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SENATE BILL 1148

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

INTRODUCED BY

MANNY M ARAGON

AN ACT

RELATING TO PLANNING AND PLATTING JURISDICTION; AMENDING
SECTIONS 3-19-5 AND 3-20-5 NMSA 1978 (BEING LAWS 1965, CHAPTER
300, SECTIONS 14-18-5 AND 14-19-5, AS AMENDED); DECLARING AN
EMERGENCY.

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

Section 1. Section 3-19-5 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-18-5, as amended) is amended to read:

"3-19-5. PLANNING AND PLATTING JURISDICTION. --

A. Each municipality shall have planning and
planning jurisdiction within its municipal boundary. The
planning and platting jurisdiction of a municipality:

(1) having a population of twenty-five thousand
or more persons but less than two hundred thousand persons
includes all territory within five miles of its boundary and not

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1 within the boundary of another municipality; or

2 (2) having a population of less than twenty-
3 five thousand persons includes all territory within three miles
4 of its boundary and not within the boundary of another
5 municipality.

6 B. If territory not lying within the boundary of a
7 municipality is within the planning and platting jurisdiction of
8 more than one municipality, the planning and platting
9 jurisdiction of each municipality shall terminate equidistant
10 from the boundary of each municipality unless one municipality
11 has a population of less than two thousand five hundred persons
12 and another municipality has a population of more than two
13 thousand five hundred persons according to the most recent
14 census. Then the planning and platting jurisdiction of the
15 municipality having the greatest population extends to such
16 territory. "

17 Section 2. Section 3-20-5 NMSA 1978 (being Laws 1965,
18 Chapter 300, Section 14-19-5, as amended) is amended to read:

19 "3-20-5. COUNTY AND MUNICIPAL JURISDICTION OVER
20 SUBDIVISION-- CONCURRENT JURISDICTION-- ACCEPTANCE OF UNAPPROVED
21 STREETS-- EXERCISE OF JURISDICTION. --

22 A. For the purpose of approving the subdivision and
23 platting of land:

24 (1) the jurisdiction of a county includes all
25 territory not within the boundary of a municipality;

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1 (2) the jurisdiction of a municipality having a
2 population of twenty-five thousand or more persons but less than
3 two hundred thousand persons according to the most recent census
4 includes all territory within five miles of the boundary of the
5 municipality and not within the boundary of another
6 municipality; and

7 (3) the jurisdiction of a municipality having a
8 population of less than twenty-five thousand persons according
9 to the most recent census includes all territory within three
10 miles of the municipal boundary and not within the boundary of
11 another municipality.

12 Each municipality shall have jurisdiction over the
13 territory within its boundary.

14 B. If territory not lying within the boundary of a
15 municipality is within the platting jurisdiction of more than
16 one municipality, the platting jurisdiction of each municipality
17 shall terminate equidistant from the boundary of each
18 municipality unless one municipality has a population according
19 to the most recent census of less than two thousand five hundred
20 persons and another municipality has a population according to
21 the most recent census of more than two thousand five hundred
22 persons. Then the platting jurisdiction of the municipality
23 having the greatest population extends to such territory.

24 C. The county and a municipality shall exercise
25 concurrent jurisdiction over territory within the platting

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1 jurisdiction of both the county and the municipality.

2 D. The governing body of a municipality or the board
3 of county commissioners may not locate, construct or accept any
4 street dedication until the street dedication is first submitted
5 to the planning authority for approval or disapproval. If
6 disapproved by the planning authority, the street dedication may
7 be approved by a two-thirds vote of all the members of the
8 governing body of the municipality having jurisdiction or of the
9 board of county commissioners having jurisdiction. A street
10 dedication accepted by the planning authority or by a two-thirds
11 vote of all the members of the governing body of the
12 municipality having jurisdiction or of the board of county
13 commissioners having jurisdiction shall have the same status as
14 any other public street. "

15 Section 3. EMERGENCY. --It is necessary for the public
16 peace, health and safety that this act take effect immediately.

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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6 March 2, 1997

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8 Mr. President:

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10 Your FINANCE COMMITTEE, to whom has been referred

11
12 SENATE BILL 1148

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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
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18 Respectfully submitted,

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22 _____
23 Ben D. Altamirano, Chairman
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25

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Campos, Carraro, Eisenstadt, Lyons

Absent: None

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