

The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 100

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR

HOUSE BILL 306, as amended, with emergency clause

Introduced by



EMERGENCY CLAUSE

Chapter 100

AN ACT

1
2 RELATING TO FLOOD CONTROL DISTRICTS; AMENDING THE EASTERN
3 SANDOVAL COUNTY ARROYO FLOOD CONTROL ACT TO EXCLUDE CERTAIN
4 LAND FROM THE EASTERN SANDOVAL COUNTY ARROYO FLOOD CONTROL
5 AUTHORITY; CONTINUING PROPERTY TAX LEVIES ON THE EXCLUDED LAND
6 AS NECESSARY TO MEET EXISTING OBLIGATIONS; PROVIDING FOR THE
7 ELECTION OF DIRECTORS FROM SINGLE-MEMBER DISTRICTS; DECLARING
8 AN EMERGENCY.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. Section 72-20-1 NMSA 1978 (being Laws 2007,
12 Chapter 99, Section 1) is amended to read:

13 "72-20-1. SHORT TITLE.--Chapter 72, Article 20 NMSA
14 1978 may be cited as the "Eastern Sandoval County Arroyo Flood
15 Control Act"."

16 SECTION 2. Section 72-20-6 NMSA 1978 (being Laws 2007,
17 Chapter 99, Section 6) is amended to read:

18 "72-20-6. BOUNDARIES OF AUTHORITY.--

19 A. Except as provided in Subsections B and C of
20 this section, the authority consists of all land within the
21 following boundaries: a portion of southern Sandoval county
22 bounded on the east by a line following the eastern boundary
23 of range 5 east of the New Mexico principal meridian, on the
24 south by the Pueblo of Sandia and the Cibola national forest,
25 on the west by the Rio Grande and on the north by a line

1 following the northern boundary of township 13 north of the
2 New Mexico principal meridian. The boundary is more
3 particularly described as follows: beginning at the southeast
4 corner of projected section 1, township 12 north, range 5 east
5 of the New Mexico principal meridian, that point also being
6 the southeast corner of herein described boundary; thence
7 proceeding in a westerly direction along a line coincident
8 with the northern boundary of the Cibola national forest and
9 of the Pueblo of Sandia to a point along the west bank of the
10 Rio Grande within projected section 1, township 12 north,
11 range 3 east of the New Mexico principal meridian; thence in a
12 northeasterly direction along the west bank of the Rio Grande
13 to a point in the northwest corner of section 1, township 13
14 north, range 4 east of the New Mexico principal meridian;
15 thence east along a line following the northern boundary of
16 township 13 north of the New Mexico principal meridian for
17 approximately seven miles to a point in the northeast corner
18 of section 1, township 13 north, range 5 east of the New
19 Mexico principal meridian; thence in a southerly direction
20 approximately seven miles to the southeast corner of projected
21 section 1, township 12 north, range 5 east of the New Mexico
22 principal meridian, which point is the southeast corner and
23 point of beginning of the district.

24 B. All lands held in trust or ownership by the
25 federal government or an Indian pueblo located within the

1 boundaries identified in Subsection A of this section shall be
2 excluded from the authority.

3 C. On the first day of the first month immediately
4 following the effective date of this 2011 act, all land within
5 Sandoval county precincts 5, 28, 55 and 56 and precinct 6 east
6 of interstate 25, as those precinct designations and
7 boundaries were revised and approved by the secretary of state
8 as of August 31, 2001 pursuant to the Precinct Boundary
9 Adjustment Act, shall be excluded from the authority."

10 SECTION 3. Section 72-20-8 NMSA 1978 (being Laws 2007,
11 Chapter 99, Section 8) is amended to read:

12 "72-20-8. BOARD OF DIRECTORS.--

13 A. The governing body of the authority is a board
14 of directors consisting of three qualified electors of the
15 authority; provided that, after single-member districts are
16 created pursuant to Subsection B of Section 72-20-10 NMSA 1978
17 and after the expiration of the terms of any directors-at-
18 large who are serving at the time that single-member districts
19 are created:

20 (1) each director shall reside within and
21 represent a specified district; and

22 (2) if a director no longer resides within
23 the district that the director represents, the director's
24 position shall be deemed vacant and a successor shall be
25 appointed to serve the unexpired term pursuant to Section

1 72-20-12 NMSA 1978.

2 B. All powers, rights, privileges and duties
3 vested in or imposed upon the authority are exercised and
4 performed by and through the board of directors; provided that
5 the exercise of any executive, administrative and ministerial
6 powers may be, by the board, delegated and redelegated to
7 officers and employees of the authority or to any officer or
8 employee contracted by agreement to manage and administer the
9 operations of the authority. Except for the first directors
10 appointed as provided for in Section 72-20-9 NMSA 1978 or
11 elected as provided in Section 72-20-10 NMSA 1978 and except
12 for any director chosen to fill an unexpired term, and except
13 for the first directors serving after the authority is divided
14 into single-member districts, the term of each director
15 commences on the first day of January next following a general
16 election in the state and runs for six years. Each director,
17 subject to such exceptions, shall serve a six-year term ending
18 on the first day of January next following a general election,
19 and each director shall serve until a successor has been duly
20 chosen and qualified."

21 SECTION 4. Section 72-20-10 NMSA 1978 (being Laws 2007,
22 Chapter 99, Section 10) is amended to read:

23 "72-20-10. ELECTION OF DIRECTORS--SINGLE-MEMBER
24 DISTRICTS.--

25 A. At the time that a proposal to incur debt is

1 first submitted to the qualified electors or at the first
2 general election following March 30, 2007, whichever occurs
3 first, the qualified electors of the authority shall elect
4 five qualified directors, two to serve a term ending January
5 1, 2011, two to serve a term ending January 1, 2013 and one to
6 serve a term ending January 1, 2015. At the first election,
7 the five candidates receiving the highest number of votes
8 shall be elected as directors. The terms of the directors
9 shall be determined by lot at their organizational meeting.

10 B. Upon the exclusion of land pursuant to
11 Subsection C of Section 72-20-6 NMSA 1978, the two directors
12 elected in the 2010 general election shall be deemed to have
13 resigned, and, notwithstanding the provisions of Section
14 72-20-12 NMSA 1978, their positions shall not be filled.
15 Thereafter, the board shall consist of three directors. The
16 board shall divide the authority into three single-member
17 districts. The following provisions shall govern the
18 procedure for converting to single-member districts:

19 (1) the districts shall be as contiguous,
20 compact and as equal in population as is practicable;

21 (2) remaining terms for the three incumbent
22 directors shall be chosen by lot so that one term expires on
23 January 1, 2013, one term expires on January 1, 2015 and one
24 term expires on January 1, 2017;

25 (3) if, as a result of the division of the

1 authority into districts, two or more incumbent directors
2 reside within the same district, the board shall determine, by
3 lot, one of the directors to represent the district, and the
4 other directors residing within that district shall represent
5 the authority at large until their terms expire;

6 (4) if, as a result of the exclusion of land
7 pursuant to Subsection C of Section 72-20-6 NMSA 1978, one or
8 more incumbent directors reside outside of any district, the
9 directors shall represent the authority at large until their
10 terms expire; and

11 (5) if more than one director represents the
12 authority at large pursuant to Paragraph (3) or (4) of this
13 subsection, the board shall determine by lot the district that
14 will elect a resident to succeed a director-at-large as the
15 term of each director-at-large expires.

16 C. At the 2012 and each subsequent general
17 election, for the single-member district in which the term of
18 the incumbent director or the term of a director-at-large
19 assigned by lot pursuant to Paragraph (2) of Subsection B of
20 this section will expire on the first day of the January
21 immediately following the election, a director who is a
22 qualified elector and a resident of the district shall be
23 elected by the qualified electors who are residents of that
24 district to serve a six-year term.

25 D. Nothing in this section shall be construed as

1 preventing qualified electors of the authority from being
2 elected or reelected as directors to succeed themselves;
3 provided that they reside in the district from which they are
4 elected.

5 E. As soon as feasible after each federal
6 decennial census, the board shall assess the existing
7 districts to determine if the districts remain as equal in
8 population as is practicable and, if necessary, shall
9 redistrict the authority into districts that remain
10 contiguous, compact and as equal in population as is
11 practicable; provided that:

12 (1) a redistricting shall be effective at
13 the next following general election; and

14 (2) an incumbent director whose residence is
15 redistricted out of the district represented by the director
16 shall serve until the next general election, at which a
17 qualified elector who resides within the district shall be
18 elected to fill the unexpired term."

19 SECTION 5. Section 72-20-11 NMSA 1978 (being Laws 2007,
20 Chapter 99, Section 11) is amended to read:

21 "72-20-11. NOMINATION OF DIRECTORS.--Not later than
22 forty-five days before a proposal to incur debt is first
23 submitted to the qualified electors or at the first general
24 election following March 30, 2007, whichever occurs first,
25 written nominations of any candidate as director may be filed

1 with the secretary of the board. Each nomination of any
2 candidate shall be signed by not less than fifty qualified
3 electors, regardless of whether or not nominated therein,
4 shall designate therein the name of the candidates thereby
5 nominated and shall recite that the subscribers thereto are
6 qualified electors and that the candidate or candidates
7 designated therein are qualified electors of the authority.
8 No written nomination may designate more qualified electors as
9 candidates than there are vacancies. No qualified elector may
10 nominate more than one candidate for any vacancy. If a
11 candidate does not withdraw the candidate's name before the
12 first publication of the notice of election, the candidate's
13 name shall be placed on the ballot. For any election held
14 after November 2010, nominations shall be made by qualified
15 electors in accordance with the procedures and limitations of
16 this section, except that:

17 A. such nominations shall be filed with the
18 secretary of the board not later than the fourth Tuesday in
19 June preceding the general election;

20 B. each nomination shall designate only one
21 candidate;

22 C. all of the qualified electors signing each
23 nomination and the person nominated shall reside within the
24 district for which the candidate has been nominated; and

25 D. each nomination shall recite that the

1 subscribers thereto are qualified electors who reside in the
2 district for which the candidate is nominated and that the
3 person nominated is a qualified elector who resides in the
4 district for which the person is nominated."

5 SECTION 6. Section 72-20-12 NMSA 1978 (being Laws 2007,
6 Chapter 99, Section 12) is amended to read:

7 "72-20-12. FILLING VACANCIES ON THE BOARD.--Upon a
8 vacancy occurring in the board by reason of death, change of
9 residence or resignation or for any other reason, the governor
10 shall appoint a qualified elector of the authority as
11 successor to serve the unexpired term; provided that if the
12 vacancy occurs after the single-member districts are created
13 pursuant to Subsection B of Section 72-20-10 NMSA 1978, the
14 qualified elector appointed shall reside within the district
15 in which the vacancy exists."

16 SECTION 7. TEMPORARY PROVISION--LIMITATION ON PROPERTY
17 TAXES ON EXCLUDED LAND--EXCEPTIONS FOR CERTAIN AUTHORIZED DEBT
18 OBLIGATIONS--APPROVAL OF DEPARTMENT OF FINANCE AND
19 ADMINISTRATION.--

20 A. On or after the effective date of this act, no
21 property taxes shall be levied by the eastern Sandoval county
22 arroyo flood control authority on land excluded from the
23 authority pursuant to Subsection C of Section 72-20-6 NMSA
24 1978; provided that:

25 (1) subject to the provisions of Subsection

1 B of this section, the authority may levy taxes on the
2 excluded land that are necessary to make debt service and
3 other payments, including any amounts needed for required
4 reserves, on bonds of the authority:

5 (a) authorized in the 2008 general
6 election, including bonds authorized but not yet issued; or

7 (b) issued for the purpose of refunding
8 the bonds specified in Subparagraph (a) of this paragraph;

9 (2) nothing in this act affects property
10 taxes levied by the authority on the excluded land for the
11 2011 tax year; provided that the property tax levy for
12 operational purposes on the excluded land for that tax year
13 shall not exceed fifty cents (\$.50) for each one thousand
14 dollars (\$1,000) of net taxable value; and

15 (3) the provisions of the Eastern Sandoval
16 County Arroyo Flood Control Act and other state statutes
17 relating to the levying, collection and enforcement of
18 property taxes shall continue to apply to the excluded land to
19 the extent necessary to ensure payment of the property taxes
20 authorized in this subsection.

21 B. For the 2012 and subsequent tax years, the
22 authority shall not certify a property tax on land excluded
23 pursuant to Subsection C of Section 72-20-6 NMSA 1978 unless
24 the local government division of the department of finance and
25 administration determines that the proposed tax is in

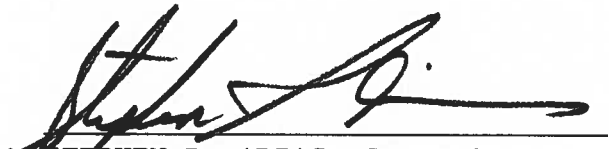
1 compliance with the provisions of Subsection A of this
2 section.

3 SECTION 8. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect
5 immediately. _____

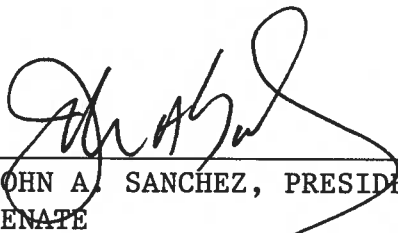
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BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

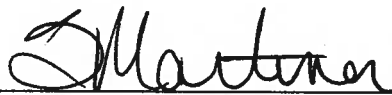


JOHN A. SANCHEZ, PRESIDENT
SENATE



LENORD M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 6th day of April, 2011



SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

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SECRETARY OF STATE

STATE OF NEW MEXICO

SECRET