

SENATE BILL 391

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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.--

.225045.1AIC February 22, 2023 (4:36pm)

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

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

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

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

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

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

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

~~[(10) five]~~ (8) six public members appointed by the [~~governor and confirmed by the senate~~] New Mexico legislative council SRC→who are geographically diverse←SRC and who represent:

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(a) the environmental community;
(b) an irrigation or conservancy district [~~that uses surface water~~];
(c) [~~an irrigation or conservancy district that uses ground water~~] the agricultural community;
(d) acequia water users; [~~and~~]
(e) soil and water conservation districts; and
(f) water associations organized under the Sanitary Projects Act, Laws 1947, Chapter 206, Laws 1949, Chapter 79 or Laws 1951, Chapter 52;

[~~(11)~~] (9) one SRC→public←SRC SRC→pueblo tribal←SRC member appointed by the Indian affairs SRC→commission←SRC SRC→department←SRC ; and

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

B. The chair of the board shall be elected by a quorum of the board members. The board shall meet at the call of the chair or whenever three members submit a request in writing to the 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.

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C. Each public member of the board appointed by the [governor] New Mexico legislative council 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]~~ provided that terms are staggered such that only three terms shall end every two years. Vacancies shall be filled by appointment by the [governor] New Mexico legislative council 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.

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

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