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HOUSE BILL 261

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Peter Wirth

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO MISCELLANEOUS NATURAL RESOURCES MATTERS; AMENDING
THE NATURAL RESOURCES TRUSTEE ACT TO PROVIDE FOR MANAGEMENT AND
TO USE OF MONEY IN THE NATURAL RESOURCES TRUSTEE FUND AND TO
PROVIDE FOR A GENERAL FUND APPROPRIATION FOR OPERATING EXPENSES
OF THE OFFICE OF THE NATURAL RESOURCES TRUSTEE; MAKING
APPROPRIATIONS.

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

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

"75-7-1. SHORT TITLE.--~~[This act]~~ Chapter 75, Article 7
NMSA 1978 may be cited as the "Natural Resources Trustee Act"."

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

"75-7-2. NATURAL RESOURCES TRUSTEE--OFFICE OF NATURAL

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 RESOURCES TRUSTEE.--

2 A. The "natural resources trustee" is created.
3 [He] The trustee is appointed by and serves at the pleasure of
4 the governor pursuant to the provisions of the federal
5 Comprehensive Environmental Response, Compensation, and
6 Liability Act of 1980, as amended by the federal Superfund
7 Amendments and Reauthorization Act of 1986, the Federal Water
8 Pollution Control Act and any other applicable federal law.
9 The natural resources trustee shall act on behalf of the public
10 as trustee of natural resources within the state or belonging
11 to, managed by, controlled by or appertaining to the state,
12 including protecting and representing the state's interest
13 under applicable federal laws regarding injury to, destruction
14 of or loss of natural resources in the state.

15 B. The "office of natural resources trustee" is
16 created. The office shall be administratively attached to the
17 department of environment. The administrative head of the
18 office of natural resources trustee is the natural resources
19 trustee. For purposes of this subsection, the term
20 "administratively attached" means the same as specified in
21 Section 9-1-7 NMSA 1978."

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

24 "75-7-5. NATURAL RESOURCES TRUSTEE FUND.--
25 A. The "natural resources trustee fund" is created

underscoring material = new
[bracketed material] = delete

1 in the state treasury. Money appropriated to the fund or
2 accruing to it through gifts, grants, fees, penalties, bequests
3 or any other source shall be delivered to the state treasurer
4 and deposited in the fund. Money recovered for the state by or
5 on behalf of the natural resources trustee shall be deposited
6 in the natural resources trustee fund. The fund shall be
7 administered by the natural resources trustee as a separate
8 account and may consist of subaccounts that the natural
9 resources trustee deems necessary to carry out the purposes of
10 the fund. Disbursements from the fund shall be made upon
11 warrants drawn by the secretary of finance and administration
12 pursuant to vouchers signed by the natural resources trustee or
13 ~~[his]~~ the trustee's designated representative. Money in the
14 fund shall not revert to the general fund at the end of a
15 fiscal year.

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

25 (1) if an expenditure from the fund is

.163037.3

underscored material = new
[bracketed material] = delete

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

6 (2) if money is received for reimbursement of
7 assessment costs, then the natural resources trustee may expend
8 money for injury assessment, and money is appropriated in that
9 amount for that purpose; and

10 ~~[(2)]~~ (3) any other expenditures from the fund
11 shall be made only pursuant to appropriation by the
12 legislature.

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

22 D. For purposes of this section, "assessment costs"
23 means the costs of restoration and the costs of collecting,
24 compiling and analyzing information, statistics or data to
25 determine damages for injuries to natural resources pursuant to

.163037.3

