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FISCAL IMPACT REPORT

SPONSOR: Begaye DATE TYPED: 02/13/03 HB 151/aHJC/aHF#1

SHORT TITLE: Appoint Indian to Commissions SB _____

ANALYST: Chabot

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Environment Department (NMED)

Office of the State Engineer (OSE)

SUMMARY

Synopsis of HF1#1

House Floor Amendment Number 1 strikes “Native American” on page 2, line 2 and inserts “member of a New Mexico Indian tribe or pueblo.”

This was already changed by the HJC amendment described below.

Synopsis of HJC Amendment

The House Judiciary Committee amendment changes the term “Native American” to “member of a New Mexico Indian Tribe or Pueblo” in three instances in the bill. It does not change the intent of the original bill.

Synopsis of Original Bill

House Bill 151 amends Section 72-14-1 NMSA 1978 and Section 74-6-3 NMSA 1978 to require a Native American be appointed to the Interstate Stream Commission (ISC) and the Water Quality Control Commission (WQCC).

Significant Issues

Current membership of the ISC is eight members from major irrigation districts appointed by the Governor and a ninth member who is the State Engineer. This bill would require one of the eight appointed members be a Native American.

Current membership of the WQCC consists of 12 members: six are secretaries or directors of state agencies, the chairman of the soil and water conservation commission, the director of the Bureau of Mines and Mineral Resources at New Mexico Institute of Mining and Technology, a municipal or county government representative, and three public representatives appointed by the Governor. This bill would require that one of the three public representatives be a Native American.

NMED states that since the inception of the Water Quality Act, a number of groups have indicated a desire to designate public member slots for their particular interest group. It is important to ensure that the commission will not become even larger and more unwieldy by granting designated public member slots. The Governor currently has the discretion to nominate Native Americans to both of the commissions.

POSSIBLE QUESTIONS

1. If all appointments are filled on the ISC or WQCC at the effective date of the statute, does the general have to appoint a Native American immediately or can he wait until the first open appointment to comply with the statute?

GAC/yr:sb/njw