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HOUSE BILL 605

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Rebecca Dow and John Arthur Smith

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING FOR MUNICIPAL
DEANNEXATION OF TERRITORY BY ORDINANCE; MAINTAINING CERTAIN
LIABILITIES.

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

SECTION 1. A new section of the Municipal Code is enacted
to read:

"~~[NEW MATERIAL]~~ DEANNEXATION OF TERRITORY--ELIGIBLE
MUNICIPALITIES.--The governing body of a municipality may
deannex territory located within and contiguous to an exterior
municipal boundary of the municipality; provided that:

A. the municipality has a population between six
thousand and seven thousand according to the most recent
federal decennial census;

B. the municipality is located within a class B

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1 county; and

2 C. the deannexation process complies with Sections
3 1 through 4 of this 2019 act."

4 SECTION 2. A new section of the Municipal Code is enacted
5 to read:

6 "[NEW MATERIAL] DEANNEXATION OF TERRITORY--PETITION--
7 ORDINANCE.--

8 A. The governing body of an eligible municipality
9 shall by ordinance express its consent or rejection to the
10 deannexation of territory; provided that the governing body is
11 presented a valid petition. To be valid, a petition must:

12 (1) include a clear statement of intent to
13 seek the deannexation of the territory that is located within
14 and contiguous to an exterior municipal boundary;

15 (2) include a signature by the owner of the
16 land;

17 (3) include a map that shows:

18 (a) the boundaries of the territory
19 proposed to be deannexed and the relationship of the territory
20 proposed to be deannexed to the proposed boundary of the
21 municipality after deannexation; and

22 (b) any federal, state or county
23 highways located within the territory; and

24 (4) be presented to the governing body of the
25 eligible municipality.

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1 B. The governing body of an eligible municipality
2 shall register its consent to the deannexation of territory by
3 ordinance; provided that a copy of the ordinance, with a copy
4 of the plat of the territory to be deannexed and the petition,
5 shall be filed in the office of the county clerk. After the
6 filing, the territory shall be considered deannexed. The clerk
7 of the municipality shall also send copies of the ordinance
8 deannexing the territory and of the plat of the territory to
9 the secretary of finance and administration and to the
10 secretary of taxation and revenue."

11 SECTION 3. A new section of the Municipal Code is enacted
12 to read:

13 "[NEW MATERIAL] DEANNEXATION OF TERRITORY--LIABILITIES.--
14 The owner of the deannexed territory shall remain liable for
15 any taxes assessed by the deannexing municipality during the
16 time that the territory was located within the boundaries of
17 the municipality."

18 SECTION 4. A new section of the Municipal Code is enacted
19 to read:

20 "[NEW MATERIAL] DEANNEXATION OF TERRITORY--FEDERAL
21 PROPERTY.--Nothing in Sections 1 through 3 of this 2019 act
22 shall be construed to permit the deannexation of territory
23 owned by the government of the United States or its
24 instrumentalities."

25 SECTION 5. APPLICABILITY.--The provisions of this act

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1 apply to territory within an eligible municipality that is the
2 product of an annexation that was completed prior to January 1,
3 2019.

4 SECTION 6. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2019.