

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 112

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO FINANCE; AUTHORIZING THE NEW MEXICO FINANCE
AUTHORITY TO MAKE LOANS OR GRANTS FROM THE WATER PROJECT FUND
FOR CERTAIN WATER PROJECTS; LIMITING AUTHORIZATIONS TO CURRENT
PROJECTS; CHANGING THE APPOINTING POWER FOR SOME WATER TRUST
BOARD MEMBERS; REQUIRING CERTAIN REPORTS; DECLARING AN
EMERGENCY.

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

SECTION 1. AUTHORIZATION OF QUALIFYING WATER PROJECTS.--

Pursuant to the provisions of Section 72-4A-9 NMSA 1978, the
legislature authorizes the New Mexico finance authority to make
loans or grants from the water project fund to the following
qualifying entities for the following qualifying water projects
on terms and conditions established by the water trust board
and the New Mexico finance authority:

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- 1 1. to the Canadian River soil and water
2 conservation district in Quay county for a watershed
3 restoration and management project;
- 4 2. to the Claunch-Pinto soil and water conservation
5 district for a watershed restoration and management project in
6 Bernalillo, Santa Fe and Tarrant counties;
- 7 3. to the Ute Creek soil and water conservation
8 district in Harding county for a watershed restoration and
9 management project;
- 10 4. to the acequia del Monte de Rio Chiquito in Taos
11 county for a water conservation, treatment, recycling or reuse
12 project;
- 13 5. to the city of Clovis in Curry county for a
14 water conservation, treatment, recycling or reuse project;
- 15 6. to the city of Rio Rancho in Sandoval county for
16 a water conservation, treatment, recycling or reuse project;
- 17 7. to the city of Rio Rancho in Sandoval county for
18 an additional water conservation, treatment, recycling or reuse
19 project;
- 20 8. to El Valle water alliance in San Miguel county
21 for a water conservation, treatment, recycling or reuse
22 project;
- 23 9. to the Pueblo of Tesuque in Santa Fe county for
24 a water conservation, treatment, recycling or reuse project;
- 25 10. to McKinley county for a water storage,

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1 conveyance and delivery project;

2 11. to McKinley county for an additional water
3 storage, conveyance and delivery project;

4 12. to the Agua Sana water users association in Rio
5 Arriba county for a water storage, conveyance and delivery
6 project;

7 13. to the Alto Lakes water and sanitation district
8 in Lincoln county for a water storage, conveyance and delivery
9 project;

10 14. to the Canoncito at Apache Canyon mutual
11 domestic water consumers and sewer water association in Santa
12 Fe county for a water storage, conveyance and delivery project;

13 15. to the city of Las Vegas in San Miguel county
14 for a water storage, conveyance and delivery project;

15 16. to the Cuatro Villas mutual domestic water
16 users association in Santa Fe county for a water storage,
17 conveyance and delivery project;

18 17. to El Creston mutual domestic water consumers
19 association in San Miguel county for a water storage,
20 conveyance and delivery project;

21 18. to the Eldorado Area water and sanitation
22 district in Santa Fe county for a water storage, conveyance and
23 delivery project;

24 19. to the greater Glorieta community regional
25 mutual domestic water consumers and sewer association in Santa

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1 Fe county for a water storage, conveyance and delivery project;

2 20. to the Hanover mutual domestic water consumers
3 association in Grant county for a water storage, conveyance and
4 delivery project;

5 21. to la acequia del Encinal in Mora county for a
6 water storage, conveyance and delivery project;

7 22. to La Lama mutual domestic water consumers
8 association in Taos county for a water storage, conveyance and
9 delivery project;

10 23. to the Pojoaque Valley public school district
11 in Santa Fe county for a water storage, conveyance and delivery
12 project;

13 24. to the Pueblo of Ohkay Owingeh in Rio Arriba
14 county for a water storage, conveyance and delivery project;

15 25. to the Pueblo of Picuris in Taos county for a
16 water storage, conveyance and delivery project;

17 26. to the Pueblo of Santa Clara in Rio Arriba
18 county for a water storage, conveyance and delivery project;

19 27. to the town of Springer in Colfax county for a
20 water storage, conveyance and delivery project;

21 28. to the town of Taos in Taos county for a water
22 storage, conveyance and delivery project;

23 29. to the Upper Holman mutual domestic water
24 consumers association in Mora county for a water storage,
25 conveyance and delivery project;

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1 30. to the village of Los Lunas in Valencia county
2 for a water storage, conveyance and delivery project;

3 31. to the village of Magdalena in Socorro county
4 for a water storage, conveyance and delivery project;

5 32. to the village of Tijeras in Bernalillo county
6 for a water storage, conveyance and delivery project; and

7 33. to the village of Tularosa in Otero county for
8 a water storage, conveyance and delivery project.

9 SECTION 2. A new section of the Water Project Finance Act
10 is enacted to read:

11 "[NEW MATERIAL] AUTHORIZATION LIMITATIONS.--Money in the
12 water project fund that has not been obligated shall not be
13 used to fund water projects that were authorized in a
14 legislative session prior to the most recent regular
15 legislative session but not funded by the authority; provided
16 that such projects previously authorized by the legislature may
17 be authorized again."

18 SECTION 3. Section 72-4A-4 NMSA 1978 (being Laws 2001,
19 Chapter 164, Section 4, as amended) is amended to read:

20 "72-4A-4. WATER TRUST BOARD CREATED.--

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

23 (1) the state engineer or the state engineer's
24 designee;

25 (2) the secretary of finance and

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1 administration or the secretary's designee;

2 (3) the executive director of the New Mexico
3 finance authority or the executive director's designee;

4 (4) the secretary of environment or the
5 secretary's designee;

6 (5) the secretary of energy, minerals and
7 natural resources or the secretary's designee;

8 ~~[(6) the director of the department of game
9 and fish or the director's designee;~~

10 ~~(7) the director of the New Mexico department
11 of agriculture or the director's designee;]~~

12 ~~[(8)]~~ (6) the executive director of the New
13 Mexico municipal league or the executive director's designee;

14 ~~[(9)]~~ (7) the executive director of the New
15 Mexico association of counties or the executive director's
16 designee;

17 ~~[(10) five]~~ (8) six public members appointed
18 by the ~~[governor and confirmed by the senate and]~~ New Mexico
19 legislative council 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]~~ the agricultural community;

25 (d) acequia water users; ~~[and]~~

1 (e) soil and water conservation
2 districts; and

3 (f) water associations organized under
4 the Sanitary Projects Act, Laws 1947, Chapter 206, Laws 1949,
5 Chapter 79 or Laws 1951, Chapter 52;

6 [~~(11)~~] (9) one public member appointed by the
7 Indian affairs commission; and

8 [~~(12)~~] (10) one representative of the Navajo
9 Nation who lives in New Mexico appointed by the president of
10 the Navajo Nation [~~or the president's designee~~].

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

19 C. Each public member of the board [~~appointed by~~
20 ~~the governor~~] shall be appointed to a four-year term. To
21 provide for staggered terms, two of the initially [~~governor-~~
22 ~~appointed~~] appointed public members shall be appointed for
23 terms of two years and three members for terms of four years.
24 Thereafter, all [~~governor-appointed~~] public members shall be
25 appointed for four-year terms. Vacancies in public member

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1 positions shall be filled by appointment by the [~~governor~~] New
2 Mexico legislative council for the remainder of the unexpired
3 term.

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

8 E. Public members of the board are appointed public
9 officials of the state while carrying out their duties and
10 activities under the Water Project Finance Act.

11 F. The public members of the water trust board on
12 July 1, 2014 shall finish out the terms for which they were
13 appointed. If a vacancy occurs in a public member's term after
14 July 1, 2014, the New Mexico legislative council shall fill the
15 vacancy by appointment of a qualified person for the remainder
16 of the term."

17 SECTION 4. Section 72-4A-10 NMSA 1978 (being Laws 2001,
18 Chapter 164, Section 10) is amended to read:

19 "72-4A-10. REPORT TO LEGISLATURE.--The board shall report
20 to the legislature no later than October 1 of each calender
21 year the total expenditures from the water project fund and the
22 acequia project fund, their purposes, an analysis of the
23 accomplishments of the expenditures and recommendations for
24 legislative action."

25 SECTION 5. EMERGENCY.--It is necessary for the public

1 peace, health and safety that this act take effect immediately.

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