

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 480

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO WATER; REQUIRING SUBDIVIDERS OF LAND TO POSSESS A
PERMIT FOR OR PROOF OF ACCESS TO A SUFFICIENT AMOUNT OF WATER
TO MEET THE NEEDS OF A PROPOSED SUBDIVISION BEFORE FINAL PLAT
APPROVAL; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 47-6-11.2 NMSA 1978 (being Laws 1995,
Chapter 212, Section 13) is amended to read:

"47-6-11.2. WATER PERMIT REQUIRED FOR FINAL PLAT
APPROVAL.--~~[A. Until July 1, 1997]~~ Before approving the final
plat for a subdivision containing ~~[twenty]~~ ten or more parcels,
any one of which is two acres or less in size, the board of
county commissioners shall require that the subdivider provide
proof of a service commitment from a water provider and an
opinion from the state engineer that the subdivider can fulfill

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1 the requirements of Paragraph (1) of Subsection F of Section
2 47-6-11 NMSA 1978 or provide a copy of a permit obtained from
3 the state engineer, issued pursuant to Section 72-5-1, 72-5-23
4 [or], 72-5-24, [NMSA 1978, or if the subdivision is located
5 within a declared underground water basin, provide a copy of a
6 permit obtained from the state engineer issued pursuant to
7 those sections or to Section] 72-12-3 or 72-12-7 NMSA 1978 for
8 the subdivision water use. In acting on the permit
9 application, the state engineer shall determine whether the
10 amount of water permitted is sufficient in quantity to fulfill
11 the maximum annual water requirements of the subdivision,
12 including water for indoor and outdoor domestic uses. The
13 board of county commissioners shall not approve the final plat
14 unless the state engineer has so issued a permit for the
15 subdivision water use or the subdivider has provided proof of a
16 service commitment from a water provider and the state engineer
17 has provided an opinion that the subdivider can fulfill the
18 requirements of Paragraph (1) of Subsection F of Section
19 47-6-11 NMSA 1978. The board of county commissioners shall not
20 approve the final plat based on the use of water from any
21 permit issued pursuant to Section 72-12-1.1 NMSA 1978.

22 ~~[B. On or after July 1, 1997, before approving the~~
23 ~~final plat for a subdivision containing twenty or more parcels,~~
24 ~~any one of which is two acres or less in size, the board of~~
25 ~~county commissioners may require that the subdivider provide a~~

1 ~~copy of a permit obtained from the state engineer, issued~~
2 ~~pursuant to Section 72-5-1, 72-5-23 or 72-5-24 NMSA 1978, or if~~
3 ~~the subdivision is located within a declared underground water~~
4 ~~basin, provide a copy of a permit obtained from the state~~
5 ~~engineer issued pursuant to those sections or to Section~~
6 ~~72-12-3 or 72-12-7 NMSA 1978 for the subdivision water use. In~~
7 ~~acting on the permit application, the state engineer shall~~
8 ~~determine whether the amount of water permitted is sufficient~~
9 ~~in quantity to fulfill the maximum annual water requirements of~~
10 ~~the subdivision, including water for indoor and outdoor~~
11 ~~domestic uses. The board of county commissioners may elect not~~
12 ~~to approve the final plat if the state engineer has not issued~~
13 ~~a permit for the subdivision water use.]"~~

14 SECTION 2. EMERGENCY.--It is necessary for the public
15 peace, health and safety that this act take effect immediately.

underscoring material = new
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