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FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/12
 LAST UPDATED 02/08/12

SPONSOR SFC HB _____

SHORT TITLE Solid Waste Act Public Hearings SB 164/SFCS

ANALYST van Moorsel

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY12	FY13		
	None		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Cost Savings	Cost Savings			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 252/HENRCS

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Environment Department (NMED)

SUMMARY

Synopsis of Bill

The Senate Finance Committee Substitute for Senate Bill 164 amends the Solid Waste Act to require that public hearings be held only if there is significant public interest. Specifically, the bill provides for the following three criteria to determine if NMED must hold a hearing when considering a permit for or conducting a review of a solid waste facility:

- if the applicant requests a hearing,
- if there is significant public interest, or
- if the facility is in a vulnerable area.

SIGNIFICANT ISSUES

The Environment Department notes that there is little public benefit to holding a hearing when there is no public interest in the application. The Solid Waste Bureau (SWB) of the Environment Department is the only bureau in the Department that is required to hold a hearing for all permits, while other bureaus are only required to hold hearings if there is significant public interest.

The department adds that since 2006, the SWB has held sixteen landfill permit hearings. At ten of the sixteen hearings, no member of the public attended and at two hearings only one member of the public attended.

PERFORMANCE IMPLICATIONS

The department reports that SB164/SFCS could positively impact performance by reducing the time to complete permitting by forgoing the time required to provide notice, schedule, and hold a hearing.

ADMINISTRATIVE IMPLICATIONS

The Environment Department notes that SB164/SFCS would have a positive impact on both the department's SWB and permit applicants because both entities would realize staff resource and cost savings in those permit application cases determined to have no significant public interest.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB164/SFCS duplicates HB252/HENRCS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Solid Waste Bureau and applicants will continue to hold hearings for all permit applications regardless of whether there is significant public interest.

PvM/svb