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FISCAL IMPACT REPORT

SPONSOR Griego ORIGINAL DATE 2/4/15
LAST UPDATED _____ HB _____

SHORT TITLE Right to Farm & Operations as Nuisance SB 348

ANALYST Malone

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Conflicts with SB 307

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of Attorney General (AGO)

New Mexico Department of Agriculture (NMDA)

SUMMARY

Synopsis of Bill

Senate Bill 348 is an act amending NMSA 1978, Section 47-9-3. The bill removes the one year time restriction for a farming operation to be considered not a nuisance. The bill also removes the time frame for the application of local ordinances deeming farming operations nuisances.

FISCAL IMPLICATIONS

No fiscal impact noted.

SIGNIFICANT ISSUES

According to NMDA, across the United States, nuisance lawsuits are being filed based on the encroachment of urban presence adjacent to agriculture activities. In 2012, the agriculture industry contributed \$4.1 billion dollars serving as a vital component to New Mexico's economy. The consequence of nuisance or negligent lawsuits provides the potential to impair the state's industry and the state's economy and provides a negative impact on the ability for the industry to operate.

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NMDA notes that SB 348 addresses the issues created by urban areas expanding into rural agricultural regions that are agriculturally productive. As the intermingling expands, agricultural operations continue to face new and additional scrutiny due to requirements of production as urban areas expand into rural areas creating the interface.

CONFLICT

Senate Bill 307 conflicts with Senate Bill 348. Both bills amend the statute, keeping different language and adding conflicting language.

CEM/bb/je