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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/29/19  
 LAST UPDATED 3/13/19      HB \_\_\_\_\_

SPONSOR Wirth

SHORT TITLE Interstate Stream Commission Membership      SB 5/aSRC/aSCONC/aHJC

ANALYST Hanika-Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
	No Fiscal Implications		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Office of the State Engineer (OSE)  
 Indian Affairs Department (IAD)  
 University of New Mexico Utton Center (UNM)  
 New Mexico State University (NMSU)  
 Administrative Office of the Courts (AOC)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee Amendment to Senate Bill 5 as twice amended adds that the appointed members shall reside in at least three different OSE water rights districts.

#### Synopsis of SCONC Amendment

The Senate Conservation Committee Amendment to Senate Bill 5 as amended by the Senate Rules Committee requires the professional hydrogeologist, one of four members appointed by New Mexico Legislative Council, be a faculty member of the New Mexico Institute of Mining and Technology, and requires all actions of the commission to be by a two-thirds majority vote.

#### Synopsis of SRC Amendment

The Senate Rules Committee Amendment to Senate Bill 5 inserts “with the advice and consent of the senate” when referring to members appointed by either the governor or Legislative

Council, and increases the number of members that can be appointed from the same congressional district.

Synopsis of Original Bill

Senate Bill 5 repeals Section 72-14-1 NMSA 1978 and enacts Section 72-14-1 NMSA 1978 to create the Interstate Stream Commission (Commission) consisting of the state engineer and four members appointed by the governor with not more than two from the same political party and at least one from a New Mexico Indian nation, tribe or pueblo. Within this group, two must represent irrigation or conservancy districts, one a New Mexico aquia or community ditch, and one a New Mexico drinking water utility that provides 500 acre-feet of water annually for domestic use.

The bill provides an additional four members appointed by the Legislative Council with not more than two from the same political party and at least one from a New Mexico Indian nation, tribe or pueblo. Within this second group, two must be from irrigation or conservancy districts, one from the N.M. Water Resources Research Institute at NMSU or from the civil or environmental engineering faculty at NMSU or UNM, and one must be a practicing hydrologist or water engineer.

Within these two groups, no two shall be from the same irrigation or conservation district or Indian nation, tribe, or pueblo and no more than three shall be appointed from the same congressional district. A member who changes political party affiliation is said to have resigned, and a person shall not be qualified for appointment if the person has changed party affiliation in the previous two years. For terms of office, members serve a staggered term of four years. Initial terms would be decided by drawing lots, with two serving one year, two years, two three years, and two four years. Further, a member may be removed from the Commission by the governor or the Legislative Council, depending upon the appointing authority, for missing three consecutive meetings or for cause, and no member may hold an office or be employed by a political party.

Finally, SB 5 discusses majority voting, defines a quorum, and enacts a temporary provision that includes describing the sequence of member succession from the current Commission members.

**FISCAL IMPLICATIONS**

No fiscal implications.

**SIGNIFICANT ISSUES**

UNM notes the bill requires greater professional requirements for membership of the Commission, while also providing for political diversity and long-term stability among Commission members.

**ADMINISTRATIVE IMPLICATIONS**

IAD reports tribal representation on the Commission is greatly needed, however, the restrictive requirements of potential tribal candidates may make the search for appointees difficult.

**OTHER SUBSTANTIVE ISSUES**

NMSU reports the New Mexico Water Resources Research Institute supports water research by tapping into the expertise of faculty and students at all New Mexico universities. Additional civil or environmental engineering faculty at NMSU and UNM further solidifies this approach of accessing universities to address the water issues that fall within the scope of the Commission.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Commission members will continue to be appointed by the governor which could at times mean dominance by one political party and fewer water management experts as members.

**AMENDMENTS**

UNM's Utton Center suggested an amendment that expanded participation on the Commission to include water academics from other disciplines, such as geography, law or planning.

AHO/al/sb