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FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/07

SPONSOR HENRC LAST UPDATED 3/10/07 HB 13/HENRC/aSPAC

SHORT TITLE Water Resources Preservation and Protection SB _____

ANALYST Propst

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the State Engineer (OSE)

New Mexico Environment Department (NMED)

SUMMARY

Synopsis of Amendment

The Senate Public Affairs Committee amendment to HB 13 clarifies that a local county or municipality may regulate and restrict within its jurisdiction the location and use of buildings, structures and land for “agricultural” purposes in addition to the other uses set out in the original bill.

Synopsis of Original Bill

House Energy and Natural Resources Committee Substitute for House Bill 13 expands the zoning authority of a county or municipality to meet the purposes of preserving and protecting water resources to provide an assured water supply. The bill would allow counties or municipalities to enact zoning regulations or restrictions for the purposes of preserving and protecting water resources, allowing for:

1. site development standards to conserve water and minimize water loss;
2. water harvesting and storage;

3. low water use landscaping and plant materials;
4. nonagricultural residential and commercial water use limitations;
5. recycling and reuse of water

SIGNIFICANT ISSUES

The Office of State Engineer reports that the bill would allow counties and municipalities to enact “water harvesting and water storage” zoning regulations. The administration of the capture and storage of surface water is one of the fundamental statutory duties of the State Engineer. In addition to state water law statutes, the State Engineer has promulgated specific rules, regulations and policies that cover the general aspects of water harvesting and storage. OSE supports the wise and efficient use of the State’s resources; and therefore, encourages the harvesting, collection and use of rainwater from residential and commercial roof surfaces for on-site landscape irrigation and other on-site domestic uses.

OTHER SUBSTANTIVE ISSUES

The NM Environment Department notes that, providing municipalities and counties with zoning authority to protect water resources, including water quality, would place more local emphasis on sustainability of a clean water supply. This new option for local zoning control could be particularly beneficial in rural areas where there is often limited consideration of the impact of new, non-traditional land and water uses on surface and ground water quality.

WEP/mt