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AN ACT

RELATING TO COUNTY GOVERNANCE; REMOVING THE REQUIREMENT THAT COUNTY SUBDIVISION ORDINANCES BE FILED WITH THE STATE RECORDS ADMINISTRATOR.

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

SECTION 1. Section 47-6-10 NMSA 1978 (being Laws 1973, Chapter 348, Section 10, as amended) is amended to read:

"47-6-10. COUNTY SUBDIVISION REGULATIONS--HEARINGS--APPEAL.--In promulgating subdivision regulations, the board of county commissioners shall adhere to the following procedures.

A. Prior to adopting, amending or repealing any regulation, the board of county commissioners shall consult with representatives of the office of the state engineer, the department of environment, the cultural affairs department, all soil and water conservation districts within the county, the department of transportation and the attorney general about the subjects within their respective expertise for which the board of county commissioners is considering promulgating a regulation. In the process of the consultation, the representatives of each of the state agencies shall give consideration to the conditions peculiar to the county and shall submit written guidelines to the board of county commissioners for its consideration in

1 formulating regulations. The guidelines:

2 (1) shall be given consideration by the
3 board of county commissioners in the formulation of the
4 county's subdivision regulations;

5 (2) shall become a part of the record of any
6 hearing in which regulations are adopted, amended or
7 repealed; and

8 (3) may be in such detail as the agency
9 involved desires.

10 B. A regulation may not be adopted, amended or
11 repealed until after a public hearing held by the board of
12 county commissioners. Notice of the hearing shall be given
13 at least thirty days prior to the hearing date and shall
14 state:

15 (1) the subject of the regulation;

16 (2) the time and place of the hearing;

17 (3) the manner in which interested persons
18 may present their views; and

19 (4) the place and manner in which interested
20 persons may secure copies of any proposed regulation. The
21 board of county commissioners may impose a reasonable charge
22 for the costs of reproducing and mailing of the proposed
23 regulations.

24 C. The notice shall be published in a newspaper of
25 general circulation in the county.

1 D. Reasonable effort shall be made to give notice
2 to all persons who have made a written request to the board
3 of county commissioners for advance notice of its hearings.

4 E. The board of county commissioners shall give
5 the state engineer, the department of environment, the
6 cultural affairs department, the department of
7 transportation, all soil and water conservation districts
8 within the county and the attorney general thirty days'
9 notice of its regulation hearings.

10 F. At the hearing, the board of county
11 commissioners shall allow all interested persons reasonable
12 opportunity to submit data, views or arguments, orally or in
13 writing, and to examine witnesses testifying at the hearing.
14 The board shall keep a complete record of the hearing
15 proceedings.

16 G. Representatives from the office of the state
17 engineer, the department of environment, the cultural affairs
18 department, all soil and water conservation districts within
19 the county, the department of transportation and the attorney
20 general shall be given the opportunity to make an oral
21 statement at the hearing and to enter into the record of the
22 hearing a written statement setting forth any comments that
23 they may have about the proposed regulation, whether
24 favorable or unfavorable, when the proposed regulation
25 relates to an issue that is within the agencies' respective

1 areas of expertise.

2 H. A regulation is not invalid because of the
3 failure of a state agency to submit a guideline prior to the
4 promulgation of the regulation or because the representative
5 of a state agency did not appear at a public hearing on the
6 regulation or did not make any comment for entry in the
7 hearing record.

8 I. The board of county commissioners shall act on
9 the proposed regulations at the regulation hearings or at a
10 public meeting to be held within thirty days of the hearing
11 on the proposed regulations. Upon adopting, amending or
12 repealing the regulations, the board of county commissioners
13 shall include in the record a short statement setting forth
14 the board's reasoning and the basis of the board's decision,
15 including the facts and circumstances considered and the
16 weight given to those facts and circumstances.

17 J. Any person heard or represented at the hearing
18 shall be given written notice of the board's decision,
19 including the facts and circumstances considered, if the
20 person makes a written request to the board for notice of its
21 decision.

22 K. A regulation, amendment or repeal is not
23 effective until thirty days after it is filed with the county
24 clerk.

25 L. Any person who is or may be adversely affected

1 by a decision of the board of county commissioners to adopt,
2 amend or repeal a regulation may appeal that decision to the
3 district court. All appeals shall be upon the record made at
4 the hearing and shall be filed in the district court within
5 thirty days after the board of county commissioners votes to
6 adopt, amend or repeal the regulation.

7 M. An appeal is perfected by filing a notice of
8 appeal in the district court of the county that has adopted,
9 amended or repealed the regulation. The appellant shall
10 certify in the notice of appeal that arrangements have been
11 made with the board of county commissioners for preparation
12 of a sufficient number of transcripts of the record of the
13 hearing to support the appeal, including one copy that the
14 appellant shall furnish at the appellant's own expense to the
15 board of county commissioners. A copy of the notice of
16 appeal shall also be served upon the board of county
17 commissioners.

18 N. Upon appeal, the district court shall set aside
19 the regulation only if it is found to be:

20 (1) arbitrary, capricious or an abuse of
21 discretion;

22 (2) not supported by substantial evidence;

23 or

24 (3) otherwise not in accordance with law.

25 O. Any party to the action in district court may

1 appeal to the court of appeals for further relief."

2 SECTION 2. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2019. _____

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