

1 HOUSE BILL 194

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Kristina Ortez

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10 AN ACT

11 RELATING TO WATER; AMENDING THE ACEQUIA AND COMMUNITY DITCH
12 FUND ACT; AUTHORIZING FUNDS TO BE USED TO PROVIDE ASSISTANCE TO
13 ACEQUIAS AND COMMUNITY DITCHES IN IMPLEMENTATION OF A
14 NEGOTIATED SETTLEMENT THAT WAS REACHED IN AN ADJUDICATION SUIT.

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

17 SECTION 1. Section 73-2A-1 NMSA 1978 (being Laws 1988,
18 Chapter 157, Section 1) is amended to read:

19 "73-2A-1. SHORT TITLE.--~~[This act]~~ Chapter 73, Article 2A
20 NMSA 1978 may be cited as the "Acequia and Community Ditch Fund
21 Act"."

22 SECTION 2. Section 73-2A-3 NMSA 1978 (being Laws 1988,
23 Chapter 157, Section 3, as amended) is amended to read:

24 "73-2A-3. FUND CREATED.--

25 A. An "acequia and community ditch fund" is created

.219110.1

underscoring material = new
[bracketed material] = delete

underscoring material = new
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1 in the state treasury, to be expended upon order of the
2 director of the New Mexico department of agriculture to carry
3 out the purposes of contracting with acequia and ditch
4 associations constituting a majority of acequias or ditches
5 within an adjudication suit, ~~[or]~~ a separately administered
6 portion of an adjudication suit or an ongoing or completed
7 adjudication suit in which a negotiated settlement was reached
8 to provide assistance to acequias and community ditch
9 associations in the adjudication process or settlement
10 implementation, including historical studies, economic impact
11 reports, expert witness fees, legal fees and other technical
12 services related to the adjudication process or settlement
13 implementation.

14 B. Money in the acequia and community ditch fund
15 may be used to enter into agreements for grants-in-aid to
16 satisfy costs and expenses incurred by acequias and community
17 ditch associations. The amount of funding provided to acequia
18 and ditch associations in any given year shall be determined by
19 a simple majority of a committee consisting of the director of
20 the New Mexico department of agriculture, the ~~[chairman]~~ chair
21 of the interstate stream commission and a third person ~~[who~~
22 ~~will be]~~ elected from within the New Mexico acequia commission.
23 The committee shall consider financial need, progress of the
24 adjudication and the trial schedule; however, the committee is
25 not limited to these factors in awarding grant agreements. No

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underscoring material = new
~~[bracketed material] = delete~~

1 more than one-fourth of the money allocated from the acequia
2 and community ditch fund shall be allocated to one acequia
3 association; provided, however, that at least the eight most
4 qualified applicant associations may be considered to receive
5 money that is in the fund and available for any given fiscal
6 year. The committee shall consider the state engineer's report
7 on the eligibility and priority of applicants for funds.
8 Disbursement of the fund shall be made upon a warrant drawn by
9 the secretary of finance and administration transferring money
10 in the fund to the New Mexico department of agriculture for
11 expenditure pursuant to vouchers signed by the director or
12 ~~[his]~~ the director's representative. Balances in the fund at
13 the end of any fiscal year shall not revert to the general fund
14 and may be expended to carry out the purposes of the Acequia
15 and Community Ditch Fund Act."

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