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HOUSE BILL 81

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Roberto "Bobby" J. Gonzales

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
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~~

underscored material = new
[bracketed material] = delete

1 ~~ninety-nine thousand five hundred, based on the 1990 federal~~
2 ~~decennial census]~~ declared by an ordinance of the board of
3 county commissioners to be a traditional historic community
4 shall not be considered urbanized territory and shall not be
5 annexed by a municipality unless it is considered for
6 annexation pursuant to a petition requesting annexation signed
7 by a majority of the registered qualified electors within the
8 traditional historic community.

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

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

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

20 (3) residents of the territory proposed to be
21 annexed conclusively prove that the municipality is unable to
22 provide municipal services within the territory proposed to be
23 incorporated within the same period of time that the proposed
24 municipality could provide municipal service.

25 C. A traditional historic community may become

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1 incorporated even though it is located within what is defined
2 as urbanized territory pursuant to Subsection A of this
3 section, by following the procedures set forth in Sections
4 3-2-5 through 3-2-9 NMSA 1978."

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

8 "3-7-1.1. TRADITIONAL HISTORIC COMMUNITY--QUALIFICATIONS--
9 ANNEXATION RESTRICTIONS.--

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

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

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

19 (3) include structures or landmarks that are
20 associated with the identity of the specific village,
21 community, neighborhood or district seeking designation as a
22 traditional historic community;

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

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underscoring material = new
~~[bracketed material] = delete~~

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

5 B. A traditional historic community may be annexed
6 by a municipality only by petition of a majority of the
7 registered qualified electors of the territory within the
8 traditional historic community proposed to be annexed by the
9 municipality or by the arbitration method of annexation only
10 upon petition of a majority of the registered qualified
11 electors of the territory within the traditional historic
12 community."

13 SECTION 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2018.