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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/28/08

SPONSOR Lovejoy LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Utton Transboundry Center Conference SB 249

ANALYST Escudero

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$150.0	Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Higher Education Department (HED)  
Office of State Engineer (OSE)  
University of New Mexico (UNM)  
Indian Affairs Department (IAD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 249 appropriates \$150,000 from the general fund to the Board of Regents at the University of New Mexico (UNM) for expenditure in FY09 for programs to support the UttonTransboundary Resources Center at the UNM School of Law in sponsoring some expenses of a national conference on Indian water rights.

### FISCAL IMPLICATIONS

The appropriation of \$150.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of 2009 shall revert to the general fund.

This particular request was not submitted by UNM to the New Mexico Higher Education Department for review and is not included in the Departments funding recommendation for FY09. However, a request was for increasing the base funding for the Utton Transboundary Resource Center was presented and the provisions contained within SB249 may fall within those boundaries. The Department's executive recommendation for FY09 pertaining to the Utton

Transboundary Resources Center is for a continuation of FY08 recurring funding in the amount of \$431,000.

According to OSE, SB 249 is a one-time appropriation for an event to be sponsored by the Utton Transboundary Resources Center [UTRC] and it is not anticipated that additional expenditures will be required. There appear to be no fiscal implications for the Office of the State Engineer.

## **SIGNIFICANT ISSUES**

As stated by HED, according to UNM, the UTRC brings together experts from law, science, and public policy to resolve inter-jurisdictional natural resources issues, with an emphasis on water resources along the U.S./Mexico border. The center acts as a neutral partner in helping stakeholders gather and use data for sustainable resource management plans, including assisting Sandia National Laboratories on a water-planning model for the Middle Rio Grande Water Assembly. Since its inception in 1986, the center has promoted preventive diplomacy to find solutions for both national and international resource issues. Students participate as research assistants and project organizers on all of these activities.

As stated by IAD, SB 249 would appropriate monies to the Utton Transboundary Resources Center (“Center”) to alleviate some of the costs of hosting a national Indian water rights conference. The Center, housed at the University of New Mexico School of Law:

Supports collaborative natural resource management using multidisciplinary expertise and inclusive, diverse stakeholder involvement. The Center develops processes that help parties with differing views of resource use come together in an environment of respect and learning to work on management options and solutions. The Center’s transboundary work crosses political, disciplinary and cultural boundaries in fulfilling its mission to promote equitable and sustainable management and utilization of transboundary resources using impartial expertise.

SB 249 would assist the Center host the “Winters Centennial Conference” on June 9-12, 2008. 2008 marks the centennial of *Winters v. United States*, an important United States Supreme Court case in which the Court formulated the reserved water rights doctrine.

“This symposium will review the legal and cultural history of the *Winters* decision, assess the contemporary consequences of the reserved water rights doctrine (both nationally and internationally), and project the significance of Indian water rights into the 21<sup>st</sup> Century. The goal of the symposium is to assemble Indian reserved water rights policy makers and decision makers at all levels in order to deepen the understanding of the effect of *Winters* and to advance the dialogue regarding the future role of reserved rights.”

As stated by UNM, the Utton Transboundary Resources Center was established at the University of New Mexico School of Law in 2001 to carry on the work of the late Professor Albert E. Utton related to transboundary resource issues. Professor Utton, a visionary and man of diplomacy, was co-founder of The International Transboundary Resources Center (CIRT) and the Natural Resources Center (NRC) at the University of New Mexico School of Law.

The Utton Center carries out its mission to promote equitable and sustainable management and utilization of transboundary resources by applying impartial expertise, multi-disciplinary scholarship, and preventive diplomacy through its staff expertise and support for

academic research and field work projects. Solutions for complex transboundary resource issues are reached using preventive diplomacy and fact-based analysis.

- The Utton Center examines and analyzes the problems, develops teams to collaborate on solutions, and helps avoid costly litigation while fostering sustainable resource management plans. A recent example of this work is the drafting and publication of a Model Interstate Water Compact. Current projects include: facilitation of efforts to coordinate the three regional water plans for the Middle Rio Grande in collaboration with state agencies, local governments, water users, and other interested stakeholders; participation as part of the UNM team in the federal-state-local collaborative program for study and implementation of riparian restoration and instream flow management in the Middle Rio Grande for the protection of endangered species; and representation of the State of New Mexico in the water committees of the New Mexico-Chihuahua Commission and the Border Governors' Conference.
- During the six years the Utton Center has operated, the staff supported by the state funds has developed projects supported by grants and contracts from outside sources. A continuing base of support from the state will allow us to continue to leverage that support by developing new projects as well as sustaining our current involvement in several projects focused on long-term resources planning in the Middle Rio Grande.
- There are many other pressing resource management issues of concern to the state and its neighbors that will require a stepped-up level of activity for the Utton Center in the future. The current staff of the Center includes the director, one professional staff, and two support staff. The appropriation of an additional \$75,000 for FY 2009 to supplement the current budget will contribute 75% of the cost to hire a second professional staff member. (The Center undertakes to develop grants or contracts to supply the other 25 %.)

\*This estimated revenue will materialize *only* if UNM “breaks out of the band” for formula workload funding. The program revenue estimates are based on new student credit hours (SCH) that the program will produce. However, the funding base for UNM is over 600,000 SCH, requiring an overall gain of some 18,000 SCH to be eligible for new funding. UNM’s enrollment forecasts indicate relatively flat enrollments for the next 3-5 years.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Per HED, Relates to SB123 requesting an increase to the operational budget in the amount of \$75,000 for the Utton Transboundary Resources Center at UNM’s School of Law.

PME/mt