

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (www.nmlegis.gov). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/26/13

SPONSOR Cervantes LAST UPDATED _____ HB _____

SHORT TITLE Water Prior Appropriation Rules SB 494

ANALYST McCoy

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Office of the State Engineer (OSE)

SUMMARY

Synopsis of Bill

Senate Bill 494 (SB494) amends Section 72-2-9.1 by substituting language in one subsection, and adding language in another subsection, clarifying that priority administration rules adopted by the State Engineer shall be enforced and be consistent with Article 16 of the New Mexico constitution and the doctrine of prior appropriation.

FISCAL IMPLICATIONS

No Fiscal Impact.

SIGNIFICANT ISSUES

According to the OSE, SB 494 merely sets out the existing state of the law, that all rules adopted by the State Engineer must be consistent with the constitution and statutes. However, it requires the OSE to enforce prior appropriation which is not being done for all water resources.

ADMINISTRATIVE IMPLICATIONS

The OSE notes, there is no administrative implications, since the legislation does not appear to affect the State Engineer's regulatory authority.

MTM/blm