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FISCAL IMPACT REPORT

ORIGINAL DATE 3/9/19

SPONSOR Allison LAST UPDATED _____ HM 70

SHORT TITLE Protect Native American Songs & Dances SB _____

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Memorial

Noting the importance of dances and songs to the cultural traditions and practices of tribes and pueblos. House Memorial 70 requests the Attorney General, the Cultural Affairs Department, and the Indian Affairs Department collaborate with the tribes, nations and pueblos to protect the sanctity and privacy of their songs and dances. The same agencies are enjoined to effectively penalize any individuals, groups, or other entities' exploitation of the cultural property embodied in these songs and dances.

FISCAL IMPLICATIONS

There are no apparent fiscal implications, other than personnel time to carry out the requested collaborations.

SIGNIFICANT ISSUES

The memorial makes note of the following attributes and importance of native songs and dances:

- 1) Songs and dances are an integral part of the cultural identities of New Mexico's native American groups.
- 2) Songs and dances are often intertribal and make up part of the common heritage of varying groups of Native Americans.
- 3) Songs and dances are the possessions of groups, not individuals.
- 4) Songs and dances conducted by tribes on their own land and also on state-operated lands

House Memorial 70 – Page 2

are attractive to tourists and bring in revenue and gross receipts tax revenue.

- 5) Native singers and dancers often receive stipends from state agencies.
- 6) Use in the songs and dances of protected native languages.
- 7) Use of native crafts as part of the apparel of dancers and singers.
- 8) The desire of some tribal descendants to participate in cultural practices despite not being enrolled members of a tribe or pueblo.

In addition, the memorial notes the following abuses that should be prevented or prosecuted:

- 1) Replication or reenactment of songs and dances by those who do not have a right to do so
- 2) Photographing or sketching where a tribe or pueblo does not permit that
- 3) Publication of images of dances or songs without an intellectual property clause indicating tribal or pueblo ownership of the images
- 4) False claims of tribal membership to allow participation in expropriation of tribal cultural property.

PERFORMANCE IMPLICATIONS

The memorial would require meetings among tribe, nation, and pueblo members and the Indian Affairs Department, the Cultural Affairs Department, and the Attorney General to determine the best ways to preserve the cultural property of the tribes, nations, and pueblos while still allowing for nonnative people to reverently and lawfully observe these cultural treasures.

LAC/sb