

LFC Requester:	Tracy Hartzler
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**AGENCY BILL ANALYSIS
2015 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 March 6, 2015
Bill No: HB564a

Sponsor: Rep. Bob Wooley
Short Right to Farm & Operations as
Title: Nuisance

Agency Code: Attorney General's Office
Person Writing Caroline Manierre , AAG
Phone: 505-827-6079 **Email** cmanierre@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)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

House Bill 564 is an act amending NMSA 1978, Section 47-9-3. It changes the date of when local ordinances or resolutions apply to an agricultural operation or facility. The Bill also changes the damages available to a plaintiff for a nuisance originating from an agricultural operation.

The Amendments to House Bill 564 clarify that Plaintiff’s damages relate to real property, not just property. The amendments also keep a section about right of recovery in Section 47-9-3 that was struck in the original Bill.

FISCAL IMPLICATIONS N/A

SIGNIFICANT ISSUES: None

PERFORMANCE IMPLICATIONS: N/A

ADMINISTRATIVE IMPLICATIONS: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:

- Senate Bills 307 and 348 both deal with Right to Farm & Operations and Nuisance. House Bill 564 duplicates neither of these, and the amendments between the three bills are all different, putting them in conflict.
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TECHNICAL ISSUES: N/A

OTHER SUBSTANTIVE ISSUES: N/A

ALTERNATIVES: N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL: Status quo

AMENDMENTS: N/A