

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 415

**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY

Ray Begaye

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO WATER; CREATING THE INDIAN WATER RIGHTS SETTLEMENT  
FUND; PROVIDING FOR LEGISLATIVE APPROVAL OF CERTAIN INDIAN  
WATER RIGHTS SETTLEMENTS; MAKING AN APPROPRIATION.

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

Section 1. INDIAN WATER RIGHTS SETTLEMENTS--APPROVAL OF  
SETTLEMENTS--REPORTS.--

A. Upon congressional funding of the federal  
government's portion of the costs of an Indian water rights  
settlement, the state engineer shall notify the legislature of  
the amount of the state's portion of the costs necessary to  
implement the settlement. Upon approval of a settlement by  
joint resolution of the legislature, the interstate stream  
commission may expend money in the Indian water rights  
settlement fund to implement the terms of the approved

.152925.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 settlement.

2 B. On or before September 15 of each year, the  
3 state engineer and the interstate stream commission shall  
4 report to the appropriate legislative interim committee dealing  
5 with Indian affairs and to the legislative finance committee  
6 on:

7 (1) the status of proposed Indian water rights  
8 settlements requiring state financing;

9 (2) the distribution of funds from the Indian  
10 water rights settlement fund to implement approved settlements;  
11 and

12 (3) recommendations on the level of funding  
13 for the Indian water rights settlement fund necessary to timely  
14 implement Indian water rights settlements.

15 C. As used in this section and Section 2 of this  
16 act:

17 (1) "Indian water rights settlement" means an  
18 agreement between the state and a tribe, but not exclusive of  
19 any other party as appropriate, that resolves all of the  
20 tribe's water rights claims and that has been approved by the  
21 United States congress; and

22 (2) "tribe" means a federally recognized  
23 Indian nation, tribe or pueblo.

24 Section 2. INDIAN WATER RIGHTS SETTLEMENT FUND.--The  
25 "Indian water rights settlement fund" is created in the state  
.152925.1

underscored material = new  
[bracketed material] = delete

1 treasury to facilitate the implementation of the state's  
2 portion of Indian water rights settlements. The fund consists  
3 of appropriations, gifts, grants, donations, income from  
4 investment of the fund and money otherwise accruing to the  
5 fund. Money in the fund shall not revert to any other fund at  
6 the end of a fiscal year. Money in the Indian water rights  
7 settlement fund shall be used to pay the state's portion of the  
8 costs necessary to implement Indian water rights settlements  
9 that have been approved by the legislature and the United  
10 States congress. The interstate stream commission shall  
11 administer the fund, and money in the fund is appropriated to  
12 the commission to carry out the purposes of the fund. Money in  
13 the fund shall be disbursed on warrants of the secretary of  
14 finance and administration pursuant to vouchers signed by an  
15 authorized representative of the interstate stream commission.

16 Section 3. APPROPRIATION--FUNDING OF INDIAN WATER RIGHTS  
17 SETTLEMENT FUND.--An amount equal to ten percent of all  
18 revenues received on a quarterly basis by the state as the  
19 state's share of Indian gaming revenue shall be appropriated  
20 from the general fund to the Indian water rights settlement  
21 fund.

22 Section 4. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2005.