

1 SENATE BILL 340

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO WATER; REQUIRING LEGISLATIVE AUTHORIZATION TO
12 EXPEND MONEY FROM THE NEW MEXICO UNIT FUND; REQUIRING AN
13 ECONOMIC BENEFIT REPORT OF THE CONFIGURATION OF A NEW MEXICO
14 UNIT BEFORE MONEY IN THE FUND CAN BE USED TO IMPLEMENT SUCH
15 CONFIGURATION; REQUIRING ADDITIONAL REPORTING ON THE USE,
16 INCOME TO AND EXPENDITURES FROM THE FUND.

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

19 SECTION 1. Section 72-14-34 NMSA 1978 (being Laws 1973,
20 Chapter 201, Section 4) is amended to read:

21 "72-14-34. BUDGETS REQUIRED.--The interstate stream
22 commission shall annually prepare and submit a budget in
23 accordance with the provisions of Sections [~~11-4-1.1 through~~
24 ~~11-4-7.8 NMSA 1953~~] 6-3-1 through 6-3-22 NMSA 1978 covering all
25 funds created or held under the provisions of Sections [~~75-34-9~~

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1 ~~through 75-34-32 NMSA 1953]~~ 72-14-9 through 72-14-33 and
2 72-14-45 NMSA 1978."

3 SECTION 2. Section 72-14-45 NMSA 1978 (being Laws 2011,
4 Chapter 99, Section 1) is amended to read:

5 "72-14-45. NEW MEXICO UNIT FUND--PURPOSE--
6 APPROPRIATION.--

7 A. The "New Mexico unit fund" is created in the
8 state treasury. The fund shall consist of money distributed to
9 the state pursuant to Paragraphs (2)(D)(i) and (ii) of Section
10 403(f) of the federal Colorado River Basin Project Act of 1968,
11 as amended by Section 107(a) of the federal Arizona Water
12 Settlements Act, Public Law 108-451, December 10, 2004; other
13 money made available to the fund pursuant to Section 212 of the
14 federal Arizona Water Settlements Act, Public Law 108-451,
15 December 10, 2004; appropriations; grants; and donations or
16 bequests to the fund.

17 B. Income from the fund shall be credited to the
18 fund. Any unexpended or unencumbered balance remaining in the
19 fund at the end of a fiscal year shall not revert to the
20 general fund. Money in the fund shall not be transferred,
21 other than through an intra-agency transfer, to any other fund.

22 C. Money in the fund shall be administered by the
23 interstate stream commission and is appropriated to the
24 interstate stream commission for expenditure in fiscal year
25 2012 and subsequent fiscal years to comply with the provisions

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1 of the federal laws cited in Subsection A of this section,
2 subject to legislatively authorized capital and operating
3 budgets. Those provisions of federal law establish that the
4 purpose of money in the fund is to pay the costs of the New
5 Mexico unit or other water utilization alternatives to meet
6 water supply demands in the southwest water planning region of
7 New Mexico, as determined by the interstate stream commission
8 in consultation with the southwest New Mexico water study group
9 or its successor, including costs associated with planning and
10 environmental compliance activities and environmental
11 mitigation and restoration. Money in the fund shall not be
12 expended for any purpose other than the purpose provided in
13 this section. The interstate stream commission may adopt rules
14 it deems necessary to carry out the purpose of this section.

15 D. No money in the fund shall be expended on
16 permitting or implementation of any configuration of a New
17 Mexico unit unless:

18 (1) the interstate stream commission has
19 determined that a specific configuration of the New Mexico unit
20 is technically feasible;

21 (2) the interstate stream commission has
22 approved a technical projection of the quantity of new water
23 the New Mexico unit is expected to produce and the intended
24 uses of that water;

25 (3) the interstate stream commission has

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1 approved an engineering estimate of the costs to implement and
2 operate the New Mexico unit and a financial implementation plan
3 to pay those costs; and

4 (4) the bureau of business and economic
5 research of the university of New Mexico has issued a report
6 concluding that the financial implementation plan for the New
7 Mexico unit may be feasible.

8 [~~D.~~] E. On or before [~~November 15~~] September 1 of
9 each year, the interstate stream commission shall report to the
10 appropriate legislative interim committee dealing with water
11 and natural resources and to the legislative finance committee
12 on:

13 (1) the status of the New Mexico unit fund;

14 (2) the [~~distribution of money from~~]
15 cumulative encumbrances and expenditures and the previous
16 fiscal year's itemized encumbrances and expenditures of the New
17 Mexico unit fund to implement the purpose of the fund pursuant
18 to Subsection C of this section; and

19 (3) [~~proposed~~] the interstate stream
20 commission's approved or planned uses of the fund and [~~levels~~
21 of funding] itemized projected encumbrances and expenditures
22 for the [~~following~~] current fiscal year and each fiscal year
23 through exhaustion of the fund.

24 [~~E.~~] F. Expenditures from the fund shall be made on
25 warrants signed by the secretary of finance and administration

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1 pursuant to vouchers signed by the director of the interstate
2 stream commission upon the delegation of authority by the
3 interstate stream commission."

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