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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>  SCONC  </u>	<b>LAST UPDATED</b> <u>  02/09/23  </u>
<b>SHORT TITLE</b> <u>  Interstate Stream Commission Members  </u>	<b>ORIGINAL DATE</b> <u>  01/26/23  </u>
	<b>BILL NUMBER</b> <u>  CS/Senate Bill 58/SCONC/aSRC  </u>
	<b>ANALYST</b> <u>  Sanchez  </u>

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Responses to request for analysis on Amended Bill Received From Office of the State Engineer (OSE)

Responses to request for analysis on Original Bill Received From Attorney General’s Office (NMAG)  
 The University of New Mexico (UNM)  
 Indian Affairs Department (IAD)  
 New Mexico State University (NMSU)

## SUMMARY

### Synopsis of SRC Amendment

The Senate Rules Committee amendment to Senate Bill 58 adds language which inserts the word “section” to paragraph 1.2.A after “districts.” The new sub-bullet reads “four representatives of irrigation or conservancy districts or sections.”

In its analysis of the amended committee substitute, the Office of the State Engineer states:

The addition of the word “section” was proposed by the NMISC Director and is intended to add language from the existing 72-14-1 which is being repealed and replaced by this bill... By adding “sections” back into the bill...highly experienced water resource professionals/individuals [who are not members of an irrigation district] would still be eligible to be Interstate Stream Commissioners.

## Synopsis of Original Bill

Senate Bill 58 proposes to replace Section 72-14-1 NMSA 1978, “Interstate Stream Commission; creation; membership; organization,” with a new section that revises the membership requirements and qualifications for Interstate Stream Commission (ISC) membership.

The amended section retains the previous requirement that the State Engineer be a member, as well as the requirement that at least one member be from a pueblo or tribe.

Senate Bill 58 would add professional experience requirements, require participation from institutions of higher education, ensure diversity of political affiliation and geographic representation among members, and require representation from an acequia or community ditch organization.

The new language adds requirements for commissioners to have at least 10 years of experience with New Mexico water resources, establishes term requirements for members, terms of removal, elections of officers, requirements filling vacated seats, and what actions constitute an official action of ISC.

The effective date of this bill is July 1, 2023.

## FISCAL IMPLICATIONS

There are no new fiscal implications associated with SB58. The new membership requirements proposed in this bill do not add any additional workload or require any additional expenditure of state funds above what is already required by existing law.

## SIGNIFICANT ISSUES

Currently, Section 72-14-1 NMSA 1978 states, “[M]embers appointed by the governor shall be representative of major irrigation districts or sections, and no two members shall be appointed from the same irrigation district or section. The governor shall appoint at least one member of a New Mexico Indian tribe or pueblo to the commission.”

By requiring that membership draw on the professional ranks of engineers, academics, water resource professionals, and community water advocates, the bill aims to ensure diverse representation. However, in its analysis, the Office of the State Engineer voiced concerns about the restrictiveness and recruitment effects of the proposed amendment, stating:

SB58 outlines such extensive requirements for appointments to the New Mexico Interstate Stream Commission (NMISC) that it would ultimately make it very difficult to identify candidates that meet the complex and burdensome restrictions or who would be willing to volunteer to do so. The proposed appointment requirements will significantly limit the ability to select appropriate volunteer candidates to serve the State of New Mexico. First, the candidate qualification requirements presented are so restrictive they will severely limit the number of eligible Commissioners. Second, by calling out political affiliation, this bill will unnecessarily politicize water management decisions. Third, the geographic restrictions will further limit the pool of eligible candidates by disqualifying candidates from the same congressional or state engineer water rights districts.

The amendments proposed in Senate Bill 58 should professionalize the composition of ISC but would reduce the size of the candidate pool. Current statute requires only residence in different irrigation districts or sections. By adding experiential requirements, the bill would increase the likelihood that commission members bring that experience to bear on the decision-making of ISC.

SS/rl/hg/al/ne