

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 431

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Rebecca Dow and Gail Armstrong and Susan K. Herrera

AN ACT

RELATING TO CONSERVATION; AMENDING THE WATERSHED DISTRICT ACT;
PROVIDING FOR APPOINTMENT OF WATERSHED BOARDS OF DIRECTORS
INSTEAD OF ELECTION OF THE BOARDS.

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

SECTION 1. Section 73-20-2 NMSA 1978 (being Laws 1957,
Chapter 210, Section 2, as amended) is amended to read:

"73-20-2. DEFINITIONS.--As used in the Watershed District
Act:

A. "directors" means directors of the watershed
districts; [~~and~~]

B. "minority jurisdiction district" means a soil
and water conservation district that has within its
jurisdiction a minority of the land in a watershed district;
and

underscored material = new
[bracketed material] = delete

1 ~~[B.]~~ C. "supervisors" means supervisors of soil and
2 water conservation [~~district or~~] districts in which the
3 watershed district is located."

4 SECTION 2. Section 73-20-12 NMSA 1978 (being Laws 1957,
5 Chapter 210, Section 12, as amended) is amended to read:

6 "73-20-12. DIRECTORS--~~[ELECTION]~~ APPOINTMENT.--

7 A. ~~[At the next regular local election held~~
8 ~~pursuant to the Local Election Act after a watershed district~~
9 ~~is created, the board of supervisors of the soil and water~~
10 ~~conservation district involved shall cause an election to be~~
11 ~~held for the election of a board of directors of the watershed~~
12 ~~district. The board shall consist of five members. The first~~
13 ~~board shall determine by lot from among its membership two~~
14 ~~members to serve terms of two years and three members to serve~~
15 ~~terms of four years. Thereafter, as these initial terms~~
16 ~~expire, their replacements shall be elected for terms of four~~
17 ~~years. Vacancies occurring before the expiration of a term~~
18 ~~shall be filled by the remaining members of the board for the~~
19 ~~unexpired term. Two or more vacancies occurring simultaneously~~
20 ~~shall be filled by appointment by the board of supervisors.~~
21 ~~The board of directors shall, under the supervision of the~~
22 ~~board of supervisors, be the governing body of the watershed~~
23 ~~district.] A watershed district shall be governed by a board of~~
24 ~~directors appointed by the board of supervisors for the soil~~
25 ~~and water conservation district in which the watershed district~~

.229989.1

underscored material = new
[bracketed material] = delete

1 is located. Except as provided in Subsection C of this
2 section, a board of directors shall consist of five directors;
3 provided that, when available, one director shall be a current
4 or former elected director of the watershed district.

5 B. When appointing the initial directors for a
6 watershed district, a board of supervisors shall appoint two
7 members to serve terms of two years and three members to serve
8 terms of four years. Thereafter, new appointments to the
9 watershed district board shall be for terms of four years.
10 Vacancies occurring before the expiration of a term shall be
11 filled by appointment for the unexpired remainder of a term.

12 ~~[B.] C. If the territory embraced within a~~
13 ~~watershed district lies within more than one soil and water~~
14 ~~conservation district, each [additional soil and water~~
15 ~~conservation district having a minority of the land involved in~~
16 ~~the watershed shall be entitled to elect three additional~~
17 ~~directors. These additional directors after their election~~
18 ~~shall determine by lot one of their number to serve a term of~~
19 ~~two years and two a term of four years. Thereafter, their~~
20 ~~successors shall be elected for terms of four years. The~~
21 ~~representatives of each of these minority districts shall fill~~
22 ~~vacancies in the district's membership for the unexpired term.]~~
23 minority jurisdiction district shall be entitled to appoint
24 three additional directors. When appointing the additional
25 directors, a board of supervisors shall appoint one director to

.229989.1

underscored material = new
[bracketed material] = delete

1 serve a term of two years and two directors to serve terms of
2 four years. Thereafter, new directors shall be appointed for
3 terms of four years. All vacancies shall be filled by
4 appointment by the minority jurisdiction districts for the
5 remainder of an unexpired term.

6 [G.] D. The board of directors shall annually elect
7 from its membership a chair, secretary and treasurer. The
8 treasurer shall execute an official bond for the faithful
9 performance of the duties of office to be approved by the board
10 of directors. The bond shall be executed with at least three
11 solvent personal sureties whose solvency shall exceed the
12 amount of the bond, or by a surety company authorized to do
13 business in this state, and shall be in an amount determined by
14 the board of directors. If the treasurer is required to
15 execute a surety company bond, the premium of the bond shall be
16 paid by the board of directors.

17 [D.] E. The board of directors shall prepare and
18 submit to the department of finance and administration such
19 reports as it may require from among those required to be
20 submitted by other political subdivisions.

21 [~~E. Each person desiring to be a director of a~~
22 ~~watershed district shall file a nominating petition with the~~
23 ~~proper filing office in accordance with the provisions of the~~
24 ~~Local Election Act, signed by ten or more qualified electors.]"~~

25 SECTION 3. EFFECTIVE DATE.--The effective date of the

.229989.1

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

1 provisions of this act is July 1, 2025.

2 - 5 -

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

.229989.1