

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 and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Wirth/Egolf **ORIGINAL DATE** _____
LAST UPDATED 2/28/17 **HB** _____

SHORT TITLE Historic Preservation on State Land Projects **SB** 409/aSPAC/ec

ANALYST Martinez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	NFI	NFI

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Cultural Affairs Department
 Department of Transportation

SUMMARY

Synopsis of Public Affairs Committee Amendment:

The Public Affairs Committee amendment on page 1, line 13, after “land”, inserts “or land held in trust by the state.”

The amendment also strikes all of lines 8 through 12 on page 6, inserting the following in its place, “The provisions of this section shall apply to any new construction or renovation project on land that is owned by the state or is held in trust by the state, regardless of the source of funding for the project.”

Synopsis of Original Bill

This bill amends the New Mexico Historic District and Landmark Act. It adds provision (J) and a Section 2: Emergency Provision (J) clarifies that this section applies to projects on land that is owned by the state or owned by the state and leased to an entity other than the state, and is not bound by a specific funding source.

SB 409 would make state projects, including buildings, subject to municipal and local government historic oversight, and would provide a procedure to administer that oversight. Presently, state projects on state land are not subject to municipal and local government oversight. SB 409 specifically subjects state building projects to local and municipal government standards such as “the design, construction, alteration or demolition of the exterior features.” However, the bill would apply to any state “capital outlay project,” including road projects.

FISCAL IMPLICATIONS

There may be some costs associated with administering and applying the provisions of this bill, but those costs cannot be determined at this time. Further, it is conceivable that there may be costs associated with project delays and redesigns, but again those costs cannot be determined at this time.

SIGNIFICANT ISSUES

SB 409 would change the current law, whereby state projects are not subject to municipal control or oversight with respect to historical issues. The bill, would mean that the state would have to consult and meet municipal or local government historic oversight standards before a state project could be commenced.

The existing statute applies to a “state capital outlay project”. The proposed change clarifies that the section will apply to projects funded from any funding source.

PERFORMANCE IMPLICATIONS

SB 409 would pass effective historic oversight and control of state projects to the municipalities and local governments. It provides a mechanism for its implementation; the effect of which is that state projects may be delayed or cancelled if a local government determines, in its discretion, that its historic standards are not met.

ADMINISTRATIVE IMPLICATIONS

SB 409 could be administered so as to give an approval power to municipalities and local governments.

The Historic Preservation Division (HPD) of the Cultural Affairs Department will be unaffected by the bill. Agencies of the state who own, operate, or manage properties listed to the State Register of Cultural Properties and the National Register of Historic Places must consult with HPD under Section 7 of the New Mexico Prehistoric and Historic Sites Preservation Act.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB 409 is not enacted, the law would remain the same as it is now; state projects are not subject to municipal or local government oversight and approval.

JM/al