAL UTILITY  
23 FACILITIES OR REAL PROPERTY--NOTICE--REFERENDUM.--

24 A. A municipality may lease or sell and exchange  
25 any municipal utility facilities or real property having a

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1 value of twenty-five thousand dollars (\$25,000) or less by  
2 public or private sale or lease any municipal facility or  
3 real property of any value normally leased in the regular  
4 operations of such facility or real property, and such sale  
5 or lease shall not be subject to referendum.

6 B. A municipality may lease or sell and exchange  
7 any municipal utility facilities or real property having an  
8 appraised value in excess of twenty-five thousand dollars  
9 (\$25,000) by public or private sale or lease, subject to the  
10 referendum provisions set forth in this section. The value  
11 of municipal utility facilities or real property to be leased  
12 or sold and exchanged shall be determined by the appraised  
13 value of the municipal utility facilities or real property  
14 and not by the value of the lease. An appraisal shall be  
15 made by a qualified appraiser and submitted in writing to the  
16 governing body. If the sale price is less than the appraised  
17 value, the governing body shall cause a detailed written  
18 explanation of that difference to be prepared, and the  
19 written explanation shall be made available to any interested  
20 member of the public upon demand.

21 C. If a public sale is held, the bid of the highest  
22 responsible bidder shall be accepted unless the terms of the  
23 bid do not meet the published terms and conditions of the  
24 proposed sale, in which event the highest bid ~~[which]~~ that  
25 does meet the published terms and conditions shall be

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1 accepted; provided, however, a municipality may reject all  
2 bids. Terms and conditions for a proposed public sale or  
3 lease shall be published at least twice, not less than seven  
4 days apart, with the last publication no less than fourteen  
5 days prior to the bid opening, and in accordance with the  
6 provisions of Subsection J of Section 3-1-2 NMSA 1978.

7 D. Any sale or lease of municipal utility  
8 facilities or real property entered into pursuant to  
9 Subsection B of this section shall be by ordinance of the  
10 municipality. Such an ordinance shall be effective forty-  
11 five days after its adoption, unless a referendum election is  
12 held pursuant to this section. The ordinance shall be  
13 published prior to adoption pursuant to the provisions of  
14 Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3  
15 NMSA 1978 and shall be published after adoption at least once  
16 within one week after adoption pursuant to the provisions of  
17 Subsection J of Section 3-1-2 NMSA 1978. Such publications  
18 shall concisely set forth at least:

- 19 (1) the terms of the sale or lease;
- 20 (2) the appraised value of the municipal  
21 utility facilities or real property;
- 22 (3) the time and manner of payments on the  
23 lease or sale;
- 24 (4) the amount of the lease or sale;
- 25 (5) the identities of the purchasers or

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1 lessees; and

2 (6) the purpose for the municipality making  
3 the lease or sale.

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

7 (1) no later than thirty days after the  
8 adoption of the sale or lease ordinance;

9 (2) containing the names, addresses and  
10 signatures of at least fifteen percent of the qualified  
11 electors of the municipality; and

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

14 "PETITION FOR A REFERENDUM

15 We, the undersigned registered voters of . . . . .  
16 . . . . . (insert name of  
17 municipality) petition the governing body of . . . . .  
18 . . . . . (insert name of municipality)  
19 to conduct a referendum election on ordinance number . . . .  
20 . . . . Ordinance number . . . . . would cause a . .  
21 . . . . . (insert "sale" or "lease") of  
22 municipal . . . . . (insert  
23 "real property" or "utility facilities").

24 Date Name (printed) Address Signature".

25 F. Section 3-1-5 NMSA 1978 shall apply to all

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1 petitions filed calling for a referendum election on a sale  
2 or lease ordinance.

3 G. If the municipal clerk certifies to the  
4 municipal governing body that the petition does contain the  
5 minimum number of valid names, addresses and signatures  
6 required to call a referendum election on the sale or lease  
7 ordinance, the municipal governing body shall adopt an  
8 election resolution within fourteen days after the date the  
9 clerk makes such certification, calling for a referendum  
10 election on the sale or lease ordinance. The election  
11 resolution shall be adopted and published pursuant to the  
12 provisions of the [~~Municipal Election Code governing special~~  
13 ~~elections~~] Local Election Act and shall also concisely set  
14 forth:

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

25 H. The referendum election on the sale or lease

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1 ordinance shall be held not later than ninety days after the  
2 election resolution is adopted. Such election shall be held  
3 at a special or regular ~~[municipal]~~ local election and shall  
4 be conducted ~~[as a special election in the manner provided in~~  
5 ~~the Municipal Election Code]~~ pursuant to the provisions of  
6 the Local Election Act. Any qualified elector of the  
7 municipality may vote in such a referendum election.

8 I. If a majority of the votes cast ~~[are]~~ is to  
9 approve the sale or lease ordinance, the sale or lease  
10 ordinance shall be effective after the election results have  
11 been canvassed and certified. If a majority of the votes  
12 cast ~~[are]~~ is to disapprove the sale or lease ordinance, the  
13 ordinance shall not be effective."

14 SECTION 67. Section 4-48A-16 NMSA 1978 (being Laws 1978,  
15 Chapter 29, Section 16, as amended) is amended to read:

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

18 A. In each special hospital district, the board of  
19 trustees may adopt a resolution calling for an election for  
20 the purpose of authorizing the imposition of an ad valorem  
21 tax on all taxable property within the special hospital  
22 district. The election shall be held pursuant to the Local  
23 Election Act. The revenue from such tax shall be used to pay  
24 for current operations and maintenance of hospitals,  
25 including hospital facilities owned and operated by the

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1 special hospital district or ~~[for]~~ hospitals operated and  
2 maintained by the special hospital district pursuant to an  
3 agreement with a political subdivision as provided in  
4 Subsection B of Section 4-48A-11 NMSA 1978, and to pay the  
5 operational costs of the special hospital district.

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

18 C. In the case of a special hospital district  
19 ~~[which]~~ that is composed of all or a portion of two or more  
20 counties, if a majority of the qualified electors in the  
21 special hospital district of each ~~[subdistrict]~~ county voting  
22 on the question ~~[authorize]~~ authorizes a tax levy, the boards  
23 of county commissioners of the counties ~~[which]~~ that agreed  
24 to form the special hospital district shall levy such tax in  
25 the manner provided in Subsection B of this section.

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

14           SECTION 68. Section 4-48A-17 NMSA 1978 (being Laws 1978,  
15 Chapter 29, Section 17, as amended) is amended to read:

16           "4-48A-17. ELECTION PROCEDURES.--

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

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1           B.] All elections of the special hospital district,  
2 unless otherwise provided in the Special Hospital District  
3 Act, shall be called, conducted and canvassed [~~in~~  
4 ~~substantially the same manner as school district elections~~  
5 ~~are called, conducted and canvassed. The board of trustees~~  
6 ~~shall be the canvassing board for such elections.~~

7           G. ~~The expenses of elections conducted by the~~  
8 ~~special hospital district shall be budgeted for and paid from~~  
9 ~~the operating funds of the special hospital district]~~  
10 pursuant to the Local Election Act."

11           SECTION 69. Section 4-49-8 NMSA 1978 (being Laws 1891,  
12 Chapter 83, Section 4, as amended) is amended to read:

13           "4-49-8. ELECTION ON BOND QUESTION--PETITION--NOTICE--  
14 ELECTION WITHOUT PETITION.--

15           A. Whenever a petition signed by not less than two  
16 hundred qualified electors of any county in this state [~~shall~~  
17 ~~be~~] is presented to the board of county commissioners asking  
18 that a vote be taken on the question or proposition of  
19 building, remodeling or making additions to necessary public  
20 buildings or necessary public projects, setting forth in  
21 general terms the object of the petition and the amount of  
22 bonds asked to be voted for, [~~it shall be the duty of~~] the  
23 board of county commissioners of the county to which the  
24 petition [~~may be~~] is presented shall, within ten days after  
25 the presentation, [~~to~~] call an election to be held within

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1 sixty days thereafter in the county. [~~The board shall give~~  
2 ~~notice of the election by publication once a week for at~~  
3 ~~least three consecutive weeks in any newspapers published in~~  
4 ~~the county, which notices shall set forth the time and place~~  
5 ~~of holding the election, the necessary public building or~~  
6 ~~necessary public project proposed and which bonds are to be~~  
7 ~~voted for.~~] Except as provided in Chapter 4, Article 49 NMSA  
8 1978, such elections shall be held and conducted [~~in the same~~  
9 ~~manner as general elections, including recount and contest,~~  
10 ~~and the board of county commissioners shall certify and~~  
11 ~~declare on the records of the county the returns of the~~  
12 ~~election]~~ pursuant to the provisions of the Local Election  
13 Act.

14 B. After the defeat of any proposition once voted  
15 for, a second special election upon any question or  
16 proposition under the provisions of Chapter 4, Article 49  
17 NMSA 1978 shall not be held for a term of two years unless a  
18 petition requesting another election, containing the names of  
19 qualified electors of the county equal to ten percent of the  
20 [~~vote]~~ votes cast for governor in the last preceding election  
21 and otherwise conforming to the requirements of this section,  
22 [~~shall be]~~ is presented to the board of county commissioners;  
23 provided, however, that in no event shall more than two  
24 elections upon any proposition or question under Chapter 4,  
25 Article 49 NMSA 1978 be held in any term of two years. A

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1 bond election as provided in this section may also be called  
2 by the board of county commissioners, without any petition,  
3 after the board has adopted a resolution calling such an  
4 election, which resolution shall set forth the object of the  
5 election and the amount of bonds to be issued."

6 SECTION 70. Section 5-10-4 NMSA 1978 (being Laws 1993,  
7 Chapter 297, Section 4, as amended) is amended to read:

8 "5-10-4. ECONOMIC DEVELOPMENT PROJECTS--RESTRICTIONS ON  
9 PUBLIC EXPENDITURES OR PLEDGES OF CREDIT.--

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

15 B. The total amount of public money expended and  
16 the value of credit pledged in the fiscal year in which that  
17 money is expended by a local government for economic  
18 development projects pursuant to Article 9, Section 14 of the  
19 constitution of New Mexico and the Local Economic Development  
20 Act shall not exceed ten percent of the annual general fund  
21 expenditures of the local government in that fiscal year.

22 The limits of this subsection shall not apply to:

23 (1) the value of any land or building  
24 contributed to any project pursuant to a project  
25 participation agreement;

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

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

25                   (4) the proceeds of a revenue bond issue to

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1 which municipal infrastructure gross receipts tax revenue is  
2 pledged;

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

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

8 C. A regional or local government that generates  
9 revenue for economic development projects to which the limits  
10 of Subsection B of this section do not apply shall create an  
11 economic development fund into which such revenues shall be  
12 deposited. The economic development fund and income from the  
13 economic development fund shall be deposited as provided by  
14 law. Money in the economic development fund may be expended  
15 only as provided in the Local Economic Development Act or the  
16 Statewide Economic Development Finance Act.

17 D. In order to expend money from an economic  
18 development fund for arts and cultural district purposes,  
19 cultural facilities or retail businesses, the governing body  
20 of a municipality or county that has imposed a municipal or  
21 county local option infrastructure gross receipts tax for  
22 furthering or implementing economic development plans and  
23 projects, as defined in the Local Economic Development Act,  
24 or projects, as defined in the Statewide Economic Development  
25 Finance Act, by referendum of the majority of the voters

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1 voting on the question approving the ordinance imposing the  
2 municipal or county infrastructure gross receipts tax before  
3 July 1, 2013 shall be required to adopt a resolution. The  
4 resolution shall call for an election to approve arts and  
5 cultural districts as a qualifying purpose and cultural  
6 facilities or retail businesses as a qualifying entity before  
7 any revenue generated by the municipal or county local option  
8 gross receipts tax for furthering or implementing economic  
9 development plans and projects, as defined in the Local  
10 Economic Development Act, or projects, as defined in the  
11 Statewide Economic Development Finance Act, can be expended  
12 from the economic development fund for arts and cultural  
13 district purposes, cultural facilities or retail businesses.

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

25 F. The question shall be submitted to the voters of

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1 the municipality or county as a separate question at a  
2 regular ~~[municipal]~~ local or county election or at a special  
3 election called for that purpose by the governing body. A  
4 special ~~[municipal]~~ local election shall be called, conducted  
5 and canvassed as provided in the ~~[Municipal Election Code]~~  
6 Local Election Act. A special county election shall be  
7 called, conducted and canvassed in substantially the same  
8 manner as provided by law for general elections.

9 G. If a majority of the voters voting on the  
10 question approves the ordinance adding arts and cultural  
11 districts and cultural facilities or retail businesses as an  
12 approved use of the local option municipal or county economic  
13 development infrastructure gross receipts tax fund, the  
14 ordinance shall become effective on July 1 or January 1,  
15 whichever date occurs first after the expiration of three  
16 months from the date of the adopted ordinance. The ordinance  
17 shall include the effective date."

18 SECTION 71. Section 6-6-19 NMSA 1978 (being Laws 1989,  
19 Chapter 276, Section 3, as amended) is amended to read:

20 "6-6-19. LOCAL GOVERNMENT PERMANENT FUND.--

21 A. The local governing body of a county or  
22 municipality may by ordinance establish a local government  
23 permanent fund and a local government income fund.

24 B. The local government permanent fund shall  
25 constitute a fund in the treasury of the county or

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1 municipality into which may be deposited at the end of a  
2 fiscal year an amount of the unappropriated general fund  
3 surplus. The amount that may be deposited into the local  
4 government permanent fund is any portion of the  
5 unappropriated general fund surplus that is in excess of  
6 fifty percent of the prior fiscal year's budget of the county  
7 or municipality. Money in the permanent fund may be  
8 appropriated or expended only pursuant to approval of the  
9 voters of the county or municipality as provided in  
10 Subsection E of this section.

11 C. Money in the local government permanent fund may  
12 be invested by the local board of finance for the county or  
13 municipality in the types of investments specified in Section  
14 6-10-10 NMSA 1978 and as specified in Sections 6-10-36 and  
15 6-10-44 NMSA 1978, except as provided in Paragraph (2) of  
16 Subsection D of this section. Earnings from the investment  
17 of the permanent fund shall be deposited in the local  
18 government income fund in the treasury of the county or  
19 municipality. Money in the income fund may be budgeted and  
20 appropriated by the local governing body for expenditure for  
21 any purpose of the county or municipality or may be deposited  
22 in the permanent fund.

23 D. Investment authority for a local government  
24 permanent fund shall be as follows:

25 (1) if the fund is less than forty million

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1 dollars (\$40,000,000), it shall be invested as other funds of  
2 the local government; and

3 (2) if the fund is forty million dollars  
4 (\$40,000,000) or over, it may be invested as funds of class A  
5 counties are invested and, if the fund is managed by an  
6 investment advisor that is registered with the federal  
7 securities and exchange commission and that currently manages  
8 assets with a value of at least five hundred million dollars  
9 (\$500,000,000), the fund may also be invested in the  
10 following:

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

23 (b) commercial paper, provided that: 1)  
24 the total amount invested in securities issued by the same  
25 corporation or related corporate affiliates shall not exceed

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1 five percent of the market value of the permanent fund; 2)  
2 the securities shall be denominated in United States  
3 currency; 3) the securities shall be rated in the highest  
4 rating category by a nationally recognized statistical rating  
5 organization; 4) the final maturity of the securities may not  
6 exceed two hundred seventy days; and 5) the total amount  
7 invested pursuant to this subparagraph and Subparagraph (a)  
8 of this paragraph in the aggregate shall not exceed thirty  
9 percent of the market value of the permanent fund; and

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

20 E. The governing body of a county or municipality  
21 may adopt a resolution calling for an election on the  
22 question of expenditure of any amount of the local government  
23 permanent fund for a specified county or municipal purpose.  
24 The election shall be held within sixty days after the action  
25 of the governing body. The election shall be called,

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1 conducted, counted and canvassed substantially in the manner  
2 provided by law for general elections within the county or  
3 special municipal elections under the [~~Municipal Election~~  
4 ~~Code~~] Local Election Act. If a majority of the registered  
5 voters of the county or municipality voting on the question  
6 [~~vote~~] votes for the expenditure of a specified amount of the  
7 local government permanent fund for a specified county or  
8 municipal purpose, then that amount of money shall be  
9 available for appropriation and expenditure by the county or  
10 municipality for that purpose. If a majority of the  
11 registered voters of the county or municipality voting on the  
12 question [~~vote~~] votes against the expenditure of a specified  
13 amount of the local government permanent fund for a specified  
14 county or municipal purpose, then money in the local  
15 government permanent fund shall not be expended or  
16 appropriated for that purpose. Following an election at  
17 which the question was not approved, the question shall not  
18 again be submitted to the voters of that county or  
19 municipality within one year of the date of that election."

20 SECTION 72. Section 6-15-26 NMSA 1978 (being Laws 1971,  
21 Chapter 132, Section 3, as amended) is amended to read:

22 "6-15-26. BOND ELECTIONS.--

23 A. Each proposition to issue bonds shall be  
24 submitted by a single set of ballots to all voters of the  
25 municipality, school district, county, junior college

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1 district or branch community college district, but the Bond  
2 Election Act does not prevent the submission of more than one  
3 proposition on the same ballot.

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

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

14 ~~D.]~~ B. Except as expressly provided in the Bond  
15 Election Act, any bond election shall be called, conducted  
16 and canvassed pursuant to applicable statutes governing  
17 elections for the bonds; provided, however, absentee ballot  
18 provisions in the Election Code governing regular elections  
19 of the board shall apply. A bond election called by a  
20 municipality shall be called, conducted and canvassed  
21 pursuant to the applicable provisions of the [~~Municipal~~  
22 ~~Election Code~~] Local Election Act, and the absentee ballot  
23 provisions of the [~~Municipal Election Code~~] Local Election  
24 Act shall apply [~~provided, however, that the provisions of~~  
25 ~~this act and any applicable statutes governing elections for~~

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1 ~~the bonds shall supersede the Municipal Election Code in the~~  
2 ~~event of a conflict]."~~

3 SECTION 73. Section 7-19D-9 NMSA 1978 (being Laws 1978,  
4 Chapter 151, Section 1, as amended) is amended to read:

5 "7-19D-9. MUNICIPAL GROSS RECEIPTS TAX--AUTHORITY TO  
6 IMPOSE RATE.--

7 A. The majority of the members of the governing  
8 body of any municipality may impose by ordinance an excise  
9 tax not to exceed a rate of one and one-half percent of the  
10 gross receipts of any person engaging in business in the  
11 municipality for the privilege of engaging in business in the  
12 municipality. A tax imposed pursuant to this section shall  
13 be imposed by the enactment of one or more ordinances, each  
14 imposing any number of municipal gross receipts tax rate  
15 increments, but the total municipal gross receipts tax rate  
16 imposed by all ordinances shall not exceed an aggregate rate  
17 of one and one-half percent of the gross receipts of a person  
18 engaging in business. Municipalities may impose increments  
19 of one-eighth of one percent.

20 B. The tax imposed pursuant to Subsection A of this  
21 section may be referred to as the "municipal gross receipts  
22 tax".

23 C. The governing body of a municipality may, at the  
24 time of enacting an ordinance imposing the tax authorized in  
25 Subsection A of this section, dedicate the revenue for a

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1 specific purpose or area of municipal government services,  
2 including ~~[but not limited to]~~ police protection, fire  
3 protection, public transportation or street repair and  
4 maintenance. If the governing body proposes to dedicate such  
5 revenue, the ordinance and, if any election is held, the  
6 ballot shall clearly state the purpose to which the revenue  
7 will be dedicated, and any revenue so dedicated shall be used  
8 by the municipality for that purpose unless a subsequent  
9 ordinance is adopted to change the purpose to which dedicated  
10 or to place the revenue in the general fund of the  
11 municipality.

12 D. An election shall be called on the questions of  
13 disapproval or approval of any ordinance enacted pursuant to  
14 Subsection A of this section or any ordinance amending such  
15 ordinance:

16 (1) if the governing body chooses to provide  
17 in the ordinance that it shall not be effective until the  
18 ordinance is approved by the majority of the registered  
19 voters voting on the question at an election to be held  
20 pursuant to the provisions of ~~[a home-rule charter or on a~~  
21 ~~date set by the governing body and pursuant to the provisions~~  
22 ~~of the Municipal Election Code governing special elections]~~  
23 the Local Election Act; or

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

3 (a) pursuant to the requirements of a  
4 referendum provision contained in a municipal home-rule  
5 charter and signed by the number of registered voters in the  
6 municipality equal to the number of registered voters  
7 required in its charter to seek a referendum; or

8 (b) in all other municipalities, with the  
9 municipal clerk within thirty days after the adoption of such  
10 ordinance and the petition has been signed by a number of  
11 registered voters in the municipality equal to at least five  
12 percent of the number of the voters in the municipality who  
13 were registered to vote in the most recent regular municipal  
14 election.

15 E. The signatures on the petition filed in  
16 accordance with Subsection D of this section shall be  
17 verified by the municipal clerk. If the petition is verified  
18 by the municipal clerk as containing the required number of  
19 signatures of registered voters, the governing body shall  
20 adopt an election resolution calling for the holding of a  
21 special election on the question of approving or disapproving  
22 the ordinance unless the ordinance is repealed before the  
23 adoption of the election resolution. An election held  
24 pursuant to Subparagraph (a) or (b) of Paragraph (2) of  
25 Subsection D of this section shall be called, conducted and

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1 canvassed as provided in the [~~Municipal Election Code for~~  
2 ~~special elections~~] Local Election Act, and the election shall  
3 be held within seventy-five days after the date the petition  
4 is verified by the municipal clerk or it may be held in  
5 conjunction with a regular [~~municipal~~] local election if such  
6 election occurs within seventy-five days after the date of  
7 verification by the municipal clerk.

8 F. If at an election called pursuant to Subsection  
9 D of this section a majority of the registered voters voting  
10 on the question approves the ordinance imposing the tax, the  
11 ordinance shall become effective in accordance with the  
12 provisions of the Municipal Local Option Gross Receipts Taxes  
13 Act. If at such an election a majority of the registered  
14 voters voting on the question disapproves the ordinance, the  
15 ordinance imposing the tax shall be deemed repealed and the  
16 question of imposing any increment of the municipal gross  
17 receipts tax authorized in this section shall not be  
18 considered again by the governing body for a period of one  
19 year from the date of the election.

20 G. Any municipality that has lawfully imposed by  
21 the requirements of the Special Municipal Gross Receipts Tax  
22 Act a rate of at least one-fourth of one percent shall be  
23 deemed to have imposed one-fourth of one percent municipal  
24 gross receipts tax pursuant to this section. Any rate of tax  
25 deemed to be imposed pursuant to this subsection shall

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1 continue to be dedicated to the payment of outstanding bonds  
2 issued by the municipality that pledged the tax revenues by  
3 ordinance until such time as the bonds are fully paid. A  
4 municipality may by ordinance change the purpose for any rate  
5 of tax deemed to be imposed at any time the revenues are not  
6 committed to payment of bonds.

7 H. Any law that imposes or authorizes the  
8 imposition of a municipal gross receipts tax or that affects  
9 the municipal gross receipts tax, or any law supplemental  
10 thereto or otherwise appertaining thereto, shall not be  
11 repealed or amended or otherwise directly or indirectly  
12 modified in such a manner as to impair adversely any  
13 outstanding revenue bonds that may be secured by a pledge of  
14 such municipal gross receipts tax unless such outstanding  
15 revenue bonds have been discharged in full or provision has  
16 been fully made therefor."

17 SECTION 74. Section 7-19D-11 NMSA 1978 (being Laws  
18 1991, Chapter 9, Section 3, as amended) is amended to read:

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

22 A. A majority of the members of the governing body  
23 of a municipality may enact an ordinance imposing an excise  
24 tax on any person engaging in business in the municipality  
25 for the privilege of engaging in business. The rate of the

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1 tax shall not exceed one-fourth of one percent of the gross  
2 receipts of the person engaging in business and may be  
3 imposed in one-sixteenth of one percent increments by  
4 separate ordinances. Any ordinance enacting any increment of  
5 the first one-eighth of one percent of the tax is not subject  
6 to a referendum of any kind, notwithstanding any requirement  
7 of any charter municipality, except that an increment that is  
8 imposed after July 1, 1998 for economic development purposes  
9 set forth in Paragraph (5) of Subsection C of this section  
10 shall be subject to a referendum as provided in Subsection D  
11 of this section.

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

15 C. The governing body of a municipality, at the  
16 time of enacting any ordinance imposing the rate of the tax  
17 authorized in Subsection A of this section, may dedicate the  
18 revenue for:

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

21 (2) repair, replacement, construction or  
22 acquisition of infrastructure improvements, including  
23 sanitary sewer lines, storm sewers and other drainage  
24 improvements, water, water rights, water lines and utilities,  
25 streets, alleys, rights of way, easements, international

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1 ports of entry and land within the municipality or within the  
2 extraterritorial zone of the municipality;

3 (3) municipal general purposes;

4 (4) acquiring, constructing, extending,  
5 bettering, repairing or otherwise improving or operating or  
6 maintaining public transit systems or regional transit  
7 systems or authorities; and

8 (5) furthering or implementing economic  
9 development plans and projects as defined in the Local  
10 Economic Development Act or projects as defined in the  
11 Statewide Economic Development Finance Act, and use of not  
12 more than the greater of fifty thousand dollars (\$50,000) or  
13 ten percent of the revenue collected for promotion and  
14 administration of or professional services contracts related  
15 to implementation of an economic development plan adopted by  
16 the governing body pursuant to the Local Economic Development  
17 Act and in accordance with law.

18 D. An ordinance imposing any increment of the  
19 municipal infrastructure gross receipts tax in excess of the  
20 first one-eighth of one percent or any increment imposed  
21 after July 1, 1998 for economic development purposes set  
22 forth in Paragraph (5) of Subsection C of this section shall  
23 not go into effect until after an election is held and a  
24 majority of the voters of the municipality voting in the  
25 election votes in favor of imposing the tax. The governing

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

19 **SECTION 75.** Section 7-19D-15 NMSA 1978 (being Laws  
20 2006, Chapter 15, Section 14) is amended to read:

21 "7-19D-15. MUNICIPAL REGIONAL SPACEPORT GROSS RECEIPTS  
22 TAX--AUTHORITY TO IMPOSE--RATE--ELECTION REQUIRED.--

23 A. A majority of the members of the governing body  
24 of a municipality that desires to become a member of a  
25 regional spaceport district pursuant to the Regional

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1 Spaceport District Act shall impose by ordinance an excise  
2 tax at a rate not to exceed one-half percent of the gross  
3 receipts of a person engaging in business in the municipality  
4 for the privilege of engaging in business. A tax imposed  
5 pursuant to this section may be imposed by one or more  
6 ordinances, each imposing any number of tax rate increments,  
7 but an increment shall not be less than one-sixteenth percent  
8 of the gross receipts of a person engaging in business in the  
9 municipality, and the aggregate of all rates shall not exceed  
10 one-half percent of the gross receipts of a person engaging  
11 in business in the municipality. The tax may be referred to  
12 as the "municipal regional spaceport gross receipts tax".

13 B. A governing body, at the time of enacting an  
14 ordinance imposing a tax authorized in Subsection A of this  
15 section, shall dedicate a minimum of seventy-five percent of  
16 the revenue to a regional spaceport district for the  
17 financing, planning, designing, engineering and construction  
18 of a regional spaceport pursuant to the Regional Spaceport  
19 District Act and may dedicate no more than twenty-five  
20 percent of the revenue for spaceport-related projects as  
21 approved by resolution of the governing body of the  
22 municipality.

23 C. An ordinance imposing a municipal regional  
24 spaceport gross receipts tax shall not go into effect until  
25 after an election is held and a majority of the voters of the

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

20 D. The governing body of a municipality imposing  
21 the municipal regional spaceport gross receipts tax shall  
22 transfer a minimum of seventy-five percent of all proceeds  
23 from the tax to the regional spaceport district of which it  
24 is a member for regional spaceport purposes in accordance  
25 with the provisions of the Regional Spaceport District Act.

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1 The governing body of a municipality imposing the municipal  
2 regional spaceport gross receipts tax may retain no more than  
3 twenty-five percent of the municipal regional spaceport gross  
4 receipts tax for spaceport-related projects as approved by  
5 resolution of the governing body."

6 SECTION 76. Section 7-19D-17 NMSA 1978 (being Laws  
7 2012, Chapter 58, Section 1) is amended to read:

8 "7-19D-17. FEDERAL WATER PROJECT GROSS RECEIPTS TAX--  
9 AUTHORIZATION--USE OF REVENUE--REFERENDUM.--

10 A. A majority of the members of the governing body  
11 of a municipality may enact an ordinance imposing an excise  
12 tax on any person engaging in business in the municipality  
13 for the privilege of engaging in business. The rate of the  
14 tax shall not exceed one-fourth percent of the gross receipts  
15 of the person engaging in business. An ordinance enacting  
16 the tax authorized by this section is subject to a positive  
17 referendum.

18 B. The tax imposed pursuant to this section may be  
19 referred to as the "federal water project gross receipts  
20 tax".

21 C. The governing body of a municipality, at the  
22 time of enacting an ordinance imposing the rate of the tax  
23 authorized in this section, shall dedicate the revenue for  
24 the repayment of loan obligations to the federal government  
25 for the construction, expansion, operation and maintenance of

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1 a water delivery system and for the expansion, operation and  
2 maintenance of that water delivery system after the loan  
3 obligation to the federal government is retired or repaid.  
4 The revenue from the federal water project gross receipts tax  
5 shall not be dedicated to repay revenue bonds or any other  
6 form of bonds.

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

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1 body shall not again propose the imposition of the tax for a  
2 period of one year from the date of the election.

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

6 F. As used in this section, "municipality" means an  
7 incorporated municipality that has a population pursuant to  
8 the most recent federal decennial census of greater than  
9 twenty thousand but less than twenty-five thousand and is  
10 located in a class B county."

11 SECTION 77. Section 7-24A-11 NMSA 1978 (being Laws  
12 1978, Chapter 182, Section 11, as amended) is amended to  
13 read:

14 "7-24A-11. MUNICIPAL GASOLINE TAX--PROCEDURE FOR  
15 ADOPTION OF ORDINANCE--ELECTION.--

16 A. The ordinance imposing a municipal gasoline tax  
17 shall not go into effect until after an election is held and  
18 a simple majority of the qualified electors of the  
19 municipality voting on the question [~~vote~~] votes in favor of  
20 imposing the municipal gasoline tax. The governing body of  
21 the municipality shall provide for an election on the  
22 question of imposing the municipal gasoline tax within sixty  
23 days after the day the ordinance is adopted. Such question  
24 may be submitted to the electors and voted upon as a separate  
25 question at any regular or special election or at any special

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1 election called for that purpose by the governing body. The  
2 election upon the question shall be called, held, conducted  
3 and canvassed in substantially the same manner as provided by  
4 law for special ~~[municipal]~~ elections as provided in the  
5 ~~[Municipal Election Code]~~ Local Election Act. If the  
6 question of imposing a municipal gasoline tax fails, the  
7 governing body shall not again propose a municipal gasoline  
8 tax ordinance for a period of one year after the election.

9 B. After passage of a municipal gasoline tax  
10 ordinance, the governing body of the municipality shall  
11 submit a certified copy of the ordinance to the taxation and  
12 revenue department."

13 SECTION 78. Section 21-13-8 NMSA 1978 (being Laws 1963,  
14 Chapter 17, Section 7, as amended) is amended to read:

15 "21-13-8. COMMUNITY COLLEGE BOARD.--

16 A. Community college board members shall be ~~[over~~  
17 ~~twenty-one years of age]~~ qualified electors and residents of  
18 the community college district.

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

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

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

3                   C. All vacancies caused in any other manner than by  
4 the expiration of the term of office shall be filled by  
5 appointment by the remaining members. An individual  
6 appointed by the remaining members of the board to fill a  
7 vacancy in office shall serve until the next community  
8 college board election, at which time candidates shall file  
9 for and be elected to fill the vacant position to serve the  
10 remainder of the unexpired term.

11                  D. A community college board shall select from its  
12 members a chair and secretary who shall serve in these  
13 offices until the next regular community college board  
14 election. After each community college board election, the  
15 members shall proceed to reorganize."

16                  SECTION 79. Section 21-16-5.1 NMSA 1978 (being Laws  
17 1994, Chapter 83, Section 3, as amended) is amended to read:

18                  "21-16-5.1. BOARD MEMBERS--ELECTED FROM DISTRICTS--  
19 ELECTIONS.--

20                  A. A district board shall be composed of five or  
21 seven members elected for four-year terms who shall reside in  
22 and be elected from single-member districts as provided in  
23 this section. ~~[Any board, the members of which have not been~~  
24 ~~elected from single-member districts, shall district and hold~~  
25 ~~a special election to coincide with the school district~~

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1 ~~elections of 2001.~~] If the board is a seven-member board,  
2 board members shall be elected for all seven positions on the  
3 board, with the board members elected to positions 1, 3, 5  
4 and 7 to be elected for initial terms of two years and the  
5 board members elected to positions 2, 4 and 6 to be elected  
6 for initial terms of four years. If the board is a five-  
7 member board, board members elected to positions 1, 3 and 5  
8 shall be elected for initial terms of two years and board  
9 members elected to positions 2 and 4 shall be elected for  
10 initial terms of four years. After the initial election for  
11 a district board, each board member shall be elected for a  
12 term of four years.

13 B. ~~[Except where specific provision is otherwise~~  
14 ~~provided by law]~~ All election proceedings for technical and  
15 vocational institute district elections shall be conducted  
16 pursuant to the provisions of the ~~[School Election Law with~~  
17 ~~the president of the institute serving in the place of the~~  
18 ~~superintendent of schools in every case]~~ Local Election Act.

19 C. Once following each federal decennial census,  
20 the board shall redistrict the technical and vocational  
21 institute district into election districts to ensure that the  
22 districts remain as equal in population as is practicable and  
23 shall notify the county clerk of the new boundaries upon  
24 completion of the redistricting process. The new districts  
25 shall go into effect at the first regular board election

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1 thereafter. Candidates for the new single-member districts  
2 that are scheduled to be voted on at the election shall  
3 reside in and be elected from the appropriate new single-  
4 member district. Incumbent board members whose districts  
5 before redistricting were not scheduled to be voted on at the  
6 election need not reside in the new single-member districts  
7 corresponding to their position numbers and may serve out  
8 their terms. At the second regular board election held after  
9 the redistricting, all candidates for the new single-member  
10 districts that are scheduled to be voted on shall reside in  
11 and be elected from the appropriate single-member district.

12 D. All election districts covered by this section  
13 shall be contiguous, compact and as equal in population as is  
14 practicable.

15 E. A vacancy occurring on the board shall be filled  
16 in the same manner as provided for school board vacancies in  
17 Section 22-5-9 NMSA 1978; provided, however, that a vacancy  
18 that occurs in an election district where a nonresident board  
19 member had been serving shall be filled [~~with~~] by a resident  
20 of that district."

21 SECTION 80. Section 21-16-14 NMSA 1978 (being Laws  
22 1963, Chapter 108, Section 11, as amended) is amended to  
23 read:

24 "21-16-14. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF  
25 SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL

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1 INSTITUTE DISTRICTS.--

2 A. A technical and vocational institute district  
3 may be expanded by either the procedure in Subsections B, C  
4 and D of this section or the procedure in Subsections E and F  
5 of this section.

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

23 C. In conducting the survey, the public education  
24 department, in conjunction with the [~~commission on~~] higher  
25 education department, shall ascertain the attitude of the

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1 technical and vocational institute board and collect other  
2 information it deems necessary. If, on the basis of the  
3 survey, the public education department finds that the  
4 proposed addition of the petitioning area will promote an  
5 improved education service in the area, it shall approve the  
6 petition. The secretary of public education shall proceed to  
7 issue a proclamation and call an election pursuant to the  
8 provisions of the Local Election Act within the petitioning  
9 area and in the established technical and vocational  
10 institute district on the question of the inclusion of the  
11 petitioning area in the institute district.

12 D. If a majority of the votes cast in the  
13 petitioning area and a majority of the votes cast within the  
14 established institute district are in favor of the addition  
15 of the area, the public education department shall notify the  
16 local school board of each affected school district and the  
17 technical and vocational institute board of the results of  
18 the election and shall declare the extension of the  
19 boundaries of the institute district to include the  
20 petitioning area in which the proposed addition referendum  
21 carried by a majority vote.

22 E. If a technical and vocational institute district  
23 includes less than all of a school district, the institute  
24 board, by resolution of a majority of the members of the  
25 board, may call an election within the institute district and

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1 in the portion of the school district that is not included in  
2 the institute district on the question of the addition of the  
3 excluded portion of the school district to the established  
4 institute district. [~~Except where specific provision is~~  
5 ~~otherwise provided by law~~] Such election shall be conducted  
6 pursuant to the provisions of the [~~School Election Law with~~  
7 ~~the president of the institute district serving in the place~~  
8 ~~of the superintendent of schools in every case; provided~~  
9 that:

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

12 (2) ~~if a precinct lies partly within and~~  
13 ~~partly outside the institute district, the parts of the~~  
14 ~~precinct within and outside the institute district shall~~  
15 ~~constitute separate precincts for purposes of the election;~~  
16 and

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

19 F. If a majority of the votes cast in the institute  
20 district and the portion of the school district that is  
21 outside the institute district are in favor of the addition  
22 of the excluded portion of the school district to the  
23 institute district, the board of the institute district shall  
24 declare the institute district to be expanded to include all  
25 of such school district.

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1           G. Each area added to an existing technical and  
2 vocational institute district shall automatically be subject  
3 to any special levy on taxable property approved for the  
4 institute district for the maintenance of facilities and  
5 services and for support of bond issues."

6           SECTION 81. Section 21-16-20 NMSA 1978 (being Laws 1964  
7 (1st S.S.), Chapter 12, Section 5) is amended to read:

8           "21-16-20. SUBMISSION AT ELECTION--NOTICE--  
9 CERTIFICATION.--If [the] a question is submitted pursuant to  
10 Section 21-16-16 NMSA 1978 at [a general] an election, the  
11 submitting board shall [publish notice thereof in the manner  
12 required for general elections, except that such notice need  
13 not include the names of any election officials or the places  
14 where such election is to be held in each precinct and voting  
15 division and no posting shall be required] notify the county  
16 clerk pursuant to the Local Election Act. The submitting  
17 board shall [not less than thirty days before the election]  
18 furnish to the county clerk of each county in which [each] an  
19 affected school district is situate a certificate specifying  
20 the question to be submitted [and the precincts and voting  
21 divisions included in the school district or districts or in  
22 the technical and vocational institute district. The county  
23 clerk of each such county shall include such question on the  
24 ballots and voting machines in the proper voting divisions.  
25 The election officials in such voting divisions shall execute

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1 ~~separate certificates certifying the results of the voting on~~  
2 ~~such question, and, upon receipt thereof, each county clerk~~  
3 ~~shall deliver the same to the president of the board or his~~  
4 ~~designated representative]."~~

5 SECTION 82. Section 21-16A-6 NMSA 1978 (being Laws  
6 2000, Chapter 105, Section 6) is amended to read:

7 "21-16A-6. LEARNING CENTER TAX LEVY AUTHORIZED--  
8 ELECTION.--

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

18 B. The tax authorized in Subsection A of this  
19 section shall not be imposed in a district unless the  
20 question of authorizing the imposition of the tax is  
21 submitted to the voters of the district at [~~a regular school~~  
22 ~~district~~] an election [~~or a special election called for that~~  
23 ~~purpose~~] held pursuant to the Local Election Act.

24 C. A resolution adopted pursuant to Subsection A of  
25 this section shall specify:

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1 (1) the rate of the proposed tax;

2 (2) the date of the election at which the  
3 question of imposition of the tax will be submitted to the  
4 voters of the district;

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

7 (4) the proposed use of the revenues from the  
8 proposed tax.

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

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

21 F. If a majority of the voters voting on the  
22 question votes against a learning center tax levy pursuant to  
23 a resolution adopted under the Learning Center Act, the tax  
24 shall not be imposed. The board shall not again adopt a  
25 resolution authorizing the imposition of a tax levy pursuant

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1 to the Learning Center Act for at least two years after the  
2 date of the resolution that the voters rejected.

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

9 SECTION 83. Section 22-7-1 NMSA 1978 (being Laws 1977,  
10 Chapter 308, Section 1) is amended to read:

11 "22-7-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article 7  
12 NMSA 1978 may be cited as the "Local School Board Member  
13 Recall Act"."

14 SECTION 84. Section 22-7-13 NMSA 1978 (being Laws 1977,  
15 Chapter 308, Section 13, as amended) is amended to read:

16 "22-7-13. SPECIAL RECALL ELECTION.--

17 A. The date of the special recall election shall be  
18 set no later than one hundred twenty days after the date of  
19 the determination by the county clerk, but in no event shall  
20 the election be held within the period of time prohibited for  
21 local government elections pursuant to Section 1-12-71 NMSA  
22 1978.

23 B. The question to be submitted to the voters at  
24 the special recall election shall be whether the named member  
25 shall be recalled.

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1 C. A special recall election may be held in  
2 conjunction with a regular or [a] local special [~~school~~  
3 ~~district~~] election.

4 D. [~~Whenever a special recall election is called,~~  
5 ~~the county clerk shall give public notice of the special~~  
6 ~~recall election by publishing information regarding the~~  
7 ~~election once each week for four consecutive weeks. The~~  
8 ~~first publication of the information shall be made between~~  
9 ~~forty-five and sixty days before the date of the special~~  
10 ~~recall election. Information regarding the election shall be~~  
11 ~~in compliance with the federal Voting Rights Act of 1965, as~~  
12 ~~amended, and shall include the date when the special recall~~  
13 ~~election will be held, the question to be submitted to the~~  
14 ~~voters, a brief description of the boundaries of each~~  
15 ~~precinct, the location of each polling place, the hours each~~  
16 ~~polling place will be open and the date and time of the~~  
17 ~~closing of the registration books by the county clerk as~~  
18 ~~required by law.] Except as otherwise provided in the Local  
19 School Board Member Recall Act, special recall elections in a  
20 school district shall be conducted pursuant to the provisions  
21 of the Local Election Act.~~

22 E. The ballot shall be in compliance with the  
23 federal Voting Rights Act of 1965, as amended, and shall  
24 present the voter the choice of voting "for the removal of  
25 the named member" or "against the removal of the named

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1 member".

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

5 G. ~~Except as otherwise provided in the Local School~~  
6 ~~Board Member Recall Act, special recall elections in a school~~  
7 ~~district shall be conducted as provided in the Election~~  
8 ~~Code.]"~~

9 SECTION 85. Section 22-18-2 NMSA 1978 (being Laws 1967,  
10 Chapter 16, Section 229, as amended) is amended to read:

11 "22-18-2. BOND ELECTIONS--QUALIFICATION OF VOTERS--  
12 CALLING FOR BOND ELECTIONS.--

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

20 B. The election on the question of creating a debt  
21 by issuing general obligation bonds shall be held [~~at the~~  
22 ~~same time as a regular school district election or at any~~  
23 ~~special school district election which is not within ninety~~  
24 ~~days after a regular school district election~~] pursuant to  
25 the provisions of the Local Election Act. The question shall

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1 be submitted to a vote at a [~~general or special school~~]  
2 district election upon the initiative of a local school board  
3 or upon a petition being filed with a local school board  
4 signed by qualified electors of the school district [~~having~~  
5 ~~paid a property tax on property in the school district for~~  
6 ~~the preceding year, according to the latest completed tax~~  
7 ~~rolls~~]. The number of signatures required on the petition  
8 shall be at least ten percent of the number of votes cast for  
9 governor in the school district in the last preceding general  
10 election. For the purpose of determining the number of votes  
11 cast for governor in the school district at the last  
12 preceding general election, any portion of a voting division  
13 within the school district shall be construed to be wholly  
14 within the school district. A local school board shall call  
15 for a bond election at [~~a~~] the next regular local or special  
16 [~~school district~~] election within ninety days [~~from~~]  
17 following the date a properly signed petition is filed with  
18 it; provided that the timing of the election does not  
19 conflict with the provisions of Section 1-12-71 NMSA 1978."

20 SECTION 86. Section 22-18-4 NMSA 1978 (being Laws 1967,  
21 Chapter 16, Section 231, as amended) is amended to read:

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

23 A. A person is required to be a registered [~~voter~~]  
24 qualified elector to vote in a bond election in a school  
25 district.

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

5           SECTION 87. Section 22-18-8 NMSA 1978 (being Laws 1967,  
6 Chapter 16, Section 235) is amended to read:

7           "22-18-8. RESTRICTION ON BOND ELECTIONS.--In the event  
8 a majority of those persons voting on a question submitted to  
9 the voters in a bond election [~~vote~~] votes against creating a  
10 debt by issuing general obligation bonds, no bond election  
11 shall be held on the same question for a period of two years  
12 from the date of the bond election [~~except upon the~~  
13 ~~presentation of a petition pursuant to Section 77-15-2 New~~  
14 ~~Mexico Statutes Annotated, 1953 Compilation and after the~~  
15 ~~expiration of at least six months from the date of the~~  
16 ~~previous bond election on the question. If a majority of~~  
17 ~~those persons voting on a question submitted to the voters in~~  
18 ~~a bond election for a second time within two years vote~~  
19 ~~against creating a debt by issuing general obligation bonds,~~  
20 ~~no bond election shall then be held on the same question for~~  
21 ~~a period of two years from the date of first bond election on~~  
22 ~~the question]."~~

23           SECTION 88. Section 22-25-5 NMSA 1978 (being Laws 1975  
24 (S.S.), Chapter 5, Section 5, as amended) is amended to read:

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

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

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

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

24           **SECTION 89.** Section 22-26-5 NMSA 1978 (being Laws 1983,  
25 Chapter 163, Section 5, as amended) is amended to read:

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1           "22-26-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

2           A. An election on the question of imposing a tax  
3 under the Public School Buildings Act [~~may~~] shall be held [~~in~~  
4 ~~conjunction with a regular school district election or may be~~  
5 ~~conducted as or held in conjunction with a special school~~  
6 ~~district election, but the election shall be held prior to~~  
7 ~~July 1 of the property tax year in which the tax is proposed~~  
8 ~~to be imposed. Conduct of the election shall be]~~ as  
9 prescribed in the [~~School Election Law for regular and~~  
10 ~~special school district elections]~~ Local Election Act.

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

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

24           **SECTION 90.** Section 22-26A-10 NMSA 1978 (being Laws  
25 2007, Chapter 173, Section 10, as amended) is amended to

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1 read:

2 "22-26A-10. CONDUCT OF ELECTION--NOTICE--BALLOT.--

3 A. An election on the question of imposing a tax  
4 under Sections 22-26A-8 through 22-26A-12 NMSA 1978 [~~may~~  
5 shall] be held [~~in conjunction with a regular school district~~  
6 ~~election or may be conducted as or held in conjunction with a~~  
7 ~~special school district election, but the election shall be~~  
8 ~~held prior to July 1 of the property tax year in which the~~  
9 ~~tax is proposed to be imposed. Conduct of the election shall~~  
10 ~~be]~~ as prescribed in the [~~School Election Law for regular and~~  
11 ~~special school district elections]~~ Local Election Act.

12 B. The resolution required to be published as  
13 notice of the election under Section [~~1-22-4 or 1-22-5]~~  
14 1-22-11 NMSA 1978 shall include as the question to be  
15 submitted to the voters whether a property tax at a rate not  
16 to exceed the rate specified in the authorizing resolution  
17 should be imposed for the specified number of property tax  
18 years not exceeding thirty years upon the net taxable value  
19 of all property allocated to the school district for payments  
20 due under lease purchase arrangements.

21 C. The ballot shall include the information  
22 specified in Subsection B of this section and shall present  
23 the voter the choice of voting "for the lease purchase tax"  
24 or "against the lease purchase tax"."

25 SECTION 91. Section 22-26A-11 NMSA 1978 (being Laws

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1 2007, Chapter 173, Section 11) is amended to read:

2 "22-26A-11. ELECTION RESULTS--CERTIFICATION.--The  
3 certification of the results of an election held on the  
4 question of imposition of a lease purchase tax shall be made  
5 in accordance with the [~~School Election Law~~] Local Election  
6 Act, and a copy of the certificate of results shall be mailed  
7 immediately to the secretary."

8 SECTION 92. Section 60-5A-1 NMSA 1978 (being Laws 1981,  
9 Chapter 39, Section 15, as amended) is amended to read:

10 "60-5A-1. ELECTIONS FOR LOCAL OPTION.--Any municipality  
11 containing over five thousand [~~population~~] persons according  
12 to the latest United States census, whether the county in  
13 which that municipality is situated has adopted the local  
14 option provisions of the Liquor Control Act or any former act  
15 or not, or any county in the state may adopt local option in  
16 the county or municipality upon the following terms and  
17 conditions:

18 A. at any time after the effective date of the  
19 Liquor Control Act, the registered qualified electors of  
20 [~~any~~] a proposed local option district may petition the  
21 governing body by filing one or more petitions in the  
22 appropriate office to hold an election for the purpose of  
23 determining whether the county or municipality shall adopt  
24 the local option provisions of the Liquor Control Act. If  
25 the aggregate of the signatures of such electors on all the

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1 petitions equals or exceeds five percent of the number of  
2 registered voters of the district, the governing body shall  
3 call an election within seventy-five days of the verification  
4 of the petition. The date of the filing of the petition  
5 shall be the date of the filing of the last petition [~~which~~  
6 that brings the number of signatures up to the required five  
7 percent; provided, however, that the governing body shall  
8 refuse to recognize the petition if more than three months  
9 have elapsed between the date of the first signature and the  
10 filing of the last petition necessary to bring the number of  
11 signatures on the petition up to five percent;

12 B. the election shall be called, conducted, counted  
13 and canvassed substantially in the manner provided by law for  
14 general elections within the county or special [~~municipal~~  
15 elections within the municipality, except as otherwise  
16 provided in this section;

17 C. the votes at the election shall be counted,  
18 returned and canvassed as provided for in the case of general  
19 elections within the county or special [~~municipal~~] elections  
20 within the municipality;

21 D. except as otherwise provided in this section,  
22 contests, recounts and rechecks shall be permitted as  
23 provided for in the case of candidates for county office in  
24 general elections or as provided for in the case of special  
25 [~~municipal~~] elections within the municipality. Applications

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1 for contests, recounts or rechecks may be filed by any person  
2 who voted in the election, and service shall be made upon the  
3 county clerk or municipal clerk as the case may be;

4 E. if a majority of all the votes cast at the  
5 election [~~are~~] is cast in favor of the sale, service or  
6 public consumption of alcoholic beverages in the county or  
7 municipality, the [~~chairman~~] chair of the governing body  
8 shall declare by order entered upon the records of the county  
9 or municipality that the county or municipality has adopted  
10 the local option provisions of the Liquor Control Act and  
11 shall notify the department of [~~such~~] the results;

12 F. no election held pursuant to this section shall  
13 be held within forty-two days of [~~any~~] a primary or general  
14 [~~municipal or school district~~] election. If within sixty  
15 days from the verification of [~~any~~] a petition as provided in  
16 Subsection A of this section a primary or general [~~municipal~~  
17 ~~or school~~] election is held, the governing body may call an  
18 election for a day not less than sixty days after the primary  
19 or general [~~municipal or school~~] election;

20 G. if an election is held under the provisions of  
21 the Liquor Control Act in [~~any~~] a county [~~which~~] that  
22 contains within its limits [~~any~~] a municipality of more than  
23 five thousand persons according to the [~~last~~] latest United  
24 States census, it is not necessary for the registered  
25 qualified electors in the municipality to file a separate

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1 petition asking for a separate or different vote on the  
2 question of adopting the local option provisions of the  
3 Liquor Control Act by the municipality. The election in the  
4 county shall be conducted so as to separate the votes in the  
5 municipality from those in the remaining parts of the county.  
6 If a majority of the voters in the county, including the  
7 voters in the municipality, ~~[vote]~~ votes against the sale,  
8 service or public consumption of alcoholic beverages in the  
9 county, the county shall not adopt the local option  
10 provisions of the Liquor Control Act; but if a majority of  
11 the votes in the municipality ~~[are]~~ is in favor of the sale,  
12 service or public consumption of alcoholic beverages, the  
13 municipality shall have adopted the local option provisions  
14 of the Liquor Control Act. Nothing contained in this  
15 subsection shall prevent any municipality from having a  
16 separate election under the terms of this section;

17 H. ~~[any]~~ a county or municipality composing a local  
18 option district under the provisions of the Liquor Control  
19 Act or ~~[any]~~ a former act may vote to discontinue the sale,  
20 service or public consumption of alcoholic beverages in the  
21 local option district; the discontinuance shall become  
22 effective on the ninetieth day after the local option  
23 election is held; and

24 I. nothing in this section shall invalidate any  
25 local option election held pursuant to any former act prior

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1 to July 1, 1981."

2 SECTION 93. Section 60-7A-1 NMSA 1978 (being Laws 1981,  
3 Chapter 39, Section 47, as amended) is amended to read:

4 "60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--  
5 CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE  
6 LICENSED PREMISES--ELECTIONS.--

7 A. Provided that nothing in this section shall  
8 prohibit the consumption at any time of alcoholic beverages  
9 in guest rooms of hotels, alcoholic beverages shall be sold,  
10 served and consumed on licensed premises only during the  
11 following hours and days:

12 (1) on Mondays from 7:00 a.m. until midnight;

13 (2) on Tuesdays through Saturdays from after  
14 midnight of the previous day until 2:00 a.m., then from 7:00  
15 a.m. until midnight, except as provided in Subsections D and  
16 F of this section; and

17 (3) on Sundays only after midnight of the  
18 previous day until 2:00 a.m., except as provided in  
19 Subsections C and E of this section and Section 60-7A-2 NMSA  
20 1978.

21 B. Alcoholic beverages shall be sold by a dispenser  
22 or a retailer in unbroken packages, for consumption off the  
23 licensed premises and not for resale, on Mondays through  
24 Saturdays from 7:00 a.m. until midnight, except as provided  
25 in Subsections D and F of this section.

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1           C. A dispenser, restaurant licensee or club may,  
2 upon payment of an additional fee of one hundred dollars  
3 (\$100), obtain a permit to sell, serve or permit the  
4 consumption of alcoholic beverages by the drink on the  
5 licensed premises on Sundays, subject to approval obtained  
6 pursuant to the process set forth in Subsection E of this  
7 section. Alcoholic beverages may be sold, served and  
8 consumed from 11:00 a.m. until midnight as set forth in the  
9 licensee's Sunday sales permit, except as otherwise provided  
10 for a restaurant licensee in Section 60-6A-4 NMSA 1978. The  
11 Sunday sales permit shall expire on June 30 of each year and  
12 may be renewed from year to year upon application for renewal  
13 and payment of the required fee. The permit fee shall not be  
14 prorated. Sales made pursuant to this subsection or  
15 Subsection G of this section shall be called "Sunday sales".

16           D. Retailers, dispensers, canopy licensees that  
17 were replaced by dispenser's licensees pursuant to Section  
18 60-6B-16 NMSA 1978, restaurant licensees, club licensees and  
19 governmental licensees or their lessees shall not sell,  
20 serve, deliver or allow the consumption of alcoholic  
21 beverages on the licensed premises from 2:00 a.m. on  
22 Christmas day until 7:00 a.m. on the day after Christmas,  
23 except as permitted pursuant to Subsection F of this section.

24           E. Sunday sales pursuant to the provisions of  
25 Subsection C of this section are permitted in a local option

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1 district that voted to permit them. If in that election a  
2 majority of the voters in a local option district voted "no"  
3 on the question "Shall Sunday sales of alcoholic beverages by  
4 the drink for consumption on the licensed premises of  
5 licensees be allowed in this local option district?", Sunday  
6 sales are unlawful in that local option district upon  
7 certification of the election returns unless the provisions  
8 of Subsection J of this section apply. The question shall  
9 not again be placed on the ballot in that local option  
10 district until:

11 (1) at least one year has passed; and

12 (2) a petition is filed with the local  
13 governing body bearing the signatures of registered qualified  
14 electors of the local option district equal in number to ten  
15 percent of the number of votes cast and counted in the local  
16 option district for governor in the last preceding general  
17 election in which a governor was elected. The signatures on  
18 the petition shall be verified by the clerk of the county in  
19 which the local option district is situated.

20 F. On and after July 1, 2002, dispensers, canopy  
21 licensees that were replaced by dispenser's licensees  
22 pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees,  
23 club licensees and governmental licensees or lessees of these  
24 licensees; provided that the licensees have current, valid  
25 food service establishment permits, may sell, serve or allow

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1 the consumption of alcoholic beverages by the drink on  
2 licensed premises from noon until 10:00 p.m. on Christmas  
3 day, except in a local option district in which, pursuant to  
4 petition and election under this subsection, a majority of  
5 the voters voting on the question votes against continuing  
6 such sales or consumption on Christmas day. An election  
7 shall be held on the question of whether to continue to allow  
8 the sale, service or consumption of alcoholic beverages by  
9 the drink on licensed premises from noon until 10:00 p.m. on  
10 Christmas day in a local option district, if a petition  
11 requesting the governing body of that district to call the  
12 election is signed by at least ten percent of the registered  
13 voters of the district and is filed with the clerk of the  
14 governing body of the district. Upon verification by the  
15 clerk that the petition contains the required number of  
16 signatures of registered voters, the governing body shall  
17 adopt a resolution calling an election on the question of  
18 allowing the sale, service or consumption of alcoholic  
19 beverages by the drink on licensed premises from noon until  
20 10:00 p.m. on Christmas day. The election [~~shall be held~~  
21 ~~within sixty days after the date the petition is verified, or~~  
22 ~~it~~] may be held in conjunction with a regular election of the  
23 governing body [~~if that election occurs within sixty days of~~  
24 ~~such verification~~] or a regular local or special election  
25 held pursuant to the Local Election Act. The election shall

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1 be called, conducted, counted and canvassed in substantially  
2 the same manner as provided for general elections in the  
3 county under the Election Code or for special ~~[municipal]~~  
4 elections in a municipality under the ~~[Municipal Election~~  
5 ~~Code]~~ Local Election Act. If a majority of the voters voting  
6 on the question votes against continuing the sale, service or  
7 consumption of alcoholic beverages by the drink on licensed  
8 premises from noon until 10:00 p.m. on Christmas day, then  
9 such sales and consumption shall be prohibited. If a  
10 majority of the voters voting on the question votes to allow  
11 continued sale, service and consumption of alcoholic  
12 beverages by the drink on licensed premises from noon until  
13 10:00 p.m. on Christmas day, then such sales and consumption  
14 shall be allowed to continue. The question then shall not be  
15 submitted again to the voters within two years of the date of  
16 the last election on the question.

17 G. Notwithstanding the provisions of Subsection E  
18 of this section, any Indian nation, tribe or pueblo whose  
19 lands are wholly situated within the state that has, by  
20 statute, ordinance or resolution, elected to permit the sale,  
21 possession or consumption of alcoholic beverages on lands  
22 within the territorial boundaries of the Indian nation, tribe  
23 or pueblo may, by statute, ordinance or resolution of the  
24 governing body of the Indian nation, tribe or pueblo, permit  
25 Sunday sales by the drink on the licensed premises of

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1 licensees on lands within the territorial boundaries of the  
2 Indian nation, tribe or pueblo; provided that a certified  
3 copy of such enactment is filed with the office of the  
4 director and with the secretary of state.

5 H. Subject to the provisions of Subsection I of  
6 this section, a dispenser or retailer, upon payment of an  
7 additional fee of one hundred dollars (\$100), may obtain a  
8 permit to sell alcoholic beverages in unbroken packages for  
9 consumption off the licensed premises on Sundays from noon  
10 until midnight, and in those years when December 31 falls on  
11 a Sunday, from noon on December 31 until 2:00 a.m. of the  
12 following day. The permit shall expire on June 30 of each  
13 year and may be renewed from year to year upon application  
14 for renewal and payment of the required fee. The permit fee  
15 shall not be prorated. Sales made pursuant to the provisions  
16 of this subsection shall be called "Sunday package sales".

17 I. If a petition requesting the governing body of a  
18 local option district to call an election on the question of  
19 continuing to allow sales of alcoholic beverages in unbroken  
20 packages for consumption off the licensed premises on Sundays  
21 is filed with the clerk of the governing body and that  
22 petition is signed by at least ten percent of the number of  
23 registered voters of the local option district and the clerk  
24 of the governing body verifies the petition signatures, the  
25 governing body shall adopt a resolution calling an election

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1 on the question. The election shall be held within sixty  
2 days of the date that the petition is verified, or it may be  
3 held in conjunction with a regular election of the governing  
4 body, if the regular election occurs within sixty days of the  
5 petition verification. The election shall be called,  
6 conducted, counted and canvassed substantially in the manner  
7 provided by law for general elections within a county or for  
8 special ~~[municipal]~~ elections within a municipality pursuant  
9 to the Local Election Act. If a majority of the voters of  
10 the local option district voting in the election votes to  
11 allow the sale of alcoholic beverages in unbroken packages  
12 for consumption off the licensed premises, then those sales  
13 shall continue to be allowed. If a majority of the voters of  
14 the local option district voting in the election votes not to  
15 allow the Sunday package sales, then those Sunday package  
16 sales shall be prohibited commencing the first Sunday after  
17 the results of the election are certified. Following the  
18 election, the question of allowing the Sunday package sales  
19 shall not be submitted again to the voters within two years  
20 of the date of the last election on the question.

21 J. Sunday sales of alcoholic beverages shall be  
22 permitted at resorts and at horse racetracks statewide  
23 pursuant to the provisions of Section 60-7A-2 NMSA 1978."

24 SECTION 94. Section 62-6-5 NMSA 1978 (being Laws 1941,  
25 Chapter 84, Section 17A, as amended) is amended to read:

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1 "62-6-5. LOCAL OPTION.--Notwithstanding any of the  
2 provisions in Section 62-6-4 NMSA 1978, any municipality  
3 desiring to avail itself of all the benefits of the Public  
4 Utility Act and of the regulatory services of the commission  
5 may elect to come within the provisions of that act and to  
6 have the utilities owned and operated by it, either directly  
7 or through a municipally owned corporation, regulated and  
8 supervised under the provisions of that act. When a  
9 municipality so elects, in the manner provided in this  
10 section, it shall be subject to all the provisions of the  
11 Public Utility Act. The election shall be held as follows:

12 A. at any time after the effective date of the  
13 Public Utility Act, the legal voters of any municipality may  
14 petition in writing the governing body of the municipality by  
15 filing a petition in the office of the municipal clerk to  
16 hold an election for the purpose of determining whether the  
17 municipality shall be subject to the provisions of that act.  
18 If the aggregate of the names signed to the petition equals  
19 or exceeds twenty-five percent of the number of legal votes  
20 cast in the municipality for governor at the last preceding  
21 general election, the governing body of the municipality  
22 shall call an election to be held within sixty days of the  
23 filing of the petition in accordance with the provisions of  
24 the Local Election Act. Provided, however, that if a  
25 [~~general municipal~~] local election is to be held [~~for any~~

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1 ~~other purpose~~] within six months of the filing of the  
2 petition, the election provided for in this section shall be  
3 held at the same time as [~~and through the election machinery~~  
4 ~~used at~~] that election;

5 B. the election shall be held in the same manner as  
6 and with the same registration books as for other municipal  
7 elections. The ballots to be submitted to the voters at the  
8 election shall present the following questions:

9 "For regulation of municipally owned  
10 utilities by the [~~New Mexico~~] public  
11 [~~utility~~] regulation commission . . . . . \_\_\_\_\_  
12 Against regulation of municipally owned  
13 utilities by the [~~New Mexico~~] public  
14 [~~utility~~] regulation commission . . . . . \_\_\_\_\_".

15 The votes at the election shall be counted, returned and  
16 canvassed as provided for in [~~general municipal elections~~]  
17 the Local Election Act. If the majority of all the votes are  
18 in favor of regulation of municipally owned utilities, the  
19 governing body of the municipality shall declare, by order  
20 entered upon the records of the municipality, that it is  
21 subject to all the provisions of the Public Utility Act. If  
22 the majority of all the votes are against such regulation,  
23 the result of the election shall be declared and entered in  
24 the same manner; and

25 C. no elections for the same purpose shall be held

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1 within two years of each other."

2 SECTION 95. Section 72-16-1 NMSA 1978 (being Laws 1963,  
3 Chapter 311, Section 1) is amended to read:

4 "72-16-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article  
5 16 NMSA 1978 may be cited as the "Arroyo Flood Control Act"."

6 SECTION 96. Section 72-16-4 NMSA 1978 (being Laws 1963,  
7 Chapter 311, Section 4) is amended to read:

8 "72-16-4. DEFINITIONS.--Except where the context  
9 otherwise requires, ~~[the definitions in this section govern~~  
10 ~~the construction hereof]~~ as used in the Arroyo Flood Control  
11 Act:

12 A. "act" means ~~[this]~~ the Arroyo Flood Control Act;

13 B. "acquisition" or "acquire" means the opening,  
14 laying out, establishment, purchase, construction, securing,  
15 installation, reconstruction, lease, gift, grant from the  
16 federal government or any public body or person, endowment,  
17 bequest, devise, condemnation, transfer, assignment, option  
18 to purchase, other contract or other acquirement, or any  
19 combination ~~[thereof]~~ of those, of facilities, other property  
20 or any project, or an interest ~~[therein, herein]~~ in them,  
21 authorized by the Arroyo Flood Control Act;

22 C. "authority" means the Albuquerque metropolitan  
23 arroyo flood control authority ~~[hereby created];~~

24 D. "board" means the board of directors of the  
25 Albuquerque metropolitan arroyo flood control authority;

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1 E. [~~chairman~~] "chair" means the [~~chairman~~] chair  
2 of the board and president of the authority;

3 F. "condemnation" or "condemn" means the  
4 acquisition by the exercise of the power of eminent domain of  
5 property for any facilities, other property or project, or an  
6 interest [~~therein, herein~~] in them, authorized by the Arroyo  
7 Flood Control Act. The authority may exercise in the state  
8 the power of eminent domain, either within or without the  
9 authority, and in the manner provided by law for the  
10 condemnation of private property for public use, may take any  
11 property necessary to carry out any of the objects or  
12 purposes [~~hereof~~] of the Arroyo Flood Control Act. In the  
13 event the construction of any facility or project [~~herein~~]  
14 authorized by that act, or any part [~~thereof, shall make~~] of  
15 the act makes necessary the removal and relocation of any  
16 public utilities, whether on private or public right of way,  
17 the authority shall reimburse the owner of [~~such~~] the public  
18 utility facility for the expense of [~~such~~] removal and  
19 relocation, including the cost of any necessary land or  
20 rights in land;

21 G. "cost" or "cost of the project", or words of  
22 similar import, means [~~all, or~~] any part designated by the  
23 board of the cost of any facilities, project or interest  
24 [~~therein~~] being acquired and of [~~all or~~] any property,  
25 rights, easements, privileges, agreements and franchises

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1 deemed by the authority to be necessary or useful and  
2 convenient [~~therefor~~] or in connection therewith, which cost,  
3 at the option of the board, may include [~~all or~~] any part of  
4 the incidental costs pertaining to the project, including  
5 without limiting the generality of the foregoing, preliminary  
6 expenses advanced by any municipality from funds available  
7 for use [~~therefor~~] in the making of surveys, preliminary  
8 plans, estimates of cost and other preliminaries; for the  
9 costs of appraising and printing and employing engineers,  
10 architects, fiscal agents, attorneys at law, clerical help or  
11 other agents or employees; for the costs of capitalizing  
12 interest or any discount on securities, of inspection, of any  
13 administrative, operating and other expenses of the authority  
14 prior to the levy and collection of taxes and of reserves for  
15 working capital, operation, maintenance or replacement  
16 expenses or for payment or security of principal of or  
17 interest on any securities; for the costs of making,  
18 publishing, posting, mailing and otherwise giving any notice  
19 in connection with the project, the taking of options, the  
20 issuance of securities, the filing or recordation of  
21 instruments and the levy and collection of taxes and  
22 installments [~~thereof~~]; for the costs of reimbursements by  
23 the authority to any public body, the federal government or  
24 any person of any [~~moneys theretofore~~] money expended for or  
25 in connection with any facility or project; and for all other

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1 expenses necessary or desirable and appertaining to any  
2 project, as estimated or otherwise ascertained by the board;

3 H. "director" means a member of the board;

4 I. "disposal" or "dispose" means the sale,  
5 destruction, razing, loan, lease, gift, grant, transfer,  
6 assignment, mortgage, option to sell, other contract or other  
7 disposition, or any combination thereof, of facilities, other  
8 property or any project, or an interest [~~therein, herein~~] in  
9 them, authorized by the Arroyo Flood Control Act;

10 J. "engineer" means any engineer in the permanent  
11 employ of the authority or any independent competent engineer  
12 or firm of [~~such~~] engineers employed by the authority in  
13 connection with any facility, property project or power  
14 [~~herein~~] authorized by the Arroyo Flood Control Act;

15 K. "equipment" or "equip" means the furnishing of  
16 all necessary or desirable, related or appurtenant  
17 facilities, or any combination [~~thereof~~] of them,  
18 appertaining to any facilities, property or project or  
19 interest [~~therein, herein~~] in them, authorized by the Arroyo  
20 Flood Control Act;

21 L. "facility" means any of the water facilities,  
22 sewer facilities or other property appertaining to the flood  
23 control system of the authority;

24 M. "federal government" means the United States [~~of~~  
25 ~~America~~] or any agency, instrumentality or corporation

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1     ~~[thereof]~~ of the United States;

2             N. "federal securities" means the bills,  
3     certificates of indebtedness, notes or bonds ~~[which]~~ that are  
4     direct obligations of, or the principal and interest of which  
5     obligations are unconditionally guaranteed by, the United  
6     States ~~[of America];~~

7             O. "governing body" means the city council, city  
8     commission, board of commissioners, board of trustees, board  
9     of directors or other legislative body of the public body  
10    proceeding ~~[hereunder]~~ under the Arroyo Flood Control Act, in  
11    which body the legislative powers of the public body are  
12    vested;

13            P. "hereby", "herein", "hereinabove",  
14    "hereinafter", "hereinbefore", "hereof", "hereto" and  
15    "hereunder" refer to ~~[this]~~ the Arroyo Flood Control Act and  
16    not solely to the particular portion ~~[thereof]~~ of the act in  
17    which such word is used;

18            Q. "improvement" or "improve" means the extension,  
19    widening, lengthening, betterment, alteration,  
20    reconstruction, repair or other improvement, or any  
21    combination, ~~[thereof]~~ of facilities, other property or  
22    project or any interest ~~[therein, herein]~~ in them, authorized  
23    by the Arroyo Flood Control Act;

24            R. "mailed notice" or "notice by mail" means the  
25    giving by the engineer, secretary or any deputy ~~[thereof]~~, as

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1 determined by the board, of any designated written or printed  
2 notice addressed to the last known owner [~~or owners~~] of each  
3 tract of real property in question or other designated person  
4 at [~~his or their~~] the owner's last known address [~~or~~  
5 ~~addresses~~], by deposit, at least ten days prior to the  
6 designated hearing or other time or event, in the United  
7 States mails, postage prepaid, as first-class mail. In the  
8 absence of fraud, the failure to mail [~~any such~~] a notice  
9 shall not invalidate any proceedings [~~hereunder~~] under the  
10 Arroyo Flood Control Act. The names and addresses of [~~such~~]  
11 the property owners shall be obtained from the records of the  
12 county assessor or from such other source [~~or sources~~] as the  
13 secretary or the engineer [~~deem~~] deems reliable. Any list of  
14 [~~such~~] names and addresses may be revised from time to time,  
15 but [~~such a~~] the list need not be revised more frequently  
16 than at twelve-month intervals. Any mailing of [~~any~~] notice  
17 [~~herein~~] required shall be verified by the affidavit or  
18 certificate of the engineer, secretary, [~~the~~] deputy or other  
19 person mailing the notice, which verification shall be  
20 retained in the records of the authority at least until all  
21 taxes and securities appertaining [~~thereto~~] to taxes have  
22 been paid in full or any claim is barred by a statute of  
23 limitations;

24 S. "may" is permissive;

25 T. "municipality" means the city of Albuquerque or

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1 any other incorporated city, town or village in the state,  
2 whether incorporated or governed under a general act, special  
3 legislative act or special charter of any type. "Municipal"  
4 pertains thereto;

5 U. "person" means any human being, association,  
6 partnership, firm or corporation, excluding a public body and  
7 excluding the federal government;

8 V. "president" means the president of the authority  
9 and the ~~[chairman]~~ chair of the board;

10 W. "project" means any structure, facility,  
11 undertaking or system ~~[which]~~ that the authority is ~~[herein]~~  
12 authorized to acquire, improve, equip, maintain or operate.  
13 A project may consist of all kinds of personal and real  
14 property. A project shall appertain to the flood control  
15 system ~~[which]~~ that the authority is ~~[hereby]~~ authorized and  
16 directed to provide within and without the authority's  
17 boundaries;

18 X. "property" means real property and personal  
19 property;

20 Y. "publication" or "publish" means publication in  
21 at least the one newspaper designated as the authority's  
22 official newspaper and published in the authority in the  
23 English language at least once a week and of general  
24 circulation in the authority. Except as ~~[herein]~~ otherwise  
25 specifically provided or necessarily implied, "publication"

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1 or "publish" also means publication for at least once a week  
2 for three consecutive weeks by three weekly insertions, the  
3 first publication being at least fifteen days prior to the  
4 designated time or event, unless otherwise [~~so~~] stated. It  
5 is not necessary that publication be made on the same day of  
6 the week in each of the three calendar weeks, but not less  
7 than fourteen days shall intervene between the first  
8 publication and the last publication, and publication shall  
9 be complete on the day of the last publication. Any  
10 publication [~~herein~~] required shall be verified by the  
11 affidavit of the publisher and filed with the secretary;

12 Z. "public body" means the state [~~of New Mexico~~] or  
13 any agency, instrumentality or corporation [~~thereof~~] of the  
14 state, or any municipality, school district or other type  
15 district or any other political subdivision of the state,  
16 excluding the authority and excluding the federal government;

17 AA. "qualified elector" means a person qualified  
18 and registered to vote in general elections in the state [~~of~~  
19 ~~New Mexico~~] who is a resident of the authority at the time of  
20 any election held under the provisions of [~~this~~] the Arroyo  
21 Flood Control Act or at any other time in reference to which  
22 the term "qualified elector" is used;

23 BB. "real property" means:

- 24 (1) land, including land under water;  
25 (2) buildings, structures, fixtures and

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1 improvements on land;

2 (3) any property appurtenant to or used in  
3 connection with land; and

4 (4) every estate, interest, privilege,  
5 easement, franchise and right in land, legal or equitable,  
6 including without limiting the generality of the foregoing,  
7 rights of way, terms for years and liens, charges or  
8 encumbrances by way of judgment, mortgage or otherwise, and  
9 the indebtedness secured by [~~such~~] the liens;

10 CC. "secretary" means the secretary of the  
11 authority;

12 DD. "secretary of state" means the secretary of the  
13 state of New Mexico;

14 EE. "securities" means any notes, warrants, bonds,  
15 temporary bonds or interim debentures or other obligations of  
16 the authority or any public body appertaining to any project,  
17 or interest [~~therein, herein~~] in a project authorized by the  
18 Arroyo Flood Control Act;

19 FF. "sewer facilities" means any one or more of the  
20 various devices used in the collection, [~~channelling~~]  
21 channeling, impounding or disposition of storm, flood or  
22 surface drainage waters, including all inlets, collection,  
23 drainage or disposal lines, canals, intercepting sewers,  
24 outfall sewers, all pumping, power and other equipment and  
25 appurtenances; all extensions, improvements, remodeling,

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1 additions and alterations [~~thereof~~]; and any [~~and all~~] rights  
2 or interest in such sewer facilities;

3 GG. "sewer improvement" or "improve any sewer"  
4 means the acquisition, reacquisition, improvement,  
5 reimprovement or repair of any storm sewer, or combination  
6 storm and sanitary sewer, including [~~but not limited to~~]  
7 collecting and intercepting sewer lines or mains, submains,  
8 trunks, laterals, outlets, ditches, ventilation stations,  
9 pumping facilities, ejector stations and all other  
10 appurtenances and machinery necessary, useful or convenient  
11 for the collection, transportation and disposal of storm  
12 water;

13 HH. "shall" is mandatory;

14 II. "state" means the state of New Mexico or any  
15 agency, instrumentality or corporation [~~thereof~~] of the state  
16 of New Mexico;

17 JJ. "street" means any street, avenue, boulevard,  
18 alley, highway or other public right of way used for any  
19 vehicular traffic;

20 KK. "taxes" means general (ad valorem) taxes  
21 pertaining to any project [~~herein~~] authorized by the Arroyo  
22 Flood Control Act; and

23 [~~LL. "taxpaying elector" means a qualified elector~~  
24 ~~of the authority who is an owner of real or personal property~~  
25 ~~within the boundaries of the authority, which property is~~

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[bracketed material] = delete

1 ~~subject to general (ad valorem) taxation at the time of any~~  
2 ~~election held under the provisions of this act or at any~~  
3 ~~other time in reference to which the term "taxpaying elector"~~  
4 ~~is used. A person who is obligated to pay general (ad~~  
5 ~~valorem) taxes under a contract to purchase real property in~~  
6 ~~the authority shall be considered as such an owner. The~~  
7 ~~ownership of any property subject to the payment of a~~  
8 ~~specific ownership tax on a motor vehicle or trailer or of~~  
9 ~~any other excise or property tax other than such general (ad~~  
10 ~~valorem) taxes shall not constitute the ownership of property~~  
11 ~~subject to taxation as herein provided;~~

12 ~~MM.]~~ LL. "treasurer" means the treasurer of the  
13 authority."

14 SECTION 97. Section 72-16-8 NMSA 1978 (being Laws 1963,  
15 Chapter 311, Section 8) is amended to read:

16 "72-16-8. BOARD OF DIRECTORS.--The governing body of  
17 the authority hereby created is a board of directors  
18 consisting of five qualified electors of the authority. All  
19 powers, rights, privileges and duties vested in or imposed  
20 upon the authority are exercised and performed by and through  
21 the board of directors; provided that the exercise of any  
22 [~~and all~~] executive, administrative and ministerial powers  
23 may be, by the board, delegated and redelegated to officers  
24 and employees of the authority. Except for the first  
25 directors appointed as [~~hereinafter~~] provided for in Section

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1 72-16-9 NMSA 1978, and except for any director chosen to fill  
2 an unexpired term, the term of each director [~~commences on~~  
3 ~~the first day of January next following a general election in~~  
4 ~~the state and~~] runs for six years. Each director, subject to  
5 [~~said~~] such exceptions, shall serve [~~such~~] a six-year term  
6 [~~ending on the first day of January next following a general~~  
7 ~~election~~], and each director shall serve until [~~his~~] a  
8 successor has been duly chosen and qualified."

9 SECTION 98. Section 72-16-10 NMSA 1978 (being Laws  
10 1963, Chapter 311, Section 10, as amended) is amended to  
11 read:

12 "72-16-10. ELECTION OF DIRECTORS.--

13 A. [~~At each general election~~] Elections shall be  
14 held pursuant to the provisions of the Local Election Act.  
15 Directors shall be elected from single-member districts in  
16 which they reside. The board shall ensure that the districts  
17 remain contiguous, compact and as equal in population as is  
18 practicable, assessing the existing districts following each  
19 federal decennial census to accomplish that objective. A  
20 redistricting shall be effective at the following regular  
21 board election. Incumbent board members whose residences are  
22 redistricted out of their districts may serve out their term  
23 of office.

24 B. The qualified electors of the authority shall  
25 elect similarly one or two qualified electors as directors to

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1 serve six-year terms as directors and as successors to the  
2 directors whose terms end [~~on the first day of January next~~]  
3 following each election. Nothing [~~herein~~] may be construed  
4 as preventing [~~a~~] qualified [~~elector~~] electors of the  
5 authority from [~~any~~] single-member [~~district~~] districts from  
6 being elected or reelected as [~~a director~~] directors to  
7 succeed [~~himself~~] themselves."

8 SECTION 99. Section 72-16-11 MSA 1978 (being Laws  
9 1963, Chapter 311, Section 11, as amended) is amended to  
10 read:

11 "72-16-11. NOMINATION OF DIRECTORS.-- [~~Not later than~~  
12 ~~forty-five days before a proposal to incur debt is first~~  
13 ~~submitted to the taxpaying electors or at the first general~~  
14 ~~election next following the effective date of the Arroyo~~  
15 ~~Flood Control Act, whichever occurs first~~] Written  
16 nominations of any candidate as director may be filed [~~with~~  
17 ~~the secretary of the board~~] in accordance with the provisions  
18 of the Local Election Act. Each nomination of any candidate  
19 shall be signed by not less than fifty [~~taxpaying~~] qualified  
20 electors who reside within the district for which the  
21 candidate has been nominated, shall designate [~~therein~~] the  
22 name of the [~~candidates thereby~~] candidate nominated and  
23 shall recite that the subscribers are [~~taxpaying~~] qualified  
24 electors of the district for which the candidate is nominated  
25 and that the candidate [~~or candidates~~] designated [~~therein~~

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1 are] is a qualified [~~electors~~] elector of the authority and  
2 [~~reside~~] resides within the district for which [~~they are~~] the  
3 candidate is nominated. No [~~taxpaying~~] qualified elector may  
4 nominate more than one candidate for any vacancy. [~~If a~~  
5 ~~candidate does not withdraw his name before the time~~  
6 ~~established by the county for purposes of absentee ballots or~~  
7 ~~as set forth in the Election Code, whichever is earlier, his~~  
8 ~~name shall be placed on the ballot. For any election held~~  
9 ~~after November 6, 1984, nominations shall be made by~~  
10 ~~qualified electors in accordance with the procedures and~~  
11 ~~limitations of this section, except that such nominations~~  
12 ~~shall be filed with the secretary of the board not later than~~  
13 ~~the fourth Tuesday in June preceding the general election.]"~~

14 SECTION 100. Section 72-16-13 NMSA 1978 (being Laws  
15 1963, Chapter 311, Section 13) is amended to read:

16 "72-16-13. ORGANIZATIONAL MEETINGS.--Except for the  
17 first board, each board shall meet on the first business day  
18 [~~next~~] following the first day of [~~January in each odd-~~  
19 ~~numbered year~~] the month that the term of office begins for  
20 members elected in the immediately preceding election at the  
21 office of the board within the authority. Each member of the  
22 board, before entering upon [~~his~~] the member's official  
23 duties, shall take and subscribe on oath [~~that he will~~] to  
24 support the constitution of the United States and the  
25 constitution and laws of New Mexico and [~~that he will~~] to

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[bracketed material] = delete

1 discharge faithfully and impartially [~~discharge~~] the duties  
2 of [~~his~~] office to the best of [~~his~~] the member's ability,  
3 which oath shall be filed in the office of the secretary of  
4 state. Each director shall, before entering upon [~~his~~] the  
5 director's official duties, give a bond to the authority in  
6 the sum of ten thousand dollars (\$10,000) with good and  
7 sufficient surety, conditioned for the faithful performance  
8 of [~~each and~~] all of the duties of [~~his~~] office, without  
9 fraud, deceit or oppression, and the accounting for all  
10 [~~moneys~~] money and property coming into [~~his~~] the director's  
11 hands and the prompt and faithful payment of all [~~moneys~~]  
12 money and the delivering of all property coming into [~~his~~]  
13 the director's custody or control belonging to the authority  
14 to [~~his~~] the director's successors in office. Premiums on  
15 all bonds provided for in this section shall be paid by the  
16 authority, and all such bonds shall be kept on file in the  
17 office of the secretary of state."

18 **SECTION 101.** Section 72-16-22 NMSA 1978 (being Laws  
19 1963, Chapter 311, Section 22, as amended) is amended to  
20 read:

21 "72-16-22. ADDITIONAL POWERS OF THE AUTHORITY.--The  
22 authority may exercise the following duties, privileges,  
23 immunities, rights, liabilities and disabilities appertaining  
24 to a public body politic and corporate and constituting a  
25 quasi-municipal corporation and political subdivision of the

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1 state established as an instrumentality exercising public and  
2 essential governmental and proprietary functions to provide  
3 for the public health, safety and general welfare:

4 A. perpetual existence and succession;

5 B. adopt, have and use a corporate seal and alter  
6 the same at pleasure;

7 C. sue and be sued and be a party to suits, actions  
8 and proceedings;

9 D. commence, maintain, intervene in, defend,  
10 compromise, terminate by settlement or otherwise, and  
11 otherwise participate in, and assume the cost and expense of,  
12 any and all actions and proceedings now or hereafter begun  
13 and appertaining to the authority, its board, its officers,  
14 agents or employees, or any of the authority's duties,  
15 privileges, immunities, rights, liabilities and disabilities,  
16 or the authority's flood control system, other property of  
17 the authority or any project;

18 E. enter into contracts and agreements, including  
19 but not limited to contracts with the federal government, the  
20 state and any other public body;

21 F. borrow money and issue securities evidencing any  
22 loan to or amount due by the authority, provide for and  
23 secure the payment of any securities and the rights of the  
24 holders thereof, and purchase, hold and dispose of  
25 securities, as hereinafter provided;

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1           G. refund any loan or obligation of the authority  
2 and issue refunding securities to evidence such loan or  
3 obligation without any election;

4           H. purchase, trade, exchange, encumber and  
5 otherwise acquire, maintain and dispose of property and  
6 interests therein;

7           I. levy and cause to be collected general (ad  
8 valorem) taxes on all property subject to property taxation  
9 within the authority; provided that the total tax levy,  
10 excluding any levy for the payment of any debt of the  
11 authority authorized pursuant to the Arroyo Flood Control  
12 Act, for any fiscal year shall not exceed an aggregate total  
13 of fifty cents (\$.50), or any lower amount required by  
14 operation of the rate limitation provisions of Section  
15 7-37-7.1 NMSA 1978 upon this tax levy, for each one thousand  
16 dollars (\$1,000) of net taxable value, as that term is  
17 defined in the Property Tax Code, by certifying, on or before  
18 the fifteenth day of July in each year in which the board  
19 determines to levy a tax, to the board of county  
20 commissioners of Bernalillo county, or by such other date as  
21 the laws of the state may prescribe to such other body having  
22 authority to levy taxes within each county wherein the  
23 authority has any territory, the rate so fixed, with  
24 directions that, at the time and in the manner required by  
25 law for levying taxes for other purposes, such body having

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1 authority to levy taxes shall levy the tax upon the net  
2 taxable value of all property subject to property taxation  
3 within the authority, in addition to such other taxes as may  
4 be levied by such body, as provided in Sections 72-16-23  
5 through 72-16-27 NMSA 1978. No taxes may be levied and  
6 collected for any purpose, or any contract made, until a bond  
7 issue has been submitted to and approved by the [~~taxpaying~~  
8 qualified electors as hereinafter provided;

9 J. hire and retain officers, agents, employees,  
10 engineers, attorneys and any other persons, permanent or  
11 temporary, necessary or desirable to effect the purposes  
12 hereof, defray any expenses incurred thereby in connection  
13 with the authority, and acquire office space, equipment,  
14 services, supplies, fire and extended coverage insurance, use  
15 and occupancy insurance, [~~workmen's~~ workers' compensation  
16 insurance, property damage insurance, public liability  
17 insurance for the authority and its officers, agents and  
18 employees, and other types of insurance, as the board may  
19 determine; provided, however, that no provision herein  
20 authorizing the acquisition of insurance shall be construed  
21 as waiving any immunity of the authority or any director,  
22 officer or agent thereof and otherwise existing under the  
23 laws of the state;

24 K. condemn property for public use;

25 L. acquire, improve, equip, hold, operate, maintain

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~~[bracketed material]~~ = delete

1 and dispose of a flood control system, storm sewer  
2 facilities, project and appurtenant works, or any interest  
3 therein, wholly within the authority, or partially within and  
4 partially without the authority, and wholly within, wholly  
5 without or partially within and partially without any public  
6 body all or any part of the area of which is situated within  
7 the authority;

8 M. pay or otherwise defray the cost of any project;

9 N. pay or otherwise defray and contract so to pay  
10 or defray, for any term not exceeding fifty years, without an  
11 election, except as hereinafter otherwise provided, the  
12 principal of, any interest on, and any other charges  
13 appertaining to, any securities or other obligations of the  
14 federal government or any public body or person incurred in  
15 connection with any such property so acquired by the  
16 authority;

17 O. establish and maintain facilities within or  
18 without the authority, across or along any public street,  
19 highway, bridge, viaduct or other public right of way, or in,  
20 upon, under or over any vacant public lands, which public  
21 lands are now, or may become, the property of the state, or  
22 across any stream of water or water course, without first  
23 obtaining a franchise from the municipality, county or other  
24 public body having jurisdiction over the same; provided that  
25 the authority shall cooperate with any public body having

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1 such jurisdiction, shall promptly restore any such street,  
2 highway, bridge, viaduct or other public right of way to its  
3 former state of usefulness as nearly as may be and shall not  
4 use the same in such manner as to impair completely or  
5 unnecessarily the usefulness thereof;

6 P. deposit any money of the authority, subject to  
7 the limitations in Article 8, Section 4 of the constitution  
8 of New Mexico, in any banking institution within or without  
9 the state and secured in such manner and subject to such  
10 terms and conditions as the board may determine, with or  
11 without the payment of any interest on any such deposit;

12 Q. invest any surplus money in the authority  
13 treasury, including such money in any sinking or reserve fund  
14 established for the purpose of retiring any securities of the  
15 authority, not required for the immediate necessities of the  
16 authority, in its own securities or in federal securities, by  
17 direct purchase of any issue of such securities, or part  
18 thereof, at the original sale of the same, or by the  
19 subsequent purchase of such securities;

20 R. sell any such securities thus purchased and  
21 held, from time to time;

22 S. reinvest the proceeds of any such sale in other  
23 securities of the authority or in federal securities, as  
24 provided in Subsection Q of this section;

25 T. sell in season from time to time such securities

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1 thus purchased and held, so that the proceeds may be applied  
2 to the purposes for which the money with which such  
3 securities were originally purchased was placed in the  
4 treasury of the authority;

5 U. accept contributions or loans from the federal  
6 government for the purpose of financing the planning,  
7 acquisition, improvement, equipment, maintenance and  
8 operation of any enterprise in which the authority is  
9 authorized to engage, and enter into contracts and cooperate  
10 with, and accept cooperation and participation from, the  
11 federal government for these purposes;

12 V. enter, without any election, into joint  
13 operating or service contracts and agreements, acquisition,  
14 improvement, equipment or disposal contracts or other  
15 arrangements, for any term not exceeding fifty years, with  
16 the federal government, any public body or any person  
17 concerning storm sewer facilities, or any project, whether  
18 acquired by the authority or by the federal government, any  
19 public body or any person, and accept grants and  
20 contributions from the federal government, any public body or  
21 any person in connection therewith;

22 W. enter into and perform, without any election,  
23 when determined by the board to be in the public interest and  
24 necessary for the protection of the public health, contracts  
25 and agreements, for any term not exceeding fifty years, with

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~~[bracketed material]~~ = delete

1 the federal government, any public body or any person for the  
2 provision and operation by the authority of storm sewer  
3 facilities;

4 X. enter into and perform, without any election,  
5 contracts and agreements with the federal government, any  
6 public body or any person for or concerning the planning,  
7 construction, lease or other acquisition, improvement,  
8 equipment, operation, maintenance, disposal, and the  
9 financing of any project, including but not necessarily  
10 limited to any contract or agreement for any term not  
11 exceeding fifty years;

12 Y. enter upon any land, make surveys, borings,  
13 soundings and examinations for the purposes of the authority,  
14 and locate the necessary works of any project and roadways  
15 and other rights of way appertaining to any project herein  
16 authorized; acquire all property necessary or convenient for  
17 the acquisition, improvement or equipment of such works;

18 Z. cooperate with and act in conjunction with the  
19 state, or any of its engineers, officers, boards, commissions  
20 or departments, or with the federal government or any of its  
21 engineers, officers, boards, commissions or departments, or  
22 with any other public body or any person in the acquisition,  
23 improvement or equipment of any project for the controlling  
24 of flood or storm waters of the authority, or for the  
25 protection of life or property therein, or for any other

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1 works, acts or purposes provided for herein, and adopt and  
2 carry out any definite plan or system of work for any such  
3 purpose;

4 AA. cooperate with the federal government or any  
5 public body by an agreement therewith by which the authority  
6 may:

7 (1) acquire and provide, without cost to the  
8 operating entity, the land, easements and [~~rights-of-way~~]  
9 rights of way necessary for the acquisition, improvement or  
10 equipment of the flood control system or any project;

11 (2) hold and save harmless the cooperating  
12 entity free from any claim for damages arising from the  
13 acquisition, improvement, equipment, maintenance and  
14 operation of the flood control system or any project;

15 (3) maintain and operate any project in  
16 accordance with regulations prescribed by the cooperating  
17 entity; and

18 (4) establish and enforce flood channel limits  
19 and regulations, if any, satisfactory to the cooperating  
20 entity;

21 BB. carry on technical and other investigations of  
22 all kinds, make measurements, collect data and make analyses,  
23 studies and inspections pertaining to control of floods,  
24 sewer facilities, and any project, both within and without  
25 the authority, and for this purpose the authority has the

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1 right of access through its authorized representative to all  
2 lands and premises within the state;

3 CC. have the right to provide from revenues or  
4 other available funds an adequate fund for the improvement  
5 and equipment of the authority's flood control system or of  
6 any parts of the works and properties of the authority;

7 DD. prescribe and enforce reasonable rules and  
8 regulations for the prevention of further encroachment upon  
9 existing defined waterways, by their enlargement or other  
10 modification, for additional waterway facilities to prevent  
11 flooding;

12 EE. require any person desiring to make a  
13 connection to any storm water drain or flood control facility  
14 of the authority or to cause storm waters to be emptied into  
15 any ditch, drain, canal, floodway or other appurtenant  
16 structure of the authority firstly to make application to the  
17 board to make the connection, to require the connection to be  
18 made in such manner as the board may direct;

19 FF. refuse, if reasonably justified by the  
20 circumstances, permission to make any connection designated  
21 in Subsection DD or Subsection EE of this section;

22 GG. make and keep records in connection with any  
23 project or otherwise concerning the authority;

24 HH. arbitrate any differences arising in connection  
25 with any project or otherwise concerning the authority;

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1           II. have the management, control and supervision of  
2 all the business and affairs appertaining to any project  
3 herein authorized, or otherwise concerning the authority, and  
4 of the acquisition, improvement, equipment, operation and  
5 maintenance of any such project;

6           JJ. prescribe the duties of officers, agents,  
7 employees and other persons and fix their compensation;  
8 provided that the compensation of employees and officers  
9 shall be established at prevailing rates of pay for  
10 equivalent work;

11           KK. enter into contracts of indemnity and guaranty,  
12 in such form as may be approved by the board, relating to or  
13 connected with the performance of any contract or agreement  
14 which the authority is empowered to enter into under the  
15 provisions hereof or of any other law of the state;

16           LL. provide, by any contract for any term not  
17 exceeding fifty years, or otherwise, without an election:

18                   (1) for the joint use of personnel, equipment  
19 and facilities of the authority and any public body,  
20 including without limitation public buildings constructed by  
21 or under the supervision of the board of the authority or the  
22 governing body of the public body concerned, upon such terms  
23 and agreements and within such areas within the authority as  
24 may be determined, for the promotion and protection of  
25 health, comfort, safety, life, welfare and property of the

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1 inhabitants of the authority and any such public body; and

2 (2) for the joint employment of clerks,  
3 stenographers and other employees appertaining to any  
4 project, now existing or hereafter established in the  
5 authority, upon such terms and conditions as may be  
6 determined for the equitable apportionment of the expenses  
7 therefrom resulting;

8 MM. obtain financial statements, appraisals,  
9 economic feasibility reports and valuations of any type  
10 appertaining to any project or any property pertaining  
11 thereto;

12 NN. adopt any resolution authorizing a project or  
13 the issuance of securities, or both, or otherwise  
14 appertaining thereto, or otherwise concerning the authority;

15 OO. make and execute a mortgage, deed of trust,  
16 indenture or other trust instrument appertaining to a project  
17 or to any securities herein authorized, or to both, except as  
18 provided in Subsection PP of this section and in Section  
19 72-16-54 NMSA 1978;

20 PP. make all contracts, execute all instruments and  
21 do all things necessary or convenient in the exercise of the  
22 powers granted herein, or in the performance of the  
23 authority's covenants or duties, or in order to secure the  
24 payment of its securities; provided that no encumbrance,  
25 mortgage or other pledge of property, excluding any money, of

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[bracketed material] = delete

1 the authority is created thereby; and provided further that  
2 no property, excluding money, of the authority is liable to  
3 be forfeited or taken in payment of such securities;

4 QQ. have and exercise all rights and powers  
5 necessary or incidental to or implied from the specific  
6 powers granted herein, which specific powers shall not be  
7 considered as a limitation upon any power necessary or  
8 appropriate to carry out the purposes and intent hereof; and

9 RR. exercise all or any part or combination of the  
10 powers herein granted."

11 SECTION 102. Section 72-16-28 NMSA 1978 (being Laws  
12 1963, Chapter 311, Section 28, as amended) is amended to  
13 read:

14 "72-16-28. ELECTIONS.--Each biennial election of  
15 directors, each election proposition to issue bonds and all  
16 other elections shall be conducted [~~at the time of the~~  
17 ~~general election under the direction of the Bernalillo county~~  
18 ~~clerk and~~] in accordance with the [~~election laws of New~~  
19 ~~Mexico~~] Local Election Act."

20 SECTION 103. Section 72-16-89 NMSA 1978 (being Laws  
21 1963, Chapter 311, Section 89) is amended to read:

22 "72-16-89. ISSUANCE OF INTERIM DEBENTURES AND PLEDGE OF  
23 BONDS AS COLLATERAL SECURITY.--Notwithstanding any limitation  
24 or other provision herein, whenever a majority of the  
25 [~~taxpaying~~] qualified electors of the authority voting on a

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1 proposal to issue bonds has authorized the authority to issue  
2 bonds for any purpose herein authorized, the authority is  
3 authorized to borrow money without any other election in  
4 anticipation of taxes, the proceeds of ~~[said]~~ the bonds or  
5 any other revenues of the authority, or any combination  
6 thereof, and to issue interim debentures to evidence the  
7 amount so borrowed. Interim debentures may mature at such  
8 time ~~[or times]~~ not exceeding a period of time equal to the  
9 estimated time needed to effect the purpose ~~[or purposes]~~ for  
10 which the bonds are so authorized to be issued, plus two  
11 years, as the board may determine. Except as otherwise  
12 provided in this section ~~[89]~~ and in Sections ~~[90 and 91~~  
13 ~~hereof]~~ 72-16-90 and 72-16-91 NMSA 1978, interim debentures  
14 shall be issued as provided herein for securities in Sections  
15 ~~[47 to 80, both inclusive]~~ 72-16-47 through 72-16-80 NMSA  
16 1978. Taxes, other revenues of the authority, including  
17 without limiting the generality of the foregoing, proceeds of  
18 bonds to be thereafter issued or reissued or bonds issued for  
19 the purpose of securing the payment of interim debentures may  
20 be pledged for the purpose of securing the payment of the  
21 interim debentures. Any bonds pledged as collateral security  
22 for the payment of any interim debentures shall mature at  
23 such time ~~[or times]~~ as the board may determine, but in no  
24 event exceeding forty years from the date of either any of  
25 such bonds or any of such interim debentures, whichever date

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1 [be] is the earlier. Any such bonds pledged as collateral  
2 security shall not be issued in an aggregate principal amount  
3 exceeding the aggregate principal amount of the interim  
4 debenture [~~or interim debentures~~] secured by a pledge of such  
5 bonds, nor shall they bear interest at any time [~~which~~] that  
6 with any interest accruing at the same time on the interim  
7 debenture [~~or interim debentures~~] so secured exceeds six  
8 percent per [~~annum~~] year."

9 SECTION 104. Section 72-17-1 NMSA 1978 (being Laws  
10 1967, Chapter 156, Section 1) is amended to read:

11 "72-17-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article  
12 17 NMSA 1978 may be cited as the "Las Cruces Arroyo Flood  
13 Control Act"."

14 SECTION 105. Section 72-17-4 NMSA 1978 (being Laws  
15 1967, Chapter 156, Section 4) is amended to read:

16 "72-17-4. DEFINITIONS.--Except where the context  
17 otherwise requires, [~~the definitions in this section govern~~  
18 ~~the construction hereof~~] as used in the Las Cruces Arroyo  
19 Flood Control Act:

20 A. "act" means the Las Cruces Arroyo Flood Control  
21 Act;

22 B. "acquisition" or "acquire" means the opening,  
23 laying out, establishment, purchase, construction, securing,  
24 installation, reconstruction, lease, gift, grant from the  
25 federal government or any public body or person, endowment,

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1 bequest, devise, condemnation, transfer, assignment, option  
2 to purchase, other contract or other acquirement, or any  
3 combination thereof, of facilities, other property or any  
4 project or an interest [~~therein, herein~~] in any facilities,  
5 other property or project authorized;

6 C. "authority" means the Las Cruces metropolitan  
7 arroyo flood control authority hereby created;

8 D. "board" means the board of directors of the Las  
9 Cruces metropolitan arroyo flood control authority;

10 E. [~~"chairman"~~] "chair" means the [~~chairman~~] chair  
11 of the board and president of the authority;

12 F. "condemnation" or "condemn" means the  
13 acquisition by the exercise of the power of eminent domain of  
14 property for any facilities, other property or project or an  
15 interest [~~therein, herein~~] in any facilities, other property  
16 or project authorized. The authority may exercise in the  
17 state the power of eminent domain, either within or without  
18 the authority and in the manner provided by law for the  
19 condemnation of private property for public use, and may take  
20 any property necessary to carry out any of the objects or  
21 purposes [~~hereof~~] of the act. In the event the construction  
22 of any facility or project herein authorized, or any part  
23 [~~thereof, shall make~~] makes necessary the removal and  
24 relocation of any public utilities, whether on private or  
25 public right of way, the authority shall reimburse the owner

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1 of [~~such~~] the public utility facility for the expense of  
2 [~~such~~] removal and relocation, including the cost of any  
3 necessary land or rights in land;

4 G. "cost" or "cost of the project" or words of  
5 similar import, means all or any part designated by the board  
6 of the cost of any facilities or project, or interest  
7 [~~therein~~] in the facilities or project, being acquired, and  
8 all or any property, rights, easements, privileges,  
9 agreements and franchises deemed by the authority to be  
10 necessary or useful and convenient [~~thereof~~] or in connection  
11 [~~therewith~~] with the facilities or project, which cost, at  
12 the option of the board, may include all or any part of the  
13 incidental costs pertaining to the project, including,  
14 without limiting the generality of the foregoing, preliminary  
15 expenses advanced by any municipality from funds available  
16 for use [~~therefor~~] in the making of surveys, preliminary  
17 plans, estimates of cost and other preliminaries; for the  
18 costs of appraising and printing and employing engineers,  
19 architects, fiscal agents, attorneys at law, clerical help  
20 and other agents or employees; for the costs of capitalizing  
21 interest or any discount on securities, of inspection, of any  
22 administrative, operating and other expenses of the authority  
23 prior to the levy and collection of taxes and of reserves for  
24 working capital, operation, maintenance or replacement  
25 expenses or for payment or security of principal of or

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1 interest on any securities; for the costs of making,  
2 publishing, posting, mailing and otherwise giving any notice  
3 in connection with the project, the taking of options, the  
4 issuance of securities, the filing or recordation of  
5 instruments and the levy and collection of taxes and  
6 installments [~~thereof~~]; for the costs of reimbursements by  
7 the authority to any public body, the federal government or  
8 any person of any [~~moneys theretofore~~] money expended for or  
9 in connection with any facility or project; and for all other  
10 expenses necessary or desirable and appertaining to any  
11 project, as estimated or otherwise ascertained by the board;

12 H. "director" means a member of the board;

13 I. "disposal" or "dispose" means the sale,  
14 destruction, razing, loan, lease, gift, grant, transfer,  
15 assignment, mortgage, option to sell, other contract or other  
16 disposition, or any combination thereof, of facilities, other  
17 property or any project or an interest [~~therein~~] in the  
18 facilities, property or project, herein authorized;

19 J. "engineer" means any engineer in the permanent  
20 employ of the authority or any independent competent engineer  
21 or firm of [~~such~~] engineers employed by the authority in  
22 connection with any facility, property, project or power  
23 herein authorized;

24 K. "equipment" or "equip" means the furnishing of  
25 all necessary or desirable, related or appurtenant

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1 facilities, or any combination thereof, appertaining to any  
2 facilities, property or project or interest [~~therein~~] in the  
3 facilities, property or project, herein authorized;

4 L. "facility" means any of the water facilities,  
5 sewer facilities or other property appertaining to the flood  
6 control system of the authority;

7 M. "federal government" means the United States [~~of~~  
8 ~~America~~] or any agency, instrumentality or corporation  
9 [~~thereof~~] of the United States;

10 N. "federal securities" means the bills,  
11 certificates of indebtedness, notes or bonds [~~which~~] that are  
12 direct obligations of, or the principal and interest of which  
13 obligations are unconditionally guaranteed by, the United  
14 States [~~of America~~];

15 O. "governing body" means the city council, city  
16 commission, board of commissioners, board of trustees, board  
17 of directors or other legislative body of the public body  
18 proceeding [~~hereunder~~] under the Las Cruces Arroyo Flood  
19 Control Act, in which body the legislative powers of the  
20 public body are vested;

21 P. "hereby", "herein", "hereinabove",  
22 "hereinafter", "hereinbefore", "hereof", "hereto" and  
23 "hereunder" refer to [~~this~~] the Las Cruces Arroyo Flood  
24 Control Act and not solely to the particular portion  
25 [~~thereof~~] in which [~~such~~] the word is used;

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1 Q. "improvement" or "improve" means the extension,  
2 widening, lengthening, betterment, alteration,  
3 reconstruction, repair or other improvement, or any  
4 combination thereof, of facilities, other property or project  
5 or any interest [~~therein~~] in the facilities, property or  
6 project, herein authorized;

7 R. "mailed notice" or "notice by mail" means the  
8 giving by the engineer, secretary or any deputy [~~thereof~~] of  
9 the engineer or secretary, as determined by the board, of any  
10 designated written or printed notice addressed to the last  
11 known owner [~~or owners~~] of each tract of real property in  
12 question or other designated person at [~~his or their~~] the  
13 person's last known address [~~or addresses~~], by deposit, at  
14 least ten days prior to the designated hearing or other time  
15 or event, in the United States mails, postage prepaid, as  
16 first-class mail. In the absence of fraud, the failure to  
17 mail [~~any such~~] a notice shall not invalidate any proceedings  
18 hereunder. The names and addresses of [~~such~~] the property  
19 owners shall be obtained from the records of the county  
20 assessor or from such other source [~~or sources~~] as the  
21 secretary or the engineer [~~deem~~] deems reliable. Any list of  
22 [~~such~~] names and addresses may be revised from time to time,  
23 but [~~such a~~] the list need not be revised more frequently  
24 than at twelve-month intervals. Any mailing of [~~any~~] a  
25 notice herein required shall be verified by the affidavit or

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1 certificate of the engineer, secretary, the deputy or other  
2 person mailing the notice, which verification shall be  
3 retained in the records of the authority at least until all  
4 taxes and securities appertaining [~~thereto~~] to them have been  
5 paid in full or any claim is barred by a statute of  
6 limitations;

7 S. "may" is permissive;

8 T. "municipality" means the city of Las Cruces or  
9 any other incorporated city, town or village in the state,  
10 whether incorporated or governed under a general act, special  
11 legislative act or special charter of any type. "Municipal"  
12 pertains thereto;

13 U. "person" means any human being, association,  
14 partnership, firm or corporation, excluding a public body and  
15 excluding the federal government;

16 V. "president" means the president of the authority  
17 and the [~~chairman~~] chair of the board;

18 W. "project" means any structure, facility,  
19 undertaking or system [~~which~~] that the authority is [~~herein~~]  
20 authorized to acquire, improve, equip, maintain or operate.

21 A project may consist of all kinds of personal and real  
22 property. A project shall appertain to the flood control  
23 system [~~which~~] that the authority is [~~hereby~~] authorized and  
24 directed to provide within and without the authority's  
25 boundaries;

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1 X. "property" means real property and personal  
2 property;

3 Y. "publication" or "publish" means publication in  
4 at least the one newspaper designated as the authority's  
5 official newspaper and published in the authority in the  
6 English language at least once a week and of general  
7 circulation in the authority. Except as [~~herein~~] otherwise  
8 specifically provided or necessarily implied, "publication"  
9 or "publish" also means publication for at least once a week  
10 for three consecutive weeks by three weekly insertions, the  
11 first publication being at least fifteen days prior to the  
12 designated time or event, unless otherwise [~~so~~] stated. It  
13 is not necessary that publication be made on the same day of  
14 the week in each of the three calendar weeks, but not less  
15 than fourteen days shall intervene between the first  
16 publication and the last publication, and publication shall  
17 be complete on the day of the last publication. Any  
18 publication [~~herein~~] required shall be verified by the  
19 affidavit of the publisher and filed with the secretary;

20 Z. "public body" means the state [~~of New Mexico~~] or  
21 any agency, instrumentality or corporation [~~thereof~~] of the  
22 state or any municipality, school district or other type  
23 district or any other political subdivision of the state,  
24 excluding the authority and excluding the federal government;

25 AA. "qualified elector" means a person qualified

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1 and registered to vote in general elections in the state [~~of~~  
2 ~~New Mexico~~], who is a resident of the authority at the time  
3 of any election held under the provisions of [~~this~~] the Las  
4 Cruces Arroyo Flood Control Act or at any other time in  
5 reference to which the term "qualified elector" is used;

6 BB. "real property" means:

- 7 (1) land, including land under water;  
8 (2) buildings, structures, fixtures and  
9 improvements on land;  
10 (3) any property appurtenant to or used in  
11 connection with land; and  
12 (4) every estate, interest, privilege,  
13 easement, franchise and right in land, legal or equitable,  
14 including without limiting the generality of the foregoing,  
15 rights of way, terms for years and liens, charges or  
16 encumbrances by way of judgment, mortgage or otherwise, and  
17 the indebtedness secured by [~~such~~] liens;

18 CC. "secretary" means the secretary of the  
19 authority;

20 DD. "secretary of state" means the secretary of the  
21 state of New Mexico;

22 EE. "securities" means any notes, warrants, bonds,  
23 temporary bonds or interim debentures or other obligations of  
24 the authority or any public body appertaining to any project  
25 or interest [~~therein~~] in any project, herein authorized;

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1 FF. "sewer facilities" means any one or more of the  
2 various devices used in the collection, [~~channelling~~  
3 channeling, impounding or disposition of storm, flood or  
4 surface drainage waters, including all inlets, collection,  
5 drainage or disposal lines, canals, intercepting sewers,  
6 outfall sewers, all pumping, power and other equipment and  
7 appurtenances, all extensions, improvements, remodeling,  
8 additions and alterations thereof, and any and all rights or  
9 interest in [~~such~~] the sewer facilities;

10 GG. "sewer improvement" or "improve any sewer"  
11 means the acquisition, reacquisition, improvement,  
12 reimprovement or repair of any storm sewer or combination  
13 storm and sanitary sewer, including [~~but not limited to~~]  
14 collecting and intercepting sewer lines or mains, submains,  
15 trunks, laterals, outlets, ditches, ventilation stations,  
16 pumping facilities, ejector stations and all other  
17 appurtenances and machinery necessary, useful or convenient  
18 for the collection, transportation and disposal of storm  
19 water;

20 HH. "shall" is mandatory;

21 II. "state" means the state of New Mexico or any  
22 agency, instrumentality or corporation [~~thereof~~] of the state  
23 of New Mexico;

24 JJ. "street" means any street, avenue, boulevard,  
25 alley, highway or other public right of way used for any

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1 vehicular traffic;

2 KK. "taxes" means general (ad valorem) taxes  
3 pertaining to any project herein authorized; and

4 ~~[LL. "taxpaying elector" means a qualified elector  
5 of the authority who is an owner of real or personal property  
6 within the boundaries of the authority, which property is  
7 subject to general (ad valorem) taxation at the time of any  
8 election held under the provisions of this act or at any  
9 other time in reference to which the term "taxpaying elector"  
10 is used. A person who is obligated to pay general (ad  
11 valorem) taxes under a contract to purchase real property in  
12 the authority shall be considered as such an owner. The  
13 ownership of any property subject to the payment of a  
14 specific ownership tax on a motor vehicle or trailer or of  
15 any other excise or property tax other than such general (ad  
16 valorem) taxes shall not constitute the ownership of property  
17 subject to taxation as herein provided;~~

18 ~~MM.]~~ LL. "treasurer" means the treasurer of the  
19 authority."

20 SECTION 106. Section 72-17-8 NMSA 1978 (being Laws  
21 1967, Chapter 156, Section 8) is amended to read:

22 "72-17-8. BOARD OF DIRECTORS.--The governing body of  
23 the authority hereby created is a board of directors  
24 consisting of five qualified electors of the authority. All  
25 powers, rights, privileges and duties vested in or imposed

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1 upon the authority are exercised and performed by and through  
2 the board of directors; provided that the exercise of any  
3 ~~[and all]~~ executive, administrative and ministerial powers  
4 may be, by the board, delegated and redelegated to officers  
5 and employees of the authority. Except for the first  
6 directors appointed as ~~[hereinafter]~~ provided and except for  
7 any director chosen to fill an unexpired term, the term of  
8 each director ~~[commences on the first day of January next~~  
9 ~~following a general election in the state and]~~ runs for six  
10 years. Each director, subject to ~~[said]~~ such exceptions,  
11 shall serve ~~[such]~~ a six-year term ~~[ending on the first day~~  
12 ~~of January next following a general election]~~, and each  
13 director shall serve until ~~[his]~~ a successor has been duly  
14 chosen and qualified."

15 SECTION 107. Section 72-17-10 NMSA 1978 (being Laws  
16 1967, Chapter 156, Section 10) is amended to read:

17 "72-17-10. ELECTION OF DIRECTORS.--At the time that a  
18 proposal to incur debt ~~[shall be]~~ is first submitted to the  
19 ~~[taxpaying]~~ qualified electors ~~[or at the first general~~  
20 ~~election next following the effective date of the Las Cruces~~  
21 ~~Arroyo Flood Control Act, whichever occurs first]~~, the  
22 qualified electors of the authority shall elect five  
23 qualified directors, two to serve a term ending January 1,  
24 1969, two to serve a term ending January 1, 1971 and one to  
25 serve a term ending January 1, 1973. At the first election,

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1 the five candidates receiving the highest number of votes  
2 shall be elected as directors. The terms of the directors  
3 shall be determined by lot at their organizational meeting.  
4 At each [~~general~~] election thereafter, the qualified electors  
5 of the authority shall elect similarly one or two qualified  
6 electors as directors to serve six-year terms as directors  
7 and as successors to the directors whose terms end [~~on the~~  
8 ~~first day of January next~~] following each [~~such~~] election.  
9 Nothing [~~herein~~] in this section may be construed as  
10 preventing [~~a~~] qualified [~~elector~~] electors of the authority  
11 from being elected or reelected as [~~a director~~] directors to  
12 succeed [~~himself. If there be only one vacancy on the board,~~  
13 ~~the candidate receiving the highest number of votes shall be~~  
14 ~~elected as director. If there be two vacancies on the board,~~  
15 ~~the candidate receiving the highest number of votes and the~~  
16 ~~candidate receiving the next highest number of votes shall be~~  
17 ~~elected as directors~~] themselves."

18 SECTION 108. Section 72-17-11 NMSA 1978 (being Laws  
19 1967, Chapter 156, Section 11) is amended to read:

20 "72-17-11. NOMINATION OF DIRECTORS.-- [~~Not later than~~  
21 ~~forty-five days before a proposal to incur debt shall be~~  
22 ~~first submitted to the taxpaying electors or at the first~~  
23 ~~general election next following the effective date of the Las~~  
24 ~~Cruces Arroyo Flood Control Act, whichever occurs first]~~

25 Written nominations of any candidate as director may be filed

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1 with the [~~secretary of the board~~] proper filing officer in  
2 accordance with the provisions of the Local Election Act.  
3 Each nomination of any candidate shall be signed by not less  
4 than fifty [~~taxpaying~~] qualified electors regardless of  
5 whether or not nominated [~~therein~~]; shall designate [~~therein~~]  
6 the name of the candidates [~~thereby nominated~~]; and shall  
7 recite that the subscribers [~~thereto~~] are [~~taxpaying~~]  
8 qualified electors and that the [~~candidate or~~] candidates  
9 designated [~~therein~~] are qualified electors of the authority.  
10 No written nomination may designate more qualified electors  
11 as candidates than there are vacancies. No [~~taxpaying~~]  
12 qualified elector may nominate more than one candidate for  
13 any vacancy. [~~If a candidate does not withdraw his name~~  
14 ~~before the first publication of the notice of election, his~~  
15 ~~name shall be placed on the ballot.]"~~

16 SECTION 109. Section 72-17-13 NMSA 1978 (being Laws  
17 1967, Chapter 156, Section 13) is amended to read:

18 "72-17-13. ORGANIZATIONAL MEETINGS.--Except for the  
19 first board, each board shall meet on the first business day  
20 next following the first day of [~~January in each odd-numbered~~  
21 ~~year~~] the month that the term of office begins for members  
22 elected in the immediately preceding election at the office  
23 of the board within the authority. Each member of the board,  
24 before entering upon [~~his~~] the member's official duties,  
25 shall take and subscribe an oath that [~~he~~] the member will

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1 support the constitution of the United States and the  
2 constitution and laws of New Mexico and that [~~he~~] the member  
3 will faithfully and impartially discharge the duties of [~~his~~]  
4 office to the best of [~~his~~] the member's ability, which oath  
5 shall be filed in the office of the secretary of state. Each  
6 director shall, before entering upon [~~his~~] the director's  
7 official duties, give a bond to the authority in the sum of  
8 ten thousand dollars (\$10,000) with good and sufficient  
9 surety, conditioned for the faithful performance of each [~~and~~  
10 ~~all~~] of the duties of [~~his~~] office, without fraud, deceit or  
11 oppression, and the accounting for all [~~moneys~~] money and  
12 property coming into [~~his~~] the director's hands, and the  
13 prompt and faithful payment of all [~~moneys~~] money and the  
14 delivering of all property coming into [~~his~~] the director's  
15 custody or control belonging to the authority of [~~his~~] the  
16 director's successors in office. Premiums on all bonds  
17 provided for in this section shall be paid by the authority,  
18 and all such bonds shall be kept on file in the office of the  
19 secretary of state."

20 SECTION 110. Section 72-17-22 NMSA 1978 (being Laws  
21 1967, Chapter 156, Section 22, as amended) is amended to  
22 read:

23 "72-17-22. ADDITIONAL POWERS OF AUTHORITY.--The  
24 authority may exercise the following powers:

25 A. duties, privileges, immunities, rights,

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1 liabilities and disabilities appertaining to a public body  
2 politic and corporate and constituting a quasi-municipal  
3 corporation and political subdivision of the state  
4 established as an instrumentality exercising public and  
5 essential governmental and proprietary functions to provide  
6 for the public health, safety and general welfare;

7 B. perpetual existence and succession;

8 C. adopt, have and use a corporate seal and alter  
9 the same at pleasure;

10 D. sue and be sued and be a party to suits, actions  
11 and proceedings;

12 E. commence, maintain, intervene in, defend,  
13 compromise, terminate by settlement or otherwise and  
14 otherwise participate in and assume the cost and expense of  
15 any actions and proceedings now or hereafter begun and  
16 appertaining to the authority, its board, its officers,  
17 agents or employees or any of the authority's duties,  
18 privileges, immunities, rights, liabilities and disabilities  
19 or the authority's flood control system, other property of  
20 the authority or any project;

21 F. enter into contracts and agreements, including  
22 but not limited to contracts with the federal government, the  
23 state and any other public body;

24 G. borrow money and issue securities evidencing any  
25 loan to or amount due by the authority, provide for and

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1 secure the payment of any securities and the rights of the  
2 holders thereof and purchase, hold and dispose of securities  
3 as hereinafter provided;

4 H. refund any loan or obligation of the authority  
5 and issue refunding securities to evidence such loan or  
6 obligation without any election;

7 I. purchase, trade, exchange, encumber and  
8 otherwise acquire, maintain and dispose of property and  
9 interests therein;

10 J. levy and cause to be collected general (ad  
11 valorem) taxes on all property subject to property taxation  
12 within the authority; provided that the total tax levy,  
13 excluding any levy for the payment of any debt of the  
14 authority authorized by the ~~[taxpaying]~~ qualified electors of  
15 the authority, for any fiscal year shall not exceed an  
16 aggregate total of fifty cents (\$.50), or any lower maximum  
17 amount required by operation of the rate limitation  
18 provisions of Section 7-37-7.1 NMSA 1978 upon this tax levy,  
19 on each one thousand dollars (\$1,000) of net taxable value,  
20 as that term is defined in the Property Tax Code, by  
21 certifying, on or before July 15 of each year in which the  
22 board determines to levy a tax, to the board of county  
23 commissioners of Dona Ana county, or by such other date as  
24 the laws of the state may prescribe to such other body having  
25 authority to levy taxes within each county wherein the

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1 authority has any territory, the rate so fixed, with  
2 directions that, at the time and in the manner required by  
3 law for levying taxes for other purposes, such body having  
4 authority to levy taxes shall levy such tax upon the net  
5 taxable value of all property subject to property taxation  
6 within the authority, in addition to such other taxes as may  
7 be levied by such body as provided in Sections 72-17-23  
8 through 72-17-27 NMSA 1978. No taxes may be levied and  
9 collected for any purpose and no contract may be made until a  
10 bond issue has been submitted to and approved by the  
11 [~~taxpaying~~] qualified electors as hereinafter provided;

12 K. hire and retain officers, agents, employees,  
13 engineers, attorneys and any other persons, permanent or  
14 temporary, necessary or desirable to effect the purposes  
15 hereof, defray any expenses incurred thereby in connection  
16 with the authority and acquire office space, equipment,  
17 services, supplies, fire and extended coverage insurance, use  
18 and occupancy insurance, [~~workmen's~~] workers' compensation  
19 insurance, property damage insurance, public liability  
20 insurance for the authority and its officers, agents and  
21 employees and other types of insurance as the board may  
22 determine; provided, however, that no provision herein  
23 authorizing the acquisition of insurance shall be construed  
24 as waiving any immunity of the authority or any director,  
25 officer or agent thereof and otherwise existing under the

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1 laws of the state;

2 L. condemn property for public use;

3 M. acquire, improve, equip, hold, operate, maintain  
4 and dispose of a flood control system, sewer facilities,  
5 project and appurtenant works or any interest therein wholly  
6 within the authority, or partially within and partially  
7 without the authority, and wholly within, wholly without or  
8 partially within and partially without any public body all or  
9 any part of the area of which is situated within the  
10 authority;

11 N. pay or otherwise defray the cost of any project;

12 O. pay or otherwise defray and contract so to pay  
13 or defray for any term not exceeding fifty years, without an  
14 election, except as hereinafter otherwise provided, the  
15 principal of, any interest on and any other charges  
16 appertaining to any securities or other obligations of the  
17 federal government, any public body or person incurred in  
18 connection with any such property so acquired by the  
19 authority;

20 P. establish and maintain facilities within or  
21 without the authority, across or along any public street,  
22 highway, bridge, viaduct or other public [~~right-of-way~~] right  
23 of way or in, upon, under or over any vacant public lands,  
24 which public lands are now or may become the property of the  
25 state, or across any stream of water or water course, without

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1 first obtaining a franchise from the municipality, county or  
2 other public body having jurisdiction over the same; provided  
3 that the authority shall cooperate with any public body  
4 having such jurisdiction, shall promptly restore any such  
5 street, highway, bridge, viaduct or other public [~~right-of-~~  
6 ~~way~~] right of way to its former state of usefulness as nearly  
7 as may be and shall not use the same in such manner as to  
8 impair completely or unnecessarily the usefulness thereof;

9 Q. deposit any money of the authority, subject to  
10 the limitations in Article 8, Section 4 of the constitution  
11 of New Mexico, in any banking institution within or without  
12 the state and secured in such manner and subject to such  
13 terms and conditions as the board may determine, with or  
14 without the payment of any interest on any such deposit;

15 R. invest any surplus money in the authority  
16 treasury, including such money in any sinking or reserve fund  
17 established for the purpose of retiring any securities of the  
18 authority, not required for the immediate necessities of the  
19 authority, in its own securities or in federal securities, by  
20 direct purchase of any issue of such securities, or part  
21 thereof, at the original sale of the same or by the  
22 subsequent purchase of such securities;

23 S. sell any such securities thus purchased and held  
24 from time to time;

25 T. reinvest the proceeds of any such sale in other

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1 securities of the authority or in federal securities, as  
2 provided in Subsection R of this section;

3 U. sell in season from time to time such securities  
4 thus purchased and held, so that the proceeds may be applied  
5 to the purpose for which the money with which such securities  
6 were originally purchased was placed in the treasury of the  
7 authority;

8 V. accept contributions or loans from the federal  
9 government for the purpose of financing the planning,  
10 acquisition, improvement, equipment, maintenance and  
11 operation of any enterprise in which the authority is  
12 authorized to engage and enter into contracts and cooperate  
13 with, and accept cooperation and participation from, the  
14 federal government for these purposes;

15 W. enter, without any election, into joint  
16 operating or service contracts and agreements, acquisition,  
17 improvement, equipment or disposal contracts or other  
18 arrangements for any term not exceeding fifty years with the  
19 federal government, any public body or any person concerning  
20 sewer facilities, or any project, whether acquired by the  
21 authority or by the federal government, any public body or  
22 any person, and accept grants and contributions from the  
23 federal government, any public body or any person in  
24 connection herewith;

25 X. enter into and perform, without any election,

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1 when determined by the board to be in the public interest and  
2 necessary for the protection of the public health, contracts  
3 and agreements for any term not exceeding fifty years with  
4 the federal government, any public body or any person for the  
5 provision and operation by the authority of sewer facilities;

6 Y. enter into and perform, without any election,  
7 contracts and agreements with the federal government, any  
8 public body and any person for or concerning the planning,  
9 construction, lease or other acquisition, improvement,  
10 equipment, operation, maintenance, disposal and the financing  
11 of any project, including but not necessarily limited to any  
12 contract or agreement for any term not exceeding fifty years;

13 Z. enter upon any land, make surveys, borings,  
14 soundings and examinations for the purposes of the authority  
15 and locate the necessary works of any project and roadways  
16 and other ~~[rights-of-way]~~ rights of way appertaining to any  
17 project herein authorized and acquire all property necessary  
18 or convenient for the acquisition, improvement or equipment  
19 of such works;

20 AA. cooperate with and act in conjunction with the  
21 state or any of its engineers, officers, boards, commissions  
22 or departments or with the federal government or any of its  
23 engineers, officers, boards, commissions or departments or  
24 with any other public body or any person in the acquisition,  
25 improvement or equipment of any project for the controlling

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1 of flood or storm waters of the authority or for the  
2 protection of life or property therein or for any other  
3 works, acts or purposes provided for herein and adopt and  
4 carry out any definite plan or system of work for any such  
5 purpose;

6 BB. cooperate with the federal government or any  
7 public body by an agreement therewith by which the authority  
8 may:

9 (1) acquire and provide, without cost to the  
10 operating entity, the land, easements and [~~rights-of-way~~]  
11 rights of way necessary for the acquisition, improvement or  
12 equipment of the flood control system or any project;

13 (2) hold and save harmless the cooperating  
14 entity free from any claim for damages arising from the  
15 acquisition, improvement, equipment, maintenance and  
16 operation of the flood control system or any project;

17 (3) maintain and operate any project in  
18 accordance with regulations prescribed by the cooperating  
19 entity; and

20 (4) establish and enforce flood channel limits  
21 and regulations, if any, satisfactory to the cooperating  
22 entity;

23 CC. carry on technical and other investigations of  
24 all kinds, make measurements, collect data and make analyses,  
25 studies and inspections pertaining to control of floods,

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1 sewer facilities and any project, both within and without the  
2 authority, and for this purpose the authority has the right  
3 of access through its authorized representative to all lands  
4 and premises within the state;

5 DD. have the right to provide from revenues or  
6 other available funds an adequate fund for the improvement  
7 and equipment of the authority's flood control system or of  
8 any parts of the works and properties of the authority;

9 EE. prescribe and enforce reasonable rules and  
10 regulations for the prevention of further encroachment upon  
11 existing defined waterways, by their enlargement or other  
12 modification, for additional waterway facilities to prevent  
13 flooding;

14 FF. require any person desiring to make a  
15 connection to any storm water drain or flood control facility  
16 of the authority or to cause storm waters to be emptied into  
17 any ditch, drain, canal, floodway or other appurtenant  
18 structure of the authority firstly to make application to the  
19 board to make the connection, to require the connection to be  
20 made in such manner as the board may direct;

21 GG. refuse, if reasonably justified by the  
22 circumstances, permission to make any connection designated  
23 in Subsection EE or Subsection FF of this section;

24 HH. make and keep records in connection with any  
25 project or otherwise concerning the authority;

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1           II. arbitrate any differences arising in connection  
2 with any project and otherwise concerning the authority;

3           JJ. have the management, control and supervision of  
4 all the business and affairs appertaining to any project  
5 herein authorized, or otherwise concerning the authority, and  
6 of the acquisition, improvement, equipment, operation and  
7 maintenance of any such project;

8           KK. prescribe the duties of officers, agents,  
9 employees and other persons and fix their compensation;  
10 provided that the compensation of employees and officers  
11 shall be established at prevailing rates of pay for  
12 equivalent work;

13           LL. enter into contracts of indemnity and guaranty  
14 in such form as may be approved by the board relating to or  
15 connected with the performance of any contract or agreement  
16 which the authority is empowered to enter into under the  
17 provisions hereof or of any other law of the state;

18           MM. provide, by any contract for any term not  
19 exceeding fifty years, or otherwise, without an election:

20                   (1) for the joint use of personnel, equipment  
21 and facilities of the authority and any public body,  
22 including without limitation public buildings constructed by  
23 or under the supervision of the board of the authority or the  
24 governing body of the public body concerned, upon such terms  
25 and agreements and within such areas within the authority as

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1 may be determined, for the promotion and protection of  
2 health, comfort, safety, life, welfare and property of the  
3 inhabitants of the authority and any such public body; and

4 (2) for the joint employment of clerks,  
5 stenographers and other employees appertaining to any  
6 project, now existing or hereafter established in the  
7 authority, upon such terms and conditions as may be  
8 determined for the equitable apportionment of the expenses  
9 therefrom resulting;

10 NN. obtain financial statements, appraisals,  
11 economic feasibility reports and valuations of any type  
12 appertaining to any project or any property pertaining  
13 thereto;

14 OO. adopt any resolution authorizing a project or  
15 the issuance of securities, or both, or otherwise  
16 appertaining thereto, or otherwise concerning the authority;

17 PP. make and execute a mortgage, deed of trust,  
18 indenture or other trust instrument appertaining to a project  
19 or to any securities herein authorized, or to both, except as  
20 provided in Subsection QQ of this section and in Section  
21 72-17-54 NMSA 1978;

22 QQ. make all contracts, execute all instruments and  
23 do all things necessary or convenient in the exercise of the  
24 powers granted herein or in the performance of the  
25 authority's covenants or duties or in order to secure the

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1 payment of its securities; provided that no encumbrance,  
2 mortgage or other pledge of property, excluding any money, of  
3 the authority is created thereby; and provided further that  
4 no property, excluding money, of the district is liable to be  
5 forfeited or taken in payment of such securities;

6 RR. have and exercise all rights and powers  
7 necessary or incidental to or implied from the specific  
8 powers granted herein, which specific powers shall not be  
9 considered as a limitation upon any power necessary or  
10 appropriate to carry out the purposes and intent hereof; and

11 SS. exercise all or any part or combination of the  
12 powers herein granted."

13 SECTION 111. Section 72-17-28 NMSA 1978 (being Laws  
14 1967, Chapter 156, Section 28) is amended to read:

15 "72-17-28. ELECTIONS.--~~[Wherever in this act an~~  
16 ~~election of the qualified electors or taxpaying electors of~~  
17 ~~the authority is permitted or required, said election may be~~  
18 ~~held separately at a special election or may be held~~  
19 ~~concurrently with any primary or general election held under~~  
20 ~~the laws of the state; provided, however:~~

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

23 B. ~~no election shall be held at the same time as~~  
24 ~~any regular election of a municipality or school district,~~  
25 ~~any part of the area of which is located within the~~

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1 ~~boundaries of the authority.] Elections shall be held~~  
2 pursuant to the provisions of the Local Election Act."

3 SECTION 112. Section 72-17-44 NMSA 1978 (being Laws  
4 1967, Chapter 156, Section 44) is amended to read:

5 "72-17-44. ISSUANCE OF BONDS AND INCURRENCE OF DEBT.--  
6 The authority is authorized to borrow money in anticipation  
7 of taxes or other revenues, or both, and to issue bonds to  
8 evidence the amount so borrowed. No bonded indebtedness  
9 ~~[nor]~~ or any other indebtedness not payable in full within  
10 one year, except for interim debentures as provided in  
11 Sections ~~[46, 89, 90, and 91 hereof]~~ 72-17-46 and 72-17-89  
12 through 72-17-91 NMSA 1978, shall be created by the authority  
13 without first submitting a proposition of issuing such bonds  
14 to the ~~[taxpaying]~~ qualified electors of the authority and  
15 being approved by a majority of such electors voting thereon  
16 at an election held for that purpose in accordance with  
17 Sections ~~[28 to 34, both inclusive, of this act]~~ 72-17-28  
18 through 72-17-34 NMSA 1978 and all laws amendatory thereof  
19 and supplemental thereto. Bonds so authorized may be issued  
20 in one series or more and may mature at such time or times  
21 not exceeding forty years from their issuance as the board  
22 may determine. The total of all outstanding indebtedness at  
23 any one time shall not exceed twelve million five hundred  
24 thousand dollars (\$12,500,000) without prior approval of the  
25 state legislature."

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1           SECTION 113. Section 72-17-89 NMSA 1978 (being Laws  
2 1967, Chapter 156, Section 89) is amended to read:  
3           "72-17-89. ISSUANCE OF INTERIM DEBENTURES AND PLEDGE OF  
4 BONDS AS COLLATERAL SECURITY.--Notwithstanding any limitation  
5 or other provision herein, whenever a majority of the  
6 [~~taxpaying~~] qualified electors of the authority voting on a  
7 proposal to issue bonds has authorized the authority to issue  
8 bonds for any purpose herein authorized, the authority is  
9 authorized to borrow money without any other election in  
10 anticipation of taxes, the proceeds of [~~said~~] such bonds or  
11 any other revenues of the authority, or any combination  
12 thereof, and to issue interim debentures to evidence the  
13 amount so borrowed. Interim debentures may mature at such  
14 time or times not exceeding a period of time equal to the  
15 estimated time needed to effect the purpose [~~or purposes~~] for  
16 which the bonds are so authorized to be issued, plus two  
17 years, as the board may determine. Except as otherwise  
18 provided in this section and in Sections [~~90 and 91 hereof~~]  
19 72-17-90 and 72-17-91 NMSA 1978, interim debentures shall be  
20 issued as provided herein for securities in Sections [~~47 to~~  
21 ~~80, both inclusive~~] 72-17-47 through 72-17-80 NMSA 1978.  
22 Taxes, other revenues of the authority, including without  
23 limiting the generality of the foregoing, proceeds of bonds  
24 to be thereafter issued or reissued or bonds issued for the  
25 purpose of securing the payment of interim [~~debenture~~]

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1 debentures may be pledged for the purpose of securing the  
2 payment of the interim debentures. Any bonds pledged as  
3 collateral security for the payment of any interim debentures  
4 shall mature at such time or times as the board may  
5 determine, but in no event exceeding forty years from the  
6 date of either any of such bonds or any of such interim  
7 debentures, whichever date be the earlier. Any such bonds  
8 pledged as collateral security shall not be issued in an  
9 aggregate principal amount exceeding the aggregate principal  
10 amount of the interim debenture or interim debenture secured  
11 by a pledge of such bonds, nor shall they bear interest at  
12 any time [~~which~~] that, with any interest accruing at the same  
13 time on the interim debenture or interim debentures so  
14 secured, exceeds six percent per [~~annum~~] year."

15 SECTION 114. Section 72-18-1 NMSA 1978 (being Laws  
16 1981, Chapter 377, Section 1) is amended to read:

17 "72-18-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article  
18 18 NMSA 1978 may be cited as the "Flood Control District  
19 Act"."

20 SECTION 115. Section 72-18-13 NMSA 1978 (being Laws  
21 1981, Chapter 377, Section 13) is amended to read:

22 "72-18-13. ORGANIZATION OF BOARD--INITIAL TERMS OF  
23 DIRECTORS.--

24 A. After taking oath and filing bonds, the board  
25 shall choose one of its members as [~~chairman~~] chair of the



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1 board and shall choose a secretary and a treasurer of the  
2 board and of the district. The secretary and treasurer may  
3 be one person.

4 B. The terms of the members of the initial board of  
5 directors shall be determined by lot at their organizational  
6 meeting. Two members shall serve [~~until January 1 following~~  
7 ~~the first general election in the state~~] an initial term of  
8 two years following organization of the district, two members  
9 shall serve [~~until January 1 following the second general~~  
10 ~~election in the state~~] an initial term of four years  
11 following organization of the district and one member shall  
12 serve [~~until January 1 following the third general election~~  
13 ~~in the state~~] an initial term of six years following  
14 organization of the district."

15 SECTION 116. Section 72-18-14 NMSA 1978 (being Laws  
16 1981, Chapter 377, Section 14) is amended to read:

17 "72-18-14. ELECTION OF DIRECTORS [~~NOMINATIONS~~].--~~[A.]~~  
18 Flood control district elections shall be held pursuant to  
19 the Local Election Act. At each [~~general~~] local election [~~in~~  
20 ~~the state~~] after organization of the district, there shall be  
21 elected by the qualified registered electors of the district  
22 one or two members of the board to serve for a term of six  
23 years. Except for the initial board of directors and except  
24 for any director chosen to fill an unexpired term, the term  
25 of each director [~~commences on January 1 following the~~

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1 ~~general election in the state and~~ runs for six years. [~~Each~~  
2 ~~director, subject to such exceptions, shall serve a six-year~~  
3 ~~term ending on January 1 next following a general election.~~]  
4 Each director shall serve until [~~his~~] a successor has been  
5 duly chosen and qualified.

6 [~~B. Not later than thirty days before any election,~~  
7 ~~nominations may be filed with the secretary, and, if a~~  
8 ~~nominee does not withdraw his name before the first~~  
9 ~~publication of the notice of election, his name shall be~~  
10 ~~placed on the ballot.]"~~

11 SECTION 117. Section 72-18-15 NMSA 1978 (being Laws  
12 1981, Chapter 377, Section 15) is amended to read:

13 "72-18-15. VACANCIES ON THE BOARD.--Any vacancy on the  
14 board shall be filled by appointment by a majority of the  
15 remaining members of the board. The appointee shall serve  
16 until the next [~~general~~] local election pursuant to the Local  
17 Election Act when the vacancy shall be filled by election.  
18 If the board fails to fill any vacancy within thirty days  
19 after it occurs, the court declaring the organization of the  
20 district shall fill the vacancy."

21 SECTION 118. Section 72-18-35 NMSA 1978 (being Laws  
22 1981, Chapter 377, Section 35) is amended to read:

23 "72-18-35. ELECTION.--Wherever in the Flood Control  
24 District Act an election of the qualified registered electors  
25 of a district is permitted or required, the election [~~may be~~

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1 ~~held separately at a special election or may be held~~  
2 ~~concurrently with any primary or general election held under~~  
3 ~~the laws of the state; provided, however:~~

4 ~~A. each biennial election of directors shall be~~  
5 ~~held concurrently with the general election in the state; and~~

6 ~~B. no election shall be held at the same time as~~  
7 ~~any regular election of a municipality or school district any~~  
8 ~~part of the area of which is located within the boundaries of~~  
9 ~~the district] shall be held pursuant to the Local Election~~  
10 ~~Act."~~

11 SECTION 119. Section 72-18-35.1 NMSA 1978 (being Laws  
12 1985, Chapter 177, Section 2) is amended to read:

13 "72-18-35.1. ELECTION OF DIRECTORS--ESTABLISHED  
14 DISTRICT.--In a district established pursuant to the Flood  
15 Control District Act [~~whose boundaries are coterminous with~~  
16 ~~the voting precincts of the county~~], the election of  
17 directors shall be conducted [~~by the county clerk in the same~~  
18 ~~manner and at the same time as the general election in the~~  
19 ~~state and the same election officials shall preside. The~~  
20 ~~returns of the election shall be filed with the county clerk,~~  
21 ~~who shall submit them to the board of the district for the~~  
22 ~~purposes of canvassing the election of the district. The~~  
23 ~~nominees for offices of directors shall be determined in~~  
24 ~~accordance with the resolution of the board calling for the~~  
25 ~~election, which shall provide that nominees shall file for~~

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1 ~~the office of director in the same manner and form as for~~  
2 ~~municipal offices, and a list of the nominees shall be~~  
3 ~~provided to the county clerk not later than three days~~  
4 ~~following the primary election. All costs for materials and~~  
5 ~~supplies incurred by the county clerk on behalf of the~~  
6 ~~district shall be paid by the district to the clerk's office.~~  
7 ~~The district may provide for the cost of one additional clerk~~  
8 ~~of election to assist the county clerk specifically in the~~  
9 ~~conduct of the district election] in accordance with the~~  
10 ~~provisions of the Local Election Act."~~

11 SECTION 120. Section 72-19-1 NMSA 1978 (being Laws  
12 1990, Chapter 14, Section 1) is amended to read:

13 "72-19-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article  
14 19 NMSA 1978 may be cited as the "Southern Sandoval County  
15 Arroyo Flood Control Act"."

16 SECTION 121. Section 72-19-4 NMSA 1978 (being Laws  
17 1990, Chapter 14, Section 4, as amended) is amended to read:

18 "72-19-4. DEFINITIONS.--Except where the context  
19 otherwise requires, as used in the Southern Sandoval County  
20 Arroyo Flood Control Act:

21 A. "acquisition" or "acquire" means the opening,  
22 laying out, establishment, purchase, construction, securing,  
23 installation, reconstruction, lease, gift, grant from the  
24 federal government or any public body or person, endowment,  
25 bequest, devise, condemnation, transfer, assignment, option

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1 to purchase, other contract or other acquirement, or any  
2 combination thereof, of facilities, other property or any  
3 project or an interest [~~therein~~] in the facilities, other  
4 property or project authorized by the Southern Sandoval  
5 County Arroyo Flood Control Act;

6 B. "authority" means the southern Sandoval county  
7 arroyo flood control authority;

8 C. "board" means the board of directors of the  
9 authority;

10 D. [~~"chairman"~~] "chair" means the [~~chairman~~] chair  
11 of the board and president of the authority;

12 E. "condemnation" or "condemn" means the  
13 acquisition by the exercise of the power of eminent domain of  
14 property for any facilities, other property or project or an  
15 interest [~~therein~~] in the facilities, other property or  
16 project authorized by the Southern Sandoval County Arroyo  
17 Flood Control Act. The authority may exercise in the state  
18 the power of eminent domain, either within or without the  
19 authority, and, in the manner provided by law for the  
20 condemnation of private property for public use, may take any  
21 property necessary to carry out any of the objects or  
22 purposes of that act. In the event the construction of any  
23 facility or project authorized by that act, or any part  
24 thereof, makes necessary the removal and relocation of any  
25 public utilities, whether on private or public right of way,

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1 the authority shall reimburse the owner of the public utility  
2 facility for the expense of removal and relocation, including  
3 the cost of any necessary land or rights in land;

4 F. "cost" or "cost of the project", or words of  
5 similar import, means all, or any part designated by the  
6 board, of the cost of any facilities or project or interest  
7 [~~therein~~] in the facilities or project being acquired and of  
8 all or any property, rights, easements, privileges,  
9 agreements and franchises deemed by the authority to be  
10 necessary or useful and convenient [~~therefor~~] to or in  
11 connection [~~therewith~~] with the facilities or project, which  
12 cost, at the option of the board, may include all or any part  
13 of the incidental costs pertaining to the project, including  
14 without limiting the generality of the foregoing, preliminary  
15 expenses advanced by any municipality or other public body  
16 from funds available for use [~~therefor~~] in the making of  
17 surveys, preliminary plans, estimates of cost or other  
18 preliminaries; for the costs of appraising and printing and  
19 employing engineers, architects, fiscal agents, attorneys at  
20 law, clerical help and other agents or employees; for the  
21 costs of capitalizing interest or any discount on securities,  
22 of inspection, of any administrative, operating and other  
23 expenses of the authority prior to the levy and collection of  
24 taxes and of reserves for working capital, operation,  
25 maintenance or replacement expenses or for payment or

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1 security of principal of or interest on any securities; for  
2 the costs of making, publishing, posting, mailing and  
3 otherwise giving any notice in connection with the project,  
4 the taking of options, the issuance of securities, the filing  
5 or recordation of instruments, the levy and collection of  
6 taxes and installments [~~thereof~~] of taxes; for the costs of  
7 reimbursements by the authority to any public body, the  
8 federal government or any person of any money [~~theretofore~~]  
9 expended for or in connection with any facility or project;  
10 and for all other expenses necessary or desirable and  
11 appertaining to any project, as estimated or otherwise  
12 ascertained by the board;

13 G. "director" means a member of the board;

14 H. "disposal" or "dispose" means the sale,  
15 destruction, razing, loan, lease, gift, grant, transfer,  
16 assignment, mortgage, option to sell, other contract or other  
17 disposition, or any combination thereof, of facilities, other  
18 property or any project, or an interest [~~therein~~] in the  
19 facilities, other property or project authorized by the  
20 Southern Sandoval County Arroyo Flood Control Act;

21 I. "engineer" means any engineer in the permanent  
22 employ of the authority or any independent competent engineer  
23 or firm of [~~such~~] engineers employed by the authority in  
24 connection with any facility, property, project or power  
25 authorized by the Southern Sandoval County Arroyo Flood

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1 Control Act;

2 J. "equipment" or "equip" means the furnishing of  
3 all necessary or desirable, related or appurtenant,  
4 facilities, or any combination thereof, appertaining to any  
5 facilities, property, project or interest [~~therein~~]  
6 authorized by the Southern Sandoval County Arroyo Flood

7 Control Act;

8 K. "facility" means any of the water facilities,  
9 sewer facilities or other property appertaining to the flood  
10 control system of the authority;

11 L. "federal government" means the United States or  
12 any agency, instrumentality or corporation [~~thereof~~] of the  
13 United States;

14 M. "federal securities" means the bills,  
15 certificates of indebtedness, notes or bonds that are direct  
16 obligations of, or the principal and interest of which  
17 obligations are unconditionally guaranteed by, the United  
18 States;

19 N. "governing body" means the city council, city  
20 commission, board of commissioners, board of trustees, board  
21 of directors or other legislative body of the public body  
22 proceeding under the Southern Sandoval County Arroyo Flood  
23 Control Act, in which body the legislative powers of the  
24 public body are vested;

25 O. "improvement" or "improve" means the extension,



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1 widening, lengthening, betterment, alteration,  
2 reconstruction, repair or other improvement, or any  
3 combination thereof, of facilities, other property or project  
4 or any interest [~~therein~~] in the facilities, other property  
5 or project authorized by the Southern Sandoval County Arroyo  
6 Flood Control Act;

7 P. "mailed notice" or notice by "mail" means the  
8 giving by the engineer, secretary or any deputy [~~thereof~~], as  
9 determined by the board, of any designated written or printed  
10 notice addressed to the last known owner of each tract of  
11 real property in question or other designated person at [~~his~~]  
12 the person's last known address, by deposit, at least ten  
13 days prior to the designated hearing or other time or event,  
14 in the United States mails, postage prepaid, as first-class  
15 mail. In the absence of fraud, the failure to mail [~~any~~  
16 ~~such~~] the notice shall not invalidate any proceedings under  
17 the Southern Sandoval County Arroyo Flood Control Act. The  
18 names and addresses of those property owners shall be  
19 obtained from the records of the county assessor or from such  
20 other source as the secretary or the engineer deems reliable.  
21 Any list of [~~such~~] names and addresses may be revised from  
22 time to time, but [~~such a~~] the list need not be revised more  
23 frequently than at twelve-month intervals. Any mailing of  
24 any notice required shall be verified by the affidavit or  
25 certificate of the engineer, secretary, deputy or other

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1 person mailing the notice, which verification shall be  
2 retained in the records of the authority at least until all  
3 taxes and securities appertaining thereto have been paid in  
4 full or any claim is barred by a statute of limitations;

5 Q. "municipality" means any incorporated city, town  
6 or village in the state, whether incorporated or governed  
7 under a general act, special legislative act or special  
8 charter of any type. "Municipal" pertains to municipality;

9 R. "person" means any human being, association,  
10 partnership, firm or corporation, excluding a public body and  
11 excluding the federal government;

12 S. "president" means the president of the authority  
13 and the [~~chairman~~] chair of the board;

14 T. "project" means any structure, facility,  
15 undertaking or system that the authority is authorized to  
16 acquire, improve, equip, maintain or operate. A project may  
17 consist of all kinds of personal and real property. A  
18 project shall appertain to the flood control system that the  
19 authority is authorized and directed to provide within and  
20 without the authority's boundaries;

21 U. "property" means real property and personal  
22 property;

23 V. "publication" or "publish" means publication in  
24 at least the one newspaper designated as the authority's  
25 official newspaper and published in the authority in the

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1 English language at least once a week and of general  
2 circulation in the authority. Except as otherwise  
3 specifically provided or necessarily implied, "publication"  
4 or "publish" also means publication for at least once a week  
5 for three consecutive weeks by three weekly insertions, the  
6 first publication being at least fifteen days prior to the  
7 designated time or event, unless otherwise [~~so~~] stated. It  
8 is not necessary that publication be made on the same day of  
9 the week in each of the three calendar weeks, but not less  
10 than fourteen days shall intervene between the first  
11 publication and the last publication, and publication shall  
12 be complete on the day of the last publication. Any  
13 publication required shall be verified by the affidavit of  
14 the publisher and filed with the secretary;

15 W. "public body" means the state or any agency,  
16 instrumentality or corporation [~~thereof~~] of the state or any  
17 municipality, school district or other type district or any  
18 other political subdivision of the state, excluding the  
19 authority and excluding the federal government;

20 X. "qualified elector" means a person qualified and  
21 registered to vote in general elections in the state who is a  
22 resident of the authority at the time of any election held  
23 under the provisions of the Southern Sandoval County Arroyo  
24 Flood Control Act or at any other time in reference to which  
25 the term "qualified elector" is used;

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[bracketed material] = delete

- 1           Y. "real property" means:
- 2           (1) land, including land under water;
- 3           (2) buildings, structures, fixtures and
- 4 improvements on land;
- 5           (3) any property appurtenant to or used in
- 6 connection with land; and
- 7           (4) every estate, interest, privilege,
- 8 easement, franchise and right in land, legal or equitable,
- 9 including without limiting the generality of the foregoing,
- 10 rights of way, terms for years and liens, charges or
- 11 encumbrances by way of judgment, mortgage or otherwise and
- 12 the indebtedness secured by such liens;
- 13           Z. "secretary" means the secretary of the
- 14 authority;
- 15           AA. "secretary of state" means the secretary of the
- 16 state of New Mexico;
- 17           BB. "securities" means any notes, warrants, bonds,
- 18 temporary bonds or interim debentures or other obligations of
- 19 the authority or any public body appertaining to any project
- 20 or interest [~~therein~~] in a project authorized by the Southern
- 21 Sandoval County Arroyo Flood Control Act;
- 22           CC. "sewer facilities" means any one or more of the
- 23 various devices used in the collection, channeling,
- 24 impounding or disposition of storm, flood or surface drainage
- 25 waters, including all inlets, collection, drainage or

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1 disposal lines, canals, intercepting sewers, outfall sewers,  
2 all pumping, power and other equipment and appurtenances, all  
3 extensions, improvements, remodeling, additions and  
4 alterations thereof and any rights or interest in such sewer  
5 facilities;

6 DD. "sewer improvement" or "improve any sewer"  
7 means the acquisition, reacquisition, improvement,  
8 reimprovement or repair of any storm sewer or combination  
9 storm and sanitary sewer, including [~~but not limited to~~]  
10 collecting and intercepting sewer lines or mains, submains,  
11 trunks, laterals, outlets, ditches, ventilation stations,  
12 pumping facilities, ejector stations and all other  
13 appurtenances and machinery necessary, useful or convenient  
14 for the collection, transportation and disposal of storm  
15 water;

16 EE. "state" means the state of New Mexico or any  
17 agency, instrumentality or corporation [~~thereof~~] of the  
18 state;

19 FF. "street" means any street, avenue, boulevard,  
20 alley, highway or other public right of way used for any  
21 vehicular traffic;

22 GG. "taxes" means general (ad valorem) taxes  
23 pertaining to any project authorized by the Southern Sandoval  
24 County Arroyo Flood Control Act; and

25 HH. "treasurer" means the treasurer of the

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1 authority."

2 SECTION 122. Section 72-19-8 NMSA 1978 (being Laws  
3 1990, Chapter 14, Section 8, as amended) is amended to read:

4 "72-19-8. BOARD OF DIRECTORS.--The governing body of  
5 the authority is a board of directors consisting of five  
6 qualified electors of the authority. All powers, rights,  
7 privileges and duties vested in or imposed upon the authority  
8 are exercised and performed by and through the board of  
9 directors; provided that the exercise of any executive,  
10 administrative and ministerial powers may be, by the board,  
11 delegated and redelegated to officers and employees of the  
12 authority. Except for the first directors appointed as  
13 provided for in Section 72-19-9 NMSA 1978 or elected as  
14 provided for in Section 72-19-10 NMSA 1978 and except for any  
15 director chosen to fill an unexpired term, the term of each  
16 director [~~commences on the first day of January next~~  
17 ~~following a general election in the state and~~] runs for six  
18 years. Each director, subject to such exceptions, shall  
19 serve a six-year term [~~ending on the first day of January~~  
20 ~~next following a general election~~], and each director shall  
21 serve until [~~his~~] a successor has been duly chosen and  
22 qualified."

23 SECTION 123. Section 72-19-10 NMSA 1978 (being Laws  
24 1990, Chapter 14, Section 10, as amended) is amended to read:

25 "72-19-10. ELECTION OF DIRECTORS.--At the time that a

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1 proposal to incur debt is first submitted to the qualified  
2 electors [~~or at the first general election next following the~~  
3 ~~effective date of the Southern Sandoval County Arroyo Flood~~  
4 ~~Control Act, whichever occurs first~~], the qualified electors  
5 of the authority shall elect five qualified directors, two to  
6 serve a term ending January 1, 1993, two to serve a term  
7 ending January 1, 1995 and one to serve a term ending January  
8 1, 1997. At the first election, the five candidates  
9 receiving the highest number of votes shall be elected as  
10 directors. The terms of the directors shall be determined by  
11 lot at their organizational meeting. At each [~~general~~] local  
12 election thereafter, the qualified electors of the authority  
13 shall elect similarly one or two qualified electors as  
14 directors to serve six-year terms as directors [~~and as~~  
15 ~~successors to the directors whose terms end on the first day~~  
16 ~~of January next following each such election~~]. Elections  
17 shall be held pursuant to the provisions of the Local  
18 Election Act. Nothing in the Southern Sandoval County Arroyo  
19 Flood Control Act shall be construed as preventing [a]  
20 qualified [~~elector~~] electors of the authority from being  
21 elected or reelected as [~~a director~~] directors to succeed  
22 [~~himself. If there is only one vacancy on the board, the~~  
23 ~~candidate receiving the highest number of votes shall be~~  
24 ~~elected as director. If there are two vacancies on the~~  
25 ~~board, the candidate receiving the highest number of votes~~

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1 ~~and the candidate receiving the next highest number of votes~~  
2 ~~shall be elected as directors] themselves."~~

3 SECTION 124. Section 72-19-11 NMSA 1978 (being Laws  
4 1990, Chapter 14, Section 11, as amended) is amended to read:

5 "72-19-11. NOMINATION OF DIRECTORS.--~~[Not later than~~  
6 ~~forty-five days before a proposal to incur debt is first~~  
7 ~~submitted to the qualified electors or at the first general~~  
8 ~~election next following the effective date of the Southern~~  
9 ~~Sandoval County Arroyo Flood Control Act, whichever occurs~~  
10 ~~first]~~ Written nominations of any candidate as director may  
11 be filed with the ~~[secretary of the board]~~ proper filing  
12 officer in accordance with the provisions of the Local  
13 Election Act. Each nomination of any candidate shall be  
14 signed by not less than fifty qualified electors, regardless  
15 of whether or not nominated ~~[therein]~~, shall designate  
16 ~~[therein]~~ the name of the candidates ~~[thereby]~~ nominated and  
17 shall recite that the subscribers ~~[thereto]~~ are qualified  
18 electors and that the ~~[candidate or]~~ candidates designated  
19 ~~[therein]~~ are qualified electors of the authority. No  
20 written nomination may designate more qualified electors as  
21 candidates than there are vacancies. No qualified elector  
22 may nominate more than one candidate for any vacancy. ~~[If a~~  
23 ~~candidate does not withdraw his name before the first~~  
24 ~~publication of the notice of election, his name shall be~~  
25 ~~placed on the ballot. For any election held after November~~

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1 ~~1990, nominations shall be made by qualified electors in~~  
2 ~~accordance with the procedures and limitations of this~~  
3 ~~section, except that such nominations shall be filed with the~~  
4 ~~secretary of the board not later than the fourth Tuesday in~~  
5 ~~June preceding the general election.]"~~

6 SECTION 125. Section 72-19-13 NMSA 1978 (being Laws  
7 1990, Chapter 14, Section 13) is amended to read:

8 "72-19-13. ORGANIZATIONAL MEETINGS.--Except for the  
9 first board, each board shall meet on the first business day  
10 next following the first day of [~~January in each odd-numbered~~  
11 ~~year~~] the month that the term of office begins for members  
12 elected in the immediately preceding election at the office  
13 of the board within the authority. Each member of the board,  
14 before entering upon [~~his~~] official duties, shall take and  
15 subscribe on oath that [~~he~~] the member will support the  
16 constitution of the United States and the constitution and  
17 laws of New Mexico and [~~that he~~] will faithfully and  
18 impartially discharge the duties of [~~his~~] office to the best  
19 of [~~his~~] the member's ability, which oath shall be filed in  
20 the office of the secretary of state. Each director shall,  
21 before entering upon [~~his~~] official duties, give a bond to  
22 the authority in the sum of ten thousand dollars (\$10,000)  
23 with good and sufficient surety, conditioned for the faithful  
24 performance of all of the duties of [~~his~~] office, without  
25 fraud, deceit or oppression, and the accounting for all money

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1 and property coming into [~~his~~] the director's hands, and the  
2 prompt and faithful payment of all money and the delivering  
3 of all property coming into [~~his~~] the director's custody or  
4 control belonging to the authority, to [~~his~~] the director's  
5 successors in office. Premiums on all bonds provided for in  
6 this section shall be paid by the authority, and all such  
7 bonds shall be kept on file in the office of the secretary of  
8 state."

9 SECTION 126. Section 72-19-28 NMSA 1978 (being Laws  
10 1990, Chapter 14, Section 28, as amended) is amended to read:

11 "72-19-28. 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. Any] and  
15 other election of the authority, including an election to  
16 seek approval for the issuance of bonds, shall be conducted  
17 [~~at any time approved by the board in accordance with the~~  
18 ~~election laws of New Mexico. Elections for the issuance of~~  
19 ~~bonds may be by mail-in ballot pursuant to the procedures set~~  
20 ~~forth in the Mail Ballot] pursuant to the Local Election  
21 Act."~~~~

22 SECTION 127. Section 72-20-4 NMSA 1978 (being Laws  
23 2007, Chapter 99, Section 4) is amended to read:

24 "72-20-4. DEFINITIONS.--Except where the context  
25 otherwise requires, as used in the Eastern Sandoval County

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1 Arroyo Flood Control Act:

2 A. "acquisition" or "acquire" means the opening,  
3 laying out, establishment, purchase, construction, securing,  
4 installation, reconstruction, lease, gift, grant from the  
5 federal government or any public body or person, endowment,  
6 bequest, devise, condemnation, transfer, assignment, option  
7 to purchase, other contract or other acquirement, or any  
8 combination thereof, of facilities, other property or any  
9 project or an interest therein authorized by the Eastern  
10 Sandoval County Arroyo Flood Control Act;

11 B. "authority" means the eastern Sandoval county  
12 arroyo flood control authority;

13 C. "board" means the board of directors of the  
14 authority;

15 D. "chair" means the chair of the board and  
16 president of the authority;

17 E. "condemnation" or "condemn" means the  
18 acquisition by the exercise of the power of eminent domain of  
19 property for any facilities, other property or project or an  
20 interest therein authorized by the Eastern Sandoval County  
21 Arroyo Flood Control Act. The authority may exercise in the  
22 state the power of eminent domain, either within or without  
23 the authority and, in the manner provided by law for the  
24 condemnation of private property for public use, may take any  
25 property necessary to carry out any of the objects or

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underscoring material = new  
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1 purposes of the Eastern Sandoval County Arroyo Flood Control  
2 Act. In the event the construction of any facility or  
3 project authorized by the Eastern Sandoval County Arroyo  
4 Flood Control Act, or any part thereof, makes necessary the  
5 removal and relocation of any public utilities, whether on  
6 private or public right of way, the authority shall reimburse  
7 the owner of the public utility facility for the expense of  
8 removal and relocation, including the cost of any necessary  
9 land or rights in land;

10 F. "cost" or "cost of the project", or words of  
11 similar import, means all, or any part designated by the  
12 board, of the cost of any facilities, project or interest  
13 therein being acquired and of all or any property, rights,  
14 easements, privileges, agreements and franchises deemed by  
15 the authority to be necessary or useful and convenient  
16 therefor or in connection therewith, which cost, at the  
17 option of the board, may include all or any part of the  
18 incidental costs pertaining to the project, including without  
19 limiting the generality of the foregoing, preliminary  
20 expenses advanced by any municipality or other public body  
21 from funds available for use therefor in the making of  
22 surveys, preliminary plans, estimates of cost and other  
23 preliminaries; for the costs of appraising and printing and  
24 employing engineers, architects, fiscal agents, attorneys at  
25 law, clerical help and other agents or employees; for the

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1 costs of capitalizing interest or any discount on securities,  
2 of inspection, of any administrative, operating and other  
3 expenses of the authority prior to the levy and collection of  
4 taxes and of reserves for working capital, operation,  
5 maintenance or replacement expenses or for payment or  
6 security of principal of or interest on any securities; for  
7 the costs of making, publishing, posting, mailing and  
8 otherwise giving any notice in connection with the project,  
9 the taking of options, the issuance of securities, the filing  
10 or recordation of instruments, the levy and collection of  
11 taxes and installments thereof; for the costs of  
12 reimbursements by the authority to any public body, the  
13 federal government or any person of any money theretofore  
14 expended for or in connection with any facility or project;  
15 and for all other expenses necessary or desirable and  
16 appertaining to any project, as estimated or otherwise  
17 ascertained by the board;

18 G. "director" means a member of the board;

19 H. "disposal" or "dispose" means the sale,  
20 destruction, razing, loan, lease, gift, grant, transfer,  
21 assignment, mortgage, option to sell, other contract or other  
22 disposition, or any combination thereof, of facilities, other  
23 property or any project or an interest therein authorized by  
24 the Eastern Sandoval County Arroyo Flood Control Act;

25 I. "engineer" means any engineer in the permanent

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1 employ of the authority or any independent competent engineer  
2 or firm of such engineers employed by the authority in  
3 connection with any facility, property, project or power  
4 authorized by the Eastern Sandoval County Arroyo Flood  
5 Control Act;

6 J. "equipment" or "equip" means the furnishing of  
7 all necessary or desirable, related or appurtenant,  
8 facilities, or any combination thereof, appertaining to any  
9 facilities, property or project or interest therein  
10 authorized by the Eastern Sandoval County Arroyo Flood  
11 Control Act;

12 K. "facility" means any of the water facilities,  
13 sewer facilities or other property appertaining to the flood  
14 control system of the authority;

15 L. "federal government" means the United States or  
16 any agency, instrumentality or corporation thereof;

17 M. "federal securities" means the bills,  
18 certificates of indebtedness, notes or bonds that are direct  
19 obligations of, or the principal and interest of which  
20 obligations are unconditionally guaranteed by, the United  
21 States;

22 N. "governing body" means the city council, city  
23 commission, board of commissioners, board of trustees, board  
24 of directors or other legislative body of the public body  
25 proceeding under the Eastern Sandoval County Arroyo Flood

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1 Control Act, in which body the legislative powers of the  
2 public body are vested;

3 O. "improvement" or "improve" means the extension,  
4 widening, lengthening, betterment, alteration,  
5 reconstruction, repair or other improvement, or any  
6 combination thereof of facilities, other property or project  
7 or any interest therein authorized by the Eastern Sandoval  
8 County Arroyo Flood Control Act;

9 P. "mailed notice" or notice by "mail" means the  
10 giving by the engineer, secretary or any deputy thereof, as  
11 determined by the board, of any designated written or printed  
12 notice addressed to the last known owner of each tract of  
13 real property in question or other designated person at the  
14 last known address, by deposit, at least ten days prior to  
15 the designated hearing or other time or event, in the United  
16 States mail, postage prepaid, as first-class mail. In the  
17 absence of fraud, the failure to mail any such notice shall  
18 not invalidate any proceedings under the Eastern Sandoval  
19 County Arroyo Flood Control Act. The names and addresses of  
20 those property owners shall be obtained from the records of  
21 the county assessor or from such other source as the  
22 secretary or the engineer deems reliable. Any list of such  
23 names and addresses may be revised from time to time, but  
24 such a list need not be revised more frequently than at  
25 twelve-month intervals. Any mailing of any notice required

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1 shall be verified by the affidavit or certificate of the  
2 engineer, secretary, deputy or other person mailing the  
3 notice, which verification shall be retained in the records  
4 of the authority at least until all taxes and securities  
5 appertaining thereto have been paid in full or any claim is  
6 barred by a statute of limitations;

7 Q. "municipality" means any incorporated city, town  
8 or village in the state, whether incorporated or governed  
9 under a general act, special legislative act or special  
10 charter of any type. "Municipal" pertains to municipality;

11 R. "person" means any human being, association,  
12 partnership, firm or corporation, excluding a public body and  
13 excluding the federal government;

14 S. "president" means the president of the authority  
15 and the chair of the board;

16 T. "project" means any structure, facility,  
17 undertaking or system that the authority is authorized to  
18 acquire, improve, equip, maintain or operate. A project may  
19 consist of all kinds of personal and real property. A  
20 project shall appertain to the flood control system that the  
21 authority is authorized and directed to provide within and  
22 without the authority's boundaries;

23 U. "property" means real property and personal  
24 property;

25 V. "publication" or "publish" means publication in



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1 at least the one newspaper designated as the authority's  
2 official newspaper and published in the authority in the  
3 English language at least once a week and of general  
4 circulation in the authority. Except as otherwise  
5 specifically provided or necessarily implied, "publication"  
6 or "publish" also means publication for at least once a week  
7 for three consecutive weeks by three weekly insertions, the  
8 first publication being at least fifteen days prior to the  
9 designated time or event, unless otherwise so stated. It is  
10 not necessary that publication be made on the same day of the  
11 week in each of the three calendar weeks, but not less than  
12 fourteen days shall intervene between the first publication  
13 and the last publication, and publication shall be complete  
14 on the day of the last publication. Any publication required  
15 shall be verified by the affidavit of the publisher and filed  
16 with the secretary;

17 W. "public body" means the state or any agency,  
18 instrumentality or corporation thereof or any municipality,  
19 school district or other type of district or any other  
20 political subdivision of the state, excluding the authority  
21 and excluding the federal government;

22 X. "qualified elector" means a person qualified and  
23 registered to vote in general elections in the state, who is  
24 a resident of the authority at the time of any election held  
25 under the provisions of the Eastern Sandoval County Arroyo

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~~[bracketed material] = delete~~

1 Flood Control Act or at any other time in reference to which  
2 the term "qualified elector" is used;

3 Y. "real property" means:

4 (1) land, including land under water;

5 (2) buildings, structures, fixtures and  
6 improvements on land;

7 (3) any property appurtenant to or used in  
8 connection with land; and

9 (4) every estate, interest, privilege,  
10 easement, franchise and right in land, legal or equitable,  
11 including without limiting the generality of the foregoing,  
12 rights of way, terms for years and liens, charges or  
13 encumbrances by way of judgment, mortgage or otherwise and  
14 the indebtedness secured by such liens;

15 Z. "secretary" means the secretary of the  
16 authority;

17 AA. "secretary of state" means the secretary of  
18 state of New Mexico;

19 BB. "securities" means any notes, warrants, bonds,  
20 temporary bonds or interim debentures or other obligations of  
21 the authority or any public body appertaining to any project  
22 or interest therein authorized by the Eastern Sandoval County  
23 Arroyo Flood Control Act;

24 CC. "sewer facilities" means any one or more of the  
25 various devices used in the collection, channeling,

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1 impounding or disposition of storm, flood or surface drainage  
2 waters, including all inlets, collection, drainage or  
3 disposal lines, canals, intercepting sewers, outfall sewers,  
4 all pumping, power and other equipment and appurtenances, all  
5 extensions, improvements, remodeling, additions and  
6 alterations thereof and any rights or interest in such sewer  
7 facilities;

8 DD. "sewer improvement" or "improve any sewer"  
9 means the acquisition, reacquisition, improvement,  
10 reimprovement or repair of any storm sewer or combination  
11 storm and sanitary sewer, including ~~[but not limited to]~~  
12 collecting and intercepting sewer lines or mains, submains,  
13 trunks, laterals, outlets, ditches, ventilation stations,  
14 pumping facilities, ejector stations and all other  
15 appurtenances and machinery necessary, useful or convenient  
16 for the collection, transportation and disposal of storm  
17 water;

18 EE. "state" means the state of New Mexico or any  
19 agency, instrumentality or corporation thereof;

20 FF. "street" means any street, avenue, boulevard,  
21 alley, highway or other public right of way used for any  
22 vehicular traffic;

23 GG. "taxes" means general (ad valorem) taxes  
24 pertaining to any project authorized by the Eastern Sandoval  
25 County Arroyo Flood Control Act; and

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underscored material = new  
[bracketed material] = delete

1           HH. "treasurer" means the treasurer of the  
2 authority."

3           SECTION 128. Section 72-20-8 NMSA 1978 (being Laws  
4 2007, Chapter 99, Section 8, as amended) is amended to read:

5           "72-20-8. BOARD OF DIRECTORS.--

6           A. The governing body of the authority is a board  
7 of directors consisting of three registered qualified  
8 electors of the authority; provided that, after single-member  
9 districts are created pursuant to Subsection B of Section  
10 72-20-10 NMSA 1978 and after the expiration of the terms of  
11 any directors-at-large who are serving at the time that  
12 single-member districts are created:

13                   (1) each director shall reside within and  
14 represent a specified district; and

15                   (2) if a director no longer resides within the  
16 district that the director represents, the director's  
17 position shall be deemed vacant and a successor shall be  
18 appointed to serve the unexpired term pursuant to Section  
19 72-20-12 NMSA 1978.

20           B. All powers, rights, privileges and duties vested  
21 in or imposed upon the authority are exercised and performed  
22 by and through the board of directors; provided that the  
23 exercise of any executive, administrative and ministerial  
24 powers may be, by the board, delegated and redelegated to  
25 officers and employees of the authority or to any officer or

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~~[bracketed material] = delete~~

1 employee contracted by agreement to manage and administer the  
2 operations of the authority. Except for the first directors  
3 appointed as provided for in Section 72-20-9 NMSA 1978 or  
4 elected as provided in Section 72-20-10 NMSA 1978 and except  
5 for any director chosen to fill an unexpired term, and except  
6 for the first directors serving after the authority is  
7 divided into single-member districts, the term of each  
8 director [~~commences on the first day of January next~~  
9 ~~following a general election in the state and~~] runs for six  
10 years. Each director, subject to such exceptions, shall  
11 serve a six-year term [~~ending on the first day of January~~  
12 ~~next following a general election~~], and each director shall  
13 serve until a successor has been duly chosen and qualified."

14 SECTION 129. Section 72-20-10 NMSA 1978 (being Laws  
15 2007, Chapter 99, Section 10, as amended) is amended to read:

16 "72-20-10. ELECTION OF DIRECTORS--SINGLE-MEMBER  
17 DISTRICTS.--

18 A. At the time that a proposal to incur debt is  
19 first submitted to the qualified electors [~~or at the first~~  
20 ~~general election following March 30, 2007, whichever occurs~~  
21 ~~first~~], the qualified electors of the authority shall elect  
22 five qualified directors, two to serve a term ending January  
23 1, 2011, two to serve a term ending January 1, 2013 and one  
24 to serve a term ending January 1, 2015. At the first  
25 election, the five candidates receiving the highest number of

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1 votes shall be elected as directors. The terms of the  
2 directors shall be determined by lot at their organizational  
3 meeting.

4 B. Upon the exclusion of land pursuant to  
5 Subsection C of Section 72-20-6 NMSA 1978, the two directors  
6 elected in the 2010 general election shall be deemed to have  
7 resigned, and, notwithstanding the provisions of Section  
8 72-20-12 NMSA 1978, their positions shall not be filled.  
9 Thereafter, the board shall consist of three directors. The  
10 board shall divide the authority into three single-member  
11 districts. The following provisions shall govern the  
12 procedure for converting to single-member districts:

13 (1) the districts shall be as contiguous,  
14 compact and as equal in population as is practicable;

15 (2) remaining terms for the three incumbent  
16 directors shall be chosen by lot so that one term expires on  
17 January 1, 2013, one term expires on January 1, 2015 and one  
18 term expires on January 1, 2017;

19 (3) if, as a result of the division of the  
20 authority into districts, two or more incumbent directors  
21 reside within the same district, the board shall determine,  
22 by lot, one of the directors to represent the district, and  
23 the other directors residing within that district shall  
24 represent the authority at large until their terms expire;

25 (4) if, as a result of the exclusion of land

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1 pursuant to Subsection C of Section 72-20-6 NMSA 1978, one or  
2 more incumbent directors reside outside of any district, the  
3 directors shall represent the authority at large until their  
4 terms expire; and

5 (5) if more than one director represents the  
6 authority at large pursuant to Paragraph (3) or (4) of this  
7 subsection, the board shall determine by lot the district  
8 that will elect a resident to succeed a director-at-large as  
9 the term of each director-at-large expires.

10 C. ~~[At the 2012 and each subsequent general~~  
11 ~~election, for the single-member district in which the term of~~  
12 ~~the incumbent director or the term of a director-at-large~~  
13 ~~assigned by lot pursuant to Paragraph (2) of Subsection B of~~  
14 ~~this section will expire on the first day of the January~~  
15 ~~immediately following the election]~~ A director who is a  
16 qualified elector and a resident of the district shall be  
17 elected by the qualified electors who are residents of that  
18 district to serve a six-year term. Elections for directors  
19 shall be held pursuant to the Local Election Act.

20 D. Nothing in this section shall be construed as  
21 preventing qualified electors of the authority from being  
22 elected or reelected as directors to succeed themselves;  
23 provided that they reside in the district from which they are  
24 elected.

25 E. As soon as feasible after each federal decennial

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1 census, the board shall assess the existing districts to  
2 determine if the districts remain as equal in population as  
3 is practicable and, if necessary, shall redistrict the  
4 authority into districts that remain contiguous, compact and  
5 as equal in population as is practicable; provided that:

6 (1) a redistricting shall be effective at the  
7 next following ~~[general]~~ local election; ~~[and]~~

8 (2) an incumbent director whose residence is  
9 redistricted out of the district represented by the director  
10 shall serve until the next ~~[general]~~ local election, at which  
11 a qualified elector who resides within the district shall be  
12 elected to fill the unexpired term; and

13 (3) the board shall notify the county clerk of  
14 the new district boundaries."

15 SECTION 130. Section 72-20-11 NMSA 1978 (being Laws  
16 2007, Chapter 99, Section 11, as amended) is amended to read:

17 "72-20-11. NOMINATION OF DIRECTORS.--~~[Not later than~~  
18 ~~forty-five days before a proposal to incur debt is first~~  
19 ~~submitted to the qualified electors or at the first general~~  
20 ~~election following March 30, 2007, whichever occurs first]~~

21 Written nominations of any candidate as director may be filed  
22 with the ~~[secretary of the board]~~ proper filing officer in  
23 accordance with the provisions of the Local Election Act.

24 Each nomination of any candidate shall be signed by not less  
25 than fifty qualified electors, regardless of whether or not

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1 nominated [~~therein~~], shall designate [~~therein~~] the name of  
2 the candidates [~~thereby~~] nominated and shall recite that the  
3 subscribers [~~thereto~~] are qualified electors and that the  
4 [~~candidate or~~] candidates designated [~~therein~~] are qualified  
5 electors of the authority. No written nomination may  
6 designate more qualified electors as candidates than there  
7 are vacancies. No qualified elector may nominate more than  
8 one candidate for any vacancy. [~~If a candidate does not~~  
9 ~~withdraw the candidate's name before the first publication of~~  
10 ~~the notice of election, the candidate's name shall be placed~~  
11 ~~on the ballot. For any election held after November 2010,~~  
12 ~~nominations shall be made by qualified electors in accordance~~  
13 ~~with the procedures and limitations of this section, except~~  
14 ~~that:~~

15 A. ~~such nominations shall be filed with the~~  
16 ~~secretary of the board not later than the fourth Tuesday in~~  
17 ~~June preceding the general election;~~

18 B. ~~each nomination shall designate only one~~  
19 ~~candidate;~~

20 C. ~~all of the qualified electors signing each~~  
21 ~~nomination and the person nominated shall reside within the~~  
22 ~~district for which the candidate has been nominated; and~~

23 D. ~~each nomination shall recite that the~~  
24 ~~subscribers thereto are qualified electors who reside in the~~  
25 ~~district for which the candidate is nominated and that the~~

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1 ~~person nominated is a qualified elector who resides in the~~  
2 ~~district for which the person is nominated.]"~~

3 SECTION 131. Section 72-20-13 NMSA 1978 (being Laws  
4 2007, Chapter 99, Section 13) is amended to read:

5 "72-20-13. ORGANIZATIONAL MEETINGS.--Except for the  
6 first board, each board shall meet on the first business day  
7 next following the first day of [~~January in each odd-numbered~~  
8 ~~year~~] the month that the term of office begins for members  
9 elected in the immediately preceding election, at the office  
10 of the board within the authority. Each member of the board,  
11 before entering upon the member's official duties, shall take  
12 and subscribe on oath that the member will support the  
13 constitution of the United States and the constitution and  
14 laws of New Mexico and that the member will faithfully and  
15 impartially discharge the duties of the office to the best of  
16 the member's ability, which oath shall be filed in the office  
17 of the secretary of state. Each director shall, before  
18 entering upon the director's official duties, give a bond to  
19 the authority in the sum of ten thousand dollars (\$10,000)  
20 with good and sufficient surety, conditioned for the faithful  
21 performance of all of the duties of the director's office,  
22 without fraud, deceit or oppression, and the accounting for  
23 all money and property coming into the director's hands and  
24 the prompt and faithful payment of all money and the  
25 delivering of all property coming into the director's custody

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1 or control belonging to the authority to the director's  
2 successors in office. Premiums on all bonds provided for in  
3 this section shall be paid by the authority, and all such  
4 bonds shall be kept on file in the office of the secretary of  
5 state."

6 SECTION 132. Section 72-20-28 NMSA 1978 (being Laws  
7 2007, Chapter 99, Section 28) is amended to read:

8 "72-20-28. ELECTIONS.--Each biennial election of  
9 directors [~~shall be conducted at the time of the general~~  
10 ~~election under the direction of the Sandoval county clerk and~~  
11 ~~in accordance with the election laws of New Mexico]~~ and any  
12 other election of the authority, including an election to  
13 seek approval for the issuance of bonds, shall be conducted  
14 [~~at any time approved by the board in accordance with the~~  
15 ~~election laws of New Mexico. Elections for the issuance of~~  
16 ~~bonds may be by mail-in ballot pursuant to the procedures set~~  
17 ~~forth in the Mail Ballot]~~ pursuant to the Local Election  
18 Act."

19 SECTION 133. Section 73-20-1 NMSA 1978 (being Laws  
20 1957, Chapter 210, Section 1) is amended to read:

21 "73-20-1. SHORT TITLE.--~~[This act]~~ Sections 73-20-1  
22 through 73-20-24 NMSA 1978 may be cited as the "Watershed  
23 District Act"."

24 SECTION 134. Section 73-20-37 NMSA 1978 (being Laws  
25 1965, Chapter 137, Section 11, as amended) is amended to

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1 read:

2 "73-20-37. DISTRICT SUPERVISORS--ELECTION AND  
3 APPOINTMENT--NEW DISTRICTS.--

4 A. The governing body of a district shall be  
5 composed of five supervisors who shall be residents of the  
6 district and shall be elected pursuant to the provisions of  
7 the Local Election Act; provided, however, that two  
8 additional supervisors may be appointed to the governing body  
9 of each district by the commission in accordance with the  
10 provisions of the Soil and Water Conservation District Act.

11 ~~[Four elected supervisor positions of each district shall be~~  
12 ~~filled by landowners within the defined geographical area of~~  
13 ~~their district. One elected supervisor position shall be~~  
14 ~~designated supervisor-at-large, and the supervisor filling~~  
15 ~~that position may serve the district without landowner~~  
16 ~~qualification.~~

17 ~~B. Unless a different time is prescribed by the~~  
18 ~~commission, within thirty days following the issuance of a~~  
19 ~~certificate of organization to the two interim supervisors of~~  
20 ~~a district, declarations of candidacy for supervisors of the~~  
21 ~~district may be filed with the commission. The commission~~  
22 ~~shall give due notice of election for the offices of five~~  
23 ~~district supervisors. All registered voters residing within~~  
24 ~~the district shall be eligible to vote. The commission shall~~  
25 ~~adopt and prescribe regulations governing the conduct of the~~

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1 ~~election, shall determine voter eligibility and shall~~  
2 ~~supervise the election and publish its results. The~~  
3 ~~districts shall bear the expenses of elections; however, the~~  
4 ~~commission shall bear the expenses of the first election of a~~  
5 ~~newly organized district.~~

6 ~~G.]~~ B. In the first election of supervisors to  
7 serve a newly organized district, two supervisors shall be  
8 elected for terms of four years and three supervisors shall  
9 be elected for terms of two years. Thereafter, each elected  
10 supervisor shall serve a term of four years and shall  
11 continue in office until [~~his~~] a successor has been elected  
12 or appointed and has completed an oath of office. [~~Oaths of~~  
13 ~~office may not be completed prior to July 1 after an~~  
14 ~~election.~~] A vacant unexpired term of the office of an  
15 elected supervisor shall be filled by appointment by the  
16 remaining supervisors of the district. Two or more vacant  
17 unexpired terms occurring simultaneously in the same district  
18 shall be filled by appointment by the commission.

19 [~~D.]~~ C. Appointed interim supervisors may continue  
20 to serve as appointed supervisors [~~at the pleasure of the~~  
21 ~~commission or~~] until their successors are [~~otherwise~~  
22 ~~appointed~~] elected at the next local election pursuant to the  
23 Local Election Act."

24 SECTION 135. Section 73-20-38 NMSA 1978 (being Laws  
25 1965, Chapter 137, Section 12, as amended) is amended to  
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1 read:

2 "73-20-38. DISTRICT SUPERVISORS--ELECTION AND  
3 APPOINTMENT--ORGANIZED DISTRICTS.--

4 A. Successors to supervisors whose terms end in a  
5 calendar year shall be elected [~~on the first Tuesday in May~~  
6 ~~of that year~~] pursuant to the Local Election Act. Elections  
7 shall be called, conducted and [~~returned~~] canvassed in  
8 accordance with [~~rules adopted and prescribed by the~~  
9 ~~commission.~~

10 B. ~~A canvassing board appointed by the commission~~  
11 ~~shall determine the results of a district election, shall~~  
12 ~~certify and publish the results and shall give the commission~~  
13 ~~notice of its canvass within seven days of its completion. A~~  
14 ~~canvass is considered complete when all challenges have been~~  
15 ~~resolved to the satisfaction of the canvassing board.~~

16 G. ~~Rules adopted and published by the commission~~  
17 ~~and the election provisions of the Soil and Water~~  
18 ~~Conservation District Act shall be exclusive in the conduct~~  
19 ~~of district elections. The commission may adopt and publish~~  
20 ~~rules to carry out the provisions of the Soil and Water~~  
21 ~~Conservation District Act.~~

22 D.] the Local Election Act.

23 B. By June 15 of each year, the district  
24 supervisors may submit to the commission a list of persons  
25 interested in the district and who by experience or training

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1 are qualified to serve as supervisors. The commission may  
2 appoint from the list submitted [~~or at will~~] two persons to  
3 serve as supervisors if it is the determination of the  
4 commission that the appointments are necessary or desirable  
5 and would benefit or facilitate the work and functions of the  
6 district. In the event a list is not submitted to the  
7 commission by the supervisors by June 15, the commission may  
8 appoint [~~at will~~] two supervisors qualified to serve by  
9 training or experience. Appointed supervisors shall serve  
10 [~~at the pleasure of the commission~~] a term of two years and  
11 shall have the same powers and perform the same duties as  
12 elected supervisors. Successors to appointed supervisors, or  
13 replacement-appointed supervisors in the event of vacancy,  
14 shall be appointed by the commission from a list of  
15 candidates [~~or at will~~] in accordance with the provisions of  
16 this subsection."

17 **SECTION 136.** Section 73-20-46 NMSA 1978 (being Laws  
18 1965, Chapter 137, Section 20, as amended) is amended to  
19 read:

20 "73-20-46. DISTRICT ASSESSMENTS.--

21 A. In the event a district is unable to meet or  
22 bear the expense of the duties imposed upon it by the Soil  
23 and Water Conservation District Act, the supervisors may  
24 adopt a resolution that, to be effective, shall be approved  
25 by referendum in the district and that shall provide for an

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1 annual levy for a stated period of up to ten years in a  
2 stated amount not exceeding one dollar (\$1.00) on each one  
3 thousand dollars (\$1,000) of net taxable value, as that term  
4 is defined in the Property Tax Code, of real property within  
5 the district, except that real property within incorporated  
6 cities and towns in the district may be excluded. The  
7 referendum held to approve or reject the resolution of the  
8 supervisors shall be conducted [~~with appropriate ballot and~~  
9 ~~in substantially the same manner as a referendum adopting and~~  
10 ~~approving the creation of a proposed district]~~ pursuant to  
11 the Local Election Act. After the initial authorization is  
12 approved by referendum, the supervisors shall adopt a  
13 resolution in each following year authorizing the levy. To  
14 extend an assessment beyond the period of time originally  
15 authorized and approved by referendum, the supervisors shall  
16 adopt a new resolution and the district voters shall approve  
17 it in a referendum. The extension shall be for the same  
18 period of time as originally approved, but the rate of the  
19 tax may be different as long as it does not exceed one dollar  
20 (\$1.00) on each one thousand dollars (\$1,000) of net taxable  
21 value of real property within the district, except that real  
22 property within incorporated municipalities in the district  
23 may be excluded. If the district is indebted to the United  
24 States or the state or any of their respective agencies or  
25 instrumentalities, including the New Mexico finance

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1 authority, at the time of the expiration of the original  
2 authorization, the supervisors may renew the assessment by  
3 resolution for a period not to exceed the maturity date of  
4 the indebtedness, and no referendum for that renewal is  
5 necessary.

6 B. A resolution authorized under Subsection A of  
7 this section shall not be effective, and neither a referendum  
8 nor a levy is authorized, unless the resolution is submitted  
9 to and approved in writing by the commission.

10 C. In the event a resolution of the supervisors is  
11 adopted and approved in accordance with the provisions of  
12 Subsection A of this section, the supervisors of the district  
13 shall certify by the fifteenth of July of each year to the  
14 county assessor of each county in which there is situate land  
15 subject to the district assessment:

16 (1) a copy of the resolution of the  
17 supervisors;

18 (2) the results of any referendum held in the  
19 year the certification is made; and

20 (3) ~~[a list of landowners]~~ the boundaries of  
21 the district and a description of the land ~~[owned by each]~~  
22 that is subject to assessment.

23 D. A county assessor shall indicate the information  
24 on the tax schedules, compute the assessment and present the  
25 district assessment by regular tax bill.

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1           E. The district assessment shall be collected by  
2 the county treasurer of each county in which taxable district  
3 land is situate in the same manner and at the same time that  
4 county ad valorem taxes are levied. The conditions,  
5 penalties and rates of interest applicable to county ad  
6 valorem taxation apply to the levy and collection of district  
7 assessments. A county treasurer shall be entitled to a  
8 collection fee equal to the actual costs of collection or  
9 four percent of the money collected from the levy of the  
10 district assessment, whichever is the lesser.

11           F. District funds, regardless of origin, shall be  
12 transferred to and held by the supervisors and shall be  
13 expended for district obligations and functions. The  
14 supervisors shall prepare an annual budget and submit it for  
15 approval to the commission and to the local government  
16 division of the department of finance and administration.  
17 All district funds shall be expended in accordance with the  
18 approved budgets.

19           G. In the event the supervisors of a district  
20 determine that there are or will be sufficient funds  
21 available for the operation of the district for any year for  
22 which an assessment is to be levied, they shall, by  
23 resolution, direct the assessor of each county in which  
24 taxable district land is situate, by July 15 of each year, to  
25 decrease the district assessment or to delete the district

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1 assessment reflected on the tax schedules.

2 H. Any levy authorized by the Soil and Water  
3 Conservation District Act and any loan or other indebtedness  
4 authorized by that act that will require that a levy shall be  
5 based exclusively on or levied exclusively on the real  
6 property in the district, except that real property within  
7 incorporated cities and towns may be excluded."

8 SECTION 137. Section 73-21-14 NMSA 1978 (being Laws  
9 1943, Chapter 80, Section 13, as amended) is amended to read:

10 "73-21-14. ELECTIONS.--

11 A. In any district, except a district created  
12 pursuant to a petition signed by the chair of the board of  
13 county commissioners of a county, [~~on the second Tuesday of~~  
14 ~~January in the second calendar year after the organization of~~  
15 ~~the district and on the second Tuesday of January every~~  
16 ~~second year thereafter] in accordance with the Local Election  
17 Act, there shall be elected by the [~~taxpaying~~] qualified  
18 electors of the district one member of the board to serve for  
19 a term of six years, except that if the district elects to  
20 adopt four-year terms, the member shall serve for a term of  
21 four years.~~

22 B. In any district created pursuant to a petition  
23 signed by the chair of the board of county commissioners of a  
24 county, [~~one~~] in the odd-numbered year after the organization  
25 of the district and every second year thereafter, there shall

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1 be elected by the ~~[taxpaying]~~ qualified electors of the  
2 district at least two, but no more than three, members of the  
3 board to serve for a term of two years. The election shall  
4 be held in accordance with the provisions of the Local  
5 Election Act.

6 C. ~~[Not later than thirty days before any election~~  
7 ~~pursuant to Subsection A or B of this section]~~ Nominations  
8 may be filed with the ~~[secretary of the board, and, if a~~  
9 ~~nominee does not withdraw the nominee's name before the first~~  
10 ~~publication of the notice of election, the name shall be~~  
11 ~~placed on the ballot. The board shall provide for holding~~  
12 ~~such election and shall appoint judges to conduct it. The~~  
13 ~~secretary of the district shall give notice of election by~~  
14 ~~publication and shall arrange such other details in~~  
15 ~~connection with the election as the board may direct]~~ proper  
16 filing officer in accordance with the provisions of the Local  
17 Election Act. If within ninety days prior to a board  
18 election, the district publishes materials that describe the  
19 qualifications, experience and accomplishments of incumbents,  
20 equal space shall be made available without charge for  
21 similar information provided by opponents seeking a position  
22 on the board. ~~[The returns of the election shall be~~  
23 ~~certified to and shall be canvassed and declared by the~~  
24 ~~board. The candidate receiving the most votes shall be~~  
25 ~~elected. Any new member of the board shall qualify in the~~

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1 ~~same manner as members of the first board qualify.]"~~

2 SECTION 138. Section 73-21-28 NMSA 1978 (being Laws  
3 1943, Chapter 80, Section 25, as amended) is amended to read:

4 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--

5 Whenever the board shall, by resolution, determine that the  
6 interest of the district and the public interest or necessity  
7 demand the acquisition, construction, installation or  
8 completion of any works or other improvements or facilities,  
9 or the making of any contract with the United States or other  
10 persons or corporations, to carry out the objects or purposes  
11 of the district, requiring the creation of a general  
12 obligation indebtedness of five thousand dollars (\$5,000) or  
13 more, secured by property tax revenue from within the  
14 district, the board shall order the submission of the  
15 proposition of issuing the obligations or bonds or creating  
16 other indebtedness to the qualified [~~taxpaying~~] electors of  
17 the district at [~~an~~] a district election held [~~for that~~  
18 ~~purpose. Any such election may be held separately or may be~~  
19 ~~consolidated or held concurrently with any other election~~  
20 ~~authorized by the Water and Sanitation District] in  
21 accordance with the provisions of the Local Election Act.~~

22 The declaration of public interest or necessity required in  
23 this section and the provision for the holding of the  
24 election may be included within one and the same resolution.

25 The resolution, in addition to the declaration of public

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1 interest or necessity, shall recite the objects and purposes  
2 for which the indebtedness is proposed to be incurred, the  
3 estimated cost of the works or improvements, as the case may  
4 be, the amount of principal of the indebtedness to be  
5 incurred and the maximum rate of interest to be paid on the  
6 indebtedness. The resolution shall also [~~fix~~] announce the  
7 date upon which the election shall be held [~~and the manner of~~  
8 ~~holding it and the method of voting for or against the~~  
9 ~~incurring of the proposed indebtedness. The resolution shall~~  
10 ~~also fix the compensation to be paid the officers of the~~  
11 ~~election and shall designate the polling place and shall~~  
12 ~~appoint, for each polling place, from the electors of the~~  
13 ~~district, the officers of the election consisting of three~~  
14 ~~judges, one of whom shall act as clerk]; provided that the  
15 date is not in conflict with the provisions of Section  
16 1-12-71 NMSA 1978."~~

17 SECTION 139. TEMPORARY PROVISION.--

18 A. The term of an elected local government officer  
19 that was set to expire on or before June 30, 2020 pursuant to  
20 the governing statutes of that local government in effect  
21 before the effective date of this act shall expire on  
22 November 30, 2019, and that officer's successor shall be  
23 elected in the local election held on the first Tuesday after  
24 the first Monday of October 2019 for a term beginning on  
25 December 1, 2019.

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1           B. The term of an elected local government officer  
2 that was set to expire on or after July 1, 2020 but on or  
3 before June 30, 2022 pursuant to the governing statutes of  
4 that local government in effect before the effective date of  
5 this act shall expire on November 30, 2021, and that  
6 officer's successor shall be elected in the local election  
7 held on the first Tuesday after the first Monday of October  
8 2021 for a term beginning on December 1, 2021.

9           C. The term of an elected local government officer  
10 that was set to expire on or after July 1, 2022 pursuant to  
11 the governing statutes of that local government in effect  
12 before the effective date of this act shall expire on  
13 November 30, 2023, and that officer's successor shall be  
14 elected in the local election held on the first Tuesday after  
15 the first Monday of October 2023 for a term beginning on  
16 December 1, 2023.

17           D. The provisions of this section only apply to  
18 local government officers whose elections are subject to the  
19 provisions of the Local Election Act.

20           **SECTION 140. TEMPORARY PROVISION.**--References in law to  
21 the Municipal Election Code and to the School Election Law  
22 shall be deemed to be references to the Local Election Act.

23           **SECTION 141. REPEAL.**--

24           A. Sections 1-6-19, 1-22-5, 1-23-1 through 1-23-7,  
25 21-13-18.1, 21-13-18.2, 21-16-21, 21-16-22, 72-16-29 through  
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1 72-16-34, 72-17-29 through 72-17-34, 72-18-36 through  
2 72-18-41, 72-19-29 through 72-19-34, 72-20-29 through  
3 72-20-34, 73-21-29 and 73-21-30 NMSA 1978 (being Laws 1969,  
4 Chapter 54, Section 1, Laws 1985, Chapter 168, Section 7,  
5 Laws 1987, Chapter 160, Sections 1 through 6, Laws 1991,  
6 Chapter 105, Section 43, Laws 1987, Chapter 160, Section 7,  
7 Laws 1993, Chapter 75, Sections 3 and 4, Laws 1964 (1st  
8 S.S.), Chapter 12, Sections 6 and 7, Laws 1963, Chapter 311,  
9 Sections 29 through 34, Laws 1967, Chapter 156, Sections 29  
10 through 34, Laws 1981, Chapter 377, Sections 36 through 41,  
11 Laws 1990, Chapter 14, Sections 29 through 34, Laws 2007,  
12 Chapter 99, Sections 29 through 34 and Laws 1943, Chapter 80,  
13 Sections 26 and 27, as amended) are repealed.

14 B. Sections 3-8-1 through 3-8-80, 3-9-1 through  
15 3-9-16 and 3-14-7 NMSA 1978 (being Laws 1985, Chapter 208,  
16 Sections 9 through 14, Laws 1991, Chapter 123, Section 2,  
17 Laws 1965, Chapter 300, Section 14-8-5, Laws 1985, Chapter  
18 208, Sections 16 through 22 and 24 through 26, Laws 1971,  
19 Chapter 306, Sections 8 and 9, Laws 1985, Chapter 208,  
20 Sections 29 through 32, Laws 1965, Chapter 300, Sections  
21 14-8-3, 14-8-4, 14-8-8 and 14-8-6, Laws 1985, Chapter 208,  
22 Section 37, Laws 1965, Chapter 300, Section 14-8-9, Laws  
23 1971, Chapter 306, Section 10, Laws 1965, Chapter 300,  
24 Section 14-8-13, Laws 1985, Chapter 208, Sections 41 and 42,  
25 Laws 1965, Chapter 300, Section 14-8-2, Laws 1985, Chapter

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1 208, Sections 44 and 45, Laws 2009, Chapter 278, Section 31,  
2 Laws 1985, Chapter 208, Sections 46 through 49 and 51 through  
3 60, Laws 1965, Chapter 300, Section 14-8-14, Laws 1985,  
4 Chapter 208, Sections 62 through 69, Laws 1965, Chapter 300,  
5 Section 14-8-16, Laws 1985, Chapter 208, Sections 71 through  
6 88, Laws 1973, Chapter 375, Sections 2, 1, 3 and 6 through  
7 10, Laws 1985, Chapter 208, Sections 98 through 100, Laws  
8 1973, Chapter 375, Section 11, Laws 2003, Chapter 244,  
9 Section 19, Laws 1973, Chapter 375, Sections 13 and 14 and  
10 Laws 1965, Chapter 300, Section 14-13-7, as amended) are  
11 repealed.

12 SECTION 142. EFFECTIVE DATE.--The effective date of the  
13 provisions of this act is July 1, 2018.

