

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 03/05/09

SPONSOR Bandy LAST UPDATED _____ HB 887

SHORT TITLE Historic Statues Act SB _____

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	Unknown See Below	Recurring	Historic Statues Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Unknown See Below	Unknown See Below		Recurring	Historic Statues Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Cultural Affairs (DCA)

SUMMARY

Synopsis of Bill

House Bill 887 enacts the Historic Statues Act. The bill requires the following:

The state historian shall maintain an 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.

In order to be eligible to be placed on the honor roll, a person must be deceased at least 50 years and have been born in or been a resident of New Mexico or made a significant and distinguished contribution to the progress of the state in the arts, medicine, business,

education, agriculture, religion, military, politics, science or the law; have performed some heroic or exemplary action to the benefit of the state; or demonstrated some other extraordinary quality.

The honor roll shall be published on the state historian's web site and shall include biographical and other educational information about each distinguished New Mexican. The state historian may publish educational materials about the distinguished New Mexicans for use in the public schools and other venues.

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

A historic statue shall be at least twice life-sized and may include other persons or animals in addition to the distinguished New Mexican, if appropriate, and shall be constructed of aluminum, bronze or other compound appropriate for the New Mexico weather. Fabrication of the statue shall be by traditional methods or by the employment of modern and innovative techniques. Statues shall be realistic and lifelike. If no photographs exist of the subject, the representation shall be made as true to life as possible from paintings, drawings or written accounts of the subject. An appropriate plaque shall accompany the statue that explains briefly why the person is worthy of honor as a distinguished New Mexican.

The bill provides for the following penalties:

- Any person who writes paints or marks on or otherwise defaces a historic statue, plaque or statue setting is guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than \$1,000 or by imprisonment for a definite term not to exceed one year or both.
- Any person who deliberately breaks, chisels, scratches, moves from its base or otherwise disfigures, moves or unlawfully possesses a historic statue or plaque is guilty of a fourth degree felony, and on conviction shall be punished by a fine of not more than \$5,000 or by imprisonment for a definite term not to exceed 18 months or both.

FISCAL IMPLICATIONS

The Historic Statues Fund is created as a non reverting fund in the state treasury. The fund consists of appropriations, gifts, grants and donations and income from investment of the fund. Sub accounts of the fund may be established to account for specific appropriations, gifts or donations for a particular historic statue. The fund shall be administered by the DCA and money in the fund or a sub account of the fund is appropriated to DCA to carry out the purposes of the Historic Statues Act.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

This will be a new program for the DCA to administer and will require additional staff time and resources. It is not clear in the language of the bill if staff and other administrative expenses, including RFP evaluation, are allowed to be paid from the fund. DCA recommends that these costs should be allowed under the fund.

It is unclear if maintenance and repairs of the statues in this collection will be included in administrative tasks and allowed expenses for the fund administered by DCA. If not, the maintenance and repair of these statues will be an additional, unfunded expense for DCA.

SIGNIFICANT ISSUES

DCA notes statues of the size outlined in this bill, especially bronze, are extremely expensive. Some of these statues could easily incur costs in the hundreds of thousands of dollars.

ADMINISTRATIVE IMPLICATIONS

The DCA shall oversee the design and production of the historic statues. The DCA shall explore methods to facilitate cost-efficient and cost-effective ways to produce the statues.

DW/mc