

HOUSE BILL 752

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Andy Nuñez

AN ACT

RELATING TO SOIL AND WATER CONSERVATION DISTRICTS; CHANGING THE  
DATE OF REFERENDUMS AND ELECTIONS.

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

Section 1. Section 73-20-34 NMSA 1978 (being Laws 1965,  
Chapter 137, Section 8, as amended) is amended to read:

"73-20-34. SOIL AND WATER CONSERVATION DISTRICTS--  
CREATION--REFERENDUM.--

A. When a final determination of the commission  
that a proposed district is necessary and desirable has been  
entered and recorded, the commission shall then determine  
whether the operation of the district is administratively  
practicable. To assist in this determination, the commission  
shall call for a referendum on the proposed district within the  
geographical boundaries of the district as defined by the

.155152.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 commission, to be conducted on the next succeeding first  
2 Tuesday in [~~February~~] May, if practicable. All registered  
3 voters residing within the proposed district shall be eligible  
4 to vote.

5 B. The commission shall:

6 (1) provide for due notice of a referendum  
7 within a proposed district;

8 (2) confirm eligibility of registered voters;  
9 and

10 (3) adopt and publish rules to govern the  
11 orderly conduct of a referendum.

12 C. A referendum may not be held during an interval  
13 when valid rules adopted and published by the commission are  
14 not in effect.

15 D. The proposal shall be presented to the voters on  
16 ballots that define, in general terms and by legal description,  
17 the area encompassed within the proposed district.

18 E. Informalities or irregularities in the conduct  
19 of a referendum shall have no effect upon its result if due  
20 notice requirements have been substantially complied with and  
21 balloting has been fairly conducted in substantial compliance  
22 with the rules adopted and published by the commission.

23 F. The commission shall publish referendum results  
24 and make a final determination of whether the proposed district  
25 is administratively practicable; provided, however, in the

.155152.1

underscored material = new  
[bracketed material] = delete

1 event that approval of the proposed district is not carried by  
2 a majority of votes cast in a referendum, the commission shall  
3 deny the petition and shall enter and record its order."

4 Section 2. Section 73-20-38 NMSA 1978 (being Laws 1965,  
5 Chapter 137, Section 12, as amended) is amended to read:

6 "73-20-38. DISTRICT SUPERVISORS--ELECTION AND  
7 APPOINTMENT--ORGANIZED DISTRICTS.--

8 A. Successors to supervisors whose terms end in a  
9 calendar year shall be elected on the first Tuesday in  
10 [~~February~~] May of that year. Elections shall be called,  
11 conducted and returned in accordance with rules adopted and  
12 prescribed by the commission.

13 B. A canvassing board appointed by the commission  
14 shall determine the results of a district election, shall  
15 certify and publish the results and shall give the commission  
16 notice of [~~their~~] its canvass within seven days of its  
17 completion. A canvass is considered complete when all  
18 challenges have been resolved to the satisfaction of the  
19 canvassing board.

20 C. Rules adopted and published by the commission  
21 and the election provisions of the Soil and Water Conservation  
22 District Act shall be exclusive in the conduct of district  
23 elections. The commission may adopt and publish rules to carry  
24 out the provisions of the Soil and Water Conservation District  
25 Act.

.155152.1

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

1           D. By June 15 of each year, the district  
2 supervisors may submit to the commission a list of persons  
3 interested in the district and who by experience or training  
4 are qualified to serve as supervisors. The commission may  
5 appoint from the list submitted, or at will, two persons to  
6 serve as supervisors if it is the determination of the  
7 commission that the appointments are necessary or desirable and  
8 would benefit or facilitate the work and functions of the  
9 district. In the event a list is not submitted to the  
10 commission by the supervisors by June 15, the commission may  
11 appoint at will two supervisors qualified to serve by training  
12 or experience. Appointed supervisors shall serve at the  
13 pleasure of the commission and shall have the same powers and  
14 perform the same duties as elected supervisors. Successors to  
15 appointed supervisors, or replacement-appointed supervisors in  
16 the event of vacancy, shall be appointed by the commission from  
17 a list of candidates or at will in accordance with the  
18 provisions of this subsection."

19           Section 3. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2005.