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HOUSE JOINT RESOLUTION 25

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Raymond G. Sanchez

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE 10 OF THE CONSTITUTION OF  
NEW MEXICO TO PERMIT BERNALILLO COUNTY TO BECOME AN URBAN  
COUNTY WITH ALL GOVERNMENTAL POWERS THAT ARE NOT EXPRESSLY  
DENIED BY LAW AND TO FURTHER PERMIT BERNALILLO COUNTY AND  
INCORPORATED MUNICIPALITIES WITHIN BERNALILLO COUNTY TO CHOOSE  
TO BE GOVERNED BY A SINGLE URBAN COUNTY GOVERNMENT.

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

Section 1. It is proposed to amend Article 10 of the  
constitution of New Mexico by adding a new section 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,

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1 by January 1, 2001, appoint a charter commission consisting of  
2 not less than three persons to draft a proposed urban county  
3 charter;

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

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

19 B. An urban county may exercise all legislative  
20 powers and perform all governmental functions not expressly  
21 denied by general law or charter and may exercise all powers  
22 and shall be subject to all limitations granted to  
23 municipalities by Article 9, Section 12 of the constitution of  
24 New Mexico. This grant of powers shall not include the power  
25 to enact private or civil laws governing civil relationships

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1 except as incident to the exercise of an independent municipal  
2 power, nor shall it include the power to provide for a penalty  
3 greater than the penalty provided for a misdemeanor. No tax  
4 imposed by the governing body of an urban county, except a tax  
5 authorized by general law, shall become effective until  
6 approved by a majority vote in the urban county.

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

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

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

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

18 Section 2. It is proposed to amend Article 10 of the  
19 constitution of New Mexico by adding a new section to read:

20 "A. A county that is less than one thousand five  
21 hundred square miles in area and has, at the time of this  
22 amendment, a population of three hundred thousand or more, and  
23 whether or not it is an urban county pursuant to Section 1 of  
24 this amendment, may provide for a single urban government by  
25 the following procedure:

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1 (1) by January 1, 2003, a charter commission,  
2 composed of seven members, shall be appointed to draft a  
3 proposed charter. Three members shall be appointed by the  
4 governing body of the county, three members shall be appointed  
5 by the municipality with a population greater than three  
6 hundred thousand and one member shall be appointed by the  
7 other six members;

8 (2) the proposed charter shall:

9 (a) provide for the form and  
10 organization of the single urban government;

11 (b) designate those officers that shall  
12 be elected and those officers and employees that shall perform  
13 the duties assigned by law to county officers;

14 (c) provide for a transition period for  
15 elected county and city officials whose terms have not expired  
16 on the effective date of the charter; and

17 (d) provide for a transition period, no  
18 less than one year, to ensure the continuation of government  
19 services; and

20 (3) within one year after the appointment of  
21 the charter commission, the proposed charter shall be  
22 submitted to the qualified voters and, if adopted by a  
23 majority of those voters, the municipalities in that county  
24 with a population greater than ten thousand shall be  
25 disincorporated and the county shall be governed by a single

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1 urban government. If the proposed charter is not adopted by a  
2 majority of the qualified voters, then another charter  
3 commission shall be appointed and another election, within  
4 twelve months of the previous election, shall be held. If the  
5 proposed charter is not adopted by a majority of the qualified  
6 voters at the second or any subsequent election, then after at  
7 least two years have elapsed after the election, pursuant to  
8 this section another charter commission may be appointed and  
9 another proposed charter may be submitted to the qualified  
10 voters for approval or disapproval. As used in this  
11 paragraph, "qualified voter" means a registered voter of the  
12 county.

13 B. Upon the adoption of a charter pursuant to  
14 Subsection A of this section, any municipality within the  
15 county with a population greater than ten thousand is  
16 disincorporated and no future municipalities shall be  
17 incorporated. A county that adopts a charter pursuant to this  
18 section may exercise those powers granted to urban counties by  
19 Section 1 of this amendment and is subject to the limitations  
20 imposed upon urban counties by that section. A county that  
21 adopts a charter pursuant to this section has the same power  
22 to enact taxes as any other county and as any municipality had  
23 before being disincorporated pursuant to this section.

24 C. A municipality, with a population of ten  
25 thousand or less, in a county that has adopted a charter

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1 pursuant to this section may become a part of the single urban  
2 government by a vote of a majority of the qualified voters  
3 within the municipality voting in an election held upon the  
4 filing of a petition containing the signatures of ten percent  
5 of the registered voters of that municipality. If a majority  
6 of the voters elect to become a part of the single urban  
7 government, then the municipality is disincorporated.

8 D. All property, debts, employees, records and  
9 contracts of a municipality disincorporated pursuant to this  
10 section shall be transferred to the county and become the  
11 property, debts, employees, records and contracts of the  
12 county. The rights of a municipality, disincorporated  
13 pursuant to this section, to receive taxes, fees,  
14 distributions or any other thing of value shall be transferred  
15 to the county. Any law granting any power or authorizing any  
16 distribution to a municipality disincorporated pursuant to  
17 this section shall be interpreted as granting the power or  
18 authorizing the distribution to the county.

19 E. The provisions of this section shall be self-  
20 executing. "

21 Section 3. The amendment proposed by this resolution  
22 shall be submitted to the people for their approval or  
23 rejection at the next general election or at any special  
24 election prior to that date which may be called for that  
25 purpose.

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