

AN ACT

RELATING TO WATER; AMENDING LAWS 2002, CHAPTER 109, SECTION 2  
TO CHANGE THE YEARS OF APPROPRIATION FROM THE TAX  
STABILIZATION RESERVE FOR WATER PROJECTS; CHANGING HOW AN  
APPROPRIATION MAY BE EXPENDED; DECLARING AN EMERGENCY.

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

Section 1. Laws 2002, Chapter 109, Section 2 is amended to read:

"Section 2. APPROPRIATION-- CONTINGENCY. --

A. Fifteen million dollars (\$15,000,000) is appropriated from the tax stabilization reserve to the department of finance and administration for expenditure in fiscal years 2003 and 2004 for the purpose of protecting, enhancing or conserving New Mexico's water resources; provided that no less than ten million dollars (\$10,000,000) shall be used to comply with New Mexico's obligations under the Pecos River Compact.

B. Fifteen million dollars (\$15,000,000) is appropriated from the tax stabilization reserve to the department of finance and administration for expenditure in fiscal year 2004 for the purpose of protecting, enhancing or conserving New Mexico's water resources.

C. The department of finance and administration shall transfer each appropriation to the interstate stream

commission upon the compliance with the requirements of this subsection. The transfer and expenditure of each appropriation is contingent upon:

(1) a declaration by the governor pursuant to Section 6-4-2.2 NMSA 1978 that the expenditure is necessary for the public peace, health and safety;

(2) a certification by the governor to the state board of finance that, after the transfer, the sum of the remaining balances in the appropriation contingency fund, the general fund operating reserve and the tax stabilization reserve will not be less than five percent of the recurring general fund appropriations for the prior fiscal year;

(3) a plan, prepared and adopted by the interstate stream commission and describing the proposed expenditures, that is approved by the state board of finance after review by the water trust board; and

(4) an agreement by the state board of finance that the expenditure is necessary for the public peace, health and safety.

D. The interstate stream commission shall make periodic reports on expenditures made pursuant to this section to the water trust board, the legislative finance committee and any other appropriate interim legislative committee.

E. Expenditures for the purchase of land with

valid appurtenant water rights or rights to the delivery of water shall be made only from willing sellers within the lower Pecos river basin downstream from Sumner reservoir.

F. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the tax stabilization reserve. "

Section 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately. \_\_\_\_\_