SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 425

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

AN ACT
RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
LIMITING THE SALARY LEVEL OF CONSERVANCY AND IRRIGATION
DISTRICT EMPLOYEES TO THE SALARY LEVEL ESTABLISHED FOR THE
STATE ENGINEER; PROVIDING FOR THE CONTINUANCE OF EXISTING
EMPLOYMENT AGREEMENTS AND CONTRACTS.

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

SECTION 1. Section 73-9-14 NMSA 1978 (being Laws 1919,
Chapter 41, Section 12, as amended) is amended to read:

"73-9-14. BOARD OF DIRECTORS--POWERS AND DUTIES.--The
directors, having duly qualified, shall organize as a board,
elect a president from their number and appoint a secretary.
The board shall have power and it shall be [their] its duty to
adopt a seal, manage and conduct the affairs and business of
the district, make and execute all necessary contracts, employ
such agents, attorneys, officers and employees as may be
required and prescribe their duties, establish equitable rules
and regulations for the distribution and use of water among the
owners of [said] the land and generally perform all [such] acts
[as shall be] necessary to [fully] carry out fully the purposes
of [this act; which] Chapter 73, Article 9 NMSA 1978. The
regulations, among other things, shall provide that no water
shall be delivered from the irrigation system of the district
for irrigation of any land while the taxes [or tolls] due
[thereon] on the land or from the owner [thereof] of the land
for district purposes levied or imposed under the provisions of
[this act] Chapter 73, Article 9 NMSA 1978 are in arrears for
more than twelve months. Provided, however, that in the event
[such] the local assessments on any land within the district
are more than twelve months in arrears, and the owner or tenant
[thereof] of the land shall pay or satisfactorily secure [said]
the district for water assessments imposed for any current year
in advance of the actual delivery of water [thereon], then
[said] the board may deliver water during [such] that current
year upon [said] the lands. As soon as practicable after the
board [shall have] has organized, it shall employ a competent
hydraulic engineer to determine and report upon the water
supply available for the district [which]. The report shall be
a full and complete record of all hydrographic data available
and relating to the stream [streams] or other sources of water
supply from which water for the district is to be obtained. The report shall contain an estimate of the average amount of water available for each acre of land per year and shall show approximately the probable amounts available for irrigation or storage during each week of the year. The report, accompanied by an examination fee of twenty-five dollars ($25.00), shall be submitted to the state engineer for [his] examination [and]. If [he shall find such] the state engineer finds the report to be a full and complete record of the available hydrographic data, that the calculations are correct and that there will be water in the source [or sources] of supply sufficient to [properly] irrigate properly the lands included within [such] the district, [he] the state engineer shall so certify under [his] the state engineer's hand and official seal. If the report submitted is found to be insufficient or incorrect, the state engineer shall return [the same] it for correction to the directors of the district with a statement of [his] the state engineer's objections. If [such] the report is not corrected so as to meet with the approval of the state engineer or if, from [such] the report and other available information, the state engineer is of the opinion that there is not sufficient water in the source [or sources] of supply to [properly] irrigate properly the lands included within [said] the district, [he] the state engineer shall disapprove [said] the report.
The board of directors [shall have] has the right to appeal from the decision of the state engineer to the district court of the district in which [such] the irrigation district is located, where the sufficiency and accuracy of the report and available water supply shall be determined. Until the report is approved by the state engineer or the courts, no bond issue shall be made as provided for in Section [15 (73-215) of this act] 73-9-17 NMSA 1978. A copy of [such] the report shall be kept on file in the office of the state engineer and the secretary of the irrigation district and shall be available for examination by any person desiring to do so.

[Said] The board shall have the power, in addition to the means, to supply water to [said] the district; to construct, acquire or purchase [any and all] canals, ditches, reservoirs, reservoir sites, water, water rights, rights of way or other property necessary for the use of the district; [and] to contract with any person, corporation or other irrigation district for supplying water for [any or all of] the lands in [said] the district; and [also] to construct drainage works necessary to prevent or relieve the waterlogging of any lands within the district. In case of the purchase of any property by [said] the district, the bonds of the district [hereinafter provided for in Chapter 73, Article 9 NMSA 1978 may be used at their par value in payment without previous offer of [such] the bonds for sale. But no contract involving a consideration
exceeding ten thousand dollars ($10,000) and no contract for
the purchase, rental or delivery involving annual charges or
payments exceeding fifteen thousand dollars ($15,000) per
[annum shall be] year is binding unless [such] the contract
[shall be] is authorized and ratified in writing by not less
than a majority of the qualified electors of [said] the
district according to the number of votes cast at the last
preceding district election; nor shall any contract involving
payment in excess of twenty-five thousand dollars ($25,000) in
any one year be binding until [such] the contract [shall have]
has been authorized and ratified at an election held in the
manner provided for the issue of bonds.

The rules and regulations established by [said] the board
shall be printed in convenient form as soon as [the same] they
are adopted for distribution in the districts. All waters
distributed shall be apportioned to each landowner pro rata to
the lands assessed under [this act] Chapter 73, Article 9 NMSA
1978 within [such] the district. The board of directors shall
have power to lease or rent the use of water or contract for
the delivery [thereof] of water to occupants of other lands
within or without the [said] district at such prices and on
such terms as they deem best; provided that the rental shall
not be less than one and one-half times the amount of the
district tax for which [said] the land would be liable if
included in the district lands assessed under [this act;
provided] Chapter 73, Article 9 NMSA 1978. No vested or
prescriptive rights to the use of [such] the water shall attach
to [said] the land by virtue of [such] the lease or [such]
rental; provided [also] that any landowner in [said] the
district may, with the consent of the board of directors,
assign the right to the whole or any portion of the water [so]
apportioned to [him] the landowner for any one year where
practicable to any other bona fide landowner, but only in case
[such] the owner [shall have] has fully complied with the
provisions of [THIS ACT] Chapter 73, Article 9 NMSA 1978.

A board of directors shall not hire an employee or issue a
contract for employee services at a salary level that exceeds
the salary level of the state engineer as established pursuant
to Section 72-2-1 NMSA 1978."

SECTION 2. A new section of The Conservancy Act of New
Mexico is enacted to read:

"[NEW MATERIAL] DISTRICT EMPLOYEE SALARIES.--A district
shall not hire an employee or issue a contract for employee
services at a salary level that exceeds the salary level of the
state engineer as established pursuant to Section 72-2-1 NMSA
1978."

SECTION 3. APPLICABILITY.--The provisions of this act
apply to irrigation and conservancy district salary agreements
and employment contracts entered into or renewed on or after
July 1, 2021.
SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.