

1 SENATE BILL 326

2 **47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

3 INTRODUCED BY

4 Carlos R. Cisneros

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10 AN ACT

11 RELATING TO TORTS; PROVIDING EXCLUSION FROM THE WAIVER OF  
12 IMMUNITY OF LIABILITY FOR ACEQUIA ASSOCIATION EMPLOYEES OR  
13 VOLUNTEERS; EXTENDING INSURANCE COVERAGE TO ACEQUIAS AND  
14 COMMUNITY DITCH ASSOCIATIONS.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. Section 41-4-13 NMSA 1978 (being Laws 1977,  
18 Chapter 386, Section 10) is amended to read:

19 "41-4-13. EXCLUSIONS FROM WAIVER OF IMMUNITY--COMMUNITY  
20 DITCHES OR ACEQUIAS--SANITARY PROJECTS ACT ASSOCIATIONS.--All  
21 community ditches or acequias, and their public employees  
22 acting within the scope of their duties, and all associations  
23 created pursuant to the Sanitary Projects Act are [~~hereby~~]  
24 excluded from the waiver of immunity of liability under  
25 Sections [~~5-14-6 through 5-14-12 NMSA 1953~~] 41-4-6 through  
.159132.4

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41-4-12 NMSA 1978."

Section 2. A new section of Chapter 73, Article 2 NMSA 1978 is enacted to read:

"[NEW MATERIAL] ACEQUIAS AND COMMUNITY DITCH ASSOCIATIONS--INSURANCE COVERAGE.--Officers, volunteers and employees of acequias and community ditch associations are public employees for the purposes of the Tort Claims Act and upon request by the acequia or community ditch association shall be provided all insurance and self-insurance coverage provided by the risk management division of the general services department."