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**HOUSE BILL 549**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Robert M. Burpo**

**AN ACT**

**RELATING TO MUNICIPAL ANNEXATION; REQUIRING AGREEMENT OF A MAJORITY OF A TERRITORY'S RESIDENTS BEFORE THE MUNICIPAL BOUNDARY COMMISSION MAY ORDER ANNEXATION OF THE TERRITORY.**

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

**Section 1. Section 3-7-15 NMSA 1978 (being Laws 1965, Chapter 300, Section 14-7-15) is amended to read:**

**"3-7-15. DUTIES OF THE MUNICIPAL BOUNDARY COMMISSION-- AUTHORITY OF COMMISSION TO ANNEX-- ORDER IS FINAL-- REVIEW BY CERTIORARI. --**

**A. At the public hearing held for the purpose of determining if the territory proposed to be annexed to the municipality shall be annexed to the municipality, the municipal boundary commission shall determine if the territory proposed to be annexed:**

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1 (1) is contiguous to the municipality; ~~and]~~

2 (2) may be provided with municipal services  
3 by the municipality to which the territory is proposed to be  
4 annexed; and

5 (3) has a majority of residents in the  
6 territory that favors annexation.

7 B. If the municipal boundary commission determines  
8 that the conditions set forth in this section are met, the  
9 commission ~~shall~~ may order annexed to the municipality the  
10 territory petitioned to be annexed to the municipality.

11 C. If the municipal boundary commission determines  
12 that only a portion of the territory petitioned to be annexed  
13 meets the conditions set forth in this section, the commission  
14 may order annexed to the municipality that portion of  
15 territory which meets the conditions set forth in this  
16 section.

17 D. If the municipal boundary commission determines  
18 that the conditions set forth in this section are not met, the  
19 commission shall not order the annexation to the municipality  
20 of the territory petitioned to be annexed.

21 E. Any order of the municipal boundary commission  
22 shall be final unless any owner of land within the territory  
23 proposed to be annexed, within thirty days after the filing of  
24 the final order in the office of the county clerk and the  
25 office of the municipal clerk, obtains review of the order by

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the district court. "