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SENATE BILL 1119

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

FERNANDO R. MACIAS

AN ACT

PERMITTING MUNICIPALITIES TO ASSESS DEVELOPMENT IMPACT FEES
OUTSIDE THE MUNICIPAL BOUNDARIES UNDER CERTAIN CIRCUMSTANCES.

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

Section 1. Section 5-8-3 NMSA 1978 (being Laws 1993,
Chapter 122, Section 3) is amended to read:

"5-8-3. AUTHORIZATION OF FEE. --

A. Unless otherwise specifically authorized by the
Development Fees Act, no municipality or county may enact or
impose an impact fee.

B. If it complies with the Development Fees Act, a
municipality or county may enact or impose impact fees on land
within its respective corporate boundaries.

C. A municipality and county may enter into a joint
powers agreement to provide capital improvements within an area

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1 subject to both county and municipal platting and subdivision
2 jurisdiction or extraterritorial jurisdiction and may charge an
3 impact fee under the agreement, but if an impact fee is charged
4 in that area, the municipality and county shall comply with the
5 Development Fees Act.

6 D. If a municipality wishes to provide capital
7 improvements within an area outside the municipality that is
8 subject to both county and municipal platting and subdivision
9 jurisdiction or extraterritorial jurisdiction, and the county
10 chooses not to enter into a joint powers agreement, the
11 municipality may proceed with the capital improvements and may
12 charge an impact fee in compliance with the Development Fees
13 Act. "