

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Cisneros ORIGINAL DATE 1/24/15
LAST UPDATED _____ HB _____

SHORT TITLE Mining Accident Notification Requirements SB 146

ANALYST Armstrong

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)

SUMMARY

Synopsis of Bill

Senate Bill 146 amends provisions in two mine safety statutes to clarify the responsibility of mine operators to notify the State Mine Inspector after certain mine accidents. Currently, “accident” is defined differently in the two sections, and SB146 amends the definition in Section 69-5-17 to match the definition in Section 69-8-2. This definition provides specific requirements for surface and underground mines, and provisions relating specifically to accidents in underground mines are removed from the requirements for surface mines. The bill also removes references to federal rules and reorders other definitions.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

Safety conditions at mines are extensively regulated by the federal Mine Safety and Health Administration. The Legislature has focused the New Mexico State Mine Inspector’s regulatory responsibilities on responding to mine accidents that cause or threaten fatalities, organizing mine rescue efforts if necessary, and conducting investigations of these accidents.

In 2007, the Legislature expanded the definition of “accident” by adopting a definition from federal regulations and imposed fines up to \$100 thousand on operators that fail to provide notice of accidents within 30 minutes. After several years of implementing the amended definition, the Mine Inspector and the Mining Safety Board determined that changes were necessary to provide better direction to mine operators and to better coordinate the definition with the entities’ roles under New Mexico law.

SB146 clarifies the responsibility of mine operators by removing the potential conflict between two definitions of “accident” in separate statutes and providing specific definitions of “accident” for surface and underground mines. Certain types of accidents only apply to underground mines and SB146 limits the definition for underground mines to reflect this.

JA/aml/je