

LFC Requester:	Connor Jorgensen
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**AGENCY BILL ANALYSIS
2014 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date February 6, 2014
Bill No: HB165-305 Feb 6
AG Sub

Sponsor: HAGC
Short Irrigation District Roadway
Title: Tort Liability

Reviewing Attorney General's Office
Person Writing Sally Malavé
Phone: 827-6031 **Email** smalave@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Summary Synopsis: House Agriculture and Water Resources Committee Substitute for House Bill 165 makes several stylistic/formatting changes to subsection C at p.3 of House Bill 165 that more clearly delineates the circumstances under which irrigation and conservancy districts and their public employees may be excluded from the waiver of sovereign immunity provided in Section 41-4-4 of the Act. The term “local public body” is replaced by “governmental entity,” a defined term in the Tort Claims Act.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL None to this office.

SIGNIFICANT LEGAL ISSUES House Bill 165 and this committee substitute raise the question why under similar circumstances other special districts created by law are not specifically excluded from the waiver of immunity in the same manner irrigation and conservancy districts are excluded for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of their employees while acting within the scope of their duties.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL None to this office.

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL None to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION Companion to Senate Bill 100.

TECHNICAL ISSUES OR DRAFTING ERROR

OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL Irrigation and conservancy districts and their employees would remain subject to liability for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of their employees while acting within the scope of their duties

AMENDMENTS NEEDED TO IMPROVE THIS BILL