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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/2/17

SPONSOR SJC LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Water Rights Notices Posted Online SB 86/SJCS

ANALYST Amacher

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
None	None		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

The Senate Judiciary Committee Substitute for SB 86 adds new material to Water Law relating to water rights notifications requiring the office of the state engineer to post notices online. The effective date of this bill is July 1, 2017.

### FISCAL IMPLICATIONS

No known fiscal impact.

### SIGNIFICANT ISSUES

The Senate Judiciary Committee Substitute for SB 86 adds new material to Water Law (Chapter 72 NMSA 1978) tasking the office of the state engineer with uniform public notification on the website for a minimum of six months. The web posting is for public service purposes only.

This public notification is applicable within five days of issuing a notice of publication for the Appropriation and Use of Surface Water (Section 72-5-4 NMSA 1978), Appropriation and Use of Ground Water Storage and Recovery (Section 72-5A-5), Water Use Leasing (Section 72-6-6 NMSA 1978), Underground Waters (Section 72-12-3 NMSA 1978), and Application for the Transportation and Use of Public Waters Outside the State (Section 72-12B-1 NMSA 1978).

The posting will neither replace a required public notice nor constitute an additional requirement of public notices pursuant to the sections of water law referenced above. The posting will not have an effect on the legal sufficiency of any public notice provided by an applicant or on deadlines established by operation of law pursuant to Water Law for the filing of protests to an application.

The effective date of this bill is July 1, 2017.

### **PERFORMANCE IMPLICATIONS**

Utilizing an online system increases the transparency and accessibility of information related to water rights appropriations and uses. There is a possibility that disputes of water rights could be realized earlier in the development of a project and issues be resolved sooner rather than add to a burdensome adjudication process.

### **ADMINISTRATIVE IMPLICATIONS**

The OSE is operating within their current budget and may absorb any additional administrative costs to put in place the requirements of this bill if enacted.

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

Information related to water rights would be subject to chance, interested parties might find the newsprint article on the day it was posted or they may utilize the Inspection of Public Records Act to find the information.

JMA/al