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SENATE BILL 476

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

L. SKIP VERNON

AN ACT

RELATING TO SUBDIVISIONS; DELAYING THE EFFECTIVE DATE OF  
AMENDMENTS MADE TO THE NEW MEXICO SUBDIVISION ACT ENACTED INTO  
LAW BY LAWS 1995, CHAPTER 212, SECTIONS 1 THROUGH 34; DELETING  
LANGUAGE PERTAINING TO WATER PERMITS REQUIRED FOR FINAL PLAT  
APPROVAL; AMENDING SECTIONS OF THE NMSA 1978 AND OF LAWS 1995.

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

Section 1. That version of Section 47-6-9 NMSA 1978 (being  
Laws 1973, Chapter 348, Section 9, as amended) which is to  
become effective July 1, 1996 is amended to read:

"47-6-9. SUBDIVISION REGULATION-- COUNTY AUTHORITY. --

A. The board of county commissioners of each county  
shall regulate subdivisions within the county's boundaries. In  
regulating subdivisions, the board of county commissioners of  
each county shall adopt regulations setting forth the county's

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1 requirements for:

2 (1) preliminary and final subdivision plats,  
3 including their content and format;

4 (2) quantifying the maximum annual water  
5 requirements of subdivisions, including water for indoor and  
6 outdoor domestic uses;

7 (3) assessing water availability to meet the  
8 maximum annual water requirements of subdivisions;

9 (4) water conservation measures;

10 (5) water of an acceptable quality for human  
11 consumption and for protecting the water supply from  
12 contamination;

13 (6) liquid waste disposal;

14 (7) solid waste disposal;

15 (8) legal access to each parcel;

16 (9) sufficient and adequate roads to each  
17 parcel, including ingress and egress for emergency vehicles;

18 (10) utility easements to each parcel;

19 (11) terrain management;

20 (12) phased development;

21 (13) protecting cultural properties,  
22 archaeological sites and unmarked burials, as required by the  
23 Cultural Properties Act;

24 (14) specific information to be contained in a  
25 subdivider's disclosure statement in addition to that required

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1 in Section 47-6-17 NMSA 1978;

2 (15) reasonable fees approximating the cost to  
3 the county of determining compliance with the New Mexico  
4 Subdivision Act and county subdivision regulations while passing  
5 upon subdivision plats;

6 (16) a summary procedure for reviewing certain  
7 type-three and all type-five subdivisions as provided in Section  
8 47-6-11 NMSA 1978;

9 (17) recording all conveyances of parcels with  
10 the county clerk;

11 (18) financial security to assure the  
12 completion of all improvements that the subdivider proposes to  
13 build or to maintain;

14 (19) fencing subdivided land, where  
15 appropriate, in conformity with Section 77-16-1 NMSA 1978, which  
16 places the duty on the purchaser, lessee or other person  
17 acquiring an interest in the subdivided land to fence out  
18 livestock; and

19 (20) any other matter relating to subdivisions  
20 that the board of county commissioners feels is necessary to  
21 promote health, safety or the general welfare.

22 B. Subsection A of this section does not preempt the  
23 authority of any state agency to regulate or perform any  
24 activity that it is required or authorized by law to perform.

25 C. [~~The following~~] All counties shall adopt

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1 regulations pursuant to this section on or before [~~July 1, 1996:~~  
2 ~~Bernalillo, Dona Ana and Santa Fe.~~

3 ~~D. All remaining counties shall adopt regulations~~  
4 ~~pursuant to this section on or before] July 1, 1997.~~

5 [E.] D. Nothing in the New Mexico Subdivision Act  
6 shall be construed to limit the authority of counties to adopt  
7 subdivision regulations with requirements that are more  
8 stringent than the requirements set forth in the New Mexico  
9 Subdivision Act, provided the county has adopted a comprehensive  
10 plan in accordance with Section 3-21-5 NMSA 1978 and those  
11 regulations are consistent with such plan. "

12 Section 2. Laws 1995, Chapter 212, Section 13 is amended  
13 to read:

14 "WATER PERMIT REQUIRED FOR FINAL PLAT APPROVAL. --

15 [~~A. Until July 1, 1997, before approving the final~~  
16 ~~plat for a subdivision containing twenty or more parcels, any~~  
17 ~~one of which is two acres or less in size, the board of county~~  
18 ~~commissioners shall require that the subdivider provide a copy~~  
19 ~~of a permit obtained from the state engineer, issued pursuant to~~  
20 ~~Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if the~~  
21 ~~subdivision is located within a declared underground water~~  
22 ~~basin, provide a copy of a permit obtained from the state~~  
23 ~~engineer issued pursuant to those sections, or to Section~~  
24 ~~72-12-3 or 72-12-7 NMSA 1978, for the subdivision water use. In~~  
25 ~~acting on the permit application, the state engineer shall~~

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1 ~~determine whether the amount of water permitted is sufficient in~~  
2 ~~quantity to fulfill the maximum annual water requirements of the~~  
3 ~~subdivision, including water for indoor and outdoor domestic~~  
4 ~~uses. The board of county commissioners shall not approve the~~  
5 ~~final plat unless the state engineer has so issued a permit for~~  
6 ~~the subdivision water use.~~

7           B.] On or after July 1, 1997, before approving the  
8 final plat for a subdivision containing twenty or more parcels,  
9 any one of which is two acres or less in size, the board of  
10 county commissioners may require that the subdivider provide a  
11 copy of a permit obtained from the state engineer, issued  
12 pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if  
13 the subdivision is located within a declared underground water  
14 basin, provide a copy of a permit obtained from the state  
15 engineer issued pursuant to those sections, or to Section  
16 72-12-3 or 72-12-7 NMSA 1978, for the subdivision water use. In  
17 acting on the permit application, the state engineer shall  
18 determine whether the amount of water permitted is sufficient in  
19 quantity to fulfill the maximum annual water requirements of the  
20 subdivision, including water for indoor and outdoor domestic  
21 uses. The board of county commissioners may elect not to  
22 approve the final plat if the state engineer has not issued a  
23 permit for the subdivision water use. "

24           Section 3. Laws 1995, Chapter 212, Section 34 is amended  
25 to read:

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"Section 34. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, [~~1996~~] 1997."

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1 FORTY- SECOND LEGI SLATURE  
2 SECOND SESSI ON, 1996

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5 JANUARY 31, 1996

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7 Mr. Presi dent:

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9 Your COMMI TTEES' COMMI TTEE, to whom has been referred

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11 SENATE BILL 476

12  
13 has had it under consideration and finds same to be GERMANE, PURSUANT  
14 TO SENATE EXECUTIVE MESSAGE NUMBER SEVENTEEN, and thence referred to the  
15 CORPORATIONS AND TRANSPORTATI ON COMMI TTEE.

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17 Respectfully submi tted,

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23 SENATOR MANNY M. ARAGON, Chai rman  
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Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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1 FORTY-SECOND LEGISLATURE  
2 SECOND SESSION, 1996  
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5 JANUARY 31, 1996  
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7 Mr. President:  
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9 Your COMMITTEES' COMMITTEE, to whom has been referred  
10

11 SENATE BILL 476  
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13 has had it under consideration and finds same to be GERMANE, PURSUANT  
14 TO SENATE EXECUTIVE MESSAGE NUMBER SEVENTEEN, and thence referred to the  
15 CORPORATIONS AND TRANSPORTATION COMMITTEE.  
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17 Respectfully submitted,  
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23 SENATOR MANNY M. ARAGON, Chairman  
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Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

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