

1 SENATE BILL 98

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Richard C. Martinez and Carlos R. Cisneros

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10 AN ACT

11 RELATING TO COUNTIES; PROVIDING ADDITIONAL REASONS FOR ALLOWING  
12 ANNEXATION BETWEEN COUNTIES.

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

15 SECTION 1. Section 4-33-1 NMSA 1978 (being Laws 1947,  
16 Chapter 196, Section 1) is amended to read:

17 "4-33-1. ANNEXATION BETWEEN COUNTIES--REASONS.--

18 A. Whenever, because of the location and conditions  
19 of roads or the existence or nonexistence of transportation  
20 facilities, it will be more convenient for the residents of any  
21 portion of a county to travel to the county seat of some other  
22 contiguous county and, because of such location and condition  
23 of roads or the existence or nonexistence of transportation  
24 facilities, it will be more convenient and economical for  
25 [~~such~~] that other county to render governmental services to

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1 [such] that portion of [such] the other county, the portion of  
2 the county so affected may be annexed to [such] the other  
3 county in the [following] manner provided for in Chapter 4,  
4 Article 33 NMSA 1978.

5 B. In addition to the reasons allowing annexation  
6 provided for in Subsection A of this section, if a municipality  
7 is located in two contiguous counties and at least fifteen  
8 percent of the population of the municipality resides in each  
9 of the adjoining counties, the residents in the portion of the  
10 municipality located in the county with the lesser percent of  
11 the municipality's population may be annexed to the other  
12 county in the manner provided for in Chapter 4, Article 33 NMSA  
13 1978."

14 SECTION 2. Section 4-33-2 NMSA 1978 (being Laws 1947,  
15 Chapter 196, Section 2) is amended to read:

16 "4-33-2. PETITION FOR ANNEXATION.--A petition executed by  
17 at least fifty-one percent [~~51%~~] of the qualified electors  
18 residing within the portion of the county proposed to be  
19 annexed shall be filed with the board of county commissioners  
20 of the county in which [such] that portion is located. [Such]  
21 The petition shall set forth the facts showing the existence of  
22 the conditions described in Subsection A or B of Section [+  
23 ~~hereof~~] 4-33-1 NMSA 1978 and shall accurately set out the  
24 boundaries of the portion of the county proposed to be  
25 annexed."

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1           SECTION 3. Section 4-33-3 NMSA 1978 (being Laws 1947,  
2 Chapter 196, Section 3, as amended) is amended to read:

3           "4-33-3. CONTEST--NOTICE OF ELECTION.--

4           A. Immediately upon the filing of [~~such~~] a petition  
5 under Section 4-33-2 NMSA 1978, it shall be the duty of the  
6 board of county commissioners with [~~whom such~~] which the  
7 petition is filed to cause a notice to be published in some  
8 newspaper [~~or newspapers~~] of general circulation in each county  
9 affected. Within thirty [~~(30)~~] days after the publication of  
10 [~~such~~] the notice, but not thereafter, any resident of either  
11 of the counties affected, on behalf of [~~himself~~] the resident  
12 and all others similarly situated, may bring an action in the  
13 district court of the county in which [~~such~~] the area proposed  
14 to be annexed is located, against any one or more of the  
15 signers of the petition, alleging that the petition has not  
16 been executed by the requisite number of signers or that the  
17 [~~description of the~~] area to be annexed is not accurately  
18 described or that the conditions described in Subsection A or B  
19 of Section [1-(15-3305) hereof] 4-33-1 NMSA 1978 do not exist.

20           B. The judge, after hearing, shall make a  
21 determination as to whether the allegations of the petition are  
22 well taken. If [~~he shall determine~~] the judge determines that  
23 the allegations of the petition are well taken, [~~he~~] the judge  
24 shall enter an order [~~and~~]. If the [~~same be~~] order is not  
25 stayed, it shall be the duty of the board of county

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1 commissioners to call an election to be held within [30] thirty  
2 days within the county of the area proposed to be annexed and  
3 [~~shall~~] to cause a notice of election to be published two [~~(2)~~]  
4 times in a newspaper of general circulation in [~~said~~] the  
5 county, the last publication thereof to be at least seven [~~(7)~~]  
6 days before the date set for the election. [~~Such~~] The notice  
7 shall specify the polling places, which polling places shall be  
8 not fewer than there were in [~~said~~] the county at the last  
9 general election. At [~~such~~] the election, all qualified  
10 electors who reside within [~~said~~] the county shall be entitled  
11 to vote [~~provided, however, that this Act shall not apply in~~  
12 ~~any case where a petition has been filed with any board of~~  
13 ~~county commissioners under Chapter 196 of New Mexico Session~~  
14 ~~Laws of 1947 in accordance with the requirements of said Act of~~  
15 ~~1947, and where such a petition has been filed prior to the~~  
16 ~~effective date of this Act, the election shall be held under~~  
17 ~~the provisions of Chapter 196, New Mexico Session Laws of~~  
18 ~~1947]."~~

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