

1 AN ACT

2 RELATING TO THE NATURAL RESOURCES TRUSTEE; APPROPRIATING THE
3 NATURAL RESOURCES TRUSTEE FUND FOR THE PURPOSE OF RESTORING
4 AREAS IN WHICH NATURAL RESOURCES HAVE BEEN ADVERSELY
5 AFFECTED; PROVIDING THAT INTEREST AND EARNINGS OF THE FUND BE
6 CREDITED TO THE FUND; PROVIDING FOR AN APPEAL FROM DECISIONS
7 OF THE NATURAL RESOURCES TRUSTEE; MAKING AN APPROPRIATION.

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

10 Section 1. Section 75-7-3 NMSA 1978 (being Laws 1993,
11 Chapter 292, Section 3) is amended to read:

12 "75-7-3. NATURAL RESOURCES TRUSTEE POWERS AND DUTIES.--

13 A. The natural resources trustee shall take all
14 actions necessary to carry out the responsibilities of the
15 natural resources trustee as provided in the federal
16 Comprehensive Environmental Response, Compensation and
17 Liability Act of 1980, as amended by the Superfund Amendments
18 and Reauthorization Act of 1986, the federal Water Pollution
19 Control Act and any other applicable federal law, including
20 the responsibility to:

21 (1) act on behalf of the public to protect
22 New Mexico's natural resources by recovering damages for
23 injury to, destruction of or loss of those resources;

24 (2) investigate injury to, destruction of or
25 loss of natural resources;

1 (3) determine the amount and cause of injury
2 to, destruction of or loss of natural resources;

3 (4) determine the liability of any person
4 for injury to, destruction of or loss of natural resources;

5 (5) assess and collect damages for injury
6 to, destruction of or loss of natural resources, including
7 bringing legal actions and collecting the costs of assessing
8 and collecting the damages; and

9 (6) expend money for the purposes set forth
10 in the Natural Resources Trustee Act.

11 B. The natural resources trustee may:

12 (1) hire staff, in accordance with the
13 Personnel Act, to carry out the provisions of the Natural
14 Resources Trustee Act;

15 (2) contract with economists, consultants
16 and other experts; and

17 (3) accept gifts and grants to carry out the
18 provisions of the Natural Resources Trustee Act. Gifts and
19 grants accepted by the natural resources trustee shall be
20 deposited in the natural resources trustee fund.

21 C. The attorney general shall provide legal
22 counsel and representation to the natural resources trustee
23 and the office of the natural resources trustee.

24 D. A person may appeal a decision of the natural
25 resources trustee to the district court in the judicial

1 district in which the damages or violations occurred."

2 Section 2. Section 75-7-5 NMSA 1978 (being Laws 1993,
3 Chapter 292, Section 5) is amended to read:

4 "75-7-5. NATURAL RESOURCES TRUSTEE FUND.--

5 A. The "natural resources trustee fund" is created
6 in the state treasury. Money appropriated to the fund or
7 accruing to it through gifts, grants, fees, penalties,
8 bequests or any other source shall be delivered to the state
9 treasurer and deposited in the fund. Money recovered for the
10 state by or on behalf of the natural resources trustee shall
11 be deposited in the natural resources trustee fund. The fund
12 shall be administered by the natural resources trustee.
13 Disbursements from the fund shall be made upon warrants drawn
14 by the secretary of finance and administration pursuant to
15 vouchers signed by the natural resources trustee or his
16 designated representative. Money in the fund shall not
17 revert to the general fund at the end of a fiscal year.

18 B. Pursuant to the following criteria, money in
19 the natural resources trustee fund shall be used to carry out
20 the provisions of the Natural Resources Trustee Act by
21 restoring, replacing or acquiring natural resources in an
22 area where natural resources have been injured, destroyed or
23 lost, provided that money deposited in the fund because of
24 injury to, destruction of or loss of natural resources in an
25 area shall be disbursed to restore, replace or acquire

1 natural resources in that same area:

2 (1) if an expenditure from the fund is
3 necessary to comply with a court order or court-approved
4 settlement or to match federal funds, then, pursuant to
5 Sections 6-3-23 through 6-3-25 NMSA 1978, the natural
6 resources trustee may request a budget increase and, if
7 approved, the amount of the expenditure is appropriated; and

8 (2) any other expenditures from the fund
9 shall be made only pursuant to appropriation by the
10 legislature.

11 C. In addition to expenditures made pursuant to
12 Subsection B of this section, money in the natural resources
13 trustee fund shall be appropriated annually by the
14 legislature for the purpose of providing for necessary
15 personnel and other costs of the natural resources trustee,
16 the attorney general and the office of natural resources
17 trustee in carrying out the provisions of the Natural
18 Resources Trustee Act, including the cost of investigation,
19 assessment, collection or enforcement.

20 D. Money in the natural resources trustee fund
21 shall be invested as other state funds are invested, and
22 interest and earnings from the fund shall not revert to the
23 general fund but shall be credited to the natural resources
24 trustee fund."
