

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 JOINT RESOLUTION 26

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

INTRODUCED BY

Manny M. Aragon

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,

underscored material = new  
[bracketed material] = delete

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 who reside in the  
12 unincorporated areas of the county and, if adopted by a  
13 majority of those voters, the county shall become an urban  
14 county. If, at the election or any subsequent election, the  
15 proposed charter is not adopted, then, after at least one year  
16 has elapsed after the election, pursuant to this section  
17 another charter commission may be appointed and another  
18 proposed charter may be submitted to the qualified voters for  
19 approval or disapproval.

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

underscored material = new  
[bracketed material] = delete

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

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

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

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

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

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

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

underscored material = new  
[bracketed material] = delete

1 the following procedure:

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

9 (2) the proposed charter shall:

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

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

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

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

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

underscored material = new  
[bracketed material] = delete

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

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

25 C. A municipality, with a population of ten

underscored material = new  
[bracketed material] = delete

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

9 D. All property, debts, employees, records and  
10 contracts of a municipality disincorporated pursuant to this  
11 section shall be transferred to the county and become the  
12 property, debts, employees, records and contracts of the  
13 county. The rights of a municipality, disincorporated  
14 pursuant to this section, to receive taxes, fees,  
15 distributions or any other thing of value shall be transferred  
16 to the county.

17 E. The provisions of this section shall be self-  
18 executing. "

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

1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
4  
5

6 March 15, 1999  
7

8 Mr. Speaker:  
9

10 Your VOTERS AND ELECTIONS COMMITTEE, to whom has  
11 been referred  
12

13 SENATE JOINT RESOLUTION 26  
14

15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, amended as follows:

17 1. On page 2, lines 11 and 12, strike "who reside in the  
18 unincorporated areas".  
19

20 2. On page 2, line 22, after "denied" insert ".to  
21 municipalities, counties or urban counties".  
22

23 3. On page 3, line 1, strike "governing civil  
24 relationships".  
25

4. On page 6, line 16, after the period insert "Any law

underscored material = new  
[bracketed material] = delete

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HVEC/SJR 26

Page 8

granting any power or authorizing any distribution to a  
municipality disincorporated pursuant to this section shall be  
interpreted as granting the power or authorizing the  
distribution to the county.".,  
and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

\_\_\_\_\_  
Edward C. Sandoval, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

underscored material = new  
[bracketed material] = delete

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



FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

HVEC/SJR 26

Page 9

The roll call vote was 7 For 1 Against

Yes: 7  
No: Lutz

Excused: Dana, Lujan, Macko, Madalena, Sanchez

Absent: None

129113. 1

J:\99BillSWP\SJR26

. 128320. 1

underscored material = new  
[bracketed material] = delete

1 FORTY- FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
3  
4

5 March 17, 1999  
6

7 Mr. Speaker:  
8

9 Your JUDICIARY COMMITTEE, to whom has been referred  
10

11 SENATE JOINT RESOLUTION 26, as amended  
12

13 has had it under consideration and reports same with  
14 recommendation that it DO PASS.  
15

16 Respectfully submitted,  
17

18 \_\_\_\_\_  
19 R. David Pederson, Chairman  
20  
21  
22  
23  
24  
25

FORTY-FOURTH LEGISLATURE  
FIRST SESSION, 1999

Page 11

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

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 1 Against

Yes: 7

No: Garcia

Excused: Luna, Rios, Stewart, Sanchez

Absent: None

J:\99BillsWP\SJR26

underscored material = new  
[bracketed material] = delete