

The Legislature  
of the  
State of New Mexico

53rd Legislature, 1st Session

LAWS 2017

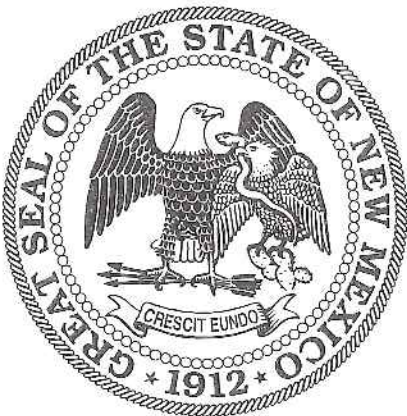
CHAPTER \_\_\_\_\_

HOUSE FLOOR SUBSTITUTE FOR

HOUSE BILL 111

Introduced by

**POCKET VETOED**



1 AN ACT

2 RELATING TO TRADITIONAL HISTORIC COMMUNITIES; REVISING  
3 QUALIFICATIONS.  
4

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

6 SECTION 1. Section 3-2-3 NMSA 1978 (being Laws 1965,  
7 Chapter 300, Section 14-2-3, as amended) is amended to read:

8 "3-2-3. URBANIZED TERRITORY--INCORPORATION LIMITED  
9 WITHIN URBANIZED TERRITORY.--

10 A. Urbanized territory is that territory within  
11 the same county and within five miles of the boundary of any  
12 municipality having a population of five thousand or more  
13 persons and that territory within the same county and within  
14 three miles of a municipality having a population of less  
15 than five thousand persons, except that territory in a county  
16 declared by an ordinance of the board of county commissioners  
17 to be a traditional historic community shall not be  
18 considered urbanized territory and shall not be annexed by a  
19 municipality unless it is considered for annexation pursuant  
20 to a petition requesting annexation signed by a majority of  
21 the registered qualified electors within the traditional  
22 historic community.

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

25 (1) municipality or municipalities causing

1 the urbanized territory approve, by resolution, the  
2 incorporation of the territory as a municipality;

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

9 (3) residents of the territory proposed to  
10 be annexed conclusively prove that the municipality is unable  
11 to provide municipal services within the territory proposed  
12 to be incorporated within the same period of time that the  
13 proposed municipality could provide municipal service.

14 C. A traditional historic community may become  
15 incorporated even though it is located within what is defined  
16 as urbanized territory pursuant to Subsection A of this  
17 section, by following the procedures set forth in Sections  
18 3-2-5 through 3-2-9 NMSA 1978."

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

22 "3-7-1.1. TRADITIONAL HISTORIC COMMUNITY--  
23 QUALIFICATIONS--ANNEXATION RESTRICTIONS.--

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



- 1 (1) be an unincorporated area of a county;
- 2 (2) be an identifiable village, community,
- 3 neighborhood or district that can be documented as having
- 4 existed for more than one hundred years;
- 5 (3) include structures or landmarks that are
- 6 associated with the identity of the specific village,
- 7 community, neighborhood or district seeking designation as a
- 8 traditional historic community;
- 9 (4) have a distinctive character or
- 10 traditional quality that can be distinguished from surrounding
- 11 areas or new developments in the vicinity; and
- 12 (5) be declared a traditional historic
- 13 community by an ordinance of the board of county commissioners
- 14 of the county in which the petitioning village, community,
- 15 neighborhood or district is located.

16 B. A traditional historic community may be annexed

17 by a municipality only by petition of a majority of the

18 registered qualified electors of the territory within the

19 traditional historic community proposed to be annexed by the

20 municipality or by the arbitration method of annexation only

21 upon petition of a majority of the registered qualified

22 electors of the territory within the traditional historic

23 community."

24 SECTION 3. EFFECTIVE DATE.--The effective date of the

25 provisions of this act is July 1, 2017. \_\_\_\_\_

s/Brian Egolf  
Brian Egolf, Speaker  
House of Representatives

s/Lisa M. Ortiz McCutcheon  
Lisa M. Ortiz McCutcheon, Chief Clerk  
House of Representatives

s/John A. Sanchez  
John A. Sanchez, President  
Senate

s/Lenore M. Naranjo  
Lenore M. Naranjo, Chief Clerk  
Senate

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017

s/Susana Martinez  
Susana Martinez, Governor  
State of New Mexico