

1 HOUSE BILL 200

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO WATER; AMENDING THE NEW MEXICO UNIT FUND; DIRECTING  
12 THE INTERSTATE STREAM COMMISSION TO CONSULT WITH THE WATER  
13 TRUST BOARD ON FUNDING WATER UTILIZATION PROJECTS IN THE  
14 SOUTHWEST WATER PLANNING REGION OF NEW MEXICO; DIRECTING THE  
15 WATER TRUST BOARD TO EVALUATE AND RECOMMEND PROJECTS TO THE  
16 INTERSTATE STREAM COMMISSION; DISALLOWING THE USE OF FUNDS FOR  
17 THE NEW MEXICO UNIT.

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

20 SECTION 1. Section 72-14-45 NMSA 1978 (being Laws 2011,  
21 Chapter 99, Section 1) is amended to read:

22 "72-14-45. NEW MEXICO UNIT FUND--PURPOSE--  
23 APPROPRIATION.--

24 A. The "New Mexico unit fund" is created in the  
25 state treasury. The fund shall consist of money distributed to  
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1 the state pursuant to Paragraphs (2)(D)(I) and (ii) of Section  
2 403(f) of the federal Colorado River Basin Project Act of 1968,  
3 as amended by Section 107(a) of the federal Arizona Water  
4 Settlements Act, Public Law 108-451, December 10, 2004; other  
5 money made available to the fund pursuant to Section 212 of the  
6 federal Arizona Water Settlements Act, Public Law 108-451,  
7 December 10, 2004; appropriations; grants; and donations or  
8 bequests to the fund.

9 B. Income from the fund shall be credited to the  
10 fund. Any unexpended or unencumbered balance remaining in the  
11 fund at the end of a fiscal year shall not revert to the  
12 general fund. Money in the fund shall not be transferred,  
13 other than through an intra-agency transfer, to any other fund.

14 C. Money in the fund shall be administered by the  
15 interstate stream commission and is appropriated to the  
16 interstate stream commission for expenditure in fiscal year  
17 2012 and subsequent fiscal years to comply with the provisions  
18 of the federal laws cited in Subsection A of this section.

19 ~~[Those provisions of federal law establish that the purpose of]~~  
20 Money in the fund ~~[is]~~ shall be used to pay the costs of ~~[the~~  
21 ~~New Mexico unit or other]~~ water utilization ~~[alternatives]~~  
22 projects to meet water supply demands in the southwest water  
23 planning region of New Mexico that encompasses Catron, Grant,  
24 Hidalgo and Luna counties, as determined by the interstate  
25 stream commission in consultation with the water trust board,

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1 which shall be the successor to the southwest New Mexico water  
2 study group. [~~or its successor, including costs associated~~  
3 ~~with planning and environmental compliance activities and~~  
4 ~~environmental mitigation and restoration]~~ Money in the fund  
5 shall not be used to evaluate, plan or construct the New Mexico  
6 unit. The water trust board shall evaluate projects, including  
7 their environmental impacts, proposed within the southwest  
8 water planning region of New Mexico and shall recommend  
9 projects to the interstate stream commission, which shall have  
10 final decision-making authority over which projects are funded.  
11 Money in the fund shall not be expended for any purpose other  
12 than the purpose provided in this section. The interstate  
13 stream commission may adopt rules it deems necessary to carry  
14 out the purpose of this section.

15 D. On or before November 15 of each year, the  
16 interstate stream commission shall report to the appropriate  
17 legislative interim committee dealing with water and natural  
18 resources and to the legislative finance committee on:

19 (1) the status of the New Mexico unit fund;  
20 (2) the distribution of money from the New  
21 Mexico unit fund to implement the purpose of the fund pursuant  
22 to Subsection C of this section; and

23 (3) proposed uses and levels of funding  
24 projected for the following fiscal year.

25 E. Expenditures from the fund shall be made on

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1 warrants signed by the secretary of finance and administration  
2 pursuant to vouchers signed by the director of the interstate  
3 stream commission upon the delegation of authority by the  
4 interstate stream commission."

5 SECTION 2. Section 72-4A-5 NMSA 1978 (being Laws 2001,  
6 Chapter 164, Section 5, as amended) is amended to read:

7 "72-4A-5. BOARD--DUTIES.--The board shall:

8 A. adopt rules governing terms and conditions of  
9 grants or loans recommended by the board for appropriation by  
10 the legislature from the water project fund, giving priority to  
11 projects that have been identified as being urgent to meet the  
12 needs of a regional water planning area that has a completed  
13 regional water plan that has been accepted by the interstate  
14 stream commission; that have matching contributions from  
15 federal or local funding sources available; and that have  
16 obtained all requisite state and federal permits and  
17 authorizations necessary to initiate the project;

18 B. authorize qualifying water projects to the  
19 authority that are for:

20 (1) storage, conveyance or delivery of water  
21 to end users;

22 (2) implementation of federal Endangered  
23 Species Act of 1973 collaborative programs;

24 (3) restoration and management of watersheds;

25 (4) flood prevention; or

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(5) water conservation or recycling,  
treatment or reuse of water as provided by law; ~~and~~

C. create a drought strike team to coordinate  
responses to emergency water shortages caused by drought  
conditions; and

D. evaluate projects, including their environmental  
impacts, and recommend projects to the interstate stream  
commission pursuant to the provisions of Section 72-14-45 NMSA  
1978."