

HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 517

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

AN ACT

RELATING TO WATER; CREATING THE ACEQUIA AND COMMUNITY DITCH
INFRASTRUCTURE FUND TO BE ADMINISTERED BY THE INTERSTATE STREAM
COMMISSION; MAKING AN ANNUAL TRANSFER FROM THE NEW MEXICO
IRRIGATION WORKS CONSTRUCTION FUND; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 72, Article 14 NMSA
1978 is enacted to read:

"[NEW MATERIAL] ACEQUIA AND COMMUNITY DITCH INFRASTRUCTURE
FUND--CREATED.--

A. The "acequia and community ditch infrastructure
fund" is created in the state treasury and shall be
administered by the interstate stream commission. The fund
consists of money transferred from the New Mexico irrigation
works construction fund and interest accruing to the fund.

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underscored material = new
[bracketed material] = delete

1 Disbursements from the fund shall be made by warrant of the
2 secretary of finance and administration pursuant to vouchers
3 signed by the director of the interstate stream commission or
4 the director's authorized representative. Any unexpended or
5 unencumbered balance remaining in the fund at the end of any
6 fiscal year shall revert to the New Mexico irrigation works
7 construction fund.

8 B. Money in the fund is appropriated to the
9 interstate stream commission to provide funding for the
10 planning, engineering design or construction of irrigation
11 works of acequias or community ditches, including dams,
12 reservoirs, diversions, ditches, flumes or other appurtenances,
13 for the purposes of restoration, repair, improvement of
14 irrigation efficiency or protection from floods.

15 C. The interstate stream commission shall:

- 16 (1) in consultation with the acequia
17 commission and the New Mexico acequia association, develop
18 guidelines and criteria for program eligibility, applications
19 and selection requirements;
- 20 (2) prioritize the provision of funding based
21 on project readiness;
- 22 (3) review acequia or community ditch plans
23 and specifications and inspect completed projects; and
- 24 (4) report biannually to the acequia
25 commission on the progress of projects funded through the fund

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1 and the expenditure of money from the fund.

2 D. As used in this section, "fund" means the
 3 acequia and community ditch infrastructure fund."

4 SECTION 2. Section 72-14-23 NMSA 1978 (being Laws 1955,
 5 Chapter 266, Section 15, as amended) is amended to read:

6 "72-14-23. NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND
 7 CREATED--LIMITATION OF LIABILITY UNDER ACT--REPARATION OF
 8 DAMAGES CAUSED IN CARRYING OUT POWERS GRANTED--AUTHORITY OF
 9 COMMISSION TO RECEIVE CONTRIBUTIONS.--

10 A. There is [~~hereby~~] created a fund to be known
 11 as the "New Mexico irrigation works construction fund", which
 12 shall consist of the income creditable to the permanent
 13 reservoirs for irrigation purposes income fund not otherwise
 14 pledged under Section [~~75-34-19 New Mexico Statutes Annotated,~~
 15 ~~1953 Compilation, (being Laws 1955, Chapter 266, Section 11)]~~
 16 72-14-19 NMSA 1978 and all other [~~moneys which~~] money that may
 17 be appropriated by the [~~state~~] legislature to [~~said~~] the
 18 construction fund. [~~Such~~] The fund shall be a continuing fund
 19 and shall not revert to the general fund [~~of the state~~] or to
 20 any other fund [~~of the state at the end of any biennium~~].

21 B. Annually, two million five hundred thousand
 22 dollars (\$2,500,000) shall be transferred from the New Mexico
 23 irrigation works construction fund to the acequia and community
 24 ditch infrastructure fund.

25 C. The cost of investigations and construction as

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1 authorized in Section [~~75-34-11 New Mexico Statutes Annotated,~~
2 ~~1953 Compilation (being Laws 1955, Chapter 266, Section 3)~~]
3 72-14-11 NMSA 1978 shall be paid from [~~said~~] the New Mexico
4 irrigation works construction fund and also the cost of all
5 preliminary work on any project, and all expenses directly
6 chargeable to such project, prior to the receipt of the
7 proceeds of bonds, shall be paid from the construction fund.
8 The amount of all such expenses on account of any project [~~or~~
9 ~~projects~~] and such part of the general administrative expenses
10 of the commission and the cost of investigation [~~or~~
11 ~~investigations~~] as shall be properly chargeable, in the opinion
12 of the commission, to such project [~~or projects~~] shall be
13 reimbursed to the construction fund upon the receipt of the
14 proceeds of bonds issued for such project [~~or projects~~]. No
15 liability or obligation shall be incurred under the provisions
16 of Sections [~~75-34-9 to 75-34-27 New Mexico Statutes, 1953~~
17 ~~Compilation (being Laws 1955, Chapter 266, Sections 1 to 19)~~]
18 72-14-9 through 72-14-28 NMSA 1978 beyond the extent to which
19 the money [~~shall have~~] has been provided under the authority of
20 [~~this act~~] those sections. All public and private property
21 damaged or destroyed in carrying out the powers granted under
22 [~~this act~~] those sections shall be restored or repaired and
23 placed in [~~their~~] its original condition, as nearly as
24 practicable, or adequate compensation made therefor out of
25 funds provided by [~~this act~~] those sections.

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