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SENATE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO WATER; CHANGING THE MEMBERSHIP OF THE INTERSTATE
STREAM COMMISSION; PROVIDING OTHER TERMS OF HOLDING OFFICE ON
THE COMMISSION.

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

SECTION 1. Section 72-14-1 NMSA 1978 (being Laws 1935,
Chapter 25, Section 1, as amended) is repealed and a new
Section 72-14-1 NMSA 1978 is enacted to read:

"72-14-1. [NEW MATERIAL] INTERSTATE STREAM COMMISSION--
CREATION--MEMBERSHIP--ORGANIZATION.--

A. The "interstate stream commission" is created,
consisting of the following members:

(1) the state engineer;

(2) four members appointed by the governor,

with the advice and consent of the senate and with the

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1 provision that not more than two members shall be from the same
2 political party, as follows:

3 (a) one representative of an irrigation
4 or conservancy district;

5 (b) one representative of a New Mexico
6 acequia or community ditch;

7 (c) one representative of a New Mexico
8 drinking water utility that provides at least five hundred
9 acre-feet of water annually for domestic use; and

10 (d) one member of a New Mexico Indian
11 nation, tribe or pueblo; and

12 (3) four members appointed by the New Mexico
13 legislative council, with the advice and consent of the senate
14 and with the provision that not more than two members shall be
15 from the same political party, as follows:

16 (a) one representative of an irrigation
17 or conservancy district;

18 (b) one member of the New Mexico water
19 resources research institute or civil or environmental
20 engineering faculty of New Mexico state university or the
21 university of New Mexico;

22 (c) one professional hydrogeologist with
23 expertise in New Mexico ground water resources or a registered
24 engineer with a New Mexico consulting engineering practice in
25 water resources or water utility engineering; and

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1 (d) one representative of a
2 nongovernmental conservation advocacy organization.

3 B. No two members shall be appointed from the same
4 irrigation or conservancy district, and no more than three
5 members shall be appointed from the same geographic region.
6 The appointed members shall be qualified by no less than ten
7 years' experience with New Mexico water resources.

8 C. Appointed members of the commission shall serve
9 for staggered terms of five years; provided that of the initial
10 members, one member shall serve for two years, one member shall
11 serve for three years, two members shall serve for four years
12 and one member shall serve for five years. Initial terms shall
13 be decided by drawing lots. Members shall serve until their
14 successors are appointed and qualified.

15 D. Members may be removed from the commission by
16 the appointing authority for failure to attend three
17 consecutive meetings or for other cause in the same manner as
18 provided for removal of members of boards of regents under
19 Article 12, Section 13 of the constitution of New Mexico. A
20 vacancy occurring other than by expiration of the term shall be
21 filled in the same manner as the original appointment for the
22 unexpired term.

23 E. The commission shall elect a chair and vice
24 chair, and the state engineer shall be the secretary. A
25 commission member shall not hold any office or employment in a

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1 political party.

2 F. All actions of the commission shall be by
3 majority vote, and a majority of members constitutes a quorum
4 for the transaction of business. Members who are not
5 compensated by public money are entitled to receive per diem
6 and mileage expenses as provided in the Per Diem and Mileage
7 Act. Members who are compensated by public money may receive
8 per diem and mileage from their public agencies or
9 institutions. Members of the commission and officers and
10 employees of the commission shall be governed by the provisions
11 of the Governmental Conduct Act."

12 SECTION 2. TEMPORARY PROVISION--INTERSTATE STREAM
13 COMMISSION MEMBERSHIP PER THIS ACT.--The new membership of the
14 interstate stream commission shall be appointed for staggered
15 terms, pursuant to Subsection C of Section 1 of this act, that
16 begin July 1, 2017. Current members who meet the requirements
17 of the positions specified in Section 1 of this act may be
18 reappointed for new terms. Current members shall continue in
19 their positions until their replacements have been qualified.