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SENATE BILL 676

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

INTRODUCED BY

Dianna J. Duran

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

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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

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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.

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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.

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