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HOUSE BILL 111

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO TRADITIONAL HISTORIC COMMUNITIES; REVISING  
QUALIFICATIONS.

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

SECTION 1. Section 3-2-3 NMSA 1978 (being Laws 1965,  
Chapter 300, Section 14-2-3, as amended) is amended to read:

"3-2-3. URBANIZED TERRITORY--INCORPORATION LIMITED WITHIN  
URBANIZED TERRITORY.--

A. Urbanized territory is that territory within the  
same county and within five miles of the boundary of any  
municipality having a population of five thousand or more  
persons and that territory within the same county and within  
three miles of a municipality having a population of less than  
five thousand persons, except that territory in a class A  
county with a population between one hundred forty thousand and

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1 two hundred thousand, based on the most recent federal  
2 decennial census, or a class B county with a population between  
3 ~~[ninety-five thousand]~~ thirty thousand and ~~[ninety-nine~~  
4 ~~thousand five hundred]~~ forty thousand, based on the [1990] most  
5 recent federal decennial census, declared by an ordinance of  
6 the board of county commissioners to be a traditional historic  
7 community shall not be considered urbanized territory and shall  
8 not be annexed by a municipality unless it is considered for  
9 annexation pursuant to a petition requesting annexation signed  
10 by a majority of the registered qualified electors within the  
11 traditional historic community.

12 B. No territory within an urbanized territory shall  
13 be incorporated as a municipality unless the:

14 (1) municipality or municipalities causing the  
15 urbanized territory approve, by resolution, the incorporation  
16 of the territory as a municipality;

17 (2) residents of the territory proposed to be  
18 incorporated have filed with the municipality a valid petition  
19 to annex the territory proposed to be incorporated and the  
20 municipality fails, within one hundred twenty days after the  
21 filing of the annexation petition, to annex the territory  
22 proposed to be incorporated; or

23 (3) residents of the territory proposed to be  
24 annexed conclusively prove that the municipality is unable to  
25 provide municipal services within the territory proposed to be

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1 incorporated within the same period of time that the proposed  
2 municipality could provide municipal service.

3 C. A traditional historic community may become  
4 incorporated even though it is located within what is defined  
5 as urbanized territory pursuant to Subsection A of this  
6 section, by following the procedures set forth in Sections  
7 3-2-5 through 3-2-9 NMSA 1978."

8 SECTION 2. Section 3-7-1.1 NMSA 1978 (being Laws 1995,  
9 Chapter 170, Section 5 and Laws 1995, Chapter 211, Section 4)  
10 is amended to read:

11 "3-7-1.1. TRADITIONAL HISTORIC COMMUNITY--QUALIFICATIONS--  
12 ANNEXATION RESTRICTIONS.--

13 A. To qualify as a traditional historic community,  
14 an area shall:

15 (1) be an unincorporated area of a class A  
16 county with a population between one hundred forty thousand and  
17 two hundred thousand, based on the most recent federal  
18 decennial census, or a class B county with a population between  
19 [ninety-five thousand] thirty thousand and [ninety-nine  
20 thousand five hundred] forty thousand, based on the [1990] most  
21 recent federal decennial census;

22 (2) be an identifiable village, community,  
23 neighborhood or district that can be documented as having  
24 existed for more than one hundred years;

25 (3) include structures or landmarks that are

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1 associated with the identity of the specific village,  
2 community, neighborhood or district seeking designation as a  
3 traditional historic community;

4 (4) have a distinctive character or  
5 traditional quality that can be distinguished from surrounding  
6 areas or new developments in the vicinity; and

7 (5) be declared a traditional historic  
8 community by an ordinance of the board of county commissioners  
9 of the county in which the petitioning village, community,  
10 neighborhood or district is located.

11 B. A traditional historic community may be annexed  
12 by a municipality only by petition of a majority of the  
13 registered qualified electors of the territory within the  
14 traditional historic community proposed to be annexed by the  
15 municipality or by the arbitration method of annexation only  
16 upon petition of a majority of the registered qualified  
17 electors of the territory within the traditional historic  
18 community."

19 SECTION 3. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2017.