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HOUSE BILL 394

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO NEW MEXICO HISTORY; ENACTING THE HISTORIC STATUES
ACT; PROVIDING FOR AN HONOR ROLL OF DISTINGUISHED NEW MEXICANS;
PROVIDING FOR STATUES TO BE ERECTED; CREATING A FUND;
PRESCRIBING PENALTIES; MAKING AN APPROPRIATION.

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

SECTION 1. SHORT TITLE.--This act may be cited as the
"Historic Statues Act".

**SECTION 2. HONOR ROLL--ELIGIBILITY--DESIGNATION--STATE
HISTORIAN DUTIES.**--

A. The state historian shall maintain the "honor
roll of distinguished New Mexicans" to honor persons designated
by memorial of the legislature for their significant
contributions toward building the New Mexico of today.

B. To be eligible to be placed on the honor roll, a

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1 person must:

- 2 (1) be deceased at least fifty years; and
3 (2) have been born in or been a resident of
4 New Mexico or made a significant and distinguished contribution
5 to the progress of the state in the arts, medicine, business,
6 education, agriculture, religion, military, politics, science
7 or the law; have performed some heroic or exemplary action to
8 the benefit of the state; or demonstrated some other
9 extraordinary quality.

10 C. The honor roll shall be published on the state
11 historian's web site, including biographical and other
12 educational information about each distinguished New Mexican.
13 The state historian may publish educational materials about the
14 distinguished New Mexicans for use in the public schools and
15 other venues.

16 SECTION 3. HISTORIC STATUES--SELECTION--PRODUCTION.--

17 A. The legislature or a state agency or a political
18 subdivision of the state that has control over land, a public
19 building or a public right of way may provide for a historic
20 statue of any person on the honor roll of distinguished New
21 Mexicans to be erected on the land or grounds of the public
22 building or public right of way.

23 B. The cultural affairs department shall facilitate
24 or coordinate and oversee the design and production of the
25 historic statues. The department shall explore methods to

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1 facilitate cost-efficient and cost-effective ways to produce
2 the statues.

3 C. A historic statue shall be at least life-sized
4 and may include other persons or animals in addition to the
5 distinguished New Mexican, if appropriate to the design, and
6 shall be constructed of aluminum, bronze or other compound
7 appropriate for the New Mexico weather. Fabrication of the
8 statue shall be by traditional methods or by the employment of
9 modern and innovative techniques. Statues shall be realistic
10 and lifelike. If no photographs exist of the subject, the
11 representation shall be made as true to life as possible from
12 paintings, drawings or written accounts of the subject. An
13 appropriate plaque shall accompany the statue that explains
14 briefly why the person is worthy of honor as a distinguished
15 New Mexican. The cultural affairs department may accept a
16 donation of a statue if the statue and the conditions of the
17 donation generally conform to the provisions of the Historic
18 Statues Act.

19 SECTION 4. HISTORIC STATUES FUND--CREATED.--

20 A. The "historic statues fund" is created as a
21 nonreverting fund in the state treasury. The fund consists of
22 appropriations, gifts, grants and donations and income from
23 investment of the fund. The fund shall be administered by the
24 cultural affairs department and money in the fund is
25 appropriated to the department to carry out the purposes of the

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1 Historic Statues Act.

2 B. Subaccounts of the fund may be established to
3 account for specific appropriations, gifts or donations for a
4 particular historic statue. Money in a subaccount is
5 appropriated to the cultural affairs department to carry out
6 the purposes of the Historic Statues Act. Money from a
7 donation in a subaccount shall be used in accordance with the
8 terms of the donation.

9 SECTION 5. DEFACING OR MOVING A HISTORIC STATUE--
10 PENALTIES.--

11 A. Any person who writes, paints or marks on or
12 otherwise defaces a historic statue, plaque or statue setting
13 is guilty of a misdemeanor, and on conviction shall be punished
14 by a fine of not more than one thousand dollars (\$1,000) or by
15 imprisonment for a definite term not to exceed one year, or
16 both.

17 B. Any person who deliberately breaks, chisels,
18 scratches, moves from its base or otherwise disfigures, moves
19 or unlawfully possesses a historic statue or plaque is guilty
20 of a fourth degree felony, and on conviction shall be punished
21 by a fine of not more than five thousand dollars (\$5,000) or by
22 imprisonment for a definite term not to exceed eighteen months,
23 or both.