

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 363

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

RICHARD T. KNOWLES

AN ACT

RELATING TO WATER RIGHTS; PROVIDING FOR THE PURCHASE OF
CERTAIN WATER RIGHTS AND THE DEVELOPMENT OF A STRATEGY AND
PLAN BY THE INTERSTATE STREAM COMMISSION; MAKING
APPROPRIATIONS; DECLARING AN EMERGENCY.

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

Section 1. FINDINGS AND PURPOSE. --

A. The legislature finds that additional water rights must be purchased and retired in the Pecos River basin by the state of New Mexico to satisfy the requirements and obligations of the Pecos River Compact and the amended decree of the United States supreme court in Texas v. New Mexico, No. 65 original.

B. The purpose of this act is to meet that requirement and to establish a long- and short-term strategy

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 to determine requirements that will need to be met for New
2 Mexico's permanent compliance with the compact and the decree.

3 Section 2. APPROPRIATIONS-- CONDITIONS. --

4 A. Subject to the conditions set forth in
5 Subsection B of this section, two million dollars (\$2,000,000)
6 is appropriated from the New Mexico irrigation works
7 construction fund to the interstate stream commission in each
8 of fiscal years 1999 through 2001 for expenditure in any of
9 the fiscal years for the purpose of retiring water rights
10 along the Pecos River basin and taking other appropriate
11 actions that would effectively aid New Mexico in compliance
12 with the United States supreme court amended decree in Texas
13 v. New Mexico, No. 65 original. Any unexpended or
14 unencumbered balance remaining at the end of fiscal year 2001
15 shall revert to the New Mexico irrigation works construction
16 fund.

17 B. The appropriations made in Subsection A of this
18 section are subject to the following conditions:

19 (1) the interstate stream commission shall
20 review the expenditures of the appropriations made in
21 Subsection A of this section at each of the interstate stream
22 commission's regularly scheduled meetings or as it deems
23 necessary throughout fiscal years 1999 through 2001; and

24 (2) the interstate stream commission shall,
25 before any purchases of water rights are made using the money

Underscored material = new
[bracketed material] = delete

1 appropriated in Subsection A of this section, obtain
2 professionally prepared market or economic valuations or
3 appraisals. The valuations or appraisals along with other
4 relevant considerations shall be the basis for any purchase.

5 Section 3. APPROPRIATION--PURCHASE OF WATER RIGHTS. --

6 A. Twelve million dollars (\$12,000,000) is
7 appropriated from the New Mexico irrigation works construction
8 fund to the interstate stream commission for expenditure in
9 fiscal years 1998 and 1999 for the purchase of water rights
10 along the Pecos River basin pursuant to the provisions of
11 Subsections B and C of this section. Any unexpended or
12 unencumbered balance remaining at the end of fiscal year 1999
13 shall revert to the New Mexico irrigation works construction
14 fund.

15 B. The appropriation in Subsection A of this
16 section may only be used for the purchase of water rights or
17 water rights with appurtenant land in the Pecos River basin
18 that would effectively aid the state in complying with the
19 Pecos River Compact and the United States supreme court
20 amended decree in the case of Texas v. New Mexico, No. 65
21 original.

22 C. Before any purchase of water rights is made
23 pursuant to this section, the interstate stream commission
24 shall obtain professionally prepared market or economic
25 valuations or appraisals. The valuations or appraisals along

Underscored material = new
[bracketed material] = delete

1 with other relevant considerations shall be the basis for any
2 purchase.

3 Section 4. APPROPRIATION--LONG-TERM STRATEGY AND SHORT-
4 TERM ACTION PLAN. --

5 A. Five hundred thousand dollars (\$500,000) is
6 appropriated from the general fund to the interstate stream
7 commission for expenditure in fiscal years 1998 through 2000
8 for the purpose of preparing a long-term strategy for the
9 state's permanent compliance with the Pecos River Compact and
10 the United States supreme court amended decree in the case of
11 Texas v. New Mexico, No. 65 original and a short-term action
12 plan for responding to a net shortfall in New Mexico's
13 deliveries to Texas as required by the court decree. Any
14 unexpended or unencumbered balance remaining at the end of
15 fiscal year 2000 shall revert to the general fund.

16 B. The long-term strategy and the short-term
17 action plan developed by the interstate stream commission
18 pursuant to Subsection A of this section shall be completed
19 and submitted for consideration to the second session of the
20 forty-fourth legislature. Periodically, during the
21 development of the strategy and plan, the commission shall
22 report its progress to the appropriate permanent or interim
23 legislative committees.

24 Section 5. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect

Underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

immediately.

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5
6 February 10, 1998

7
8 Mr. Speaker:

9
10 Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
11 to whom has been referred

12
13 HOUSE BILL 363

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, amended as follows:

17 1. On page 4, between lines 23 and 24, insert the
18 following new subsection:

19
20 "C. A significant component of the long-term
21 strategy and short-term action plan developed by the interstate
22 stream commission pursuant to Subsection A of this section will
23 be an analysis of how the long-term strategy and short-term
24 action plan could adversely affect surrounding aquifers,
25 specifically nonreplenishable aquifers such as the Ogallala.".,

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HAGC\HB 363

Page 7

4 and thence referred to the ENERGY AND NATURAL RESOURCES
5 COMMITTEE.

6
7 Respectfully submitted,

8
9
10
11 _____
12 G. X. McSherry, Chairman

13
14 Adopted _____

Not Adopted _____

15 (Chief Clerk)

(Chief Clerk)

16
17 Date _____

18 The roll call vote was 6 For 1 Against

19 Yes: 6

20 No: Johnson

21 Excused: Garnenez, Porter

22 Absent: None

23
24
25 . 122971. 1

G:\BILLTEXT\BILLW_98\H0363

. 121835. 1

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HAGC\HB 363

Page 8

Underscored material = new
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3

4 February 14, 1998
5

6
7 Mr. Speaker:
8

9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to whom
10 has been referred

11 HOUSE BILL 363, as amended
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:
15

16 1. On page 4, line 6, strike "general fund" and insert in
17 lieu thereof "New Mexico irrigation works construction fund"..
18

19 Respectfully submitted,
20

21
22 _____
23 Max Coll, Chairman
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

6
7 Date _____

8
9 The roll call vote was 9 For 7 Against

10 Yes: 9

11 No: Abeyta, Garcia, Pearce, Salazar, Varela, Vigil, Watchman

12 Excused: Coll, Taylor, J. P.

13 Absent: None

14
15 123388. 1

16 G:\BILLTEXT\BILLW_98\H0363

17
18
19
20
21
22
23
24
25
Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Page 11

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 17, 1998

Mr. President:

Your **CONSERVATION COMMITTEE**, to whom has been referred

HOUSE BILL 363, as amended

has had it under consideration and reports same with recommendation
that it **DO PASS**, and thence referred to the **FINANCE**
COMMITTEE.

Respectfully submitted,

Michael S. Sanchez, Chairman

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Page 12

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against
Yes: 7
No: None
Excused: Kysar, Payne, Tsosie
Absent: None

H0363C01

. 121835. 1

Underscored material = new
[bracketed material] = delete