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SENATE BILL 219

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

INTRODUCED BY

Peter Wirth and Brian Egolf

AN ACT

RELATING TO HISTORIC PRESERVATION; PROVIDING PROCEDURES FOR THE APPLICATION OF THE HISTORIC DISTRICT AND LANDMARK ACT TO ALL PROJECTS INVOLVING STATE LAND OR LAND HELD IN TRUST BY THE STATE.

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 STATE CAPITAL OUTLAY PROJECTS AND PROJECTS ON STATE LAND--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

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2 B. Ordinances enacted by a municipality or county
3 pursuant to the Historic District and Landmark Act shall apply
4 to a state capital outlay project only as provided in this
5 section and only if the ordinances contain special provisions
6 and standards applicable to state buildings, including
7 provisions concerning the design, construction, alteration or
8 demolition of the exterior features of state buildings. If
9 requested by a resolution of the governing body of a
10 municipality or county, the staff of the capitol buildings
11 planning commission shall work jointly with the staff of the
12 municipality or county in developing the provisions and
13 standards required by this subsection.

14 C. The applicable state agency shall carry out a
15 capital outlay project in a manner that is harmonious and
16 generally compatible with the municipal or county ordinances.

17 D. Before commencing the design phase of a capital
18 outlay project, the applicable state agency shall consult with
19 the municipality or county as to the design standards in the
20 ordinances and how those design standards would impact costs
21 and the operation or manner in which the capital outlay project
22 will ultimately be expected to function; provided that, if the
23 municipality or county has an agency or other entity review
24 projects within the area zoned as ~~[an]~~ a historic district or
25 landmark, then the consultation shall be with that review

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1 agency or other entity. The state agency shall work
2 collaboratively with the municipality or county or its review
3 agency or other entity to arrive at compatibility with the
4 design standards, considering reasonable costs and preserving
5 essential functionality. If the municipality or county has
6 identifiable community groups involved in historic
7 preservation, the agency shall also make every reasonable
8 effort to obtain input from members of those identified groups
9 before commencing the design phase.

10 E. After the design phase and before soliciting a
11 bid or a proposal for design-build or lease-purchase for a
12 capital outlay project, the applicable state agency shall
13 transmit its plans for review and comment to the municipality
14 or county or its review agency or other entity and shall also
15 conduct a public meeting to receive public input. Notice of
16 the public meeting shall also be given to any identifiable
17 community groups involved in historic preservation in the
18 municipality or county.

19 F. Within sixty days after the public meeting, the
20 municipality or county or its review agency or other entity,
21 any identifiable historic preservation community group and any
22 other interested party shall communicate recommendations and
23 comments in writing to the state agency. The state agency
24 shall consult with the municipality or county or its review
25 agency or other entity to resolve any issues raised. If, at

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1 the end of the sixty-day period, unresolved issues remain, the
2 municipality or county may, within five days after the end of
3 the period, notify the applicable state agency that the issues
4 remain unresolved and should be finally determined pursuant to
5 Subsection G of this section; provided that, if notice is not
6 timely given, the applicable state agency may, after
7 incorporating those provisions to which the state agency and
8 the municipality or county have agreed, proceed with the
9 capital outlay project.

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

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

17 (a) one member appointed by the capitol
18 buildings planning commission, who shall chair the board and
19 who shall vote only if there is a tie among the other board
20 members present;

21 (b) one member appointed by the cultural
22 properties review committee;

23 (c) the state historic preservation
24 officer or a designee of the officer;

25 (d) one member appointed by the agency

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1 or other entity that reviews projects within the area zoned as
2 [~~an~~] a historic district or landmark; provided that, if the
3 municipality or county has no such agency or other entity, the
4 member shall be appointed by the governing body of the
5 municipality or county;

6 (e) one member appointed by the agency
7 or entity of the municipality or county that is concerned with
8 historic preservation; provided that, if the municipality or
9 county has no such agency or other entity, the member shall be
10 appointed by the governing body of the municipality or county;
11 and

12 (f) three public members who have a
13 demonstrated interest in historic preservation appointed as
14 follows: 1) one member appointed by the secretary of general
15 services; 2) one member appointed by the governing body of the
16 municipality or county; and 3) one public member appointed by
17 the other two public members;

18 (2) the staff of the capitol buildings
19 planning commission shall serve as the staff of the state-local
20 government historic review board; and

21 (3) the state-local government historic review
22 board shall, at a public meeting, consider each of the
23 unresolved issues and, within twenty days of its formation
24 shall, for each issue, make a final decision that is harmonious
25 and generally compatible with the municipal or county

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1 ordinance.

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

5 I. The state agency shall not take any irrevocable
6 action on the capital project in reliance on the plans until
7 the procedures set forth in Subsections F and G of this section
8 have been followed.

9 J. The provisions of this section shall apply to
10 any new construction or renovation project on land that is
11 owned by the state or is held in trust by the state, regardless
12 of the source of funding for the project."

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