

AN ACT

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RELATING TO HISTORIC LANDSCAPES; ENACTING THE HISTORIC LANDSCAPE  
ACT TO ESTABLISH AND PRESERVE LANDSCAPES OF HISTORIC AND CULTURAL  
SIGNIFICANCE; CREATING A HISTORIC LANDSCAPE TRUST; PROVIDING FOR A  
FUTURE STATE SYSTEM OF HISTORIC LANDSCAPES; AUTHORIZING  
SOLICITATION OF GIFTS AND GRANTS TO FUND THE FIRST TWO YEARS OF THE  
TRUST; MAKING AN APPROPRIATION OF THOSE FUNDS TO THE TRUST.

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

Section 1. SHORT TITLE.--This act may be cited as the "Historic Landscape Act".

Section 2. DEFINITIONS.--As used in the Historic Landscape Act:

- A. "board" means the board of trustees of the historic landscape trust;
- B. "historic landscape" means a historic manmade or cultural

landscape:

(1) that is limited in scope;

(2) generally comprising a plaza, square, park, garden, terrace, streetscape, estate, grounds of a building or other open space designed formally or informally; and

(3) that has contributed to the cultural history of its time; and

C. "trust" means the historic landscape trust created by the Historic Landscape Act.

Section 3. HISTORIC LANDSCAPE TRUST CREATED.--The "historic landscape trust" is created. It is a public nonprofit corporation and shall be organized

pursuant to the Nonprofit Corporation Act.

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Section 4. BOARD OF TRUSTEES.--

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A. The trust shall be governed by the board. The members of the initial board shall be:

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(1) two individuals who are New Mexico licensed landscape architects;

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(2) an attorney licensed to practice law in the state;

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(3) a New Mexico certified public accountant;

(4) three New Mexico residents who have demonstrated their interest in and knowledge about historic landscapes;

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(5) two New Mexico residents who are active members of garden clubs;

(6) the state cultural affairs officer or his designee; and

(7) the director of tourism or his designee.

B. The terms of the initial board members are for two years.

Thereafter, the board shall be selected in accordance with the articles of incorporation and bylaws of the trust.

C. Vacancies on the initial board shall be filled by appointment of the governor. Thereafter, vacancies shall be filled in accordance with the articles of incorporation and bylaws of the trust.

Section 5. ARTICLES OF INCORPORATION AND BYLAWS.--The initial board shall prepare and file articles of incorporation and bylaws. The articles shall state as the purposes of the trust:

A. the preservation of significant historic landscapes in the state;

B. the identification of sites in the state deserving of inclusion in the historic landscape system; and

C. the development of a historic landscape system that provides opportunities for persons to appreciate and better understand the history and development of the state.

Section 6. EXECUTIVE DIRECTOR.--The bylaws of the trust shall provide for the employment of an executive director and shall specify his duties.

Section 7. FUNDING.--The initial board shall seek private and public funding for the trust and is authorized to accept gifts and grants of both private and public funds. The "historic landscape trust fund" is created in the state treasury. All funds accepted by the initial board shall be deposited in the fund. The fund is appropriated to the initial board and may be expended as authorized by vouchers drawn by the chair of the initial board on warrants drawn by the department of finance and administration. Expenditures are authorized in fiscal years 2004 and 2005 only for organization expenses of the trust and per diem and mileage pursuant to the Per Diem and Mileage Act for the appointed members of the initial board.

Section 8. TEMPORARY PROVISION.--The initial board of trustees of the historic landscape trust shall report to the first session of the forty-seventh legislature on the date it convenes. The report shall include:

- A. copies of the articles of incorporation and bylaws of the trust;
- B. a ten-year plan for implementing a historic landscape system in the

state:

(1) that shall rely entirely upon acquisition of historic landscapes by purchase or gift;

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(2) that shall not include a historic landscape in the system  
without the consent of all persons owning property rights in the historic landscape; and  
(3) that shall not place limitations or restrictions on a person's  
use or freedom of alienation of a historic landscape by designation or otherwise  
without the free consent of the person; and  
C. strategies and recommendations for funding the trust in fiscal year  
2006 and subsequent fiscal years.

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Section 9. EFFECTIVE DATE.--The effective date of the provisions of this act  
is July 1, 2006.