

1 SENATE BILL 337

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO WATER PLANNING; ENACTING THE WATER SECURITY
12 PLANNING ACT; AUTHORIZING THE INTERSTATE STREAM COMMISSION TO
13 MAKE LOANS AND GRANTS FOR REGIONAL WATER PLANNING; REQUIRING
14 THE INTERSTATE STREAM COMMISSION TO MAKE RULES AND GUIDELINES
15 FOR REGIONAL WATER PLANNING; PROVIDING DUTIES OF REGIONAL WATER
16 PLANNING ENTITIES.

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

19 SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
20 through 4 of this act may be cited as the "Water Security
21 Planning Act".

22 SECTION 2. [NEW MATERIAL] DEFINITION.--As used in the
23 Water Security Planning Act, "commission" means the interstate
24 stream commission.

25 SECTION 3. [NEW MATERIAL] WATER PLANNING FUNDING--

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1 REGIONAL WATER PLANNING--RULES--GUIDELINES.--

2 A. The commission may make grants or loans of funds
3 for the purpose of regional water planning, as possible, using
4 appropriations made for that purpose.

5 B. The commission shall:

6 (1) promulgate rules that, at a minimum,
7 establish:

8 (a) the boundaries and number of water
9 planning regions in the state;

10 (b) the criteria for commission approval
11 of a regional water security plan with prioritized projects and
12 activities;

13 (c) the procedure for a regional water
14 planning entity to develop and provide notice to the commission
15 of issues and concerns relating to the public welfare of the
16 water planning region;

17 (d) the composition of a regional water
18 planning entity; and

19 (e) the procedure for a regional water
20 planning entity to consider environmental noneconomic values
21 and the needs of future generations of New Mexicans;

22 (2) adopt guidelines that, at a minimum,
23 address:

24 (a) the public input requirements for
25 regional water planning;

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1 (b) the requirements for a proposal for
2 grants or loans for planning activities;

3 (c) the process for approval of grants
4 or loans;

5 (d) the process for state agency
6 collaboration;

7 (e) the metrics for reporting on
8 regional water projects and activities;

9 (f) the procedures to support
10 implementation of a regional water security plan; and

11 (g) the schedule for implementation of
12 regional water planning, including integration with statewide
13 objectives;

14 (3) emphasize engagement, communication and
15 education in regional water planning activities statewide;

16 (4) provide engagement with Indian nations,
17 tribes and pueblos, including through the use of the State-
18 Tribal Collaboration Act;

19 (5) provide engagement with acequia
20 communities;

21 (6) provide for the equitable engagement of
22 rural and at-risk communities;

23 (7) ensure, by using the integrated water data
24 and information platform developed pursuant to the Water Data
25 Act and collaborating with the bureau of geology and mineral

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1 resources of the New Mexico institute of mining and technology
2 and the water resources research institute, that the best
3 science, data and models relating to water resource planning
4 are available to the regional water planning entities and are
5 used with scientific integrity and adherence to principles of
6 honesty, objectivity, transparency and professionalism in
7 developing, vetting and prioritizing proposals;

8 (8) report, by October 31 of each year, to the
9 appropriate legislative interim committee dealing with water
10 and natural resources and, by October 31 of each year,
11 distribute the report to the appropriate state agencies dealing
12 with water and natural resources on regional water planning
13 implementation that includes:

14 (a) approved regional water security
15 plans with prioritized projects and activities for state
16 funding;

17 (b) outcomes of regional water security
18 plan implementation; and

19 (c) the status of regional water
20 planning expenditures; and

21 (9) support regional water planning entities
22 by:

23 (a) providing technical and local
24 capacity development support, including locally based
25 commission staff and funding;

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1 (b) providing statewide objectives for
2 regional water security plan development, including compliance
3 with interstate compacts and the federal Endangered Species Act
4 of 1973;

5 (c) supporting the development of a
6 proposal for alternative administration through active water
7 resources management that may be submitted to the state
8 engineer for approval; and

9 (d) identifying funding sources and
10 supporting the acquisition of funds for implementation of
11 approved regional water security plans.

12 SECTION 4. [NEW MATERIAL] REGIONAL WATER PLANNING
13 ENTITIES.--

14 A. An entity shall not be made a part of a proposal
15 for planning funds under this section without that entity's
16 consent.

17 B. The outcomes sought by each regional water
18 planning entity shall:

- 19 (1) be established through broad public input;
20 (2) seek to equitably balance water uses;
21 (3) be grounded in state water law;
22 (4) consider environmental, noneconomic values
23 and the needs of future generations of New Mexicans;
24 (5) be developed using the best available
25 science; and

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1 (6) provide for equitable access to water for
2 domestic use.

3 C. Each regional water planning entity shall:

4 (1) be composed of regional stakeholders;

5 (2) ensure opportunities for participation by
6 Indian nations, tribes or pueblos located within the water
7 planning region;

8 (3) obtain public input in the development,
9 vetting and prioritization of regional water planning
10 activities and proposals;

11 (4) assist in the funding, development and
12 incorporation of plans for at-risk communities;

13 (5) report to the commission by June 30 of
14 each year on the progress of planning activities and outcomes
15 of regional water security plan implementation; and

16 (6) review existing water plans and data sets
17 of municipalities, counties and other entities within the water
18 planning region and use them as appropriate.

19 SECTION 5. Section 72-14-44 NMSA 1978 (being Laws 1987,
20 Chapter 182, Section 2) is amended to read:

21 "72-14-44. INTERSTATE STREAM COMMISSION--GROUNDWATER
22 APPROPRIATION--WATER RIGHTS PURCHASE--WATER PLANNING FUNDING.--

23 A. The interstate stream commission is authorized
24 to appropriate groundwater or purchase water rights on behalf
25 of any of the various regions of the state.

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1 B. Nothing in this section shall be construed as
2 permitting the condemnation of water rights or as determining,
3 abridging or affecting in any way the water rights of Indian
4 nations, tribes or pueblos.

5 ~~[G. The interstate stream commission is authorized~~
6 ~~to make grants or loans of funds for the purpose of regional~~
7 ~~water planning. Prior to approval of any proposal by a region~~
8 ~~for planning funds under this section, the commission shall~~
9 ~~develop criteria for evaluating such proposals. These criteria~~
10 ~~at a minimum shall provide for:~~

11 ~~(1) identification of the region requesting~~
12 ~~planning funds and why it is hydrologically and politically an~~
13 ~~appropriate applicant;~~

14 ~~(2) use of an appropriate planning process,~~
15 ~~including opportunities for participation by those Indian~~
16 ~~tribes located within the various regions of the state;~~

17 ~~(3) reasonable proposed costs and timetables~~
18 ~~for completion of the planning process;~~

19 ~~(4) appropriate provisions for notice, review~~
20 ~~and comment where applicable;~~

21 ~~(5) adequate review of potential conflict with~~
22 ~~laws relating to impact on existing water rights;~~

23 ~~(6) adequate review of water conservation and~~
24 ~~the effect on the public welfare; and~~

25 ~~(7) identification of sources other than the~~

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1 ~~interstate stream commission for funding of the proposed~~
2 ~~regional planning process.~~

3 ~~D. A water planning region eligible for funding~~
4 ~~under this section is an area within the state that contains~~
5 ~~sufficient hydrological and political interests in common to~~
6 ~~make water planning feasible. The state as a whole shall not~~
7 ~~be considered a water planning region for purposes of this~~
8 ~~section.~~

9 ~~E. No entity shall be made a part of a proposal for~~
10 ~~planning funds under this section without its consent.~~

11 ~~F. No funds shall be granted under this act to any~~
12 ~~party or parties that are not within a water planning region.~~
13 ~~Whether a proposal for funding falls within a water planning~~
14 ~~region shall be determined on a case-by-case basis by the~~
15 ~~interstate stream commission after consultation with the state~~
16 ~~engineer and consideration of the following:~~

17 ~~(1) whether the source of water and the~~
18 ~~potential place of use of the water are located within the same~~
19 ~~hydrologic basin; and~~

20 ~~(2) if there is more than one party and the~~
21 ~~parties are requesting funds on a joint basis, whether the~~
22 ~~parties have demonstrated political and economic interests in~~
23 ~~common by entering into a binding intergovernmental agreement~~
24 ~~for carrying out the planning process.]"~~