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FISCAL IMPACT REPORT

SPONSOR: HJC DATE TYPED: 03/09/01 HB 445/HJCS
 SHORT TITLE: State Engineer Enforcement Powers SB _____
 ANALYST: Chabot

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	NFI				

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY01	FY02			
	Unknown	Unknown	Recurring	General Fund

SOURCES OF INFORMATION

LFC Files
 Attorney General
 Office of the State Engineer (SEO)

SUMMARY

Synopsis of Bill

This bill would allow SEO to enforce water laws, rules, permits and licenses through administrative rather than judicial action. SEO could issue a compliance order specifying the violation and requiring compliance within a period of time. A compliance order for over diversion or illegal diversion of water may require repayment with an amount of water up to double the amount of illegal use and require the installation of a measuring device prior to any future diversion of water. The individual named in the compliance order may informally contest the alleged violation through a public hearing. The compliance order becomes final either 30 days after issuance, the public hearing or appeal whichever is the last action. SEO may assess a civil penalty of up to \$100 per day for a violation of a final compliance order. If after the final compliance order is issued and the individual does not comply, SEO may file a civil action to enforce the order.

Significant Issues

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This bill allow SEO to enforce water laws, rules, permits and licenses administratively without bringing suit through the judicial system. According to SEO, as water demands in the state increase, there must be a method to quickly terminate illegal water use. By issuing compliance orders, SEO can resolve some of the illegal use without needing a court action. The individual cited in the compliance order has rights of due process including a public hearing and appeal to through the judicial system.

FISCAL IMPLICATIONS

Revenue from any fines collected will go to the general fund. It is not possible to estimate the amount that will be collected.

RELATIONSHIP

This bill is related to SB 684.

GAC/njw