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SENATE BILL 239

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

INTRODUCED BY

Pete Campos

AN ACT

RELATING TO WATER; AMENDING THE WATER PROJECT FINANCE ACT TO
PROVIDE FOR MEMBERSHIP TO THE WATER TRUST BOARD AND TO PROVIDE
THAT TWENTY-FIVE PERCENT OF THE WATER PROJECT FUND BE DEDICATED
TO WATERSHED RESTORATION.

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

Section 1. Section 72-4A-4 NMSA 1978 (being Laws 2001,
Chapter 164, Section 4) is amended to read:

"72-4A-4. WATER TRUST BOARD CREATED. - -

A. The "water trust board" is created. The board
is composed of the following [~~fifteen~~] sixteen members:

(1) the state engineer or [~~his~~] the state
engineer's designee, who shall be the [~~chairman~~] chair of the
board;

(2) the executive director of the New Mexico

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1 finance authority;

2 (3) the secretary of environment or [~~his~~] the
3 secretary's designee;

4 (4) the secretary of energy, minerals and
5 natural resources or [~~his~~] the secretary's designee;

6 (5) the director of the department of game and
7 fish or [~~his~~] the director's designee;

8 (6) the director of the New Mexico department
9 of agriculture or [~~his~~] the director's designee;

10 (7) the executive director of the New Mexico
11 municipal league or [~~his~~] the executive director's designee;

12 (8) the executive director of the New Mexico
13 association of counties or [~~his~~] the executive director's
14 designee;

15 (9) the executive director of the New Mexico
16 association of conservation districts or the executive
17 director's designee;

18 [~~(9)~~] (10) five public members appointed by
19 the governor and confirmed by the senate and who represent:

20 (a) the environmental community;

21 (b) an irrigation or conservancy
22 district that uses surface water;

23 (c) an irrigation or conservancy
24 district that uses ground water;

25 (d) acequia water users; and

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(e) soil and water conservation districts;
[(-10)-] (11) one public member appointed by the [commission-on] Indian affairs commission; and
[(-11)-] (12) the president of the Navajo Nation or [his] the president's designee.

B. The board shall meet at the call of the [chairman] chair or whenever three members submit a request in writing to the [chairman] chair, but not less often than once each calendar year. A majority of members constitutes a quorum for the transaction of business. The affirmative vote of at least a majority of a quorum present shall be necessary for an action to be taken by the board.

C. Each public member of the board appointed by the governor shall be appointed to a four-year term. To provide for staggered terms, two of the initially governor-appointed public members shall be appointed for terms of two years and three members for terms of four years. Thereafter, all governor-appointed members shall be appointed for four-year terms. Vacancies shall be filled by appointment by the governor for the remainder of the unexpired term.

D. Public members of the board shall be reimbursed for attending meetings of the board as provided for nonsalaried public officers in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

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1 E. Public members of the board are appointed public
2 officials of the state while carrying out their duties and
3 activities under the Water Project Finance Act. "

4 Section 2. Section 72-4A-9 NMSA 1978 (being Laws 2001,
5 Chapter 164, Section 9) is amended to read:

6 "72-4A-9. WATER PROJECT FUND--CREATED--PURPOSE. --

7 A. The "water project fund" is created in the New
8 Mexico finance authority and shall consist of distributions
9 made to the fund from the water trust fund and payments of
10 principal of and interest on loans for approved water projects.
11 The fund shall also consist of any other money appropriated,
12 distributed or otherwise allocated to the fund for the purpose
13 of supporting water projects pursuant to provisions of the
14 Water Project Finance Act. The fund shall be administered by
15 the authority. Income from investment of the water project
16 fund shall be credited to the fund. Balances in the fund at
17 the end of any fiscal year shall not revert to the general
18 fund. The water project fund may consist of such subaccounts
19 as the authority deems necessary to carry out the purposes of
20 the fund. The authority may establish procedures and adopt
21 rules as required to administer the fund and to recover from
22 the fund costs of administering the fund and originating grants
23 and loans. Twenty-five percent of all water project funds
24 shall be dedicated to forest and watershed restoration
25 projects.

