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SENATE BILL 443

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO WATER; AMENDING SECTIONS OF THE WATER PROJECT
FINANCE ACT; PROVIDING FOR MEMBERS OF THE WATER TRUST BOARD;
REMOVING THE DROUGHT STRIKE TEAM FROM WATER TRUST BOARD DUTIES;
PROVIDING FOR APPROPRIATIONS AND DONATIONS TO THE WATER PROJECT
FUND.

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) 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 [~~fifteen~~] eighteen members:

(1) the state engineer [~~or his designee~~], who
shall be the chairman of the board;

(2) the executive director of the New Mexico

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1 finance authority;

2 (3) the secretary of environment [~~or his~~
3 ~~designee~~];

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

6 (5) the secretary of finance and
7 administration;

8 [~~(5)~~] (6) the director of the department of
9 game and fish [~~or his designee~~];

10 [~~(6)~~] (7) the director of the New Mexico
11 department of agriculture [~~or his designee~~];

12 [~~(7)~~] (8) the executive director of the New
13 Mexico municipal league or [~~his~~] the executive director's
14 designee;

15 [~~(8)~~] (9) the executive director of the New
16 Mexico association of counties or [~~his~~] the executive
17 director's designee;

18 [~~(9) five~~] (10) seven public members
19 appointed by the governor and confirmed by the senate and who
20 represent:

21 (a) the environmental community;

22 (b) an irrigation or conservancy
23 district that uses surface water;

24 (c) an irrigation or conservancy
25 district that uses ground water;

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- 1 (d) acequia water users; [~~and~~]
- 2 (e) soil and water conservation
- 3 districts;
- 4 (f) public water systems with more than
- 5 five hundred connections; and
- 6 (g) public water systems with five
- 7 hundred or fewer connections;
- 8 [~~(10)~~] (11) one public member appointed by the
- 9 commission on Indian affairs; and
- 10 [~~(11)~~] (12) the president of the Navajo Nation
- 11 or [~~his~~] the president's designee.

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

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

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1 governor for the remainder of the unexpired term.

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

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

9 Section 2. Section 72-4A-5 NMSA 1978 (being Laws 2001,
10 Chapter 164, Section 5, as amended by Laws 2003, Chapter 139,
11 Section 3 and by Laws 2003, Chapter 365, Section 1) is amended
12 to read:

13 "72-4A-5. BOARD--DUTIES.--The board shall:

14 A. adopt rules governing terms and conditions of
15 grants or loans recommended by the board for appropriation by
16 the legislature from the water project fund, giving priority to
17 projects that have urgent needs, that have been identified for
18 implementation of a completed regional water plan that is
19 accepted by the interstate stream commission and that have
20 matching contributions from federal or local funding sources;
21 and

22 B. authorize qualifying water projects to the
23 authority that are for:

24 (1) storage, conveyance or delivery of water
25 to end users;

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- 1 (2) implementation of federal Endangered
2 Species Act of 1973 collaborative programs;
3 (3) restoration and management of watersheds;
4 (4) flood prevention; or
5 (5) water conservation [~~and~~

6 ~~G. create a drought strike team to coordinate~~
7 ~~responses to emergency water shortages caused by drought~~
8 ~~conditions]."~~

9 Section 3. Section 72-4A-9 NMSA 1978 (being Laws 2001,
10 Chapter 164, Section 9) is amended to read:

11 "72-4A-9. WATER PROJECT FUND--CREATED--PURPOSE.--

12 A. The "water project fund" is created in the New
13 Mexico finance authority and shall consist of distributions
14 made to the fund from the water trust fund, appropriations and
15 donations to the fund and payments of principal of and interest
16 on loans for approved water projects. The fund shall also
17 consist of any other money appropriated, distributed or
18 otherwise allocated to the fund for the purpose of supporting
19 water projects pursuant to provisions of the Water Project
20 Finance Act. The fund shall be administered by the authority.
21 Income from investment of the water project fund shall be
22 credited to the fund. Balances in the fund at the end of any
23 fiscal year shall not revert to the general fund. The water
24 project fund may consist of such subaccounts as the authority
25 deems necessary to carry out the purposes of the fund. The

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1 authority may establish procedures and adopt rules as required
2 to administer the fund and to recover from the fund costs of
3 administering the fund and originating grants and loans.

4 B. Money in the water project fund may be used to
5 make loans or grants to qualified entities for any project
6 approved by the legislature.

7 C. The authority is authorized to issue revenue
8 bonds payable from the proceeds of loan repayments made into
9 the water project fund upon a determination by the authority
10 that issuance of the bonds is necessary to replenish the
11 principal balance of the fund. The net proceeds from the sale
12 of the bonds shall be deposited in the water project fund. The
13 bonds shall be authorized and issued by the authority in
14 accordance with the provisions of the New Mexico Finance
15 Authority Act."