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HOUSE BILL 887

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO NEW MEXICO HISTORY; ENACTING THE HISTORIC STATUES  
ACT; PROVIDING FOR AN HONOR ROLL OF DISTINGUISHED NEW MEXICANS;  
PROVIDING FOR STATUES TO BE ERECTED; CREATING A FUND;  
PRESCRIBING PENALTIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the  
"Historic Statues Act".

Section 2. HONOR ROLL--ELIGIBILITY--DESIGNATION--STATE  
HISTORIAN DUTIES.--

A. The state historian shall maintain the "honor  
roll of distinguished New Mexicans" to honor persons designated  
by memorial of the legislature for their significant  
contributions toward building the New Mexico of today.

B. To be eligible to be placed on the honor roll, a

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1 person must:

2 (1) be deceased at least fifty years; and  
3 (2) have been born in or been a resident of  
4 New Mexico or made a significant and distinguished contribution  
5 to the progress of the state in the arts, medicine, business,  
6 education, agriculture, religion, military, politics, science  
7 or the law; have performed some heroic or exemplary action to  
8 the benefit of the state; or demonstrated some other  
9 extraordinary quality.

10 C. The honor roll shall be published on the state  
11 historian's web site, including biographical and other  
12 educational information about each distinguished New Mexican.  
13 The state historian may publish educational materials about the  
14 distinguished New Mexicans for use in the public schools and  
15 other venues.

16 Section 3. HISTORIC STATUES--SELECTION--PRODUCTION.--

17 A. The legislature or a state agency or a political  
18 subdivision of the state that has control over a public  
19 building or public right of way may provide for a historic  
20 statue of any person on the honor roll of distinguished New  
21 Mexicans to be erected on the grounds of the public building or  
22 public right of way.

23 B. The cultural affairs department shall oversee  
24 the design and production of the historic statues. The  
25 department shall explore methods to facilitate cost-efficient

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1 and cost-effective ways to produce the statues.

2 C. A historic statue shall be at least twice life-  
3 sized and may include other persons or animals in addition to  
4 the distinguished New Mexican, if appropriate, and shall be  
5 constructed of aluminum, bronze or other compound appropriate  
6 for the New Mexico weather. Fabrication of the statue shall be  
7 by traditional methods or by the employment of modern and  
8 innovative techniques. Statues shall be realistic and  
9 lifelike. If no photographs exist of the subject, the  
10 representation shall be made as true to life as possible from  
11 paintings, drawings or written accounts of the subject. An  
12 appropriate plaque shall accompany the statue that explains  
13 briefly why the person is worthy of honor as a distinguished  
14 New Mexican.

15 Section 4. HISTORIC STATUES FUND--CREATED.--The "historic  
16 statues fund" is created as a nonreverting fund in the state  
17 treasury. The fund consists of appropriations, gifts, grants  
18 and donations and income from investment of the fund.  
19 Subaccounts of the fund may be established to account for  
20 specific appropriations, gifts or donations for a particular  
21 historic statue. The fund shall be administered by the  
22 cultural affairs department and money in the fund or a  
23 subaccount of the fund is appropriated to the department to  
24 carry out the purposes of the Historic Statues Act.

25 Section 5. DEFACING OR MOVING A HISTORIC STATUE--

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PENALTIES.--

A. Any person who writes, paints or marks on or otherwise defaces a historic statue, plaque or statue setting is guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than one thousand dollars (\$1,000) or by imprisonment for a definite term not to exceed one year, or both.

B. Any person who deliberately breaks, chisels, scratches, moves from its base or otherwise disfigures, moves or unlawfully possesses a historic statue or plaque is guilty of a fourth degree felony, and on conviction shall be punished by a fine of not more than five thousand dollars (\$5,000) or by imprisonment for a definite term not to exceed eighteen months, or both.