NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR:	Ma	artinez	DATE TYPED:	2/20/03	HB	
SHORT TITL	E:	Allow Optional Solid	Waste Hearings		SB	279
				ANALY	YST:	Maloy

APPROPRIATION

Appropriation	on Contained	Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI		NFI		

SOURCES OF INFORMATION

Responses Received From Environment Department

SUMMARY

Synopsis of Bill

Senate Bill 279 changes the public hearing requirements set forth in the Solid Waste Act (Act). Currently, the Act requires that a public hearing be held on all solid waste facility permit applications, even if there is no public interest.

SB 279 would require that the Secretary of Environment, after a permit application is deemed complete, to provide an opportunity to the public to comment on the application and to request a public hearing. Thereafter, the director would determine if a public hearing should be held and, if so, schedule the hearing.

SB279 also includes a number of minor language / stylistic changes appropriate to accommodate the substantive change to the hearing requirements.

Significant Issues

According to the Environment Department, the Solid Waste Act is the only environmental statute requiring a mandatory public hearing for *all* permit applications. Statutes which govern air quality, ground water, and hazardous waste permits do not require public hearings unless there is sig-

Senate Bill 279 -- Page 2

nificant public interest in the matter. The Solid Waste Bureau has conducted numerous hearings over the past decade with little or no public involvement. The amendments proposed in SB279 would allow NMED to better utilize its personnel and financial resources by avoiding unnecessary hearings and the time and expense involved in conducting such hearings. In cases where significant public interest is shown, the hearing process would occur and remain essentially unchanged from the present process.

FISCAL IMPLICATIONS

SB279 involves no appropriations and would not affect revenues, but its passage would allow more effective use of funds budgeted to the department.

ADMINISTRATIVE IMPLICATIONS

SB279 would reduce the administrative burden on the Solid Waste Bureau and NMED's legal staff by reducing the number of public hearings and the need for extensive preparation and post-hearing procedures.

SJM/njw