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SENATE JOINT RESOLUTION 22

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Gerald Ortiz y Pino

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 10, SECTION 10 OF THE
CONSTITUTION OF NEW MEXICO TO ALLOW CERTAIN COUNTIES TO BECOME
URBAN COUNTIES AND TO CLARIFY THE MAJORITY VOTE NEEDED TO ADOPT
A COUNTY CHARTER.

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

SECTION 1. It is proposed to amend Article 10, Section 10
of the constitution of New Mexico to read:

"A. A county that is less than one thousand five
hundred square miles in area and has [~~at the time of this~~
~~amendment~~] a population of three hundred thousand or more may
become an urban county by the following procedure:

(1) the board of county commissioners shall
[~~by January 1, 2001~~] appoint a charter commission consisting of
not less than three persons to draft a proposed urban county

.196537.1

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1 charter;

2 (2) the proposed charter shall provide for the
3 form and organization of the urban county government and shall
4 designate those officers that shall be elected and those
5 officers and employees that shall perform the duties assigned
6 by law to county officers; and

7 (3) within one year after the appointment of
8 the charter commission, the proposed charter shall be submitted
9 to the qualified voters of the county and, if adopted by a
10 majority of those ~~[voters]~~ voting, the county shall become an
11 urban county. If, at the election or any subsequent election,
12 the proposed charter is not adopted, then, after at least one
13 year has elapsed after the election, pursuant to this section
14 another charter commission may be appointed and another
15 proposed charter may be submitted to the qualified voters for
16 approval or disapproval.

17 B. An urban county may exercise all legislative
18 powers and perform all governmental functions not expressly
19 denied ~~[to municipalities, counties or urban counties]~~ by
20 general law or charter and may exercise all powers granted to
21 and shall be subject to all limitations ~~[granted to]~~ placed on
22 municipalities by Article 9, Section 12 of the constitution of
23 New Mexico. This grant of powers shall not include the power
24 to enact private or civil laws except as incident to the
25 exercise of an independent municipal power, nor shall it

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underscored material = new
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1 include the power to provide for a penalty greater than the
2 penalty provided for a misdemeanor. No tax imposed by the
3 governing body of an urban county, except a tax authorized by
4 general law, shall become effective until approved by a
5 majority vote in the urban county.

6 C. A charter of an urban county shall only be
7 amended in accordance with the provisions of the charter.

8 D. If the charter of an urban county provides for a
9 governing body composed of members elected by districts, a
10 member representing a district shall be a resident and elected
11 by the registered qualified electors of that district.

12 E. The purpose of this section is to provide for
13 maximum local self-government. A liberal construction shall be
14 given to the powers of urban counties.

15 F. The provisions of this section shall be
16 self-executing."

17 **SECTION 2.** The amendment proposed by this resolution
18 shall be submitted to the people for their approval or
19 rejection at the next general election or at any special
20 election prior to that date that may be called for that
21 purpose.