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## FISCAL IMPACT REPORT

**LAST UPDATED** \_\_\_\_\_  
**ORIGINAL DATE** 02/08/2023

**SPONSOR** Campos

**BILL**  
**NUMBER** Senate Bill 239

**SHORT TITLE** Stream Commission Acequia Bureau

**ANALYST** Sanchez

### APPROPRIATION\* (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
	\$300.0	Recurring	General Fund

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

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	\$300.0	\$300.0	\$600.0	Recurring	Interstate Stream Commission Operating Budget
Total	No fiscal impact	\$300.0	\$300.0	\$600.0	Recurring	

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

Relates to Senate Bill 176

### Sources of Information

LFC Files

#### Responses Received From

Office of the State Engineer (OSE)  
 New Mexico Acequia Association (NMAA)

## SUMMARY

### Synopsis of Senate Bill 239

Senate Bill 239 proposes amending Section 72-14, NMSA 1978 (Interstate Stream Commission; Protection of Interstate Streams) to create a new Acequia Bureau within the Interstate Stream Commission (ISC). The newly created bureau would administer funding for capital improvement

projects involving acequias or community ditches and would assume responsibility for the administration of the acequia and community ditch infrastructure fund.

The bill also requires the newly created Acequia Bureau to coordinate efforts with other state and federal agencies (including developing cost-sharing agreements), facilitate communication with acequias and community ditches, and produce an annual report before October 1 to the appropriate interim legislative committee on the status of infrastructure funding administered by the bureau.

Senate Bill 239 appropriates \$300 thousand from the general fund to the Interstate Stream Commission for the purpose of carrying out the duties associated with the newly created Acequia Bureau.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023 (90 days after the Legislature adjourns) if signed into law.

## **FISCAL IMPLICATIONS**

The appropriation of \$300 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY24 shall not revert to the general fund.

The Interstate Stream Commission (ISC) is administratively attached to the Office of the State Engineer (OSE). In its analysis of Senate Bill 239, OSE states there are no major fiscal implications for the agency because of the recurring appropriation. The agency believes the \$300 thousand recurring appropriation would be sufficient to carry out the duties of the proposed Acequia Bureau.

## **SIGNIFICANT ISSUES**

Under current statutes, the Interstate Stream Commission is the agency charged with administering the acequia and community ditch infrastructure fund (ACDIF). ISC currently has three dedicated full-time staff whose duties closely align with those proposed in this bill. The addition of \$300 thousand in recurring appropriations is favored by OSE, whose analysis states that increasing needs due to climate change will likely strain the current workforce. However, the agency's analysis also notes SB239, as written, seems to eliminate the requirements for public participation under the Open Meetings Act.

Analysis from the New Mexico Acequia Association echoes that of OSE, endorsing the appropriation and the resulting increase in capacity at the agency. However, NMAA's analysis does not offer an opinion regarding the creation of a new bureau.

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

SB239 relates to Senate Bill 176, which would transfer additional funds from the irrigation works construction fund to the acequia and community ditch infrastructure fund.

## **ALTERNATIVES**

OSE's analysis states: "Sections 1 and 2 of the bill could be eliminated, and the bill could be a standalone appropriation bill for an acequia bureau at the NMISC."

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