

LFC Requester:**Jonas Armstrong****AGENCY BILL ANALYSIS
2016 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:****LFC@NMLEGIS.GOV***and***DFA@STATE.NM.US***{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}**Check all that apply:*Original Amendment
Correction Substitute Date January 29, 2016Bill No: SB 204Sponsor: Sen. Richard MartinezAgency Code: 305Short Regional Water UtilityPerson Writing Sarah Bond, AAGTitle: Authority ActPhone: 827-7481Email sbond@nmag.gov**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB 196
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

Synopsis:

SB 204 establishes provisions under which existing local political subdivisions or tribal governments may organize themselves into a regional water utility authority. It requires the authority to file necessary applications with the State Engineer, e.g. to combine and commingle existing water rights, or change in ownership in accord with existing law and practice.

Section 15, paragraph B is unclear about jurisdiction to authorize new domestic wells. While stating an authority has “jurisdiction” over new domestic wells, ¶ G provides the applicant must seek authority approval only after obtaining a state engineer’s approval. Further, ¶K. indicates the section is not intended to limit the state engineer’s authority to administer water rights.

Section 32 amends §72-12-1.1 to require the state engineer to require domestic well permittees to comply with regional water authority laws, if applicable, when issuing domestic well permits.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Section 15B should be clarified that the authority has only “concurrent” jurisdiction over new domestic wells.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 204 is an exact duplicate of HB 196.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A