

HOUSE BILL 74

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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

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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 B~~] county [~~with a population between ninety-five thousand and ninety-nine thousand five hundred, based on the 1990 federal decennial census~~] declared by an ordinance of the board of county commissioners to be a traditional historic community shall not be considered urbanized territory and shall not be annexed by a municipality unless it is considered for annexation pursuant to a petition requesting annexation signed by a majority of the registered HJC→qualified electors←HJC HJC→voters←HJC within the traditional historic community.

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

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

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

(3) residents of the territory proposed to be

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annexed conclusively prove that the municipality is unable to provide municipal services within the territory proposed to be incorporated within the same period of time that the proposed municipality could provide municipal service.

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

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

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

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

(1) be an unincorporated area of a [class B] county [with a population between ninety-five thousand and ninety-nine thousand five hundred, based on the 1990 federal decennial census];

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

(3) include structures or landmarks that are associated with the identity of the specific village,

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community, neighborhood or district seeking designation as a traditional historic community;

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

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

B. A traditional historic community may be annexed by a municipality only by petition of a majority of the registered HJC→qualified electors←HJC HJC→voters←HJC of the territory within the traditional historic community proposed to be annexed by the municipality or by the arbitration method of annexation only upon petition of a majority of the registered qualified electors of the territory within the traditional historic community."

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