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HOUSE BILL 360

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Ben Lujan

FOR THE CAPITOL BUILDINGS PLANNING COMMISSION

AN ACT

RELATING TO LOCAL GOVERNMENTS; CLARIFYING THE APPLICATION OF
THE HISTORIC DISTRICT AND LANDMARK ACT TO STATE CAPITAL OUTLAY
PROJECTS.

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

Section 1. A new section of the Historic District and
Landmark Act is enacted to read:

"[NEW MATERIAL] APPLICABILITY TO STATE CAPITAL OUTLAY
PROJECTS--LIMITATION.--

A. Ordinances enacted by a municipality or county
pursuant to the Historic District and Landmark Act shall apply
to a state capital outlay project only if they contain special
provisions applicable to state buildings and as provided in
this section.

B. The applicable state agency shall carry out a

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1 capital outlay project in a manner that is generally compatible
2 with the municipal or county ordinances, within reasonable
3 budgetary constraints.

4 C. Before commencing the design phase of a capital
5 outlay project, the applicable state agency shall consult with
6 the municipality or county as to the design standards in the
7 ordinances and how those design standards would impact costs
8 and the operation or manner in which the capital outlay project
9 will ultimately be expected to function. The state agency
10 shall work collaboratively with the county or municipality to
11 arrive at compatibility with the design standards, within
12 reasonable costs and preserving essential functionality. If
13 the municipality or county has identifiable community groups
14 involved in historic preservation, the agency shall make every
15 reasonable effort to obtain input from members of those
16 identified groups before commencing the design phase.

17 D. After the design phase and before soliciting a
18 bid or a proposal for design-build or lease-purchase for a
19 capital outlay project, the applicable state agency shall
20 transmit its plans for review and comment to the municipality
21 or county and shall also conduct a public meeting to receive
22 public input. Notice of the public meeting shall be given to
23 any identifiable community groups involved in historic
24 preservation in the municipality or county.

25 E. Within sixty days after the public meeting, the

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1 municipality or county and any interested party shall
2 communicate its recommendations and comments in writing to the
3 state agency and the state agency shall consult with the
4 municipality or county and interested parties to resolve any
5 issues raised. The state agency shall not take any irrevocable
6 action on the project in reliance on the plans until the
7 comment and consultation period has expired."

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