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## FISCAL IMPACT REPORT

SPONSOR: Cervantes DATE TYPED: 03/16/03 HB 960/aHJC  
 SHORT TITLE: Time for Water Compliance Order Finalization SB \_\_\_\_\_  
 ANALYST: Chabot

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Office of the State Engineer (OSE)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary amendment to House Bill 960 restates Section 72-2-18.D NMSA to improve the wording. It requires OSE to notify an individual of an alleged violation by certified mail, return receipt requested. If a settlement is not reached within 30 days of the receipt, the compliance order will be considered a final order unless a hearing has been requested.

#### Synopsis of Original Bill

House Bill 960 amends Section 72-2-18 NMSA 1978. STATE ENGINEER—ENFORCEMENT—COMPLIANCE ORDERS—PENALTY by striking subsection D and inserting the requirement for the State Engineer to give notice by certified mail, return receipt requested, to the person named in a compliance order for an alleged violation. The individual will have 30 days to informally contest to the alleged violation and request a hearing. If settlement is not reached with 30 days, the compliance order will be considered a final order unless a hearing has been requested. The State Engineer will not enforce the order until it is final or until a decision has been reached after the administrative hearing.

Significant Issues

OSE analysis is that current statutes do not put any time period for response to compliance orders. The bill “will improve the timely resolution of such matter to the benefit of the state and other water users. This is especially important during a drought; that is, the question of illegal water use will be more expeditiously resolved. Enactment will force the State Engineer to more expeditiously resolve compliance actions.”

GAC/njw