

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

March 12, 2021

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred
HOUSE BILL 211

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 17, strike "DECLARING AN EMERGENCY" and insert in lieu thereof "AUTHORIZING THE LEGISLATURE TO REDISTRICT IN THE YEAR AFTER RECEIVING THE RESULTS OF THE FEDERAL DECENNIAL CENSUS IF THE CENSUS RESULTS ARE NOT RECEIVED BY JULY 1; MAKING CONFORMING TECHNICAL CHANGES; REPEALING LAWS 2020, CHAPTER 9, SECTION 1".

2. On page 2, line 7, strike "the public education commission" and insert in lieu thereof "any other state districts requiring redistricting".

3. On page 3, line 15, strike "be" and insert in lieu thereof "have been".

4. On page 3, line 16, after "state", insert "at any time in the two years preceding appointment".

5. On page 3, between lines 20 and 21, insert the following new subsection:

"C. The appointing authorities shall give due consideration to the cultural diversity of the state and to achieving geographical representation across the state in making appointments to the commission."

6. Reletter the succeeding subsections accordingly.

7. On page 3, line 22, strike "April" and insert in lieu thereof "July".

8. On page 3, line 25, strike "the public education commission" and insert in lieu thereof "any other state districts requiring redistricting".

9. On page 5, line 6, strike "the public education commission" and insert in lieu thereof "any other state districts requiring redistricting".

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10. On page 5, line 9, after "legislative", insert "or executive".

11. On page 5, line 17, strike "April" and insert in lieu thereof "July".

12. On page 5, line 20, after "than", strike the remainder of the line, strike line 21 in its entirety and insert in lieu thereof "one hundred fifty days after the state receives the results of the federal decennial census,".

13. On page 6, line 2, strike "the public education commission" and insert in lieu thereof "any other state districts requiring redistricting".

14. On page 6, line 6, after "virtually", insert ", if required by law,".

15. On page 6, line 10, after "virtually", insert ", if required by law,".

16. On page 6, line 19, strike "April" and insert in lieu thereof "July".

17. On page 8, line 7, strike "and".

18. On page 8, line 8, after "laws", insert ";

(4) create district plans that preserve communities of interest;

(5) create district plans that consider tribal governments and tribal boundaries; and

(6) create district plans that preserve cores of existing districts; provided that all other redistricting criteria are able to be met".

19. On page 8, line 11, after "and", insert "may use, rely upon or reference".

20. On page 8, line 12, after "precincts", insert "when

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necessary to comply with federal law or to preserve communities of interest".

21. On page 8, line 25, after the semicolon, insert "or".

22. On page 9, line 1, strike "to intentionally" and insert in lieu thereof "that".

23. On page 9, line 2, after "interest", strike the remainder of the line, strike lines 3 through 6 in their entirety and strike line 7 through "section".

24. On page 9, lines 13 and 14, strike "the public education commission" and insert in lieu thereof "any other state districts requiring redistricting".

25. On page 10, line 21, strike "the public education commission" and insert in lieu thereof "any other state districts requiring redistricting".

26. On page 11, line 7, strike "the public education commission" and insert in lieu thereof "any other state districts requiring redistricting".

27. On pages 11 and 12, strike Section 9 in its entirety and insert in lieu thereof the following new section:

"SECTION 9. [NEW MATERIAL] LEGISLATIVE SELECTION OF DISTRICT PLANS.--

A. The commission shall deliver its adopted district plans and accompanying written evaluations and all accompanying concise explanatory statements to the legislature by October 30, 2021, or as soon thereafter as practicable, and September 1 of each year ending in the number one thereafter.

B. The legislature shall receive the adopted district plans for consideration in the same manner as for legislation recommended by interim legislative committees."

28. On page 12, line 13, strike "thirty" and insert in lieu thereof "eleven".

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29. On page 13, line 1, strike "thirty" and insert in lieu thereof "eleven".

30. On page 14, between lines 3 and 4, insert the following new subsection:

"H. The district courts shall not have jurisdiction over matters related to any district plan adopted by the commission."

31. On page 14, strike lines 4 and 5 in their entirety and insert in lieu thereof the following new sections:

"SECTION 11. Section 1-3-12 NMSA 1978 (being Laws 1984 (1st S.S.), Chapter 3, Section 4, as amended) is amended to read:

"1-3-12. ADJUSTING PRECINCT BOUNDARIES.--

A. Before each federal decennial census, every precinct shall comply with the requirements of Section 1-3-1 NMSA 1978, and if necessary its boundary shall be adjusted to coincide with a feature or a boundary that is:

(1) shown on the standard base maps developed pursuant to Subsection B of this section;

(2) a designated census block boundary on the proposed federal PL 94-171 2020 census block maps; or

(3) approved by the secretary of state and the United States bureau of the census.

B. Prior to commencement of the federal decennial census, the secretary of state shall have prepared and shall furnish to each county clerk standard base maps of the county. The standard base map for urban and nonurban areas of the county shall, as nearly as practical, show:

(1) all state and federal highways;

(2) all numbered and named county roads that have been certified to the department of transportation;

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(3) all military installation boundaries and federal and state prison boundaries;

(4) all major railroad lines;

(5) federal, state and county political boundaries, municipal boundaries and school district boundaries;

(6) all streets within urban areas; and

(7) other major terrain features, such as flowing rivers and streams, arroyos, power lines, pipelines, roads, trails and ridgelines and other acceptable census block boundaries.

C. The board of county commissioners, upon receipt of the standard base maps from the secretary of state and upon the recommendation of the county clerk, shall:

(1) adjust all precinct boundaries to coincide with numbered or named street boundaries or suitable visible terrain features shown on the standard base map; provided that the precincts shall be composed of contiguous and compact areas, and state, county, municipal, school district and other special district or political boundary lines shall serve as precinct boundaries whenever possible; and

(2) upon the completion of the precinct boundary adjustments as required in this section, indicate on the standard base maps the boundaries for both urban and nonurban precincts and, together with a written description of the precincts, shall send an electronic copy to the secretary of state for approval.

D. The precincts shown upon the standard base maps submitted pursuant to the provisions of this section and as revised and approved by the secretary of state pursuant to the Precinct Boundary Adjustment Act shall become the official precincts of each county for the 2021 redistricting. For the 2022 and subsequent statewide elections, changes in precincts shall be made in accordance with the provisions of Chapter 1, Article 3 NMSA 1978.

E. In the same calendar year in which the state receives the results of a federal decennial census, the state legislature

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shall redistrict federal representative districts, each chamber of the legislature [~~public regulation commission districts, public education commission districts~~] and any other state districts requiring redistricting; provided that if the state does not receive the results of a federal decennial census by July 1 in a calendar year ending in one, the legislature may redistrict in the calendar year ending in two.

F. In the calendar year following the receipt of the results of a federal decennial census, each local public body subject to districting shall create or redraw districts for the local public body. A local public body, when creating or redrawing districts, shall not split a precinct into two or more districts for any elected office unless necessary to comply with federal law or to preserve communities of interest."

SECTION 12. REPEAL.--Laws 2020, Chapter 9, Section 1 is repealed.".,

and thence referred to the **APPROPRIATIONS AND FINANCE COMMITTEE.**

Respectfully submitted,

Gail Chasey, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

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The roll call vote was 7 For 5 Against
Yes: 7
No: Alcon, Armstrong, D., Cadena, Chasey, Ely
Excused: None
Absent: None

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