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FISCAL IMPACT REPORT

ORIGINAL DATE 02/16/11
 LAST UPDATED 03/17/11 HB 391/aHJC/aSJC

SPONSOR Irwin

SHORT TITLE Livestock Code Penalty for Open Gates SB _____

ANALYST Hoffmann

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
\$0.0	\$0 - \$10.0	\$0 to \$10.0	Recurring	Common School Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

No Response Received From
 New Mexico Livestock Board (NMLB)

SUMMARY

Synopsis of Senate Judiciary Committee Amendment

The House Judiciary Committee amendment to House Bill 391 strikes the reference to Section 31-19-1 NMSA 1978, making the penalty for conviction of leaving a gate open a misdemeanor with a fine ranging from not less than \$250 nor more than \$1,000.

Synopsis of House Judiciary Committee Amendment

The House Judiciary Committee amendment to House Bill 391 clarifies the penalty for conviction as a fine ranging from not less than \$250 or more than \$1,000.

Synopsis of Original Bill

House Bill 391 proposes to amend Section 77-16-15 NMSA 1978 to increase the penalty for leaving a gate open. The current penalty is a fine of not less than five nor more than ten dollars, and the proposed penalty is a minimum fine of \$1,000.

FISCAL IMPLICATIONS

Article XII Section 4 of the Constitution of New Mexico would determine that any fines collected under this statute would go to the common school fund. There is no readily available data on the annual number of violations of this statute, the revenue estimate is therefore very conservative.

SIGNIFICANT ISSUES

Livestock let loose as a result of a gate left open pose a public safety hazard for motorists. The injury or death of motorists due to collisions with livestock can result in the Department of Transportation being found liable for damages, and ranchers suffer the economic losses for injured or dead livestock.

JCH/mew:bym