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HOUSE BILL 187

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Tomás E. Salazar

AN ACT

RELATING TO WATER; TASKING THE UTTON TRANSBOUNDARY RESOURCES CENTER WITH EVALUATING AND MAKING RECOMMENDATIONS TO AMEND NEW MEXICO'S WATER LAWS; MAKING AN APPROPRIATION.

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

**SECTION 1.** TEMPORARY PROVISION--WATER LAW STUDY--UTTON TRANSBOUNDARY RESOURCES CENTER--WATER REVIEW PANEL--DUTIES.--

A. The Utton transboundary resources center at the university of New Mexico shall evaluate and recommend amendments, if any, to New Mexico's water laws with regard to the following questions:

(1) how could New Mexico's existing water laws be amended to:

(a) reform adjudication processes;  
(b) protect water supplies for use by future generations;

(c) prepare for a future with changes in water supplies and water demands caused by higher temperatures and climate change; and

(d) address any other specific problems identified by the water law review panel;

(2) should the state create within the executive branch a department of water resources with the authority to oversee both the office of the state engineer as the technical state water rights and water use regulator and administrator, and the interstate stream commission as the water resource planning, compact compliance and water resources management agency;

(3) how should the state organize and streamline its water-related infrastructure capital assistance programs and agencies;

(4) what actions should be taken for the state to request and receive federal assistance to address the state's water resource management problems and issues, including climate change and aridification; and

(5) what types or sources of revenue, including user fees, could be used to ensure that sufficient and sustainable funding is available for the measurement, monitoring, modeling, planning and administration of New Mexico's water resources.

B. The center shall procure and manage the services of a diverse set of recognized experts in western states' water

law and governance to jointly evaluate and recommend specific amendments, if any, to New Mexico's water laws regarding the questions listed in Subsection A of this section. A firm or individual expert that represents a political subdivision of the state with regard to water management or water rights shall not be selected to participate in the evaluation.

C. The center shall appoint a diverse set of members of a "water law review panel" to advise the center in the evaluation undertaken pursuant to Subsection A of this section and to review the center's recommended water law amendments. All persons having experience and expertise in the topics under evaluation shall be eligible to be selected by the center to be members of the water law review panel. Members of the panel may suggest additional topics to the center for evaluation, and the center shall give full consideration to the water law review panel's comments on the recommendations. Members of the panel are entitled to receive per diem and mileage pursuant to the Per Diem and Mileage Act.

D. By September 30, 2020, the center shall transmit a detailed report of its evaluation and water law amendment recommendations to the legislative council service for distribution to the appropriate interim committees. The appropriate interim committees shall review the center's findings and consider the need for the specific, recommended amendments to state water law.

E. By September 30, 2021, the center shall transmit to the legislative council service for distribution to the appropriate interim committees a second detailed report of its evaluation and water law amendment recommendations that specifically address any water law issues that were not resolved in the 2021 legislative session. The appropriate interim committees shall review the center's findings and consider the need for the specific, recommended amendments to state water law.

FE. For the purposes of this section, "center" means the Utton transboundary resources center at the university of New Mexico.

**SECTION 2. APPROPRIATION.**--One million five hundred thousand dollars (\$1,500,000) is appropriated from the general fund to the board of regents of the university of New Mexico for expenditure in fiscal years 2020 ~~and 2021~~through 2022 for the Utton transboundary resources center to undertake an evaluation of New Mexico water law pursuant to Section 1 of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year ~~2021~~2022 shall revert to the general fund.