

SENATE BILL 176

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

INTRODUCED BY

Pete Campos and Leo Jaramillo and Elizabeth "Liz" Stefanics and  
Siah Correa Hemphill and Ambrose Castellano

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO WATER; AMENDING THE ACEQUIA AND COMMUNITY DITCH  
INFRASTRUCTURE FUND TO ALLOW FUNDING FOR DISASTER RESPONSE,  
RECOVERY AND HAZARD MITIGATION AND COST SHARE REQUIREMENTS OF  
STATE AND FEDERAL FUNDING PROGRAMS SFC→; ~~INCREASING THE ANNUAL  
TRANSFER FROM THE NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND  
TO THE ACEQUIA AND COMMUNITY DITCH INFRASTRUCTURE FUND; MAKING  
AN APPROPRIATION.~~←SFC SFC→.←SFC

.223674.2AIC March 7, 2023 (4:03pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

SECTION 1. Section 72-14-24.1 NMSA 1978 (being Laws 2019, Chapter 169, Section 1) is amended to read:

"72-14-24.1. 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. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the director of the interstate stream commission or the director's authorized representative. Any unexpended or unencumbered balance remaining in the fund at the end of any fiscal year shall revert to the New Mexico irrigation works construction fund.

B. Money in the fund is appropriated to the interstate stream commission to:

(1) provide funding to acequias or community ditches for [the] planning, engineering design or construction of irrigation works [~~of acequias or community ditches~~] SFC→**and infrastructure projects**←SFC, including dams, reservoirs, diversions, ditches, flumes or other appurtenances for the purposes of restoration, repair, disaster response, recovery

.223674.2AIC March 7, 2023 (4:03pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

and hazard mitigation, improvement of irrigation efficiency  
SFC→,←SFC [or] SFC→and←SFC protection from floods  
SFC→and←SFC SFC→infrastructure projects←SFC ; and

(2) match or meet cost share requirements of other state and federal funding programs.

C. The interstate stream commission shall:

(1) [~~in consultation~~] consult with the acequia commission and the New Mexico acequia association to develop:

(a) guidelines and criteria for  
[~~program~~] funding eligibility; provided that no local cost share shall be required;

(b) applications; and

(c) selection requirements with a prioritization on project readiness and need;

~~[(2) prioritize the provision of funding based on project readiness;~~

~~(3)]~~ (2) review acequia or community ditch plans and specifications [and] SFC→prior to providing funding←SFC ;

(3) inspect completed projects; and

(4) report biannually to the acequia commission on the progress of projects funded through the fund and the expenditure of money from the fund.

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

.223674.2AIC March 7, 2023 (4:03pm)

SFC → ~~SECTION 2. Section 72-14-23 NMSA 1978 (being Laws~~

~~1955, Chapter 266, Section 15, as amended by Laws 2019, Chapter 62, Section 9 and by Laws 2019, Chapter 169, Section 2) is amended to read:~~

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

~~A. There is created a fund to be known as the "New Mexico irrigation works construction fund", which shall consist of the income creditable to the permanent reservoirs for irrigation purposes income fund not otherwise pledged under Section 72-14-19 NMSA 1978 and all other money that may be appropriated by the legislature to the construction fund. The fund shall be a continuing fund and shall not revert to the general fund or to any other fund.~~

~~B. Annually, [two million five hundred thousand dollars (\$2,500,000)] five million dollars (\$5,000,000) shall be transferred from the New Mexico irrigation works construction fund to the acequia and community ditch infrastructure fund.~~

~~C. Annually, one million dollars (\$1,000,000) shall be [distributed] transferred from the New Mexico irrigation works construction fund to the forest land protection revolving fund.~~

.223674.2AIC March 7, 2023 (4:03pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

~~D. The cost of investigations and construction as authorized in Section 72-14-11 NMSA 1978 shall be paid from the New Mexico irrigation works construction fund and also the cost of all preliminary work on any project, and all expenses directly chargeable to such project, prior to the receipt of the proceeds of bonds, shall be paid from the construction fund. The amount of all such expenses on account of any project and such part of the general administrative expenses of the commission and the cost of investigation as shall be properly chargeable, in the opinion of the commission, to such project shall be reimbursed to the construction fund upon the receipt of the proceeds of bonds issued for such project. No liability or obligation shall be incurred under the provisions of Sections 72-14-9 through 72-14-28 NMSA 1978 beyond the extent to which the money has been provided under the authority of those sections. All public and private property damaged or destroyed in carrying out the powers granted under those sections shall be restored or repaired and placed in its original condition, as nearly as practicable, or adequate compensation made therefor out of funds provided by those sections.~~

~~E. The commission shall also have authority to pay the cost of such investigations and construction on any project from the New Mexico irrigation works construction fund when contracts in form satisfactory to it have been entered into~~

underscoring material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

~~whereby title to works have been mortgaged, deeded, assigned or transferred by the owner to the commission, and a program for reimbursement of all amounts expended, together with operation and maintenance charges, have been agreed upon; provided that no construction contract shall be entered into without the prior approval of the state board of finance. The commission shall also have authority to receive and accept appropriations and contributions from any source of either money or property or other things of value to be held, used and applied for the purposes provided in Sections 72-14-9 through 72-14-28 NMSA 1978."~~←SFC

SECTION SFC→3.←SFC SFC→2.←SFC EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.