

TITLE 4 CULTURAL RESOURCES
CHAPTER 10 CULTURAL PROPERTIES AND HISTORIC PRESERVATION
PART 3 PROCEDURES OF THE CULTURAL PROPERTIES REVIEW COMMITTEE

4.10.3.1 ISSUING AGENCY: Cultural Properties Review Committee. Contact State Historic Preservation Division, Office of Cultural Affairs.
[11/15/97; 4.10.3.1 NMAC - Rn, 4 NMAC 10.3.1, 1/1/08]

4.10.3.2 SCOPE: Members of the committee, state historic preservation officer, historic preservation division, members of the public having business with the committee.
[11/15/97; 4.10.3.2 NMAC - Rn, 4 NMAC 10.3.2, 1/1/08]

4.10.3.3 STATUTORY AUTHORITY: Sections 1-17, Chapter 223 Laws of 1969, as amended (Sections 18-6-1 to 18-6-17 NMSA 1978).
[11/15/97; 4.10.3.3 NMAC - Rn, 4 NMAC 10.3.3, 1/1/08]

4.10.3.4 DURATION: Permanent.
[11/15/97; 4.10.3.4 NMAC - Rn, 4 NMAC 10.3.4, 1/1/08]

4.10.3.5 EFFECTIVE DATE: 3/26/87, unless a later date is cited at the end of a section or paragraph. Reformatted in NMAC format effective 11/15/97.
[11/15/97; 4.10.3.5 NMAC - Rn, 4 NMAC 10.3.5, 1/1/08]
[Note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

4.10.3.6 OBJECTIVE: This rule of procedure shall serve the public and members of the committee as a guide to the operations and policies of the cultural properties review committee. The rule should be used as a reference and guide by all those concerned with observance and enforcement of the Cultural Properties Act, Sections 1-17, Chapter 223, Laws of 1969, as amended (Sections 18-6-1 to 18-6-17 NMSA 1978).
[3/26/87; 4.10.3.6 NMAC - Rn, 4 NMAC 10.3.6, 1/1/08]

4.10.3.7 DEFINITIONS: [RESERVED]
[11/15/97; 4.10.3.7 NMAC - Rn, 4 NMAC 10.3.7, 1/1/08]

4.10.3.8 THE COMMITTEE:

- A. The name of this committee shall be the "cultural properties review committee," hereinafter referred to as the "committee."
- B. The powers and duties of the committee shall be those enumerated in Section 5, et seq., of the Cultural Properties Act, Chapter 223, Laws of 1969, as amended (Section 18-6-5 et seq. NMSA 1978), hereinafter referred to as the "Act."
- C. The committee shall promulgate and revise as necessary those regulations authorized by the act to effectuate the act.
- D. The fiscal year of the committee shall end on June 30.

[3/26/87; 4.10.3.8 NMAC - Rn, 4 NMAC 10.3.8, 1/1/08]

4.10.3.9 THE STATE HISTORIC PRESERVATION OFFICER AND THE STATE HISTORIC PRESERVATION DIVISION: The state historic preservation officer shall administer the Cultural Properties Act. The state historic preservation officer is director of the historic preservation division of the office of cultural affairs, hereinafter referred to as the "division."
[3/26/87; 4.10.3.9 NMAC - Rn, 4 NMAC 10.3.9, 1/1/08]

4.10.3.10 MEMBERS OF THE COMMITTEE:

- A. Members of the committee are those appointed pursuant to Section 4, Chapter 223, Laws of 1969, as amended. (Section 18-6-4 NMSA 1978).

B. Members of the committee shall receive per diem and travel compensation as provided by the Per Diem and Mileage Act (Sections 10-8-1 through 10-8-8, NMSA 1978 Comp.) for official meetings or business of the committee.

[3/26/87; 4.10.3.10 NMAC - Rn, 4 NMAC 10.3.10, 1/1/08]

4.10.3.11 MEETINGS OF THE COMMITTEE:

A. The committee shall meet at least once each quarter.

B. Any meeting or hearing of the committee may be held at any place within the state of New Mexico.

C. At each regular meeting of the committee, the committee and the historic preservation division will agree on the place, date, time, and when appropriate, subject matter of the next two meetings. An agenda and any required supporting documents, consistent with this decision, shall be issued by the state historic preservation officer two weeks prior to each scheduled meeting. (See Subsection F of 4.10.3.14 NMAC).

D. Special meetings may be called at any time for a stated purpose, consistent with the current open meetings resolution of the committee, by agreement of the members of the committee.

[3/26/87; 4.10.3.11 NMAC - Rn, 4 NMAC 10.3.11, 1/1/08]

4.10.3.12 ORGANIZATION OF THE COMMITTEE: At the first meeting after the beginning of each fiscal year, the committee shall organize by the election and installation of a chairman, a vice-chairman and a secretary from among its members.

[3/26/87; 4.10.3.12 NMAC - Rn, 4 NMAC 10.3.12, 1/1/08]

4.10.3.13 DUTIES OF THE OFFICERS AND PERMANENT MEMBERS OF THE COMMITTEE:

A. The chairman shall preside at all meetings and shall appoint all subcommittees. He shall otherwise perform all duties pertaining to the office of the chairman.

B. The vice-chairman shall, in the absence or incapacity of the chairman, exercise the duties and shall possess all the powers of the chairman. In the absence of both the chairman and the vice-chairman, the secretary shall assume said duties and powers.

C. The secretary shall keep the minutes of all meetings of the committee. The historic preservation division may, however, assume this responsibility on the committee's behalf.

[3/26/87; 4.10.3.13 NMAC - Rn, 4 NMAC 10.3.13, 1/1/08]

4.10.3.14 MEETING PROCEDURE:

A. The order of business shall be as follows:

- (1) review of minutes;
- (2) chairman's report;
- (3) state historic preservation officer's report;
- (4) site proposals;
- (5) committee matters;
- (6) subcommittee reports;
- (7) permits;
- (8) old business;
- (9) new business;
- (10) date of meetings;
- (11) adjournment.

B. The order of business may be revised or suspended at the discretion of the chairman in order to accommodate the schedules of interested persons who are present to discuss items on the agenda.

C. Standard parliamentary procedure shall govern the proceedings of the committee meetings except as otherwise provided for in this rule. Where a provision in this rule conflicts with standard parliamentary procedure, the provision in this rule shall be followed.

D. A simple majority shall constitute a quorum.

E. At a regular meeting, no member of the committee may participate in a final decision in any matter before the committee unless he has heard the evidence or has been present for the discussion prior to such decision. Further, such member must be present at said meeting for actual participation in the final decision or vote

by proxy so long as the written proxy is specifically addressed to the subject under consideration and is presented to the secretary prior to the vote.

F. The historic preservation division shall send out, two weeks prior to a meeting, an agenda incorporating all matters identified by the division as requiring the attention of the committee. The committee may at its discretion accept any matter for consideration without notification, providing such consideration is not inconsistent with the act and with the current open meetings resolution of the committee.

G. The committee may not make or enforce any decision to make any grant or loan to any of its members, or to any relative or business partner of any of them. This provision does not prohibit participation or service in a non-profit organization, nor does it prohibit the committee from making any decision, consistent with law and regulation, relating to historic preservation tax benefits.

[3/26/87; 4.10.3.14 NMAC - Rn, 4 NMAC 10.3.14, 1/1/08]

4.10.3.15 ORGANIZATION AND DUTIES OF SUBCOMMITTEES:

A. The chairman shall appoint from the membership of the committee and the division any necessary subcommittees to serve for a period not exceeding the chairman's term of office.

B. The chairman shall specify the duties of such subcommittees as he may create.

C. All requests for grant-in-aid proposals shall be prepared by the division and shall be submitted to the committee or to the appropriate subcommittee prior to being issued. All responses to such requests shall be submitted to the committee in a regular public meeting for review and consultation prior to negotiation or issuance of any grant by the division.

[3/26/87; 4.10.3.15 NMAC - Rn, 4 NMAC 10.3.15, 1/1/08]

4.10.3.16 AMENDMENTS: Amendments to this rule of procedure must be presented in writing to each member of the committee at least two (2) weeks in advance of a meeting and shall be voted upon at that next meeting.

[3/26/87; 4.10.3.16 NMAC - Rn, 4 NMAC 10.3.16, 1/1/08]

HISTORY OF 4.10.3 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records, state records center and archives under:

CPRC Rule 72-2, Rules of Procedure Manual, Cultural Properties Review Committee, filed 8/7/72 and amended 5/12/80.

CPRC Rule 82-R2, Rule of Procedure Cultural Properties Review Committee, filed 5/27/82.

CPRC Rule 87-1, Rule of Procedure Cultural Properties Review Committee, filed 3/26/87.

History of Repealed Material: [RESERVED]

Other History: CPRC Rule 87-1, Rule of Procedure Cultural Properties Review Committee (filed 3/26/87) was renumbered, reformatted and replaced by 4 NMAC 10.3, Procedures of the Cultural Properties Review Committee, effective 11/15/97.

4 NMAC 10.3, Procedures of the Cultural Properties Review Committee (filed 11/03/97) renumbered, reformatted and replaced by 4.10.3 NMAC, Procedures of the Cultural Properties Review Committee, effective 1/1/08.