

<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:*

**Original**     **Amendment**    \_\_\_\_\_    **Date** January 30, 2015  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_    **Bill No:** HB 190

**Sponsor:** Reps Smith & Sapien    **Agency Code:** Attorney General's Office  
                  SAND, GRAVEL &    **Person Writing**    Rebecca Parish, A.A.G.  
**Short**    **QUARRIES IN MINING**    **Email**  
**Title:**    ACT    **Phone:** 505-827-6777 :    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 190 would amend the definitions section of the New Mexico Mining Act (the “Act”), NMSA 1978, § 69-36-3. The Act requires defined mining operations in existence at the time of enactment to develop reclamation plans that will restore the environment to a “self-sustaining ecosystem” after the mining operations cease and to submit permit applications detailing such plans. NMSA 1978, § 69-36-11(B)(3). The Act similarly requires mining operations post-dating enactment to submit permit applications, which also must include reclamation plans, *id.* § 69-36-12(A), (B); such permits may be withheld if the applicant has “demonstrated a pattern of willful violations” of the Act or other environmental laws. *Id.* § 69-36-12(B)(5)(b). HB 190 would amend the Act to include sand, gravel and quarry rock within the definition of “mineral[s],” thereby bringing most operations that extract/process those substances within the coverage of the Act.

In addition, HB 190 would amend the Act to exclude certain smaller-scale operations (“an open-cut mine with a surface area of less than five contiguous, unreclaimed acres,” unless minerals at such a site are being extracted “by chemical means”) from the definition of “mining,” thereby removing those operations from the Act’s regulatory reach.

Under existing law, large sand, gravel and quarry rock operations fall outside of the application of the Act, while small (<five acre) operations that mine other substances, e.g. copper, fall within the application of the Act. HB 190 would bring large sand, gravel and quarry rock operations within the Act, while excluding smaller operations from coverage, regardless of what substance they are extracting/processing.

**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 Mining Violation Penalties."

**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