

LFC Requester: _____

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: **Date** 1/26/24
Original **Amendment** _____ **Bill No:** SB 198
Correction **Substitute** _____

Sponsor: Sen. Steven McCutcheon II & Sen. Pat Woods **Agency Name and Code Number:** Office of the Engineer 550
Game Commission Land & Water Acquisitions **Person Writing** Nat Chakeres
Short Title: _____ **Phone:** (505) 231-4459 : **Email** Nathaniel.chakeres@ose.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None
Duplicates/Relates to Appropriation in the General Appropriation Act None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

This bill would amend Sections 17-1-14, 17-2-44 and 17-4-1 of the Act relating to the State Game Commission to provide for additional requirements for the acquisition of water rights and land, including Legislative approval; and would provide for additional reporting requirements to the Legislature.

Those new requirements are recited under Section 17-4-1 and provide that the state game commission shall do the following prior to acquiring land or water rights:

- (1) obtain written approval of an acequia association, a land grant and the board of county commissioners of the county in which the property or water rights sought are located;
- (2) examine and compile a report on the social, cultural, and economic impacts to the acequia association, land grant or county in which the acquisition is located; and
- (3) obtain the approval of the legislature for the acquisition.

Section 17-4-1 also provides that the state game commission shall report to the legislature no later than October 1 of each year on all expenditures from the game protection fund and their purposes, the results of the social, cultural, and economic impact survey of any land or water acquisition and recommendations for legislative approval for further expenditures from the fund for the acquisition of land or water rights.

FISCAL IMPLICATIONS

None

SIGNIFICANT ISSUES

With respect to the acquisition of water rights from acequias, there is already a provision in state law requiring permission from the acequia (assuming the acequia has bylaws in place) before the water rights can be transferred off the acequia. NMSA 1978, § 72-5-24.1. Permission from the affected acequia is not precisely the same as permission from “an acequia association.” Multiple acequias frequently join together into larger associations. Statewide, there is the New Mexico Acequia Association. Under the current wording in the bill, any of these associations could give

permission for the land/water sale. It is unclear what would happen if one association gave permission, but another opposed the sale. It is also unclear what should happen if there are no acequia associations or land grants in the relevant county, as this requirement is applicable to every acquisition of land or water by the Game Commission.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Act will continue to apply as currently written.

AMENDMENTS

None