

HOUSE JOINT RESOLUTION 4

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Kathy A. McCoy

A JOINT RESOLUTION

PROPOSING TO AMEND ARTICLE 10, SECTION 11 OF THE CONSTITUTION OF NEW MEXICO TO LIMIT THE FREQUENCY OF SUBSEQUENT ELECTIONS ON CITY-COUNTY MERGER PROPOSALS, REQUIRING SUCH ELECTIONS TO BE HELD IN CONJUNCTION WITH GENERAL ELECTIONS AND BARRING THE FORMATION OF CHARTER COMMISSIONS AFTER JANUARY 1, 2011.

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

Section 1. It is proposed to amend Article 10, Section 11 of the constitution of New Mexico to read:

"A. A county that is less than one thousand five hundred square miles in area and has, at the time of this amendment, a population of three hundred thousand or more, and whether or not it is an urban county pursuant to Article 10, Section [†] 10 of this [~~amendment~~] constitution, may provide for a single urban government by the following procedure:

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1 (1) by January 1, 2003, a charter commission,
2 composed of eleven members, shall be appointed to draft a
3 proposed charter. Five members shall be appointed by the
4 governing body of the county, five members shall be appointed
5 by the municipality with a population greater than three
6 hundred thousand and one member shall be appointed by the other
7 ten members;

8 (2) the proposed charter shall:

9 (a) provide for the form and
10 organization of the single urban government;

11 (b) designate those officers that shall
12 be elected and those officers and employees that shall perform
13 the duties assigned by law to county officers;

14 (c) provide for a transition period for
15 elected county and city officials whose terms have not expired
16 on the effective date of the charter; and

17 (d) provide for a transition period, no
18 less than one year, to ensure the continuation of government
19 services; and

20 (3) within one year after the appointment of
21 the charter commission, the proposed charter shall be submitted
22 to the qualified voters and, if adopted by a majority of those
23 voters, the municipalities in that county with a population
24 greater than ten thousand shall be disincorporated and the
25 county shall be governed by a single urban government. If the

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1 proposed charter is not adopted by a majority of the qualified
2 voters, then another charter commission shall be appointed and
3 another election, within twelve months of the previous
4 election, shall be held. If the proposed charter is not
5 adopted by a majority of the qualified voters at the second or
6 any subsequent election, then after at least [~~two~~] five years
7 have elapsed after the election, pursuant to this section
8 another charter commission may be appointed and another
9 proposed charter may be submitted to the qualified voters for
10 approval or disapproval at the next general election following
11 formation of the commission. No charter commissions shall be
12 appointed after January 1, 2011. As used in this paragraph,
13 "qualified voter" means a registered voter of the county.

14 B. Upon the adoption of a charter pursuant to
15 Subsection A of this section, any municipality within the
16 county with a population greater than ten thousand is
17 disincorporated and no future municipalities shall be
18 incorporated. A county that adopts a charter pursuant to this
19 section may exercise those powers granted to urban counties by
20 Article 10, Section [+] 10 of this [~~amendment~~] constitution
21 and is subject to the limitations imposed upon urban counties
22 by that section. A county that adopts a charter pursuant to
23 this section has the same power to enact taxes as any other
24 county and as any municipality had before being disincorporated
25 pursuant to this section.

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1 C. A municipality, with a population of ten
2 thousand or less, in a county that has adopted a charter
3 pursuant to this section may become a part of the single urban
4 government by a vote of a majority of the qualified voters
5 within the municipality voting in an election held upon the
6 filing of a petition containing the signatures of ten percent
7 of the registered voters of that municipality. If a majority
8 of the voters elect to become a part of the single urban
9 government, then the municipality is disincorporated.

10 D. All property, debts, employees, records and
11 contracts of a municipality disincorporated pursuant to this
12 section shall be transferred to the county and become the
13 property, debts, employees, records and contracts of the
14 county. The rights of a municipality, disincorporated pursuant
15 to this section, to receive taxes, fees, distributions or any
16 other thing of value shall be transferred to the county. Any
17 law granting any power or authorizing any distribution to a
18 municipality disincorporated pursuant to this section shall be
19 interpreted as granting the power or authorizing the
20 distribution to the county.

21 E. The provisions of this section shall be
22 self-executing."

23 Section 2. The amendment proposed by this resolution
24 shall be submitted to the people for their approval or
25 rejection at the next general election or at any special

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1 election prior to that date that may be called for that
2 purpose.

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