

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 292

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Raymond L. Kysar

AN ACT

RELATING TO MUNICIPALITIES; AMENDING THE MUNICIPAL CODE TO  
PROVIDE THAT "QUALIFIED ELECTOR" MAY, UNDER CERTAIN  
CIRCUMSTANCES, INCLUDE A RESIDENT OF A MUNICIPALITY'S  
EXTRATERRITORIAL PLANNING AND PLATTING JURISDICTION.

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

Section 1. Section 3-1-2 NMSA 1978 (being Laws 1965,  
Chapter 300, Section 14-1-2, as amended) is amended to read:

"3-1-2. DEFINITIONS.--As used in the Municipal Code:

A. "acquire" or "acquisition" means purchase,  
construct, accept or any combination of purchasing,  
constructing or accepting;

B. "business" means any person, occupation,  
profession, trade, pursuit, corporation, institution,  
establishment, utility, article, commodity or device engaged  
in making a profit, but does not include an employee;

.131169.1

underscored material = new  
~~[bracketed material] = delete~~

1           C. "census" means any enumeration of population of  
2 a municipality conducted under the direction of the  
3 government of the United States, the state of New Mexico or  
4 the municipality;

5           D. "county" means the county in which the  
6 municipality or land is situated;

7           E. "district court" means the district court of  
8 the district in which the municipality or land is situated;

9           F. "governing body" means the city council or city  
10 commission of a city, the board of trustees of a town or  
11 village, the council of incorporated counties and the board  
12 of county commissioners of H class counties;

13           G. "municipal" or "municipality" means any  
14 incorporated city, town or village, whether incorporated  
15 under general act, special act or special charter,  
16 incorporated counties and H class counties;

17           H. "municipal utility" means sewer facilities,  
18 water facilities, gas facilities, electric facilities,  
19 generating facilities or any interest in jointly owned  
20 generating facilities owned by a municipality and serving the  
21 public. A municipality that owns both electric facilities  
22 and any interest in jointly owned generating facilities may,  
23 by ordinance, designate such interest in jointly owned  
24 generating facilities as part of its electric facilities.  
25 Generating facilities shall be considered as part of a  
municipality's electric facilities unless the municipality  
designates, by ordinance, the generating facilities as a

underscored material = new  
~~[bracketed material] = delete~~

1 separate municipal utility, such designation being conclusive  
2 subject to any existing property rights or contract rights;

3 I. "public ground" means any real property owned  
4 or leased by a municipality;

5 J. "publish" or "publication" means printing in a  
6 newspaper that maintains an office in the municipality and is  
7 of general circulation within the municipality or, if such  
8 newspaper is a nondaily paper that will not be circulated to  
9 the public in time to meet publication requirements or if  
10 there is no newspaper that maintains an office in the  
11 municipality and is of general circulation within the  
12 municipality, then "publish" or "publication" means posting  
13 in six public places within the municipality on the first day  
14 that publication is required in a newspaper that maintains an  
15 office in the municipality and is of general circulation  
16 within the municipality. One of the public places where  
17 posting shall be made is the office of the municipal clerk  
18 who shall maintain the posting during the length of time  
19 necessary to comply with the provisions relating to the  
20 number of times publication is required in a newspaper of  
21 general circulation within the municipality. The municipal  
22 clerk may, in addition to posting, publish one or more times  
23 in a newspaper of general circulation in the municipality;

24 K. "qualified elector" means any person whose  
25 affidavit of voter registration has been filed by the county  
clerk, who is registered to vote in a general election  
precinct established by the board of county commissioners

.131169.1

underscored material = new  
~~[bracketed material] = delete~~

1 that is wholly or partly within the municipal boundaries or,  
2 if appropriate, the planning and platting jurisdiction and  
3 who is either a resident of the municipality or, unless the  
4 municipality has a population over two hundred thousand  
5 persons or has in effect an ordinance enacted pursuant to  
6 Subsection C of Section 3-19-5 NMSA 1978, a resident of the  
7 municipality's extraterritorial planning and platting  
8 jurisdiction; provided, that a person who is a qualified  
9 elector under this section solely because of residency in an  
10 extraterritorial planning and platting jurisdiction shall not  
11 be a qualified elector in an election to incur a debt  
12 pursuant to Article 9, Section 12 of the constitution of New  
13 Mexico. Persons who would otherwise be qualified electors if  
14 land on which they reside is annexed to a municipality shall  
15 be deemed to be qualified electors:

16 (1) upon the effective date of the municipal  
17 ordinance effectuating the terms of the annexation as  
18 certified by the board of arbitration pursuant to Section  
19 3-7-10 NMSA 1978;

20 (2) upon thirty days after the filing of an  
21 order of annexation by the municipal boundary commission  
22 pursuant to Sections 3-7-15 and 3-7-16 NMSA 1978 if no appeal  
23 is filed or, if an appeal is filed, upon the filing of a  
24 nonappealable court order effectuating the annexation; or

25 (3) upon thirty days after the filing of an  
ordinance pursuant to Section 3-7-17 NMSA 1978 if no appeal  
is filed or, if an appeal is filed, upon the filing of a

underscored material = new  
~~[bracketed material] = delete~~

1 nonappealable court order effectuating the annexation;

2 L. "revenue producing project" means any  
3 municipally owned self-liquidating projects that furnish  
4 public services to a municipality and its citizens, including  
5 but not necessarily limited to public buildings; facilities  
6 and equipment for the collection or disposal of trash, refuse  
7 or garbage; swimming pools; golf courses and other  
8 recreational facilities; cemeteries or mausoleums or both;  
9 airports; off-street parking garages; and transportation  
10 centers, which may include but are not limited to office  
11 facilities and customary terminal facilities for airlines,  
12 trains, monorails, subways, intercity and intracity buses and  
13 taxicabs ~~[but]~~. "Revenue producing facilities" does not mean  
14 a municipal utility as defined in Subsection H of this  
15 section;

16 M. "street" means any thoroughfare that can  
17 accommodate pedestrian or vehicular traffic, is open to the  
18 public and is under the control of the municipality;

19 N. "warrant" means a warrant, check or other  
20 negotiable instrument issued by a municipality in payment for  
21 goods or services acquired by the municipality or for the  
22 payment of a debt incurred by the municipality;

23 O. "mayor" means the chief executive officer of  
24 municipalities having the mayor-council form of government.  
25 In municipalities having other forms of government, the  
presiding officer of the governing body and the official head  
of the government, without executive powers, may be

.131169.1

underscored material = new  
~~[bracketed material] = delete~~

1 designated mayor by the governing body. Wherever the  
2 Municipal Code requires an act to be performed by the mayor  
3 with the consent of the governing body, in municipalities not  
4 having the mayor-council form of government, the act shall be  
5 performed by the governing body;

6 P. "generating facility" means any facility  
7 located within or outside the state necessary or incidental  
8 to the generation or production of electric power and energy  
9 by any means and includes:

10 (1) any facility necessary or incidental to  
11 the acquisition of fuel of any kind for the production of  
12 electric power and energy, including the acquisition of fuel  
13 deposits, the extraction of fuel from natural deposits, the  
14 conversion of fuel for use in another form, the burning of  
15 fuel in place and the transportation and storage of such  
16 fuel; and

17 (2) any facility necessary or incidental to  
18 the transfer of the electric power and energy to the  
19 municipality, including without limitation step-down  
20 substations or other facilities used to reduce the voltage in  
21 a transmission line in order that electric power and energy  
22 may be distributed by the municipality to its retail  
23 customers;

24 Q. "jointly owned generating facility" means any  
25 generating facility in which a municipality owns any  
undivided or other interest, including without limitation any  
right to entitlement or capacity; and

.131169.1

underscored material = new  
[bracketed material] = delete

1           R. "joint participant" means any municipality in  
2 New Mexico or any other state; any public entity incorporated  
3 under the laws of any other state having the power to enter  
4 into the type of transaction contemplated by the Municipal  
5 Electric Generation Act; the state of New Mexico; the United  
6 States; Indian tribes; and any public electric utility,  
7 investor-owned electric utility or electric cooperative  
8 subject to general or limited regulation by the [~~New Mexico~~  
9 ~~public utility~~] public regulation commission or a similar  
10 commission of any other state."

11           Section 2. Section 3-8-40 NMSA 1978 (being Laws 1985,  
12 Chapter 208, Section 48, as amended) is amended to read:

13           "3-8-40. CONDUCT OF ELECTION--PERSONS NOT PERMITTED TO  
14 VOTE--CERTIFICATE VOTING--FRAUDULENT AND DOUBLE VOTING.--

15           A. No person shall vote in a municipal special or  
16 regular election unless that person is a qualified elector  
17 and he has appeared to vote at the polling place in the  
18 precinct or consolidated precinct [~~which~~] that encompasses  
19 his place of residence as shown on the signature roster.

20           B. Notwithstanding the provisions of Subsection A  
21 of this section, a person shall be permitted to vote even  
22 though that person's name cannot be found in the signature  
23 roster, provided:

24                   (1) his residence is within the boundaries  
25 of either the municipality or, unless the municipality has a  
population over two hundred thousand persons or has enacted  
an ordinance pursuant to Subsection C of Section 3-19-5 NMSA

underscored material = new  
~~[bracketed material] = delete~~

1 1978, the municipality's extraterritorial planning and  
2 platting jurisdiction and within the boundaries of the  
3 precinct and the district, if applicable, in which he offers  
4 to vote;

5 (2) his name is not listed as having been  
6 issued an absentee ballot;

7 (3) his name is not listed as having voted  
8 during early voting;

9 (4) he presents a certificate bearing the  
10 seal and signature of the county clerk stating that his  
11 affidavit of registration is on file at the county clerk's  
12 office, that he has not been purged from the voter rolls and  
13 that he shall be permitted to vote in the precinct and  
14 election specified therein; provided that such authorization  
15 shall not be given orally by the county clerk; and

16 (5) he executes a statement swearing or  
17 affirming to the best of his knowledge that he is a qualified  
18 elector resident of the municipality, currently registered  
19 and eligible to vote in that precinct and has not cast a  
20 ballot or voted in the election.

21 C. Upon compliance with the requirements of  
22 Subsection B of this section, the election judge shall cause  
23 the election clerks to:

24 (1) write the person's name and address, as  
25 shown on the certificate, in the signature roster under the  
heading for name and address in the first blank space  
immediately below the last name and address appearing in the



underscored material = new  
~~[bracketed material] = delete~~

1 signature roster;

2 (2) insert the person's ballot number or  
3 voter number as shown on the public counter of the voting  
4 machine on the certificate and on his executed sworn  
5 statement;

6 (3) retain the completed certificate and the  
7 executed sworn statement, which shall be returned to the  
8 municipal clerk with the election returns; and

9 (4) comply with all relevant requirements of  
10 Section 3-8-41 NMSA 1978.

11 D. After canvass, the municipal clerk shall in  
12 writing notify the county clerk of the names of all  
13 individuals voting on certificates.

14 E. A person who knowingly executes a false  
15 statement required by Paragraph (5) of Subsection B of this  
16 section is guilty of perjury as provided in the Criminal  
17 Code, and voting on the basis of such falsely executed  
18 statement constitutes fraudulent voting.

19 F. A person not entitled to vote who fraudulently  
20 votes or a person who votes or offers to vote more than once  
21 at any election is guilty of a fourth degree felony."

22 Section 3. Section 3-8-40.1 NMSA 1978 (being Laws 1999,  
23 Chapter 278, Section 45) is amended to read:

24 "3-8-40.1. CERTIFICATE VOTING.--

25 A. No person shall vote in a municipal special or  
regular election unless that person is a qualified elector,  
in accordance with the provisions of Subsection K of Section

underscored material = new  
~~[bracketed material] = delete~~

1 3-1-2 NMSA 1978, for the precinct or consolidated precinct  
2 that encompasses his place of residence as shown on the  
3 signature roster.

4 B. A person shall be permitted to vote even though  
5 that person's name cannot be found in the signature roster,  
6 provided:

7 (1) his residence is within the boundaries  
8 of either the municipality or, unless the municipality has a  
9 population over two hundred thousand persons or has enacted  
10 an ordinance pursuant to Subsection C of Section 3-19-5 NMSA  
11 1978, the municipality's extraterritorial planning and  
12 platting jurisdiction and within the boundaries of the  
13 precinct, and district if applicable, in which he offers to  
14 vote;

15 (2) his name ~~[in]~~ is not listed as having  
16 been issued an absentee ballot;

17 (3) he presents a certificate bearing the  
18 seal and signature of the county clerk stating that his  
19 affidavit of registration is on file at the county clerk's  
20 office, that he has not been purged from the voter rolls and  
21 that he shall be permitted to vote in the precinct and  
22 election specified therein, provided that such authorization  
23 shall not be given orally by the county clerk; and

24 (4) he executes a statement swearing or  
25 affirming to the best of his knowledge that he is a qualified  
elector, a resident of the municipality, currently registered  
and eligible to vote in that precinct and has not cast a

underscored material = new  
[bracketed material] = delete

1 ballot or voted in the election.

2 C. Upon compliance with the requirements of  
3 Subsection B of this section, the person shall be permitted  
4 to vote."

5 Section 4. Section 3-8-85 NMSA 1978 (being Laws 1999,  
6 Chapter 278, Section 41) is amended to read:

7 "3-8-85. EARLY VOTING APPLICATION.--

8 A. Application by a voter for early voting shall  
9 be made only in person by the voter on a form prescribed and  
10 furnished by the municipal clerk of the municipality in which  
11 the voter is registered to vote. The municipal clerk shall  
12 prescribe the form of the early voting application.

13 B. The voter shall fill out the application to  
14 vote early in the office of the municipal clerk. Upon the  
15 receipt of a properly completed early voting application, the  
16 municipal clerk shall verify that the applicant is a  
17 qualified elector of the municipality.

18 C. The municipal clerk shall reject an early  
19 voting application for any of the following reasons:

20 (1) [if] the applicant has no valid  
21 affidavit of registration on file with the county clerk and  
22 is not a federal qualified elector or federal voter;

23 (2) [if] the applicant has a valid affidavit  
24 of registration on file with the county clerk, but is not a  
25 resident of either the municipality or, unless the  
municipality has a population over two hundred thousand  
persons or has enacted an ordinance pursuant to Subsection C

underscored material = new  
~~[bracketed material] = delete~~

1 of Section 3-19-5 NMSA 1978, the municipality's  
2 extraterritorial planning and platting jurisdiction, or  
3 district if applicable, of the municipality;

4 (3) the applicant has been issued an  
5 absentee ballot;

6 (4) [~~if~~] the applicant is a federal  
7 qualified elector or federal voter, but is not entitled to  
8 vote in the municipal election; or

9 (5) the applicant cannot comply with  
10 Paragraph (1), (2) or (3) of this subsection pursuant to  
11 Subsection B of Section 3-8-40 NMSA 1978.

12 D. The reverse side of each early voting  
13 application shall contain a form to be signed by the person  
14 completing the application. The form shall be signed by the  
15 applicant and shall contain the following oath: "I will not  
16 vote in this election other than by early ballot. I will not  
17 receive or offer any compensation or reward for giving or  
18 withholding any vote."

19 E. If the municipal clerk rejects the early voter  
20 application pursuant to Subsection C of this section, then  
21 the municipal clerk shall refuse to permit the voter to vote  
22 and shall mark the application "rejected" and enter  
23 "rejected" in the early voting register and file the  
24 application in a separate file.

25 F. If the application for early voting is  
accepted, the municipal clerk shall:

(1) mark the application "accepted";

underscored material = new  
~~[bracketed material] = delete~~

1 (2) enter the required information in the  
2 early voting register; and

3 (3) permit the voter to vote by issuing the  
4 voter an early voter ballot if the ballots are to be counted  
5 and canvassed by hand; or

6 (4) issue the voter an early voting  
7 marksense ballot if the marksense voting device is being used  
8 in the election; or

9 (5) permit the voter to cast his vote on the  
10 voting machine if a voting machine is being used in the  
11 election.

12 G. The municipal clerk shall notify the county  
13 clerk who shall enter "early voter" on the signature line of  
14 the signature roster next to the name of the person who has  
15 cast an early voting ballot. Names of individuals that have  
16 been labeled "early voter" shall appear on a separate list  
17 called the "early voter list". This list shall be submitted  
18 to the municipal clerk by the county clerk in the same manner  
19 as provided in Subsection B of Section 3-8-7 NMSA 1978."

20 Section 5. Section 3-9-4 NMSA 1978 (being Laws 1973,  
21 Chapter 375, Section 3, as amended) is amended to read:

22 "3-9-4. ABSENTEE BALLOT APPLICATION--REJECTION--  
23 ACCEPTANCE--ISSUANCE OF ABSENTEE BALLOT.--

24 A. Application by a federal qualified elector or  
25 federal voter shall be made on the federal postcard  
application form to the municipal clerk.

B. The municipal clerk shall prescribe the form of

underscored material = new  
~~[bracketed material] = delete~~

1 the absentee ballot application.

2 C. An absentee ballot application shall be  
3 furnished by the municipal clerk by mail or in person in the  
4 office of the municipal clerk to the voter upon request by  
5 the voter.

6 D. A list containing the names and ~~[address]~~  
7 addresses of voters requesting absentee ballot applications  
8 shall be kept and shall be made a part of the absent ballot  
9 register.

10 E. Upon receipt of a properly completed and  
11 delivered application for an absentee ballot, the municipal  
12 clerk shall contact the county clerk to determine if the  
13 applicant is a qualified elector of the municipality.

14 F. The municipal clerk shall reject an absentee  
15 ballot application for any of the following reasons:

16 (1) the application is not made on the form  
17 provided by the municipal clerk;

18 (2) the application does not set forth the  
19 applicant's full name and address;

20 (3) the applicant has voted early;

21 (4) the application is not signed by the  
22 applicant; or

23 (5) the applicant:

24 (a) has no valid affidavit of  
25 registration on file with the county clerk and is not a  
federal qualified elector or federal voter;

(b) has a valid affidavit of

underscored material = new  
~~[bracketed material] = delete~~

1 registration on file with the county clerk, but is not a  
2 resident of either the municipality or, unless the  
3 municipality has a population over two hundred thousand  
4 persons or has enacted an ordinance pursuant to Subsection C  
5 of Section 3-19-5 NMSA 1978, the municipality's  
6 extraterritorial planning and platting jurisdiction; or

7 (c) is a federal qualified elector or  
8 federal voter, but is not entitled to vote in the municipal  
9 election; and

10 (d) cannot comply with Subparagraph  
11 (a), (b) or (c) of this paragraph pursuant to Subsection B of  
12 Section 3-8-40 NMSA 1978.

13 G. If the municipal clerk rejects the absentee  
14 ballot application pursuant to Subsection F of this section,  
15 then the municipal clerk shall refuse to issue an absentee  
16 ballot and shall mark the application "rejected" and enter  
17 "rejected" in the absentee ballot register and file the  
18 application in a separate file. The municipal clerk shall,  
19 within twenty-four hours of rejection of the application,  
20 notify the applicant of the reasons for rejection of the  
21 application. Upon rejection of the application, the  
22 municipal clerk shall determine the method of notification to  
23 the voter. Notification shall only be made by courier with  
24 return receipt or certified mail, return receipt requested.  
25 The person whose application has been rejected shall have ten  
days from receipt of notice to appeal or show cause why the  
application should be accepted. In addition, if the

underscored material = new  
~~[bracketed material]~~ = delete

1 application is incomplete, the clerk shall mail immediately a  
2 new application for absentee ballot.

3 H. If the application for absentee ballot is  
4 accepted, the municipal clerk shall:

- 5 (1) mark the application "accepted";
- 6 (2) enter the required information in the  
7 absentee ballot register; and
- 8 (3) issue to the applicant an absentee  
9 ballot.

10 I. The municipal clerk shall deliver the absentee  
11 ballot to the applicant in the office of the municipal clerk  
12 if the application for absentee ballot has been accepted and  
13 if the application is submitted in person by the applicant or  
14 mail an absentee ballot to any qualified elector, federal  
15 qualified elector or federal voter whose application for an  
16 absentee ballot was received by mail and has been accepted.  
17 The municipal clerk shall notify the county clerk who shall  
18 write "absentee ballot" on the signature line of the  
19 signature roster next to the name of the person who has been  
20 sent an absentee ballot. Names of individuals ~~[which]~~ that  
21 have been labeled "absentee ballot" shall appear on a  
22 separate list called the "absentee voter list". This list  
23 shall be submitted to the municipal clerk by the county clerk  
24 in the same manner as provided in Subsection B of Section 3-  
25 8-7 NMSA 1978.

J. It is the duty of the municipal clerk to verify  
the signature roster and absentee voter list to ensure that



underscored material = new  
~~[bracketed material] = delete~~

1 all names of individuals who have been issued absentee  
2 ballots have been labeled "absentee ballot" on the signature  
3 roster and their names listed on the absentee voter list. If  
4 not, the municipal clerk shall write "absentee ballot" on the  
5 signature line of the signature roster next to the name of  
6 the person who has been sent an absentee ballot. The  
7 municipal clerk shall then enter the name and all required  
8 information on the absentee voter list.

9 K. If the application for an absentee ballot is  
10 delivered in person to the municipal clerk during regular  
11 hours and days of business and is accepted, the municipal  
12 clerk shall issue the voter the absentee ballot and it shall  
13 be marked by the applicant in a voting booth in the municipal  
14 clerk's office, sealed in the proper envelopes and otherwise  
15 properly executed and returned to the municipal clerk or the  
16 clerk's authorized representative before the applicant leaves  
17 the office of the municipal clerk. Absentee ballots may be  
18 cast in person beginning on the twenty-seventh day before the  
19 election at the municipal clerk's office until 5:00 p.m. on  
20 the Thursday immediately prior to the date of election.

21 L. The act of marking the absentee ballot in the  
22 office of the municipal clerk shall be a convenience to the  
23 voter in the delivery of the absentee ballot and does not  
24 make the office of the municipal clerk a polling place  
25 subject to the requirements of a polling place in the  
Municipal Election Code other than is provided in this  
subsection. During the period of time between the date a

.131169.1

underscored material = new  
~~[bracketed material] = delete~~

1 person may first apply in person for an absentee ballot and  
2 the final date for such application and marking of the ballot  
3 in the office of the municipal clerk, it is unlawful to  
4 solicit votes or display or otherwise make accessible any  
5 posters, signs or other forms of campaign literature  
6 whatsoever in the clerk's office.

7 M. Absentee ballots shall be air mailed to federal  
8 qualified electors and federal voters whose applications have  
9 been accepted not earlier than thirty-five days prior to the  
10 election and not later than 5:00 p.m. on the Thursday  
11 immediately prior to the date of the election.

12 N. Absentee ballots shall be mailed to voters  
13 whose applications have been approved not earlier than  
14 thirty-five days prior to the election and not later than  
15 5:00 p.m. on Thursday immediately prior to the date of the  
16 election.

17 O. No absentee ballot shall be delivered or  
18 mailed to any person other than the applicant for such  
19 ballot."

20 Section 6. Section 3-19-5 NMSA 1978 (being Laws 1965,  
21 Chapter 300, Section 14-18-5, as amended) is amended to read:

22 "3-19-5. PLANNING AND PLATTING JURISDICTION.--

23 A. Each municipality shall have planning and  
24 platting jurisdiction within its municipal boundary. Except  
25 as provided in Subsection B or C of this section, the  
planning and platting jurisdiction of a municipality:

- (1) having a population of twenty-five

underscored material = new  
~~[bracketed material] = delete~~

1 thousand or more persons includes all territory within five  
2 miles of its boundary and not within the boundary of another  
3 municipality; or

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

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

15 C. The governing body of a municipality with a  
16 population of two hundred thousand or fewer may, by  
17 ordinance, decline to exercise power in its extraterritorial  
18 planning and platting jurisdiction. An ordinance enacted  
19 pursuant to this subsection shall apply to all powers within  
20 the extraterritorial planning and platting jurisdiction that  
21 the municipality would otherwise have and shall not be  
22 amended or repealed for a period of at least two years.

23 [~~E.~~] D. If territory not lying within the  
24 boundary of a municipality is within the planning and  
25 platting jurisdiction of more than one municipality, the  
planning and platting jurisdiction of each municipality shall  
terminate equidistant from the boundary of each municipality

underscored material = new  
~~[bracketed material] = delete~~

1 unless one municipality has a population of [~~less~~] fewer than  
2 two thousand five hundred persons and another municipality  
3 has a population of more than two thousand five hundred  
4 persons according to the most recent census. Then the  
5 planning and platting jurisdiction of the municipality having  
6 the greatest population extends to such territory."

7 Section 7. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is January 1, 2001.

9 - 20 -