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SENATE BILL 391

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY
Joseph Cervantes

AN ACT

RELATING TO PUBLIC FINANCE; CHANGING THE APPOINTING AUTHORITY
OF CERTAIN MEMBERS OF THE WATER TRUST BOARD; CHANGING
MEMBERSHIP OF THE WATER TRUST BOARD.

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, as amended) 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 [~~sixteen~~] fifteen members:

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

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

~~[(3) the executive director of the New Mexico~~

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1 ~~finance authority or the executive director's designee;~~

2 ~~(4)~~ (3) the secretary of environment or the
3 secretary's designee;

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

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

8 ~~(7)~~ (5) the director of the New Mexico
9 department of agriculture or the director's designee;

10 ~~(8)~~ (6) the executive director of the New
11 Mexico municipal league or the executive director's designee;

12 ~~(9)~~ (7) the executive director of the New
13 Mexico association of counties or the executive director's
14 designee;

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

18 (a) the environmental community;

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

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

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

24 (e) soil and water conservation
25 districts; and

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

4 ~~[(11)]~~ (9) one public member appointed by the
5 Indian affairs commission; and

6 ~~[(12)]~~ (10) one representative of the Navajo
7 Nation who lives in New Mexico appointed by the president of
8 the Navajo Nation ~~[or the president's designee].~~

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

17 C. Each public member of the board appointed by the
18 ~~[governor]~~ New Mexico legislative council shall be appointed to
19 a four-year term; ~~[To provide for staggered terms two of the~~
20 ~~initially governor-appointed public members shall be appointed~~
21 ~~for terms of two years and three members for terms of four~~
22 ~~years. Thereafter, all governor-appointed members shall be~~
23 ~~appointed for four-year terms]~~ provided that terms are
24 staggered such that only three terms shall end every two years.
25 Vacancies shall be filled by appointment by the ~~[governor]~~ New

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1 Mexico legislative council for the remainder of the unexpired
2 term.

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

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

10 F. A public member of the water trust board serving
11 on July 1, 2023 shall serve the remainder of the term for which
12 the member was appointed. If a vacancy occurs in a governor-
13 appointed public member's position after July 1, 2023, the New
14 Mexico legislative council shall appoint a qualified person to
15 serve in that position for the remainder of the member's term."