

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](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**      
**Correction**     **Substitute**   

**Date** January , 2015  
**Bill No:** SB307

**Sponsor:** Sen.  
**Short**    Clarify Farm Operations are  
**Title:**    Not Nuisances

**Agency Code:** Attorney General's Office  
**Person Writing**    Caroline Manierre , AAG  
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**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:

Senate Bill 307 removes one of the exceptions to an agricultural operation not being deemed a nuisance under NMSA 1978, § 47-9-3(A) (2014). The bill also amends the time frame for when an ordinance or resolution making an agricultural operation a nuisance applies.

**FISCAL IMPLICATIONS N/A**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

Senate Bill 307 may be in conflict with existing nuisance law. The bill removes one of the exceptions to the statute which currently reads “except that the provisions of this section shall not apply whenever an agricultural operation or agricultural facility is operated negligently or illegally such that the operation or facility is a nuisance.” NMSA 1978, § 47-9-3(A) (2014). The proposed amendment would remove “or illegally such that the operation or facility is a nuisance.” This may be in conflict with the definition of a public nuisance, which reads “A public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority . . .” NMSA 1978, § 30-8-1 (1963).

**PERFORMANCE IMPLICATIONS: N/A**

**ADMINISTRATIVE IMPLICATIONS: N/A**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP: None**

**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**