

1 HOUSE JOINT RESOLUTION 21

2 46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

3 INTRODUCED BY

4 James G. Taylor

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLE 10, SECTION 11 OF THE
12 CONSTITUTION OF NEW MEXICO REQUIRING A MAJORITY VOTE OF
13 QUALIFIED ELECTORS RESIDING OUTSIDE THE MUNICIPAL BOUNDARIES OF
14 ALL MUNICIPALITIES WITH A POPULATION OVER TEN THOUSAND IN THE
15 COUNTY AND THOSE LIVING INSIDE THE BOUNDARIES OF THOSE
16 MUNICIPALITIES IN THAT COUNTY FOR APPROVAL OF A CHARTER FOR THE
17 CREATION OF A SINGLE URBAN GOVERNMENT.

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19 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 Section 1. It is proposed to amend Article 10, Section 11
21 of the constitution of New Mexico to read:

22 "A. A county that is less than one thousand five
23 hundred square miles in area and has [~~at the time of this~~
24 ~~amendment~~] a population of three hundred thousand or more, and
25 whether or not it is an urban county pursuant to [~~Section 1 of~~

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1 ~~this amendment]~~ Article 10, Section 10 of this constitution,
2 may provide for a single urban government by the following
3 procedure:

4 (1) by January 1, 2003, a charter commission,
5 composed of eleven members, shall be appointed to draft a
6 proposed charter. Five members shall be appointed by the
7 governing body of the county, five members shall be appointed
8 by the municipality with a population greater than three
9 hundred thousand and one member shall be appointed by the other
10 ten members;

11 (2) the proposed charter shall:

12 (a) provide for the form and
13 organization of the single urban government;

14 (b) designate those officers that shall
15 be elected and those officers and employees that shall perform
16 the duties assigned by law to county officers;

17 (c) provide for a transition period for
18 elected county and city officials whose terms have not expired
19 on the effective date of the charter; and

20 (d) provide for a transition period, no
21 less than one year, to ensure the continuation of government
22 services; and

23 (3) within one year after the appointment of
24 the charter commission, the proposed charter shall be submitted
25 to the qualified voters and, if adopted by a majority of those

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1 voters residing within the boundaries of all municipalities
2 with a population greater than ten thousand in the county and a
3 majority of qualified voters residing within the county, but
4 outside the boundaries of those municipalities, the
5 municipalities in that county with a population greater than
6 ten thousand shall be disincorporated and the county shall be
7 governed by a single urban government. If the proposed charter
8 is not adopted [~~by a majority of the qualified voters~~], then
9 another charter commission shall be appointed and another
10 election, within twelve months of the previous election, shall
11 be held. If the proposed charter is not adopted by a majority
12 of the qualified voters residing within the boundaries of all
13 municipalities with a population greater than ten thousand in
14 the county and a majority of qualified voters residing within
15 the county, but outside the boundaries of those municipalities,
16 at the second or any subsequent election, then after at least
17 two years have elapsed after the election, pursuant to this
18 section another charter commission may be appointed and another
19 proposed charter may be submitted to the qualified voters for
20 approval or disapproval. [~~As used in this paragraph,~~
21 ~~"qualified voter" means a registered voter of the county.~~]

22 B. Upon the adoption of a charter pursuant to
23 Subsection A of this section, any municipality within the
24 county with a population greater than ten thousand is
25 disincorporated and no future municipalities shall be

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1 incorporated. A county that adopts a charter pursuant to this
2 section may exercise those powers granted to urban counties by
3 [~~Section 1 of this amendment~~] Article 10, Section 10 of this
4 constitution and is subject to the limitations imposed upon
5 urban counties by that section. A county that adopts a charter
6 pursuant to this section has the same powers to enact taxes as
7 any other county and as any municipality had before being
8 disincorporated pursuant to this section.

9 C. A municipality, with a population of ten
10 thousand or less, in a county that has adopted a charter
11 pursuant to this section may become a part of the single urban
12 government by a vote of a majority of the qualified voters
13 within the municipality voting in an election held upon the
14 filing of a petition containing the signatures of ten percent
15 of the registered voters of that municipality. If a majority
16 of the voters elect to become a part of the single urban
17 government, then the municipality is disincorporated.

18 D. All property, debts, employees, records and
19 contracts of a municipality disincorporated pursuant to this
20 section shall be transferred to the county and become the
21 property, debts, employees, records and contracts of the
22 county. The rights of a municipality, disincorporated pursuant
23 to this section, to receive taxes, fees, distributions or any
24 other thing of value shall be transferred to the county. Any
25 law granting any power or authorizing any distribution to a

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1 municipality disincorporated pursuant to this section shall be
2 interpreted as granting the power or authorizing the
3 distribution to the county.

4 E. The provisions of this section shall be self-
5 executing. "

6 Section 2. The amendment proposed by this resolution
7 shall be submitted to the people for their approval or
8 rejection at the next general election or at any special
9 election prior to that date that may be called for that
10 purpose.