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FISCAL IMPACT REPORT

SPONSOR Stansbury ORIGINAL DATE 02/21/21
LAST UPDATED 02/22/21 HB 298/ec
SHORT TITLE State Engineer Hearings By Videoconference SB _____
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

No Response Received

Office of the State Engineer (OSE)

SUMMARY

Synopsis of Bill

The bill amends Section 72-2-16 NMSA 1978 to allow certain hearings before the state engineer related to water rights to be held in Santa Fe or via video conference.

This bill contains an emergency clause and would become effective immediately upon signature by the governor.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

Section 72-2-16 NMSA 1978 currently creates a statutory right for a person to have a hearing before the state engineer enters a decision, acts or refuses to act. The bill would no longer require those hearings be held in the county in which the water right at issue is adjudicated, licensed or permitted. Instead, the hearings would be held in Santa Fe or via video conference at the hearing examiner's discretion, unless the parties and state engineer stipulate another site for the hearing.

OTHER SUBSTANTIVE ISSUES

The bill could result in fewer public forum discussions. Also, not everyone is comfortable with or has the same access to technology. In addition, use of the term “stipulate” in the existing language is unclear how parties come to agreement on another venue or which party makes that decision.

AHO/rl