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SENATE BILL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

DISCUSSION DRAFT

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, 2017 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, 2017, 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."

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