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AN ACT

RELATING TO WATER; CREATING THE ACEQUIA AND COMMUNITY DITCH
INFRASTRUCTURE FUND TO BE ADMINISTERED BY THE INTERSTATE
STREAM COMMISSION; MAKING AN ANNUAL TRANSFER FROM THE
NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND; MAKING AN
APPROPRIATION.

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

SECTION 1. A new section of Chapter 72, Article 14 NMSA
1978 is enacted to read:

"ACEQUIA AND COMMUNITY DITCH INFRASTRUCTURE FUND--
CREATED.--

A. The "acequia and community ditch infrastructure
fund" is created in the state treasury and shall be
administered by the interstate stream commission. The fund
consists of money transferred from the New Mexico irrigation
works construction fund and interest accruing to the fund.
Disbursements from the fund shall be made by warrant of the
secretary of finance and administration pursuant to vouchers
signed by the director of the interstate stream commission or
the director's authorized representative. Any unexpended or
unencumbered balance remaining in the fund at the end of any
fiscal year shall revert to the New Mexico irrigation works
construction fund.

B. Money in the fund is appropriated to the

1 interstate stream commission to provide funding for the
2 planning, engineering design or construction of irrigation
3 works of acequias or community ditches, including dams,
4 reservoirs, diversions, ditches, flumes or other
5 appurtenances, for the purposes of restoration, repair,
6 improvement of irrigation efficiency or protection from
7 floods.

8 C. The interstate stream commission shall:

9 (1) in consultation with the acequia
10 commission and the New Mexico acequia association, develop
11 guidelines and criteria for program eligibility, applications
12 and selection requirements;

13 (2) prioritize the provision of funding
14 based on project readiness;

15 (3) review acequia or community ditch plans
16 and specifications and inspect completed projects; and

17 (4) report biannually to the acequia
18 commission on the progress of projects funded through the
19 fund and the expenditure of money from the fund.

20 D. As used in this section, "fund" means the
21 acequia and community ditch infrastructure fund."

22 SECTION 2. Section 72-14-23 NMSA 1978 (being Laws 1955,
23 Chapter 266, Section 15, as amended) is amended to read:

24 "72-14-23. NEW MEXICO IRRIGATION WORKS CONSTRUCTION
25 FUND CREATED--LIMITATION OF LIABILITY UNDER ACT--REPARATION

1 OF DAMAGES CAUSED IN CARRYING OUT POWERS GRANTED--AUTHORITY
2 OF COMMISSION TO RECEIVE CONTRIBUTIONS.--

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

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

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

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

11 D. The commission shall also have authority to pay
12 the cost of such investigations and construction on any
13 project from the New Mexico irrigation works construction
14 fund when contracts in form satisfactory to it have been
15 entered into whereby title to works have been mortgaged,
16 deeded, assigned or transferred by the owner to the
17 commission, and a program for reimbursement of all amounts
18 expended, together with operation and maintenance charges,
19 have been agreed upon. Provided that no construction
20 contract shall be entered into without the prior approval of
21 the state board of finance. The commission shall also have
22 authority to receive and accept appropriations and
23 contributions from any source of either money or property or
24 other things of value to be held, used and applied for the
25 purposes provided in Sections 72-14-9 through 72-14-28 NMSA

