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FISCAL IMPACT REPORT

SPONSOR Padilla ORIGINAL DATE 02/23/15
LAST UPDATED _____ HB _____

SHORT TITLE Zia Symbol Use & Cultural Development Fund SJM 21

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Indian Affairs Division (IAD)

Economic Development Division (EDD)

SUMMARY

Synopsis of Bill

Senate Joint Memorial 21 relates to the Zia sun symbol. The memorial requests that the United States Patent and Trademark Office, the EDD, the TD and equivalent agencies in municipal and county governments within New Mexico post notice on their websites stating that the Pueblo of Zia would appreciate the courtesy of a request prior to use of the Zia sun symbol.

The memorial also states that the Pueblo of Zia Cultural Development Fund is available for individuals or businesses that would like to assist in the continued development of the Pueblo's culture.

FISCAL IMPLICATIONS

SM 21 carries no appropriation and has no fiscal impact.

SIGNIFICANT ISSUES

The Pueblo of Zia has a population of about 850 tribal members and is located 35 miles northwest of Albuquerque. The Pueblo is most famous for the Zia sun symbol, which is portrayed on the New Mexico State flag.

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The Zia sun symbol is a sacred religious symbol for the tribal members of the Pueblo of Zia.

Tribal members of the Pueblo of Zia have expressed that the public dissemination of the Zia sun symbol was a theft from, and diminishment of, their cultural and religious heritage.

The Pueblo of Zia Cultural Development Fund is established specifically to facilitate the continued educational, religious and cultural development of their tribal members. The memorial states that Southwest Airlines requested use of the Zia sun symbol for use on its planes and made a contribution to this fund upon receiving permission to do so.

Federal law (the 1946 “Lanham Act,” 15 U.S.C. 1051) provides strict, limited protections for Native American tribal insignia and religious symbols but does not prohibit their use within non-trademarked corporate logos.

The memorial does not state what agency will be responsible for making the requests for the notice to be posted on websites.

AMENDMENTS

Indicate what agency will be responsible for seeing that the provisions of the memorial are carried out.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If this bill is not enacted, the Zia sun symbol will continue to be used without permission of the Pueblo of Zia.

CAC/je/bb