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## FISCAL IMPACT REPORT

SPONSOR: Marquardt DATE TYPED: 02/19/01 HB 419  
 SHORT TITLE: Eminent Domain on Cultural Properties SB \_\_\_\_\_  
 ANALYST: Wilson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Office of Cultural Affairs (OCA)

### SUMMARY

#### Synopsis of Bill

HB 419 removes the right of the State of New Mexico to acquire cultural properties through the right of eminent domain.

#### Significant Issues

This bill addresses the issue of whether the State of New Mexico ought to retain, under the Cultural Properties Act, the power of condemnation or eminent domain in relation to cultural properties in New Mexico. Eminent domain is a State power used infrequently as a final resort when all other remedies fail for the protection of cultural properties in New Mexico.

The Cultural Properties Review Committee is made up of Governor-appointed citizens. OCA says that HB 419 will infringe upon the Committee's ability to protect significant cultural properties through eminent domain. Similarly, the Museum of New Mexico division will not be able to acquire cultural properties through condemnation if no other means of acquisition is available.

### OTHER SUBSTANTIVE ISSUES

The OCA has written that HB 419 removes a well established mechanism, used as a last resort, for the protection of cultural properties in New Mexico. Eminent domain is the final, unique and irreplaceable state action when all other alternatives are exhausted. HB 419 will also limit the Cultural Properties Review Committee's ability to provide technical assistance to the state, municipalities and counties on procedures to protect cultural properties.

DW/njw:ar