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HOUSE BILL 140

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Anna M. Crook

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO SOIL AND WATER CONSERVATION DISTRICTS; PROVIDING
FOR EXTENSIONS OF ASSESSMENTS IMPOSED BY THE SUPERVISORS OF A
SOIL AND WATER CONSERVATION DISTRICT; DECLARING AN EMERGENCY.

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

Section 1. Section 73-20-46 NMSA 1978 (being Laws 1965,
Chapter 137, Section 20, as amended) is amended to read:

"73-20-46. DISTRICT ASSESSMENTS.--

A. In the event a district is unable to meet or
bear the expense of the duties imposed upon it by the Soil and
Water Conservation District Act, the supervisors may adopt a
resolution that, to be effective, shall be approved by
referendum in the district and that shall provide for an annual
levy for a stated period of up to ten years in a stated amount
not exceeding one dollar (\$1.00), or any lower maximum amount

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1 required by operation of the rate limitation provisions of
2 Section 7-37-7.1 NMSA 1978 upon the assessment authorized by
3 this section, on each one thousand dollars (\$1,000) of net
4 taxable value, as that term is defined in the Property Tax
5 Code, of real property within the district, except that real
6 property within incorporated cities and towns in the district
7 may be excluded. The referendum held to approve or reject the
8 resolution of the supervisors shall be conducted with
9 appropriate ballot and in substantially the same manner as a
10 referendum adopting and approving the creation of a proposed
11 district. After the initial authorization is approved by
12 referendum, the supervisors shall adopt a resolution in each
13 following year authorizing the levy. To extend an assessment
14 beyond the period of time originally authorized and approved by
15 referendum, the supervisors shall adopt a new resolution [~~and~~
16 ~~the district voters shall approve it in a referendum. The~~
17 ~~extension shall be for the same period of time as originally~~
18 ~~approved, but the rate of the tax may be different as long as~~
19 ~~it does not exceed one dollar (\$1.00) on each one thousand~~
20 ~~dollars (\$1,000) of net taxable value of real property within~~
21 ~~the district, except that real property within incorporated~~
22 ~~municipalities in the district may be excluded. If the~~
23 ~~district is indebted to the United States or the state or any~~
24 ~~of their respective agencies or instrumentalities, including~~
25 ~~the New Mexico finance authority, at the time of the expiration~~

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1 ~~of the original authorization, the supervisors may renew the~~
2 ~~assessment by resolution for a period not to exceed the~~
3 ~~maturity date of the indebtedness, and no referendum for that~~
4 ~~renewal is necessary]~~ extending the period of time originally
5 authorized.

6 B. A resolution authorized under Subsection A of
7 this section shall not be effective, and neither a referendum
8 nor a levy is authorized, unless the resolution is submitted to
9 and approved in writing by the commission.

10 C. In the event a resolution of the supervisors is
11 adopted and approved in accordance with the provisions of
12 Subsection A of this section, the supervisors of the district
13 shall certify by the fifteenth of July of each year to the
14 county assessor of each county in which there is situate land
15 subject to the district assessment:

16 (1) a copy of the resolution of the
17 supervisors;

18 (2) the results of any referendum held in the
19 year the certification is made; and

20 (3) a list of landowners of the district and a
21 description of the land owned by each that is subject to
22 assessment.

23 D. A county assessor shall indicate the information
24 on the tax schedules, compute the assessment and present the
25 district assessment by regular tax bill.

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1 E. The district assessment shall be collected by
2 the county treasurer of each county in which taxable district
3 land is situate in the same manner and at the same time that
4 county ad valorem taxes are levied. The conditions, penalties
5 and rates of interest applicable to county ad valorem taxation
6 apply to the levy and collection of district assessments. A
7 county treasurer shall be entitled to a collection fee equal to
8 the actual costs of collection or four percent of the money
9 collected from the levy of the district assessment, whichever
10 is the lesser.

11 F. District funds, regardless of origin, shall be
12 transferred to and held by the supervisors and shall be
13 expended for district obligations and functions. The
14 supervisors shall prepare an annual budget and submit it for
15 approval to the commission and to the local government division
16 of the department of finance and administration. All district
17 funds shall be expended in accordance with the approved
18 budgets.

19 G. In the event the supervisors of a district
20 determine that there are or will be sufficient funds available
21 for the operation of the district for any year for which an
22 assessment is to be levied, they shall, by resolution, direct
23 the assessor of each county in which taxable district land is
24 situate, by July 15 of each year, to decrease the district
25 assessment or to delete the district assessment reflected on

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the tax schedules.

H. Any levy authorized by the Soil and Water Conservation District Act and any loan or other indebtedness authorized by that act that will require a levy shall be based exclusively on or levied exclusively on the real property in the district, except that real property within incorporated cities and towns may be excluded."

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.