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FISCAL IMPACT REPORT

SPONSOR Taylor DATE TYPED 3/8/05 HB _____

SHORT TITLE Revise County Annexation Election Procedures SB 961

ANALYST Medina

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
 Attorney General (AG)
 Secretary of State (SOS)

Response Not Received From
 New Mexico Association of Counties

SUMMARY

Synopsis of Bill

Senate Bill 961 amends statute as it relates to the creation or change of counties. The bill requires that a petition seeking the annexation for territory from one county into a new or existing county:

- set forth the facts demonstrating the existence or conditions, which deem valid grounds for annexation;
- be signed by the majority of qualified electors residing in the territory to be annexed;
- be accompanied by maps showing the external boundaries of the territory to be annexed;
- and be presented to the county commissioners of the county into which the territory is being annexed.

The bill further requires that the county commissioners of the county annexing the territory express, by ordinance, their consent or rejection to the annexation of contiguous territory and allocate sufficient funds to pay for one-half of the costs of any elections creating or changing counties.

The bill repeals the exception for petitions filed with a county commission pursuant to Chapter 196 of Laws 1947 and expands the requirements of election judges in such annexation elections

to conform to the Election Code and provide that the cost of such annexation elections be borne by both counties equally. Finally, the bill requires that the counting and canvassing of votes in such annexation elections be conducted pursuant to the Election Code.

Significant Issues

According to the Attorney General's staff analysis, language in the bill creates some confusion. The Attorney General's Office states:

“Section 4-33-2(A) NMSA 1978 states the petition shall be filed with the county where the land is located (i.e. county losing the land). Section 4-33-2(B)(4) states the petition shall be filed with the county “into which the territory is to be annexed.” (i.e. county gaining the land). Is the petition filed in both?

Section 4-33-3(A) states once the county that is gaining the land consents to the plan, then the petition shall be submitted to the county “from which the territory is proposed to be annexed” (i.e. county losing the land). Is this a second submittal of the petition to the county losing the land?

Section 4-33-3(B) states the judge shall determine whether the allegations are “correct.” What does “correct” mean? The existing language “well-taken” appears to apply a lesser burden (i.e. reasonable).”

POSSIBLE QUESTIONS

What was the cost of the most recent county annexation election?

DXM/rs