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AN ACT

RELATING TO HISTORIC PRESERVATION; PROVIDING PROCEDURES FOR
THE APPLICATION OF THE HISTORIC DISTRICT AND LANDMARK ACT TO
CONSTRUCTION OR RENOVATION OF STATE BUILDINGS.

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 CONSTRUCTION OR RENOVATION OF
STATE BUILDINGS--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 any construction or renovation of a state building
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 body of a municipality or county, the staff of

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

4 C. The applicable state agency shall carry out the
5 construction or renovation of a state building in a manner
6 that is harmonious and generally compatible with the
7 municipal or county ordinances.

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

1 groups before commencing the design phase.

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

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

1 which the state agency and the municipality or county have
2 agreed, proceed with the construction or renovation of a
3 state building.

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

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

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

15 (b) one member appointed by the
16 cultural properties review committee;

17 (c) the state historic preservation
18 officer or a designee of the officer;

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

25 (e) one member appointed by the agency

1 or entity of the municipality or county that is concerned
2 with historic preservation; provided that, if the
3 municipality or county has no such agency or other entity,
4 the member shall be appointed by the governing body of the
5 municipality or county; and

6 (f) three public members who have a
7 demonstrated interest in historic preservation appointed as
8 follows: 1) one member appointed by the secretary of general
9 services; 2) one member appointed by the governing body of
10 the municipality or county; and 3) one public member
11 appointed by the other two public members;

12 (2) the staff of the capitol buildings
13 planning commission shall serve as the staff of the
14 state-local government historic review board; and

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

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

25 I. The state agency shall not take any irrevocable

1 action on the construction or renovation of a state building
2 in reliance on the plans until the procedures set forth in
3 Subsections F and G of this section have been followed.

4 J. As used in this section:

5 (1) "construction or renovation" applies
6 only to the exterior envelope of a state building, regardless
7 of the source of funds for the project; and

8 (2) "state building" means an affixed
9 structure with walls and a roof designed for enclosure or
10 shelter that is owned or leased by the state or located on
11 land owned by the state or held in trust by the state;
12 provided that any lessee of lands held in trust by the state
13 pursuant to the Enabling Act shall be subject to the state
14 agency obligations."

15 SECTION 2. APPLICABILITY.--The provisions of this act
16 apply to any new construction or renovation of a state
17 building that commences on or after July 1, 2019; provided
18 that no contract for the design phase for the construction or
19 renovation of the state building has been executed prior to
20 July 1, 2019.

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

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