

<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:*

<b>Original</b>	<input type="checkbox"/>	<b>Amendment</b>	<input type="checkbox"/>	<b>Date</b>	<u>March 9, 2015</u>
<b>Correction</b>	<input type="checkbox"/>	<b>Substitute</b>	<input checked="" type="checkbox"/>	<b>Bill No:</b>	<u>HB 625S-305</u>

<b>Sponsor:</b>	<u>Rep. James R.J. Strickler</u>	<b>Agency Code:</b>	<u>Attorney General's Office</u>
<b>Short Title:</b>	<u>Public Peace, Health, Safety &amp; Welfare</u>	<b>Person Writing</b>	<u>Jennifer Salazar, AAG</u>
		<b>Phone:</b>	<u>827-6990</u>
		<b>Email</b>	<u>jsalazar@nmag.gov</u>

**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: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

### **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 625 amends the New Mexico Mining Act ("Act"), NMSA 1978, and Sections 69-36-1 to -20 by allowing a mining operation in standby status to resume mining operations by providing written notice to the Director. The amendment also requires that the Director, by regulation, identify the specific conditions that would allow a mining operation to terminate standby status and resume mining operations.

HB 625 also requires the Director to review a permit holder's financial assurance for modification or revision and also authorizes the Director to enter into agreements with other agencies that hold the financial assurances of a permit holder. Under the temporary provision of HB 625, the Director shall, in conjunction with EMMNRD, propose amendments to the rules consistent with the Act by December 31, 2015. The Mining Commission shall adopt rules on or before July 1, 2016.

### **FISCAL IMPLICATIONS**

N/A

### **SIGNIFICANT ISSUES**

Allowing a mining operation in standby status to resume mining operations by only providing written notice to the Director may be an attempt at circumventing public hearings currently required under NMSA 1978, 69-36-7(K). Further, requiring that regulations identify the conditions under which a mining operation, in standby status, may resume mining and production may not be possible as there may be unforeseen circumstances that may not be addressed by the regulations. The amendment to the Director's review of financial assurance codifies current practice.

### **PERFORMANCE IMPLICATIONS**

N/A

### **ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

The use of the language “consecutive” on page 7, line 11, is unclear.

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

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

Status quo

**AMENDMENTS**

N/A