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FISCAL IMPACT REPORT

SPONSOR: Picraux DATE TYPED: 03/17/03 HB 956/aHAFC

SHORT TITLE: Historic Landscape Act SB _____

ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			See Narrative		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Tourism Department

Energy, Minerals and Natural Resources Department (EMNRD)

Office of Cultural Affairs (OCA), Historic Preservation Division (HPD)

SUMMARY

Synopsis of HAFC Amendment

The House Appropriations and Finance Committee amendment adds a definition of “historic landscape”; decreases the number of New Mexico residents knowledgeable about historic landscapes on the board of trustees from five to three and adds two New Mexico residents who are active members of garden clubs to the board of trustees; and establishes guidelines regarding acquisition, property rights, and restrictions on personal use for the ten-year plan implementing a historic landscape system.

Synopsis of Original Bill

House Bill 956:

- Enacts the Historic Landscape Act to establish and preserve landscapes of historic and cultural significance,
- Establishes the Historic Landscape Trust (Trust), a public nonprofit corporation,

- Creates a Historic Landscape Trust Fund (Fund),
- Creates a Board of Trustees (Board), 11 member, of the Historic Landscape Trust,
- Requires the initial board to seek private and public funding for the Trust,
- Authorizes the Board to accept gifts and grants of both private and public funds,
- Appropriates the Fund to the initial Board,
- Authorizes expenditures in fiscal years 2004 and 2005 only for organization expenses of the Trust and for per diem and mileage,
- Requires the Board to report to the First Session of the Forty-Seventh Legislature on the date it convenes,
- Requires the report to include: copies of the articles of incorporation and bylaws of the Trust; a 10 year plan for implementing an historic landscape system in the State; and strategies and recommendations for funding the Trust in fiscal year 2006 and subsequent fiscal years.

Significant Issues

The Energy, Minerals and Natural Resources Department states this bill has the potential to create some confusion. It is unclear what impact would result from the designation of a site as part of an “historic landscape system”. The bill needs to clarify the interaction between the role of the trust and the authority of the State Historic Preservation Officer (SHPO) under the National Historic Preservation Act and the state Cultural Properties Act. “Historic landscapes” are already addressed under state and federal historic preservation laws.

The Mining and Minerals Division has some concern that the designation of historic landscapes might impact its work in removing environmental and safety hazards in historic mining areas. MMD administers programs to safe-guard abandoned mines and reclaim active mines once mining is completed. Many of these abandoned or existing mines have historical significance but also currently pose either environmental hazards or safety hazards that need to be addressed. MMD currently works with the SHPO on evaluating the historic significance of mining sites. HB 956 has the potential of adding an additional level of review.

The benefit of this bill may be that it creates a trust that can assist private property owners in recognition and planning for preservation of significant historic and cultural landscapes in New Mexico.

The Office of Cultural Affairs notes New Mexico currently recognizes and protects historic and cultural landscapes through designation on the State Register of Cultural Properties and recommendation for listing in the National Register of Historic Places, one of the national programs administered by the National Park Service. These two programs are administered through the Historic Preservation Division, Office of Cultural Affairs.

According to OCA, protections exist, to some extent, for properties eligible and listed on the State Register and the National Register that may be impacted by publicly funded programs or projects through the Cultural Properties Act, the Cultural Properties Protection Act, the Prehistoric and Historic Sites Preservation Act, and the National Historic Preservation Act. State and federal agencies consult with the Historic Preservation Division, Office of Cultural Affairs, to plan for protection and preservation of historic landscapes as well as other cultural resources.

Financial incentives exist for private property owners to protect and preserve historic cultural landscapes when they are listed on the State Register of Cultural Properties through utilization of: Credit for Preservation of Cultural Property; Refund 7-2-18.2 NMSA 1978 (New Mexico State Income Tax Credit for Preservation) and Credit for Preservation of Cultural Property; Corporate Income Tax Credit 7-2-18.6, and the Cultural Properties Preservation Easement Act 47-12A-1 through 47-12A-62. In addition, there are state grants available to fund preservation planning and sometimes actual bricks and mortar type rehabilitation work, Prehistoric and Historic Sites Preservation Act 18-8-1 through 18-8-8, NMSA 1978, Cultural Properties Protection Act 18-6A-1 through 18-6A-6, NMSA 1978.

FISCAL IMPLICATIONS

OCA estimates this bill may result in contributions from private and governmental sources to the Historic Landscape Trust. Passage of the bill is anticipated to provide positive, although currently indeterminate, economic impacts to historic landscapes under private ownership through planning and other types of grants that are currently not available through existing state statutes [Prehistoric and Historic Sites Preservation Act 18-8-1 through 18-8-8, NMSA 1978, Cultural Properties Protection Act 18-6A-1 through 18-6A-6, NMSA 1978].

ADMINISTRATIVE IMPLICATIONS

The Office of Cultural Affairs notes passage of the bill should result in coordination with the Historic Preservation Division, so that designation and preservation for planning for historic landscapes will be consistent with state and national efforts for designation and preservation planning for all cultural resources. Such coordination would result in the form of public meetings, staff travel, mailings and telephone expenses, and possible grant review. It is not anticipated by HPD that passage of the bill would require changes in the FTE's currently on staff.

RELATIONSHIP

The following statutes should be reviewed by the Legislative Finance Committee, Department of Finance and Administration, Office of Cultural Affairs, and the Historic Preservation Division to determine their application to this bill: Cultural Properties Act 18-6-1 through 18-6-17, NMSA 1978, Prehistoric and Historic Sites Preservation Act 18-8-1 through 18-8-8, NMSA 1978, Cultural Properties Protection Act 18-6A-1 through 18-6A-6, NMSA 1978, Cultural Properties Preservation Easement Act 47-12A-1 through 47-12A-62, Credit for Preservation of Cultural Property; Refund 7-2-18.2 NMSA 1978 (New Mexico State Income Tax Credit for Preservation) and Credit for Preservation of Cultural Property; Corporate Income Tax Credit 7-2-18.6, and Anti-Donation Clause, N.M. Constitution, Art. IX, Section 14. Protective provisions of the aforementioned acts have not been cited in the proposed legislation.

OTHER SUBSTANTIVE ISSUES

The Tourism Department states that historic landscapes are an important component of the NM tourist industry. Scenic beauty and historic sites are the top two reasons for visiting New Mexico according to the 2002 General Print Conversion Study conducted by the Tourism Department.

OCA notes in 1982, a Registry of Historic Landscapes was initiated by the Historic Preservation Division, OCA. Since then, several historic and prehistoric landscape properties have been listed

on the State Register, such as Tome Hill, Valencia County, Zuni Salt Lake, Catron County, Roosevelt Park, Bernalillo County and many others in the counties of the state.

The Historic Landscape Trust is encouraged to work with the Historic Preservation Division and the National Park Service in selecting landscapes in New Mexico that will be evaluated and documented under the Historic American Landscapes Survey (HALS) program, such as the Rivierine area of Pecos National Historic Park that was selected for study in 2003.

In regard to funding for preservation of Historic Landscapes and other cultural resources, OCA states the amount of money allocated to New Mexico by the Historic Preservation Fund (federal funds administered by the National Park Service) has been significantly cut this year and is expected to remain at or below the current level in future years. Passage of this bill would provide a fund for the preservation of cultural resources in New Mexico. As a result, it may be expected that all cultural resources will benefit from passage of this bill.

EMNRD indicates the National Historic Preservation Act, and the state Cultural Properties Act, already provides some protections for historic landscapes particularly on state and federal lands.

POSSIBLE QUESTIONS

- Should the Board be administratively attached to a state agency?
- Who will administer the funds?

JMG/yr/njw