

marketing and interpretive services in an area to enhance the visitor experience and increase tourism, provided that at least 50 percent of the total cost of a study is provided in non-state money.

- Loans to public agencies for the design, construction and installation of physical improvements and facilities.

Synopsis of Original Bill

House Bill 543 creates the El Camino Real de Tierra Adentro National Historic Trail Commission; establishes a development fund; appropriates \$5 million to the fund for use in FY20 and subsequent years to carry out the fund's purposes.

The El Camino Real de Tierra Adentro National Historic Trail Development Commission is administratively attached to and staffed by the Tourism Department. Its purpose is to facilitate public and private participation in the creation of a plan for the preservation, interpretation, physical development, and public awareness of the Camino Real and promote it as a national and international destination trail connecting history and cultures in New Mexico, Texas, and Mexico.

Responsibilities of the nine members of the commission shall include the following:

- Active involvement of diverse communities in the creation of interpretive media,
- Collaboration with BLM and National Park Service,
- A general public communication plan to attract visitors,
- A website,
- Guidelines for and evaluation of applications for funding from the fund.

The commission shall report annually beginning November 1, 2019, to the appropriate legislative interim committee.

The El Camino Real de Tierra Adentro development fund shall be administered by the Tourism Department to make a grant of up to \$20 thousand to a local public agency for studying the need for and costs and benefits of developing physical improvements and facilities for visitors, provided that the grant applicant provide at least 50 percent in nonstate matching funds. Fund monies may also be used to provide a loan to a local public agency for the design, construction, and installation of physical improvements and facilities.

FISCAL IMPLICATIONS

The appropriation of \$5 million contained in HB543 is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

HB543 creates a new fund and provides for continuing appropriations. The LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

The Department of Cultural Affairs provided the following:

complicated; DCA used to administer one. DCA encountered significant obstacles, including issues relating to private lenders (for matching construction funds); repayment of loans; possible defaults; establishing appropriate financial tracking and monitoring systems. It might make sense for the New Mexico Finance Authority to administer the funds, which are similar in scope to funding they already administer for local planning and construction.

D.1-5/ - As defined, the members of the commission 1-5 are in departments with significant existing programs and responsibilities. In supporting this new major undertaking, proposed amended legislation now clearly provides adequate funding for essential staffing (G 1) to carry out the mission.

SIGNIFICANT ISSUES

The Tourism Department submitted the following:

House Bill 543 duplicates initiatives already underway by agency partners. The Rio Grande Trail Commission established in 2015 created the Rio Grande trail, which in some cases overlaps or runs closely along El Camino Real. This commission reports its recommendations annually to the governor and appropriate interim committees, as well as the legislature when necessary.

House Bill 543 requires two members from federal agencies (the national park service and bureau of land management) to sit on the committee as ex-officio members. This could cause a conflict of interest in both cases, even with the ex-officio designation.

The Department of Cultural Affairs provided the following:

As amended, the proposed legislation now places responsibility for oversight under the Department of Cultural Affairs. This is appropriate as DCA currently and actively presents the history of the El Camino Real De Tierra Adentro at multiple locations that have physical historic and modern visitor structures and provides regular presentations through our professional staff. These current locations include: Taylor-Mesilla Historic Property (Las Cruces/Mesilla), Fort Selden Historic Site (Radium Springs), the National Hispanic Cultural Center (Albuquerque), Coronado Historic Site (Bernalillo), the Palace of the Governors (Santa Fe), and the Los Luceros Historic Property (Alcalde).

G.2./ As amended, this proposed legislation provides a broad operational scope for achieving the best possible preservation and public interpretation/engagement of the El Camino Real De Tierra Adentro National Historic Trail.

On February 21, 2019, the Department of Cultural Affairs entered into a Memorandum of Understanding with the National Park Service (NPS), the Bureau of Land Management (BLM), and the Texas Historic Commission (THC) for the express purpose of jointly providing public engagement on the complex El Camino Real De Tierra Adentro history. This includes physical interpretive locations (DCA, as identified above), comprehensive interpretive materials for historic trails (NPS), recreational resources (BLM), and the Texas section of the trail (THC). The MOU supports the interagency coordination on promoting consistency in the story telling of the trail and the development of the trail as a

national and international destination trail. The MOU serves to compliment the intent of this proposed legislation.

D.6/ In respecting the range of different perspectives, cultural views, and expectations from the many pueblo groups along the Trail route, the legislation should carefully consider the limitations of including only a single pueblo representative on the commission.

E. 2/ This amended legislation provides paths for a broad range of digital interpretation that can meet the needs of current visitor expectations.

The Economic Development Department provided the following:

El Camino Real de Tierra Adentro has significant historical and cultural value to the state of New Mexico and its multi-cultural residents. El Camino Real de Tierra Adentro was recognized as a National Historic Trail and a National Scenic Byway.

The proposed commission will be comprised of a diverse group of state and federal agencies and local stakeholders and provides a great opportunity to invest in the development of this historic and cultural asset. The Economic Development Department and New Mexico Main Street program could benefit from the development of the commission and appropriation of funds as the Byway/Trail abuts or runs through six local Main Street Districts in Las Cruces (Downtown Las Cruces Partnership), Truth or Consequences (T or C Main Street), Belen (Belen Main Street), and Albuquerque (South Valley Main Street, Barelas Main Street, and Downtown ABQ Main Street).

PERFORMANCE IMPLICATIONS

HB543 calls for the commission to create a strategic plan, develop application guidelines for funding, and provide annual reports to the appropriate legislative interim committees on the strategic plan for the Camino Real, the status of efforts to implement the plan, and the status of the fund by November 1, 2019, and every November 1 each year thereafter.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The Department of Cultural Affairs provided the following:

The existing relationship and Memorandum of Understanding between the Department of Cultural Affairs with the National Park Service (NPS), the Bureau of Land Management (BLM), and the Texas Historic Commission (THC) is detailed above. Recognizing the existing efforts between state and federal partners may enhance the effectiveness of the undertaking and support a shared mission.

OTHER SUBSTANTIVE ISSUES

The Department of Cultural Affairs provided the following:

Page 4, lines 6-10, designates as members of the state commission, two federal employees, one from NPS and one from BLM. It is unclear if the state has the authority to designate federal employees. If so, it might be better to reference them as employees “with experience in the Camino Real” rather than designating “a Camino Real

administrator”, of which there may not be one.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Economic Development Department provided the following:

El Camino Real de Tierra Adentro commission and the fund will not be established. The state may lose out on opportunities to develop, interpret, and market one of New Mexico’s true historic and cultural assets.

JM/gb/sb