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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 AN APPROPRIATION.

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.--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
RESOURCES TRUSTEE.--

A. The "natural resources trustee" is created.
The trustee is appointed by and serves at the pleasure of the
governor pursuant to the provisions of the federal
Comprehensive Environmental Response, Compensation, and
Liability Act of 1980, as amended by the federal Superfund
Amendments and Reauthorization Act of 1986, the Federal Water
Pollution Control Act and any other applicable federal law.
The natural resources trustee shall act on behalf of the

1 public as trustee of natural resources within the state or
2 belonging to, managed by, controlled by or appertaining to
3 the state, including protecting and representing the state's
4 interest under applicable federal laws regarding injury to,
5 destruction of or loss of natural resources in the state.

6 B. The "office of natural resources trustee" is
7 created. The office shall be administratively attached to
8 the department of environment. The administrative head of
9 the office of natural resources trustee is the natural
10 resources trustee. For purposes of this subsection, the term
11 "administratively attached" means the same as specified in
12 Section 9-1-7 NMSA 1978."

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

15 "75-7-5. NATURAL RESOURCES TRUSTEE FUND.--

16 A. The "natural resources trustee fund" is created
17 in the state treasury. Money appropriated to the fund or
18 accruing to it through gifts, grants, fees, penalties,
19 bequests or any other source shall be delivered to the state
20 treasurer and deposited in the fund. Money recovered for the
21 state by or on behalf of the natural resources trustee shall
22 be deposited in the natural resources trustee fund. The fund
23 shall be administered by the natural resources trustee as a
24 separate account and may consist of subaccounts that the
25 natural resources trustee deems necessary to carry out the

1 purposes of the fund. Disbursements from the fund shall be
2 made upon warrants drawn by the secretary of finance and
3 administration pursuant to vouchers signed by the natural
4 resources trustee or the trustee's designated representative.
5 Money in the fund shall not revert to the general fund at the
6 end of a fiscal year.

7 B. Pursuant to the following criteria, money in
8 the natural resources trustee fund shall be used to carry out
9 the provisions of the Natural Resources Trustee Act by
10 restoring, replacing or acquiring natural resources in an
11 area where natural resources have been injured, destroyed or
12 lost, provided that money deposited in the fund because of
13 injury to, destruction of or loss of natural resources in an
14 area shall be disbursed to restore, replace or acquire
15 natural resources in that same area:

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

22 (2) if money is received for reimbursement
23 of assessment costs, then the natural resources trustee may
24 expend money for injury assessment, and money is appropriated
25 in that amount for that purpose; and

1 (3) any other expenditures from the fund
2 shall be made only pursuant to appropriation by the
3 legislature.

4 C. In addition to expenditures made pursuant to
5 Subsection B of this section, money shall be appropriated
6 annually by the legislature from the general fund for the
7 purpose of providing for necessary personnel and other costs
8 of the natural resources trustee, the attorney general and
9 the office of natural resources trustee in carrying out the
10 provisions of the Natural Resources Trustee Act, including
11 the cost of investigation, assessment, collection or
12 enforcement.

13 D. For purposes of this section, "assessment
14 costs" means the costs of restoration and the costs of
15 collecting, compiling and analyzing information, statistics
16 or data to determine damages for injuries to natural
17 resources pursuant to the Natural Resources Trustee Act.

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

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