



THE TAOS NEWS

Best U.S. Weekly Paper- NNA 2007, 2008, 2010
Inland Press Nation's Best Weekly Newspaper 2009

So what did Taos get from the special legislative session?

By Andrew Oxford

The Taos News, 6/11/2015

A special session of the New Mexico Legislature ended after just a few hours Monday (June 8) with lawmakers agreeing to pump nearly \$2.8 million into infrastructure projects around Taos County and fund water rights settlements local officials say could have been derailed without the money.

The \$295 million Senate Bill 1, which now heads to Gov. Susana Martinez for her signature, will provide financing for a range of brick-and-mortar projects around the area.

While town of Taos officials called on the governor to convene a special session on what is known as capital outlay funding, though, they said the session's biggest impact was approval of \$12.7 million in financing for the Abeyta, Aamodt and Navajo water rights settlements.

Water

Without that funding, town manager Rick Bellis said in an email, the future of water from Albuquerque and Santa Fe to Colorado could have been lost.

The Abeyta agreement, which was negotiated over the course of 23 years by Taos Pueblo, the town, acequia users and a few domestic water providers, is seen by many as a long-term solution to the debate over water in the Taos Valley.

It comes with a price, however, and implementation will require tens of millions of dollars for wells, wetland restoration and other projects.

"That was perhaps the most significant issue of the day," said Sen. Carlos Cisneros, D-Quetta.

Legislators were expected to approve financing for the state's share of the settlement during this year's regular session, which ended in March. But the funding was not approved, falling through when the capital outlay bill died as the session ended amid a filibuster.

Had the funding not been approved this year, Cisneros said the Abeyta water rights settlement could have been jeopardized.

"That could have placed us in default of the agreement. Most importantly, this would have thrown us back into litigation," he said.

Had the deal been renegotiated, Cisneros estimated its price would have only risen.

The settlement, approved by Congress and signed by President Barack Obama in 2008, calls for about \$150 million in state and federal funding.

Of that funding, \$88 million is earmarked for Taos Pueblo to, among other things, rehabilitate and construct water and wastewater systems as well as to restore the Buffalo Pasture wetlands. There is also \$8.1 million designed for an aquifer storage and recovery project as well as \$5.8 million for mitigation wells.

The federal government is expected to cover most of the settlement's cost, but had New Mexico fallen through on its share and delayed in selling bonds, Cisneros said the state might have missed its obligation to have cash in hand by 2017.

The Abeyta settlement's timeline, he said, made approval of the funding "sensitive and critical."

Brick-and-mortar

Water rights drew little attention during the negotiations over a special session, which concluded Wednesday evening (June 3) with Gov. Martinez announcing she would call lawmakers back to Santa Fe to consider a handful of bills.

Instead, it was other provisions of what came to be Senate Bill 1 that prompted the most wrangling.

The bill came to resemble the capital outlay package proposed during the regular session, drafted as is typically done by lawmakers, equally divvying up a chunk of state funds and spreading their own shares to infrastructure projects of their choosing.

Sen. Cisneros and Rep. Roberto "Bobby" Gonzales, D-Taos, chose to put \$90,000, for example, towards planning and designing phase two of a career technical center at the UNM-Taos Klauer campus.

Also, \$65,000 was allotted for the Taos Youth and Family Center, which has fallen into disrepair. And \$30,000 was designated to support a joint town-county project to smooth out the potholed Camino del Medio.

Senate Bill 1 provides \$134,000 for improvements to the Phil Lovato Senior Center, \$25,000 for upgrades to the Llano Quemado Community Center and hundreds of thousands of dollars more for water systems throughout the area.

The bill is not only heralded as economic stimulus, though, but criticized too as pork barrel politics at what might not even be its best.

The bill includes \$1.5 million for the construction of a new Department of Transportation facility in Penasco, which Cisneros acknowledged Monday was "not really needed."

And \$500,000 for a liner at the Cabresto Lake dam is only necessary to fix an engineering flaw in a project that has already cost \$7 million.

As capital outlay money is often doled out piecemeal, typically not financing the entire cost of a particular project, hundreds of millions of dollars are piling up as recipients pull together cash from other sources.

Nonetheless, capital outlay is seen as a crucial budgetary boost and economic boon for many local governments across New Mexico.

Municipalities such as Taos and Red River as well as Taos County, business groups and labor organizations called on the governor to convene a special session when capital outlay funding died in the regular session.

Bellis said the capital outlay funding is “less about our personal economic needs than the stimulus to the state and local economy.”

There have been calls to reform the capital outlay process and rein in the freedoms lawmakers currently have in doling out their share of the funds.

“The only problem is, your small entities would lose the most,” Gonzales said Monday, arguing the current system benefits rural communities.

Finger pointing

The special session came nearly three months after the regular session ended in finger pointing when time ran out without approval of the capital outlay package.

Negotiations between Senate Democrats, House Republicans and the governor followed, with Martinez announcing a compromise June 3.

The governor called a special session specifically for the consideration of capital outlay funding, \$5 million in tax incentives and budget fixes for the New Mexico Dept. of Health as well as Administrative Office of the Courts.

The tax bill was considered a victory for Republicans as it was a point of contention during negotiations and the initial legislative session.

A deduction from net income for certain estates or trusts — referred to by critics as a break for “trust-funders” — was stripped from the special session package, however.

Republicans and Democrats compromised on highway funding, which was perhaps the largest point of disagreement that led to the special session.

Martinez and House Republicans wanted to fund \$45 million in highway projects with severance bonds while Democrats preferred using the state’s general fund to avoid adding to New Mexico’s bond debts.

Lawmakers agreed to split funding of the projects between severance bonds and the state’s general fund.