

1 SENATE BILL 415

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Joshua Sanchez

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10 AN ACT

11 RELATING TO SPECIAL DISTRICTS; ESTABLISHING A TWO PERCENT LIMIT
12 FOR INCREASES IN ASSESSMENTS OR WATER SERVICE CHARGES IN A
13 GIVEN YEAR FOR A CONSERVANCY DISTRICT THAT WAS ESTABLISHED
14 PRIOR TO 1930 AND CONSISTING OF MORE THAN ONE HUNDRED THOUSAND
15 ACRES SITUATE IN FOUR OR MORE COUNTIES.

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

18 SECTION 1. Section 73-18-7.1 NMSA 1978 (being Laws 1993,
19 Chapter 270, Section 2) is amended to read:

20 "73-18-7.1. ASSESSMENT--MODIFICATION--CERTAIN
21 DISTRICTS.--Notwithstanding the provisions of Section 73-18-7
22 NMSA 1978 and in lieu thereof, the board of directors of any
23 conservancy district created prior to 1930 embracing land
24 situate in four or more counties and ~~having~~ consisting of
25 more than one hundred thousand acres shall determine and

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1 establish by resolution the annual assessments to be made from
2 year to year against real property within the district pursuant
3 to the reclassification of property adopted pursuant to Section
4 73-18-6.1 NMSA 1978. Such assessment may be modified in like
5 manner from time to time [~~but not more frequently than once in~~
6 ~~every five years~~]; provided that an increase in an assessment
7 shall not exceed two percent of the immediately prior year's
8 assessment."

9 SECTION 2. Section 73-18-8.1 NMSA 1978 (being Laws 1993,
10 Chapter 270, Section 3) is amended to read:

11 "73-18-8.1. ASSESSMENTS--WATER SERVICE CHARGES--APPEALS--
12 CERTAIN DISTRICTS.--

13 A. Notwithstanding the provisions of Section
14 73-18-8 NMSA 1978 and in lieu [~~thereof~~] of those provisions,
15 the board of directors of any conservancy district created
16 prior to 1930 embracing land situate in four or more counties
17 and [~~having~~] consisting of more than one hundred thousand acres
18 shall convene on a date to be fixed by order of the board, but
19 not later than July 1 of each year, for the purpose of
20 estimating and determining the amount of funds required to meet
21 the obligation and needs of the district for the ensuing year,
22 together with such additional amounts as may be necessary to
23 meet any deficiency in the payment of expenses or obligations
24 previously incurred by the district and remaining due and
25 unpaid and an amount to cover the estimated delinquencies in

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1 payments of assessments for the ensuing year.

2 B. In levying ad valorem assessments on benefited
3 property, the board of the district shall set [~~non-residential~~]
4 nonresidential assessments at least twenty-five percent higher
5 than residential and agricultural assessments and any ad
6 valorem assessments shall be levied against all benefited real
7 property, including improvements.

8 C. In setting water service charges, the board of
9 the district shall assess [~~such~~] the charges on a per-acre
10 basis on all irrigable acres as they appear on the records of
11 the district for tracts or [~~rate-payers~~] ratepayers for which
12 water availability under contract occurs and shall set a
13 minimum one-acre charge of at least twenty-eight dollars
14 (\$28.00) per acre, but not more than twenty-eight dollars
15 (\$28.00) per acre, during the first year, and may use the
16 parity index or other cost-of-living index or measure to
17 determine annual adjustments to the water service charges to
18 reflect the increased costs of providing irrigation water;
19 provided that an increase in water service charge shall not
20 exceed two percent of the immediately prior year's water
21 service charge. Any landowner seeking irrigation water for
22 land not previously irrigated may request [~~such~~] irrigation
23 water and, upon a determination that the water is available and
24 upon execution of a water use contract with the district prior
25 to March 1 of the year in which the water is sought, the

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1 landowner, upon payment of the water service charge, shall
2 receive the irrigation water.

3 D. The board of directors shall then, by
4 resolution, set the appropriate ad valorem assessments and
5 water service charges [~~it~~] the board determines necessary and
6 appropriate to meet [~~such~~] the obligations and needs of the
7 district.

8 E. In levying appropriate ad valorem assessments
9 and water service charges, the board shall consider:

10 (1) the degree to which the proposed revenue
11 structure reflects the cost of providing service;

12 (2) the administrative feasibility of the
13 proposed revenue structure;

14 (3) whether the proposed revenue structure
15 promotes open space, green space or other environmentally
16 beneficial activities; and

17 (4) any other local economic or social impacts
18 resulting from the proposed revenue structure.

19 F. The board shall sit as a board of equalization,
20 subject to such reasonable rules as it may adopt, for the
21 purpose of affording all owners of real property in the
22 district subject to receiving a water service charge [~~and~~] an
23 opportunity to appear and show why any given tract or parcel
24 should be assessed differently. The board's decision with
25 respect to [~~such~~] the protest shall be entered upon the

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1 official minutes of the board and a copy of [~~such~~] the decision
2 shall be sent to the protesting property owner by registered
3 mail.

4 G. Any owner of real property aggrieved by the
5 decision of the board sitting as a board of equalization may
6 appeal to the district court of the second judicial district in
7 the manner prescribed by Subsection D of Section 73-18-8 NMSA
8 1978. The filing of [~~such~~] an appeal shall be made within
9 thirty days after receipt of the decision of the board sitting
10 as a board of equalization. The filing of [~~such~~] an appeal
11 shall not stay the proceedings relating to the collection of
12 the assessment, but in the event the appellant has paid the
13 assessment before rendition of the final judgment in the appeal
14 suit and where [~~such~~] the judgment is in favor of the
15 appellant, the appellant shall have refunded to [~~him~~] the
16 appellant the sum of money as determined by the court, together
17 with legal interest [~~thereon~~] on the sum and costs paid to the
18 court.

19 H. Not later than September 1 each year, the
20 secretary of the district shall deliver to the county assessor
21 of each county embracing any part of the district a certified
22 copy of the board's annual ad valorem assessment rate.

23 I. All ad valorem assessments and water service
24 charges of the district constitute prior liens upon the real
25 property on which they are levied as of the date of the action

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1 of the board fixing such assessments and charges and [~~such~~] the
2 liens shall be enforced in the same manner as assessments of
3 property taxes for state and county purposes are collected and
4 liens [~~thereof~~] are enforced."

5 SECTION 3. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2021.

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