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HOUSE MEMORIAL 99

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

INTRODUCED BY

Candy Spence Ezzell

A MEMORIAL

REQUESTING THE GOVERNOR TO CONVENE MEETINGS OF THE ATTORNEY
GENERAL AND GENERAL COUNSELS OF STATE AGENCIES THAT PARTICIPATE
IN THE PLANNING OR FUNDING OF WATERSHED RESTORATION PROJECTS IN
THE STATE TO DEVELOP A CONSISTENT APPLICATION OF THE LAW
GOVERNING THE USE OF PUBLIC FUNDS FOR SUCH PROJECTS.

WHEREAS, watershed restoration projects are designed to
increase the adaptability and resilience to recurring drought
and extreme weather events of the state's forests and
watersheds; protect water sources; reduce the risk of wildfire
and maintain the water storage and release capacity of
watersheds; and may include projects to restore burned areas,
thin forests and support related economic or workforce
development projects; and

WHEREAS, fostering partnerships and cooperation among

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1 federal, state and county agencies, tribal entities, political
2 subdivisions and educational institutions of the state, soil
3 and water conservation districts, the forest products industry,
4 the Rio Grande water fund and other public and private
5 organizations dedicated to forest and watershed preservation
6 and restoration programs or projects is necessary to
7 efficiently implement watershed restoration projects to protect
8 and maintain the state's water sources; and

9 WHEREAS, watershed restoration projects constitute the
10 performance of an essential governmental function, and the
11 expenditure of public funds for watershed restoration projects
12 on any lands within the state serve the important public
13 purpose of protecting and maintaining the state's water
14 sources; and

15 WHEREAS, state agencies that are authorized to plan,
16 organize, participate in or implement a watershed restoration
17 project may expend public money on a project that incidentally
18 benefits private lands; and

19 WHEREAS, there is often disagreement within and among
20 state and local agencies concerning the expenditure of public
21 funds on watershed restoration projects that incidentally
22 benefit non-state lands; and

23 WHEREAS, this lack of agreement can hamper efforts to
24 efficiently administer and coordinate watershed restoration
25 projects in the state;

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1 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
2 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the governor
3 convene meetings of the attorney general and the general
4 counsels of state agencies that participate in the planning or
5 funding of watershed restoration projects in the state to
6 develop a consistent application of the law governing the use
7 of public funds for watershed restoration projects on any lands
8 within the state that serve the important public purpose of
9 protecting and maintaining the state's water sources; and

10 BE IT FURTHER RESOLVED that counsel from the energy,
11 minerals and natural resources department, department of game
12 and fish, department of environment, office of the state
13 engineer, interstate stream commission, office of the attorney
14 general and legislative council service be invited to attend
15 the meetings; and

16 BE IT FURTHER RESOLVED that the offices of the governor
17 and attorney general report to the appropriate interim
18 legislative committee by September 2017 on the results of the
19 meetings; and

20 BE IT FURTHER RESOLVED that copies of this memorial be
21 transmitted to the governor and attorney general.

