

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
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; AUTHORIZING THE NEW MEXICO FINANCE  
AUTHORITY TO MAKE GRANTS FROM THE ACEQUIA PROJECT FUND FOR  
CERTAIN ACEQUIA 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

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1 on terms and conditions established by the water trust board  
2 and the New Mexico finance authority:

3 1. to the Canadian River soil and water  
4 conservation district in Quay county for a watershed  
5 restoration and management project;

6 2. to the Claunch-Pinto soil and water conservation  
7 district for a watershed restoration and management project in  
8 Bernalillo, Santa Fe and Torrance counties;

9 3. to the Ute Creek soil and water conservation  
10 district in Harding county for a watershed restoration and  
11 management project;

12 4. to the acequia del Monte de Rio Chiquito in Taos  
13 county for a water conservation, treatment, recycling or reuse  
14 project;

15 5. to the city of Clovis in Curry county for a  
16 water conservation, treatment, recycling or reuse project;

17 6. to the city of Rio Rancho in Sandoval county for  
18 a water conservation, treatment, recycling or reuse project;

19 7. to the city of Rio Rancho in Sandoval county for  
20 an additional water conservation, treatment, recycling or reuse  
21 project;

22 8. to El Valle water alliance in San Miguel county  
23 for a water conservation, treatment, recycling or reuse  
24 project;

25 9. to the Pueblo of Tesuque in Santa Fe county for

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1 a water conservation, treatment, recycling or reuse project;

2 10. to McKinley county for a water storage,  
3 conveyance and delivery project;

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

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

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

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

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

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

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

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

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1           19. to the greater Glorieta community regional  
2 mutual domestic water consumers and sewer association in Santa  
3 Fe county for a water storage, conveyance and delivery project;

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

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

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

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

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

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

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

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

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

25           29. to the Upper Holman mutual domestic water

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1 consumers association in Mora county for a water storage,  
2 conveyance and delivery project;

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

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

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

9 33. to the village of Tularosa in Otero county for  
10 a water storage, conveyance and delivery project;

11 34. to the Guadalupe soil and water conservation  
12 district in Guadalupe county for a watershed restoration and  
13 management project;

14 35. to the Merced del Pueblo de Cebolleta in Cibola  
15 county for a watershed restoration and management project;

16 36. to the middle Rio Grande conservancy district  
17 in Socorro county for a flood prevention project;

18 37. to the village of Hatch in Dona Ana county for  
19 a flood prevention project;

20 38. to the city of Deming in Luna county for a  
21 water conservation, treatment, recycling or reuse project;

22 39. to the city of Las Vegas in San Miguel county  
23 for a water conservation, treatment, recycling or reuse  
24 project;

25 40. to the Green Ridge mutual domestic water

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1 consumers association in Bernalillo county for a water  
2 conservation, treatment, recycling or reuse project;

3 41. to the village of Chama in Rio Arriba county  
4 for a water conservation, treatment, recycling or reuse  
5 project;

6 42. to Lea county for a water storage, conveyance  
7 and delivery project;

8 43. to McKinley county for an additional water  
9 storage, conveyance and delivery project;

10 44. to the acequia de la Isla in Mora county for a  
11 water storage, conveyance and delivery project;

12 45. to the Ancones mutual domestic water consumers  
13 association in Rio Arriba county for a water storage,  
14 conveyance and delivery project;

15 46. to the city of Belen in Valencia county for a  
16 water storage, conveyance and delivery project;

17 47. to the city of Bloomfield in San Juan county  
18 for a water storage, conveyance and delivery project;

19 48. to the city of Carlsbad in Eddy county for a  
20 water storage, conveyance and delivery project;

21 49. to the city of Deming in Luna county for a  
22 water storage, conveyance and delivery project;

23 50. to the Cottonwood rural water association in  
24 Eddy county for a water storage, conveyance and delivery  
25 project;

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1           51. to the Desert Aire mutual domestic water and  
2 sewer works association in Dona Ana county for a water storage,  
3 conveyance and delivery project;

4           52. to the Garfield mutual domestic water consumers  
5 and mutual sewage works association in Dona Ana and Sierra  
6 counties for a water storage, conveyance and delivery project;

7           53. to the Merced del Pueblo de Cebolleta in Cibola  
8 county for a water storage, conveyance and delivery project;

9           54. to the Otis mutual domestic water consumers  
10 association in Eddy county for a water storage, conveyance and  
11 delivery project;

12           55. to the Rainsville water and sanitation district  
13 in Mora county for a water storage, conveyance and delivery  
14 project;

15           56. to the town of Estancia in Torrance county for  
16 a water storage, conveyance and delivery project;

17           57. to the Valley Estates mutual domestic water and  
18 sewer association in Rio Arriba county for a water storage,  
19 conveyance and delivery project;

20           58. to the village of Eagle Nest in Colfax county  
21 for a water storage, conveyance and delivery project;

22           59. to the village of Melrose in Curry county for a  
23 water storage, conveyance and delivery project;

24           60. to the village of Pecos in San Miguel county  
25 for a water storage, conveyance and delivery project;

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1           61. to the village of Ruidoso in Lincoln county for  
2 a water storage, conveyance and delivery project; and

3           62. to the village of Ruidoso in Lincoln county for  
4 an additional water storage, conveyance and delivery project.

5           **SECTION 2. AUTHORIZATION OF QUALIFYING ACEQUIA WATER**

6 **PROJECTS.--**Pursuant to the provisions of Section 72-4A-9.1  
7 NMSA 1978, the legislature authorizes the New Mexico finance  
8 authority to make grants from the acequia project fund to the  
9 following qualified entities for the following qualifying  
10 acequia water projects on terms and conditions established by  
11 the water trust board and the New Mexico finance authority:

12           1. to Las Vegas acequia madre in San Miguel county  
13 for an acequia project;

14           2. to the acequia del Medio in Rio Arriba county  
15 for an acequia project;

16           3. to the Rio Arriba chili ditch association in Rio  
17 Arriba county for an acequia project;

18           4. to the Santa Fe acequia Barranco Blanco in Santa  
19 Fe county for an acequia project; and

20           5. to the Ensenada acequia in Rio Arriba county for  
21 an acequia project.

22           **SECTION 3.** A new section of the Water Project Finance Act  
23 is enacted to read:

24           "[NEW MATERIAL] AUTHORIZATION LIMITATIONS.--Money in the  
25 water project fund that has not been obligated shall not be

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1 used to fund water projects that were authorized in a  
 2 legislative session prior to the most recent regular  
 3 legislative session but not funded by the authority; provided  
 4 that such projects previously authorized by the legislature may  
 5 be authorized again."

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

8 "72-4A-4. WATER TRUST BOARD CREATED.--

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

11 (1) the state engineer or the state engineer's  
 12 designee;

13 (2) the secretary of finance and  
 14 administration or the secretary's designee;

15 [~~(3) the executive director of the New Mexico~~  
 16 ~~finance authority or the executive director's designee;~~

17 ~~(4)]~~ (3) the secretary of environment or the  
 18 secretary's designee;

19 [~~(5)]~~ (4) the secretary of energy, minerals  
 20 and natural resources or the secretary's designee;

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

23 ~~(7)]~~ (5) the director of the New Mexico  
 24 department of agriculture or the director's designee;

25 [~~(8)]~~ (6) the executive director of the New

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1 Mexico municipal league or the executive director's designee;  
2                   ~~[(9)]~~ (7) the executive director of the New  
3 Mexico association of counties or the executive director's  
4 designee;

5                   ~~[(10) five]~~ (8) six public members appointed  
6 by the ~~[governor and confirmed by the senate and]~~ New Mexico  
7 legislative council who represent:

8                                   (a) the environmental community;

9                                   (b) an irrigation or conservancy  
10 district ~~[that uses surface water];~~

11                                  (c) ~~[an irrigation or conservancy~~  
12 ~~district that uses ground water]~~ the agricultural community;

13                                  (d) acequia water users; ~~and]~~

14                                  (e) soil and water conservation  
15 districts; and

16                                  (f) water associations organized under  
17 the Sanitary Projects Act, Laws 1947, Chapter 206, Laws 1949,  
18 Chapter 79 or Laws 1951, Chapter 52;

19                                  ~~[(11)]~~ (9) one public member appointed by the  
20 Indian affairs commission; and

21                                  ~~[(12)]~~ (10) one representative of the Navajo  
22 Nation who lives in New Mexico appointed by the president of  
23 the Navajo Nation ~~[or the president's designee].~~

24                   B. The chair of the board shall be elected by a  
25 quorum of the board members. The board shall meet at the call

1 of the chair or whenever three members submit a request in  
2 writing to the chair, but not less often than once each  
3 calendar year. A majority of members constitutes a quorum for  
4 the transaction of business. The affirmative vote of at least  
5 a majority of a quorum present shall be necessary for an action  
6 to be taken by the board.

7 C. Each public member of the board [~~appointed by~~  
8 ~~the governor~~] shall be appointed to a four-year term. To  
9 provide for staggered terms, two of the initially [~~governor-~~  
10 ~~appointed~~] appointed public members shall be appointed for  
11 terms of two years and three members for terms of four years.  
12 Thereafter, all [~~governor-appointed~~] public members shall be  
13 appointed for four-year terms. Vacancies in public member  
14 positions shall be filled by appointment by the [~~governor~~] New  
15 Mexico legislative council for the remainder of the unexpired  
16 term.

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

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

24 F. The public members of the water trust board on  
25 July 1, 2014 shall finish out the terms for which they were

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1 appointed. If a vacancy occurs in a public member's term after  
2 July 1, 2014, the New Mexico legislative council shall fill the  
3 vacancy by appointment of a qualified person for the remainder  
4 of the term."

5 SECTION 5. Section 72-4A-10 NMSA 1978 (being Laws 2001,  
6 Chapter 164, Section 10) is amended to read:

7 "72-4A-10. REPORT TO LEGISLATURE.--The board shall report  
8 to the legislature no later than October 1 of each calender  
9 year the total expenditures from the water project fund and the  
10 acequia project fund, their purposes, an analysis of the  
11 accomplishments of the expenditures and recommendations for  
12 legislative action."

13 SECTION 6. EMERGENCY.--It is necessary for the public  
14 peace, health and safety that this act take effect immediately.