

AN ACT

RELATING TO EXTRATERRITORIAL ZONING; PROVIDING FOR ALTERNATES ON THE EXTRATERRITORIAL LAND USE AUTHORITY AND THE EXTRATERRITORIAL LAND USE COMMISSION IN A COUNTY WITH A MUNICIPALITY HAVING A POPULATION OF GREATER THAN TWO HUNDRED THOUSAND PEOPLE.

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

Section 1. Section 3-21-3.2 NMSA 1978 (being Laws 1998, Chapter 42, Section 5) is amended to read:

"3-21-3.2. EXTRATERRITORIAL ZONING IN CLASS A COUNTIES--PROCEDURES.--

A. In a class A county in which a municipality is located that has a population of:

(1) more than three hundred thousand persons, concurrent extraterritorial zoning jurisdiction between that municipality and the county shall be determined by an "extraterritorial land use authority". The extraterritorial land use authority shall have the jurisdiction and powers of an extraterritorial zoning authority and shall carry out its duties related to planning and platting jurisdiction, extraterritorial zoning, subdivision approval and annexation approval or disapproval as provided in the Municipal Code. The extraterritorial land use authority shall consist of four county commissioners appointed by the board of county commissioners and three city councilors or two city councilors and the mayor appointed by the municipality. Alternates to the extraterritorial land use authority shall be appointed by the board of county commissioners from among the remaining

county commissioners and by the municipality from among the remaining city councilors. The alternates shall be notified prior to a meeting of the extraterritorial land use authority if an appointed member cannot attend. When replacing a member, an alternate shall have the same duties, privileges and powers as other appointed members; or

(2) three hundred thousand or fewer people, concurrent extraterritorial zoning jurisdiction between that municipality and the county may be determined by an "extraterritorial land use authority" pursuant to ordinances adopted by the municipal and county governing bodies stating that the county or municipality will create an extraterritorial land use authority with the composition, jurisdiction and powers set forth in Paragraph (1) of this subsection.

B. The extraterritorial zoning commission in a class A county shall be known as the "extraterritorial land use commission" if it is formed by:

(1) a class A county and a municipality that has a population of more than three hundred thousand people and that is located within that class A county; or

(2) a municipality and a class A county that have adopted ordinances pursuant to Paragraph (2) of Subsection A of this section stating that the county and municipality will create an extraterritorial land use authority.

C. The extraterritorial zoning commission shall be composed of five members of the county planning commission appointed by the board of county commissioners and five members of the environmental planning commission of

the municipality appointed by the city council. Alternates to the extraterritorial land use commission shall be appointed by the board of county commissioners from the remaining members of the county planning commission and by the municipality from the remaining members of the environmental planning commission, who shall be notified prior to a meeting of the extraterritorial land use commission if an appointed member cannot attend. When replacing a member, the alternate shall have the same duties, privileges and powers as other appointed members.

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D. The composition of the extraterritorial land use commission shall not affect the composition of any other extraterritorial zoning commission that may be established in that county with any other municipality.

E. The extraterritorial land use commission shall have the authority to carry out duties related to planning and platting jurisdiction, subdivision and extraterritorial zoning." _____

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