

LFC Requester:	Emily Hilla
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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 Jan. 31, 2024
Bill No: HB 292

Sponsor: Rep. Linda Serrato
Short Title: BATTERY CHARGED
FENCES WITH ALARMS

Agency Name and Code State Land Office - 539
Number: _____
Person Writing Sunalei Stewart
Phone: 505-827-5755 **Email** sstewart@slo.state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
No Fiscal Impact	No Fiscal Impact	No Fiscal Impact		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	No Fiscal Impact	No Fiscal Impact	No Fiscal Impact			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

This bill would amend the Municipal Code to bar counties and municipalities from prohibiting or regulating the installation or use of battery-charged fences outside of areas zoned exclusively for residential use. The bill would impose statewide requirements for battery-charged fences.

“Battery-charged fence” means a fence, including any ancillary components, that has an energizer driven by a battery and that interfaces with a connected alarm system in a manner that enables the fence to cause the alarm system to transmit a signal intended to summon law enforcement in response to an intrusion. “Alarm system” also is defined.

The bill would require that a battery-charged fence: (1) use a battery that is not more than twelve volts of direct current; (2) produce an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the international electrotechnical commission standards as most recently published on or before January 1, 2021; (3) be enclosed on the outside only by a nonelectric perimeter fence or wall that is not less than five feet in height; (4) be the greater of ten feet in height, or two feet higher than the height of the non-electric perimeter fence or wall; and (5) be marked with conspicuous warning signs that are located on the fence at not more than thirty-foot intervals and that read: “WARNING: ELECTRIC FENCE”.

The new law would be effective July 1, 2024.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

The New Mexico State Land Office (NMSLO) manages approximately nine million acres statewide, most of which is located outside of urban areas and is leased for agricultural uses, primarily livestock grazing. Fences on state trust lands are installed by the lessee at the lessee’s expense, but must be approved by the NMSLO. In a certain limited set of circumstances, the lessee’s application for NMSLO approval of a fence as an improvement indicates that the fence is battery-charged. In the NMSLO’s experience, battery-charged fences are used primarily for

internal use to divide a lessee's pasture and not for external use to divide land under the control of the lessee from land controlled by someone else. As a result, the NMSLO does not anticipate that the bill would have a significant effect on NMSLO operations.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS