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SENATE BILL

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO WATER; INCREASING THE ANNUAL TRANSFER FROM THE NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND TO THE ACEQUIA AND COMMUNITY DITCH INFRASTRUCTURE FUND.

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

SECTION 1. Section 72-14-23 NMSA 1978 (being Laws 1955, Chapter 266, Section 15, as amended by Laws 2019, Chapter 62, Section 9 and by Laws 2019, Chapter 169, Section 2) is amended to read:

"72-14-23. NEW MEXICO IRRIGATION WORKS CONSTRUCTION FUND CREATED--LIMITATION OF LIABILITY UNDER ACT--REPARATION OF DAMAGES CAUSED IN CARRYING OUT POWERS GRANTED--AUTHORITY OF COMMISSION TO RECEIVE CONTRIBUTIONS.--

A. ~~[There is created a fund to be known as the]~~ The "New Mexico irrigation works construction fund" ~~[which]~~ is

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1 created as a nonreverting fund in the state treasury and shall
2 consist of the income creditable to the permanent reservoirs
3 for 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.
6 [~~The fund shall be a continuing fund and shall not revert to~~
7 ~~the 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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underscoring material = new
~~[bracketed material]~~ = delete

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

3 SECTION 2. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2026.

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