

1 SENATE BILL 176

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Pete Campos and Leo Jaramillo and Elizabeth "Liz" Stefanics and  
5 Siah Correa Hemphill and Ambrose Castellano  
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10 AN ACT

11 RELATING TO WATER; AMENDING THE ACEQUIA AND COMMUNITY DITCH  
12 INFRASTRUCTURE FUND TO ALLOW FUNDING FOR DISASTER RESPONSE,  
13 RECOVERY AND HAZARD MITIGATION AND COST SHARE REQUIREMENTS OF  
14 STATE AND FEDERAL FUNDING PROGRAMS; INCREASING THE ANNUAL  
15 TRANSFER FROM THE NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND  
16 TO THE ACEQUIA AND COMMUNITY DITCH INFRASTRUCTURE FUND; MAKING  
17 AN APPROPRIATION.  
18

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

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

22 "72-14-24.1. ACEQUIA AND COMMUNITY DITCH INFRASTRUCTURE  
23 FUND--CREATED.--

24 A. The "acequia and community ditch infrastructure  
25 fund" is created in the state treasury and shall be

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1 administered by the interstate stream commission. The fund  
2 consists of money transferred from the New Mexico irrigation  
3 works construction fund and interest accruing to the fund.  
4 Disbursements from the fund shall be made by warrant of the  
5 secretary of finance and administration pursuant to vouchers  
6 signed by the director of the interstate stream commission or  
7 the director's authorized representative. Any unexpended or  
8 unencumbered balance remaining in the fund at the end of any  
9 fiscal year shall revert to the New Mexico irrigation works  
10 construction fund.

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

13 (1) provide funding to acequias or community  
14 ditches for ~~the~~ planning, engineering design or construction  
15 of irrigation works ~~[of acequias or community ditches]~~,  
16 including dams, reservoirs, diversions, ditches, flumes or  
17 other appurtenances for the purposes of restoration, repair,  
18 disaster response, recovery and hazard mitigation, improvement  
19 of irrigation efficiency, ~~or~~ protection from floods and  
20 infrastructure projects; and

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

23 C. The interstate stream commission shall:

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

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- 1                   (a) guidelines and criteria for
- 2     ~~[program]~~ funding eligibility; provided that no local cost
- 3     share shall be required;
- 4                   (b) applications; and
- 5                   (c) selection requirements with a
- 6     prioritization on project readiness and need;
- 7                   ~~[(2) prioritize the provision of funding based~~
- 8     ~~on project readiness;~~
- 9                   ~~(3)]~~ (2) review acequia or community ditch
- 10    plans and specifications ~~[and]~~ prior to providing funding;
- 11                   (3) inspect completed projects; and
- 12                   (4) report biannually to the acequia
- 13    commission on the progress of projects funded through the fund
- 14    and the expenditure of money from the fund.

15                   D. As used in this section, "fund" means the

16    acequia and community ditch infrastructure fund."

17                   SECTION 2. Section 72-14-23 NMSA 1978 (being Laws 1955,

18    Chapter 266, Section 15, as amended by Laws 2019, Chapter 62,

19    Section 9 and by Laws 2019, Chapter 169, Section 2) is amended

20    to read:

21                   "72-14-23. NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND

22    CREATED--LIMITATION OF LIABILITY UNDER ACT--REPARATION OF

23    DAMAGES CAUSED IN CARRYING OUT POWERS GRANTED--AUTHORITY OF

24    COMMISSION TO RECEIVE CONTRIBUTIONS.--

25                   A. There is created a fund to be known as the "New

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1 Mexico irrigation works construction fund", which shall consist  
2 of the income creditable to the permanent reservoirs for  
3 irrigation purposes income fund not otherwise pledged under  
4 Section 72-14-19 NMSA 1978 and all other money that may be  
5 appropriated by the legislature to the construction fund. The  
6 fund shall be a continuing fund and shall not revert to the  
7 general fund or to any other fund.

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

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

17 D. The cost of investigations and construction as  
18 authorized in Section 72-14-11 NMSA 1978 shall be paid from the  
19 New Mexico irrigation works construction fund and also the cost  
20 of all preliminary work on any project, and all expenses  
21 directly chargeable to such project, prior to the receipt of  
22 the proceeds of bonds, shall be paid from the construction  
23 fund. The amount of all such expenses on account of any  
24 project and such part of the general administrative expenses of  
25 the commission and the cost of investigation as shall be

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1 properly chargeable, in the opinion of the commission, to such  
2 project shall be reimbursed to the construction fund upon the  
3 receipt of the proceeds of bonds issued for such project. No  
4 liability or obligation shall be incurred under the provisions  
5 of Sections 72-14-9 through 72-14-28 NMSA 1978 beyond the  
6 extent to which the money has been provided under the authority  
7 of those sections. All public and private property damaged or  
8 destroyed in carrying out the powers granted under those  
9 sections shall be restored or repaired and placed in its  
10 original condition, as nearly as practicable, or adequate  
11 compensation made therefor out of funds provided by those  
12 sections.

13 E. The commission shall also have authority to pay  
14 the cost of such investigations and construction on any project  
15 from the New Mexico irrigation works construction fund when  
16 contracts in form satisfactory to it have been entered into  
17 whereby title to works have been mortgaged, deeded, assigned or  
18 transferred by the owner to the commission, and a program for  
19 reimbursement of all amounts expended, together with operation  
20 and maintenance charges, have been agreed upon; provided that  
21 no construction contract shall be entered into without the  
22 prior approval of the state board of finance. The commission  
23 shall also have authority to receive and accept appropriations  
24 and contributions from any source of either money or property  
25 or other things of value to be held, used and applied for the

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1 purposes provided in Sections 72-14-9 through 72-14-28 NMSA  
2 1978."

3 SECTION 3. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is July 1, 2023.

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