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HOUSE BILL 1019

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JAMES G. TAYLOR

AN ACT

RELATING TO CONSERVANCY DISTRICTS; PROVIDING CERTAIN CONSERVANCY DISTRICTS WITH POWER TO COMMISSION PEACE OFFICERS; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 73-14-18 NMSA 1978 (being Laws 1975, Chapter 262, Section 1) is amended to read:

"73-14-18. ABOLITION OF BOARDS OF DIRECTORS OF DISTRICTS HAVING MORE THAN ONE HUNDRED THOUSAND ACRES AND CREATED PRIOR TO 1930. -- As ~~[the same are]~~ now constituted, any conservancy district organized under the provisions of the Conservancy Act of New Mexico and such conservancy district being created prior to 1930 and embracing land situate in four or more counties and having an appointed board of directors shall, after the election and qualification of the board of directors, cease to have an

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1 appointed board of directors and in lieu thereof shall have an
2 elected board of directors as provided in Sections ~~75-28-11.1~~
3 ~~through 75-28-11.15 NMSA 1953]~~ 73-14-18 through 73-14-32 NMSA
4 1978, which board of directors shall bear the name "board of
5 directors of the _____ conservancy district"
6 and shall be a body corporate, may sue and be sued, shall have
7 the power to commission peace officers and which shall succeed
8 to, have, exercise, enjoy, assume and perform all of the rights,
9 powers, obligations and duties now by law vested in, conferred
10 upon, imposed upon or required of the boards ~~hereby~~ abolished
11 by this section. "

12 Section 2. Section 73-14-52 NMSA 1978 (being Laws 1951,
13 Chapter 222, Section 4) is amended to read:

14 "73-14-52. ENFORCEMENT. -- Conservancy districts, having
15 adopted ordinances, rules and regulations providing for the
16 protection of the bosque, district property and the citizens of
17 New Mexico and for the distribution and allocation of irrigation
18 waters pursuant to the provisions of ~~[this act]~~ Sections
19 73-14-49 through 73-14-53 NMSA 1978 shall have all powers
20 available by law to enforce ~~[the same]~~ the rules, regulations
21 and ordinances, including the right of injunction and mandamus.
22 A conservancy district with an elected board of directors that
23 is organized pursuant to the Conservancy Act of New Mexico, was
24 created prior to 1930, embraces land situate in four or more
25 counties and includes more than one hundred thousand acres of

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1 land may commission peace officers as deemed necessary by the
2 board of directors to enforce the rules, regulations and
3 criminal ordinances of that district or the laws or ordinances
4 of the state, county or municipality that has jurisdiction over
5 the site at which a crime has been committed."

6 Section 3. ~~[NEW MATERIAL]~~ ENFORCEMENT-- CONSERVANCY
7 DISTRICT PEACE OFFICERS. --

8 A. The peace officer of a conservancy district that
9 has the power to commission peace officers is authorized to
10 perform all acts necessary to enforce the criminal ordinances,
11 rules and regulations of that conservancy district including:

12 (1) suppressing all riots, disturbances and
13 breaches of the peace;

14 (2) apprehending all disorderly persons;

15 (3) providing aid requested by any other law
16 enforcement agency;

17 (4) issuing citations, apprehending or
18 arresting any person within the jurisdiction of the conservancy
19 district who is in the act of violating the law of the state or
20 the ordinances of the county, municipality or the conservancy
21 district and bring him before competent authority for detention
22 or trial; and

23 (5) fulfilling the duties of a peace officer
24 pursuant to the provisions of Chapter 29, Article 1 NMSA 1978.

25 B. In the discharge of his proper duties, a peace

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1 officer of a conservancy district shall have the same powers and
2 be subject to the same responsibilities as sheriffs in similar
3 cases.

4 Section 4. EMERGENCY.--It is necessary for the public
5 peace, health and safety that this act take effect immediately.

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State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 6, 1997

Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 1019

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 3 Against

Yes: 4

No: Beam, Lovejoy, Wallace

Excused: Hobbs

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 19, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1019

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

1. On page 2, line 15, strike "ordinances,".
2. On page 2, lines 20 and 21, strike ", regulations and ordinances" and insert in lieu thereof "and regulations".
3. On page 3, lines 2 and 3, strike ", regulations and criminal ordinances" and insert in lieu thereof "and regulations".

4. On page 3, line 5, after the period insert:

"A peace officer commissioned pursuant to this section shall meet the training requirements set forth in Section 29-7-6.1 NMSA 1978 pertaining to county sheriffs."

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 1019

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5. On page 3, line 10, after "perform" insert "within the exterior boundaries of the conservancy district" and after "the" strike "criminal ordinances,".

Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 2 Against

Yes: 8

No: Alwin, Larranaga

Excused: Pederson, Rios, Sanchez

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HJC/HB 1019

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 20, 1997

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

HOUSE BILL 1019, as amended

has had it under consideration and reports same WITHOUT
RECOMMENDATION.

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____ Not Adopted _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 4 Against

Yes: 6

No: Davis, Eisenstadt, Feldman, Kysar

Excused: None

Absent: None

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~~[bracketed material]~~ = delete