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SENATE BILL 611

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

INTRODUCED BY

Fernando R. Macias

AN ACT

RELATING TO MUNICIPALITIES; CHANGING THE EFFECTIVE DATE OF
CERTAIN MUNICIPAL ORDINANCES.

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

Section 1. Section 3-54-1 NMSA 1978 (being Laws 1983,
Chapter 115, Section 1, as amended) is amended to read:

"3-54-1. AUTHORITY TO SELL OR LEASE MUNICIPAL UTILITY
FACILITIES OR REAL PROPERTY--NOTICE--REFERENDUM --

A. A municipality may lease or sell and exchange
any municipal utility facilities or real property having a
value of twenty-five thousand dollars (\$25,000) or less by
public or private sale or lease any municipal facility or real
property of any value normally leased in the regular
operations of such facility or real property, and such sale or
lease shall not be subject to referendum.

underscored material = new
[bracketed material] = delete

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1 B. A municipality may lease or sell and exchange
2 any municipal utility facilities or real property having an
3 appraised value in excess of twenty-five thousand dollars
4 (\$25,000) by public or private sale or lease, subject to the
5 referendum provisions set forth in this section. The value of
6 municipal utility facilities or real property to be leased or
7 sold and exchanged shall be determined by the appraised value
8 of the municipal utility facilities or real property and not
9 by the value of the lease. An appraisal shall be made by a
10 qualified appraiser and submitted in writing to the governing
11 body. If the sale price is less than the appraised value, the
12 governing body shall cause a detailed written explanation of
13 that difference to be prepared, and the written explanation
14 shall be made available to any interested member of the public
15 upon demand.

16 C. If a public sale is held, the bid of the
17 highest responsible bidder shall be accepted unless the terms
18 of the bid do not meet the published terms and conditions of
19 the proposed sale, in which event the highest bid which does
20 meet the published terms and conditions shall be accepted;
21 provided, however, a municipality may reject all bids. Terms
22 and conditions for a proposed public sale or lease shall be
23 published at least twice, not less than seven days apart, with
24 the last publication no less than fourteen days prior to the
25 bid opening, and in accordance with the provisions of

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1 Subsection J of Section 3-1-2 NMSA 1978.

2 D. Any sale or lease of municipal utility
3 facilities or real property entered into pursuant to
4 Subsection B of this section shall be by ordinance of the
5 municipality. Such an ordinance shall be effective [~~seventy~~
6 thirty days after its adoption, unless a referendum election
7 is held pursuant to this section. The ordinance shall be
8 published prior to adoption pursuant to the provisions of
9 Subsection J of Section 3-1-2 NMSA 1978 and Section 3-17-3
10 NMSA 1978 and shall be published after adoption at least once
11 within one week after adoption pursuant to the provisions of
12 Subsection J of Section 3-1-2 NMSA 1978. Such publications
13 shall concisely set forth at least:

- 14 (1) the terms of the sale or lease;
- 15 (2) the appraised value of the municipal
16 utility facilities or real property;
- 17 (3) the time and manner of payments on the
18 lease or sale;
- 19 (4) the amount of the lease or sale;
- 20 (5) the identities of the purchasers or
21 lessees; and
- 22 (6) the purpose for the municipality making
23 the lease or sale.

24 E. In order to call for a referendum election on a
25 sale or lease ordinance, a petition [~~must~~] shall be filed with

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1 the municipal clerk:

2 (1) no later than [~~sixty~~] thirty days after
3 the adoption of the sale or lease ordinance;

4 (2) containing the names, addresses and
5 signatures of at least fifteen percent of the qualified
6 electors of the municipality; and

7 (3) containing the following heading on each
8 page of the petition reprinted as follows:

"PETITION FOR A REFERENDUM

10 We, the undersigned registered voters of
11 (insert name of
12 municipality) petition the governing body of
13 (insert name of municipality) to
14 conduct a referendum election on ordinance number
15 . . Ordinance number would cause a
16 (insert "sale" or "lease") of
17 municipal (insert
18 "real property" or "utility facilities").

19 Date Name(printed) Address Signure. "

20 F. Section 3-1-5 NMSA 1978 shall apply to all
21 petitions filed calling for a referendum election on a sale or
22 lease ordinance.

23 G. If the municipal clerk certifies to the municipal
24 governing body that the petition does contain the minimum number
25 of valid names, addresses and signatures required to call a

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1 referendum election on the sale or lease ordinance, the municipal
2 governing body shall adopt an election resolution within fourteen
3 days after the date the clerk makes such certification, calling
4 for a referendum election on the sale or lease ordinance. The
5 election resolution shall be adopted and published pursuant to the
6 provisions of the Municipal Election Code governing special
7 elections and shall also concisely set forth:

- 8 (1) the terms of the sale or lease;
- 9 (2) the appraised value of the municipal utility
10 facilities or real property;
- 11 (3) the time and manner of payments on the lease
12 or sale;
- 13 (4) the amount of the lease or sale;
- 14 (5) the identities of all purchasers or lessees;
- 15 and
- 16 (6) the purpose for the municipality making the
17 lease or sale.

18 H. The referendum election on the sale or lease
19 ordinance shall be held not later than ninety days after the
20 election resolution is adopted. Such election shall be held at a
21 special or regular municipal election and shall be conducted as a
22 special election in the manner provided in the Municipal Election
23 Code. Any qualified elector of the municipality may vote in such
24 a referendum election.

25 I. If a majority of the votes cast are to approve the

1 sale or lease ordinance, the sale or lease ordinance shall be
2 effective after the election results have been canvassed and
3 certified. If a majority of the votes cast are to disapprove the
4 sale or lease ordinance, the ordinance shall not be effective."

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1 FORTY- FOURTH LEGI SLATURE

2 FIRST SESSION, 1999

3 SB 611/a

4
5 March 5, 1999

6 Mr. President:

7
8 Your JUDI CI ARY COMMI TTEE, to whom has been referred

9
10
11 SENATE BILL 611

12
13 has had it under consideration and reports same with recommendation
14 that it DO PASS, amended as follows:

15
16 1. On page 3, line 6, strike "thirty" and insert in lieu
17 thereof "forty- five".

18
19 2. On page 4, line 19, strike "Signure" and insert in lieu
20 thereof "Si gnature".

21
22 Respectfully submit ted,

FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

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Page 8

Michael S. Sanchez, Chair man

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Aragon

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 611, as amended
14

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

17 Respectfully submitted,
18

19
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21 _____
22 James G. Taylor, Chairman
23
24
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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 HGUAC/SB 611a

Page 10

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

6
7 Date _____

8
9 The roll call vote was 5 For 0 Against

10 Yes: 5

11 Excused: Abeyta, Hobbs

12 Absent: None

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14 J:\99BillsWP\S0611

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