

Underscored material = new  
[bracketed material] = delete

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

SENATE BILL 879

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

DEDE FELDMAN

AN ACT

RELATING TO NATURAL RESOURCES; CREATING THE RIO GRANDE BOSQUE  
ADVISORY COUNCIL TO ACT AS ADVISORY BODY TO BOSQUE MANAGEMENT  
AGENCIES; ENACTING THE RIO GRANDE BOSQUE MANAGEMENT ACT; MAKING  
AN APPROPRIATION.

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

Section 1. SHORT TITLE. -- This act may be cited as the "Rio  
Grande Bosque Management Act".

Section 2. LEGISLATIVE FINDINGS. --

A. The legislature finds that the Rio Grande bosque  
is an important natural resource that is undergoing rapid  
ecological change that endangers the future existence of native  
biological communities, especially riparian gallery forests of  
cottonwood and willow.

B. The institutional structure that manages the

1 middle Rio Grande is composed of many federal, state, local and  
2 tribal entities that often operate independently to address  
3 irrigation, flood control, drainage needs, recreation, law  
4 enforcement and wildlife management without complete  
5 coordination to achieve ecosystem management and the balancing  
6 of compatible uses of the bosque.

7 C. Those portions of the middle Rio Grande bosque  
8 that lie within Indian reservations are subject to management by  
9 individual Indian governments as sovereign entities.

10 D. The middle Rio Grande conservancy district is one  
11 of the primary entities charged with managing the bosque and  
12 will play a major role in the coordination of ecosystem  
13 management.

14 Section 3. DEFINITION. --As used in the Rio Grande Bosque  
15 Management Act, "bosque" means:

16 A. all land between the flood control levees,  
17 excepting the levees themselves, and the river bank from Cochiti  
18 reservoir to Elephant Butte reservoir, provided that where there  
19 are no levees, bosque includes the following:

20 (1) where there is a riverside drain, such  
21 lands as exist between the riverside drain, excepting the  
22 riverside drain itself, and the river bank; or

23 (2) where there is no riverside drain, the  
24 lands between the river bank and the limits of the historic  
25 flood plain; and

Underscored material = new  
[bracketed material] = delete

1           B. all other lands that are ecological components of  
2 the middle Rio Grande riparian system, provided that the owners  
3 of the lands voluntarily agree to allow the Rio Grande bosque  
4 advisory council to offer suggestions for their management.

5           Section 4. RIO GRANDE BOSQUE ADVISORY COUNCIL--CREATED--  
6 MEMBERS. --

7           A. The "Rio Grande bosque advisory council" is  
8 created to advise public and private landowners with the bosque  
9 as defined above, to promote coordination among all government  
10 agencies having authority in the bosque and to promote the  
11 protection and enhancement of bosque and river ecosystems.

12           B. The Rio Grande bosque advisory council may  
13 consist of the following members or their designees as voting  
14 members according to the following categories:

15                   (1) the mayors of Albuquerque, Belen,  
16 Bernalillo, Bosque Farms, Corrales, Los Lunas, Los Ranchos de  
17 Albuquerque, Rio Rancho and Socorro;

18                   (2) the county commission chairmen from  
19 Bernalillo, Sandoval, Socorro and Valencia counties;

20                   (3) the governors of the following pueblos:  
21 Cochiti, Isleta, Sandia, San Felipe, Santa Ana and Santo  
22 Domingo;

23                   (4) one representative each from the United  
24 States army corps of engineers, the bureau of reclamation, the  
25 natural resources conservation service and the United States

1 fish and wildlife service;

2 (5) a representative of the middle Rio Grande  
3 conservancy district;

4 (6) the secretary of energy, minerals and  
5 natural resources, the secretary of environment, the director of  
6 the department of game and fish, the state engineer, the  
7 commissioner of public lands and the chairman of the interstate  
8 stream commission;

9 (7) two private bosque landowners nominated by  
10 the landowner committee; and

11 (8) one representative of a local organization  
12 in the middle Rio Grande region that is dedicated to protection  
13 and enhancement of the bosque or the river and one  
14 representative of a regional or national environmental  
15 organization. The environmental representatives shall be  
16 designated by the speaker of the house of representatives and  
17 the president pro tempore of the senate and shall be individuals  
18 who have an established knowledge of issues affecting the river  
19 and the bosque and who have been involved in attempting to  
20 protect and enhance bosque and river ecosystems.

21 C. The business of the Rio Grande bosque advisory  
22 council between meetings shall be conducted by an eight-member  
23 executive committee, with one member selected from each category  
24 of membership as set forth in Subsection B of this section.

25 D. The secretary of energy, minerals and natural

Underscored material = new  
[bracketed material] = delete

1 resources or his designee shall serve as the chairman of the Rio  
2 Grande bosque advisory council for the first fiscal year of the  
3 council, and thereafter a chairman shall be elected by the  
4 membership of the council.

5 E. The Rio Grande bosque advisory council shall hold  
6 at least two open meetings each year. The executive committee  
7 shall meet as needed. The council shall promulgate public  
8 notice of each meeting and provide interested members of the  
9 public with the opportunity to present written and oral  
10 comments.

11 F. The Rio Grande bosque advisory council is  
12 administratively attached to the energy, minerals and natural  
13 resources department but shall have authority, independent of  
14 the department, to carry out its assigned functions as defined  
15 by the Rio Grande Bosque Management Act.

16 G. Members of the Rio Grande bosque advisory council  
17 not otherwise eligible shall receive per diem and mileage as  
18 provide for nonsalaried public officers in the Per Diem and  
19 Mileage Act and shall receive no other compensation, perquisite  
20 or allowance.

21 Section 5. COUNCIL--POWERS AND DUTIES.--

22 A. The Rio Grande bosque advisory council shall  
23 adopt, after a public hearing, a set of principles to advise  
24 appropriate government agencies on actions that may affect the  
25 bosque. The principles shall be based on the concept that the

1 bosque is an integrated system of biological, physical, social  
2 and cultural components. The principles shall encourage the  
3 protection and enhancement of bosque and river ecosystems, and  
4 in formulating the principles, the council shall review,  
5 implement and update to the extent possible the recommendations  
6 from the report, "middle rio grande ecosystem: bosque  
7 conservation of the middle rio grande bosque".

8 B. The Rio Grande bosque council shall act as  
9 advisory council to the middle Rio Grande conservancy district  
10 regarding the management of bosque lands within the boundaries  
11 of the district. The council shall also advise other management  
12 authorities, landowners and regulatory agencies that own,  
13 control or exercise authority within the bosque.

14 C. The Rio Grande bosque advisory council shall  
15 request participating agencies to enter into a memorandum of  
16 agreement for cooperation in implementing the set of principles  
17 established pursuant to Subsection A of this section and in  
18 undertaking coordinated resource management programs for the  
19 bosque.

20 D. The Rio Grande bosque advisory council shall:

21 (1) maintain information on the biological,  
22 physical, social and cultural conditions in the bosque;

23 (2) establish an information clearinghouse for  
24 public comment and distribution of information to the public;

25 (3) foster mediation to resolve conflicts and

Underscored material = new  
[bracketed material] = delete

1 disputes regarding the bosque;

2 (4) publish an annual "state of the bosque  
3 report" and report annually to the appropriate interim  
4 committees of the legislature and to the board of the middle Rio  
5 Grande conservancy district; and

6 (5) establish committees to assist it, composed  
7 of members of the council and members of the public. One  
8 committee shall be a landowner committee and one shall be a  
9 committee composed of private citizens. The citizen committee  
10 shall have authority to consider any and all matters affecting  
11 the welfare of the bosque and to receive oral and written public  
12 comments. Prior to the issuance of the council's state of the  
13 bosque report, the citizen committee shall submit a written  
14 report and recommendations for the council's consideration. The  
15 council shall review the citizen committee's report and  
16 recommendations for possible incorporation into the state of the  
17 bosque report.

18 E. In order to carry out its duties, the Rio Grande  
19 bosque advisory council shall have the following powers:

20 (1) adopt bylaws to govern the structure and  
21 operations of the council and council meetings;

22 (2) solicit and administer grants and in-kind  
23 services and use its funds as the local cost share to obtain  
24 federal funding for projects to assist it in carrying out its  
25 obligations under the Rio Grande Bosque Management Act; and

Underscored material = new  
[bracketed material] = delete

1 (3) sponsor mediation services.

2 Section 6. EXECUTIVE COMMITTEE-- POWERS AND DUTIES. --The  
3 executive committee of the Rio Grande bosque advisory council  
4 shall:

5 A. employ and fix the compensation of those  
6 employees necessary to discharge the duties of the council;

7 B. set executive committee and full council meeting  
8 dates, locations and agendas;

9 C. prepare draft advisory principles on government  
10 actions that affect the bosque, taking into consideration the  
11 reports and recommendations of the council and the citizen and  
12 landowner committees;

13 D. prepare and disseminate an annual "state of the  
14 bosque report";

15 E. develop an annual budget; and

16 F. be subject to the provisions of the Open Meetings  
17 Act.

18 Section 7. APPROPRIATION. --One hundred thousand dollars  
19 (\$100,000) is appropriated from the general fund to the energy,  
20 minerals and natural resources department for expenditure in  
21 fiscal year 1998 for the purpose of establishing the Rio Grande  
22 bosque advisory council to coordinate government resource  
23 management actions of the middle Rio Grande bosque. Any  
24 unexpended or unencumbered balance remaining at the end of  
25 fiscal year 1998 shall revert to the general fund.

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

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

Section 8. TERMINATION--DELAYED REPEAL. --The Rio Grande bosque advisory council is terminated on July 1, 2007 pursuant to the Sunset Act. The council shall continue to operate pursuant to the Rio Grande Bosque Management Act until July 1, 2008. Effective July 1, 2008, the Rio Grande Bosque Management Act is repealed.

1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
3  
4  
5

SB 879/a

6 February 27, 1997  
7  
8  
9

10 Mr. President:  
11

12 Your CONSERVATION COMMITTEE, to whom has been referred  
13

14 SENATE BILL 879  
15

16 has had it under consideration and reports same with  
17 recommendation that it DO PASS, amended as follows:  
18

19 1. On page 3, line 8, strike "with" and insert in lieu  
20 thereof "within".  
21

22 2. On page 4, line 7, strike "and" and insert a comma in lieu  
23 thereof.  
24

25 3. On page 4, line 8, after "commission" insert "and the  
secretary of agriculture".

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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

SCONC/SB 879

Page 11

4. On page 4, line 9, strike "two" and insert in lieu thereof "four".

5. On page 4, line 10, strike "and".

6. On page 4, line 16, after the first occurrence of "the" insert "governor; and", strike the remainder of the line and strike lines 17 through 20.

7. On page 4, between lines 20 and 21, insert the following paragraph:

"(9) one member each from the Socorro Soil and Water Conservation District, the Valencia Soil and Water Conservation District and the Coronado Soil and Water Conservation District.",

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

SCONC/SB 879

Page 12

8. On page 5, line 18, strike "provide" and insert in lieu thereof "provided",  
and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

\_\_\_\_\_  
Michael S. Sanchez, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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

SCONC/SB 879

Page 13

The roll call vote was 7 For 2 Against

Yes: 7

No: Davis, Payne

Excused: Sanchez

Absent: None

S0879C01

. 117861. 1/a

Underscored material = new  
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE  
2 FIRST SESSION, 1997  
3  
4

SB 879/a

5 March 6, 1997  
6

7 Mr. President:  
8

9 Your FINANCE COMMITTEE, to whom has been referred  
10

11 SENATE BILL 879, as amended  
12

13 has had it under consideration and reports same with  
14 recommendation that it DO PASS, amended as follows:  
15

- 16 1. Strike CONSERVATION COMMITTEE amendments number "5" and  
17 "6".  
18  
19

20 Respectfully submitted,  
21  
22

23  
24 \_\_\_\_\_  
25 Ben D. Altamirano, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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

%%%

Page 15

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Aragon, Carraro, Fidel, Ingle, Mckibben

Absent: None

S0879FC1

Underscored material = new  
[bracketed material] = delete

Underscored material = new  
[bracketed material] = delete

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

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

Page 16

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 16, 1997

SENATE FLOOR AMENDMENT number \_\_\_\_\_ to SENATE BILL 879, as amended

AMENDMENT sponsored by SENATOR ARAGON

1. On page 1, lines 13 and 14, strike the semi-colon and the words "MAKING AN APPROPRIATION".

2. On page 8, strike lines 18 through 25.

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

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

%%%

3. Renumber the succeeding section accordingly.

\_\_\_\_\_  
Senator Manny M. Aragon

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

Underscored material = new  
[bracketed material] = delete

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

- 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

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

%%%

Page 18

S0879FS1

# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 12, 1997

Mr. Speaker:

Your ENERGY AND NATURAL RESOURCES COMMITTEE, to  
whom has been referred

SENATE BILL 879, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

---

James Roger Madalena, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Salazar, Stewart

Absent: None

M \S0879

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

FORTY-THIRD LEGISLATURE

FIRST SESSION

March 13, 1997

HOUSE FLOOR AMENDMENT number \_\_\_1\_\_\_ to SENATE BILL 879, as amended

Amendment sponsored by Representative M Michael Olguin

1. On page 4, line 10, strike "and".

2. On page 4, line 20, strike the period and insert in lieu thereof  
"; and".

3. On page 4, line 22, strike "an eight-member" and insert in lieu  
thereof "a nine-member".

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION

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

SB 879, aa

Page 22

\_\_\_\_\_  
M Michael Olguin

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION

1 SB 879, aa

Page 23

2

3

4 FORTY-THIRD LEGISLATURE  
5 FIRST SESSION, 1997

6

7

March 15, 1997

8

9

Mr. President:

10

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

11

12 HOUSE BILL 879

13

14

has had it under consideration and reports same with recommendation that  
15 it DO PASS, and thence referred to the JUDICIARY COMMITTEE.

16

17 Respectfully submitted,

18

19

20 \_\_\_\_\_  
21 Shannon Robinson, Chairman

22

23

24

25

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Underscored material = new  
[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION

1 SB 879, aa

2 Date \_\_\_\_\_

3

4

5

The roll call vote was 5 For 0 Against

6

Yes: 5

7

No: 0

8

Excused: Adair, Ingle, Vernon, Smith

9

Absent: None

10

11

12

H0879PA1

13

14

15

16

17

18

19

20

21

22

23

24

25

Underscored material = new  
[bracketed material] = delete