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## FISCAL IMPACT REPORT

ORIGINAL DATE 1-26-07  
 SPONSOR Tripp LAST UPDATED 1-30-07 HJM 6/aHENRC  
 SHORT TITLE Combat Illegal Dumping in New Mexico SB \_\_\_\_\_  
 ANALYST Aubel

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

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non- Rec	Fund Affected
<b>Total</b>		\$100.0*			Non-Rec	General Fund
			Indeterminate*		Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases) \* See Fiscal Impact

Companion to HB 180

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)  
 New Mexico Association of Counties (NMAC)  
 New Mexico Environment Department (NMED)  
 Office of the State Engineer (OSE)

### SUMMARY

#### Synopsis of HENRC Amendment

The House Energy and Natural Resources Committee amendment to House Joint Memorial 6 adds “community land grants that are political subdivisions of the state” to the list of representatives to participate in the “coalition for a clean New Mexico” for combating illegal dumping.

#### Synopsis of Original Bill

House Joint Memorial 6 requests the New Mexico Environment Department, the United States Department of the Interior Bureau of Land Management, and the New Mexico Association of Counties form a “coalition for a clean New Mexico” composed of representatives of various

organizations to develop a strategy, make recommendations on policy direction, standards, and planning to combat illegal dumping in New Mexico, and present a strategic plan to the appropriate legislative committee by January 1, 2008.

### **FISCAL IMPLICATIONS**

HJM 6 does not appropriate funding for the collation. However, a companion bill, HB 180, appropriates \$100.0 thousand to NMED for operating expenditures in FY08 to organize what is termed in that bill as a “task force.” The appropriation of \$100.0 thousand to NMED contained in that bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY08 would revert to the general fund.

EMNRD pointed out that HB 180 funds the agency organizing the task force (NMED) but that each entity participating in the task force will incur costs that are not funded. The cost for additional agencies involved in the coalition would depend on the number of participating entities funded from state funds and the extent of their participation.

In addition, a substantively different budget impact would likely be experienced by the agencies involved in implementing the coalition recommendations and that such amounts would be recurring as an ongoing illegal dumping program starting in FY09. These recurring funds would depend on the scope of the program and the number of agencies involved.

Except for NMED, no responding agency identified specific dollar impacts for either the coalition portion in FY08 or the ongoing program portion beginning in FY09.

### **SIGNIFICANT ISSUES**

NMED stated that illegal dumping is a serious and chronic problem in New Mexico and that it has aggressively sought to educate municipal and county governments, Native American tribes, and other state agencies regarding abatement of illegal dump sites at illegal dumping summits for the last five years. NMED believes that the creation of a coalition on illegal dumping is the next step that is needed to continue, support and enhance these state-wide efforts.

The NMAC pointed out that forming a statewide coalition could allow local, state and federal entities to utilize shared resources and leverage possible additional funding.

### **PERFORMANCE IMPLICATIONS**

NMED stated that would be no negative performance implications. EMNRD reports that such a coalition may indirectly benefit the Oil Conservation Division, because its duties include prevention of illegal dumping of oilfield wastes.

### **ADMINISTRATIVE IMPLICATIONS**

Without funding, it is likely that agencies other than NMED would have only minimal participation. Without laying the groundwork for implementing the task force recommendations as part of the original appropriation, the task force product may have minimal impact on reducing illegal dumping.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

A companion bill, House Bill 180, provides an appropriation to NMED to form a “task force” on illegal dumping.

**TECHNICAL ISSUES**

EMNRD noted that HJM 6 requests a “coalition” of various entities to study illegal dumping and prepare a strategic plan, while HB 180 appears to be the appropriation for this coalition and names NMED as its leader. However, because HJM 6 uses the term “coalition” and HB180 uses the term “task force,” this relation is unclear. There is no language in HB 180 tying the appropriation to the successful passage of HJM 6. EMNRD suggested if HB 180 was intended to fund the coalition discussed in HJM 6, using the same term in both HJM 6 and HB 180 would help clarify the intention. EMNRD also noted that if HJM 6 were adopted, but not HB 180, NMED would not have the resources to carry out the requested activities.

EMNRD pointed out that “illegal dumping” is not clearly defined in either HJM 6 or HB 180, and that such guidance to the task force or coalition is therefore lacking.

OSA indicated that, by itself, the purpose of this memorial is likely to be unfulfilled as the legislature does not designate any person or agency as being responsible for carrying out the legislative request.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

EMNRD maintained that it is unclear what happens if HJM 6 is not adopted and HB 180 becomes law. HB 180 will then be funding a “task force” on illegal dumping, but NMED will have no guidance on who is to be included in the task force or what the task force is supposed to do. If neither the HJM 6 nor HB 180 passes, the individual agencies charged with preventing illegal dumping will continue to work without the assistance of a “coalition.”

MA/sb:csd