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## FISCAL IMPACT REPORT

ORIGINAL DATE 1-29-09

SPONSOR Heaton LAST UPDATED \_\_\_\_\_ HB 107

SHORT TITLE Change Radioactive Committee Name & Mission SB \_\_\_\_\_

ANALYST Aubel

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis ( ) Indicate Revenue Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Environment Department (NMED)  
 Energy, Minerals and Natural Resources Department (EMNRD)  
 Higher Education Department (HED)

### SUMMARY

#### Synopsis of Bill

House Bill 107 renames the legislative interim “Radioactive and Hazardous Materials Committee” to the “Energy and Environment Committee” (Committee) and expands the scope of the Committee’s duties beyond the Radioactive and Hazardous Materials Act to include “state policies on energy and environment.” The bill specifies that the Committee shall review and monitor and make recommendations regarding energy issues relating to the environment and environmental policies and administration of those policies.

### FISCAL IMPLICATIONS

The Committee is a standing interim committee with an established operating budget as part of Legislative Council Services, and it is assumed that the Committee would carry out its duties within its current budget and staffing. Topics relating to energy have already been discussed within the Committee with no additional fiscal impact. Thus, it is assumed the renaming and officially expanding the scope of topics under review will have no fiscal impact.

## **SIGNIFICANT ISSUES**

Currently, the Committee is authorized by the Act to examine issues related to hazardous and radioactive materials management and transportation, clean up of contamination from leaking underground storage tanks, environmental effects of uranium mining, and emergency response to hazardous and radioactive materials incidents. The Act also specifically charges the Committee with examining waste management and transportation at the Waste Isolation Pilot Plant (WIPP).

HB 107 would expand the scope to include critical energy issues relating to the environment and environmental policies and administration of those policies. As noted in the publication, *Volume I -- Legislative Finance Committee Report for Fiscal Year 2010*, legislative input to energy policy has been robust. However, Legislative input for policy issues relating to greenhouse gas emissions and climate change has been limited. Rather, policymaking by the Environmental Improvement Board and by executive order has been the primary mechanisms for implementation. Making this Committee responsible for reviewing related policies would serve to elevate such issues for discussion and lead to improved policy planning and oversight for the state in these important areas.

## **ADMINISTRATIVE IMPLICATIONS**

EMNRD expresses a concern that unlike the current duties, the expansion of duties contained in the bill does not tied directly to any specific statute. The agency questions whether this lack of statutory tie or the absence of definitions for “energy” or “environment” will lead to varying interpretations regarding the extent to which the Committee’s scope of duties is expanded and overlaps with other agencies. This will not prohibit the Committee from fulfilling its function.

NMED notes that it would most likely need to respond to Committee inquiries more frequently.

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

The interim Radioactive and Hazardous Materials Committee will continue to examine issues as it deems necessary to adequately serve the citizens of New Mexico in its oversight function.

MA/mt