NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

| SPONSOR: | SCONC | DATE TYPED: | 03/19/03 | HB | |
|------------|---|-------------|----------|-------|----------------------|
| SHORT TITL | TITLE: Class A County Extraterritorial Zoning | | | SB | CS/241/aSFl#1/aHGUAC |
| | | ANALY | YST: | Kehoe | |

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|-------------------------|------------------|
| FY03 | FY04 | FY03 | FY04 | | |
| | NFI | | | | |
| | | | | | |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Attorney General's Office (AGO) Local Government Division (LGD)

SUMMARY

Synopsis of HGUAC Amendment

The House Government and Urban Affairs Committee amendment to SB 241/a strikes Senate Floor Amendment #1 that would have eliminated extraterritorial zoning authority in the cities of Santa Fe and Las Cruces. As amended, the bill will now only impact the City of Albuquerque and Bernalillo County.

Synopsis of SFI Amendment

Senate Floor Amendment #1 eliminates extraterritorial zoning authority from Class A counties with populations greater than 125,000 persons. Specifically, the cities of Albuquerque, Las Cruces and Santa Fe would not be able to annex territory within their counties without the approval of the board of county commissioners. The current extraterritorial zoning authorities would be abolished and the counties would have zoning jurisdiction for all territory not falling within city limits. Municipalities' planning and platting jurisdiction in Class A counties larger than 125,000 persons would be eliminated.

Senate Bill 241/SCONCS/aSFl#1/aHGUAC -- Page 2

Synopsis of Original Bill

Senate Conservation Committee Substitute for Senate Bill 241 relates to the extraterritorial powers of municipalities in a Class A county with more than 300,000 persons.

Significant Issues

Senate Conservation Committee Substitute for Senate Bill 241 would prohibit a municipality from annexing territory within the boundary of another municipality or territory within a Class A county with a population of more than 300,000 persons unless approved by the Board of County Commissioners for that county. This bill primarily affects Bernalillo County and the City of Albuquerque, the only Class A county in the state with a population over three hundred thousand persons. The bill also eliminates the City of Albuquerque's planning and platting jurisdiction in the unincorporated area of Bernalillo County.

The bill requires that a petition seeking the annexation of territory contiguous to a municipality located in a Class A county with a population of less than three hundred thousand persons be presented to the city council and be accompanied by a map that shows the external boundary of the territory proposed to be annexed and the relationship of the territory proposed to be annexed to the existing boundary of the municipality. Current law requires this procedure for municipalities with populations of over two hundred thousand persons.

This bill changes the composition of the extraterritorial land use authority to consist of four county commissioners appointed by the board of county commissioners and three city councilors or two city councilors and the mayor of the municipality. Alternates to the extraterritorial land use authority are to be appointed by the board of county commissioners from among the remaining county commissioners and by the municipality from the remaining city councilors. If an appointed member is unable to attend a meeting, the bill requires that an alternate be notified prior to the meeting and that the alternate attending a meeting on behalf of the member have the same duties, privileges and powers as appointed members.

LMK/prr:yr:njw