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SENATE BILL 513

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Roman Maes III

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 COUNTY WITH
MUNICIPALITY OVER TWO HUNDRED THOUSAND PERSONS--PROCEDURES. --

A. In a class A county that has a municipality with a
population over two hundred thousand persons, concurrent
extraterritorial zoning jurisdiction between that municipality
and the county shall be determined by an "extraterritorial land

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1 use authority". The extraterritorial land use authority shall
2 have the jurisdiction and powers of an extraterritorial zoning
3 authority and shall carry out its duties related to planning
4 and platting jurisdiction, extraterritorial zoning,
5 subdivision approval and annexation approval or disapproval as
6 provided in the Municipal Code. The extraterritorial land use
7 authority shall consist of four county commissioners appointed
8 by the board of county commissioners and three city councilors
9 or two city councilors and the mayor appointed by the
10 municipality. Alternates to the extraterritorial land use
11 authority shall be appointed by the board of county
12 commissioners from among the remaining county commissioners
13 and by the municipality from among the remaining city
14 councilors. The alternates shall be notified prior to a
15 meeting of the extraterritorial land use authority if an
16 appointed member cannot attend. When replacing a member, an
17 alternate shall have the same duties, privileges and powers as
18 other appointed members.

19 B. The extraterritorial zoning commission in a
20 class A county having a municipality with a population over
21 two hundred thousand persons that is concerned with
22 extraterritorial zoning between that municipality and the
23 county shall be known as the "extraterritorial land use
24 commission". The commission shall be composed of five members
25 of the county planning commission appointed by the board of

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1 county commissioners and five members of the environmental
2 planning commission of the municipality appointed by the city
3 council. Alternates to the extraterritorial land use
4 commission shall be appointed by the board of county
5 commissioners from the remaining members of the county
6 planning commission and by the municipality from the remaining
7 members of the environmental planning commission, who shall be
8 notified prior to a meeting of the extraterritorial land use
9 commission if an appointed member cannot attend. When
10 replacing a member, the alternate shall have the same duties,
11 privileges and powers as other appointed members.

12 C. The composition of the extraterritorial land
13 use commission shall not affect the composition of any other
14 extraterritorial zoning commission that may be established in
15 that county with any other municipality.

16 D. The extraterritorial land use commission shall
17 have the authority to carry out duties related to planning and
18 platting jurisdiction, subdivision and extraterritorial
19 zoning. "

FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

SB 513/a

February 16, 1999

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

SENATE BILL 513

has had it under consideration and reports same with

recommendation that it DO PASS, amended as follows:

1. On page 1, lines 20 and 21 after "COUNTY" strike "WITH
A MUNICIPALITY OVER TWO HUNDRED THOUSAND PERSONS".

2. On page 1, lines 22 and 23 strike "a municipality with
a population over two hundred thousand persons,".

3. On page 2, lines 20 and 21 after "county" strike
"having a municipality with a population over two hundred
thousand persons".,

FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

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and thence referred to the JUDI CIARY COMMI TTEE.

Respectfully submit ted,

Arthur H. Rodarte, Vi ce- Chai rman

Adopted _____ Not

Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Ei senstadt, Leavell, Sanchez

Absent: None

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FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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FORTY- FOURTH LEGISLATURE

FIRST SESSION, 1999

SB 513/a

March 8, 1999

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 513, as amended

has had it under consideration and reports same WITHOUT
RECOMMENDATION, amended as follows:

1. Strike Senate Conservation Committee Amendments 2 and 3.
2. On page 1, line 20, strike "COUNTY" and insert in lieu thereof "COUNTIES".
3. On page 1, strike lines 22 through 25 in their entirety and insert the following:
 - "A. In a class A county in which a municipality is located that has a population of:

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

SJC/SB 513

Page 8

(1) more than three hundred thousand persons,
concurrent extraterritorial zoning jurisdiction between that
municipality and the county shall be determined by an
"extraterritorial land".

4. On page 2, line 18, strike the period and insert "; or".

5. On page 2, between lines 18 and 19, insert the following:

"(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. "

6. On page 2, strike lines 19 through 23 in their entirety and
on line 24, strike "commission". The" and insert the following:

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

SJC/SB 513

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"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".

7. Reletter succeeding subsections accordingly.

Respectfully submitted,

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FIRST SESSI ON, 1999

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SJC/SB 513

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Mi chael S. Sanchez, Chai rman

Adopted _____

Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 4 For 2 Against

Yes: 4

No: McSorley, Sanchez

Excused: Aragon, Davi s

Absent: None

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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 16, 1999
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8 Mr. Speaker:
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10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to whom
11 has been referred
12

13 SENATE BILL 513, as amended
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
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21 _____
22 James G. Taylor, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

HGUAC/SB 513a

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

Excused: Abeyta, Hobbs

Absent: None

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