

LFC Requester:

Austin Davidson

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2.18.25

Check all that apply:

Bill Number: HB 431

Original Correction
Amendment Substitute

Sponsor: Reps. Rebecca Dow & Gail Armstrong

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Appointment of Watershed Boards

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: **Relates to HB 308**
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: House Bill 431 (“HB 431”) would amend the Watershed District Act, NMSA 1978, Sections 73-20-1 to -48, to change the governance of watershed districts so that the board of directors of a watershed district is no longer elected but appointed by the board of supervisors of the soil and water conservation district in which the watershed district is located.

Section 1: would amend the definitions section of the Watershed District Act to add a definition for “minority jurisdiction district.” The proposed amendment defines a “minority jurisdiction district” as “a soil and water conservation district that has within its jurisdiction a minority of the land in a watershed district.” It also amends the definition of “supervisors” to remove the singular of “district.”

Section 2:

Subsection (A) would delete the current material in NMSA 1978, Section 73-20-12(A) providing for the election of directors of a watershed district, and replace it with material that mandates the appointment of those directors by the board of supervisors: “A watershed district shall be governed by a board of directors appointed by the board of supervisors for the soil and water conservation district in which the watershed district is located.” Except for circumstances involving a “minority jurisdiction district” (see Subsection (C), below), the board of directors “shall consist of five directors,” and that “when available, one director shall be a current or former elected director of the watershed district.”

Subsection (B) is new material providing that, for initial appointments for a watershed district, “a board of supervisors shall appoint two members to serve terms of two years and three members to serve terms of four years.” After that, “new appointments . . . shall be for terms of four years,” and any vacancies before a term expires “shall be filled by appointment for the unexpired remainder of a term.”

Subsection (C) would renumber NMSA 1978, Section 73-20-12(B) as NMSA 1978, Section 73-20-12(C) and amend it to provide for the appointment (rather than the election) of three additional directors from each “minority jurisdiction district” that the watershed district spans. Of those three additional directors from each minority jurisdiction district, one would be appointed for a term of two years, and two will be appointed for four years; subsequent appointments will be for four years, and any vacancies will be filled by appointment by the

minority jurisdiction districts.

HB 431 would renumber the remaining subsections and delete the procedure for nominating petitions in NMSA 1978, Section 73-20-12(E).

Section 3: provides that the effective date would be July 1, 2025.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

HB 431's proposed Section 2 does not explain how the board of supervisors will decide which members of the board of directors will serve for a term of two years, and which for four years. Currently, the Watershed District Act provides that those decisions are made "by lot from among [the board's] membership." NMSA 1978, Section 73-20-12(A) and (B) ("These additional directors after their election shall determine by lot one of their number to serve a term of two years and two a term of four years.").

Section 2, Subsection (A) proposes that "when available, one director shall be a current or former elected director of the watershed district." It is unclear how long this appointment preference will last. For example, is this only for the first round of appointments, or does this preference last for several rounds of appointments until all former elected directors are unavailable to serve?

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB431 may relate to House Bill 308, which would amend the Local Election Act, NMSA Sections 1-22-1 to -19, to exclude from the definition of "local government" "a conservancy district created prior to 1930, embracing land situate[d] in four or more counties and organized pursuant to The Conservancy Act of New Mexico."

TECHNICAL ISSUES

It may be necessary to amend the definition of "supervisors" so that the definition can only refer to "districts" (plural) and not also to "district or districts in which the watershed district is located" (allowing for reference to a singular district). Should any given soil and water conservation district have multiple supervisors, it may be better to refer to them as "supervisors of [a] soil and water conservation district." As amended, the definition implies that each supervisor oversees multiple soil and water conservation districts.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

N/A