

TITLE 4 CULTURAL RESOURCES
CHAPTER 10 CULTURAL PROPERTIES AND HISTORICAL PRESERVATION
PART 5 CULTURAL PROPERTIES PUBLICATIONS REVOLVING FUND: GUIDELINES AND
FISCAL CONTROLS

4.10.5.1 ISSUING AGENCY: Cultural Properties Review Committee. Contact State Historic Preservation Division, Office of Cultural Affairs.
[11/15/97; 4.10.5.1 NMAC - Rn, 4 NMAC 10.5.1, 1/1/08]

4.10.5.2 SCOPE: The historic preservation division of the office of cultural affairs, the state historic preservation officer, the cultural properties review committee, authors, editors, publishers, and other persons engaged in preparing, writing, editing, publishing and/or reprinting for sale written materials-such as pamphlets, articles, and books-relating to cultural properties or historic preservation in New Mexico.
[11/15/97; 4.10.5.2 NMAC - Rn, 4 NMAC 10.5.2, 1/1/08]

4.10.5.3 STATUTORY AUTHORITY: The guidelines and fiscal controls over the use of the cultural properties publications revolving fund are created pursuant to Section 1, Chapter 5, Laws 1978, as amended, (Section 18-6-16 NMSA 1978). That section reads as follows: The historic preservation division of the office of cultural affairs shall encourage and promote publications relating to cultural properties which have been prepared pursuant to the duties of the committee under the Cultural Properties Act (Section 18-6-1 to 18-6-17 NMSA 1978). The committee may prepare or contract for the preparation of such publications on the condition that it receive from the sale of such publications the amount expended plus ten percent. All receipts from such sales shall go into a special revolving fund which is hereby established. The historic preservation division shall adopt regulations establishing guidelines and fiscal controls over the use of the revolving fund and shall annually report to the legislative finance committee on or before June 30 the fund's receipts, disbursements, and unencumbered balance, together with a detailed statement of the expenditures.
[3/26/87; 4.10.5.3 NMAC - Rn, 4 NMAC 10.5.3, 1/1/08]

4.10.5.4 DURATION: Permanent.
[11/15/97; 4.10.5.4 NMAC - Rn, 4 NMAC 10.5.4, 1/1/08]

4.10.5.5 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; 4.10.5.5 NMAC - Rn, 4 NMAC 10.5.5, 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[Note: The words *or paragraph*, above, are no longer applicable.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.]

4.10.5.6 OBJECTIVE: The objective of Part 4 of Chapter 10 is to provide guidelines and fiscal controls for the lawful administration of the cultural properties publications revolving fund by the historic preservation division. All pamphlets, articles, books, and other written materials prepared, published or reprinted for sale with funds from the revolving fund must comply with these regulations.
[3/26/87; 4.10.5.6 NMAC - Rn, 4 NMAC 10.5.6, 1/1/08]

4.10.5.7 DEFINITIONS:

- A. "Committee" refers to the cultural properties review committee.
- B. "Cultural properties publication" means any pamphlet, article, book, poster or other written material which relates to cultural properties or historic preservation in New Mexico, and which has been prepared pursuant to Section 18-6-16 NMSA 1978 and the duties of the cultural properties review committee as specified in the Cultural Properties Act.
- C. "Historic preservation division" refers to the division of the office of cultural affairs which is designated by Section 18-6-7 NMSA 1978 to administer the Cultural Properties Act.
- D. "Revolving fund" refers to the "cultural properties publications revolving fund" as provided by Section 18-6-16 NMSA 1978.

[3/26/87; 4.10.5.7 NMAC - Rn, 4 NMAC 10.5.7, 1/1/08]

4.10.5.8 PUBLICATION PRIORITIES: The committee shall annually establish priorities by subject matter to aid in the determination of the types of works to be published or reprinted by the revolving fund. These priorities shall be established at the second official committee meeting of the state fiscal year. Priorities shall relate to the identification, significance, registration, documentation and preservation of cultural properties, technical preservation and other matters as authorized under Section 18-6-5 NMSA 1978.
[3/26/87; 4.10.5.8 NMAC - Rn, 4 NMAC 10.5.8, 1/1/08]

4.10.5.9 SELECTION PROCEDURE: Material is eligible for publication through the revolving fund in the following manner:

- A. Committee or historic preservation division initiated:
 - (1) The committee has determined, in accordance with its annual publication priorities, subject matter for publication.
 - (2) Existing publications are determined by the committee to be worthy of reprinting.
 - (3) The historic preservation division has proposed a priority for publication.
- B. Author/editor initiated:
 - (1) The committee may consider topics and material for publication which have been submitted to the committee by the author or editor.
 - (2) The committee shall consider the preparation and publication of material at any regularly scheduled meeting. Whenever in the opinion of the committee material warrants publication or republication, the committee can authorize, by a majority vote, use of the revolving fund for such purpose. All topics and material considered for publication shall be reviewed based on the current publication priorities, the purpose of the Cultural Properties Act, the publication's probable marketability and its usefulness to the public and to government entities.
[3/26/87; 4.10.5.9 NMAC - Rn, 4 NMAC 10.5.9, 1/1/08]

4.10.5.10 CONTRACTS FOR THE PREPARATION OF MATERIAL FOR PUBLICATION:

- A. The committee may contract for the preparation of material (research and writing of text) for publication only if it determines that the sale of such publication has a high probability of yielding the amount expended plus ten percent or if the fund contains an actual surplus sufficient to cover the cost of the publication plus ten percent.
- B. The committee shall specify the scope of work and shall designate the editor(s) and/or author(s), and other personnel for the preparation of each proposed publication. All such personnel shall furnish to the committee satisfactory evidence of professional qualification based on experience, training, knowledge and past performance. The author or editor of each prospective publication will also be required to furnish to the committee a narrative progress report describing the status of work accomplished not less than once every three months during the contract period.
- C. The committee shall specify the amount to be allocated from the revolving fund and the project period. The contract amount shall not exceed the amount approved by the committee. The typical contract period will not exceed one year. The grant award and the project period may be amended by approval of the committee. In no case, however, will the preparation of a manuscript be permitted to exceed two years.
- D. The state historic preservation officer is hereby authorized to negotiate, write and enter into all contracts for the preparation of material for publication through the revolving fund. No contract shall be valid unless approved by the secretary of the department of finance and administration. Failure to carry out the terms of the contract shall be cause for the termination or reduction of scope and/or payments of the contract.
[3/26/87; 4.10.5.10 NMAC - Rn, 4 NMAC 10.5.10, 1/1/08]

4.10.5.11 CONTRACTS FOR PUBLICATION:

- A. The committee may contract for the publication of material which it has approved for use of revolving funds.
- B. The committee shall designate the publisher and other necessary professionals for each approved manuscript. The publisher may be required by contract to produce, warehouse, advertise and sell the publication, or perform other publishing-related activities as agreed upon.
- C. The committee shall specify the amount, if any, to be allocated from the revolving fund and the project period. The contract amount shall not exceed the amount approved by the committee. Publication costs may include editing, design, layout, the preparation of the table of contents and index, manufacturing, storing,

advertising, photography and illustrations. The amount to be paid to the publisher and the project period may be amended by approval of the committee.

D. The state historic preservation officer is hereby authorized to negotiate, write and enter into all contracts for the publishing of committee-approved publications. No contract shall be valid unless approved by the secretary of the department of finance and administration. Failure to carry out the terms of the contract shall be cause for the termination or reduction of scope and/or payments of the contract.

[3/26/87; 4.10.5.11 NMAC - Rn, 4 NMAC 10.5.11, 1/1/08]

4.10.5.12 COMMITTEE REVIEWS: The committee shall have the authority to review and edit the content of any material to be published through the revolving fund. Such material shall be reviewed for accuracy and relevance to the purposes of Section 18-6-16 NMSA 1978. All editorial review shall be made prior to the signing of a contract for the printing of such publication.

[3/26/87; 4.10.5.12 NMAC - Rn, 4 NMAC 10.5.12, 1/1/08]

4.10.5.13 ACKNOWLEDGMENTS: The cultural properties review committee and historic preservation division of the office of cultural affairs shall be specified as the publisher of each work published through the revolving fund.

[3/26/87; 4.10.5.13 NMAC - Rn, 4 NMAC 10.5.13, 1/1/08]

4.10.5.14 SALE AND REIMBURSEMENT:

A. The historic preservation division may authorize the publisher, or his agent, contracted for the production of an approved publication, to offer the publication for sale.

B. The publisher may be required to print, in the first printing, sufficient number of copies to recoup through the sale of those copies the amount expended from the revolving fund.

C. The publisher may also be required to make payment to the fund from the sale of such publications on a quarterly basis.

D. For publications which were prepared with revolving funds, the publisher or his agent shall, from the sale of each copy of such publication, reimburse the revolving fund in the amount spent on its production.

[3/26/87; 4.10.5.14 NMAC - Rn, 4 NMAC 10.5.14, 1/1/08]

4.10.5.15 ACCOUNTING:

A. The publisher shall report to the historic preservation division on the financial status of each publication on at least a quarterly basis.

B. The historic preservation division shall maintain current records of all disbursements from and reimbursements to the revolving fund for each authorized publication. All fiscal records shall be maintained in accordance with established accounting procedures for the state of New Mexico.

C. The historic preservation division shall report to the committee on the financial status of the revolving fund on at least a quarterly basis.

[3/26/87; 4.10.5.15 NMAC - Rn, 4 NMAC 10.5.15, 1/1/08]

4.10.5.16 ANNUAL REPORT TO THE LEGISLATURE: The historic preservation division shall annually report to the legislative finance committee on or before June 30 of each year the receipts and disbursements from and the balance remaining in the revolving fund together with a detailed statement of expenditures.

[3/26/87; 4.10.5.16 NMAC - Rn, 4 NMAC 10.5.16, 1/1/08]

HISTORY OF 4.10.5 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 76-2, Regulations for Publications of the Cultural Properties Review Committee from the Special Revolving Fund, Section 4/27/17 NMSA 1953 Comp., as amended, filed 10/12/76.

CPRC Rule 81-R1, Regulations Establishing Guidelines and Fiscal Controls over the Use of the Cultural Properties Revolving Fund of the Planning Division of the Department of Finance Administration and the Cultural Properties Review Committee, filed 7/29/81.

CPRC Rule 87-4, Regulations Establishing Guidelines and Fiscal Controls over the Use of the Cultural Properties Publications Revolving Fund of the Historic Preservation Division of the Office of Cultural Affairs and the Cultural Properties Review Committee, filed 3/26/87.

History of Repealed Material: [RESERVED]

Other History: CPRC Rule 87-4, Regulations Establishing Guidelines and Fiscal Controls over the Use of the Cultural Properties Publications Revolving Fund of the Historic Preservation Division of the Office of Cultural Affairs and the Cultural Properties Review Committee (filed 3/26/87) was renumbered, reformatted and replaced by 4 NMAC 10.5, Cultural Properties Publications Revolving Fund - Guidelines and Fiscal Controls, effective 11/15/97.

4 NMAC 10.5, Cultural Properties Publications Revolving Fund - Guidelines and Fiscal Controls (filed 11/03/97) renumbered, reformatted and replaced by 4.10.5 NMAC, Cultural Properties Publications Revolving Fund - Guidelines and Fiscal Controls, effective 1/1/08.