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## FISCAL IMPACT REPORT

**SPONSOR** Chavez, D. **ORIGINAL DATE** 02/17/11  
**LAST UPDATED** \_\_\_\_\_ **HB** 218  
**SHORT TITLE** Five-Hundred-Dollar Fine for Littering **SB** \_\_\_\_\_  
**ANALYST** Wilson

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY11	FY12	FY13		
	\$0.0-\$3.0	\$0.0-\$3.0	Recurring	General Fund

(Parenthesis ( ) Indicate Revenue Decreases)

### **SOURCES OF INFORMATION**

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
Department of Transportation (DOT)

### **SUMMARY**

#### Synopsis of Bill

House Bill 218 amends Section 30-8-4 NMSA 1978 to provide for a fine of \$500.

### **FISCAL IMPLICATIONS**

DOT routinely performs litter removal throughout the state. The average annual cost to DOT for such removal is \$1,997,367. DOT collects approximately 15,500 tons of litter annually.

It is highly unlikely that many \$500 fines will be collected.

### **SIGNIFICANT ISSUES**

The AGO states that the proposed amendment leaves littering a petty misdemeanor. The only way to interpret the amendment language is that it means to impose a mandatory fine, not left to the judge's discretion. To interpret otherwise would render the amendment language meaningless, adding nothing to the authority already provided by Sec 31-19-1.

DW/bym