

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 FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may 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 Nunez DATE TYPED 3/10/05 HM 59

SHORT TITLE Environmental Improvement Board Open Fires SB _____

ANALYST Hadwiger

APPROPRIATION (in \$000s)

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB940, HB984.

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Agriculture (NMDA)

SUMMARY

Synopsis of Bill

House Memorial 59 would request the Environmental Improvement Board (EIB):

1. consider revising its current regulations pertaining to open burning in New Mexico;
2. in considering revisions, confer with representatives of the geographic areas that are substantially affected by the EIB's open burning regulations and take into account new ideas and methods of controlling air pollution; and
3. report its progress in considering these revisions to the appropriate interim legislative committee by November 1, 2005.

Significant Issues

NMDA indicated that rural citizens are unfairly burdened by existing open burning regulations.

NMED noted that state air quality regulations have restricted open burning of refuse and vegetative material (weeds, brush, slash, and prescribed burning for land management) since 1970. The regulations have generated continuing public concern, both from those who viewed them as un-

duly restrictive and those who viewed them as insufficiently stringent or lacking enforcement. Public concerns have been heightened after recent revisions to the regulations, which placed new restrictions on some types of open burning, and which necessitated increased public outreach regarding open burning.

FISCAL IMPLICATIONS

No fiscal impact.

ADMINISTRATIVE IMPLICATIONS

The air quality bureau will work with stakeholders and potentially go before the board to modify the 2003 open burning and smoke management rules.

OTHER SUBSTANTIVE ISSUES

HM 59 requires a progress report by November 1, 2005. NMED anticipates that a progress report can be completed by this deadline. However, NMED noted it may be difficult for the rule-making process to be completed by that date, given the necessity for thorough consultation with many interested parties throughout the state to develop proposed revisions, and to follow the statutory requirement for public notice and comment on proposed rulemaking by the EIB.

NMED also noted that any person may recommend or propose regulations to the EIB for adoption [Section 74-2-6 NMSA].

DH/yr