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## FISCAL IMPACT REPORT

	<b>ORIGINAL DATE</b> 1/28/07		
<b>SPONSOR</b>	Park	<b>LAST UPDATED</b>	<b>HB</b> 349
	Restoring Powers to Municipalities in Class A Counties with more than Three Hundred Thousand		
<b>SHORT TITLE</b>	Persons	<b>SB</b>	
		<b>ANALYST</b>	Propst

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Municipal League  
New Mexico Association of Counties

### SUMMARY

#### Synopsis of Bill

Restoring Powers to Municipalities in Class A counties with more than Three Hundred Thousand Persons

House Bill 349 would remove the current requirement that the Bernalillo County Commission approve any annexation by the City of Albuquerque; changes the population requirements triggering these special annexation requirements from a municipality in a Class A county with a population of less than 300,000 to a population of more than 200,000, thereby excluding smaller municipalities located in Class A counties from these special annexation requirements; restores Albuquerque’s planning and platting jurisdiction and authorizes it for the area within five miles of the municipal boundary and not within the boundary of another municipality through the extraterritorial land use commission that will make recommendations to the extraterritorial land use authority; restores concurrent authority with the county to zone all or any portion of the ETZ jurisdiction that is within three miles of the municipal boundary, provided it is not within another municipality’s boundary; provides that concurrent extraterritorial zoning jurisdiction be

determined by the Extraterritorial Land Use Authority; authorizes concurrent authority with the county to zone within three miles of the municipal boundary for municipalities over 200,000.

### **SIGNIFICANT ISSUES**

This bill restores the ability of larger municipalities, notably Albuquerque to annex into the municipality, land located in the unincorporated county and not located within another municipality. The bill eliminates the requirement that the board of county commissioners approve annexations occurring in Class A Counties. The bill also restored the planning and platting jurisdiction (within 5 miles) of municipalities with a population of over 200,000.

The New Mexico Association of Counties notes that, the current law is intended to protect the interests of individuals residing outside the Albuquerque municipal boundaries and that there has been no legal challenge to the current law or to annexation decisions made since the law took effect. According to NMAC, the Bernalillo County Commission has approved nearly 90% of the annexation applications.

### **ADMINISTRATIVE IMPLICATIONS**

The bill will require the establishment of an extraterritorial land use authority in the event a municipality over 200,000 and a Class A County desire to establish extraterritorial zoning jurisdiction of such a municipality.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If this bill were not enacted, large cities located in Class A Counties could be prevented from annexing additional territory unless approval is secured from the board of county commissioners.

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