

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](http://www.nmlegis.gov)).

## FISCAL IMPACT REPORT

**SPONSOR** Armstrong, G                      **ORIGINAL DATE** 02/08/21  
**LAST UPDATED** 03/02/21              **HB** 239/aHFI#1  
**SHORT TITLE** Create Deputy Mine Inspector Position              **SB** \_\_\_\_\_  
**ANALYST** Rowberry

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Institute of Mining and Technology (New Mexico Tech)  
 Energy, Minerals and Natural Resources Department (EMNRD)

### SUMMARY

#### Synopsis of HFI#1 Amendment

The House Floor #1 Amendment makes three language changes. The changes are:

1. Replacing the language “the state mine inspector, with the assistance of the deputy mine inspector [...]” to “the state mine inspector, who may be assisted by the deputy mine inspector [...]”;
2. Replacing the language “the deputy mine inspector shall assist the state mine inspector [...]” to “the deputy mine inspector may assist the state mine inspector [...]”; and
3. Correcting the language “an vacancy” to “a vacancy.”

#### Synopsis of Original Bill

House Bill 239 (HB239) creates the position of deputy mine inspector, assigns the position to the New Mexico Institute of Mining and Technology, and assigns duties to the position. Included is the ability of the deputy to assume the duties and responsibilities of the state mine inspector when there is a vacancy in the state mine inspector position.

## **FISCAL IMPLICATIONS**

HB239 does not make an appropriation.

HB239 is not expected to create a fiscal impact, and neither New Mexico Tech nor EMNRD identified any increased costs associated with HB239. New Mexico Tech, where the deputy mine inspector position would be housed, currently employs an associate state mine inspector, who presumably could become the deputy mine inspector. If this is not the case and a new individual is to be hired by New Mexico Tech for the deputy mine inspector position, the annual salary is likely to be between \$67 thousand (associate state mine inspector salary, December 2020) and \$95 thousand (state mine inspector salary, December 2020), plus benefit costs.

## **SIGNIFICANT ISSUES**

HB239 creates the position of deputy mine inspector in statute and assigns the position to New Mexico Tech. The board of regents at New Mexico Tech and the mining safety board may recommend qualified individuals to the state mine inspector for appointment as deputy mine inspector. The deputy mine inspector shall assist the state mine inspector with the statutorily defined duties of the position, such as developing and maintaining mine safety and health training programs, assisting mine operators in rescues and accident investigations, making an annual report to the governor, and additional duties as assigned.

In the event the state mine inspector position is vacant, HB239 allows the president of New Mexico Tech to temporarily assign the deputy mine inspector all the attendant duties and responsibilities of the state mine inspector until the state mine inspector position is no longer vacant.

EMNRD notes there have been significant periods with no state mine inspector, in part due to the appointment process for the position: the board of regents for New Mexico Tech and the mining safety board recommend qualified applicants to the governor, who then submits the nominee to the senate for approval. The state mine inspector serves a four-year term.

The New Mexico Constitution references the deputy mine inspector position in Article XVII, §1: “[t]he legislature may pass laws prescribing reasonable qualifications for the state mine inspector and deputy mine inspectors.”

## **ADMINISTRATIVE IMPLICATIONS**

EMNRD states the creation of the deputy mine inspector position will allow the responsibilities of the state mine inspector to be carried out without delay whenever there is a vacancy, including allocating resources for mine rescues, investigating mine fatalities, developing and maintaining mine safety and health training programs, and implementing a program of certifying mine personnel.

New Mexico Tech notes a vacancy in the state mine inspector position negatively affects the ability of the bureau of mine safety to administer the state mandated certification process in the coal industry, as well as the ability to maintain certified personnel in key positions as mandated by the federal government, hampering New Mexico’s mining industry.

**TECHNICAL ISSUES**

The following was addressed in House Floor Amendment #1 of the bill.

Suggested minor language change in Sec. 2.D:

“Upon an vacancy...” to “Upon a vacancy...”

JR/sb