

HOUSE LOCAL GOVERNMENT, ELECTIONS, LAND GRANTS
AND CULTURAL AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 174

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

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

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

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;

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

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,

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

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

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, a municipality operating pursuant
3 to a territorial charter or special charter and, beginning July
4 1, 2022, a conservancy district governed pursuant to Chapter
5 73, Article 14 or 18 NMSA 1978; and

6 D. "proper filing officer" means the clerk of the
7 county in which the candidate resides."

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9 Chapter 168, Section 5, as amended) is repealed and a new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

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

14 A. A regular local election shall be held on the
15 first Tuesday after the first Monday in November of each odd-
16 numbered year.

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

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1 is filed in the office of the secretary of state.

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

10 D. Except as otherwise provided in the Local
11 Election Act, local elections shall be called, conducted and
12 canvassed as provided in the Election Code."

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

16 "1-22-4. [NEW MATERIAL] REGULAR LOCAL ELECTION--
17 PROCLAMATION--PUBLICATION.--

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

24 B. Between one hundred twenty and one hundred fifty
25 days before the next local election, each local government

1 shall notify the secretary of state of all local government
2 positions that are to be filled at that election.

3 C. The proclamation shall specify the:

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

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

- 20 (1) date when the election will be held;
21 (2) positions on each local governing body of
22 a district situated in whole or in part in the county;
23 (3) elective executive and judicial positions
24 of each local government situated in whole or in part in the
25 county;

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1 (4) date on which declarations of candidacy
2 are to be filed;

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

5 (6) location of each alternate voting location
6 for early voting;

7 (7) hours each polling place and alternate
8 voting location will be open; and

9 (8) date and time of the closing of the
10 registration books by the county as required by law."

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

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

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

23 "1-22-7. [NEW MATERIAL] DECLARATION OF CANDIDACY--FILING
24 DATE--PENALTY.--

25 A. A candidate for a position that will be filled

1 at a local election shall file a declaration of candidacy with
 2 the proper filing officer during the period commencing at 9:00
 3 a.m. on the seventieth day before the date of the local
 4 election and ending at 5:00 p.m. on the same day.

5 B. A candidate shall file for only one position in
 6 the same local government but may file for a position in more
 7 than one local government during a filing period.

8 C. Whoever knowingly makes a false statement in a
 9 declaration of candidacy is guilty of a fourth degree felony
 10 and shall be sentenced pursuant to the provisions of Section
 11 31-18-15 NMSA 1978."

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

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

19 "DECLARATION OF CANDIDACY--STATEMENT OF INTENT

20 I, _____, (candidate's name on certificate
 21 of registration) being first duly sworn, say that I am a voter
 22 of the county of _____, State of New Mexico. I
 23 reside at

24 _____
 25 and was registered to vote at that place on the date of the

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1 proclamation calling this election;

2 I reside within and am registered to vote in the area to
3 be represented;

4 I desire to become a candidate for the office of
5 _____ at the local election to be held on the date
6 set by law;

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

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

12 _____

13 (Declarant)

14 _____

15 (Mailing Address)

16 _____

17 (Residence Address)

18 Subscribed and sworn to before me this _____ day of

19 _____, 20 _____.

20 _____.

21 (Notary Public)

22 My commission expires:

23 _____"."

24 SECTION 23. Section 1-22-9 NMSA 1978 (being Laws 1985,
25 Chapter 168, Section 11) is repealed and a new Section 1-22-9

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1 NMSA 1978 is enacted to read:

2 "1-22-9. [NEW MATERIAL] WITHDRAWAL OF CANDIDATES.--A
3 candidate seeking to withdraw from a local election shall
4 withdraw no later than the sixty-third day before that election
5 by filing a signed and notarized statement of withdrawal with
6 the proper filing officer."

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

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

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

24 B. Ballots for the local election shall be prepared
25 by the proper filing officer and printed in accordance with the

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1 provisions of Section 1-10-5 NMSA 1978. The printed ballot
2 shall contain the name of each person who is a candidate and
3 the position for which the person is a candidate. The ballot
4 shall also contain all questions to be submitted to the voters
5 as certified to the county clerk in each county in which the
6 local government is situate by the local governing body and
7 shall conform to the requirements of Section 1-16-8 NMSA 1978.

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

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

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

25 SECTION 25. A new Section 1-22-10.1 NMSA 1978 is enacted

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1 to read:

2 "1-22-10.1. [NEW MATERIAL] BALLOT ORDER.--

3 A. The Local Election Act ballot shall list offices
4 in the following order, when applicable:

5 (1) municipal elections, with executive
6 officers listed first, governing board members listed second
7 and judicial officers listed third;

8 (2) school board elections;

9 (3) community college elections;

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

13 (5) in the order prescribed by the secretary
14 of state:

15 (a) county questions;

16 (b) local government questions; and

17 (c) other ballot questions authorized by
18 law.

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

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1 one county's ballot excludes that question from the local
2 election ballot in all counties comprising the special
3 district.

4 C. A local government question that would require a
5 second ballot page shall be permitted if the local government
6 requesting the inclusion of the question pays the additional
7 costs of the second ballot page; provided that if more than one
8 local government has a question included on the second ballot
9 page, the local governments with questions on the second ballot
10 page shall share the costs of providing the second ballot
11 page."

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

15 "1-22-11. [NEW MATERIAL] PUBLICATION.--Each county clerk
16 shall issue and publish the proclamation listing the name of
17 each local government that has a candidate or question
18 appearing on the ballot in that county; the name of each
19 candidate for membership on each local governing body; the name
20 of each candidate for executive or judicial office; each
21 question to be submitted to the voters; and the names of the
22 precinct board members for the election. The publication shall
23 be made once each week for two successive weeks, with the last
24 publication being made within twelve days but not later than
25 five days before the date of the local election. The names of

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1 the candidates shall be published in the same order and for the
 2 same positions as will appear on the ballot. The publication
 3 shall be in a newspaper of general circulation in the county
 4 and shall conform to the provisions of the federal Voting
 5 Rights Act of 1965, as amended."

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

9 "1-22-12. [NEW MATERIAL] CONDUCT OF ELECTIONS.--Except
 10 as otherwise provided in the Local Election Act, the county
 11 clerk shall administer and conduct local elections pursuant to
 12 the provisions of the Election Code for the conduct of general
 13 elections."

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

17 "1-22-13. [NEW MATERIAL] CHALLENGERS.--Upon written
 18 notice filed with the county clerk no later than seven days
 19 before the election, any candidate in a local election may
 20 appoint one person as challenger for each precinct in the local
 21 election who shall have the powers and be subject to the
 22 restrictions provided for challengers in the Election Code."

23 **SECTION 29.** Section 1-22-15 NMSA 1978 (being Laws 1985,
 24 Chapter 168, Section 17, as amended by Laws 1987, Chapter 249,
 25 Section 49 and also by Laws 1987, Chapter 338, Section 3) is

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1 repealed and a new Section 1-22-15 NMSA 1978 is enacted to
2 read:

3 "1-22-15. [NEW MATERIAL] CANVASSING BOARD--DUTIES.--

4 A. The canvassing board for the canvass of the
5 results of a local election shall be composed of the board of
6 county commissioners of the county in which the votes were cast
7 in that election.

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

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

12 (2) issue a certificate of canvass of the
13 results of the election and send one copy of the certified
14 results to:

15 (a) each local governing body receiving
16 votes in the county;

17 (b) the secretary of state; and

18 (c) the county clerk.

19 C. In the event of a tie vote between any
20 candidates in the election for the same office, the
21 determination as to which of the candidates shall be declared
22 to have been elected shall be decided by lot. The method of
23 determining by lot shall be agreed upon by a majority of a
24 committee consisting of the tied candidates and the county
25 clerk and district judge of the county in which the

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1 administrative office of the local government is situate. The
 2 secretary of state shall issue the certificate of election to
 3 the candidate chosen by lot.

4 D. If a runoff election is required in a municipal
 5 election, the canvassing board shall notify the relevant
 6 municipality within ten days following the local election.

7 E. Except in the case of a runoff election, on the
 8 twenty-first day following the election, the secretary of state
 9 shall issue a certificate of election to each candidate who
 10 received the most votes for each position on the ballot and
 11 shall certify the passage or defeat of each ballot question."

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

15 "1-22-16. [NEW MATERIAL] MUNICIPAL RUNOFF ELECTIONS.--If
 16 a municipality that provides for runoff elections is notified
 17 by the county canvassing board that a runoff election is
 18 required following a local election, the runoff election shall
 19 be called, conducted and canvassed in accordance with the
 20 provisions of the municipality's ordinance or charter; provided
 21 that:

22 A. the county clerk shall perform the duties of the
 23 municipal clerk regarding administration of the election;

24 B. the canvassing board for the canvass of the
 25 election shall be composed of the board of county

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1 commissioners; and

2 C. the election shall be held on the first Tuesday
3 after the first Monday of the month following the local
4 election."

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

8 "1-22-17. [NEW MATERIAL] RECORDS.--The returns and
9 certificates of the result of the canvass are public documents,
10 subject to inspection and retention as provided by Section
11 1-12-69 NMSA 1978. The certificate of results of the canvass
12 of the election shall, thirty days after the election or
13 recount or immediately after any contest has been settled by
14 the court, be preserved as a permanent record in the state
15 records center. A copy of the certificate of results of the
16 canvass of the election shall be preserved as a permanent
17 record in the office of the county clerk."

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

21 "1-22-18. [NEW MATERIAL] LOCAL ELECTION--DATE TERM OF
22 OFFICE BEGINS.--The term of office of a candidate elected in a
23 local election or ensuing runoff election shall begin on
24 January 1 following the candidate's election, and the candidate
25 shall take the oath of office on or after January 1 following

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1 election."

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

5 "1-22-19. [NEW MATERIAL] ABSENTEE VOTING--ALTERNATE
6 VOTING LOCATIONS.--

7 A. The provisions of the Absent Voter Act and
8 Uniform Military and Overseas Voter Act apply to absentee
9 voting in local elections.

10 B. Early voting shall be conducted in each office
11 of the county clerk and at such alternate voting locations as
12 may be established by the county clerk pursuant to the
13 provisions of Section 1-6-5.7 NMSA 1978."

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

16 "[NEW MATERIAL] COSTS OF ELECTIONS--LOCAL ELECTION
17 ASSESSMENT--LOCAL ELECTION FUND ESTABLISHED.--

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

20 (1) reimbursing the counties for the costs of
21 conducting and administering regular local elections required
22 by the Local Election Act;

23 (2) paying the administrative costs of the
24 office of the secretary of state of administering elections
25 required by the Local Election Act; and

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1 (3) carrying out all other specified
2 provisions of the Local Election Act.

3 B. The state treasurer shall invest the local
4 election fund as other state funds are invested, and all income
5 derived from the fund shall be credited directly to the fund.
6 Remaining balances at the end of a fiscal year shall remain in
7 the fund and not revert to the general fund.

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

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

12 (2) money appropriated to the fund by the
13 legislature.

14 D. Money in the local election fund is appropriated
15 to the secretary of state for the purposes authorized in
16 Subsection A of this section and for distribution to the
17 counties for reimbursement of reasonable costs associated with
18 conducting and administering regular local elections required
19 by the Local Election Act. Money in the fund shall only be
20 expended on warrants of the department of finance and
21 administration pursuant to vouchers signed by the secretary of
22 state or the secretary's designee.

23 E. In the event that current year balances in the
24 local election fund do not cover the costs of local elections,
25 the secretary of state may apply to the state board of finance

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1 for an emergency grant to cover those costs pursuant to Section
2 6-1-2 NMSA 1978.

3 F. Each local government subject to the Local
4 Election Act shall be assessed by the secretary of state
5 annually the greater of one hundred fifty dollars (\$150) or an
6 amount equal to twenty-five thousandths percent of the local
7 government's general operating expenses to be paid to the
8 secretary of state for deposit into the local election fund for
9 the purpose of paying the costs of regular local elections;
10 provided that a municipality that requires runoff elections
11 shall be assessed an additional ten-thousandths percent of the
12 municipality's general operating expenses."

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

15 "1-22A-2. DEFINITIONS.--As used in the School District
16 Campaign Reporting Act:

17 A. "campaign committee" means one or more persons
18 authorized by a candidate to raise, collect or expend
19 contributions on the candidate's behalf for the purpose of
20 electing the candidate to office;

21 B. "candidate" means a person who seeks or
22 considers an office in an election covered by the School
23 District Campaign Reporting Act and who either has filed a
24 declaration of candidacy or has received contributions or made
25 expenditures of five hundred dollars (\$500) or more or

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1 authorized another person or campaign committee to receive
2 contributions or make expenditures of five hundred dollars
3 (\$500) or more for the purpose of seeking election to a covered
4 office;

5 C. "contribution" means a gift, subscription, loan,
6 advance or deposit of money or other thing of value, including
7 the estimated value of an in-kind contribution, that is made or
8 received for a political purpose, including payment of a debt
9 incurred in an election campaign; but "contribution" does not
10 include the value of services provided without compensation or
11 unreimbursed travel or other personal expenses of individuals
12 who volunteer a portion or all of their time on behalf of a
13 candidate or campaign committee;

14 D. "covered office" means the position of board of
15 education member of a school district that has an enrollment of
16 twelve thousand students or more or the position of board
17 member of a community college organized or operating pursuant
18 to the provisions of Chapter 21, Article 13 or Article 16 NMSA
19 1978;

20 E. "election cycle" means the period beginning
21 thirty days after an election for an office and ending ~~on~~
22 thirty days following the subsequent election day for that
23 office;

24 F. "expenditure" means a payment, transfer or
25 distribution or obligation or promise to pay, transfer or

1 distribute any money or other thing of value for a political
2 purpose, including payment of a debt incurred in an election
3 campaign;

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

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

8 I. "reporting individual" means a candidate or
9 treasurer of a campaign committee."

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

12 "1-22A-3. REPORTS REQUIRED--TIME AND PLACE OF FILING.--

13 A. A candidate or campaign committee that has
14 received contributions or made expenditures of five hundred
15 dollars (\$500) or more shall file with the secretary of state a
16 report of all contributions received and expenditures made on a
17 prescribed form, and the report shall be filed in the same or
18 similar electronic system as that used for the Campaign
19 Reporting Act. Except as otherwise provided in this section,
20 all reports pursuant to the School District Campaign Reporting
21 Act shall be filed electronically and electronically
22 authenticated by the candidate using an electronic signature in
23 conformance with the Electronic Authentication of Documents Act
24 and the Uniform Electronic Transactions Act.

25 B. A candidate or campaign committee shall file a

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1 campaign report of all contributions received and expenditures
2 made during an election cycle and not previously reported by
3 midnight on the [~~second Monday in April~~] twenty-first day
4 before the election and on the thirtieth day following the
5 election.

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

9 D. If a candidate or campaign committee has not
10 received any contributions and has not made any expenditures
11 since the last report filed with the secretary of state, the
12 candidate or campaign committee shall only be required to file
13 a statement of no activity, which shall not be required to be
14 notarized, in lieu of a full report when that report would
15 otherwise be due.

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

19 F. Except for candidates and campaign committees
20 that file a statement of no activity, each candidate or
21 campaign committee shall file a report of expenditures and
22 contributions pursuant to the filing schedules set forth in
23 this section, regardless of whether any expenditures were made
24 or contributions were received during the reporting period.
25 Reports shall be required until the candidate or campaign

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1 committee delivers a report to the secretary of state stating
2 that:

3 (1) there are no outstanding campaign debts;

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

7 (3) the bank account for campaign funds
8 maintained by the candidate or campaign committee has been
9 closed.

10 G. A candidate who does not ultimately file a
11 declaration of candidacy and does not file a statement of no
12 activity shall file reports in accordance with Subsection B of
13 this section.

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

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

19 "1-24-2. SPECIAL ELECTION PROCEDURES--PROCLAMATION--
20 PUBLICATION.--

21 A. Whenever a local government or special district
22 special election is to be called or is required by law, the
23 governing body shall by resolution issue a public proclamation
24 calling the election. The proclamation shall forthwith be
25 filed with the county clerk. The proclamation shall specify:

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[bracketed material] = delete

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

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

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

8 ~~(4)]~~ (3) if a question is to be voted upon,
9 the text of that question;

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

12 (5) in elections not subject to the Local
13 Election Act:

14 (a) the precincts in each county in
15 which the election is to be held and the location of each
16 polling place in the precinct; and

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

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

21 B. After filing with the county clerk the
22 proclamation issued pursuant to Subsection A of this section,
23 and not less than ~~[fifty-six]~~ sixty-three days before the date
24 of the election, the governing body shall publish the
25 proclamation once each week for two consecutive weeks in a

1 newspaper of general circulation within the boundaries of the
2 local government or special district. The proclamation shall
3 conform to the requirements of the federal Voting Rights Act of
4 1965, as amended.

5 C. Whenever a statewide special election is to be
6 called or is required by law, the governor shall by resolution
7 issue a public proclamation calling the election. Whenever an
8 election to fill a vacancy in the office of United States
9 representative is to be called or is required by law, the
10 governor shall by resolution issue a public proclamation
11 calling the election pursuant to the requirements of Section
12 1-15-18.1 NMSA 1978. The proclamation shall forthwith be filed
13 with the secretary of state. 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 a vacancy in the office of United
19 States representative is to be filled, the date on which
20 declarations of candidacy are to be filed;

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

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

25 D. After the proclamation issued pursuant to

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underscoring material = new
~~[bracketed material] = delete~~

1 Subsection C of this section is filed with the secretary of
2 state, the secretary of state shall within five days certify
3 the proclamation to each county clerk in the state. Not less
4 than ~~[fifty-six]~~ sixty-three days before the date of the
5 election, the county clerk shall publish the proclamation once
6 each week for two consecutive weeks in a newspaper of general
7 circulation ~~[which shall include the precincts in the county in~~
8 ~~which the election is to be held and the location of each~~
9 ~~polling place in the precinct and the hours that each polling~~
10 ~~place will be open].~~

11 E. For an election called pursuant to Subsection F
12 of Section 1-15-18.1 NMSA 1978, the proclamation shall be
13 published consistent with this subsection not less than
14 thirty-six days before the date of the election and shall
15 include the precincts in the county in which the election is to
16 be held and the location of each polling place in the precinct
17 and the hours that each polling place will be open. The
18 proclamation shall conform to the requirements of the federal
19 Voting Rights Act of 1965, as amended."

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

22 "1-24-3. SPECIAL ELECTION PROCEDURES--CONDUCT.--~~[Special~~
23 ~~elections shall be conducted and canvassed in the same manner~~
24 ~~that regular elections are conducted in the local government or~~
25 ~~special district; provided, the governing body may, as set~~

1 ~~forth in the proclamation, consolidate precincts. A polling~~
2 ~~place shall be provided within each of the consolidated~~
3 ~~precincts.]~~

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

6 B. Unless the election is held concurrently with a
7 general election or regular local election, a local government,
8 county or special district, by resolution of its governing
9 body, shall conduct any special election by mailed ballot.

10 C. Upon the calling of an election by a mailed
11 ballot, each voter of the relevant jurisdiction shall be mailed
12 an absentee ballot along with a statement that there will be no
13 polling place for the election. The voter shall not be
14 required to file an application for the absentee ballot. The
15 ballot shall be mailed to each voter no earlier than the
16 twenty-first day prior to the election, and the mailing shall
17 be completed by the fourteenth day before the election. The
18 return envelope for the ballot shall be postage-paid.

19 D. Mailed ballot elections shall be used
20 exclusively for voting in special elections on a ballot
21 question, including a recall election, and shall not be used in
22 connection with elections at which candidates are to be
23 nominated for or elected to office.

24 E. The state shall pay all costs of a statewide
25 special election. A local government shall reimburse the

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1 county for all costs associated with the conduct of the local
2 government's special election."

3 SECTION 39. A new section of Chapter 1, Article 24 NMSA
4 1978 is enacted to read:

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

7 A. The costs of conducting a special election shall
8 be paid for by the state, local government or special district
9 calling for the election.

10 B. No individual, corporation, person, political
11 action committee or other nongovernmental entity shall pay for
12 or reimburse the state, a local government or a special
13 district for the costs associated with conducting a special
14 election.

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

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

20 "3-1-5. PETITIONS--EXAMINATIONS OF SIGNATURES--
21 PURGING--JUDICIAL REVIEW.--

22 A. All petitions, filing of petitions, verification
23 of petitions and all other acts to be performed by petitioners,
24 public officers or employees, regarding only those petitions
25 that trigger a municipal special or regular election as

1 authorized in the Municipal Code or otherwise authorized by
2 law, shall comply with the terms of this section, except as
3 otherwise expressly provided by law.

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

7 (1) the municipal clerk has approved the form
8 of petitions to be filed with the municipality prior to
9 circulation of the petition; or

10 (2) the county clerk has approved the form of
11 petitions to be filed with the county prior to circulation of
12 the petition; and

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

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

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

21 (2) a heading that clearly conveys the purpose
22 for signing the petition if no particular form of heading is
23 required by law;

24 (3) a place for the person signing the
25 petition to write the date and the person's name (printed),

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1 address and signature, unless other requirements are mandated
2 by law, and then the petition shall comply with those
3 requirements; and

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

9 D. The requirements of Subsection B of this section
10 shall be deemed complied with if an original form of petition
11 is submitted to a municipal or county clerk for approval prior
12 to circulation and after approval by the clerk that the
13 original form is reproduced by photocopying or other similar
14 means so that the form and clerk's approval are unchanged from
15 the original and are legible on each page of the petition to be
16 filed.

17 E. A petition filed with a municipal clerk, a
18 county clerk, a governing body or a board of county
19 commissioners shall include all individual pages of a petition
20 complying with the provisions of this section, regardless of
21 whether the pages are filed singly or in a group. Pages
22 complying with the provisions of this section may be filed at
23 different times so long as filing is within the time period
24 allowed by law for the filing of the particular petition to be
25 filed. If no time period is established by law, petition

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1 signatures may not span a period of time greater than sixty
2 days from the date of the earliest signature on the petition,
3 and the petition shall be filed within sixty-five days from the
4 date of the earliest signature on the petition.

5 F. Upon approval of a proposed petition as to form,
6 the municipal clerk shall notify the county clerk of the
7 approval, and the county clerk shall furnish a current voter
8 registration list of qualified electors entitled to vote in
9 municipal elections to the municipal clerk within fourteen days
10 of the notification.

11 G. When a petition is filed with a municipal clerk,
12 a county clerk, a governing body or a board of county
13 commissioners, the governing body or board of county
14 commissioners shall either certify the petition as valid or
15 order an examination of the petition and the names, addresses
16 and signatures on the petition.

17 H. When an examination of the petition and the
18 names, addresses and signatures on the petition is ordered, the
19 municipal clerk, county clerk, governing body or board of
20 county commissioners shall:

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

24 (2) determine the minimum number of valid
25 names, addresses and signatures, as mandated by law, that must

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1 be contained in the particular petition filed in order for it
2 to be declared a valid petition;

3 (3) examine the petition and the names,
4 addresses and signatures on the petition, purge from the
5 petition the signature of any person who is not shown as a
6 qualified elector of the municipality on the list of registered
7 voters provided by the county clerk, purge any signature that
8 is a forgery or that is illegible, purge any signature that
9 appears more than once or that cannot be matched to the name,
10 address and signature as shown on the voter registration lists
11 and the original affidavit of registration, purge the signature
12 of any person who has not signed within the time limits set by
13 law and purge the signature of any person who does not meet the
14 qualifications for signing the petition as prescribed by law;
15 and

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

21 I. Nothing in this section shall preclude a person
22 with a disability or an illiterate person from causing another
23 person to sign a petition on a person with a disability's or an
24 illiterate person's behalf, so long as the person signing for
25 the person with a disability or illiterate person executes an

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1 affidavit acknowledged before a notary public that the person
2 is authorized to sign the petition for the person with a
3 disability or illiterate person. In order for the signature on
4 behalf of the person with a disability or illiterate person to
5 be counted and not purged, the original affidavit shall be
6 submitted along with the petition containing the signature on
7 behalf of the illiterate person or person with a disability.

8 J. If the petition is certified as valid pursuant
9 to Subsection G of this section or is certified as containing
10 in excess of the minimum number of valid names, addresses and
11 signatures mandated by law, then such certification shall be
12 recorded as part of the minutes at the next meeting of the
13 governing body or the board of county commissioners.

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

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

22 (2) determine the total number of people
23 signing the petition, the number purged, the number that were
24 not purged and the minimum number of valid names, addresses and
25 signatures required by law for such a petition and post this

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1 information along with and at the same time as the posting
2 required in Paragraph (1) of this subsection;

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

7 (4) cause the information compiled pursuant to
8 Paragraphs (1) and (2) of this subsection and the date and
9 place of publication pursuant to Paragraph (3) of this
10 subsection to be recorded as part of the minutes at the next
11 meeting of the governing body or the board of county
12 commissioners after publication has occurred.

13 L. The following rules shall govern reinstatement
14 of purged signatures:

15 (1) within ten days after the petition is
16 certified as containing less than the minimum number of valid
17 names, addresses and signatures mandated by law, any person
18 whose signature has been purged from a petition may present
19 evidence to the clerk to show that the person's signature has
20 been wrongfully purged;

21 (2) if the clerk fails to reinstate that
22 person's signature within three days of demand, then that
23 person may, within ten days of the clerk's refusal to
24 reinstate, petition the district court for an order to
25 reinstate the person's signature on the petition. Upon a prima

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1 facie showing by the petitioner of the right to have that
2 person's signature included upon the petition, the district
3 court shall issue an order to the municipal clerk, county
4 clerk, governing body or board of county commissioners to
5 require reinstatement of the signature of the petitioner;

6 (3) within ten days after receiving the order
7 of the district court, the municipal clerk, county clerk,
8 governing body or board of county commissioners shall reinstate
9 the signature of the petitioner on the petition or show cause
10 why the signature of the petitioner has not been reinstated.

11 Upon hearing, if the district court finds that the person whose
12 signature has been purged meets the qualifications for signing
13 the petition, the district court shall make final its order of
14 reinstatement to the municipal clerk, county clerk, governing
15 body or board of county commissioners; and

16 (4) if a sufficient number of signatures are
17 reinstated by the clerk, the district court or both to make the
18 petition valid, then the reinstatement by the clerk or the
19 district court, whichever occurs last, shall be deemed the date
20 of certification of the validity of the petition for the
21 purposes of adopting election resolutions, calling elections or
22 for other matters as provided in the Municipal Code or
23 otherwise provided by law.

24 M. Any petition that contains an insufficient
25 number of signatures after all signatures have been reinstated

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underscored material = new
~~[bracketed material] = delete~~

1 pursuant to Subsection L of this section is invalid.

2 N. When a petition governed by this section is
3 filed with the municipal clerk or the governing body of a
4 municipality, the governing body or municipal clerk shall
5 perform or cause to be performed the duties required under this
6 section, except as otherwise prohibited by law. When a
7 petition governed by this section is required to be filed with
8 the county clerk or board of county commissioners, the board of
9 county commissioners or county clerk shall perform or cause to
10 be performed the duties required under this section, except as
11 otherwise prohibited by law.

12 O. Any person or any municipal or county official
13 knowingly violating the provisions of this section, knowingly
14 providing or causing to be provided any false information on a
15 petition or forging a signature or otherwise signing a petition
16 when that person knows the person is not a qualified elector in
17 the municipality is guilty of a fourth degree felony.

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

21 (1) the charter of a municipality incorporated
22 by a special act;

23 (2) the charter of a municipality adopted
24 pursuant to Article 10, Section 6 of the constitution of New
25 Mexico;

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

3 (4) the charter of a combined municipal
4 organization.

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

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

11 "3-2-5. INCORPORATION--DUTIES OF COUNTY COMMISSIONERS
12 AFTER FILING OF PETITION TO ACT--CENSUS REQUIRED--ELECTION--
13 RIGHT OF APPEAL TO DISTRICT COURT.--

14 A. After the petition for incorporation, together
15 with the accompanying map or plat, the municipal services and
16 revenue plan and the amount of money sufficient to pay the cost
17 of a census have been filed with the board of county
18 commissioners, the board of county commissioners, in lieu of
19 complying with the requirements of Section 3-1-5 NMSA 1978,
20 shall determine within thirty days after the filing of the
21 petition:

22 (1) from the voter registration list in the
23 office of the county clerk if the signers of the petition are
24 qualified electors residing in the territory proposed to be
25 incorporated; or

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

4 (3) if the territory proposed to be
5 incorporated is within an existing municipality or within the
6 urbanized area of a municipality.

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

9 (1) not within the boundary of an existing
10 municipality and not within the urbanized area of a
11 municipality; or

12 (2) within the urbanized area of another
13 municipality and in compliance with Section 3-2-3 NMSA 1978,
14 the board of county commissioners shall cause a census to be
15 taken of the persons residing within the territory proposed to
16 be incorporated.

17 C. The census shall be completed and filed with the
18 board of county commissioners within thirty days after the
19 board of county commissioners authorizes the taking of the
20 census.

21 D. Within fifteen days after the date the results
22 of the census and the municipal incorporation review team's
23 report have been filed with the board of county commissioners,
24 the board of county commissioners shall determine if the
25 conditions for incorporation of the territory as a municipality

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1 have been met as required in Sections 3-2-1 through 3-2-3 NMSA
2 1978 and shall have its determination recorded in the minutes
3 of its meeting.

4 E. Based on the census results and the municipal
5 incorporation review team's report, if the board of county
6 commissioners determines that the conditions for incorporation
7 have not been met, the board of county commissioners shall
8 notify the petitioners of its determination by publishing in a
9 newspaper of general circulation in the territory proposed to
10 be incorporated, once, not more than ten days after its
11 determination, a notice of its determination that the
12 conditions for incorporation have not been met. If there is no
13 newspaper of general circulation in the territory proposed to
14 be incorporated, notice of the determination shall be posted in
15 eight public places within the territory proposed to be
16 incorporated.

17 F. After the board of county commissioners has
18 determined that all of the conditions for incorporation of the
19 territory as a municipality have been met, the board of county
20 commissioners shall hold an election on the question of
21 incorporating the territory as a municipality. Elections for
22 the incorporation of municipalities shall only be held in June
23 or July in odd-numbered years [~~on the first Tuesday in July or~~
24 ~~in any year on the first Tuesday in January, unless that~~
25 ~~Tuesday is a holiday, in which case the election shall be held~~

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1 ~~on the second Tuesday in July or the second Tuesday in January]~~
2 or July or August in even-numbered years and shall be held
3 pursuant to the provisions of the Local Election Act. The
4 county clerk shall notify the secretary of finance and
5 administration and the secretary of taxation and revenue of the
6 date of the incorporation election within ten days after the
7 adoption of the resolution calling the election.

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

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

15 "3-2-8. INCORPORATION--ELECTION OF FIRST OFFICERS--
16 DUTIES OF BOARD OF COUNTY COMMISSIONERS AND COUNTY CLERK--
17 SELECTION OF TERMS OF FIRST OFFICERS.--

18 A. If a majority of the votes cast [~~favor~~] favours
19 the incorporation of the territory as a municipality, the board
20 of county commissioners shall [~~within fifteen days after~~
21 ~~declaring the results of the election]~~ call an election for the
22 purpose of electing municipal officers [~~Except for the fact~~
23 ~~that the election need not be held on the date specified in the~~
24 ~~Municipal Election Code for the regular municipal election, the~~
25 ~~election shall be called and conducted in the manner provided~~

1 ~~in the Municipal Election Code for regular municipal elections.~~
 2 ~~The board of county commissioners shall perform the duties~~
 3 ~~imposed by the Municipal Election Code upon the governing body~~
 4 ~~of the municipality and the county clerk shall perform the~~
 5 ~~duties imposed by the Municipal Election Code upon the~~
 6 ~~municipal clerk] at the first regular local or general election~~
 7 ~~following approval. The election shall be conducted pursuant~~
 8 ~~to the provisions of the Local Election Act.~~ The county clerk
 9 [also] shall notify the secretary of finance and administration
 10 and the secretary of taxation and revenue of the date of the
 11 first election of municipal officers within ten days after the
 12 county commissioners have called the election.

13 B. At the first election for municipal officers
 14 following a vote in favor of incorporating territory as a
 15 municipality, the [~~term~~] terms of office for the mayor and the
 16 municipal judge shall be until the next regular [~~municipal~~]
 17 local election. The terms of office for one-half of the
 18 members of the governing body shall be until the next regular
 19 [~~municipal~~] local election and for the remaining one-half of
 20 the members of the governing body until the second regular
 21 [~~municipal~~] local election is held. The elected municipal
 22 officers shall continue in office until their successors are
 23 elected and qualified. The length of the terms of the first
 24 members shall be determined by lot."

25 SECTION 43. Section 3-3-2 NMSA 1978 (being Laws 1965,

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1 Chapter 300, Section 14-3-2, as amended) is amended to read:

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

7 A. If a petition signed by qualified electors of
8 the municipality equal in number to not less than one-eighth of
9 the total number of votes at the last preceding regular
10 municipal election requests the governing body to submit to the
11 qualified [~~municipal~~] electors the question of reorganizing the
12 municipality under the provisions of the Municipal Code, the
13 governing body shall, within fourteen days after the petition
14 is certified as valid, adopt an election resolution calling for
15 a special election in the manner provided in the [~~Municipal~~
16 ~~Election Code~~] Local Election Act on the question of
17 reorganizing the municipality under the provisions of general
18 law. The election shall only be held [~~within sixty days after~~
19 ~~the date the election resolution is adopted~~] in June or July in
20 odd-numbered years or July or August in even-numbered years in
21 accordance with the provisions of the Local Election Act.

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

- 25 (1) laid off or platted;

1 (2) adjoining or contiguous to the
2 municipality or any addition or subdivision of the
3 municipality; and

4 (3) not within the boundary of another
5 municipality.

6 C. The petition shall describe the boundary of the
7 municipality as it would exist if the municipality incorporated
8 by special act is reorganized under general law. The
9 registered voters, residing within the boundary of the
10 municipality as it would exist if the municipality incorporated
11 by special act is reorganized, may vote in the election
12 authorized in this section."

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

15 "3-3-4. MUNICIPALITIES INCORPORATED UNDER SPECIAL ACT--
16 REORGANIZATION APPROVED--ELECTION FOR NEW OFFICERS--TERM OF
17 OFFICE.--

18 A. If a majority of the votes cast on the question
19 of reorganizing a municipality incorporated by a special act
20 [~~favor~~] favours reorganizing the municipality under general law,
21 the governing body shall [~~within fourteen days after the~~
22 ~~results of the election reorganizing the municipality under~~
23 ~~general law have been canvassed and certified~~] adopt an
24 election resolution calling for an election of officers, which
25 shall be held at the first regular local or general election

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1 following approval of reorganization. The election shall be
2 called, conducted and canvassed in the manner provided in the
3 ~~[Municipal Election Code for the election of officers at a~~
4 ~~regular municipal election, except that the provisions of~~
5 ~~Section 3-8-25 NMSA 1978 shall not apply and the election shall~~
6 ~~be held not later than one hundred and twelve days from the~~
7 ~~adoption of the election resolution] Local Election Act.~~

8 B. The terms of office for the mayor, municipal
9 judge and one-half of the members of the governing body shall
10 be until the next regular ~~[municipal]~~ local election. The
11 terms of office for the remaining one-half of the governing
12 body shall be until the second regular ~~[municipal]~~ local
13 election is held. The elected municipal officers shall
14 continue in office until their successors are elected and
15 qualified. The length of terms of the first members shall be
16 determined by lot."

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

19 "3-4-1. DISINCORPORATION--PETITION--NOTICE OF
20 ELECTION.--

21 A. If one-fourth of the registered voters of a
22 municipality petition the board of county commissioners of the
23 county ~~[wherein]~~ in which the municipality is situated to
24 disincorporate the municipality, the board of county
25 commissioners shall, within fourteen days after the petition

1 has been certified as valid, adopt an election resolution
 2 calling for a special election to be held within the
 3 municipality on the question of disincorporating the
 4 municipality. At the top of each page of a disincorporation
 5 petition, the following heading shall be printed in
 6 substantially the following form:

7 "PETITION TO DISINCORPORATE THE MUNICIPALITY OF.

8 We, the undersigned registered voters of the municipality
 9 of, pursuant to Section 3-4-1 NMSA 1978, petition the
 10 board of county commissioners of.....county to conduct a
 11 special election on the question of disincorporating the
 12 municipality of.....

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

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

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

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

23 "3-4-3. DISINCORPORATION--CONDUCT OF ELECTION.--The
 24 election for disincorporation shall be conducted [~~in the same~~
 25 ~~manner as a special municipal election except that the~~

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1 ~~election officials shall be appointed by the board of county~~
2 ~~commissioners, and the county clerk shall perform the duties~~
3 ~~of the municipal clerk and the board of county commissioners~~
4 ~~shall perform the duties of the governing body. The election~~
5 ~~returns shall be made to the board of county commissioners~~
6 ~~and canvassed in the same manner as are special election~~
7 ~~returns]~~ pursuant to the provisions of the Local Election
8 Act."

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

11 "3-5-1. MUNICIPAL CONSOLIDATION--COMMISSIONERS--
12 ORDINANCES--SPECIAL ELECTION--DECLARATION OF CONSOLIDATION--
13 PAYMENT OF BONDED INDEBTEDNESS OR JUDGMENT LEVY.--

14 A. Whenever any two or more contiguous
15 municipalities wish to consolidate as one municipality, the
16 governing body of each municipality shall appoint three
17 commissioners who shall prepare the terms for consolidation
18 and submit the terms for consolidation to the respective
19 governing bodies. If each governing body approves the terms
20 for consolidation, it shall adopt an ordinance declaring
21 ~~[its]~~ approval of the terms for consolidation and shall
22 provide for an election on the question of consolidation.
23 The election shall be conducted pursuant to the provisions of
24 the Local Election Act.

25 B. If a majority of the votes cast in each

1 municipality [~~favor~~] favours consolidation, the governing body
2 of each municipality shall declare, by ordinance, that
3 consolidation has been approved between the municipalities
4 and proceed to consolidate under the terms for consolidation.
5 The municipal clerk of each municipality shall notify the
6 secretary of finance and administration and the secretary of
7 taxation and revenue that the consolidation has been approved
8 by the electorate. If the question of consolidating the
9 municipalities fails to receive a majority vote favoring
10 consolidation in any one of the municipalities, the
11 consolidation shall fail.

12 C. If on the day of the election on consolidation
13 any municipality proposing to consolidate has outstanding
14 indebtedness or a judgment payable from a tax on property and
15 the consolidation is approved, a tax sufficient to pay the
16 interest and principal on such indebtedness or judgment shall
17 continue to be levied on the property within the boundary of
18 the municipality as it existed on the day of the election on
19 the question of consolidation. Indebtedness created by the
20 issuance of revenue bonds and the current obligations of each
21 municipality shall be assumed by the consolidated
22 municipality. The consolidated municipality may refund the
23 indebtedness of the municipalities [~~which~~] that are
24 consolidated.

25 D. Certified copies of the entire proceedings for

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1 consolidation shall be filed with the clerk of the
2 municipality so consolidated, ~~with~~ the county clerk and the
3 secretary of state. When certified copies of the
4 consolidation have been filed as required in this section,
5 the consolidation is complete."

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

8 "3-10-1. OFFICERS--ELECTIVE--TERM OF OFFICE.--

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

- 11 (1) one mayor;
- 12 (2) the members of the governing body; and
- 13 (3) a municipal judge.

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

- 16 (1) five commissioners; and
- 17 (2) a municipal judge.

18 C. Notwithstanding the provisions of Subsection A
19 of this section, a municipality with a population of five
20 hundred persons or less in the last federal decennial census
21 shall not have a municipal judge if it adopts an effective
22 ordinance in accordance with the provisions of Subsection B
23 of Section 35-14-1 NMSA 1978.

24 D. In every noncharter municipality, except those
25 noncharter municipalities having a commission-manager form of

1 government or electing members of the governing body from
 2 districts, the terms of office for the mayor and members of
 3 the governing body shall be four years. The term of office
 4 for members of the governing body shall be staggered so that
 5 the terms of office for one-half of the members of the
 6 governing body will expire every two years.

7 E. Any elected municipal official whose term of
 8 office has expired shall continue in that office until [~~his~~
 9 a successor is elected and has taken office pursuant to the
 10 provisions of the [~~Municipal Election Code~~] Local Election
 11 Act."

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

14 "3-11-5. MAYOR--APPOINTMENT OF OFFICERS AFTER
 15 ELECTION.--

16 A. At the organizational meeting of the governing
 17 body [~~which shall be scheduled pursuant to Section 3-8-33~~
 18 ~~NMSA 1978 of the Municipal Election Code~~], the mayor shall
 19 submit, for confirmation by the governing body, the names of
 20 persons who shall fill the appointive offices of the
 21 municipality and the names of persons who shall be employed
 22 by the municipality. If the governing body fails to confirm
 23 any person as an appointive official or employee of the
 24 municipality, the mayor at the next regular meeting of the
 25 governing body shall submit the name of another person to

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1 fill the appointed office or to be employed by the
2 municipality.

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

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

9 "3-12-1. VACANCY ON GOVERNING BODY.--

10 ~~[A. Except as provided in Subsection B of this~~
11 ~~section]~~ Any vacancy on the governing body of a mayor-council
12 municipality shall be filled by appointment of a qualified
13 elector by the mayor of the municipality, with the advice and
14 consent of the governing body. Any qualified elector
15 appointed to fill a vacancy on the governing body shall serve
16 until the next regular ~~[municipal]~~ local election ~~[or any~~
17 ~~special election called in accordance with Subsection B of~~
18 ~~this section]~~, at which time a qualified elector shall be
19 elected to fill the remaining unexpired term, if any.

20 ~~[B. A special election for the purpose of filling a~~
21 ~~vacancy on the governing body may be called by the mayor with~~
22 ~~the consent of the governing body or by the governing body.~~
23 ~~Except for the fact that the election need not be held on the~~
24 ~~date specified in the Municipal Election Code for the regular~~
25 ~~municipal election, the special election to fill a vacancy~~

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1 ~~shall be conducted in the manner set forth in the Municipal~~
 2 ~~Election Code for regular municipal elections. However, this~~
 3 ~~subsection shall not apply to those municipalities which have~~
 4 ~~adopted a charter under the provisions of Article 10, Section~~
 5 ~~6 of the constitution of New Mexico or to those counties~~
 6 ~~which have incorporated under the provisions of Article 10,~~
 7 ~~Section 5 of the constitution of New Mexico.]"~~

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

10 "3-13-1. CLERK--DUTIES.--

11 A. The clerk of the municipality shall:

- 12 (1) keep in custody all minutes, ordinances
 13 and resolutions approved by the governing body;
- 14 (2) attend all meetings of the governing body;
- 15 (3) record all proceedings, ordinances and
 16 resolutions of the governing body; and
- 17 (4) upon request, furnish copies of municipal
 18 records. The clerk may charge a reasonable fee for the cost
 19 of furnishing copies of municipal records.

20 B. The mayor with the consent of the governing body
 21 may designate other municipal employees to be deputy
 22 municipal clerks who shall have the right and duty to perform
 23 all of the duties of the municipal clerk [~~including but not~~
 24 ~~limited to the duties created in the Municipal Election~~
 25 ~~Code]."~~

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

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

5 A. Upon petition signed by qualified electors, not
6 less in number than fifteen percent of the votes cast for the
7 office of mayor at the last regular municipal election, filed
8 with the municipal clerk and verified by the municipal clerk
9 to contain a sufficient number of legal signatures, the
10 governing body shall, within ten days of verification, adopt
11 an election resolution calling for the holding of a special
12 election [~~within ninety days after the verification of the~~
13 ~~petition~~] on the question of organizing the municipality
14 under the commission-manager form of government, or the
15 governing body may submit to the qualified electors of the
16 municipality the question of organizing the municipality
17 under the commission-manager form of government. The
18 election shall be held in June or July in odd-numbered years
19 or July or August in even-numbered years in accordance with
20 the provisions of the Local Election Act.

21 B. The question to be placed shall read
22 substantially as follows:

23 "For the commission-manager form of government and
24 providing for the election of five commissioners ____; and

25 Against the commission-manager form of government

1 and providing for the election of five commissioners ____".

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

4 "3-14-8. COMMISSIONERS--SPECIAL ELECTION--TERMS.--

5 A. Within ten days after the adoption of the
6 commission-manager form of government, the governing body
7 shall adopt an election resolution calling for the holding of
8 ~~[a special]~~ an election ~~[within one hundred twenty days after~~
9 ~~the adoption of the commission-manager form of government]~~
10 for the purpose of electing five commissioners at the first
11 regular or local or general election following adoption of
12 the resolution. The election shall be conducted in the same
13 manner as are regular ~~[municipal]~~ local elections pursuant to
14 the terms of the ~~[Municipal Election Code]~~ Local Election
15 Act. The commissioners so elected shall determine their
16 terms of office by lot, so that three commissioners shall
17 serve until the next regular ~~[municipal]~~ local election and
18 two commissioners shall serve until the succeeding regular
19 ~~[municipal]~~ local election.

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

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

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1 "3-14-9. VACANCIES IN COMMISSION.--

2 ~~[A. Except as provided in Subsection B of this~~
3 ~~section]~~ If a vacancy occurs in the commission, the remaining
4 elected and appointed commissioners shall, by a majority
5 vote, appoint a qualified elector to fill the vacancy until
6 the next regular ~~[municipal]~~ local election ~~[or any special~~
7 ~~election called in accordance with Subsection B of this~~
8 ~~section]~~, at which time a qualified elector shall be elected
9 to fill the remaining unexpired term, if any.

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

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

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1 read:

2 "3-14-19. ABANDONMENT OF COMMISSION-MANAGER
3 GOVERNMENT.--

4 A. Within ten days of the verification of a
5 petition submitted to the municipal clerk and signed by
6 thirty percent of the qualified electors of the municipality,
7 the commission shall adopt an election resolution calling for
8 the holding of a special election [~~within ninety days of~~
9 ~~verification~~] to vote on the question of abandoning the
10 commission-manager form of government. The election shall be
11 held in June or July in odd-numbered years or July or August
12 in even-numbered years in accordance with the provisions of
13 the Local Election Act.

14 B. If a majority of the votes cast at the special
15 election [~~favor~~] favours abandonment of the commission-manager
16 form of government, the form of government reverts to that
17 form of government existing immediately preceding the
18 adoption of the commission-manager form of government after
19 the election and taking office of the new officers and the
20 commission shall [~~within ten days after the filing of the~~
21 ~~certificate of canvass in the minute book~~] adopt an election
22 resolution calling for the holding of [~~a special~~] an election
23 [~~within one hundred twenty days of such filing~~] to elect new
24 officers, which shall be held at the first regular local or
25 general election following adoption of the resolution.

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1 C. The election shall be held in the same manner as
2 regular ~~[municipal]~~ local elections are held as provided in
3 the ~~[Municipal Election Code]~~ Local Election Act. The mayor
4 and one-half of the members of the governing body shall hold
5 office until the next regular ~~[municipal]~~ local election and
6 the remaining one-half of the members of the governing body
7 shall hold office until the succeeding regular ~~[municipal]~~
8 local election. The terms of the members of the governing
9 body shall be determined by lot after their election.

10 D. No election shall be held upon the question of
11 abandoning the commission-manager form of government within
12 two years after an election has been held adopting the
13 commission-manager form of government or confirming its
14 continued existence."

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

17 "3-15-10. QUALIFICATIONS OF VOTERS--BALLOTS--CONDUCT OF
18 ELECTION--EFFECT OF ADOPTION.--All qualified electors
19 residing within the municipality shall be qualified to vote
20 at the special election held under ~~[Sections 14-14-1 through~~
21 ~~14-14-14 New Mexico Statutes Annotated, 1953 Compilation]~~ the
22 Municipal Charter Act, and the vote shall be by separate
23 ballots, one of which shall be:

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

25 "Against adoption of charter .

1 The special election shall be conducted in accordance with
 2 [~~Sections 14-8-1 through 14-8-17 New Mexico Statutes~~
 3 ~~Annotated, 1953 Compilation~~] the Local Election Act and if a
 4 majority of all the votes cast shall favor the adoption of
 5 the charter, the [~~same~~] charter shall take effect immediately
 6 insofar as necessary to authorize the election of officers
 7 [~~thereunder~~], but shall not take effect otherwise until such
 8 date as may be specified in the charter, which date shall not
 9 be less than sixty days after the special election. After
 10 the date fixed by the charter, the municipality shall be
 11 deemed reorganized under the provisions of the charter, and
 12 the powers and duties of all officers elected or appointed
 13 under the former laws shall cease."

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

16 "3-15-11. FIRST ELECTION OF OFFICERS--TIME--LAW
 17 GOVERNING.--In case the charter is adopted pursuant to
 18 Section 3-15-10 NMSA 1978, it shall be the duty of the
 19 presiding officer of the governing body of the municipality
 20 to issue a proclamation calling a special election for the
 21 election of such elective officers as may be provided for in
 22 the charter. The election shall be at least ten days before
 23 the date specified in the charter for it to go into effect,
 24 and the election shall be held in accordance with the
 25 provisions of the Local Election Act and the charter."

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

3 "3-21-19. ZONING COMMISSION.--A zoning commission
4 consisting of five members shall be elected by the registered
5 electors residing within the district in accordance with the
6 provisions of the Local Election Act. Members of the
7 commission shall be residents of the district, and each shall
8 be elected for a term of two years. Any vacancy on the
9 commission shall be filled by the remaining members
10 appointing a new member to fill the unexpired term. Members
11 of the commission shall serve without compensation."

12 SECTION 59. Section 3-21-20 NMSA 1978 (being Laws 1965,
13 Chapter 206, Section 6) is amended to read:

14 "3-21-20. ELECTION OF MEMBERS TO THE COMMISSION.--
15 ~~[Within sixty days after the creation of a district, the~~
16 ~~county commissioners of the county in which the district is~~
17 ~~situate shall hold an election for members to the commission.~~
18 ~~When the district is situate in more than one county, the~~
19 ~~county commissioners of the counties shall cooperate in~~
20 ~~conducting an election for members to the commission. The~~
21 ~~election shall be conducted in the same manner as elections~~
22 ~~for municipal school board members. The cost of conducting~~
23 ~~elections for members to the commission shall be borne by the~~
24 ~~county or counties in which the district is situate. Each~~
25 ~~county shall pay its pro rata share, which is determined by~~

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1 ~~the number of registered electors of the district residing~~
 2 ~~within the county.] Election of members to the commission~~
 3 ~~shall be conducted pursuant to the Local Election Act.~~"

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

6 "3-23-2. ELECTION ON QUESTION OF ACQUIRING UTILITY.--

7 A. No municipality shall acquire a municipal
 8 utility from funds acquired from the issuance of revenue
 9 bonds until the question of acquiring the utility is
 10 submitted, at a regular [~~municipal~~] local election or special
 11 election, to a vote of the qualified electors of the
 12 municipality, and a majority of the votes cast on the
 13 question [~~favor~~] favours the acquisition of the utility. No
 14 special election shall be set for a date ninety days prior to
 15 the day of a regular [~~municipal~~] local election. The
 16 acquisition by a municipality, which owns municipal electric
 17 facilities on July 1, 1979, of a generating facility or any
 18 interest in a jointly owned generating facility from funds
 19 acquired from the issuance of revenue bonds shall not be
 20 subject to the election requirement of this section.

21 B. Each question shall be listed separately on the
 22 ballot. The ballot shall:

23 (1) contain a general description of the
 24 property to be acquired; and

25 (2) allow each voter to indicate whether [~~he~~]

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1 the voter favors or opposes the acquisition.

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

5 [~~C.~~] D. If a majority of the votes cast on the
6 question [~~favor~~] favors the acquisition of the utility, the
7 governing body may acquire the utility.

8 [~~D.~~] E. If, pursuant to Article 9, Section 12 of
9 the [~~New Mexico~~] constitution of New Mexico and Sections
10 3-30-1 through 3-30-9 NMSA 1978, the qualified electors of
11 the municipality and nonresident municipal electors have
12 voted in favor of creating a debt for the acquisition of a
13 municipal utility and the municipality has incurred the debt,
14 the municipality need not hold the election required in this
15 section and it shall be presumed that the acquisition of a
16 municipal utility has been approved, or, if the municipality
17 has owned and operated a municipal utility for a period of
18 more than one year, it shall be presumed that the acquisition
19 of the municipal utility has been approved."

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

22 "3-23-5.1. MUNICIPAL UTILITY PERMANENT FUND.--

23 A. The governing body of a municipality may by
24 ordinance establish a municipal utility permanent fund for
25 each utility owned and operated by the municipality.

1 B. The municipal utility permanent fund shall be a
2 fund in the municipal treasury into which may be deposited
3 money from the sale of municipal utility assets or any
4 portion of the unappropriated utility fund cash surplus that
5 is in excess of fifty percent of the prior fiscal year's
6 municipal utility budget. Money in the fund may be invested
7 by the municipal board of finance as provided in Sections
8 6-10-10, 6-10-36 and 6-10-44 NMSA 1978.

9 C. Earnings from investment of a municipal utility
10 permanent fund may be budgeted and appropriated by the
11 governing body of the municipality for expenditure for any
12 purpose related to the operation, maintenance and improvement
13 of the municipal utility or deposited in the municipal
14 utility permanent fund.

15 D. Money in the municipal utility permanent fund
16 may be appropriated or expended only pursuant to approval of
17 the voters of the municipality. The municipality may adopt a
18 resolution calling for an election on the question of the
19 expenditure of a specified amount of the municipal utility
20 permanent fund for a specified purpose. The election shall
21 be held within sixty days after the adoption of the
22 resolution by the governing body. The election shall be
23 called, conducted, counted and canvassed [~~substantially in~~
24 ~~the manner provided by law for special municipal elections~~
25 ~~pursuant to the Municipal Election Code]~~ pursuant to the

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1 provisions of the Local Election Act. If a majority of the
2 voters of the municipality voting on the question [~~vote~~]
3 votes to approve the expenditure, that amount of money shall
4 be available for appropriation from the municipal utility
5 permanent fund for expenditure by the municipality for the
6 specified purpose. If a majority of the voters of the
7 municipality voting on the question [~~vote~~] votes against the
8 expenditure, no money in the municipal utility permanent fund
9 may be appropriated or expended for that purpose. Following
10 an election at which the question was not approved, that
11 question shall not again be submitted to the voters of the
12 municipality for at least one year from the date of that
13 election."

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

16 "3-30-6. BOND ELECTION--QUALIFICATIONS OF VOTERS--
17 SEPARATION OF ITEMS--TIME--PUBLICATION OR POSTING--BALLOTS.--

18 A. Before bonds are issued, the governing body of
19 the municipality shall submit to a vote of the registered
20 qualified electors of the municipality and the nonresident
21 municipal electors the question of issuing the bonds. The
22 election may be held at the same time as the regular
23 [~~municipal~~] local election or at any special election held
24 pursuant to Article 9, Section 12 of the constitution of New
25 Mexico.

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1 B. The governing body of the municipality shall
 2 give notice of the time and place of holding the election and
 3 the purpose for which the bonds are to be issued. [~~Notice of~~
 4 ~~a bond election shall be given as required in the Municipal~~
 5 ~~Election Code for special elections. A change in the~~
 6 ~~location of a polling place after notice has been given shall~~
 7 ~~not invalidate a bond election.] The election shall be
 8 conducted pursuant to the provisions of the Local Election
 9 Act.~~

10 C. The question shall state the purpose for which
 11 the bonds are to be issued and the amount of the issue. If
 12 bonds are to be issued for more than one purpose, a separate
 13 question shall be submitted to the voter for each purpose to
 14 be voted upon. The ballots shall contain words indicating
 15 the purpose of the bond issue and a place for a vote "For . .
 16 . (designate type) bonds" and "Against . . . (designate
 17 type) bonds" for each bond issue. The ballots shall be
 18 deposited in a separate ballot box unless voting machines are
 19 used."

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

22 "3-30-7. CANVASS OF BOND ELECTION--CERTIFICATION OF
 23 RESULTS--EFFECT.--

24 A. The vote upon each question proposing to issue
 25 negotiable bonds shall be canvassed as provided in the

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1 ~~[Municipal Election Code]~~ Local Election Act, and the
2 municipal clerk shall ~~[certify the results of the election~~
3 ~~and]~~ file the certificate of canvass in the official minute
4 book of the municipality.

5 B. If a majority of those voting on the question
6 ~~[favor]~~ favours the creation of the debt, the governing body
7 of the municipality may proceed to issue the negotiable
8 bonds."

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

11 "3-31-4. ORDINANCE AUTHORIZING REVENUE BONDS--THREE-
12 FOURTHS MAJORITY REQUIRED--RESOLUTION AUTHORIZING REVENUE
13 BONDS TO BE ISSUED AND SOLD TO THE NEW MEXICO FINANCE
14 AUTHORITY.--

15 A. At a regular or special meeting called for the
16 purpose of issuing revenue bonds as authorized in Section
17 3-31-1 NMSA 1978, the governing body may adopt an ordinance
18 that:

19 (1) declares the necessity for issuing revenue
20 bonds;

21 (2) authorizes the issuance of revenue bonds
22 by an affirmative vote of three-fourths of all the members of
23 the governing body; and

24 (3) designates the source of the pledged
25 revenues.

1 B. If a majority of the governing body, but less
 2 than three-fourths of all the members, votes in favor of
 3 adopting the ordinance authorizing the issuance of revenue
 4 bonds, the ordinance is adopted but shall not become
 5 effective until the question of issuing the revenue bonds is
 6 submitted to a vote of the qualified electors for their
 7 approval at a special or regular [~~municipal~~] local election.
 8 If an election is necessary, the election shall be conducted
 9 in the manner provided in [~~Sections 3-8-1 through 3-8-19 NMSA~~
 10 ~~1978. Notice of the election shall be given as provided in~~
 11 ~~Section 3-8-2 NMSA 1978~~] the Local Election Act.

12 C. In addition and as an alternative to adopting an
 13 ordinance as required by the provisions of Subsections A and
 14 B of this section, at a regular or special meeting called for
 15 the purpose of issuing revenue bonds as authorized in Section
 16 3-31-1 NMSA 1978, the governing body may authorize the
 17 issuance and sale, from time to time, of revenue bonds in
 18 amounts not to exceed one million dollars (\$1,000,000) at any
 19 one time to the New Mexico finance authority by adoption of a
 20 resolution that:

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

23 (2) authorizes the issuance and sale of
 24 revenue bonds to the New Mexico finance authority by an
 25 affirmative vote of a majority of all the members of the

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1 governing body; and

2 (3) designates the source of the pledged
3 revenues.

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

9 D. No ordinance or resolution may be adopted under
10 the provisions of this section that uses as pledged revenues
11 the municipal gross receipts tax authorized by Section
12 7-19D-9 NMSA 1978 for a purpose that would be inconsistent
13 with the purpose for which that municipal gross receipts tax
14 revenue was dedicated. Any revenue in excess of the amount
15 necessary to meet all principal and interest payments and
16 other requirements incident to repayment of the bonds ~~must~~
17 shall be used for the purposes to which the revenue was
18 dedicated."

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

21 "3-41-2. FLOOD CONTROL--TAX LEVY--LIMITATIONS--
22 ELECTION--RESULT--BOND ISSUE MAY SUPPLEMENT--LEVY.--

23 A. A municipality may levy a tax upon all property
24 subject to property taxation within the municipality for such
25 length of time as is necessary to accomplish the purpose

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1 authorized in Sections 3-41-1 and 3-41-3 NMSA 1978. The rate
 2 of the tax authorized by this subsection shall not exceed
 3 five dollars (\$5.00), or any lower maximum amount required by
 4 operation of the rate limitation provisions of Section
 5 7-37-7.1 NMSA 1978 upon a tax levied under this section, on
 6 each one thousand dollars (\$1,000) of net taxable value, as
 7 that term is defined in the Property Tax Code.

8 B. Before levying the tax, the municipality shall
 9 submit to the qualified electors of the municipality the
 10 question of levying the tax. The question may be submitted
 11 at any regular or special [~~municipal~~] local election called
 12 for that purpose. Notice of the election shall be given as
 13 provided in the [~~Municipal Election Code for special~~
 14 ~~elections~~] Local Election Act.

15 C. The municipality shall print the words "For tax
 16 levy for flood protection purposes" and "Against tax levy for
 17 flood protection purposes" or words of like import. The vote
 18 upon the question shall be separately canvassed as other
 19 municipal elections are canvassed.

20 D. If a majority of the votes cast [~~favor~~] favours
 21 the levy of the tax, the governing body shall levy and
 22 certify the levy as any other tax is levied for municipal
 23 purposes.

24 E. Nothing in this section shall be construed as
 25 prohibiting the issuance of negotiable bonds as authorized in

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1 Section 3-30-5 NMSA 1978 to pay the cost of preventing flood
2 damage.

3 F. If a county has levied a tax for flood control
4 purposes as authorized in Sections 4-50-1 through 4-50-9 NMSA
5 1978 or any other law, the municipality is not prohibited
6 from levying a tax as authorized in this section."

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

9 "3-54-1. AUTHORITY TO SELL OR LEASE MUNICIPAL UTILITY
10 FACILITIES OR REAL PROPERTY--NOTICE--REFERENDUM.--

11 A. A municipality may lease or sell and exchange
12 any municipal utility facilities or real property having a
13 value of twenty-five thousand dollars (\$25,000) or less by
14 public or private sale or lease any municipal facility or
15 real property of any value normally leased in the regular
16 operations of such facility or real property, and such sale
17 or lease shall not be subject to referendum.

18 B. A municipality may lease or sell and exchange
19 any municipal utility facilities or real property having an
20 appraised value in excess of twenty-five thousand dollars
21 (\$25,000) by public or private sale or lease, subject to the
22 referendum provisions set forth in this section. The value
23 of municipal utility facilities or real property to be leased
24 or sold and exchanged shall be determined by the appraised
25 value of the municipal utility facilities or real property

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1 and not by the value of the lease. An appraisal shall be
2 made by a qualified appraiser and submitted in writing to the
3 governing body. If the sale price is less than the appraised
4 value, the governing body shall cause a detailed written
5 explanation of that difference to be prepared, and the
6 written explanation shall be made available to any interested
7 member of the public upon demand.

8 C. If a public sale is held, the bid of the highest
9 responsible bidder shall be accepted unless the terms of the
10 bid do not meet the published terms and conditions of the
11 proposed sale, in which event the highest bid [~~which~~] that
12 does meet the published terms and conditions shall be
13 accepted; provided, however, a municipality may reject all
14 bids. Terms and conditions for a proposed public sale or
15 lease shall be published at least twice, not less than seven
16 days apart, with the last publication no less than fourteen
17 days prior to the bid opening, and in accordance with the
18 provisions of Subsection J of Section 3-1-2 NMSA 1978.

19 D. Any sale or lease of municipal utility
20 facilities or real property entered into pursuant to
21 Subsection B of this section shall be by ordinance of the
22 municipality. Such an ordinance shall be effective forty-
23 five days after its adoption, unless a referendum election is
24 held pursuant to this section. The ordinance shall be
25 published prior to adoption pursuant to the provisions of

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1 Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3
2 NMSA 1978 and shall be published after adoption at least once
3 within one week after adoption pursuant to the provisions of
4 Subsection J of Section 3-1-2 NMSA 1978. Such publications
5 shall concisely set forth at least:

- 6 (1) the terms of the sale or lease;
- 7 (2) the appraised value of the municipal
8 utility facilities or real property;
- 9 (3) the time and manner of payments on the
10 lease or sale;
- 11 (4) the amount of the lease or sale;
- 12 (5) the identities of the purchasers or
13 lessees; and
- 14 (6) the purpose for the municipality making
15 the lease or sale.

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

- 19 (1) no later than thirty days after the
20 adoption of the sale or lease ordinance;
- 21 (2) containing the names, addresses and
22 signatures of at least fifteen percent of the qualified
23 electors of the municipality; and
- 24 (3) containing the following heading on each
25 page of the petition reprinted as follows:

"PETITION FOR A REFERENDUM

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

Date Name (printed) Address Signature".

F. Section 3-1-5 NMSA 1978 shall apply to all
petitions filed calling for a referendum election on a sale
or lease ordinance.

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

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[bracketed material] = delete

1 forth:

2 (1) the terms of the sale or lease;

3 (2) the appraised value of the municipal
4 utility facilities or real property;

5 (3) the time and manner of payments on the
6 lease or sale;

7 (4) the amount of the lease or sale;

8 (5) the identities of all purchasers or
9 lessees; and

10 (6) the purpose for the municipality making
11 the lease or sale.

12 H. The referendum election on the sale or lease
13 ordinance shall be held not later than ninety days after the
14 election resolution is adopted. Such election shall be held
15 at a special or regular ~~[municipal]~~ local election and shall
16 be conducted ~~[as a special election in the manner provided in~~
17 ~~the Municipal Election Code]~~ pursuant to the provisions of
18 the Local Election Act. Any qualified elector of the
19 municipality may vote in such a referendum election.

20 I. If a majority of the votes cast ~~[are]~~ is to
21 approve the sale or lease ordinance, the sale or lease
22 ordinance shall be effective after the election results have
23 been canvassed and certified. If a majority of the votes
24 cast ~~[are]~~ is to disapprove the sale or lease ordinance, the
25 ordinance shall not be effective."

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

3 "4-48A-16. SPECIAL TAX IMPOSED FOR SPECIAL HOSPITAL
4 DISTRICT.--

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

18 B. In the case of a special hospital district
19 located wholly within one county, if authorized by a majority
20 of the qualified electors of the special hospital district
21 voting on the question, the board of county commissioners of
22 the county in which the special hospital district is located
23 shall levy such tax at the same time and in the same manner
24 as levies for ad valorem taxes for school districts are made
25 and in the amount certified by the board of trustees as

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1 necessary to meet its approved annual budget, but in no event
2 shall the tax levied exceed the rate limitation approved by
3 the voters or the rate limitations provided in Subsection D
4 of this section.

5 C. In the case of a special hospital district
6 ~~[which]~~ that is composed of all or a portion of two or more
7 counties, if a majority of the qualified electors in the
8 special hospital district of each ~~[subdistrict]~~ county voting
9 on the question ~~[authorize]~~ authorizes a tax levy, the boards
10 of county commissioners of the counties ~~[which]~~ that agreed
11 to form the special hospital district shall levy such tax in
12 the manner provided in Subsection B of this section.

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

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

3 "4-48A-17. ELECTION PROCEDURES.--

4 ~~[A. In all elections held pursuant to the~~
5 ~~provisions of the Special Hospital District Act, except as~~
6 ~~otherwise provided in that act, the board of trustees shall~~
7 ~~give notice of the election in a newspaper of general~~
8 ~~circulation in the special hospital district and, in the case~~
9 ~~of a special hospital district composed of all or portions of~~
10 ~~two or more counties, in the subdistrict, at least once a~~
11 ~~week for three consecutive weeks, the last insertion to be~~
12 ~~not less than two weeks prior to the proposed election.~~

13 ~~B.] All elections of the special hospital district,~~
14 ~~unless otherwise provided in the Special Hospital District~~
15 ~~Act, shall be called, conducted and canvassed [in~~
16 ~~substantially the same manner as school district elections~~
17 ~~are called, conducted and canvassed. The board of trustees~~
18 ~~shall be the canvassing board for such elections.~~

19 ~~G. The expenses of elections conducted by the~~
20 ~~special hospital district shall be budgeted for and paid from~~
21 ~~the operating funds of the special hospital district]~~
22 pursuant to the Local Election Act."

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

25 "4-49-8. ELECTION ON BOND QUESTION--PETITION--NOTICE--

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1 ELECTION WITHOUT PETITION.--

2 A. Whenever a petition signed by not less than two
3 hundred qualified electors of any county in this state [~~shall~~
4 ~~be~~] is presented to the board of county commissioners asking
5 that a vote be taken on the question or proposition of
6 building, remodeling or making additions to necessary public
7 buildings or necessary public projects, setting forth in
8 general terms the object of the petition and the amount of
9 bonds asked to be voted for, [~~it shall be the duty of~~] the
10 board of county commissioners of the county to which the
11 petition [~~may be~~] is presented shall, within ten days after
12 the presentation, [~~to~~] call an election to be held within
13 sixty days thereafter in the county. [~~The board shall give~~
14 ~~notice of the election by publication once a week for at~~
15 ~~least three consecutive weeks in any newspapers published in~~
16 ~~the county, which notices shall set forth the time and place~~
17 ~~of holding the election, the necessary public building or~~
18 ~~necessary public project proposed and which bonds are to be~~
19 ~~voted for.~~] Except as provided in Chapter 4, Article 49 NMSA
20 1978, such elections shall be held and conducted [~~in the same~~
21 ~~manner as general elections, including recount and contest,~~
22 ~~and the board of county commissioners shall certify and~~
23 ~~declare on the records of the county the returns of the~~
24 ~~election] pursuant to the provisions of the Local Election
25 Act.~~

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

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

20 "5-10-4. ECONOMIC DEVELOPMENT PROJECTS--RESTRICTIONS ON
 21 PUBLIC EXPENDITURES OR PLEDGES OF CREDIT.--

22 A. No local or regional government shall provide
 23 public support for economic development projects as permitted
 24 pursuant to Article 9, Section 14 of the constitution of
 25 New Mexico except as provided in the Local Economic

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1 Development Act or as otherwise permitted by law.

2 B. The total amount of public money expended and
3 the value of credit pledged in the fiscal year in which that
4 money is expended by a local government for economic
5 development projects pursuant to Article 9, Section 14 of the
6 constitution of New Mexico and the Local Economic Development
7 Act shall not exceed ten percent of the annual general fund
8 expenditures of the local government in that fiscal year.

9 The limits of this subsection shall not apply to:

10 (1) the value of any land or building
11 contributed to any project pursuant to a project
12 participation agreement;

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

25 (3) revenue generated through the imposition

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

12 (4) the proceeds of a revenue bond issue to
13 which municipal infrastructure gross receipts tax revenue is
14 pledged;

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

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

20 C. A regional or local government that generates
21 revenue for economic development projects to which the limits
22 of Subsection B of this section do not apply shall create an
23 economic development fund into which such revenues shall be
24 deposited. The economic development fund and income from the
25 economic development fund shall be deposited as provided by

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1 law. Money in the economic development fund may be expended
2 only as provided in the Local Economic Development Act or the
3 Statewide Economic Development Finance Act.

4 D. In order to expend money from an economic
5 development fund for arts and cultural district purposes,
6 cultural facilities or retail businesses, the governing body
7 of a municipality or county that has imposed a municipal or
8 county local option infrastructure gross receipts tax for
9 furthering or implementing economic development plans and
10 projects, as defined in the Local Economic Development Act,
11 or projects, as defined in the Statewide Economic Development
12 Finance Act, by referendum of the majority of the voters
13 voting on the question approving the ordinance imposing the
14 municipal or county infrastructure gross receipts tax before
15 July 1, 2013 shall be required to adopt a resolution. The
16 resolution shall call for an election to approve arts and
17 cultural districts as a qualifying purpose and cultural
18 facilities or retail businesses as a qualifying entity before
19 any revenue generated by the municipal or county local option
20 gross receipts tax for furthering or implementing economic
21 development plans and projects, as defined in the Local
22 Economic Development Act, or projects, as defined in the
23 Statewide Economic Development Finance Act, can be expended
24 from the economic development fund for arts and cultural
25 district purposes, cultural facilities or retail businesses.

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1 E. The governing body shall adopt a resolution
2 calling for an election within seventy-five days of the date
3 the ordinance is adopted on the question of approving arts
4 and cultural districts as a qualifying purpose and cultural
5 facilities or retail businesses as a qualifying entity
6 eligible to utilize revenue generated by the Municipal Local
7 Option Gross Receipts Taxes Act or the County Local Option
8 Gross Receipts Taxes Act for furthering or implementing
9 economic development plans and projects as defined in the
10 Local Economic Development Act or projects as defined in the
11 Statewide Economic Development Finance Act.

12 F. The question shall be submitted to the voters of
13 the municipality or county as a separate question at a
14 regular [~~municipal~~] local or county election or at a special
15 election called for that purpose by the governing body. A
16 special [~~municipal~~] local election shall be called, conducted
17 and canvassed as provided in the [~~Municipal Election Code~~]
18 Local Election Act. A special county election shall be
19 called, conducted and canvassed in substantially the same
20 manner as provided by law for general elections.

21 G. If a majority of the voters voting on the
22 question approves the ordinance adding arts and cultural
23 districts and cultural facilities or retail businesses as an
24 approved use of the local option municipal or county economic
25 development infrastructure gross receipts tax fund, the

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1 ordinance shall become effective on July 1 or January 1,
2 whichever date occurs first after the expiration of three
3 months from the date of the adopted ordinance. The ordinance
4 shall include the effective date."

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

7 "6-6-19. LOCAL GOVERNMENT PERMANENT FUND.--

8 A. The local governing body of a county or
9 municipality may by ordinance establish a local government
10 permanent fund and a local government income fund.

11 B. The local government permanent fund shall
12 constitute a fund in the treasury of the county or
13 municipality into which may be deposited at the end of a
14 fiscal year an amount of the unappropriated general fund
15 surplus. The amount that may be deposited into the local
16 government permanent fund is any portion of the
17 unappropriated general fund surplus that is in excess of
18 fifty percent of the prior fiscal year's budget of the county
19 or municipality. Money in the permanent fund may be
20 appropriated or expended only pursuant to approval of the
21 voters of the county or municipality as provided in
22 Subsection E of this section.

23 C. Money in the local government permanent fund may
24 be invested by the local board of finance for the county or
25 municipality in the types of investments specified in Section

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1 6-10-10 NMSA 1978 and as specified in Sections 6-10-36 and
2 6-10-44 NMSA 1978, except as provided in Paragraph (2) of
3 Subsection D of this section. Earnings from the investment
4 of the permanent fund shall be deposited in the local
5 government income fund in the treasury of the county or
6 municipality. Money in the income fund may be budgeted and
7 appropriated by the local governing body for expenditure for
8 any purpose of the county or municipality or may be deposited
9 in the permanent fund.

10 D. Investment authority for a local government
11 permanent fund shall be as follows:

12 (1) if the fund is less than forty million
13 dollars (\$40,000,000), it shall be invested as other funds of
14 the local government; and

15 (2) if the fund is forty million dollars
16 (\$40,000,000) or over, it may be invested as funds of class A
17 counties are invested and, if the fund is managed by an
18 investment advisor that is registered with the federal
19 securities and exchange commission and that currently manages
20 assets with a value of at least five hundred million dollars
21 (\$500,000,000), the fund may also be invested in the
22 following:

23 (a) corporate debt securities, provided
24 that: 1) the total amount invested in securities issued by
25 the same corporation or related corporate affiliates shall

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

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

22 (c) asset-backed securities, mortgage-
23 backed securities, collateralized mortgage obligations or
24 commercial mortgage-backed securities, provided that: 1) the
25 total amount invested pursuant to this subparagraph shall not

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1 exceed five percent of the market value of the permanent
2 fund; 2) the securities shall be denominated in United States
3 currency; 3) the securities shall be rated AAA by a
4 nationally recognized statistical rating organization; and 4)
5 the final stated maturity of the securities may not exceed
6 ten years.

7 E. The governing body of a county or municipality
8 may adopt a resolution calling for an election on the
9 question of expenditure of any amount of the local government
10 permanent fund for a specified county or municipal purpose.
11 The election shall be held within sixty days after the action
12 of the governing body. The election shall be called,
13 conducted, counted and canvassed substantially in the manner
14 provided by law for general elections within the county or
15 special municipal elections under the [~~Municipal Election~~
16 ~~Code~~] Local Election Act. If a majority of the registered
17 voters of the county or municipality voting on the question
18 [~~vote~~] votes for the expenditure of a specified amount of the
19 local government permanent fund for a specified county or
20 municipal purpose, then that amount of money shall be
21 available for appropriation and expenditure by the county or
22 municipality for that purpose. If a majority of the
23 registered voters of the county or municipality voting on the
24 question [~~vote~~] votes against the expenditure of a specified
25 amount of the local government permanent fund for a specified

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1 county or municipal purpose, then money in the local
2 government permanent fund shall not be expended or
3 appropriated for that purpose. Following an election at
4 which the question was not approved, the question shall not
5 again be submitted to the voters of that county or
6 municipality within one year of the date of that election."

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

9 "6-15-26. BOND ELECTIONS.--

10 A. Each proposition to issue bonds shall be
11 submitted by a single set of ballots to all voters of the
12 municipality, school district, county, junior college
13 district or branch community college district, but the Bond
14 Election Act does not prevent the submission of more than one
15 proposition on the same ballot.

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

21 ~~C. The Bond Election Act does not prevent any board~~
22 ~~from using one or more voting machines at any polling place~~
23 ~~for any bond election if the vote is cast, counted, returned~~
24 ~~and canvassed and the election otherwise is conducted in a~~
25 ~~manner which is consistent with the Bond Election Act.~~

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1 D.] B. Except as expressly provided in the Bond
 2 Election Act, any bond election shall be called, conducted
 3 and canvassed pursuant to applicable statutes governing
 4 elections for the bonds; provided, however, absentee ballot
 5 provisions in the Election Code governing regular elections
 6 of the board shall apply. A bond election called by a
 7 municipality shall be called, conducted and canvassed
 8 pursuant to the applicable provisions of the [~~Municipal~~
 9 ~~Election Code~~] Local Election Act, and the absentee ballot
 10 provisions of the [~~Municipal Election Code~~] Local Election
 11 Act shall apply [~~provided, however, that the provisions of~~
 12 ~~this act and any applicable statutes governing elections for~~
 13 ~~the bonds shall supersede the Municipal Election Code in the~~
 14 ~~event of a conflict]."~~

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

17 "7-19D-9. MUNICIPAL GROSS RECEIPTS TAX--AUTHORITY TO
 18 IMPOSE RATE.--

19 A. The majority of the members of the governing
 20 body of any municipality may impose by ordinance an excise
 21 tax not to exceed a rate of one and one-half percent of the
 22 gross receipts of any person engaging in business in the
 23 municipality for the privilege of engaging in business in the
 24 municipality. A tax imposed pursuant to this section shall
 25 be imposed by the enactment of one or more ordinances, each

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1 imposing any number of municipal gross receipts tax rate
2 increments, but the total municipal gross receipts tax rate
3 imposed by all ordinances shall not exceed an aggregate rate
4 of one and one-half percent of the gross receipts of a person
5 engaging in business. Municipalities may impose increments
6 of one-eighth of one percent.

7 B. The tax imposed pursuant to Subsection A of this
8 section may be referred to as the "municipal gross receipts
9 tax".

10 C. The governing body of a municipality may, at the
11 time of enacting an ordinance imposing the tax authorized in
12 Subsection A of this section, dedicate the revenue for a
13 specific purpose or area of municipal government services,
14 including [~~but not limited to~~] police protection, fire
15 protection, public transportation or street repair and
16 maintenance. If the governing body proposes to dedicate such
17 revenue, the ordinance and, if any election is held, the
18 ballot shall clearly state the purpose to which the revenue
19 will be dedicated, and any revenue so dedicated shall be used
20 by the municipality for that purpose unless a subsequent
21 ordinance is adopted to change the purpose to which dedicated
22 or to place the revenue in the general fund of the
23 municipality.

24 D. An election shall be called on the questions of
25 disapproval or approval of any ordinance enacted pursuant to

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1 Subsection A of this section or any ordinance amending such
2 ordinance:

3 (1) if the governing body chooses to provide
4 in the ordinance that it shall not be effective until the
5 ordinance is approved by the majority of the registered
6 voters voting on the question at an election to be held
7 pursuant to the provisions of [~~a home-rule charter or on a~~
8 ~~date set by the governing body and pursuant to the provisions~~
9 ~~of the Municipal Election Code governing special elections]~~
10 the Local Election Act; or

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

15 (a) pursuant to the requirements of a
16 referendum provision contained in a municipal home-rule
17 charter and signed by the number of registered voters in the
18 municipality equal to the number of registered voters
19 required in its charter to seek a referendum; or

20 (b) in all other municipalities, with the
21 municipal clerk within thirty days after the adoption of such
22 ordinance and the petition has been signed by a number of
23 registered voters in the municipality equal to at least five
24 percent of the number of the voters in the municipality who
25 were registered to vote in the most recent regular municipal

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1 election.

2 E. The signatures on the petition filed in
3 accordance with Subsection D of this section shall be
4 verified by the municipal clerk. If the petition is verified
5 by the municipal clerk as containing the required number of
6 signatures of registered voters, the governing body shall
7 adopt an election resolution calling for the holding of a
8 special election on the question of approving or disapproving
9 the ordinance unless the ordinance is repealed before the
10 adoption of the election resolution. An election held
11 pursuant to Subparagraph (a) or (b) of Paragraph (2) of
12 Subsection D of this section shall be called, conducted and
13 canvassed as provided in the [~~Municipal Election Code for~~
14 ~~special elections~~] Local Election Act, and the election shall
15 be held within seventy-five days after the date the petition
16 is verified by the municipal clerk or it may be held in
17 conjunction with a regular [~~municipal~~] local election if such
18 election occurs within seventy-five days after the date of
19 verification by the municipal clerk.

20 F. If at an election called pursuant to Subsection
21 D of this section a majority of the registered voters voting
22 on the question approves the ordinance imposing the tax, the
23 ordinance shall become effective in accordance with the
24 provisions of the Municipal Local Option Gross Receipts Taxes
25 Act. If at such an election a majority of the registered

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1 voters voting on the question disapproves the ordinance, the
2 ordinance imposing the tax shall be deemed repealed and the
3 question of imposing any increment of the municipal gross
4 receipts tax authorized in this section shall not be
5 considered again by the governing body for a period of one
6 year from the date of the election.

7 G. Any municipality that has lawfully imposed by
8 the requirements of the Special Municipal Gross Receipts Tax
9 Act a rate of at least one-fourth of one percent shall be
10 deemed to have imposed one-fourth of one percent municipal
11 gross receipts tax pursuant to this section. Any rate of tax
12 deemed to be imposed pursuant to this subsection shall
13 continue to be dedicated to the payment of outstanding bonds
14 issued by the municipality that pledged the tax revenues by
15 ordinance until such time as the bonds are fully paid. A
16 municipality may by ordinance change the purpose for any rate
17 of tax deemed to be imposed at any time the revenues are not
18 committed to payment of bonds.

19 H. Any law that imposes or authorizes the
20 imposition of a municipal gross receipts tax or that affects
21 the municipal gross receipts tax, or any law supplemental
22 thereto or otherwise appertaining thereto, shall not be
23 repealed or amended or otherwise directly or indirectly
24 modified in such a manner as to impair adversely any
25 outstanding revenue bonds that may be secured by a pledge of

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1 such municipal gross receipts tax unless such outstanding
2 revenue bonds have been discharged in full or provision has
3 been fully made therefor."

4 SECTION 74. Section 7-19D-11 NMSA 1978 (being Laws
5 1991, Chapter 9, Section 3, as amended) is amended to read:

6 "7-19D-11. MUNICIPAL INFRASTRUCTURE GROSS RECEIPTS
7 TAX--AUTHORITY BY MUNICIPALITY TO IMPOSE--ORDINANCE
8 REQUIREMENTS--ELECTION.--

9 A. A majority of the members of the governing body
10 of a municipality may enact an ordinance imposing an excise
11 tax on any person engaging in business in the municipality
12 for the privilege of engaging in business. The rate of the
13 tax shall not exceed one-fourth of one percent of the gross
14 receipts of the person engaging in business and may be
15 imposed in one-sixteenth of one percent increments by
16 separate ordinances. Any ordinance enacting any increment of
17 the first one-eighth of one percent of the tax is not subject
18 to a referendum of any kind, notwithstanding any requirement
19 of any charter municipality, except that an increment that is
20 imposed after July 1, 1998 for economic development purposes
21 set forth in Paragraph (5) of Subsection C of this section
22 shall be subject to a referendum as provided in Subsection D
23 of this section.

24 B. The tax imposed pursuant to Subsection A of this
25 section may be referred to as the "municipal infrastructure

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1 gross receipts tax".

2 C. The governing body of a municipality, at the
3 time of enacting any ordinance imposing the rate of the tax
4 authorized in Subsection A of this section, may dedicate the
5 revenue for:

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

8 (2) repair, replacement, construction or
9 acquisition of infrastructure improvements, including
10 sanitary sewer lines, storm sewers and other drainage
11 improvements, water, water rights, water lines and utilities,
12 streets, alleys, rights of way, easements, international
13 ports of entry and land within the municipality or within the
14 extraterritorial zone of the municipality;

15 (3) municipal general purposes;

16 (4) acquiring, constructing, extending,
17 bettering, repairing or otherwise improving or operating or
18 maintaining public transit systems or regional transit
19 systems or authorities; and

20 (5) furthering or implementing economic
21 development plans and projects as defined in the Local
22 Economic Development Act or projects as defined in the
23 Statewide Economic Development Finance Act, and use of not
24 more than the greater of fifty thousand dollars (\$50,000) or
25 ten percent of the revenue collected for promotion and

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1 administration of or professional services contracts related
2 to implementation of an economic development plan adopted by
3 the governing body pursuant to the Local Economic Development
4 Act and in accordance with law.

5 D. An ordinance imposing any increment of the
6 municipal infrastructure gross receipts tax in excess of the
7 first one-eighth of one percent or any increment imposed
8 after July 1, 1998 for economic development purposes set
9 forth in Paragraph (5) of Subsection C of this section shall
10 not go into effect until after an election is held and a
11 majority of the voters of the municipality voting in the
12 election votes in favor of imposing the tax. The governing
13 body shall adopt a resolution calling for an election within
14 seventy-five days of the date the ordinance is adopted on the
15 question of imposing the tax. The question shall be
16 submitted to the voters of the municipality as a separate
17 question at a regular [~~municipal~~] local election or at a
18 special election called for that purpose by the governing
19 body. [~~A special municipal~~] An election shall be called,
20 conducted and canvassed as provided in the [~~Municipal~~
21 ~~Election Code~~] Local Election Act. If a majority of the
22 voters voting on the question approves the ordinance imposing
23 the municipal infrastructure gross receipts tax, then the
24 ordinance shall become effective in accordance with the
25 provisions of the Municipal Local Option Gross Receipts Taxes

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1 Act. If the question of imposing the municipal
2 infrastructure gross receipts tax fails, the governing body
3 shall not again propose the imposition of any increment of
4 the tax in excess of the first one-eighth of one percent for
5 a period of one year from the date of the election."

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

8 "7-19D-15. MUNICIPAL REGIONAL SPACEPORT GROSS RECEIPTS
9 TAX--AUTHORITY TO IMPOSE--RATE--ELECTION REQUIRED.--

10 A. A majority of the members of the governing body
11 of a municipality that desires to become a member of a
12 regional spaceport district pursuant to the Regional
13 Spaceport District Act shall impose by ordinance an excise
14 tax at a rate not to exceed one-half percent of the gross
15 receipts of a person engaging in business in the municipality
16 for the privilege of engaging in business. A tax imposed
17 pursuant to this section may be imposed by one or more
18 ordinances, each imposing any number of tax rate increments,
19 but an increment shall not be less than one-sixteenth percent
20 of the gross receipts of a person engaging in business in the
21 municipality, and the aggregate of all rates shall not exceed
22 one-half percent of the gross receipts of a person engaging
23 in business in the municipality. The tax may be referred to
24 as the "municipal regional spaceport gross receipts tax".

25 B. A governing body, at the time of enacting an

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1 ordinance imposing a tax authorized in Subsection A of this
2 section, shall dedicate a minimum of seventy-five percent of
3 the revenue to a regional spaceport district for the
4 financing, planning, designing, engineering and construction
5 of a regional spaceport pursuant to the Regional Spaceport
6 District Act and may dedicate no more than twenty-five
7 percent of the revenue for spaceport-related projects as
8 approved by resolution of the governing body of the
9 municipality.

10 C. An ordinance imposing a municipal regional
11 spaceport gross receipts tax shall not go into effect until
12 after an election is held and a majority of the voters of the
13 municipality voting in the election votes in favor of
14 imposing the tax. The governing body shall adopt a
15 resolution calling for an election within seventy-five days
16 of the date the ordinance is adopted on the question of
17 imposing the tax. The question shall be submitted to the
18 voters of the municipality as a separate question at a
19 regular [~~municipal~~] local election or at a special election
20 called for that purpose by the governing body. [~~A special~~
21 ~~municipal~~] An election shall be called, conducted and
22 canvassed as provided in the [~~Municipal Election Code~~] Local
23 Election Act. If a majority of the voters voting on the
24 question approves the ordinance imposing the municipal
25 regional spaceport gross receipts tax, the ordinance shall

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1 become effective in accordance with the provisions of the
 2 Municipal Local Option Gross Receipts Taxes Act. If the
 3 question of imposing the municipal regional spaceport gross
 4 receipts tax fails, the governing body shall not again
 5 propose the imposition of an increment of the tax for a
 6 period of one year from the date of the election.

7 D. The governing body of a municipality imposing
 8 the municipal regional spaceport gross receipts tax shall
 9 transfer a minimum of seventy-five percent of all proceeds
 10 from the tax to the regional spaceport district of which it
 11 is a member for regional spaceport purposes in accordance
 12 with the provisions of the Regional Spaceport District Act.
 13 The governing body of a municipality imposing the municipal
 14 regional spaceport gross receipts tax may retain no more than
 15 twenty-five percent of the municipal regional spaceport gross
 16 receipts tax for spaceport-related projects as approved by
 17 resolution of the governing body."

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

20 "7-19D-17. FEDERAL WATER PROJECT GROSS RECEIPTS TAX--
 21 AUTHORIZATION--USE OF REVENUE--REFERENDUM.--

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 percent of the gross receipts
2 of the person engaging in business. An ordinance enacting
3 the tax authorized by this section is subject to a positive
4 referendum.

5 B. The tax imposed pursuant to this section may be
6 referred to as the "federal water project gross receipts
7 tax".

8 C. The governing body of a municipality, at the
9 time of enacting an ordinance imposing the rate of the tax
10 authorized in this section, shall dedicate the revenue for
11 the repayment of loan obligations to the federal government
12 for the construction, expansion, operation and maintenance of
13 a water delivery system and for the expansion, operation and
14 maintenance of that water delivery system after the loan
15 obligation to the federal government is retired or repaid.
16 The revenue from the federal water project gross receipts tax
17 shall not be dedicated to repay revenue bonds or any other
18 form of bonds.

19 D. An ordinance imposing the federal water project
20 gross receipts tax shall not go into effect until an election
21 is held and a majority of the voters of the municipality
22 voting in the election votes in favor of imposing the tax.
23 The governing body shall adopt a resolution calling for an
24 election within seventy-five days of the date the ordinance
25 is adopted on the question of imposing the tax. The question

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1 shall be submitted to the voters of the municipality as a
 2 separate question at a regular [~~municipal~~] local election or
 3 at a special election called for that purpose by the
 4 governing body. [~~A special municipal~~] An election shall be
 5 called, conducted and canvassed as provided in the [~~Municipal~~
 6 ~~Election Code~~] Local Election Act. If a majority of the
 7 voters voting on the question approves the ordinance imposing
 8 the federal water project gross receipts tax, then the
 9 ordinance shall become effective on January 1 or July 1 in
 10 accordance with the provisions of the Municipal Local Option
 11 Gross Receipts Taxes Act. If the question of imposing the
 12 federal water project gross receipts tax fails, the governing
 13 body shall not again propose the imposition of the tax for a
 14 period of one year from the date of the election.

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

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

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

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1 "7-24A-11. MUNICIPAL GASOLINE TAX--PROCEDURE FOR
2 ADOPTION OF ORDINANCE--ELECTION.--

3 A. The ordinance imposing a municipal gasoline tax
4 shall not go into effect until after an election is held and
5 a simple majority of the qualified electors of the
6 municipality voting on the question [~~vote~~] votes in favor of
7 imposing the municipal gasoline tax. The governing body of
8 the municipality shall provide for an election on the
9 question of imposing the municipal gasoline tax within sixty
10 days after the day the ordinance is adopted. Such question
11 may be submitted to the electors and voted upon as a separate
12 question at any regular or special election or at any special
13 election called for that purpose by the governing body. The
14 election upon the question shall be called, held, conducted
15 and canvassed in substantially the same manner as provided by
16 law for special [~~municipal~~] elections as provided in the
17 [~~Municipal Election Code~~] Local Election Act. If the
18 question of imposing a municipal gasoline tax fails, the
19 governing body shall not again propose a municipal gasoline
20 tax ordinance for a period of one year after the election.

21 B. After passage of a municipal gasoline tax
22 ordinance, the governing body of the municipality shall
23 submit a certified copy of the ordinance to the taxation and
24 revenue department."

25 **SECTION 78.** Section 21-13-8 NMSA 1978 (being Laws 1963,

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1 Chapter 17, Section 7, as amended) is amended to read:

2 "21-13-8. COMMUNITY COLLEGE BOARD.--

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

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

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

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

15 C. All vacancies caused in any other manner than by
16 the expiration of the term of office shall be filled by
17 appointment by the remaining members. An individual
18 appointed by the remaining members of the board to fill a
19 vacancy in office shall serve until the next community
20 college board election, at which time candidates shall file
21 for and be elected to fill the vacant position to serve the
22 remainder of the unexpired term.

23 D. A community college board shall select from its
24 members a chair and secretary who shall serve in these
25 offices until the next regular community college board

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1 election. After each community college board election, the
2 members shall proceed to reorganize."

3 SECTION 79. Section 21-16-5.1 NMSA 1978 (being Laws
4 1994, Chapter 83, Section 3, as amended) is amended to read:

5 "21-16-5.1. BOARD MEMBERS--ELECTED FROM DISTRICTS--
6 ELECTIONS.--

7 A. A district board shall be composed of five or
8 seven members elected for four-year terms who shall reside in
9 and be elected from single-member districts as provided in
10 this section. [~~Any board, the members of which have not been~~
11 ~~elected from single-member districts, shall district and hold~~
12 ~~a special election to coincide with the school district~~
13 ~~elections of 2001.~~] If the board is a seven-member board,
14 board members shall be elected for all seven positions on the
15 board, with the board members elected to positions 1, 3, 5
16 and 7 to be elected for initial terms of two years and the
17 board members elected to positions 2, 4 and 6 to be elected
18 for initial terms of four years. If the board is a five-
19 member board, board members elected to positions 1, 3 and 5
20 shall be elected for initial terms of two years and board
21 members elected to positions 2 and 4 shall be elected for
22 initial terms of four years. After the initial election for
23 a district board, each board member shall be elected for a
24 term of four years.

25 B. [~~Except where specific provision is otherwise~~

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1 ~~provided by law~~ All election proceedings for technical and
2 vocational institute district elections shall be conducted
3 pursuant to the provisions of the ~~[School Election Law with~~
4 ~~the president of the institute serving in the place of the~~
5 ~~superintendent of schools in every case]~~ Local Election Act.

6 C. Once following each federal decennial census,
7 the board shall redistrict the technical and vocational
8 institute district into election districts to ensure that the
9 districts remain as equal in population as is practicable and
10 shall notify the county clerk of the new boundaries upon
11 completion of the redistricting process. The new districts
12 shall go into effect at the first regular board election
13 thereafter. Candidates for the new single-member districts
14 that are scheduled to be voted on at the election shall
15 reside in and be elected from the appropriate new single-
16 member district. Incumbent board members whose districts
17 before redistricting were not scheduled to be voted on at the
18 election need not reside in the new single-member districts
19 corresponding to their position numbers and may serve out
20 their terms. At the second regular board election held after
21 the redistricting, all candidates for the new single-member
22 districts that are scheduled to be voted on shall reside in
23 and be elected from the appropriate single-member district.

24 D. All election districts covered by this section
25 shall be contiguous, compact and as equal in population as is

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1 practicable.

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

8 SECTION 80. Section 21-16-14 NMSA 1978 (being Laws
9 1963, Chapter 108, Section 11, as amended) is amended to
10 read:

11 "21-16-14. ADDITION OF SCHOOL DISTRICTS OR PORTIONS OF
12 SCHOOL DISTRICTS TO EXISTING TECHNICAL AND VOCATIONAL
13 INSTITUTE DISTRICTS.--

14 A. A technical and vocational institute district
15 may be expanded by either the procedure in Subsections B, C
16 and D of this section or the procedure in Subsections E and F
17 of this section.

18 B. The qualified voters of a school district,
19 portion of a school district, group of school districts
20 within a county containing a technical and vocational
21 institute district or in an adjoining county, not included in
22 the technical and vocational institute district as originally
23 formed, may petition the public education department to be
24 added to the technical and vocational institute district.
25 The department shall examine the petition, and if it finds

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1 that the petition is signed by a number of qualified voters
2 residing within the pertinent school district or portion of a
3 school district equal to ten percent of the votes cast for
4 governor in such school district or portion of such school
5 district in the last preceding general election, the
6 department shall cause a survey to be made of the petitioning
7 district or districts to determine the desirability of the
8 proposed expansion of the technical and vocational institute
9 district.

10 C. In conducting the survey, the public education
11 department, in conjunction with the [~~commission on~~] higher
12 education department, shall ascertain the attitude of the
13 technical and vocational institute board and collect other
14 information it deems necessary. If, on the basis of the
15 survey, the public education department finds that the
16 proposed addition of the petitioning area will promote an
17 improved education service in the area, it shall approve the
18 petition. The secretary of public education shall proceed to
19 issue a proclamation and call an election pursuant to the
20 provisions of the Local Election Act within the petitioning
21 area and in the established technical and vocational
22 institute district on the question of the inclusion of the
23 petitioning area in the institute district.

24 D. If a majority of the votes cast in the
25 petitioning area and a majority of the votes cast within the

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1 established institute district are in favor of the addition
2 of the area, the public education department shall notify the
3 local school board of each affected school district and the
4 technical and vocational institute board of the results of
5 the election and shall declare the extension of the
6 boundaries of the institute district to include the
7 petitioning area in which the proposed addition referendum
8 carried by a majority vote.

9 E. If a technical and vocational institute district
10 includes less than all of a school district, the institute
11 board, by resolution of a majority of the members of the
12 board, may call an election within the institute district and
13 in the portion of the school district that is not included in
14 the institute district on the question of the addition of the
15 excluded portion of the school district to the established
16 institute district. [~~Except where specific provision is~~
17 ~~otherwise provided by law~~] Such election shall be conducted
18 pursuant to the provisions of the [~~School Election Law with~~
19 ~~the president of the institute district serving in the place~~
20 ~~of the superintendent of schools in every case; provided~~
21 ~~that:~~

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

24 (2) ~~if a precinct lies partly within and~~
25 ~~partly outside the institute district, the parts of the~~

1 ~~precinct within and outside the institute district shall~~
 2 ~~constitute separate precincts for purposes of the election;~~
 3 ~~and~~

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

6 F. If a majority of the votes cast in the institute
 7 district and the portion of the school district that is
 8 outside the institute district are in favor of the addition
 9 of the excluded portion of the school district to the
 10 institute district, the board of the institute district shall
 11 declare the institute district to be expanded to include all
 12 of such school district.

13 G. Each area added to an existing technical and
 14 vocational institute district shall automatically be subject
 15 to any special levy on taxable property approved for the
 16 institute district for the maintenance of facilities and
 17 services and for support of bond issues."

18 **SECTION 81.** Section 21-16-20 NMSA 1978 (being Laws 1964
 19 (1st S.S.), Chapter 12, Section 5) is amended to read:

20 "21-16-20. SUBMISSION AT ELECTION--NOTICE--
 21 CERTIFICATION.--If [the] a question is submitted pursuant to
 22 Section 21-16-16 NMSA 1978 at [~~a general~~] an election, the
 23 submitting board shall [~~publish notice thereof in the manner~~
 24 ~~required for general elections, except that such notice need~~
 25 ~~not include the names of any election officials or the places~~

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1 ~~where such election is to be held in each precinct and voting~~
2 ~~division and no posting shall be required]~~ notify the county
3 clerk pursuant to the Local Election Act. The submitting
4 board shall ~~[not less than thirty days before the election]~~
5 furnish to the county clerk of each county in which ~~[each]~~ an
6 affected school district is situate a certificate specifying
7 the question to be submitted ~~[and the precincts and voting~~
8 ~~divisions included in the school district or districts or in~~
9 ~~the technical and vocational institute district.~~ The county
10 ~~clerk of each such county shall include such question on the~~
11 ~~ballots and voting machines in the proper voting divisions.~~
12 ~~The election officials in such voting divisions shall execute~~
13 ~~separate certificates certifying the results of the voting on~~
14 ~~such question, and, upon receipt thereof, each county clerk~~
15 ~~shall deliver the same to the president of the board or his~~
16 ~~designated representative]."~~

17 SECTION 82. Section 21-16A-6 NMSA 1978 (being Laws
18 2000, Chapter 105, Section 6) is amended to read:

19 "21-16A-6. LEARNING CENTER TAX LEVY AUTHORIZED--
20 ELECTION.--

21 A. A board may adopt a resolution authorizing, for
22 learning center operational purposes, the imposition of a
23 property tax upon the taxable value of property in the
24 district. The total tax imposition that may be authorized
25 under the Learning Center Act shall not exceed a rate of five

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1 dollars (\$5.00) on each one thousand dollars (\$1,000) of
 2 taxable value of property in each district. [A] The tax
 3 authorized pursuant to this section may not be imposed for a
 4 period of more than six years.

5 B. The tax authorized in Subsection A of this
 6 section shall not be imposed in a district unless the
 7 question of authorizing the imposition of the tax is
 8 submitted to the voters of the district at [~~a regular school~~
 9 ~~district~~] an election [~~or a special election called for that~~
 10 ~~purpose~~] held pursuant to the Local Election Act.

11 C. A resolution adopted pursuant to Subsection A of
 12 this section shall specify:

13 (1) the rate of the proposed tax;

14 (2) the date of the election at which the
 15 question of imposition of the tax will be submitted to the
 16 voters of the district;

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

19 (4) the proposed use of the revenues from the
 20 proposed tax.

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

24 E. If a majority of the voters voting on the
 25 question votes for a learning center tax levy pursuant to a

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1 resolution adopted under the Learning Center Act, the tax
2 shall be imposed. The tax rate shall be certified by the
3 department of finance and administration and imposed,
4 administered and collected in accordance with the provisions
5 of the Oil and Gas Ad Valorem Production Tax Act, the Oil and
6 Gas Production Equipment Ad Valorem Tax Act, the Copper
7 Production Ad Valorem Tax Act and the Property Tax Code.

8 F. If a majority of the voters voting on the
9 question votes against a learning center tax levy pursuant to
10 a resolution adopted under the Learning Center Act, the tax
11 shall not be imposed. The board shall not again adopt a
12 resolution authorizing the imposition of a tax levy pursuant
13 to the Learning Center Act for at least two years after the
14 date of the resolution that the voters rejected.

15 G. The board may discontinue by resolution the
16 imposition of any tax authorized pursuant to the Learning
17 Center Act. The discontinuance resolution shall be mailed to
18 the department of finance and administration no later than
19 June 15 of the year in which a tax rate pursuant to that act
20 is not to be certified."

21 SECTION 83. Section 22-5-8 NMSA 1978 (being Laws 1967,
22 Chapter 16, Section 31, as amended) is amended to read:

23 "22-5-8. TERM OF OFFICE.--

24 A. The full term of office of a member of a [~~local~~]
25 school board shall be four years [~~from March 1~~] succeeding

1 ~~[his]~~ the member's election to office at a regular ~~[school~~
 2 ~~district]~~ local election held pursuant to the Local Election
 3 Act.

4 B. Any member of a ~~[local]~~ school board whose term
 5 of office has expired shall continue in that office until
 6 ~~[his]~~ a successor is elected and qualified."

7 **SECTION 84.** Section 22-7-1 NMSA 1978 (being Laws 1977,
 8 Chapter 308, Section 1) is amended to read:

9 "22-7-1. SHORT TITLE.--~~[This act]~~ Chapter 22, Article 7
 10 NMSA 1978 may be cited as the "Local School Board Member
 11 Recall Act"."

12 **SECTION 85.** Section 22-7-13 NMSA 1978 (being Laws 1977,
 13 Chapter 308, Section 13, as amended) is amended to read:

14 "22-7-13. SPECIAL RECALL ELECTION.--

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

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

24 C. A special recall election may be held in
 25 conjunction with a regular or ~~[a]~~ local special ~~[school~~

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1 ~~district~~] election.

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

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

25 ~~[F. All special recall elections shall be held in~~

1 ~~compliance with the federal Voting Rights Act of 1965, as~~
 2 ~~amended.~~

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

7 SECTION 86. Section 22-18-2 NMSA 1978 (being Laws 1967,
 8 Chapter 16, Section 229, as amended) is amended to read:

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

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

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

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

18 SECTION 87. Section 22-18-4 NMSA 1978 (being Laws 1967,
19 Chapter 16, Section 231, as amended) is amended to read:

20 "22-18-4. BOND ELECTIONS--CONDUCT.--

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

24 B. Bond elections in a school district shall be
25 conducted pursuant to the [~~Election Code, except as otherwise~~

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1 ~~provided in Sections 22-18-1 through 22-18-12 NMSA 1978, the~~
 2 ~~School Election Law and the Bond] Local Election Act."~~

3 SECTION 88. Section 22-18-8 NMSA 1978 (being Laws 1967,
 4 Chapter 16, Section 235) is amended to read:

5 "22-18-8. RESTRICTION ON BOND ELECTIONS.--In the event
 6 a majority of those persons voting on a question submitted to
 7 the voters in a bond election [~~vote~~] votes against creating a
 8 debt by issuing general obligation bonds, no bond election
 9 shall be held on the same question for a period of two years
 10 from the date of the bond election [~~except upon the~~
 11 ~~presentation of a petition pursuant to Section 77-15-2 New~~
 12 ~~Mexico Statutes Annotated, 1953 Compilation and after the~~
 13 ~~expiration of at least six months from the date of the~~
 14 ~~previous bond election on the question. If a majority of~~
 15 ~~those persons voting on a question submitted to the voters in~~
 16 ~~a bond election for a second time within two years vote~~
 17 ~~against creating a debt by issuing general obligation bonds,~~
 18 ~~no bond election shall then be held on the same question for~~
 19 ~~a period of two years from the date of first bond election on~~
 20 ~~the question]."~~

21 SECTION 89. Section 22-25-5 NMSA 1978 (being Laws 1975
 22 (S.S.), Chapter 5, Section 5, as amended) is amended to read:

23 "22-25-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

24 A. An election on the question of imposing a tax
 25 under the Public School Capital Improvements Act [~~may~~] shall

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

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

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

22 **SECTION 90.** Section 22-26-5 NMSA 1978 (being Laws 1983,
23 Chapter 163, Section 5, as amended) is amended to read:

24 "22-26-5. CONDUCT OF ELECTION--NOTICE--BALLOT.--

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

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

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

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

22 **SECTION 91.** Section 22-26A-10 NMSA 1978 (being Laws
 23 2007, Chapter 173, Section 10, as amended) is amended to
 24 read:

25 "22-26A-10. CONDUCT OF ELECTION--NOTICE--BALLOT.--

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1 A. An election on the question of imposing a tax
2 under Sections 22-26A-8 through 22-26A-12 NMSA 1978 [~~may~~
3 shall 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 resolution 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 thirty years upon the net taxable value
17 of all property allocated to the school district for payments
18 due under lease purchase arrangements.

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 lease purchase tax"
22 or "against the lease purchase tax"."

23 **SECTION 92.** Section 22-26A-11 NMSA 1978 (being Laws
24 2007, Chapter 173, Section 11) is amended to read:

25 "22-26A-11. ELECTION RESULTS--CERTIFICATION.--The

1 certification of the results of an election held on the
 2 question of imposition of a lease purchase tax shall be made
 3 in accordance with the [~~School Election Law~~] Local Election
 4 Act, and a copy of the certificate of results shall be mailed
 5 immediately to the secretary."

6 **SECTION 93.** Section 60-5A-1 NMSA 1978 (being Laws 1981,
 7 Chapter 39, Section 15, as amended) is amended to read:

8 "60-5A-1. ELECTIONS FOR LOCAL OPTION.--Any municipality
 9 containing over five thousand [~~population~~] persons according
 10 to the latest United States census, whether the county in
 11 which that municipality is situated has adopted the local
 12 option provisions of the Liquor Control Act or any former act
 13 or not, or any county in the state may adopt local option in
 14 the county or municipality upon the following terms and
 15 conditions:

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

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

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

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

19 D. except as otherwise provided in this section,
20 contests, recounts and rechecks shall be permitted as
21 provided for in the case of candidates for county office in
22 general elections or as provided for in the case of special
23 [~~municipal~~] elections within the municipality. Applications
24 for contests, recounts or rechecks may be filed by any person
25 who voted in the election, and service shall be made upon the

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underscored material = new
[bracketed material] = delete

1 county clerk or municipal clerk as the case may be;

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

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

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

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

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

22 I. nothing in this section shall invalidate any
23 local option election held pursuant to any former act prior
24 to July 1, 1981."

25 SECTION 94. Section 60-7A-1 NMSA 1978 (being Laws 1981,

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1 Chapter 39, Section 47, as amended) is amended to read:

2 "60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--
3 CHRISTMAS DAY SALES--SUNDAY SALES FOR CONSUMPTION OFF THE
4 LICENSED PREMISES--ELECTIONS.--

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

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

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

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

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

24 C. A dispenser, restaurant licensee or club may,
25 upon payment of an additional fee of one hundred dollars

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

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

22 E. Sunday sales pursuant to the provisions of
23 Subsection C of this section are permitted in a local option
24 district that voted to permit them. If in that election a
25 majority of the voters in a local option district voted "no"

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1 on the question "Shall Sunday sales of alcoholic beverages by
2 the drink for consumption on the licensed premises of
3 licensees be allowed in this local option district?", Sunday
4 sales are unlawful in that local option district upon
5 certification of the election returns unless the provisions
6 of Subsection J of this section apply. The question shall
7 not again be placed on the ballot in that local option
8 district until:

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

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

18 F. On and after July 1, 2002, dispensers, canopy
19 licensees that were replaced by dispenser's licensees
20 pursuant to Section 60-6B-16 NMSA 1978, restaurant licensees,
21 club licensees and governmental licensees or lessees of these
22 licensees; provided that the licensees have current, valid
23 food service establishment permits, may sell, serve or allow
24 the consumption of alcoholic beverages by the drink on
25 licensed premises from noon until 10:00 p.m. on Christmas

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

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

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

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1 copy of such enactment is filed with the office of the
2 director and with the secretary of state.

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

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

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

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

22 **SECTION 95.** Section 62-6-5 NMSA 1978 (being Laws 1941,
 23 Chapter 84, Section 17A, as amended) is amended to read:

24 "62-6-5. LOCAL OPTION.--Notwithstanding any of the
 25 provisions in Section 62-6-4 NMSA 1978, any municipality

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

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

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1 held at the same time as [~~and through the election machinery~~
2 ~~used at~~] that election;

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

7 "For regulation of municipally owned
8 utilities by the [~~New Mexico~~] public
9 [~~utility~~] regulation commission _____
10 Against regulation of municipally owned
11 utilities by the [~~New Mexico~~] public
12 [~~utility~~] regulation commission _____".

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

23 C. no elections for the same purpose shall be held
24 within two years of each other."

25 SECTION 96. Section 72-16-1 NMSA 1978 (being Laws 1963,

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underscored material = new
[bracketed material] = delete

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

2 "72-16-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article
3 16 NMSA 1978 may be cited as the "Arroyo Flood Control Act"."

4 SECTION 97. Section 72-16-4 NMSA 1978 (being Laws 1963,
5 Chapter 311, Section 4) is amended to read:

6 "72-16-4. DEFINITIONS.--Except where the context
7 otherwise requires, ~~[the definitions in this section govern~~
8 ~~the construction hereof]~~ as used in the Arroyo Flood Control
9 Act:

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

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

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

22 D. "board" means the board of directors of the
23 Albuquerque metropolitan arroyo flood control authority;

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

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

19 G. "cost" or "cost of the project", or words of
 20 similar import, means [~~all, or~~] any part designated by the
 21 board of the cost of any facilities, project or interest
 22 [~~therein~~] being acquired and of [~~all or~~] any property,
 23 rights, easements, privileges, agreements and franchises
 24 deemed by the authority to be necessary or useful and
 25 convenient [~~therefor~~] or in connection therewith, which cost,

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

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

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

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

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

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

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

25 N. "federal securities" means the bills,

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1 certificates of indebtedness, notes or bonds [~~which~~] that are
2 direct obligations of, or the principal and interest of which
3 obligations are unconditionally guaranteed by, the United
4 States [~~of America~~];

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

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

16 Q. "improvement" or "improve" means the extension,
17 widening, lengthening, betterment, alteration,
18 reconstruction, repair or other improvement, or any
19 combination, [~~thereof~~] of facilities, other property or
20 project or any interest [~~therein, herein~~] in them, authorized
21 by the Arroyo Flood Control Act;

22 R. "mailed notice" or "notice by mail" means the
23 giving by the engineer, secretary or any deputy [~~thereof~~], as
24 determined by the board, of any designated written or printed
25 notice addressed to the last known owner [~~or owners~~] of each

1 tract of real property in question or other designated person
 2 at [~~his or their~~] the owner's last known address [~~or~~
 3 ~~addresses~~], by deposit, at least ten days prior to the
 4 designated hearing or other time or event, in the United
 5 States mails, postage prepaid, as first-class mail. In the
 6 absence of fraud, the failure to mail [~~any such~~] a notice
 7 shall not invalidate any proceedings [~~hereunder~~] under the
 8 Arroyo Flood Control Act. The names and addresses of [~~such~~]
 9 the property owners shall be obtained from the records of the
 10 county assessor or from such other source [~~or sources~~] as the
 11 secretary or the engineer [~~deem~~] deems reliable. Any list of
 12 [~~such~~] names and addresses may be revised from time to time,
 13 but [~~such a~~] the list need not be revised more frequently
 14 than at twelve-month intervals. Any mailing of [~~any~~] notice
 15 [~~herein~~] required shall be verified by the affidavit or
 16 certificate of the engineer, secretary, [~~the~~] deputy or other
 17 person mailing the notice, which verification shall be
 18 retained in the records of the authority at least until all
 19 taxes and securities appertaining [~~thereto~~] to taxes have
 20 been paid in full or any claim is barred by a statute of
 21 limitations;

22 S. "may" is permissive;

23 T. "municipality" means the city of Albuquerque or
 24 any other incorporated city, town or village in the state,
 25 whether incorporated or governed under a general act, special

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1 legislative act or special charter of any type. "Municipal"
2 pertains thereto;

3 U. "person" means any human being, association,
4 partnership, firm or corporation, excluding a public body and
5 excluding the federal government;

6 V. "president" means the president of the authority
7 and the ~~chairman~~ chair of the board;

8 W. "project" means any structure, facility,
9 undertaking or system ~~which~~ that the authority is ~~herein~~
10 authorized to acquire, improve, equip, maintain or operate.

11 A project may consist of all kinds of personal and real
12 property. A project shall appertain to the flood control
13 system ~~which~~ that the authority is ~~hereby~~ authorized and
14 directed to provide within and without the authority's
15 boundaries;

16 X. "property" means real property and personal
17 property;

18 Y. "publication" or "publish" means publication in
19 at least the one newspaper designated as the authority's
20 official newspaper and published in the authority in the
21 English language at least once a week and of general
22 circulation in the authority. Except as ~~herein~~ otherwise
23 specifically provided or necessarily implied, "publication"
24 or "publish" also means publication for at least once a week
25 for three consecutive weeks by three weekly insertions, the

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1 first publication being at least fifteen days prior to the
 2 designated time or event, unless otherwise [~~so~~] stated. It
 3 is not necessary that publication be made on the same day of
 4 the week in each of the three calendar weeks, but not less
 5 than fourteen days shall intervene between the first
 6 publication and the last publication, and publication shall
 7 be complete on the day of the last publication. Any
 8 publication [~~herein~~] required shall be verified by the
 9 affidavit of the publisher and filed with the secretary;

10 Z. "public body" means the state [~~of New Mexico~~] or
 11 any agency, instrumentality or corporation [~~thereof~~] of the
 12 state, or any municipality, school district or other type
 13 district or any other political subdivision of the state,
 14 excluding the authority and excluding the federal government;

15 AA. "qualified elector" means a person qualified
 16 and registered to vote in general elections in the state [~~of~~
 17 ~~New Mexico~~] who is a resident of the authority at the time of
 18 any election held under the provisions of [~~this~~] the Arroyo
 19 Flood Control Act or at any other time in reference to which
 20 the term "qualified elector" is used;

21 BB. "real property" means:
 22 (1) land, including land under water;
 23 (2) buildings, structures, fixtures and
 24 improvements on land;
 25 (3) any property appurtenant to or used in

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1 connection with land; and

2 (4) every estate, interest, privilege,
3 easement, franchise and right in land, legal or equitable,
4 including without limiting the generality of the foregoing,
5 rights of way, terms for years and liens, charges or
6 encumbrances by way of judgment, mortgage or otherwise, and
7 the indebtedness secured by [~~such~~] the liens;

8 CC. "secretary" means the secretary of the
9 authority;

10 DD. "secretary of state" means the secretary of the
11 state of New Mexico;

12 EE. "securities" means any notes, warrants, bonds,
13 temporary bonds or interim debentures or other obligations of
14 the authority or any public body appertaining to any project,
15 or interest [~~therein, herein~~] in a project authorized by the
16 Arroyo Flood Control Act;

17 FF. "sewer facilities" means any one or more of the
18 various devices used in the collection, [~~channelling~~]
19 channeling, impounding or disposition of storm, flood or
20 surface drainage waters, including all inlets, collection,
21 drainage or disposal lines, canals, intercepting sewers,
22 outfall sewers, all pumping, power and other equipment and
23 appurtenances; all extensions, improvements, remodeling,
24 additions and alterations [~~thereof~~]; and any [~~and all~~] rights
25 or interest in such sewer facilities;

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1 GG. "sewer improvement" or "improve any sewer"
2 means the acquisition, reacquisition, improvement,
3 reimprovement or repair of any storm sewer, or combination
4 storm and sanitary sewer, including [~~but not limited to~~]
5 collecting and intercepting sewer lines or mains, submains,
6 trunks, laterals, outlets, ditches, ventilation stations,
7 pumping facilities, ejector stations and all other
8 appurtenances and machinery necessary, useful or convenient
9 for the collection, transportation and disposal of storm
10 water;

11 HH. "shall" is mandatory;

12 II. "state" means the state of New Mexico or any
13 agency, instrumentality or corporation [~~thereof~~] of the state
14 of New Mexico;

15 JJ. "street" means any street, avenue, boulevard,
16 alley, highway or other public right of way used for any
17 vehicular traffic;

18 KK. "taxes" means general (ad valorem) taxes
19 pertaining to any project [~~herein~~] authorized by the Arroyo
20 Flood Control Act; and

21 [~~LL. "taxpaying elector" means a qualified elector~~
22 ~~of the authority who is an owner of real or personal property~~
23 ~~within the boundaries of the authority, which property is~~
24 ~~subject to general (ad valorem) taxation at the time of any~~
25 ~~election held under the provisions of this act or at any~~

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1 ~~other time in reference to which the term "taxpaying elector"~~
2 ~~is used. A person who is obligated to pay general (ad~~
3 ~~valorem) taxes under a contract to purchase real property in~~
4 ~~the authority shall be considered as such an owner. The~~
5 ~~ownership of any property subject to the payment of a~~
6 ~~specific ownership tax on a motor vehicle or trailer or of~~
7 ~~any other excise or property tax other than such general (ad~~
8 ~~valorem) taxes shall not constitute the ownership of property~~
9 ~~subject to taxation as herein provided;~~

10 ~~MM.]~~ LL. "treasurer" means the treasurer of the
11 authority."

12 SECTION 98. Section 72-16-8 NMSA 1978 (being Laws 1963,
13 Chapter 311, Section 8) is amended to read:

14 "72-16-8. BOARD OF DIRECTORS.--The governing body of
15 the authority hereby created is a board of directors
16 consisting of five qualified electors of the authority. All
17 powers, rights, privileges and duties vested in or imposed
18 upon the authority are exercised and performed by and through
19 the board of directors; provided that the exercise of any
20 ~~[and all]~~ executive, administrative and ministerial powers
21 may be, by the board, delegated and redelegated to officers
22 and employees of the authority. Except for the first
23 directors appointed as ~~[hereinafter]~~ provided for in Section
24 72-16-9 NMSA 1978, and except for any director chosen to fill
25 an unexpired term, the term of each director ~~[commences on~~

1 ~~the first day of January next following a general election in~~
 2 ~~the state and]~~ runs for six years. Each director, subject to
 3 [~~said~~] such exceptions, shall serve [~~such~~] a six-year term
 4 [~~ending on the first day of January next following a general~~
 5 ~~election]~~, and each director shall serve until [~~his~~] a
 6 successor has been duly chosen and qualified."

7 SECTION 99. Section 72-16-10 NMSA 1978 (being Laws
 8 1963, Chapter 311, Section 10, as amended) is amended to
 9 read:

10 "72-16-10. ELECTION OF DIRECTORS.--

11 A. [~~At each general election]~~ Elections shall be
 12 held pursuant to the provisions of the Local Election Act.
 13 Directors shall be elected from single-member districts in
 14 which they reside. The board shall ensure that the districts
 15 remain contiguous, compact and as equal in population as is
 16 practicable, assessing the existing districts following each
 17 federal decennial census to accomplish that objective. A
 18 redistricting shall be effective at the following regular
 19 board election. Incumbent board members whose residences are
 20 redistricted out of their districts may serve out their term
 21 of office.

22 B. The qualified electors of the authority shall
 23 elect similarly one or two qualified electors as directors to
 24 serve six-year terms as directors and as successors to the
 25 directors whose terms end [~~on the first day of January next]~~

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1 following each election. Nothing [~~herein~~] may be construed
2 as preventing [~~a~~] qualified [~~elector~~] electors of the
3 authority from [~~any~~] single-member [~~district~~] districts from
4 being elected or reelected as [~~a director~~] directors to
5 succeed [~~himself~~] themselves."

6 SECTION 100. Section 72-16-11 NMSA 1978 (being Laws
7 1963, Chapter 311, Section 11, as amended) is amended to
8 read:

9 "72-16-11. NOMINATION OF DIRECTORS.-- [~~Not later than~~
10 ~~forty-five days before a proposal to incur debt is first~~
11 ~~submitted to the taxpaying electors or at the first general~~
12 ~~election next following the effective date of the Arroyo~~
13 ~~Flood Control Act, whichever occurs first]~~ Written
14 nominations of any candidate as director may be filed [~~with~~
15 ~~the secretary of the board~~] in accordance with the provisions
16 of the Local Election Act. Each nomination of any candidate
17 shall be signed by not less than fifty [~~taxpaying~~] qualified
18 electors who reside within the district for which the
19 candidate has been nominated, shall designate [~~therein~~] the
20 name of the [~~candidates thereby~~] candidate nominated and
21 shall recite that the subscribers are [~~taxpaying~~] qualified
22 electors of the district for which the candidate is nominated
23 and that the candidate [~~or candidates~~] designated [~~therein~~
24 ~~are~~] is a qualified [~~electors~~] elector of the authority and
25 [~~reside~~] resides within the district for which [~~they are~~] the

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1 candidate is nominated. No ~~[taxpaying]~~ qualified elector may
 2 nominate more than one candidate for any vacancy. ~~[If a~~
 3 ~~candidate does not withdraw his name before the time~~
 4 ~~established by the county for purposes of absentee ballots or~~
 5 ~~as set forth in the Election Code, whichever is earlier, his~~
 6 ~~name shall be placed on the ballot. For any election held~~
 7 ~~after November 6, 1984, nominations shall be made by~~
 8 ~~qualified electors in accordance with the procedures and~~
 9 ~~limitations of this section, except that such nominations~~
 10 ~~shall be filed with the secretary of the board not later than~~
 11 ~~the fourth Tuesday in June preceding the general election.]"~~

12 SECTION 101. Section 72-16-13 NMSA 1978 (being Laws
 13 1963, Chapter 311, Section 13) is amended to read:

14 "72-16-13. ORGANIZATIONAL MEETINGS.--Except for the
 15 first board, each board shall meet on the first business day
 16 ~~[next]~~ following the first day of ~~[January in each odd-~~
 17 ~~numbered year]~~ the month that the term of office begins for
 18 members elected in the immediately preceding election at the
 19 office of the board within the authority. Each member of the
 20 board, before entering upon ~~[his]~~ the member's official
 21 duties, shall take and subscribe on oath ~~[that he will]~~ to
 22 support the constitution of the United States and the
 23 constitution and laws of New Mexico and ~~[that he will]~~ to
 24 discharge faithfully and impartially ~~[discharge]~~ the duties
 25 of ~~[his]~~ office to the best of ~~[his]~~ the member's ability,

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1 which oath shall be filed in the office of the secretary of
2 state. Each director shall, before entering upon [~~his~~] the
3 director's official duties, give a bond to the authority in
4 the sum of ten thousand dollars (\$10,000) with good and
5 sufficient surety, conditioned for the faithful performance
6 of [~~each and~~] all of the duties of [~~his~~] office, without
7 fraud, deceit or oppression, and the accounting for all
8 [~~moneys~~] money and property coming into [~~his~~] the director's
9 hands and the prompt and faithful payment of all [~~moneys~~]
10 money and the delivering of all property coming into [~~his~~]
11 the director's custody or control belonging to the authority
12 to [~~his~~] the director's successors in office. Premiums on
13 all bonds provided for in this section shall be paid by the
14 authority, and all such bonds shall be kept on file in the
15 office of the secretary of state."

16 SECTION 102. Section 72-16-22 NMSA 1978 (being Laws
17 1963, Chapter 311, Section 22, as amended) is amended to
18 read:

19 "72-16-22. ADDITIONAL POWERS OF THE AUTHORITY.--The
20 authority may exercise the following duties, privileges,
21 immunities, rights, liabilities and disabilities appertaining
22 to a public body politic and corporate and constituting a
23 quasi-municipal corporation and political subdivision of the
24 state established as an instrumentality exercising public and
25 essential governmental and proprietary functions to provide

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1 for the public health, safety and general welfare:

2 A. perpetual existence and succession;

3 B. adopt, have and use a corporate seal and alter
4 the same at pleasure;

5 C. sue and be sued and be a party to suits, actions
6 and proceedings;

7 D. commence, maintain, intervene in, defend,
8 compromise, terminate by settlement or otherwise, and
9 otherwise participate in, and assume the cost and expense of,
10 any and all actions and proceedings now or hereafter begun
11 and appertaining to the authority, its board, its officers,
12 agents or employees, or any of the authority's duties,
13 privileges, immunities, rights, liabilities and disabilities,
14 or the authority's flood control system, other property of
15 the authority or any project;

16 E. enter into contracts and agreements, including
17 but not limited to contracts with the federal government, the
18 state and any other public body;

19 F. borrow money and issue securities evidencing any
20 loan to or amount due by the authority, provide for and
21 secure the payment of any securities and the rights of the
22 holders thereof, and purchase, hold and dispose of
23 securities, as hereinafter provided;

24 G. refund any loan or obligation of the authority
25 and issue refunding securities to evidence such loan or

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1 obligation without any election;

2 H. purchase, trade, exchange, encumber and
3 otherwise acquire, maintain and dispose of property and
4 interests therein;

5 I. levy and cause to be collected general (ad
6 valorem) taxes on all property subject to property taxation
7 within the authority; provided that the total tax levy,
8 excluding any levy for the payment of any debt of the
9 authority authorized pursuant to the Arroyo Flood Control
10 Act, for any fiscal year shall not exceed an aggregate total
11 of fifty cents (\$.50), or any lower amount required by
12 operation of the rate limitation provisions of Section
13 7-37-7.1 NMSA 1978 upon this tax levy, for each one thousand
14 dollars (\$1,000) of net taxable value, as that term is
15 defined in the Property Tax Code, by certifying, on or before
16 the fifteenth day of July in each year in which the board
17 determines to levy a tax, to the board of county
18 commissioners of Bernalillo county, or by such other date as
19 the laws of the state may prescribe to such other body having
20 authority to levy taxes within each county wherein the
21 authority has any territory, the rate so fixed, with
22 directions that, at the time and in the manner required by
23 law for levying taxes for other purposes, such body having
24 authority to levy taxes shall levy the tax upon the net
25 taxable value of all property subject to property taxation

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1 within the authority, in addition to such other taxes as may
 2 be levied by such body, as provided in Sections 72-16-23
 3 through 72-16-27 NMSA 1978. No taxes may be levied and
 4 collected for any purpose, or any contract made, until a bond
 5 issue has been submitted to and approved by the [~~taxpaying~~
 6 qualified electors as hereinafter provided;

7 J. hire and retain officers, agents, employees,
 8 engineers, attorneys and any other persons, permanent or
 9 temporary, necessary or desirable to effect the purposes
 10 hereof, defray any expenses incurred thereby in connection
 11 with the authority, and acquire office space, equipment,
 12 services, supplies, fire and extended coverage insurance, use
 13 and occupancy insurance, [~~workmen's~~ workers' compensation
 14 insurance, property damage insurance, public liability
 15 insurance for the authority and its officers, agents and
 16 employees, and other types of insurance, as the board may
 17 determine; provided, however, that no provision herein
 18 authorizing the acquisition of insurance shall be construed
 19 as waiving any immunity of the authority or any director,
 20 officer or agent thereof and otherwise existing under the
 21 laws of the state;

22 K. condemn property for public use;

23 L. acquire, improve, equip, hold, operate, maintain
 24 and dispose of a flood control system, storm sewer
 25 facilities, project and appurtenant works, or any interest

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1 therein, wholly within the authority, or partially within and
2 partially without the authority, and wholly within, wholly
3 without or partially within and partially without any public
4 body all or any part of the area of which is situated within
5 the authority;

6 M. pay or otherwise defray the cost of any project;

7 N. pay or otherwise defray and contract so to pay
8 or defray, for any term not exceeding fifty years, without an
9 election, except as hereinafter otherwise provided, the
10 principal of, any interest on, and any other charges
11 appertaining to, any securities or other obligations of the
12 federal government or any public body or person incurred in
13 connection with any such property so acquired by the
14 authority;

15 O. establish and maintain facilities within or
16 without the authority, across or along any public street,
17 highway, bridge, viaduct or other public right of way, or in,
18 upon, under or over any vacant public lands, which public
19 lands are now, or may become, the property of the state, or
20 across any stream of water or water course, without first
21 obtaining a franchise from the municipality, county or other
22 public body having jurisdiction over the same; provided that
23 the authority shall cooperate with any public body having
24 such jurisdiction, shall promptly restore any such street,
25 highway, bridge, viaduct or other public right of way to its

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1 former state of usefulness as nearly as may be and shall not
2 use the same in such manner as to impair completely or
3 unnecessarily the usefulness thereof;

4 P. deposit any money of the authority, subject to
5 the limitations in Article 8, Section 4 of the constitution
6 of New Mexico, in any banking institution within or without
7 the state and secured in such manner and subject to such
8 terms and conditions as the board may determine, with or
9 without the payment of any interest on any such deposit;

10 Q. invest any surplus money in the authority
11 treasury, including such money in any sinking or reserve fund
12 established for the purpose of retiring any securities of the
13 authority, not required for the immediate necessities of the
14 authority, in its own securities or in federal securities, by
15 direct purchase of any issue of such securities, or part
16 thereof, at the original sale of the same, or by the
17 subsequent purchase of such securities;

18 R. sell any such securities thus purchased and
19 held, from time to time;

20 S. reinvest the proceeds of any such sale in other
21 securities of the authority or in federal securities, as
22 provided in Subsection Q of this section;

23 T. sell in season from time to time such securities
24 thus purchased and held, so that the proceeds may be applied
25 to the purposes for which the money with which such

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1 securities were originally purchased was placed in the
2 treasury of the authority;

3 U. accept contributions or loans from the federal
4 government for the purpose of financing the planning,
5 acquisition, improvement, equipment, maintenance and
6 operation of any enterprise in which the authority is
7 authorized to engage, and enter into contracts and cooperate
8 with, and accept cooperation and participation from, the
9 federal government for these purposes;

10 V. enter, without any election, into joint
11 operating or service contracts and agreements, acquisition,
12 improvement, equipment or disposal contracts or other
13 arrangements, for any term not exceeding fifty years, with
14 the federal government, any public body or any person
15 concerning storm sewer facilities, or any project, whether
16 acquired by the authority or by the federal government, any
17 public body or any person, and accept grants and
18 contributions from the federal government, any public body or
19 any person in connection therewith;

20 W. enter into and perform, without any election,
21 when determined by the board to be in the public interest and
22 necessary for the protection of the public health, contracts
23 and agreements, for any term not exceeding fifty years, with
24 the federal government, any public body or any person for the
25 provision and operation by the authority of storm sewer

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1 facilities;

2 X. enter into and perform, without any election,
3 contracts and agreements with the federal government, any
4 public body or any person for or concerning the planning,
5 construction, lease or other acquisition, improvement,
6 equipment, operation, maintenance, disposal, and the
7 financing of any project, including but not necessarily
8 limited to any contract or agreement for any term not
9 exceeding fifty years;

10 Y. enter upon any land, make surveys, borings,
11 soundings and examinations for the purposes of the authority,
12 and locate the necessary works of any project and roadways
13 and other rights of way appertaining to any project herein
14 authorized; acquire all property necessary or convenient for
15 the acquisition, improvement or equipment of such works;

16 Z. cooperate with and act in conjunction with the
17 state, or any of its engineers, officers, boards, commissions
18 or departments, or with the federal government or any of its
19 engineers, officers, boards, commissions or departments, or
20 with any other public body or any person in the acquisition,
21 improvement or equipment of any project for the controlling
22 of flood or storm waters of the authority, or for the
23 protection of life or property therein, or for any other
24 works, acts or purposes provided for herein, and adopt and
25 carry out any definite plan or system of work for any such

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1 purpose;

2 AA. cooperate with the federal government or any
3 public body by an agreement therewith by which the authority
4 may:

5 (1) acquire and provide, without cost to the
6 operating entity, the land, easements and [~~rights-of-way~~]
7 rights of way necessary for the acquisition, improvement or
8 equipment of the flood control system or any project;

9 (2) hold and save harmless the cooperating
10 entity free from any claim for damages arising from the
11 acquisition, improvement, equipment, maintenance and
12 operation of the flood control system or any project;

13 (3) maintain and operate any project in
14 accordance with regulations prescribed by the cooperating
15 entity; and

16 (4) establish and enforce flood channel limits
17 and regulations, if any, satisfactory to the cooperating
18 entity;

19 BB. carry on technical and other investigations of
20 all kinds, make measurements, collect data and make analyses,
21 studies and inspections pertaining to control of floods,
22 sewer facilities, and any project, both within and without
23 the authority, and for this purpose the authority has the
24 right of access through its authorized representative to all
25 lands and premises within the state;

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1 CC. have the right to provide from revenues or
2 other available funds an adequate fund for the improvement
3 and equipment of the authority's flood control system or of
4 any parts of the works and properties of the authority;

5 DD. prescribe and enforce reasonable rules and
6 regulations for the prevention of further encroachment upon
7 existing defined waterways, by their enlargement or other
8 modification, for additional waterway facilities to prevent
9 flooding;

10 EE. require any person desiring to make a
11 connection to any storm water drain or flood control facility
12 of the authority or to cause storm waters to be emptied into
13 any ditch, drain, canal, floodway or other appurtenant
14 structure of the authority firstly to make application to the
15 board to make the connection, to require the connection to be
16 made in such manner as the board may direct;

17 FF. refuse, if reasonably justified by the
18 circumstances, permission to make any connection designated
19 in Subsection DD or Subsection EE of this section;

20 GG. make and keep records in connection with any
21 project or otherwise concerning the authority;

22 HH. arbitrate any differences arising in connection
23 with any project or otherwise concerning the authority;

24 II. have the management, control and supervision of
25 all the business and affairs appertaining to any project

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1 herein authorized, or otherwise concerning the authority, and
2 of the acquisition, improvement, equipment, operation and
3 maintenance of any such project;

4 JJ. prescribe the duties of officers, agents,
5 employees and other persons and fix their compensation;
6 provided that the compensation of employees and officers
7 shall be established at prevailing rates of pay for
8 equivalent work;

9 KK. enter into contracts of indemnity and guaranty,
10 in such form as may be approved by the board, relating to or
11 connected with the performance of any contract or agreement
12 which the authority is empowered to enter into under the
13 provisions hereof or of any other law of the state;

14 LL. provide, by any contract for any term not
15 exceeding fifty years, or otherwise, without an election:

16 (1) for the joint use of personnel, equipment
17 and facilities of the authority and any public body,
18 including without limitation public buildings constructed by
19 or under the supervision of the board of the authority or the
20 governing body of the public body concerned, upon such terms
21 and agreements and within such areas within the authority as
22 may be determined, for the promotion and protection of
23 health, comfort, safety, life, welfare and property of the
24 inhabitants of the authority and any such public body; and

25 (2) for the joint employment of clerks,

1 stenographers and other employees appertaining to any
2 project, now existing or hereafter established in the
3 authority, upon such terms and conditions as may be
4 determined for the equitable apportionment of the expenses
5 therefrom resulting;

6 MM. obtain financial statements, appraisals,
7 economic feasibility reports and valuations of any type
8 appertaining to any project or any property pertaining
9 thereto;

10 NN. adopt any resolution authorizing a project or
11 the issuance of securities, or both, or otherwise
12 appertaining thereto, or otherwise concerning the authority;

13 OO. make and execute a mortgage, deed of trust,
14 indenture or other trust instrument appertaining to a project
15 or to any securities herein authorized, or to both, except as
16 provided in Subsection PP of this section and in Section
17 72-16-54 NMSA 1978;

18 PP. make all contracts, execute all instruments and
19 do all things necessary or convenient in the exercise of the
20 powers granted herein, or in the performance of the
21 authority's covenants or duties, or in order to secure the
22 payment of its securities; provided that no encumbrance,
23 mortgage or other pledge of property, excluding any money, of
24 the authority is created thereby; and provided further that
25 no property, excluding money, of the authority is liable to

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1 be forfeited or taken in payment of such securities;

2 QQ. have and exercise all rights and powers
3 necessary or incidental to or implied from the specific
4 powers granted herein, which specific powers shall not be
5 considered as a limitation upon any power necessary or
6 appropriate to carry out the purposes and intent hereof; and

7 RR. exercise all or any part or combination of the
8 powers herein granted."

9 SECTION 103. Section 72-16-28 NMSA 1978 (being Laws
10 1963, Chapter 311, Section 28, as amended) is amended to
11 read:

12 "72-16-28. ELECTIONS.--Each biennial election of
13 directors, each election proposition to issue bonds and all
14 other elections shall be conducted [~~at the time of the~~
15 ~~general election under the direction of the Bernalillo county~~
16 ~~clerk and~~] in accordance with the [~~election laws of New~~
17 ~~Mexico~~] Local Election Act."

18 SECTION 104. Section 72-16-89 NMSA 1978 (being Laws
19 1963, Chapter 311, Section 89) is amended to read:

20 "72-16-89. ISSUANCE OF INTERIM DEBENTURES AND PLEDGE OF
21 BONDS AS COLLATERAL SECURITY.--Notwithstanding any limitation
22 or other provision herein, whenever a majority of the
23 [~~taxpaying~~] qualified electors of the authority voting on a
24 proposal to issue bonds has authorized the authority to issue
25 bonds for any purpose herein authorized, the authority is

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1 authorized to borrow money without any other election in
2 anticipation of taxes, the proceeds of [~~said~~] the bonds or
3 any other revenues of the authority, or any combination
4 thereof, and to issue interim debentures to evidence the
5 amount so borrowed. Interim debentures may mature at such
6 time [~~or times~~] not exceeding a period of time equal to the
7 estimated time needed to effect the purpose [~~or purposes~~] for
8 which the bonds are so authorized to be issued, plus two
9 years, as the board may determine. Except as otherwise
10 provided in this section [~~89~~] and in Sections [~~90 and 91~~
11 ~~hereof~~] 72-16-90 and 72-16-91 NMSA 1978, interim debentures
12 shall be issued as provided herein for securities in Sections
13 [~~47 to 80, both inclusive~~] 72-16-47 through 72-16-80 NMSA
14 1978. Taxes, other revenues of the authority, including
15 without limiting the generality of the foregoing, proceeds of
16 bonds to be thereafter issued or reissued or bonds issued for
17 the purpose of securing the payment of interim debentures may
18 be pledged for the purpose of securing the payment of the
19 interim debentures. Any bonds pledged as collateral security
20 for the payment of any interim debentures shall mature at
21 such time [~~or times~~] as the board may determine, but in no
22 event exceeding forty years from the date of either any of
23 such bonds or any of such interim debentures, whichever date
24 [~~be~~] is the earlier. Any such bonds pledged as collateral
25 security shall not be issued in an aggregate principal amount

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1 exceeding the aggregate principal amount of the interim
2 debenture [~~or interim debentures~~] secured by a pledge of such
3 bonds, nor shall they bear interest at any time [~~which~~] that
4 with any interest accruing at the same time on the interim
5 debenture [~~or interim debentures~~] so secured exceeds six
6 percent per [~~annum~~] year."

7 SECTION 105. Section 72-17-1 NMSA 1978 (being Laws
8 1967, Chapter 156, Section 1) is amended to read:

9 "72-17-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article
10 17 NMSA 1978 may be cited as the "Las Cruces Arroyo Flood
11 Control Act".

12 SECTION 106. Section 72-17-4 NMSA 1978 (being Laws
13 1967, Chapter 156, Section 4) is amended to read:

14 "72-17-4. DEFINITIONS.--Except where the context
15 otherwise requires, [~~the definitions in this section govern~~
16 ~~the construction hereof~~] as used in the Las Cruces Arroyo
17 Flood Control Act:

18 A. "act" means the Las Cruces Arroyo Flood Control
19 Act;

20 B. "acquisition" or "acquire" means the opening,
21 laying out, establishment, purchase, construction, securing,
22 installation, reconstruction, lease, gift, grant from the
23 federal government or any public body or person, endowment,
24 bequest, devise, condemnation, transfer, assignment, option
25 to purchase, other contract or other acquirement, or any

1 combination thereof, of facilities, other property or any
 2 project or an interest [~~therein, herein~~] in any facilities,
 3 other property or project authorized;

4 C. "authority" means the Las Cruces metropolitan
 5 arroyo flood control authority hereby created;

6 D. "board" means the board of directors of the Las
 7 Cruces metropolitan arroyo flood control authority;

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

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

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1 necessary land or rights in land;

2 G. "cost" or "cost of the project" or words of
3 similar import, means all or any part designated by the board
4 of the cost of any facilities or project, or interest
5 [~~therein~~] in the facilities or project, being acquired, and
6 all or any property, rights, easements, privileges,
7 agreements and franchises deemed by the authority to be
8 necessary or useful and convenient [~~thereof~~] or in connection
9 [~~therewith~~] with the facilities or project, which cost, at
10 the option of the board, may include all or any part of the
11 incidental costs pertaining to the project, including,
12 without limiting the generality of the foregoing, preliminary
13 expenses advanced by any municipality from funds available
14 for use [~~therefor~~] in the making of surveys, preliminary
15 plans, estimates of cost and other preliminaries; for the
16 costs of appraising and printing and employing engineers,
17 architects, fiscal agents, attorneys at law, clerical help
18 and other agents or employees; for the costs of capitalizing
19 interest or any discount on securities, of inspection, of any
20 administrative, operating and other expenses of the authority
21 prior to the levy and collection of taxes and of reserves for
22 working capital, operation, maintenance or replacement
23 expenses or for payment or security of principal of or
24 interest on any securities; for the costs of making,
25 publishing, posting, mailing and otherwise giving any notice

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underscored material = new
~~[bracketed material] = delete~~

1 in connection with the project, the taking of options, the
 2 issuance of securities, the filing or recordation of
 3 instruments and the levy and collection of taxes and
 4 installments [~~thereof~~]; for the costs of reimbursements by
 5 the authority to any public body, the federal government or
 6 any person of any [~~moneys theretofore~~] money expended for or
 7 in connection with any facility or project; and for all other
 8 expenses necessary or desirable and appertaining to any
 9 project, as estimated or otherwise ascertained by the board;

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

11 I. "disposal" or "dispose" means the sale,
 12 destruction, razing, loan, lease, gift, grant, transfer,
 13 assignment, mortgage, option to sell, other contract or other
 14 disposition, or any combination thereof, of facilities, other
 15 property or any project or an interest [~~therein~~] in the
 16 facilities, property or project, herein authorized;

17 J. "engineer" means any engineer in the permanent
 18 employ of the authority or any independent competent engineer
 19 or firm of [~~such~~] engineers employed by the authority in
 20 connection with any facility, property, project or power
 21 herein authorized;

22 K. "equipment" or "equip" means the furnishing of
 23 all necessary or desirable, related or appurtenant
 24 facilities, or any combination thereof, appertaining to any
 25 facilities, property or project or interest [~~therein~~] in the

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1 facilities, property or project, herein authorized;

2 L. "facility" means any of the water facilities,
3 sewer facilities or other property appertaining to the flood
4 control system of the authority;

5 M. "federal government" means the United States [~~of~~
6 ~~America~~] or any agency, instrumentality or corporation
7 [~~thereof~~] of the United States;

8 N. "federal securities" means the bills,
9 certificates of indebtedness, notes or bonds [~~which~~] that are
10 direct obligations of, or the principal and interest of which
11 obligations are unconditionally guaranteed by, the United
12 States [~~of America~~];

13 O. "governing body" means the city council, city
14 commission, board of commissioners, board of trustees, board
15 of directors or other legislative body of the public body
16 proceeding [~~hereunder~~] under the Las Cruces Arroyo Flood
17 Control Act, in which body the legislative powers of the
18 public body are vested;

19 P. "hereby", "herein", "hereinabove",
20 "hereinafter", "hereinbefore", "hereof", "hereto" and
21 "hereunder" refer to [~~this~~] the Las Cruces Arroyo Flood
22 Control Act and not solely to the particular portion
23 [~~thereof~~] in which [~~such~~] the word is used;

24 Q. "improvement" or "improve" means the extension,
25 widening, lengthening, betterment, alteration,

1 reconstruction, repair or other improvement, or any
 2 combination thereof, of facilities, other property or project
 3 or any interest [~~therein~~] in the facilities, property or
 4 project, herein authorized;

5 R. "mailed notice" or "notice by mail" means the
 6 giving by the engineer, secretary or any deputy [~~thereof~~] of
 7 the engineer or secretary, as determined by the board, of any
 8 designated written or printed notice addressed to the last
 9 known owner [~~or owners~~] of each tract of real property in
 10 question or other designated person at [~~his or their~~] the
 11 person's last known address [~~or addresses~~], by deposit, at
 12 least ten days prior to the designated hearing or other time
 13 or event, in the United States mails, postage prepaid, as
 14 first-class mail. In the absence of fraud, the failure to
 15 mail [~~any such~~] a notice shall not invalidate any proceedings
 16 hereunder. The names and addresses of [~~such~~] the property
 17 owners shall be obtained from the records of the county
 18 assessor or from such other source [~~or sources~~] as the
 19 secretary or the engineer [~~deem~~] deems reliable. Any list of
 20 [~~such~~] names and addresses may be revised from time to time,
 21 but [~~such a~~] the list need not be revised more frequently
 22 than at twelve-month intervals. Any mailing of [~~any~~] a
 23 notice herein required shall be verified by the affidavit or
 24 certificate of the engineer, secretary, the deputy or other
 25 person mailing the notice, which verification shall be

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1 retained in the records of the authority at least until all
2 taxes and securities appertaining [~~thereto~~] to them have been
3 paid in full or any claim is barred by a statute of
4 limitations;

5 S. "may" is permissive;

6 T. "municipality" means the city of Las Cruces or
7 any other incorporated city, town or village in the state,
8 whether incorporated or governed under a general act, special
9 legislative act or special charter of any type. "Municipal"
10 pertains thereto;

11 U. "person" means any human being, association,
12 partnership, firm or corporation, excluding a public body and
13 excluding the federal government;

14 V. "president" means the president of the authority
15 and the [~~chairman~~] chair of the board;

16 W. "project" means any structure, facility,
17 undertaking or system [~~which~~] that the authority is [~~herein~~]
18 authorized to acquire, improve, equip, maintain or operate.

19 A project may consist of all kinds of personal and real
20 property. A project shall appertain to the flood control
21 system [~~which~~] that the authority is [~~hereby~~] authorized and
22 directed to provide within and without the authority's
23 boundaries;

24 X. "property" means real property and personal
25 property;

1 Y. "publication" or "publish" means publication in
 2 at least the one newspaper designated as the authority's
 3 official newspaper and published in the authority in the
 4 English language at least once a week and of general
 5 circulation in the authority. Except as [~~herein~~] otherwise
 6 specifically provided or necessarily implied, "publication"
 7 or "publish" also means publication for at least once a week
 8 for three consecutive weeks by three weekly insertions, the
 9 first publication being at least fifteen days prior to the
 10 designated time or event, unless otherwise [~~so~~] stated. It
 11 is not necessary that publication be made on the same day of
 12 the week in each of the three calendar weeks, but not less
 13 than fourteen days shall intervene between the first
 14 publication and the last publication, and publication shall
 15 be complete on the day of the last publication. Any
 16 publication [~~herein~~] required shall be verified by the
 17 affidavit of the publisher and filed with the secretary;

18 Z. "public body" means the state [~~of New Mexico~~] or
 19 any agency, instrumentality or corporation [~~thereof~~] of the
 20 state or any municipality, school district or other type
 21 district or any other political subdivision of the state,
 22 excluding the authority and excluding the federal government;

23 AA. "qualified elector" means a person qualified
 24 and registered to vote in general elections in the state [~~of~~
 25 ~~New Mexico~~], who is a resident of the authority at the time

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1 of any election held under the provisions of [~~this~~] the Las
2 Cruces Arroyo Flood Control Act or at any other time in
3 reference to which the term "qualified elector" is used;

4 BB. "real property" means:

- 5 (1) land, including land under water;
6 (2) buildings, structures, fixtures and
7 improvements on land;
8 (3) any property appurtenant to or used in
9 connection with land; and
10 (4) every estate, interest, privilege,
11 easement, franchise and right in land, legal or equitable,
12 including without limiting the generality of the foregoing,
13 rights of way, terms for years and liens, charges or
14 encumbrances by way of judgment, mortgage or otherwise, and
15 the indebtedness secured by [~~such~~] liens;

16 CC. "secretary" means the secretary of the
17 authority;

18 DD. "secretary of state" means the secretary of the
19 state of New Mexico;

20 EE. "securities" means any notes, warrants, bonds,
21 temporary bonds or interim debentures or other obligations of
22 the authority or any public body appertaining to any project
23 or interest [~~therein~~] in any project, herein authorized;

24 FF. "sewer facilities" means any one or more of the
25 various devices used in the collection, [~~channelling~~]

1 channeling, impounding or disposition of storm, flood or
2 surface drainage waters, including all inlets, collection,
3 drainage or disposal lines, canals, intercepting sewers,
4 outfall sewers, all pumping, power and other equipment and
5 appurtenances, all extensions, improvements, remodeling,
6 additions and alterations thereof, and any and all rights or
7 interest in [~~such~~] the sewer facilities;

8 GG. "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 HH. "shall" is mandatory;

19 II. "state" means the state of New Mexico or any
20 agency, instrumentality or corporation [~~thereof~~] of the state
21 of New Mexico;

22 JJ. "street" means any street, avenue, boulevard,
23 alley, highway or other public right of way used for any
24 vehicular traffic;

25 KK. "taxes" means general (ad valorem) taxes

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1 pertaining to any project herein authorized; and

2 ~~[LL. "taxpaying elector" means a qualified elector~~
3 ~~of the authority who is an owner of real or personal property~~
4 ~~within the boundaries of the authority, which property is~~
5 ~~subject to general (ad valorem) taxation at the time of any~~
6 ~~election held under the provisions of this act or at any~~
7 ~~other time in reference to which the term "taxpaying elector"~~
8 ~~is used. A person who is obligated to pay general (ad~~
9 ~~valorem) taxes under a contract to purchase real property in~~
10 ~~the authority shall be considered as such an owner. The~~
11 ~~ownership of any property subject to the payment of a~~
12 ~~specific ownership tax on a motor vehicle or trailer or of~~
13 ~~any other excise or property tax other than such general (ad~~
14 ~~valorem) taxes shall not constitute the ownership of property~~
15 ~~subject to taxation as herein provided;~~

16 ~~MM.]~~ LL. "treasurer" means the treasurer of the
17 authority."

18 SECTION 107. Section 72-17-8 NMSA 1978 (being Laws
19 1967, Chapter 156, Section 8) is amended to read:

20 "72-17-8. BOARD OF DIRECTORS.--The governing body of
21 the authority hereby created is a board of directors
22 consisting of five qualified electors of the authority. All
23 powers, rights, privileges and duties vested in or imposed
24 upon the authority are exercised and performed by and through
25 the board of directors; provided that the exercise of any

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1 ~~[and all]~~ executive, administrative and ministerial powers
 2 may be, by the board, delegated and redelegated to officers
 3 and employees of the authority. Except for the first
 4 directors appointed as ~~[hereinafter]~~ provided and except for
 5 any director chosen to fill an unexpired term, the term of
 6 each director ~~[commences on the first day of January next~~
 7 ~~following a general election in the state and]~~ runs for six
 8 years. Each director, subject to ~~[said]~~ such exceptions,
 9 shall serve ~~[such]~~ a six-year term ~~[ending on the first day~~
 10 ~~of January next following a general election]~~, and each
 11 director shall serve until ~~[his]~~ a successor has been duly
 12 chosen and qualified."

13 SECTION 108. Section 72-17-10 NMSA 1978 (being Laws
 14 1967, Chapter 156, Section 10) is amended to read:

15 "72-17-10. ELECTION OF DIRECTORS.--At the time that a
 16 proposal to incur debt ~~[shall be]~~ is first submitted to the
 17 ~~[taxpaying]~~ qualified electors ~~[or at the first general~~
 18 ~~election next following the effective date of the Las Cruces~~
 19 ~~Arroyo Flood Control Act, whichever occurs first]~~, the
 20 qualified electors of the authority shall elect five
 21 qualified directors, two to serve a term ending January 1,
 22 1969, two to serve a term ending January 1, 1971 and one to
 23 serve a term ending January 1, 1973. At the first election,
 24 the five candidates receiving the highest number of votes
 25 shall be elected as directors. The terms of the directors

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1 shall be determined by lot at their organizational meeting.
2 At each [~~general~~] election thereafter, the qualified electors
3 of the authority shall elect similarly one or two qualified
4 electors as directors to serve six-year terms as directors
5 and as successors to the directors whose terms end [~~on the~~
6 ~~first day of January next~~] following each [~~such~~] election.
7 Nothing [~~herein~~] in this section may be construed as
8 preventing [~~a~~] qualified [~~elector~~] electors of the authority
9 from being elected or reelected as [~~a director~~] directors to
10 succeed [~~himself. If there be only one vacancy on the board,~~
11 ~~the candidate receiving the highest number of votes shall be~~
12 ~~elected as director. If there be two vacancies on the board,~~
13 ~~the candidate receiving the highest number of votes and the~~
14 ~~candidate receiving the next highest number of votes shall be~~
15 ~~elected as directors~~] themselves."

16 SECTION 109. Section 72-17-11 NMSA 1978 (being Laws
17 1967, Chapter 156, Section 11) is amended to read:

18 "72-17-11. NOMINATION OF DIRECTORS.-- [~~Not later than~~
19 ~~forty-five days before a proposal to incur debt shall be~~
20 ~~first submitted to the taxpaying electors or at the first~~
21 ~~general election next following the effective date of the Las~~
22 ~~Gruces Arroyo Flood Control Act, whichever occurs first]~~
23 Written nominations of any candidate as director may be filed
24 with the [~~secretary of the board~~] proper filing officer in
25 accordance with the provisions of the Local Election Act.

1 Each nomination of any candidate shall be signed by not less
 2 than fifty [~~taxpaying~~] qualified electors regardless of
 3 whether or not nominated [~~therein~~]; shall designate [~~therein~~]
 4 the name of the candidates [~~thereby nominated~~]; and shall
 5 recite that the subscribers [~~thereto~~] are [~~taxpaying~~]
 6 qualified electors and that the [~~candidate or~~] candidates
 7 designated [~~therein~~] are qualified electors of the authority.
 8 No written nomination may designate more qualified electors
 9 as candidates than there are vacancies. No [~~taxpaying~~]
 10 qualified elector may nominate more than one candidate for
 11 any vacancy. [~~If a candidate does not withdraw his name~~
 12 ~~before the first publication of the notice of election, his~~
 13 ~~name shall be placed on the ballot.]"~~

14 SECTION 110. Section 72-17-13 NMSA 1978 (being Laws
 15 1967, Chapter 156, Section 13) is amended to read:

16 "72-17-13. 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-numbered~~
 19 ~~year~~] the month that the term of office begins for members
 20 elected in the immediately preceding election at the office
 21 of the board within the authority. Each member of the board,
 22 before entering upon [~~his~~] the member's official duties,
 23 shall take and subscribe an oath that [~~he~~] the member will
 24 support the constitution of the United States and the
 25 constitution and laws of New Mexico and that [~~he~~] the member

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1 will faithfully and impartially discharge the duties of [~~his~~]
2 office to the best of [~~his~~] the member's ability, which oath
3 shall be filed in the office of the secretary of state. Each
4 director shall, before entering upon [~~his~~] the director's
5 official duties, give a bond to the authority in the sum of
6 ten thousand dollars (\$10,000) with good and sufficient
7 surety, conditioned for the faithful performance of each [~~and~~
8 ~~all~~] of the duties of [~~his~~] office, without fraud, deceit or
9 oppression, and the accounting for all [~~moneys~~] money and
10 property coming into [~~his~~] the director's hands, and the
11 prompt and faithful payment of all [~~moneys~~] money and the
12 delivering of all property coming into [~~his~~] the director's
13 custody or control belonging to the authority of [~~his~~] the
14 director's successors in office. Premiums on all bonds
15 provided for in this section shall be paid by the authority,
16 and all such bonds shall be kept on file in the office of the
17 secretary of state."

18 SECTION 111. Section 72-17-22 NMSA 1978 (being Laws
19 1967, Chapter 156, Section 22, as amended) is amended to
20 read:

21 "72-17-22. ADDITIONAL POWERS OF AUTHORITY.--The
22 authority may exercise the following powers:

23 A. duties, privileges, immunities, rights,
24 liabilities and disabilities appertaining to a public body
25 politic and corporate and constituting a quasi-municipal

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1 corporation and political subdivision of the state
2 established as an instrumentality exercising public and
3 essential governmental and proprietary functions to provide
4 for the public health, safety and general welfare;

5 B. perpetual existence and succession;

6 C. adopt, have and use a corporate seal and alter
7 the same at pleasure;

8 D. sue and be sued and be a party to suits, actions
9 and proceedings;

10 E. commence, maintain, intervene in, defend,
11 compromise, terminate by settlement or otherwise and
12 otherwise participate in and assume the cost and expense of
13 any actions and proceedings now or hereafter begun and
14 appertaining to the authority, its board, its officers,
15 agents or employees or any of the authority's duties,
16 privileges, immunities, rights, liabilities and disabilities
17 or the authority's flood control system, other property of
18 the authority or any project;

19 F. enter into contracts and agreements, including
20 but not limited to contracts with the federal government, the
21 state and any other public body;

22 G. borrow money and issue securities evidencing any
23 loan to or amount due by the authority, provide for and
24 secure the payment of any securities and the rights of the
25 holders thereof and purchase, hold and dispose of securities

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1 as hereinafter provided;

2 H. refund any loan or obligation of the authority
3 and issue refunding securities to evidence such loan or
4 obligation without any election;

5 I. purchase, trade, exchange, encumber and
6 otherwise acquire, maintain and dispose of property and
7 interests therein;

8 J. levy and cause to be collected general (ad
9 valorem) taxes on all property subject to property taxation
10 within the authority; provided that the total tax levy,
11 excluding any levy for the payment of any debt of the
12 authority authorized by the [~~taxpaying~~] qualified electors of
13 the authority, for any fiscal year shall not exceed an
14 aggregate total of fifty cents (\$.50), or any lower maximum
15 amount required by operation of the rate limitation
16 provisions of Section 7-37-7.1 NMSA 1978 upon this tax levy,
17 on each one thousand dollars (\$1,000) of net taxable value,
18 as that term is defined in the Property Tax Code, by
19 certifying, on or before July 15 of each year in which the
20 board determines to levy a tax, to the board of county
21 commissioners of Dona Ana county, or by such other date as
22 the laws of the state may prescribe to such other body having
23 authority to levy taxes within each county wherein the
24 authority has any territory, the rate so fixed, with
25 directions that, at the time and in the manner required by

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1 law for levying taxes for other purposes, such body having
2 authority to levy taxes shall levy such tax upon the net
3 taxable value of all property subject to property taxation
4 within the authority, in addition to such other taxes as may
5 be levied by such body as provided in Sections 72-17-23
6 through 72-17-27 NMSA 1978. No taxes may be levied and
7 collected for any purpose and no contract may be made until a
8 bond issue has been submitted to and approved by the
9 [~~taxpaying~~] qualified electors as hereinafter provided;

10 K. hire and retain officers, agents, employees,
11 engineers, attorneys and any other persons, permanent or
12 temporary, necessary or desirable to effect the purposes
13 hereof, defray any expenses incurred thereby in connection
14 with the authority and acquire office space, equipment,
15 services, supplies, fire and extended coverage insurance, use
16 and occupancy insurance, [~~workmen's~~] workers' compensation
17 insurance, property damage insurance, public liability
18 insurance for the authority and its officers, agents and
19 employees and other types of insurance as the board may
20 determine; provided, however, that no provision herein
21 authorizing the acquisition of insurance shall be construed
22 as waiving any immunity of the authority or any director,
23 officer or agent thereof and otherwise existing under the
24 laws of the state;

25 L. condemn property for public use;

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1 M. acquire, improve, equip, hold, operate, maintain
2 and dispose of a flood control system, sewer facilities,
3 project and appurtenant works or any interest therein wholly
4 within the authority, or partially within and partially
5 without the authority, and wholly within, wholly without or
6 partially within and partially without any public body all or
7 any part of the area of which is situated within the
8 authority;

9 N. pay or otherwise defray the cost of any project;

10 O. pay or otherwise defray and contract so to pay
11 or defray for any term not exceeding fifty years, without an
12 election, except as hereinafter otherwise provided, the
13 principal of, any interest on and any other charges
14 appertaining to any securities or other obligations of the
15 federal government, any public body or person incurred in
16 connection with any such property so acquired by the
17 authority;

18 P. establish and maintain facilities within or
19 without the authority, across or along any public street,
20 highway, bridge, viaduct or other public [~~right-of-way~~] right
21 of way or in, upon, under or over any vacant public lands,
22 which public lands are now or may become the property of the
23 state, or across any stream of water or water course, without
24 first obtaining a franchise from the municipality, county or
25 other public body having jurisdiction over the same; provided

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1 that the authority shall cooperate with any public body
2 having such jurisdiction, shall promptly restore any such
3 street, highway, bridge, viaduct or other public [~~right-of-~~
4 ~~way~~] right of way to its former state of usefulness as nearly
5 as may be and shall not use the same in such manner as to
6 impair completely or unnecessarily the usefulness thereof;

7 Q. deposit any money of the authority, subject to
8 the limitations in Article 8, Section 4 of the constitution
9 of New Mexico, in any banking institution within or without
10 the state and secured in such manner and subject to such
11 terms and conditions as the board may determine, with or
12 without the payment of any interest on any such deposit;

13 R. invest any surplus money in the authority
14 treasury, including such money in any sinking or reserve fund
15 established for the purpose of retiring any securities of the
16 authority, not required for the immediate necessities of the
17 authority, in its own securities or in federal securities, by
18 direct purchase of any issue of such securities, or part
19 thereof, at the original sale of the same or by the
20 subsequent purchase of such securities;

21 S. sell any such securities thus purchased and held
22 from time to time;

23 T. reinvest the proceeds of any such sale in other
24 securities of the authority or in federal securities, as
25 provided in Subsection R of this section;

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1 U. sell in season from time to time such securities
2 thus purchased and held, so that the proceeds may be applied
3 to the purpose for which the money with which such securities
4 were originally purchased was placed in the treasury of the
5 authority;

6 V. accept contributions or loans from the federal
7 government for the purpose of financing the planning,
8 acquisition, improvement, equipment, maintenance and
9 operation of any enterprise in which the authority is
10 authorized to engage and enter into contracts and cooperate
11 with, and accept cooperation and participation from, the
12 federal government for these purposes;

13 W. enter, without any election, into joint
14 operating or service contracts and agreements, acquisition,
15 improvement, equipment or disposal contracts or other
16 arrangements for any term not exceeding fifty years with the
17 federal government, any public body or any person concerning
18 sewer facilities, or any project, whether acquired by the
19 authority or by the federal government, any public body or
20 any person, and accept grants and contributions from the
21 federal government, any public body or any person in
22 connection herewith;

23 X. enter into and perform, without any election,
24 when determined by the board to be in the public interest and
25 necessary for the protection of the public health, contracts

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1 and agreements for any term not exceeding fifty years with
2 the federal government, any public body or any person for the
3 provision and operation by the authority of sewer facilities;

4 Y. enter into and perform, without any election,
5 contracts and agreements with the federal government, any
6 public body and any person for or concerning the planning,
7 construction, lease or other acquisition, improvement,
8 equipment, operation, maintenance, disposal and the financing
9 of any project, including but not necessarily limited to any
10 contract or agreement for any term not exceeding fifty years;

11 Z. enter upon any land, make surveys, borings,
12 soundings and examinations for the purposes of the authority
13 and locate the necessary works of any project and roadways
14 and other [~~rights-of-way~~] rights of way appertaining to any
15 project herein authorized and acquire all property necessary
16 or convenient for the acquisition, improvement or equipment
17 of such works;

18 AA. 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 BB. 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 CC. 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 the
25 authority, and for this purpose the authority has the right

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1 of access through its authorized representative to all lands
2 and premises within the state;

3 DD. 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 EE. 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 FF. 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 GG. refuse, if reasonably justified by the
20 circumstances, permission to make any connection designated
21 in Subsection EE or Subsection FF of this section;

22 HH. make and keep records in connection with any
23 project or otherwise concerning the authority;

24 II. arbitrate any differences arising in connection
25 with any project and otherwise concerning the authority;

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1 JJ. 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 KK. 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 LL. 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 MM. 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 NN. 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 OO. 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 PP. 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 QQ of this section and in Section
19 72-17-54 NMSA 1978;

20 QQ. 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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1 the authority is created thereby; and provided further that
2 no property, excluding money, of the district is liable to be
3 forfeited or taken in payment of such securities;

4 RR. 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 SS. exercise all or any part or combination of the
10 powers herein granted."

11 SECTION 112. Section 72-17-28 NMSA 1978 (being Laws
12 1967, Chapter 156, Section 28) is amended to read:

13 "72-17-28. ELECTIONS.--~~[Wherever in this act an~~
14 ~~election of the qualified electors or taxpaying electors of~~
15 ~~the authority is permitted or required, said election may be~~
16 ~~held separately at a special election or may be held~~
17 ~~concurrently with any primary or general election held under~~
18 ~~the laws of the state; provided, however:~~

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

21 B. ~~no election shall be held at the same time as~~
22 ~~any regular election of a municipality or school district,~~
23 ~~any part of the area of which is located within the~~
24 ~~boundaries of the authority.] Elections shall be held~~
25 pursuant to the provisions of the Local Election Act."

1 SECTION 113. Section 72-17-44 NMSA 1978 (being Laws
2 1967, Chapter 156, Section 44) is amended to read:

3 "72-17-44. ISSUANCE OF BONDS AND INCURRENCE OF DEBT.--

4 The authority is authorized to borrow money in anticipation
5 of taxes or other revenues, or both, and to issue bonds to
6 evidence the amount so borrowed. No bonded indebtedness
7 [~~nor~~] or any other indebtedness not payable in full within
8 one year, except for interim debentures as provided in
9 Sections [~~46, 89, 90, and 91 hereof~~] 72-17-46 and 72-17-89
10 through 72-17-91 NMSA 1978, shall be created by the authority
11 without first submitting a proposition of issuing such bonds
12 to the [~~taxpaying~~] qualified electors of the authority and
13 being approved by a majority of such electors voting thereon
14 at an election held for that purpose in accordance with
15 Sections [~~28 to 34, both inclusive, of this act~~] 72-17-28
16 through 72-17-34 NMSA 1978 and all laws amendatory thereof
17 and supplemental thereto. Bonds so authorized may be issued
18 in one series or more and may mature at such time or times
19 not exceeding forty years from their issuance as the board
20 may determine. The total of all outstanding indebtedness at
21 any one time shall not exceed twelve million five hundred
22 thousand dollars (\$12,500,000) without prior approval of the
23 state legislature."

24 SECTION 114. Section 72-17-89 NMSA 1978 (being Laws
25 1967, Chapter 156, Section 89) is amended to read:

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1 "72-17-89. ISSUANCE OF INTERIM DEBENTURES AND PLEDGE OF
2 BONDS AS COLLATERAL SECURITY.--Notwithstanding any limitation
3 or other provision herein, whenever a majority of the
4 [~~taxpaying~~] qualified electors of the authority voting on a
5 proposal to issue bonds has authorized the authority to issue
6 bonds for any purpose herein authorized, the authority is
7 authorized to borrow money without any other election in
8 anticipation of taxes, the proceeds of [~~said~~] such bonds or
9 any other revenues of the authority, or any combination
10 thereof, and to issue interim debentures to evidence the
11 amount so borrowed. Interim debentures may mature at such
12 time or times not exceeding a period of time equal to the
13 estimated time needed to effect the purpose [~~or purposes~~] for
14 which the bonds are so authorized to be issued, plus two
15 years, as the board may determine. Except as otherwise
16 provided in this section and in Sections [~~90 and 91 hereof~~]
17 72-17-90 and 72-17-91 NMSA 1978, interim debentures shall be
18 issued as provided herein for securities in Sections [~~47 to~~
19 ~~80, both inclusive~~] 72-17-47 through 72-17-80 NMSA 1978.
20 Taxes, other revenues of the authority, including without
21 limiting the generality of the foregoing, proceeds of bonds
22 to be thereafter issued or reissued or bonds issued for the
23 purpose of securing the payment of interim [~~debenture~~]
24 debentures may be pledged for the purpose of securing the
25 payment of the interim debentures. Any bonds pledged as

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1 collateral security for the payment of any interim debentures
 2 shall mature at such time or times as the board may
 3 determine, but in no event exceeding forty years from the
 4 date of either any of such bonds or any of such interim
 5 debentures, whichever date be the earlier. Any such bonds
 6 pledged as collateral security shall not be issued in an
 7 aggregate principal amount exceeding the aggregate principal
 8 amount of the interim debenture or interim debenture secured
 9 by a pledge of such bonds, nor shall they bear interest at
 10 any time [~~which~~] that, with any interest accruing at the same
 11 time on the interim debenture or interim debentures so
 12 secured, exceeds six percent per [~~annum~~] year."

13 SECTION 115. Section 72-18-1 NMSA 1978 (being Laws
 14 1981, Chapter 377, Section 1) is amended to read:

15 "72-18-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article
 16 18 NMSA 1978 may be cited as the "Flood Control District
 17 Act"."

18 SECTION 116. Section 72-18-13 NMSA 1978 (being Laws
 19 1981, Chapter 377, Section 13) is amended to read:

20 "72-18-13. ORGANIZATION OF BOARD--INITIAL TERMS OF
 21 DIRECTORS.--

22 A. After taking oath and filing bonds, the board
 23 shall choose one of its members as [~~chairman~~] chair of the
 24 board and shall choose a secretary and a treasurer of the
 25 board and of the district. The secretary and treasurer may

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1 be one person.

2 B. The terms of the members of the initial board of
3 directors shall be determined by lot at their organizational
4 meeting. Two members shall serve [~~until January 1 following~~
5 ~~the first general election in the state~~] an initial term of
6 two years following organization of the district, two members
7 shall serve [~~until January 1 following the second general~~
8 ~~election in the state~~] an initial term of four years
9 following organization of the district and one member shall
10 serve [~~until January 1 following the third general election~~
11 ~~in the state~~] an initial term of six years following
12 organization of the district."

13 SECTION 117. Section 72-18-14 NMSA 1978 (being Laws
14 1981, Chapter 377, Section 14) is amended to read:

15 "72-18-14. ELECTION OF DIRECTORS [~~NOMINATIONS~~].--~~[A.]~~
16 Flood control district elections shall be held pursuant to
17 the Local Election Act. At each [~~general~~] local election [~~in~~
18 ~~the state~~] after organization of the district, there shall be
19 elected by the qualified registered electors of the district
20 one or two members of the board to serve for a term of six
21 years. Except for the initial board of directors and except
22 for any director chosen to fill an unexpired term, the term
23 of each director [~~commences on January 1 following the~~
24 ~~general election in the state and~~] runs for six years. [~~Each~~
25 ~~director, subject to such exceptions, shall serve a six-year~~

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1 ~~term ending on January 1 next following a general election.]~~

2 Each director shall serve until [his] a successor has been
3 duly chosen and qualified.

4 ~~[B. Not later than thirty days before any election,~~
5 ~~nominations may be filed with the secretary, and, if a~~
6 ~~nominee does not withdraw his name before the first~~
7 ~~publication of the notice of election, his name shall be~~
8 ~~placed on the ballot.]"~~

9 SECTION 118. Section 72-18-15 NMSA 1978 (being Laws
10 1981, Chapter 377, Section 15) is amended to read:

11 "72-18-15. VACANCIES ON THE BOARD.--Any vacancy on the
12 board shall be filled by appointment by a majority of the
13 remaining members of the board. The appointee shall serve
14 until the next ~~[general]~~ local election pursuant to the Local
15 Election Act when the vacancy shall be filled by election.
16 If the board fails to fill any vacancy within thirty days
17 after it occurs, the court declaring the organization of the
18 district shall fill the vacancy."

19 SECTION 119. Section 72-18-35 NMSA 1978 (being Laws
20 1981, Chapter 377, Section 35) is amended to read:

21 "72-18-35. ELECTION.--Wherever in the Flood Control
22 District Act an election of the qualified registered electors
23 of a district is permitted or required, the election ~~[may be~~
24 ~~held separately at a special election or may be held~~
25 ~~concurrently with any primary or general election held under~~

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1 ~~the laws of the state; provided, however:~~

2 ~~A. each biennial election of directors shall be~~
3 ~~held concurrently with the general election in the state; and~~

4 ~~B. no election shall be held at the same time as~~
5 ~~any regular election of a municipality or school district any~~
6 ~~part of the area of which is located within the boundaries of~~
7 ~~the district] shall be held pursuant to the Local Election~~
8 ~~Act."~~

9 SECTION 120. Section 72-18-35.1 NMSA 1978 (being Laws
10 1985, Chapter 177, Section 2) is amended to read:

11 "72-18-35.1. ELECTION OF DIRECTORS--ESTABLISHED
12 DISTRICT.--In a district established pursuant to the Flood
13 Control District Act [~~whose boundaries are coterminous with~~
14 ~~the voting precincts of the county]~~, the election of
15 directors shall be conducted [~~by the county clerk in the same~~
16 ~~manner and at the same time as the general election in the~~
17 ~~state and the same election officials shall preside. The~~
18 ~~returns of the election shall be filed with the county clerk,~~
19 ~~who shall submit them to the board of the district for the~~
20 ~~purposes of canvassing the election of the district. The~~
21 ~~nominees for offices of directors shall be determined in~~
22 ~~accordance with the resolution of the board calling for the~~
23 ~~election, which shall provide that nominees shall file for~~
24 ~~the office of director in the same manner and form as for~~
25 ~~municipal offices, and a list of the nominees shall be~~

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underscored material = new
[bracketed material] = delete

1 ~~provided to the county clerk not later than three days~~
 2 ~~following the primary election. All costs for materials and~~
 3 ~~supplies incurred by the county clerk on behalf of the~~
 4 ~~district shall be paid by the district to the clerk's office.~~
 5 ~~The district may provide for the cost of one additional clerk~~
 6 ~~of election to assist the county clerk specifically in the~~
 7 ~~conduct of the district election] in accordance with the~~
 8 provisions of the Local Election Act."

9 SECTION 121. Section 72-19-1 NMSA 1978 (being Laws
 10 1990, Chapter 14, Section 1) is amended to read:

11 "72-19-1. SHORT TITLE.--~~[This act]~~ Chapter 72, Article
 12 19 NMSA 1978 may be cited as the "Southern Sandoval County
 13 Arroyo Flood Control Act".

14 SECTION 122. Section 72-19-4 NMSA 1978 (being Laws
 15 1990, Chapter 14, Section 4, as amended) is amended to read:

16 "72-19-4. DEFINITIONS.--Except where the context
 17 otherwise requires, as used in the Southern Sandoval County
 18 Arroyo Flood Control Act:

19 A. "acquisition" or "acquire" means the opening,
 20 laying out, establishment, purchase, construction, securing,
 21 installation, reconstruction, lease, gift, grant from the
 22 federal government or any public body or person, endowment,
 23 bequest, devise, condemnation, transfer, assignment, option
 24 to purchase, other contract or other acquirement, or any
 25 combination thereof, of facilities, other property or any

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1 project or an interest [~~therein~~] in the facilities, other
2 property or project authorized by the Southern Sandoval
3 County Arroyo Flood Control Act;

4 B. "authority" means the southern Sandoval county
5 arroyo flood control authority;

6 C. "board" means the board of directors of the
7 authority;

8 D. [~~chairman~~] "chair" means the [~~chairman~~] chair
9 of the board and president of the authority;

10 E. "condemnation" or "condemn" means the
11 acquisition by the exercise of the power of eminent domain of
12 property for any facilities, other property or project or an
13 interest [~~therein~~] in the facilities, other property or
14 project authorized by the Southern Sandoval County Arroyo
15 Flood Control Act. The authority may exercise in the state
16 the power of eminent domain, either within or without the
17 authority, and, in the manner provided by law for the
18 condemnation of private property for public use, may take any
19 property necessary to carry out any of the objects or
20 purposes of that act. In the event the construction of any
21 facility or project authorized by that act, or any part
22 thereof, makes necessary the removal and relocation of any
23 public utilities, whether on private or public right of way,
24 the authority shall reimburse the owner of the public utility
25 facility for the expense of removal and relocation, including

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underscored material = new
~~[bracketed material] = delete~~

1 the cost of any necessary land or rights in land;

2 F. "cost" or "cost of the project", or words of
3 similar import, means all, or any part designated by the
4 board, of the cost of any facilities or project or interest
5 [~~therein~~] in the facilities or project being acquired and of
6 all or any property, rights, easements, privileges,
7 agreements and franchises deemed by the authority to be
8 necessary or useful and convenient [~~therefor~~] to or in
9 connection [~~therewith~~] with the facilities or project, which
10 cost, at the option of the board, may include all or any part
11 of the incidental costs pertaining to the project, including
12 without limiting the generality of the foregoing, preliminary
13 expenses advanced by any municipality or other public body
14 from funds available for use [~~therefor~~] in the making of
15 surveys, preliminary plans, estimates of cost or other
16 preliminaries; for the costs of appraising and printing and
17 employing engineers, architects, fiscal agents, attorneys at
18 law, clerical help and other agents or employees; for the
19 costs of capitalizing interest or any discount on securities,
20 of inspection, of any administrative, operating and other
21 expenses of the authority prior to the levy and collection of
22 taxes and of reserves for working capital, operation,
23 maintenance or replacement expenses or for payment or
24 security of principal of or interest on any securities; for
25 the costs of making, publishing, posting, mailing and

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1 otherwise giving any notice in connection with the project,
2 the taking of options, the issuance of securities, the filing
3 or recordation of instruments, the levy and collection of
4 taxes and installments [~~thereof~~] of taxes; for the costs of
5 reimbursements by the authority to any public body, the
6 federal government or any person of any money [~~theretofore~~]
7 expended for or in connection with any facility or project;
8 and for all other expenses necessary or desirable and
9 appertaining to any project, as estimated or otherwise
10 ascertained by the board;

11 G. "director" means a member of the board;

12 H. "disposal" or "dispose" means the sale,
13 destruction, razing, loan, lease, gift, grant, transfer,
14 assignment, mortgage, option to sell, other contract or other
15 disposition, or any combination thereof, of facilities, other
16 property or any project, or an interest [~~therein~~] in the
17 facilities, other property or project authorized by the
18 Southern Sandoval County Arroyo Flood Control Act;

19 I. "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 authorized by the Southern Sandoval County Arroyo Flood
24 Control Act;

25 J. "equipment" or "equip" means the furnishing of

1 all necessary or desirable, related or appurtenant,
2 facilities, or any combination thereof, appertaining to any
3 facilities, property, project or interest [~~therein~~]
4 authorized by the Southern Sandoval County Arroyo Flood
5 Control Act;

6 K. "facility" means any of the water facilities,
7 sewer facilities or other property appertaining to the flood
8 control system of the authority;

9 L. "federal government" means the United States or
10 any agency, instrumentality or corporation [~~thereof~~] of the
11 United States;

12 M. "federal securities" means the bills,
13 certificates of indebtedness, notes or bonds that are direct
14 obligations of, or the principal and interest of which
15 obligations are unconditionally guaranteed by, the United
16 States;

17 N. "governing body" means the city council, city
18 commission, board of commissioners, board of trustees, board
19 of directors or other legislative body of the public body
20 proceeding under the Southern Sandoval County Arroyo Flood
21 Control Act, in which body the legislative powers of the
22 public body are vested;

23 O. "improvement" or "improve" means the extension,
24 widening, lengthening, betterment, alteration,
25 reconstruction, repair or other improvement, or any

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1 combination thereof, of facilities, other property or project
2 or any interest [~~therein~~] in the facilities, other property
3 or project authorized by the Southern Sandoval County Arroyo
4 Flood Control Act;

5 P. "mailed notice" or notice by "mail" means the
6 giving by the engineer, secretary or any deputy [~~thereof~~], as
7 determined by the board, of any designated written or printed
8 notice addressed to the last known owner of each tract of
9 real property in question or other designated person at [~~his~~]
10 the person's last known address, by deposit, at least ten
11 days prior to the designated hearing or other time or event,
12 in the United States mails, postage prepaid, as first-class
13 mail. In the absence of fraud, the failure to mail [~~any~~
14 ~~such~~] the notice shall not invalidate any proceedings under
15 the Southern Sandoval County Arroyo Flood Control Act. The
16 names and addresses of those property owners shall be
17 obtained from the records of the county assessor or from such
18 other source as the secretary or the engineer deems reliable.
19 Any list of [~~such~~] names and addresses may be revised from
20 time to time, but [~~such a~~] the list need not be revised more
21 frequently than at twelve-month intervals. Any mailing of
22 any notice required shall be verified by the affidavit or
23 certificate of the engineer, secretary, deputy or other
24 person mailing the notice, which verification shall be
25 retained in the records of the authority at least until all

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1 taxes and securities appertaining thereto have been paid in
2 full or any claim is barred by a statute of limitations;

3 Q. "municipality" means any incorporated city, town
4 or village in the state, whether incorporated or governed
5 under a general act, special legislative act or special
6 charter of any type. "Municipal" pertains to municipality;

7 R. "person" means any human being, association,
8 partnership, firm or corporation, excluding a public body and
9 excluding the federal government;

10 S. "president" means the president of the authority
11 and the [~~chairman~~] chair of the board;

12 T. "project" means any structure, facility,
13 undertaking or system that the authority is authorized to
14 acquire, improve, equip, maintain or operate. A project may
15 consist of all kinds of personal and real property. A
16 project shall appertain to the flood control system that the
17 authority is authorized and directed to provide within and
18 without the authority's boundaries;

19 U. "property" means real property and personal
20 property;

21 V. "publication" or "publish" means publication in
22 at least the one newspaper designated as the authority's
23 official newspaper and published in the authority in the
24 English language at least once a week and of general
25 circulation in the authority. Except as otherwise

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1 specifically provided or necessarily implied, "publication"
2 or "publish" also means publication for at least once a week
3 for three consecutive weeks by three weekly insertions, the
4 first publication being at least fifteen days prior to the
5 designated time or event, unless otherwise [~~so~~] stated. It
6 is not necessary that publication be made on the same day of
7 the week in each of the three calendar weeks, but not less
8 than fourteen days shall intervene between the first
9 publication and the last publication, and publication shall
10 be complete on the day of the last publication. Any
11 publication required shall be verified by the affidavit of
12 the publisher and filed with the secretary;

13 W. "public body" means the state or any agency,
14 instrumentality or corporation [~~thereof~~] of the state or any
15 municipality, school district or other type district or any
16 other political subdivision of the state, excluding the
17 authority and excluding the federal government;

18 X. "qualified elector" means a person qualified and
19 registered to vote in general elections in the state who is a
20 resident of the authority at the time of any election held
21 under the provisions of the Southern Sandoval County Arroyo
22 Flood Control Act or at any other time in reference to which
23 the term "qualified elector" is used;

24 Y. "real property" means:

25 (1) land, including land under water;

1 (2) buildings, structures, fixtures and
2 improvements on land;

3 (3) any property appurtenant to or used in
4 connection with land; and

5 (4) every estate, interest, privilege,
6 easement, franchise and right in land, legal or equitable,
7 including without limiting the generality of the foregoing,
8 rights of way, terms for years and liens, charges or
9 encumbrances by way of judgment, mortgage or otherwise and
10 the indebtedness secured by such liens;

11 Z. "secretary" means the secretary of the
12 authority;

13 AA. "secretary of state" means the secretary of the
14 state of New Mexico;

15 BB. "securities" means any notes, warrants, bonds,
16 temporary bonds or interim debentures or other obligations of
17 the authority or any public body appertaining to any project
18 or interest [~~therein~~] in a project authorized by the Southern
19 Sandoval County Arroyo Flood Control Act;

20 CC. "sewer facilities" means any one or more of the
21 various devices used in the collection, channeling,
22 impounding or disposition of storm, flood or surface drainage
23 waters, including all inlets, collection, drainage or
24 disposal lines, canals, intercepting sewers, outfall sewers,
25 all pumping, power and other equipment and appurtenances, all

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1 extensions, improvements, remodeling, additions and
2 alterations thereof and any rights or interest in such sewer
3 facilities;

4 DD. "sewer improvement" or "improve any sewer"
5 means the acquisition, reacquisition, improvement,
6 reimprovement or repair of any storm sewer or combination
7 storm and sanitary sewer, including [~~but not limited to~~]
8 collecting and intercepting sewer lines or mains, submains,
9 trunks, laterals, outlets, ditches, ventilation stations,
10 pumping facilities, ejector stations and all other
11 appurtenances and machinery necessary, useful or convenient
12 for the collection, transportation and disposal of storm
13 water;

14 EE. "state" means the state of New Mexico or any
15 agency, instrumentality or corporation [~~thereof~~] of the
16 state;

17 FF. "street" means any street, avenue, boulevard,
18 alley, highway or other public right of way used for any
19 vehicular traffic;

20 GG. "taxes" means general (ad valorem) taxes
21 pertaining to any project authorized by the Southern Sandoval
22 County Arroyo Flood Control Act; and

23 HH. "treasurer" means the treasurer of the
24 authority."

25 SECTION 123. Section 72-19-8 NMSA 1978 (being Laws

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1 1990, Chapter 14, Section 8, as amended) is amended to read:

2 "72-19-8. BOARD OF DIRECTORS.--The governing body of
3 the authority is a board of directors consisting of five
4 qualified electors of the authority. All powers, rights,
5 privileges and duties vested in or imposed upon the authority
6 are exercised and performed by and through the board of
7 directors; provided that the exercise of any executive,
8 administrative and ministerial powers may be, by the board,
9 delegated and redelegated to officers and employees of the
10 authority. Except for the first directors appointed as
11 provided for in Section 72-19-9 NMSA 1978 or elected as
12 provided for in Section 72-19-10 NMSA 1978 and except for any
13 director chosen to fill an unexpired term, the term of each
14 director [~~commences on the first day of January next~~
15 ~~following a general election in the state and~~] runs for six
16 years. Each director, subject to such exceptions, shall
17 serve a six-year term [~~ending on the first day of January~~
18 ~~next following a general election~~], and each director shall
19 serve until [~~his~~] a successor has been duly chosen and
20 qualified."

21 **SECTION 124.** Section 72-19-10 NMSA 1978 (being Laws
22 1990, Chapter 14, Section 10, as amended) is amended to read:

23 "72-19-10. ELECTION OF DIRECTORS.--At the time that a
24 proposal to incur debt is first submitted to the qualified
25 electors [~~or at the first general election next following the~~

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1 ~~effective date of the Southern Sandoval County Arroyo Flood~~
2 ~~Control Act, whichever occurs first~~], the qualified electors
3 of the authority shall elect five qualified directors, two to
4 serve a term ending January 1, 1993, two to serve a term
5 ending January 1, 1995 and one to serve a term ending January
6 1, 1997. At the first election, the five candidates
7 receiving the highest number of votes shall be elected as
8 directors. The terms of the directors shall be determined by
9 lot at their organizational meeting. At each ~~[general]~~ local
10 election thereafter, the qualified electors of the authority
11 shall elect similarly one or two qualified electors as
12 directors to serve six-year terms as directors ~~[and as~~
13 ~~successors to the directors whose terms end on the first day~~
14 ~~of January next following each such election]~~. Elections
15 shall be held pursuant to the provisions of the Local
16 Election Act. Nothing in the Southern Sandoval County Arroyo
17 Flood Control Act shall be construed as preventing [a]
18 qualified ~~[elector]~~ electors of the authority from being
19 elected or reelected as ~~[a director]~~ directors to succeed
20 ~~[himself. If there is only one vacancy on the board, the~~
21 ~~candidate receiving the highest number of votes shall be~~
22 ~~elected as director. If there are two vacancies on the~~
23 ~~board, the candidate receiving the highest number of votes~~
24 ~~and the candidate receiving the next highest number of votes~~
25 ~~shall be elected as directors]~~ themselves."

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1 SECTION 125. Section 72-19-11 NMSA 1978 (being Laws
2 1990, Chapter 14, Section 11, as amended) is amended to read:

3 "72-19-11. NOMINATION OF DIRECTORS.--~~[Not later than~~
4 ~~forty-five days before a proposal to incur debt is first~~
5 ~~submitted to the qualified electors or at the first general~~
6 ~~election next following the effective date of the Southern~~
7 ~~Sandoval County Arroyo Flood Control Act, whichever occurs~~
8 ~~first]~~ Written nominations of any candidate as director may
9 be filed with the ~~[secretary of the board]~~ proper filing
10 officer in accordance with the provisions of the Local
11 Election Act. Each nomination of any candidate shall be
12 signed by not less than fifty qualified electors, regardless
13 of whether or not nominated ~~[therein]~~, shall designate
14 ~~[therein]~~ the name of the candidates ~~[thereby]~~ nominated and
15 shall recite that the subscribers ~~[thereto]~~ are qualified
16 electors and that the ~~[candidate or]~~ candidates designated
17 ~~[therein]~~ are qualified electors of the authority. No
18 written nomination may designate more qualified electors as
19 candidates than there are vacancies. No qualified elector
20 may nominate more than one candidate for any vacancy. ~~[If a~~
21 ~~candidate does not withdraw his name before the first~~
22 ~~publication of the notice of election, his name shall be~~
23 ~~placed on the ballot. For any election held after November~~
24 ~~1990, nominations shall be made by qualified electors in~~
25 ~~accordance with the procedures and limitations of this~~

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1 ~~section, except that such nominations shall be filed with the~~
2 ~~secretary of the board not later than the fourth Tuesday in~~
3 ~~June preceding the general election.]"~~

4 SECTION 126. Section 72-19-13 NMSA 1978 (being Laws
5 1990, Chapter 14, Section 13) is amended to read:

6 "72-19-13. ORGANIZATIONAL MEETINGS.--Except for the
7 first board, each board shall meet on the first business day
8 next following the first day of [~~January in each odd-numbered~~
9 ~~year]~~ the month that the term of office begins for members
10 elected in the immediately preceding election at the office
11 of the board within the authority. Each member of the board,
12 before entering upon [~~his~~] official duties, shall take and
13 subscribe on oath that [~~he~~] the member will support the
14 constitution of the United States and the constitution and
15 laws of New Mexico and [~~that he~~] will faithfully and
16 impartially discharge the duties of [~~his~~] office to the best
17 of [~~his~~] the member's ability, which oath shall be filed in
18 the office of the secretary of state. Each director shall,
19 before entering upon [~~his~~] official duties, give a bond to
20 the authority in the sum of ten thousand dollars (\$10,000)
21 with good and sufficient surety, conditioned for the faithful
22 performance of all of the duties of [~~his~~] office, without
23 fraud, deceit or oppression, and the accounting for all money
24 and property coming into [~~his~~] the director's hands, and the
25 prompt and faithful payment of all money and the delivering

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1 of all property coming into [~~his~~] the director's custody or
 2 control belonging to the authority, to [~~his~~] the director's
 3 successors in office. Premiums on all bonds provided for in
 4 this section shall be paid by the authority, and all such
 5 bonds shall be kept on file in the office of the secretary of
 6 state."

7 **SECTION 127.** Section 72-19-28 NMSA 1978 (being Laws
 8 1990, Chapter 14, Section 28, as amended) is amended to read:

9 "72-19-28. ELECTIONS.--Each biennial election of
 10 directors [~~shall be conducted at the time of the general~~
 11 ~~election under the direction of the Sandoval county clerk and~~
 12 ~~in accordance with the election laws of New Mexico. Any] and
 13 other election of the authority, including an election to
 14 seek approval for the issuance of bonds, shall be conducted
 15 [~~at any time approved by the board in accordance with the~~
 16 ~~election laws of New Mexico. Elections for the issuance of~~
 17 ~~bonds may be by mail-in ballot pursuant to the procedures set~~
 18 ~~forth in the Mail Ballot] pursuant to the Local Election
 19 Act."~~~~

20 **SECTION 128.** Section 72-20-4 NMSA 1978 (being Laws
 21 2007, Chapter 99, Section 4) is amended to read:

22 "72-20-4. DEFINITIONS.--Except where the context
 23 otherwise requires, as used in the Eastern Sandoval County
 24 Arroyo Flood Control Act:

25 A. "acquisition" or "acquire" means the opening,

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1 laying out, establishment, purchase, construction, securing,
2 installation, reconstruction, lease, gift, grant from the
3 federal government or any public body or person, endowment,
4 bequest, devise, condemnation, transfer, assignment, option
5 to purchase, other contract or other acquirement, or any
6 combination thereof, of facilities, other property or any
7 project or an interest therein authorized by the Eastern
8 Sandoval County Arroyo Flood Control Act;

9 B. "authority" means the eastern Sandoval county
10 arroyo flood control authority;

11 C. "board" means the board of directors of the
12 authority;

13 D. "chair" means the chair of the board and
14 president of the authority;

15 E. "condemnation" or "condemn" means the
16 acquisition by the exercise of the power of eminent domain of
17 property for any facilities, other property or project or an
18 interest therein authorized by the Eastern Sandoval County
19 Arroyo Flood Control Act. The authority may exercise in the
20 state the power of eminent domain, either within or without
21 the authority and, in the manner provided by law for the
22 condemnation of private property for public use, may take any
23 property necessary to carry out any of the objects or
24 purposes of the Eastern Sandoval County Arroyo Flood Control
25 Act. In the event the construction of any facility or

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1 project authorized by the Eastern Sandoval County Arroyo
2 Flood Control Act, or any part thereof, makes necessary the
3 removal and relocation of any public utilities, whether on
4 private or public right of way, the authority shall reimburse
5 the owner of the public utility facility for the expense of
6 removal and relocation, including the cost of any necessary
7 land or rights in land;

8 F. "cost" or "cost of the project", or words of
9 similar import, means all, or any part designated by the
10 board, of the cost of any facilities, project or interest
11 therein being acquired and of all or any property, rights,
12 easements, privileges, agreements and franchises deemed by
13 the authority to be necessary or useful and convenient
14 therefor or in connection therewith, which cost, at the
15 option of the board, may include all or any part of the
16 incidental costs pertaining to the project, including without
17 limiting the generality of the foregoing, preliminary
18 expenses advanced by any municipality or other public body
19 from funds available for use therefor in the making of
20 surveys, preliminary plans, estimates of cost and other
21 preliminaries; for the costs of appraising and printing and
22 employing engineers, architects, fiscal agents, attorneys at
23 law, clerical help and other agents or employees; for the
24 costs of capitalizing interest or any discount on securities,
25 of inspection, of any administrative, operating and other

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1 expenses of the authority prior to the levy and collection of
2 taxes and of reserves for working capital, operation,
3 maintenance or replacement expenses or for payment or
4 security of principal of or interest on any securities; for
5 the costs of making, publishing, posting, mailing and
6 otherwise giving any notice in connection with the project,
7 the taking of options, the issuance of securities, the filing
8 or recordation of instruments, the levy and collection of
9 taxes and installments thereof; for the costs of
10 reimbursements by the authority to any public body, the
11 federal government or any person of any money theretofore
12 expended for or in connection with any facility or project;
13 and for all other expenses necessary or desirable and
14 appertaining to any project, as estimated or otherwise
15 ascertained by the board;

16 G. "director" means a member of the board;

17 H. "disposal" or "dispose" means the sale,
18 destruction, razing, loan, lease, gift, grant, transfer,
19 assignment, mortgage, option to sell, other contract or other
20 disposition, or any combination thereof, of facilities, other
21 property or any project or an interest therein authorized by
22 the Eastern Sandoval County Arroyo Flood Control Act;

23 I. "engineer" means any engineer in the permanent
24 employ of the authority or any independent competent engineer
25 or firm of such engineers employed by the authority in

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1 connection with any facility, property, project or power
2 authorized by the Eastern Sandoval County Arroyo Flood
3 Control Act;

4 J. "equipment" or "equip" means the furnishing of
5 all necessary or desirable, related or appurtenant,
6 facilities, or any combination thereof, appertaining to any
7 facilities, property or project or interest therein
8 authorized by the Eastern Sandoval County Arroyo Flood
9 Control Act;

10 K. "facility" means any of the water facilities,
11 sewer facilities or other property appertaining to the flood
12 control system of the authority;

13 L. "federal government" means the United States or
14 any agency, instrumentality or corporation thereof;

15 M. "federal securities" means the bills,
16 certificates of indebtedness, notes or bonds that are direct
17 obligations of, or the principal and interest of which
18 obligations are unconditionally guaranteed by, the United
19 States;

20 N. "governing body" means the city council, city
21 commission, board of commissioners, board of trustees, board
22 of directors or other legislative body of the public body
23 proceeding under the Eastern Sandoval County Arroyo Flood
24 Control Act, in which body the legislative powers of the
25 public body are vested;

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1 O. "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 authorized by the Eastern Sandoval
6 County Arroyo 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 the
12 last known address, by deposit, at least ten days prior to
13 the designated hearing or other time or event, in the United
14 States mail, postage prepaid, as first-class mail. In the
15 absence of fraud, the failure to mail any such notice shall
16 not invalidate any proceedings under the Eastern Sandoval
17 County Arroyo Flood Control Act. The names and addresses of
18 those property owners shall be obtained from the records of
19 the county assessor or from such other source as the
20 secretary or the engineer deems reliable. Any list of such
21 names and addresses may be revised from time to time, but
22 such a list need not be revised more frequently than at
23 twelve-month intervals. Any mailing of any notice required
24 shall be verified by the affidavit or certificate of the
25 engineer, secretary, deputy or other person mailing the

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1 notice, which verification shall be retained in the records
2 of the authority at least until all taxes and securities
3 appertaining thereto have been paid in full or any claim is
4 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 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 is
8 not necessary that publication be made on the same day of the
9 week in each of the three calendar weeks, but not less than
10 fourteen days shall intervene between the first publication
11 and the last publication, and publication shall be complete
12 on the day of the last publication. Any publication required
13 shall be verified by the affidavit of the publisher and filed
14 with the secretary;

15 W. "public body" means the state or any agency,
16 instrumentality or corporation thereof or any municipality,
17 school district or other type of district or any other
18 political subdivision of the state, excluding the authority
19 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
22 a resident of the authority at the time of any election held
23 under the provisions of the Eastern 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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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
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 authorized by the Eastern Sandoval County
21 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;

18 FF. "street" means any street, avenue, boulevard,
19 alley, highway or other public right of way used for any
20 vehicular traffic;

21 GG. "taxes" means general (ad valorem) taxes
22 pertaining to any project authorized by the Eastern Sandoval
23 County Arroyo Flood Control Act; and

24 HH. "treasurer" means the treasurer of the
25 authority."

1 SECTION 129. Section 72-20-8 NMSA 1978 (being Laws
2 2007, Chapter 99, Section 8, as amended) is amended to read:

3 "72-20-8. BOARD OF DIRECTORS.--

4 A. The governing body of the authority is a board
5 of directors consisting of three registered qualified
6 electors of the authority; provided that, after single-member
7 districts are created pursuant to Subsection B of Section
8 72-20-10 NMSA 1978 and after the expiration of the terms of
9 any directors-at-large who are serving at the time that
10 single-member districts are created:

11 (1) each director shall reside within and
12 represent a specified district; and

13 (2) if a director no longer resides within the
14 district that the director represents, the director's
15 position shall be deemed vacant and a successor shall be
16 appointed to serve the unexpired term pursuant to Section
17 72-20-12 NMSA 1978.

18 B. All powers, rights, privileges and duties vested
19 in or imposed upon the authority are exercised and performed
20 by and through the board of directors; provided that the
21 exercise of any executive, administrative and ministerial
22 powers may be, by the board, delegated and redelegated to
23 officers and employees of the authority or to any officer or
24 employee contracted by agreement to manage and administer the
25 operations of the authority. Except for the first directors

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1 appointed as provided for in Section 72-20-9 NMSA 1978 or
2 elected as provided in Section 72-20-10 NMSA 1978 and except
3 for any director chosen to fill an unexpired term, and except
4 for the first directors serving after the authority is
5 divided into single-member districts, the term of each
6 director [~~commences on the first day of January next~~
7 ~~following a general election in the state and~~] runs for six
8 years. Each director, subject to such exceptions, shall
9 serve a six-year term [~~ending on the first day of January~~
10 ~~next following a general election~~], and each director shall
11 serve until a successor has been duly chosen and qualified."

12 SECTION 130. Section 72-20-10 NMSA 1978 (being Laws
13 2007, Chapter 99, Section 10, as amended) is amended to read:

14 "72-20-10. ELECTION OF DIRECTORS--SINGLE-MEMBER
15 DISTRICTS.--

16 A. At the time that a proposal to incur debt is
17 first submitted to the qualified electors [~~or at the first~~
18 ~~general election following March 30, 2007, whichever occurs~~
19 ~~first~~], the qualified electors of the authority shall elect
20 five qualified directors, two to serve a term ending January
21 1, 2011, two to serve a term ending January 1, 2013 and one
22 to serve a term ending January 1, 2015. At the first
23 election, the five candidates receiving the highest number of
24 votes shall be elected as directors. The terms of the
25 directors shall be determined by lot at their organizational

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1 meeting.

2 B. Upon the exclusion of land pursuant to
3 Subsection C of Section 72-20-6 NMSA 1978, the two directors
4 elected in the 2010 general election shall be deemed to have
5 resigned, and, notwithstanding the provisions of Section
6 72-20-12 NMSA 1978, their positions shall not be filled.
7 Thereafter, the board shall consist of three directors. The
8 board shall divide the authority into three single-member
9 districts. The following provisions shall govern the
10 procedure for converting to single-member districts:

11 (1) the districts shall be as contiguous,
12 compact and as equal in population as is practicable;

13 (2) remaining terms for the three incumbent
14 directors shall be chosen by lot so that one term expires on
15 January 1, 2013, one term expires on January 1, 2015 and one
16 term expires on January 1, 2017;

17 (3) if, as a result of the division of the
18 authority into districts, two or more incumbent directors
19 reside within the same district, the board shall determine,
20 by lot, one of the directors to represent the district, and
21 the other directors residing within that district shall
22 represent the authority at large until their terms expire;

23 (4) if, as a result of the exclusion of land
24 pursuant to Subsection C of Section 72-20-6 NMSA 1978, one or
25 more incumbent directors reside outside of any district, the

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1 directors shall represent the authority at large until their
2 terms expire; and

3 (5) if more than one director represents the
4 authority at large pursuant to Paragraph (3) or (4) of this
5 subsection, the board shall determine by lot the district
6 that will elect a resident to succeed a director-at-large as
7 the term of each director-at-large expires.

8 C. ~~[At the 2012 and each subsequent general~~
9 ~~election, for the single-member district in which the term of~~
10 ~~the incumbent director or the term of a director at large~~
11 ~~assigned by lot pursuant to Paragraph (2) of Subsection B of~~
12 ~~this section will expire on the first day of the January~~
13 ~~immediately following the election]~~ A director who is a
14 qualified elector and a resident of the district shall be
15 elected by the qualified electors who are residents of that
16 district to serve a six-year term. Elections for directors
17 shall be held pursuant to the Local Election Act.

18 D. Nothing in this section shall be construed as
19 preventing qualified electors of the authority from being
20 elected or reelected as directors to succeed themselves;
21 provided that they reside in the district from which they are
22 elected.

23 E. As soon as feasible after each federal decennial
24 census, the board shall assess the existing districts to
25 determine if the districts remain as equal in population as

1 is practicable and, if necessary, shall redistrict the
 2 authority into districts that remain contiguous, compact and
 3 as equal in population as is practicable; provided that:

4 (1) a redistricting shall be effective at the
 5 next following ~~[general]~~ local election; ~~[and]~~

6 (2) an incumbent director whose residence is
 7 redistricted out of the district represented by the director
 8 shall serve until the next ~~[general]~~ local election, at which
 9 a qualified elector who resides within the district shall be
 10 elected to fill the unexpired term; and

11 (3) the board shall notify the county clerk of
 12 the new district boundaries."

13 SECTION 131. Section 72-20-11 NMSA 1978 (being Laws
 14 2007, Chapter 99, Section 11, as amended) is amended to read:

15 "72-20-11. NOMINATION OF DIRECTORS.--~~[Not later than~~
 16 ~~forty-five days before a proposal to incur debt is first~~
 17 ~~submitted to the qualified electors or at the first general~~
 18 ~~election following March 30, 2007, whichever occurs first]~~

19 Written nominations of any candidate as director may be filed
 20 with the ~~[secretary of the board]~~ proper filing officer in
 21 accordance with the provisions of the Local Election Act.

22 Each nomination of any candidate shall be signed by not less
 23 than fifty qualified electors, regardless of whether or not
 24 nominated ~~[therein]~~, shall designate ~~[therein]~~ the name of
 25 the candidates ~~[thereby]~~ nominated and shall recite that the

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1 subscribers [~~thereto~~] are qualified electors and that the
2 [~~candidate or~~] candidates designated [~~therein~~] are qualified
3 electors of the authority. No written nomination may
4 designate more qualified electors as candidates than there
5 are vacancies. No qualified elector may nominate more than
6 one candidate for any vacancy. [~~If a candidate does not~~
7 ~~withdraw the candidate's name before the first publication of~~
8 ~~the notice of election, the candidate's name shall be placed~~
9 ~~on the ballot. For any election held after November 2010,~~
10 ~~nominations shall be made by qualified electors in accordance~~
11 ~~with the procedures and limitations of this section, except~~
12 ~~that:~~

13 A. ~~such nominations shall be filed with the~~
14 ~~secretary of the board not later than the fourth Tuesday in~~
15 ~~June preceding the general election;~~

16 B. ~~each nomination shall designate only one~~
17 ~~candidate;~~

18 C. ~~all of the qualified electors signing each~~
19 ~~nomination and the person nominated shall reside within the~~
20 ~~district for which the candidate has been nominated; and~~

21 D. ~~each nomination shall recite that the~~
22 ~~subscribers thereto are qualified electors who reside in the~~
23 ~~district for which the candidate is nominated and that the~~
24 ~~person nominated is a qualified elector who resides in the~~
25 ~~district for which the person is nominated.]"~~

1 SECTION 132. Section 72-20-13 NMSA 1978 (being Laws
2 2007, Chapter 99, Section 13) is amended to read:

3 "72-20-13. ORGANIZATIONAL MEETINGS.--Except for the
4 first board, each board shall meet on the first business day
5 next following the first day of [~~January in each odd-numbered~~
6 ~~year~~] the month that the term of office begins for members
7 elected in the immediately preceding election, at the office
8 of the board within the authority. Each member of the board,
9 before entering upon the member's official duties, shall take
10 and subscribe on oath that the member will support the
11 constitution of the United States and the constitution and
12 laws of New Mexico and that the member will faithfully and
13 impartially discharge the duties of the office to the best of
14 the member's ability, which oath shall be filed in the office
15 of the secretary of state. Each director shall, before
16 entering upon the director's official duties, give a bond to
17 the authority in the sum of ten thousand dollars (\$10,000)
18 with good and sufficient surety, conditioned for the faithful
19 performance of all of the duties of the director's office,
20 without fraud, deceit or oppression, and the accounting for
21 all money and property coming into the director's hands and
22 the prompt and faithful payment of all money and the
23 delivering of all property coming into the director's custody
24 or control belonging to the authority to the director's
25 successors in office. Premiums on all bonds provided for in

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1 this section shall be paid by the authority, and all such
2 bonds shall be kept on file in the office of the secretary of
3 state."

4 SECTION 133. Section 72-20-28 NMSA 1978 (being Laws
5 2007, Chapter 99, Section 28) is amended to read:

6 "72-20-28. ELECTIONS.--Each biennial election of
7 directors [~~shall be conducted at the time of the general~~
8 ~~election under the direction of the Sandoval county clerk and~~
9 ~~in accordance with the election laws of New Mexico]~~ and any
10 other election of the authority, including an election to
11 seek approval for the issuance of bonds, shall be conducted
12 [~~at any time approved by the board in accordance with the~~
13 ~~election laws of New Mexico. Elections for the issuance of~~
14 ~~bonds may be by mail-in ballot pursuant to the procedures set~~
15 ~~forth in the Mail Ballot]~~ pursuant to the Local Election
16 Act."

17 SECTION 134. Section 73-14-20 NMSA 1978 (being Laws
18 1975, Chapter 262, Section 3, as amended) is amended to read:

19 "73-14-20. DEFINITIONS.--As used in Sections 73-14-18
20 through [~~73-14-32]~~ 73-14-30 NMSA 1978:

21 [A. ~~"absent voter" means a qualified elector who~~
22 ~~has requested an absentee ballot forty days prior to an~~
23 ~~election;~~

24 B. ~~"absentee-early voter" means a qualified elector~~
25 ~~who has voted early, prior to election day, on an electronic~~

1 ~~voting machine at a designated absentee-early voter precinct;~~

2 ~~G.]~~ A. "benefited area" means that area described
3 by a property appraisal that receives a benefit as a result
4 of the creation of a district for any of the purposes
5 specified in Section 73-14-4 NMSA 1978;

6 ~~[D.]~~ ~~"election director" means the person whom the~~
7 ~~board of directors may request to provide election services~~
8 ~~by a contract approved by the secretary of state;~~

9 ~~E.]~~ ~~"election officer" means a person appointed by~~
10 ~~the board of directors to conduct the election in the absence~~
11 ~~of an election director and who performs all election~~
12 ~~services required by statute;~~

13 ~~F.]~~ B. "list compiler" means a contractor approved
14 by the board of directors to compile and produce a qualified
15 elector list for a conservancy district;

16 ~~[G.]~~ C. "qualified elector" means an individual who
17 owns real property within the benefited area of the
18 conservancy district and who has provided proof of an
19 ownership interest to one of the sources specified in
20 Subsection B of Section 73-14-20.1 NMSA 1978 within the
21 required time period, or who resides on and owns legal or
22 equitable title in tribal lands and who is over the age of
23 majority;

24 ~~[H.]~~ D. "qualified elector's list" means the list
25 compiled before each election that contains the individual

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1 names of all qualified electors; and

2 ~~[F-]~~ E. "residence" means a dwelling that lies
3 partially or completely within the benefited area."

4 **SECTION 135.** Section 73-14-20.1 NMSA 1978 (being Laws
5 1990, Chapter 48, Section 1, as amended) is amended to read:

6 "73-14-20.1. QUALIFIED ELECTOR LIST.--

7 A. The board of directors of the conservancy
8 district may contract for a list compiler before each
9 election to compile and produce a qualified elector's list
10 for the district. The list compiler shall deliver the
11 completed list to the ~~[election director]~~ appropriate county
12 clerk no later than ~~[forty-five]~~ one hundred eighty days
13 prior to a district election and update the list every thirty
14 days until ninety days before the election, which list the
15 county clerk shall use for the election. An individual who
16 purchases property ninety days prior to an election and whose
17 name does not appear on the qualified elector's list shall
18 not vote in that election. The individual may become
19 certified to vote in a future election by filing ~~[his]~~ a deed
20 of title with the appropriate county clerk at least ninety
21 days before the next conservancy district election.

22 B. Names of qualified electors shall be obtained
23 from the records of the county clerk of the appropriate
24 county, the appropriate county assessor of the appropriate
25 county, records of the conservancy district or from the

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1 census bureau and enrollment records provided by the pueblos.
2 The county assessor of the appropriate county, the county
3 clerk of the appropriate county and the tribal
4 representatives of the appropriate pueblos shall deliver to
5 the ~~[election director]~~ list compiler all records regarding
6 qualified electors of the benefited area no later than the
7 last day of each March before a district election.

8 C. Updating the qualified elector's list shall
9 consist of adding, for any new qualified elector who has
10 purchased property in the district, the name, address and
11 description of all property owned by the qualified elector in
12 the benefited area and removing the name of any elector who
13 is deceased or ~~[is no longer a qualified elector because he]~~
14 who no longer owns property within the benefited area.

15 D. Proof of ownership of land within the benefited
16 area requires one of the following:

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

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

23 (3) an individual's name on a list compiled by
24 the governing body of a pueblo within the benefited area
25 indicating that the individual named is residing on and has

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1 legal or equitable title in the pueblo; or

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

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

16 SECTION 136. Section 73-14-24 NMSA 1978 (being Laws
17 1975, Chapter 262, Section 7, as amended) is amended to read:

18 "73-14-24. TIME AND PROCEDURE FOR ELECTION.--

19 [~~A. On the first Tuesday after the first Monday in~~
20 ~~January prior to the middle Rio Grande conservancy district~~
21 ~~election, an election proclamation shall be published that~~
22 ~~includes a list of the offices for which a candidate may~~
23 ~~file, the date and place at which declarations of candidacy~~
24 ~~shall be filed and the date of the election. The election~~
25 ~~proclamation shall be published once in a newspaper of~~

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1 ~~general circulation in the counties in which the election~~
 2 ~~shall be held.~~

3 ~~B.~~ A. The members of the boards of directors
 4 created pursuant to the provisions of Sections 73-14-18
 5 through ~~[73-14-32]~~ 73-14-30 NMSA 1978 shall be elected ~~[at an~~
 6 ~~election held on the first Tuesday after the first Monday in~~
 7 ~~June in 2001 and in each odd-numbered year thereafter]~~
 8 pursuant to the Local Election Act.

9 ~~[G.]~~ B. The elections for the members of the board
 10 of directors of the conservancy district shall be conducted,
 11 counted and canvassed as provided in ~~[Sections 73-14-18~~
 12 ~~through 73-14-32 and 73-14-84 through 73-14-86 NMSA 1978.~~
 13 ~~The polls may be opened and closed in the same manner as~~
 14 ~~provided for the general election under the Election Code.~~

15 ~~D.~~ If only one candidate has filed a declaration of
 16 candidacy for a position to be filled at an election, no
 17 declared write-in candidate has filed for a position and
 18 there are no questions or bond issues on the ballot, only one
 19 polling place for the election may be designated. The one
 20 polling place may be located in the office of the election
 21 director or in the office of the middle Rio Grande
 22 conservancy district] the Local Election Act."

23 **SECTION 137.** Section 73-14-25 NMSA 1978 (being Laws
 24 1975, Chapter 262, Section 8, as amended) is amended to read:

25 "73-14-25. DECLARATION OF CANDIDACY--SIGNATURES OF

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1 ELECTORS.--

2 A. ~~[Any]~~ A person who desires to become a candidate
3 for election as a member of the conservancy district board of
4 directors shall file ~~[his]~~ a written declaration of candidacy
5 with the ~~[election director or with the election officer at~~
6 ~~least sixty days before the election. The election officer~~
7 ~~or the election director shall certify the candidates to the~~
8 ~~board of directors]~~ proper filing officer in accordance with
9 the provisions of the Local Election Act.

10 B. The declaration of candidacy shall ~~[contain:~~

11 ~~(1) a statement that the candidate is a~~
12 ~~qualified elector of the district and meets the~~
13 ~~qualifications of a director as required by law;~~

14 ~~(2) the candidate's name, address, county of~~
15 ~~residence and date of declaration of candidacy;~~

16 ~~(3) the numerical designation of the position~~
17 ~~on the board of directors for which he desires to be a~~
18 ~~candidate;~~

19 ~~(4)]~~ be accompanied by:

20 (1) if a candidate for a position representing
21 a county in the conservancy district, a petition signed by at
22 least seventy-five qualified electors of the district who
23 reside in that county; or

24 ~~[(5)]~~ (2) if a candidate for the position at
25 large in the conservancy district, a petition signed by at

1 least one hundred twenty-five qualified electors [~~and~~
 2 ~~(6) a statement that the candidate resides~~
 3 ~~within the conservancy district and in the county for which~~
 4 ~~he desires to be a candidate on the board of directors]."~~

5 SECTION 138. Section 73-14-28.1 NMSA 1978 (being Laws
 6 1996, Chapter 42, Section 12) is amended to read:

7 "73-14-28.1. ELECTION.--~~[The board of directors of the~~
 8 ~~conservancy district shall conduct the election]~~ Elections
 9 shall be conducted pursuant to [~~Chapter 73, Article 14]~~
 10 Sections 73-14-18 through 73-14-30 NMSA 1978 and [~~other~~
 11 ~~applicable election laws or shall select an election director~~
 12 ~~as defined in Section 73-14-20 NMSA 1978 to provide election~~
 13 ~~services. The election director shall operate pursuant to a~~
 14 ~~contract approved by the secretary of state. The election~~
 15 ~~may be conducted by emergency paper ballot, electronic voting~~
 16 ~~machine or any other state-certified tabulating voting~~
 17 ~~machine]~~ the Local Election Act."

18 SECTION 139. Section 73-14-55 NMSA 1978 (being Laws
 19 1943, Chapter 126, Section 2) is amended to read:

20 "73-14-55. BOARDS OF DIRECTORS--MEMBERSHIP--
 21 QUALIFICATIONS.--The boards of directors [~~hereby~~] created in
 22 Sections 73-14-54 through 73-14-69 NMSA 1978 shall consist of
 23 five [~~5~~] directors, each of whom must own real property
 24 within the conservancy district [~~which~~] that is subject to
 25 conservancy district appraisals, assessments, levies and

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1 taxes, and each of whom must actually reside within the
2 conservancy district and also within the county from which
3 ~~[he shall be]~~ the director is elected ~~[as hereinafter~~
4 ~~provided]."~~

5 SECTION 140. Section 73-14-57 NMSA 1978 (being Laws
6 1943, Chapter 126, Section 4, as amended) is amended to read:

7 "73-14-57. DEFINITION OF "QUALIFIED ELECTORS"--
8 QUALIFIED ELECTOR LIST.--

9 A. The term "qualified electors", as used in
10 Sections ~~[75-28-33 through 75-28-48 NMSA 1953]~~ 73-14-56
11 through 73-14-67 NMSA 1978, means only those persons who have
12 reached the age of majority and, for at least six months
13 prior to the election, have owned, during the entire six-
14 month period, real property situated within the district
15 ~~[which]~~ that is subject to conservancy district appraisals,
16 assessments, levies and taxes.

17 B. The conservancy district shall compile and
18 deliver a qualified elector list to the appropriate county
19 clerk no later than one hundred eighty days before an
20 election, and update the list every thirty days until ninety
21 days before the election, which list the county clerk shall
22 use for that election."

23 SECTION 141. Section 73-14-58 NMSA 1978 (being Laws
24 1943, Chapter 126, Section 5) is amended to read:

25 "73-14-58. TERMS--VACANCIES.--Each director shall be

1 elected for a term of six years from and after the date of
2 [his] election and, unless removed from office as
3 [hereinafter] provided in Sections 73-14-54 through 73-14-69
4 NMSA 1978, shall serve until [his] a successor is duly
5 elected and has qualified; provided that at the first
6 election, one director shall be elected for a term of two
7 years, two for a term of four years and two for a term of six
8 years, to be determined according to counties if there [be]
9 is land in any district in more than one county, by the board
10 calling the election. Appointments to fill vacancies shall
11 be for the unexpired term of the director whose office
12 becomes vacant. [~~Within ten days after the first and each~~
13 ~~succeeding election to be held under the provisions of this~~
14 ~~act, the directors so elected shall meet and qualify as~~
15 ~~directors and shall organize the board of directors hereby~~
16 ~~created in the same manner now by law required of members of~~
17 ~~the board of directors hereby abolished. When the elected~~
18 ~~directors shall have qualified and the boards of directors~~
19 ~~hereby created shall have been organized as aforesaid, then~~
20 ~~the present boards of directors as now constituted shall~~
21 ~~immediately cease to exist and to function, and all~~
22 ~~conservancy district records and property of what kind or~~
23 ~~character soever shall be, by the outgoing board and its~~
24 ~~outgoing directors, officers and employees, transferred and~~
25 ~~delivered unto the newly organized board of directors of said~~

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1 ~~conservancy district.]"~~

2 SECTION 142. Section 73-14-61 NMSA 1978 (being Laws
3 1943, Chapter 126, Section 8, as amended) is amended to read:

4 "73-14-61. NOTICE OF CANDIDACY--SIGNATURES OF
5 ELECTORS.--Any qualified elector [~~as herein defined~~] who
6 desires to become a candidate for election as a director
7 shall [~~at least forty days prior to the election~~] file with
8 the [~~secretary of the board of directors then in office his~~]
9 proper filing officer in accordance with the provisions of
10 the Local Election Act a written notice of candidacy, which
11 shall state [~~his~~] the candidate's name and residence [~~and the~~
12 ~~term for which he is a candidate for election~~] within the
13 conservancy district. If [~~he~~] the candidate is a candidate
14 at large, [~~his~~] the candidate's notice of candidacy [~~must~~]
15 shall be signed by twenty qualified electors resident within
16 the district. If [~~he~~] the candidate is a candidate only from
17 that portion of the district [~~which~~] that lies within one
18 county, [~~his~~] the candidate's notice of candidacy [~~must~~]
19 shall be signed by ten qualified electors who reside within
20 that particular portion of the district and county from which
21 the candidate seeks to be elected. [~~No person who has not~~
22 ~~filed his notice of candidacy as and within the time required~~
23 ~~in this section shall be placed on the ballot.]"~~

24 SECTION 143. Section 73-14-62 NMSA 1978 (being Laws
25 1943, Chapter 126, Section 9, as amended) is amended to read:

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1 "73-14-62. TIME, PLACE AND PROCEDURE FOR
2 ELECTION.--~~[A.]~~ The five director-members of the board of
3 directors ~~[by this act]~~ created by Sections 73-14-54 through
4 73-14-69 NMSA 1978 shall be elected ~~[on the first Tuesday of~~
5 ~~October of the year 1943 and of each succeeding sixth year~~
6 ~~thereafter at general election for districts having less than~~
7 ~~one hundred thousand acres. The five director-members of the~~
8 ~~boards of directors of conservancy districts formed after~~
9 ~~July 1, 1952 shall be elected on the first Tuesday of~~
10 ~~October, 1959 and of each succeeding sixth year thereafter at~~
11 ~~general election.~~

12 ~~B. Not less than thirty days prior to said~~
13 ~~election, the board of directors then in office shall meet~~
14 ~~and by written resolution, which shall be preserved among the~~
15 ~~permanent records of the board, shall select a voting place~~
16 ~~within each voting precinct or voting division thereof within~~
17 ~~the conservancy district and shall select three judges of~~
18 ~~election to conduct the election at the place so selected.~~
19 ~~Said judges shall be qualified electors, as herein defined,~~
20 ~~and residents of the precinct within which they are appointed~~
21 ~~to act and shall serve without pay. The resolution shall~~
22 ~~appoint one of said judges to receive the ballots and post~~
23 ~~its notice of election. Not less than five days thereafter,~~
24 ~~the secretary of said board shall notify each judge so~~
25 ~~selected of his appointment as such and send to the judge~~

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1 ~~selected to receive the ballots four copies of a notice of~~
2 ~~election which shall state the time and purpose thereof, the~~
3 ~~place where held within the precinct and the names of the~~
4 ~~judges selected for such precinct and said notices shall be~~
5 ~~posted at the four most prominent places within the precinct~~
6 ~~as soon as received] in accordance with the provisions of the~~
7 Local Election Act."

8 SECTION 144. Section 73-14-71 NMSA 1978 (being Laws
9 1961, Chapter 67, Section 3, as amended) is amended to read:

10 "73-14-71. DEFINITION OF "QUALIFIED ELECTOR"--QUALIFIED
11 ELECTOR LIST.--

12 A. As used in the provisions of Sections [~~75-28-49~~
13 ~~through 75-28-67 NMSA 1953] 73-14-70 through 73-14-88 NMSA
14 1978, "qualified elector" means a natural person who has
15 reached the age of majority and who, for at least six months
16 prior to the election, has owned, either in community or
17 separately, real property located within the district and
18 subject to conservancy district appraisals, assessments,
19 levies and taxes.~~

20 B. The conservancy district shall compile and
21 deliver a qualified elector list to the appropriate county
22 clerk no later than one hundred eighty days before an
23 election, and update the list every thirty days until ninety
24 days before the election, which list the county clerk shall
25 use for that election."

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1 SECTION 145. Section 73-14-73 NMSA 1978 (being Laws
2 1961, Chapter 67, Section 5) is amended to read:

3 "73-14-73. ELECTIONS [~~WHEN HELD~~].--[~~A. The first~~
4 ~~election for conservancy districts existing on July 1, 1961~~
5 ~~and eligible under the provisions of Section 75-28-53 New~~
6 ~~Mexico Statutes Annotated, 1953 Compilation to have an~~
7 ~~elected board of directors shall be held on the first Tuesday~~
8 ~~in October 1961.~~

9 ~~B. Subsequent]~~ Elections shall be held [~~every two~~
10 ~~years following the year 1961 and shall be held on the first~~
11 ~~Tuesday of October;~~

12 ~~G.] pursuant to the Local Election Act.~~ Conservancy
13 districts formed after July 1, 1961 shall hold their first
14 election as provided in Section [~~75-28-53 New Mexico Statutes~~
15 ~~Annotated, 1953 Compilation]~~ 73-14-74 NMSA 1978."

16 SECTION 146. Section 73-14-74 NMSA 1978 (being Laws
17 1961, Chapter 67, Section 6, as amended) is amended to read:

18 "73-14-74. ELIGIBILITY OF DISTRICT TO HOLD ELECTION.--

19 A. No election shall be held in [~~any~~] an existing
20 conservancy district until the main canals in that district
21 are in such a condition that water can be delivered from them
22 for irrigation on the lands within the district.

23 B. The first election in any district formed after
24 July 1, 1961 [~~or in a district existing on July 1, 1961, and~~
25 ~~having an appointed board of directors]~~ shall be held [~~on the~~

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1 ~~first Tuesday of October occurring in an odd-numbered year~~
2 ~~during or~~ with the first regular local election occurring
3 after ~~[which]~~ the requirements of Subsection A of this
4 section are fulfilled."

5 SECTION 147. Section 73-14-78 NMSA 1978 (being Laws
6 1961, Chapter 67, Section 10) is amended to read:

7 "73-14-78. NOTICE OF CANDIDACY--SIGNATURES OF
8 ELECTORS.--~~[A.]~~ Any qualified elector who desires to become a
9 candidate for election as a member of a conservancy district
10 board of directors shall file ~~[his]~~ a written notice of
11 candidacy with the ~~[secretary of the existing appointed or~~
12 ~~elected board at least twenty days before the election.~~

13 ~~B. A notice for candidacy shall state:~~

14 ~~(1) the candidate's name and address; and~~

15 ~~(2) the numerical designation of the office~~
16 ~~position on the board for which he desires to be a candidate.~~

17 ~~G.]~~ proper filing officer in accordance with the
18 provisions of the Local Election Act. In addition, ~~[to the~~
19 ~~requirements of Subsection B]~~ a notice for candidacy shall be
20 signed by at least ten qualified electors within the
21 conservancy district."

22 SECTION 148. Section 73-18-27 NMSA 1978 (being Laws
23 1955, Chapter 281, Section 3, as amended) is amended to read:

24 "73-18-27. ~~[CALLING OF FIRST ELECTION]~~ ELECTIONS.--~~[The~~
25 ~~board of directors of the conservancy district shall meet at~~

1 ~~the office of the conservancy district at 10:00 a.m. on the~~
 2 ~~second Tuesday of August 1955 and shall call an election in~~
 3 ~~the election precincts outside the municipality to be held on~~
 4 ~~the second Tuesday in October 1955. The election shall be~~
 5 ~~called by the board of directors by resolution that shall fix~~
 6 ~~a voting place for each election precinct within the district~~
 7 ~~outside the municipality and designate the necessary~~
 8 ~~qualified electors of each election precinct to act as judges~~
 9 ~~of the election in each precinct. In the discretion of the~~
 10 ~~board of directors of the conservancy district, the election~~
 11 ~~may be held at any place within the district. Judges of the~~
 12 ~~elections shall be paid an amount to be determined by the~~
 13 ~~board of directors for service. Expenses of the elections~~
 14 ~~shall be paid by the district.] In each odd-numbered year~~
 15 ~~after 1955, elections shall be called [in the same manner and~~
 16 ~~at the same times as provided in Sections 73-18-25 through~~
 17 ~~73-18-43 NMSA 1978] and conducted pursuant to the Local~~
 18 Election Act for the election of directors to succeed any
 19 directors whose terms expire in that year."

20 SECTION 149. Section 73-18-28 NMSA 1978 (being Laws
 21 1955, Chapter 281, Section 4) is amended to read:

22 "73-18-28. DIRECTOR-AT-LARGE AND MUNICIPAL DIRECTOR--
 23 QUALIFIED ELECTOR LIST.--

24 A. The director to represent the municipality [~~or~~
 25 municipalities] and the director-at-large for the period from

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1 October 1955 to October 1957 shall be selected at the
2 September 1955 meeting by the board of directors of [~~such~~]
3 the conservancy district as [~~the same~~] it exists prior to
4 [~~such~~] the election. [~~Such~~] The members shall be elected
5 from the membership of the previously existing board if there
6 [~~be~~] are qualified members of [~~such~~] the board willing to
7 serve for [~~such~~] the additional two years. If there [~~be~~] are
8 no members of the existing board willing to serve for [~~such~~]
9 the additional period of two years or if there [~~be~~] is only
10 one, [~~then said~~] the existing board may select one or both of
11 [~~such~~] the directors from qualified electors of the district
12 for [~~such~~] the position or positions [~~as a director as no~~
13 ~~member of the existing board shall be willing to accept~~].

14 B. In the election to be held in October 1957, a
15 director to represent the municipal voting precinct shall be
16 elected from the qualified electors of the municipality, and
17 a director-at-large shall be elected from the qualified
18 electors of the district.

19 C. Every resident, otherwise qualified, owning real
20 estate of any character within the district shall have one
21 vote for director-at-large. Each elector resident of the
22 municipal voting precinct shall have one vote for municipal
23 director. The right of a voter to vote for municipal
24 director shall not be affected by [~~such~~] the elector voting
25 in any other election precinct in which [~~such~~] the elector

1 may own class "A" land.

2 D. The conservancy district shall compile and
 3 deliver a qualified elector list to the appropriate county
 4 clerk no later than one hundred eighty days before an
 5 election, and update the list every thirty days until ninety
 6 days before the election, which list the county clerk shall
 7 use for that election."

8 SECTION 150. Section 73-18-33 NMSA 1978 (being Laws
 9 1955, Chapter 281, Section 9, as amended) is amended to read:

10 "73-18-33. QUALIFICATIONS OF DIRECTORS.--The director-
 11 at-large shall be the owner of class "A" land within the
 12 district and shall be a resident of the district. The
 13 director for the municipal election precinct shall be a
 14 resident and shall be the owner of real estate within the
 15 district boundaries of the municipality. A director
 16 representing a district election precinct outside the
 17 municipality shall be a resident of the district and the
 18 owner of irrigable land within the voting precinct for which
 19 ~~[he]~~ the director is a director."

20 SECTION 151. Section 73-18-34 NMSA 1978 (being Laws
 21 1955, Chapter 281, Section 10, as amended) is amended to
 22 read:

23 "73-18-34. BECOMING A CANDIDATE FOR DIRECTOR.--Any
 24 person wishing to become a candidate for the office of
 25 director in any district shall ~~[by the last Friday of July~~

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1 ~~before the election]~~ file ~~[in the office of the secretary of~~
2 ~~the district]~~ a declaration of candidacy pursuant to the
3 provisions of the Local Election Act, stating the election
4 precinct for which the person is a candidate, accompanied by
5 a petition signed by not less than ten qualified electors of
6 the election precinct for which the person is a candidate to
7 represent. No declaration of candidacy shall be accepted ~~[by~~
8 ~~the secretary]~~ unless accompanied by such petition, signed by
9 electors."

10 SECTION 152. Section 73-18-35 NMSA 1978 (being Laws
11 1955, Chapter 281, Section 11) is amended to read:

12 "73-18-35. TERM OF OFFICE FOR DIRECTOR.--The regular
13 term of office for a director ~~[shall be]~~ is four ~~[(4)]~~ years,
14 and the director shall serve until [his] a successor [shall
15 ~~have] has~~ been chosen and ~~[shall have]~~ has qualified. A
16 director shall qualify by taking an oath of office. Newly
17 elected directors shall take office ~~[at the next regular~~
18 ~~meeting of the board of directors]~~ on the date that their
19 terms of office begin following the election of ~~[such] the~~
20 director."

21 SECTION 153. Section 73-18-41 NMSA 1978 (being Laws
22 1955, Chapter 281, Section 17) is amended to read:

23 "73-18-41. APPLICATION OF ~~[GENERAL ELECTION LAWS]~~ LOCAL
24 ELECTION ACT.--In any election held under ~~[this act]~~ Sections
25 73-18-25 through 73-18-43 NMSA 1978, the ~~[general election~~

1 ~~laws]~~ Local Election Act shall be applicable [~~except as~~
 2 ~~otherwise provided in this act and]~~ except as to the
 3 requirement for registration and residence in state, county
 4 or precinct as a qualification of an elector in offering to
 5 vote."

6 SECTION 154. Section 73-20-37 NMSA 1978 (being Laws
 7 1965, Chapter 137, Section 11, as amended) is amended to
 8 read:

9 "73-20-37. DISTRICT SUPERVISORS--ELECTION AND
 10 APPOINTMENT--NEW DISTRICTS.--

11 A. The governing body of a district shall be
 12 composed of five supervisors who shall be residents of the
 13 district and shall be elected pursuant to the provisions of
 14 the Local Election Act; provided, however, that two
 15 additional supervisors may be appointed to the governing body
 16 of each district by the commission in accordance with the
 17 provisions of the Soil and Water Conservation District Act.
 18 Four elected supervisor positions of each district shall be
 19 filled by landowners within the defined geographical area of
 20 their district. One elected supervisor position shall be
 21 designated supervisor-at-large, and the supervisor filling
 22 that position may serve the district without landowner
 23 qualification.

24 [~~B. Unless a different time is prescribed by the~~
 25 ~~commission, within thirty days following the issuance of a~~

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1 ~~certificate of organization to the two interim supervisors of~~
2 ~~a district, declarations of candidacy for supervisors of the~~
3 ~~district may be filed with the commission. The commission~~
4 ~~shall give due notice of election for the offices of five~~
5 ~~district supervisors. All registered voters residing within~~
6 ~~the district shall be eligible to vote. The commission shall~~
7 ~~adopt and prescribe regulations governing the conduct of the~~
8 ~~election, shall determine voter eligibility and shall~~
9 ~~supervise the election and publish its results. The~~
10 ~~districts shall bear the expenses of elections; however, the~~
11 ~~commission shall bear the expenses of the first election of a~~
12 ~~newly organized district.~~

13 G.] B. In the first election of supervisors to
14 serve a newly organized district, two supervisors shall be
15 elected for terms of four years and three supervisors shall
16 be elected for terms of two years. Thereafter, each elected
17 supervisor shall serve a term of four years and shall
18 continue in office until [his] a successor has been elected
19 or appointed and has completed an oath of office. [~~Oaths of~~
20 ~~office may not be completed prior to July 1 after an~~
21 ~~election.~~] A vacant unexpired term of the office of an
22 elected supervisor shall be filled by appointment by the
23 remaining supervisors of the district. Two or more vacant
24 unexpired terms occurring simultaneously in the same district
25 shall be filled by appointment by the commission.

1 ~~[D.]~~ C. Appointed interim supervisors may continue
 2 to serve as appointed supervisors ~~[at the pleasure of the~~
 3 ~~commission or]~~ until their successors are ~~[otherwise~~
 4 ~~appointed]~~ elected at the next local election pursuant to the
 5 Local Election Act."

6 SECTION 155. Section 73-20-38 NMSA 1978 (being Laws
 7 1965, Chapter 137, Section 12, as amended) is amended to
 8 read:

9 "73-20-38. DISTRICT SUPERVISORS--ELECTION AND
 10 APPOINTMENT--ORGANIZED DISTRICTS.--

11 A. Successors to supervisors whose terms end in a
 12 calendar year shall be elected ~~[on the first Tuesday in May~~
 13 ~~of that year]~~ pursuant to the Local Election Act. Elections
 14 shall be called, conducted and ~~[returned]~~ canvassed in
 15 accordance with ~~[rules adopted and prescribed by the~~
 16 ~~commission.~~

17 ~~B. A canvassing board appointed by the commission~~
 18 ~~shall determine the results of a district election, shall~~
 19 ~~certify and publish the results and shall give the commission~~
 20 ~~notice of its canvass within seven days of its completion. A~~
 21 ~~canvass is considered complete when all challenges have been~~
 22 ~~resolved to the satisfaction of the canvassing board.~~

23 ~~C. Rules adopted and published by the commission~~
 24 ~~and the election provisions of the Soil and Water~~
 25 ~~Conservation District Act shall be exclusive in the conduct~~

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1 ~~of district elections. The commission may adopt and publish~~
2 ~~rules to carry out the provisions of the Soil and Water~~
3 ~~Conservation District Act.~~

4 ~~D.]~~ the Local Election Act.

5 B. By June 15 of each year, the district
6 supervisors may submit to the commission a list of persons
7 interested in the district and who by experience or training
8 are qualified to serve as supervisors. The commission may
9 appoint from the list submitted [~~or at will~~] two persons to
10 serve as supervisors if it is the determination of the
11 commission that the appointments are necessary or desirable
12 and would benefit or facilitate the work and functions of the
13 district. In the event a list is not submitted to the
14 commission by the supervisors by June 15, the commission may
15 appoint [~~at will~~] two supervisors qualified to serve by
16 training or experience. Appointed supervisors shall serve
17 [~~at the pleasure of the commission~~] a term of two years and
18 shall have the same powers and perform the same duties as
19 elected supervisors. Successors to appointed supervisors, or
20 replacement-appointed supervisors in the event of vacancy,
21 shall be appointed by the commission from a list of
22 candidates [~~or at will~~] in accordance with the provisions of
23 this subsection."

24 **SECTION 156.** Section 73-20-46 NMSA 1978 (being Laws
25 1965, Chapter 137, Section 20, as amended) is amended to

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1 read:

2 "73-20-46. DISTRICT ASSESSMENTS.--

3 A. In the event a district is unable to meet or
4 bear the expense of the duties imposed upon it by the Soil
5 and Water Conservation District Act, the supervisors may
6 adopt a resolution that, to be effective, shall be approved
7 by referendum in the district and that shall provide for an
8 annual levy for a stated period of up to ten years in a
9 stated amount not exceeding one dollar (\$1.00) on each one
10 thousand dollars (\$1,000) of net taxable value, as that term
11 is defined in the Property Tax Code, of real property within
12 the district, except that real property within incorporated
13 cities and towns in the district may be excluded. The
14 referendum held to approve or reject the resolution of the
15 supervisors shall be conducted [~~with appropriate ballot and~~
16 ~~in substantially the same manner as a referendum adopting and~~
17 ~~approving the creation of a proposed district]~~ pursuant to
18 the Local Election Act. After the initial authorization is
19 approved by referendum, the supervisors shall adopt a
20 resolution in each following year authorizing the levy. To
21 extend an assessment beyond the period of time originally
22 authorized and approved by referendum, the supervisors shall
23 adopt a new resolution and the district voters shall approve
24 it in a referendum. The extension shall be for the same
25 period of time as originally approved, but the rate of the

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1 tax may be different as long as it does not exceed one dollar
2 (\$1.00) on each one thousand dollars (\$1,000) of net taxable
3 value of real property within the district, except that real
4 property within incorporated municipalities in the district
5 may be excluded. If the district is indebted to the United
6 States or the state or any of their respective agencies or
7 instrumentalities, including the New Mexico finance
8 authority, at the time of the expiration of the original
9 authorization, the supervisors may renew the assessment by
10 resolution for a period not to exceed the maturity date of
11 the indebtedness, and no referendum for that renewal is
12 necessary.

13 B. A resolution authorized under Subsection A of
14 this section shall not be effective, and neither a referendum
15 nor a levy is authorized, unless the resolution is submitted
16 to and approved in writing by the commission.

17 C. In the event a resolution of the supervisors is
18 adopted and approved in accordance with the provisions of
19 Subsection A of this section, the supervisors of the district
20 shall certify by the fifteenth of July of each year to the
21 county assessor of each county in which there is situate land
22 subject to the district assessment:

23 (1) a copy of the resolution of the
24 supervisors;

25 (2) the results of any referendum held in the

1 year the certification is made; and

2 (3) a list of landowners of the district and a
3 description of the land owned by each that is subject to
4 assessment.

5 D. A county assessor shall indicate the information
6 on the tax schedules, compute the assessment and present the
7 district assessment by regular tax bill.

8 E. The district assessment shall be collected by
9 the county treasurer of each county in which taxable district
10 land is situate in the same manner and at the same time that
11 county ad valorem taxes are levied. The conditions,
12 penalties and rates of interest applicable to county ad
13 valorem taxation apply to the levy and collection of district
14 assessments. A county treasurer shall be entitled to a
15 collection fee equal to the actual costs of collection or
16 four percent of the money collected from the levy of the
17 district assessment, whichever is the lesser.

18 F. District funds, regardless of origin, shall be
19 transferred to and held by the supervisors and shall be
20 expended for district obligations and functions. The
21 supervisors shall prepare an annual budget and submit it for
22 approval to the commission and to the local government
23 division of the department of finance and administration.
24 All district funds shall be expended in accordance with the
25 approved budgets.

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1 G. In the event the supervisors of a district
2 determine that there are or will be sufficient funds
3 available for the operation of the district for any year for
4 which an assessment is to be levied, they shall, by
5 resolution, direct the assessor of each county in which
6 taxable district land is situate, by July 15 of each year, to
7 decrease the district assessment or to delete the district
8 assessment reflected on the tax schedules.

9 H. Any levy authorized by the Soil and Water
10 Conservation District Act and any loan or other indebtedness
11 authorized by that act that will require that a levy shall be
12 based exclusively on or levied exclusively on the real
13 property in the district, except that real property within
14 incorporated cities and towns may be excluded."

15 SECTION 157. Section 73-21-14 NMSA 1978 (being Laws
16 1943, Chapter 80, Section 13, as amended) is amended to read:

17 "73-21-14. ELECTIONS.--

18 A. In any district, except a district created
19 pursuant to a petition signed by the chair of the board of
20 county commissioners of a county, [~~on the second Tuesday of~~
21 ~~January in the second calendar year after the organization of~~
22 ~~the district and on the second Tuesday of January every~~
23 ~~second year thereafter]~~ in accordance with the Local Election
24 Act, there shall be elected by the [~~taxpaying~~] qualified
25 electors of the district one member of the board to serve for

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1 a term of six years, except that if the district elects to
 2 adopt four-year terms, the member shall serve for a term of
 3 four years.

4 B. In any district created pursuant to a petition
 5 signed by the chair of the board of county commissioners of a
 6 county, ~~[one]~~ in the odd-numbered year after the organization
 7 of the district and every second year thereafter, there shall
 8 be elected by the ~~[taxpaying]~~ qualified electors of the
 9 district at least two, but no more than three, members of the
 10 board to serve for a term of two years. The election shall
 11 be held in accordance with the provisions of the Local
 12 Election Act.

13 C. ~~[Not later than thirty days before any election~~
 14 ~~pursuant to Subsection A or B of this section]~~ Nominations
 15 may be filed with the ~~[secretary of the board, and, if a~~
 16 ~~nominee does not withdraw the nominee's name before the first~~
 17 ~~publication of the notice of election, the name shall be~~
 18 ~~placed on the ballot. The board shall provide for holding~~
 19 ~~such election and shall appoint judges to conduct it. The~~
 20 ~~secretary of the district shall give notice of election by~~
 21 ~~publication and shall arrange such other details in~~
 22 ~~connection with the election as the board may direct]~~ proper
 23 filing officer in accordance with the provisions of the Local
 24 Election Act. If within ninety days prior to a board
 25 election, the district publishes materials that describe the

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1 qualifications, experience and accomplishments of incumbents,
2 equal space shall be made available without charge for
3 similar information provided by opponents seeking a position
4 on the board. ~~[The returns of the election shall be~~
5 ~~certified to and shall be canvassed and declared by the~~
6 ~~board. The candidate receiving the most votes shall be~~
7 ~~elected. Any new member of the board shall qualify in the~~
8 ~~same manner as members of the first board qualify.]"~~

9 SECTION 158. Section 73-21-28 NMSA 1978 (being Laws
10 1943, Chapter 80, Section 25, as amended) is amended to read:

11 "73-21-28. BOARD RESOLUTION--INDEBTEDNESS--ELECTION.--
12 Whenever the board shall, by resolution, determine that the
13 interest of the district and the public interest or necessity
14 demand the acquisition, construction, installation or
15 completion of any works or other improvements or facilities,
16 or the making of any contract with the United States or other
17 persons or corporations, to carry out the objects or purposes
18 of the district, requiring the creation of a general
19 obligation indebtedness of five thousand dollars (\$5,000) or
20 more, secured by property tax revenue from within the
21 district, the board shall order the submission of the
22 proposition of issuing the obligations or bonds or creating
23 other indebtedness to the qualified ~~[taxpaying]~~ electors of
24 the district at ~~[an]~~ a district election held ~~[for that~~
25 ~~purpose. Any such election may be held separately or may be~~

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1 ~~consolidated or held concurrently with any other election~~
 2 ~~authorized by the Water and Sanitation District] in~~
 3 accordance with the provisions of the Local Election Act.
 4 The declaration of public interest or necessity required in
 5 this section and the provision for the holding of the
 6 election may be included within one and the same resolution.
 7 The resolution, in addition to the declaration of public
 8 interest or necessity, shall recite the objects and purposes
 9 for which the indebtedness is proposed to be incurred, the
 10 estimated cost of the works or improvements, as the case may
 11 be, the amount of principal of the indebtedness to be
 12 incurred and the maximum rate of interest to be paid on the
 13 indebtedness. The resolution shall also [~~fix~~] announce the
 14 date upon which the election shall be held [~~and the manner of~~
 15 ~~holding it and the method of voting for or against the~~
 16 ~~incurring of the proposed indebtedness. The resolution shall~~
 17 ~~also fix the compensation to be paid the officers of the~~
 18 ~~election and shall designate the polling place and shall~~
 19 ~~appoint, for each polling place, from the electors of the~~
 20 ~~district, the officers of the election consisting of three~~
 21 ~~judges, one of whom shall act as clerk]; provided that the
 22 date is not in conflict with the provisions of Section
 23 1-12-71 NMSA 1978."~~

24 SECTION 159. TEMPORARY PROVISION.--

25 A. The term of an elected local government officer

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1 that was set to expire on or before June 30, 2020 pursuant to
2 the governing statutes of that local government in effect
3 before the effective date of this act shall expire on
4 December 31, 2019, and that officer's successor shall be
5 elected in the local election held on the first Tuesday after
6 the first Monday of November 2019 for a term beginning on
7 January 1, 2020.

8 B. The term of an elected local government officer
9 that was set to expire on or after July 1, 2020 but on or
10 before June 30, 2022 pursuant to the governing statutes of
11 that local government in effect before the effective date of
12 this act shall expire on December 31, 2021, and that
13 officer's successor shall be elected in the local election
14 held on the first Tuesday after the first Monday of November
15 2021 for a term beginning on January 1, 2022.

16 C. The term of an elected local government officer
17 that was set to expire on or after July 1, 2022 pursuant to
18 the governing statutes of that local government in effect
19 before the effective date of this act shall expire on
20 December 31, 2023, and that officer's successor shall be
21 elected in the local election held on the first Tuesday after
22 the first Monday of November 2023 for a term beginning on
23 January 1, 2024.

24 D. The provisions of this section only apply to
25 local government officers whose elections are subject to the

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1 provisions of the Local Election Act but do not apply to
2 conservancy district elections, which are subject to the
3 provisions of Section 160 of this act.

4 **SECTION 160. TEMPORARY PROVISION.--**

5 A. The term of a conservancy district board member
6 that was set to expire on or before June 30, 2024 pursuant to
7 the governing statutes of that district in effect before the
8 effective date of this section shall expire on December 31,
9 2023, and that member's successor shall be elected in the
10 local election held on the first Tuesday after the first
11 Monday of November 2023 for a term beginning on January 1,
12 2024.

13 B. The term of a conservancy district board member
14 that was set to expire on or after July 1, 2024 but on or
15 before June 30, 2026 pursuant to the governing statutes of
16 that district in effect before the effective date of this
17 section shall expire on December 31, 2025, and that member's
18 successor shall be elected in the local election held on the
19 first Tuesday after the first Monday of November 2025 for a
20 term beginning on January 1, 2026.

21 C. The term of a conservancy district board member
22 that was set to expire on or after July 1, 2026 pursuant to
23 the governing statutes of that district in effect before the
24 effective date of this section shall expire on December 31,
25 2027, and that member's successor shall be elected in the

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1 local election held on the first Tuesday after the first
2 Monday of November 2027 for a term beginning on January 1,
3 2028.

4 SECTION 161. TEMPORARY PROVISION.--References in law to
5 the Municipal Election Code and to the School Election Law
6 shall be deemed to be references to the Local Election Act.

7 SECTION 162. REPEAL.--

8 A. Sections 1-6-19, 1-22-5, 1-23-1 through 1-23-7,
9 21-13-18.1, 21-13-18.2, 21-16-21, 21-16-22, 72-16-29 through
10 72-16-34, 72-17-29 through 72-17-34, 72-18-36 through
11 72-18-41, 72-19-29 through 72-19-34, 72-20-29 through
12 72-20-34, 73-21-29 and 73-21-30 NMSA 1978 (being Laws 1969,
13 Chapter 54, Section 1, Laws 1985, Chapter 168, Section 7,
14 Laws 1987, Chapter 160, Sections 1 through 6, Laws 1991,
15 Chapter 105, Section 43, Laws 1987, Chapter 160, Section 7,
16 Laws 1993, Chapter 75, Sections 3 and 4, Laws 1964 (1st
17 S.S.), Chapter 12, Sections 6 and 7, Laws 1963, Chapter 311,
18 Sections 29 through 34, Laws 1967, Chapter 156, Sections 29
19 through 34, Laws 1981, Chapter 377, Sections 36 through 41,
20 Laws 1990, Chapter 14, Sections 29 through 34, Laws 2007,
21 Chapter 99, Sections 29 through 34 and Laws 1943, Chapter 80,
22 Sections 26 and 27, as amended) are repealed.

23 B. Sections 3-8-1 through 3-8-80, 3-9-1 through
24 3-9-16 and 3-14-7 NMSA 1978 (being Laws 1985, Chapter 208,
25 Sections 9 through 14, Laws 1991, Chapter 123, Section 2,

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1 Laws 1965, Chapter 300, Section 14-8-5, Laws 1985, Chapter
 2 208, Sections 16 through 22 and 24 through 26, Laws 1971,
 3 Chapter 306, Sections 8 and 9, Laws 1985, Chapter 208,
 4 Sections 29 through 32, Laws 1965, Chapter 300, Sections
 5 14-8-3, 14-8-4, 14-8-8 and 14-8-6, Laws 1985, Chapter 208,
 6 Section 37, Laws 1965, Chapter 300, Section 14-8-9, Laws
 7 1971, Chapter 306, Section 10, Laws 1965, Chapter 300,
 8 Section 14-8-13, Laws 1985, Chapter 208, Sections 41 and 42,
 9 Laws 1965, Chapter 300, Section 14-8-2, Laws 1985, Chapter
 10 208, Sections 44 and 45, Laws 2009, Chapter 278, Section 31,
 11 Laws 1985, Chapter 208, Sections 46 through 49 and 51 through
 12 60, Laws 1965, Chapter 300, Section 14-8-14, Laws 1985,
 13 Chapter 208, Sections 62 through 69, Laws 1965, Chapter 300,
 14 Section 14-8-16, Laws 1985, Chapter 208, Sections 71 through
 15 88, Laws 1973, Chapter 375, Sections 2, 1, 3 and 6 through
 16 10, Laws 1985, Chapter 208, Sections 98 through 100, Laws
 17 1973, Chapter 375, Section 11, Laws 2003, Chapter 244,
 18 Section 19, Laws 1973, Chapter 375, Sections 13 and 14 and
 19 Laws 1965, Chapter 300, Section 14-13-7, as amended) are
 20 repealed.

21 **SECTION 163. DELAYED REPEAL.**--Sections 73-14-27,
 22 73-14-28, 73-14-29, 73-14-31 through 73-14-31.3, 73-14-63
 23 through 73-14-65, 73-14-80 through 73-14-86 and 73-18-37
 24 through 73-18-40 NMSA 1978 (being Laws 1975, Chapter 262,
 25 Sections 10 through 12 and 14, Laws 1996, Chapter 42,

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1 Sections 15 and 16, Laws 1999, Chapter 168, Section 8, Laws
2 1943, Chapter 126, Sections 10 through 12, Laws 1961, Chapter
3 67, Sections 12 through 17, Laws 1996, Chapter 42, Section
4 17, Laws 1961, Chapter 67, Section 18 and Laws 1955, Chapter
5 281, Sections 13 through 16, as amended) are repealed
6 effective July 1, 2022.

7 SECTION 164. EFFECTIVE DATES.--

8 A. The effective date of the provisions of Sections
9 1 through 133, 153 through 159, 161 and 162 of this act is
10 July 1, 2018.

11 B. The effective date of Sections 134 through 152,
12 160 and 163 of this act is July 1, 2022.