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FISCAL IMPACT REPORT

ORIGINAL DATE 2-23-07
 SPONSOR Stewart LAST UPDATED 3-05-07 HB HJM48/aHFL#1
 SHORT TITLE Water Development Planning Authority SB _____
 ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB551, HB1080, HB1234, SB1118, SB962 and HB1032

SOURCES OF INFORMATION

LFC Files

Response Received From
Office of the State Engineer (OSE)

SUMMARY

Synopsis of House Floor Amendment Number 1

House Floor Amendment Number 1 to House Joint Memorial 48 amends to legislation to reflect the following language:

1. On page 2, between lines 20 and 21, insert:

"WHEREAS, there have been proposals to adopt criteria to be included in the water development plans, to make the plans public, to have them be adopted by the appropriate governing body and to update them regularly; and

WHEREAS, when planning for the future, it is necessary to include representatives from agricultural interests and from Indian nations, tribes and pueblos; and".

Synopsis of Original Memorial

House Joint Memorial 48 requests that the state engineer convene representative stakeholders for the purpose of informing and making recommendations to the state engineer relating to planning authority that should be allowed to municipalities, counties, school districts, state universities, member-owned community water systems, special water users associations and regulated water and electric public utilities. It also directs that interstate commerce limitations on the state's ability to conserve the state's water supplies be included in the evaluation, and requires the state engineer report the state engineer's recommendations to the appropriate interim legislative committee by August 1, 2007. There is no appropriation attached to this legislation.

FISCAL IMPLICATIONS

OSE notes that this will require some FTE staffing but will be absorbed by the state engineer.

SIGNIFICANT ISSUES

OSE observes that numerous other bills have been introduced this session that propose to amend §72-1-9, including HB 551, HB 1080, HB 1234, SB1118 and SB 962. HJM 48 has been introduced to avoid conflicting amendments or amendments that could result in unintended consequences. Under this joint memorial, the state engineer would convene representative stakeholders interested in the planning authority provided by § 72-1-9 to inform and make recommendations to the state engineer of their water planning issues and needs, so the state engineer can make his recommendations to the legislature as to how they may be addressed.

PERFORMANCE IMPLICATIONS

OSE indicates that while additional FTE will be required for this process, the short term increase in work load can be absorbed in to the normal day-to-day work of the office of the state engineer.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

OSE indicates notes the following relationships:

HJM 48 relates to HB 551 and HB 1080 (duplicates), which would amend § 72-1-9 NMSA 1978 to extend the water use planning periods allowed by that statute from 40 years to 100 years.

HJM 48 relates to HB 1234 and SB 1118 (duplicates), which substantially amend § 72-1-9 NMSA 1978 with criteria for water development plans.

HJM 48 relates to SB962 and HB1032 (duplicates), which amend §72-1-9 NMSA 1978 to add water and sanitation districts to the already lengthy list of entities allowed to implement a forty year water use planning period and to hold water rights unused for up to forty years.