

Synopsis of Original Bill

House Bill 651 enacts the Water Data Act, creates the water data council, directs the establishment of a water data account, and appropriates \$300 thousand from the general fund to the New Mexico Institute of Mining and Technology (NM Tech) and \$200 thousand from the general fund to the Interstate Stream Commission to carry out provisions of the Water Data Act.

The bill provides that the purpose of the Water Data Act is to develop a modern, integrated approach to collecting, sharing and using data and information by state agencies for water management, and to integrate federal, tribal, state, local, and nongovernmental data. The act would also establish a fund to accept both state and outside monies to support improvements to water data statewide.

The bill creates a new interagency water data council to be administered, co-chaired, and staffed by the Bureau of Geology and Mineral Resources (the entity charged with maintaining the data) and the Interstate Stream Commission at OSE (the primary state agency charged with state water planning). Representatives from OSE, NMED, Energy, Minerals and Natural Resources Department, DGF, and higher education institutions would be the initial members of the council.

The mission of the council is to

- Identify water data, information, and tools;
- Develop common water data standards and best practices for data collection, sharing, transparency, and integration;
- Develop an integrated water data and information platform; and
- Identify data and information gaps and needs for further development.

By September 1 each year, the council would submit a plan assessing water data needs, goals, and actions, progress and performance metrics, and budgetary needs for the next fiscal year.

The council would organize an advisory group of federal, tribal, local, and nongovernmental stakeholders to advise the council on water data needs and collaborate on water data integration.

FISCAL IMPLICATIONS

The two appropriations totaling \$500 thousand are a recurring expense to the general fund. Any unexpended or unencumbered balances at the end of FY20 shall not revert to the general fund.

The bill establishes a “water data account” at NM Tech and provides for continuing appropriations, including legislative appropriations, grants, and donations. LFC has concerns with including continuing appropriation language in the statutory provisions for newly created funds, because earmarking reduces the ability of the Legislature to establish spending priorities.

SLO reported, given the office’s revenue-generating and stewardship activities, the office would benefit from the integrated water data and information platform called for by this legislation.

OSE reported the bill requires 2 FTE to implement the act but did not include a cost estimate.

SIGNIFICANT ISSUES

The bill supports science-based water research and planning by proposing to coordinate all the data sets related to water in the state as a way to oversee and manage water resources.

According to OSE, the bill aligns with the *State Water Plan* in prioritizing data collection, accessibility and monitoring, and developing a central clearing house for data. The bill allows for coordination among state agencies for data-sharing practices and identifying and filling gaps where monitoring, metering, and hydrogeologic information are lacking. The bill would integrate existing and new water and ecological data from various databases managed by different entities using a consistent and standardized format, and identify best practices and standards.

Furthermore, the bill provides an opportunity to coordinate and integrate with the Western States Water Council's Water Data Exchange Program to provide better access to water allocation, supply, and demand data maintained by state and other governmental agencies by standardizing vocabularies and data schemas, and then unifying the effort through a data-discovery portal.

PERFORMANCE IMPLICATIONS

NMAG notes the proposed statutory members of the council are described as agencies, and not as agency directors or their designees. In addition, Section 4(B)(8) states membership is to include "other agencies institutions and programs that produce, house or use water related data as determined by a majority of the council." This language appears to remove any cap on the total number of members on the Council, and also does not make clear what constitutes a majority.

ADMINISTRATIVE IMPLICATIONS

NMED reports it is in the process of creating a secure shared platform for environmental data sharing between regional states through an Environmental Protection Agency federal grant.

DOH notes it maintains a private wells program funded by a Centers for Disease Control and Prevention grant that has compiled 25 thousand records of wells and testing into one database.

DGF notes it maintains large water datasets which would be integrated with other statewide data.

SLO notes its water data is associated with leasing activities (e.g., salt water disposal wells, monitoring wells, extraction wells, frack pond data, etc.) and do not reside in a central location or in a standardized format, making it unlikely it could be added to the water data platform.

SUBSTANTIVE ISSUES

NMSU reports the New Mexico Water Resources Research Institute is listed as one of the participants in the council and has developed the New Mexico Dynamic Statewide Water Budget that can be used to account for the origin and fate of New Mexico's water resources through time, providing a more in-depth understanding of the temporal and spatial distribution of water in the state. This information would help policymakers and water managers make more informed and effective decisions about managing the State's critical and scarce water resources.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Agencies would continue to maintain water data separately and there would not be an avenue for state agencies to accept nonstate funding to develop an integrated data platform statewide.

AHO/sb