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FISCAL IMPACT REPORT

SPONSOR Garcia DATE TYPED 1/31/05 HB _____

SHORT TITLE Cultural Properties Review Committee Members SB 134

ANALYST Hadwiger

APPROPRIATION (in \$000s)

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	None		1.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicate to HB170

SOURCES OF INFORMATION

LFC Files

Responses Received From

Cultural Affairs Department (DCA)
Department of Indian Affairs (DIA)

SUMMARY

Synopsis of Bill

The bill would increase the number of members of the cultural properties review committee from seven to nine, adding one person who is a member of a New Mexico tribe and one person who is a resident of New Mexico and represents the general public.

Significant Issues

The Cultural Properties Review Committee (CPRC) is an advisory body to the Historic Preservation Division of the Cultural Affairs Department (DCA) on matters of cultural history and preservation. The primary mission of the Historic Preservation Division is to preserve New Mexico's archaeological sites, historic architecture, and cultural resources. Members of the CPRC are appointed by the governor based on expertise in history, architecture and archaeology in the American southwest and in New Mexico in particular. The State Historian serves by statute and is independent of gubernatorial appointment.

According to the Department of Indian Affairs, many CPRC actions impact Native American cultural heritage, ancestral lands, sacred places and remains. No group is impacted more than New Mexico's 22 tribes by the permits issued by and recommendations of the CPRC.

DCA indicated it is significant that absent from this body is a New Mexico tribal representative who could provide essential input from the Native American cultural and historic perspective. Additionally, at-large representation from the general public is absent. Preservation, in all of its applications, directly affects local communities and Indian tribes. DCA concluded that the CPRC and the State of New Mexico would be well served with the addition of these two positions on the CPRC.

FISCAL IMPLICATIONS

The fiscal impact of this bill would be minimal. If the two additional members receive per diem for four meetings per year, the additional cost would be around one thousand dollars. DCA indicated these costs could be absorbed internally.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB134 duplicates.

OTHER SUBSTANTIVE ISSUES

DIA indicated that SB 134 would address the issues of cultural sensitivity including: the respectful treatment of ancestral remains, and tribal participation in reviewing, marking and analyzing cultural properties, advising the State Historic Preservation Division and New Mexico museums, and ensuring compliance with all state and federal laws and regulations. Including a Native American member on the CPRC is one means of providing a tribal perspective, which may lead to future opportunities for establishing a formal tribal consultation process between DCA and the New Mexico tribes and pueblos.

DIA also indicated that the existing Tribal/State Work Group on Repatriation and Sacred Places Protection has recommended a Native American representative be added to the CPRC. The Tribal/State Work Group has hosted two conferences in New Mexico (*Protecting the Spirits of Our Ancestors I and II*) at which tribal leaders also recommended that there be a Native American on the CPRC. The Indian Affairs Commission has formally endorsed the efforts and the recommendation of the Tribal/State Work Group on Repatriation and Sacred Places.

DH/lg