AN ACT
RELATING TO LOCAL GOVERNMENTS; REQUIRING THE CONSENT OF THE BOARD OF COUNTY COMMISSIONERS IN CASE OF ANNEXATION BY A MUNICIPALITY OF COUNTY TERRITORY IN A CLASS A COUNTY WITH A POPULATION OF TWO HUNDRED THOUSAND OR MORE PERSONS.

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

Section 1. Section 3-57-5 NMSA 1978 (being Laws 1967, Chapter 248, Section 5) is amended to read:

"3-57-5. ANNEXATION BY PETITION TO MUNICIPALITY. --

A. The governing body of a municipality located within a class A county with a population of two hundred thousand or more persons shall by ordinance express its consent to or rejection of the annexation of territory of the county by ordinance whenever a petition:

(1) seeks the annexation of county territory to
[a] the municipality [in a Class A county];

(2) is signed by the owners of a majority of the number of acres in [such] the county territory proposed to be annexed;

(3) is signed by a majority of the owners of land in [such] the county territory proposed to be annexed;

(4) is accompanied by a map [which shall show] that shows the external boundary of the county territory proposed to be annexed and the relationship of [the] that territory [proposed to be annexed] to the existing boundary of the municipality; [and]

(5) is presented to the governing body of [such] the municipality; and

[the governing body shall by ordinance express its consent or rejection to the annexation of such territory]

(6) is presented to the board of county commissioners of the county in which the municipality is located and that board by resolution consents to the annexation.

B. The governing body of a municipality located within a class A county with a population of less than two hundred thousand persons shall by ordinance express its consent to or rejection of the annexation of territory of the county whenever a petition:

(1) seeks the annexation of county territory to the municipality:
(2) is signed by the owners of a majority of the number of acres in the county territory proposed to be annexed:

(3) is signed by a majority of the owners of land in the county territory proposed to be annexed:

(4) is accompanied by a map that shows the external boundary of the county territory proposed to be annexed and the relationship of that territory to the existing boundary of the municipality; and

(5) is presented to the governing body of the municipality.

[B—] C. If the ordinance consents to the annexation of the territory, a copy of the ordinance with a copy of the plat of the territory [so] annexed shall be filed in the office of the county clerk.

[C—] D. Within thirty days after the filing of a copy of the ordinance in the office of the county clerk, [any] a person owning land within the territory annexed to the municipality may appeal to the district court questioning the validity of the annexation proceedings. If no appeal to the district court is filed within thirty days after the filing of the ordinance in the office of the county clerk or if the court renders judgment in favor of the municipality, the annexation [shall be deemed] is complete."
Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILLS 689 AND 1017

has had it under consideration and reports same with recommendation that it DO NOT PASS, but that

HOUSE GOVERNMENT AND URBAN AFFAIRS COMMITTEE SUBSTITUTE FOR HOUSE BILLS 689 AND 1017

DO PASS, and thence referred to the JUDICIARY COMMITTEE.
Respectfully submitted,

______________________________
Lynda M. Lovejoy, Chairwoman

Adopted ________________ Not Adopted ________________

(Chief Clerk) (Chief Clerk)

Date __________

The roll call vote was 7 For 0 Against
Yes: 7
Excused: Hobbs
Absent: None

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AN ACT

RELATING TO LAND USE; PROVIDING FOR METHODS OF ANNEXATION, ZONING, SUBDIVISION, PLANNING AND PLATTING IN EXTRATERRITORIAL ZONES OF CERTAIN MUNICIPALITIES AND COUNTIES; CREATING AN EXTRATERRITORIAL LAND USE COMMISSION AND AUTHORITY; PROVIDING POWERS AND DUTIES; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. A new Section 3-7-17.1 NMSA 1978 is enacted to read:

"3-7-17.1. [NEW MATERIAL] ANNEXATION--CERTAIN MUNICIPALITY IN CLASS A COUNTY--PROCEDURES--LIMITATIONS.--

A. A petition that seeks the annexation of territory contiguous to a municipality having a population over two hundred thousand persons located in a class A county shall be presented to the city council and be:

(1) signed by the owners of a majority of the number of acres in the contiguous territory; and
(2) 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.

B. The city council shall submit the petition to the
board of county commissioners of the county in which the
municipality is located for its review and comment. The
comments shall be submitted to the city council within thirty
days of receipt.

C. The city council shall by ordinance approve or
disapprove the annexation of the territory unless the petition
for annexation is not signed by a majority of the owners of land
in the county territory proposed to be annexed.

D. If the petition for annexation is not signed by a
majority of the owners of land proposed to be annexed, the
question of the approval or disapproval of the annexation of the
land shall be submitted to the extraterritorial land use
authority for its approval or disapproval. If the
extraterritorial land use authority approves the annexation, the
city council may approve the annexation.

E. When the nonconsenting property owners' properties are entirely surrounded by consenting property
owners, the city council may approve the annexation without
approval or disapproval of the extraterritorial land use
authority.

F. In considering an annexation pursuant to the
petition method provided in this section, the city council shall
consider the impact of the annexation on existing county
contracts and provisions of services such as fire protection,
solid waste collection or water and sewer service and may make
agreements with the county to continue such services if it is in
the interest of the county, the residents of the proposed
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annexed area or the municipality.

G. A municipality having a population over two hundred thousand persons and located in a class A county shall not force a resident or business located in the unincorporated area of the county to agree to annexation as a condition of extending sewer and water service to that person or business, if that sewer or water service extension is paid for all or in part by federal, state or county money. The municipality may make agreement to annexation a condition of extending sewer and water service if the extension of the service is paid for entirely with municipal money."

Section 2. 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 platting jurisdiction within its municipal boundary. The planning and platting jurisdiction of a municipality:

(1) having a population of twenty-five thousand [or more] to two hundred thousand persons includes all territory within five miles of its boundary and not within the boundary of another municipality; or

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

B. A municipality having a population over two hundred thousand persons located in a class A county shall have planning and platting jurisdiction within five miles of the boundary of the municipality shared with the county and not within the boundary of another municipality through the extraterritorial land use.
commission that shall make recommendations to the extraterritorial
land use authority.

[B—] C.  If territory not lying within the boundary of a
municipality is within the planning and platting jurisdiction of
more than one municipality, the planning and platting jurisdiction
of each municipality shall terminate equidistant from the boundary
of each municipality unless one municipality has a population of
less than two thousand five hundred persons and another
municipality has a population of more than two thousand five
hundred persons according to the most recent census.  Then the
planning and platting jurisdiction of the municipality having the
greatest population extends to such territory."

Section 3.  Section 3-20-5 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-19-5, as amended) is amended to read:
"3-20-5. COUNTY AND MUNICIPAL JURISDICTION OVER
SUBDIVISION—CONCURRENT JURISDICTION—ACCEPTANCE OF UNAPPROVED
STREETS—EXERCISE OF JURISDICTION—

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

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

(2) the jurisdiction of a municipality having a
population of twenty-five thousand [or more] to two hundred
thousand persons according to the most recent census includes all
territory within five miles of the boundary of the municipality and
not within the boundary of another municipality; [and]

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

(4) a municipality having a population over two hundred thousand persons according to the most recent census located in a class A county shall share approval authority with the county of subdivisions and platting of land within five miles of the municipal boundary. Approval shall be through the actions of the extraterritorial land use commission and extraterritorial land use authority.

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

[C—] C. If territory not lying within the boundary of a municipality is within the platting jurisdiction of more than one municipality, the platting jurisdiction of each municipality shall terminate equidistant from the boundary of each municipality unless one municipality has a population according to the most recent census of less than two thousand five hundred persons and another municipality has a population according to the most recent census of more than two thousand five hundred persons. Then the platting jurisdiction of the municipality having the greatest population extends to such territory.

[D—] D. The county and a municipality shall exercise concurrent jurisdiction over territory within the platting jurisdiction of both the county and the municipality except as provided in Paragraph (4) of Subsection A of this section.

[E—] E. The governing body of a municipality or the board of county commissioners may not locate, construct or accept
any street dedication until the street dedication is first submitted to the planning authority for approval or disapproval. If disapproved by the planning authority, the street dedication may be approved by a two-thirds vote of all the members of the governing body of the municipality having jurisdiction or of the board of county commissioners having jurisdiction. A street dedication accepted by the planning authority or by a two-thirds vote of all the members of the governing body of the municipality having jurisdiction or of the board of county commissioners having jurisdiction shall have the same status as any other public street."

Section 4. A new section of Chapter 3, Article 21 NMSA 1978 is enacted to read:

"[NEW MATERIAL] EXTRATERRITORIAL ZONING IN CLASS A COUNTY WITH MUNICIPALITY OVER TWO HUNDRED THOUSAND--PROCEDURES.--

A. In a class A county that has a municipality with a population over two hundred thousand persons, extraterritorial zoning between that municipality and the county shall be determined by an "extraterritorial land use authority". The extraterritorial land use authority shall have the jurisdiction and powers of an extraterritorial zoning authority and shall carry out the duties related to planning and platting jurisdiction, extraterritorial zoning, subdivision approval, and annexation approval or disapproval as provided in Section 3-7-17.1 NMSA 1978. The extraterritorial land use authority shall consist of four county commissioners appointed by the board of county commissioners and three city councilors or two city councilors and the mayor appointed by the municipality."
B. The extraterritorial zoning commission in a class A county having a municipality with a population over two hundred thousand persons that is concerned with extraterritorial zoning between that municipality and the county shall be known as the "extraterritorial land use commission". The commission shall be composed of five members of the county planning commission appointed by the board of county commissioners and five members of the environmental planning commission of the municipality appointed by the city council.

C. The composition of the extraterritorial land use commission shall not affect the composition of any other extraterritorial zoning commission that may be established in that county with any other municipality.

D. The extraterritorial land use commission shall have the authority to carry out duties related to planning and platting jurisdiction, subdivision and extraterritorial zoning."
Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred HOUSE GOVERNMENT AND URBAN AFFAIRS COMMITTEE SUBSTITUTE FOR HOUSE BILLS 689 AND 1017 has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted_______________________ Not Adopted_______________________
The roll call vote was 7 For 0 Against
Yes: 7
No: None
Excused: Davis, Macias, Payne
Absent: None