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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/08/13  
 SPONSOR Bandy LAST UPDATED 03/01/13 HB 394  
 SHORT TITLE Historic Statues Act SB \_\_\_\_\_  
 ANALYST Cerny

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY13	FY14	FY15		
Indeterminate	Indeterminate	Indeterminate	Recurring	Historic Statues Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Indeterminate	Indeterminate	Indeterminate	Recurring	Historic Statues Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Cultural Affairs (DCA)

Commission of Public Records (CPR)

### SUMMARY

#### Synopsis of Bill

House Bill 394 (HB 394) would enact a Historic Statues Act (Act). HB 394 will authorize creation of a list of notable persons in New Mexico who had been deceased at least 50 years in the form of an “honor roll” that would be maintained by the New Mexico State Historian and published on the office’s website. Eligibility for inclusion on the list is specified as is the information to be included on the website list.

The honor roll could be used by various state agencies for erecting statues of notable persons who meet the criteria established in the legislation on the land or grounds of a public building or

public right of way. The statues must be resistant to New Mexico weather and must be of bronze, aluminum, or similar material.

The bill also calls on the Department of Cultural Affairs (DCA) to facilitate cost-efficient means of building the statues. The bill creates a non-reverting Historic Statues Fund of an unspecified amount for this purpose. The fund would be used to carry out the purposes of the Act and may consist of appropriations, gifts, grants, donations and income from investment of the fund.

HB 394 also allows for statues that meet the bill's criteria to be donated to the DCA. The legislation includes fourth-degree felony penalties for persons who vandalize or disfigure the statues.

### **FISCAL IMPLICATIONS**

HB 394 creates the Historic Statues Fund but does not provide for an appropriation at this time. Section 4B of the bill anticipates funding from specific appropriations, gifts or donation for the fund.

The DCA states: "It should be noted the cost of creating and maintaining statues can be quite high, with each statue costing at least \$100k each."

The Commission of Public Records (CPR) states: "The fiscal implications for the State Historian are minimal as the only requirement would be to add persons designated by the legislature to the list and post the list on the State Historian's website. The cost would be incurred if the State Historian is responsible for producing the biographical and other educational information about each distinguished person on the list. However, it is highly likely that the State Historian has readily available information related to such distinguished person."

### **SIGNIFICANT ISSUES**

This would be a new program for the DCA to administer. The DCA states that new staff would have to be hired to handle these responsibilities.

It is not clear from the bill whether staff and other administrative expenses, including RFP evaluation, are allowed to be paid from the fund. The DCA recommends that administrative costs should be allowed to be paid from the fund once it is capitalized.

The bill does not provide for what would happen to donations, grants, and gifts received that do not fully cover the cost of creating of the statue for which the funds were collected.

The bill also does not address funds that would be required for installation, maintenance, inventory and repair of the statues.

It is not clear from the bill how the location for the statues would be determined. The DCA states that it recognizes "from experience that life size or larger bronze statues can be difficult to place."

Lastly, the bill does not indicate whether all members of the honor roll would have statues dedicated to them or if there is a specific order in which the statues should be produced.