

<b>LFC Requester:</b>	<b>Jonas Armstrong</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto: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: Date January 30, 2015  
**Original**     **Amendment**        **Bill No:** HB 188  
**Correction**     **Substitute**   

**Sponsor:** James E Smith & John M Sapien    **Agency Code:** Attorney General's Office  
**Short Title:** SAND & GRAVEL MINING VIOLATION PENALTIES    **Person Writing:** Rebecca Parish  
**Phone:** 505-827-6777    **Email:** rparish@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

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

**BILL SUMMARY**

Synopsis: HB 188 would amend NMSA 1978, § 4-37-3 to provide specific penalties for violations of a county ordinance regulating mining. While the statute already includes a penalty of a fine up to \$300 and/or imprisonment for up to 90 days for violations of county ordinances generally, this bill would impose a stricter penalty for mining ordinance violations, namely a fine of \$1,000 for each day the violation exists, or imprisonment for up to 364 days, or both.

**FISCAL IMPLICATIONS**

There are no fiscal implications for this office.

**SIGNIFICANT ISSUES**

None.

**PERFORMANCE IMPLICATIONS**

There are no performance implications for this office.

**ADMINISTRATIVE IMPLICATIONS**

There are no administrative implications for this office.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The sponsors also have introduced HB 188, “Sand, Gravel & Quarries in Mining Act.”

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status Quo.

**AMENDMENTS**

N/A