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AN ACT

RELATING TO HISTORIC PRESERVATION; PROVIDING PROCEDURES FOR THE APPLICATION OF THE HISTORIC DISTRICT AND LANDMARK ACT TO ALL PROJECTS INVOLVING STATE LAND OR LAND HELD IN TRUST BY THE STATE; DECLARING AN EMERGENCY.

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

SECTION 1. Section 3-22-6 NMSA 1978 (being Laws 2009, Chapter 23, Section 1) is amended to read:

"3-22-6. APPLICABILITY TO STATE CAPITAL OUTLAY PROJECTS AND PROJECTS ON STATE LAND--LIMITATION.--

A. Recognizing the fragility of the state's historic heritage, the purpose of this section is to establish a procedure under which the state and its municipalities and counties will commit to collaborate in good faith and work jointly to preserve and protect the historic districts of New Mexico.

B. Ordinances enacted by a municipality or county pursuant to the Historic District and Landmark Act shall apply to a state capital outlay project only as provided in this section and only if the ordinances contain special provisions and standards applicable to state buildings, including provisions concerning the design, construction, alteration or demolition of the exterior features of state buildings. If requested by a resolution of the governing

1 body of a municipality or county, the staff of the capitol
2 buildings planning commission shall work jointly with the
3 staff of the municipality or county in developing the
4 provisions and standards required by this subsection.

5 C. The applicable state agency shall carry out a
6 capital outlay project in a manner that is harmonious and
7 generally compatible with the municipal or county ordinances.

8 D. Before commencing the design phase of a capital
9 outlay project, the applicable state agency shall consult
10 with the municipality or county as to the design standards in
11 the ordinances and how those design standards would impact
12 costs and the operation or manner in which the capital outlay
13 project will ultimately be expected to function; provided
14 that, if the municipality or county has an agency or other
15 entity review projects within the area zoned as an historic
16 district or landmark, then the consultation shall be with
17 that review agency or other entity. The state agency shall
18 work collaboratively with the municipality or county or its
19 review agency or other entity to arrive at compatibility with
20 the design standards, considering reasonable costs and
21 preserving essential functionality. If the municipality or
22 county has identifiable community groups involved in historic
23 preservation, the agency shall also make every reasonable
24 effort to obtain input from members of those identified
25 groups before commencing the design phase.

1 E. After the design phase and before soliciting a
2 bid or a proposal for design-build or lease-purchase for a
3 capital outlay project, the applicable state agency shall
4 transmit its plans for review and comment to the municipality
5 or county or its review agency or other entity and shall also
6 conduct a public meeting to receive public input. Notice of
7 the public meeting shall also be given to any identifiable
8 community groups involved in historic preservation in the
9 municipality or county.

10 F. Within sixty days after the public meeting, the
11 municipality or county or its review agency or other entity,
12 any identifiable historic preservation community group and
13 any other interested party shall communicate recommendations
14 and comments in writing to the state agency. The state
15 agency shall consult with the municipality or county or its
16 review agency or other entity to resolve any issues raised.
17 If, at the end of the sixty-day period, unresolved issues
18 remain, the municipality or county may, within five days
19 after the end of the period, notify the applicable state
20 agency that the issues remain unresolved and should be
21 finally determined pursuant to Subsection G of this section;
22 provided that, if notice is not timely given, the applicable
23 state agency may, after incorporating those provisions to
24 which the state agency and the municipality or county have
25 agreed, proceed with the capital outlay project.

1 G. If notice is timely given by a municipality or
2 county, pursuant to Subsection F of this section, that issues
3 remain unresolved, those issues shall be decided pursuant to
4 the following provisions:

5 (1) within five days after the notice, a
6 state-local government historic review board shall be formed,
7 consisting of eight members as follows:

8 (a) one member appointed by the capitol
9 buildings planning commission, who shall chair the board and
10 who shall vote only if there is a tie among the other board
11 members present;

12 (b) one member appointed by the
13 cultural properties review committee;

14 (c) the state historic preservation
15 officer or a designee of the officer;

16 (d) one member appointed by the agency
17 or other entity that reviews projects within the area zoned
18 as an historic district or landmark; provided that, if the
19 municipality or county has no such agency or other entity,
20 the member shall be appointed by the governing body of the
21 municipality or county;

22 (e) one member appointed by the agency
23 or entity of the municipality or county that is concerned
24 with historic preservation; provided that, if the
25 municipality or county has no such agency or other entity,

1 the member shall be appointed by the governing body of the
2 municipality or county; and

3 (f) three public members who have a
4 demonstrated interest in historic preservation appointed as
5 follows: one member appointed by the secretary of general
6 services, one member appointed by the governing body of the
7 municipality or county and one public member appointed by the
8 other two public members;

9 (2) the staff of the capitol buildings
10 planning commission shall serve as the staff of the
11 state-local government historic review board; and

12 (3) the state-local government historic
13 review board shall, at a public meeting, consider each of the
14 unresolved issues and, within twenty days of its formation
15 shall, for each issue, make a final decision that is
16 harmonious and generally compatible with the municipal or
17 county ordinance.

18 H. Appeals from the decisions of the state-local
19 government historic review board shall be taken to the
20 district court in the manner provided in Section 39-3-1.1
21 NMSA 1978.

22 I. The state agency shall not take any irrevocable
23 action on the capital project in reliance on the plans until
24 the procedures set forth in Subsections F and G of this
25 section have been followed.

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J. The provisions of this section shall apply to any new construction or renovation project on land that is owned by the state or is held in trust by the state, regardless of the source of funding for the project."

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.
