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AN ACT

RELATING TO THE ENVIRONMENT; ADDING THE SECRETARY OF HEALTH  
AS A MEMBER OF THE WATER QUALITY CONTROL COMMISSION.

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

Section 1. Section 74-6-3 NMSA 1978 (being Laws 1967,  
Chapter 190, Section 3, as amended) is amended to read:

"74-6-3. WATER QUALITY CONTROL COMMISSION CREATED.--

A. There is created the "water quality control  
commission" consisting of:

(1) the secretary of environment or a member  
of the secretary's staff designated by the secretary;

(2) the secretary of health or a member of  
the secretary's staff designated by the secretary;

(3) the director of the department of game  
and fish or a member of the director's staff designated by  
the director;

(4) the state engineer or a member of the  
state engineer's staff designated by the state engineer;

(5) the chair of the oil conservation  
commission or a member of the chair's staff designated by the  
chair;

(6) the director of the state parks division  
of the energy, minerals and natural resources department or a  
member of the director's staff designated by the director;

1 (7) the director of the New Mexico  
2 department of agriculture or a member of the director's staff  
3 designated by the director;

4 (8) the chair of the soil and water  
5 conservation commission or a soil and water conservation  
6 district supervisor designated by the chair;

7 (9) the director of the bureau of geology  
8 and mineral resources at the New Mexico institute of mining  
9 and technology or a member of the director's staff designated  
10 by the director;

11 (10) a municipal or county government  
12 representative; and

13 (11) four representatives of the public to  
14 be appointed by the governor for terms of four years and who  
15 shall be compensated from the budgeted funds of the  
16 department of environment in accordance with the provisions  
17 of the Per Diem and Mileage Act. At least one member  
18 appointed by the governor shall be a member of a New Mexico  
19 Indian tribe or pueblo.

20 B. A member of the commission shall not receive,  
21 or shall not have received during the previous two years, a  
22 significant portion of the member's income directly or  
23 indirectly from permit holders or applicants for a permit. A  
24 member of the commission shall, upon the acceptance of the  
25 member's appointment and prior to the performance of any of

1 the member's duties, file a statement of disclosure with the  
2 secretary of state disclosing any amount of money or other  
3 valuable consideration, and its source, the value of which is  
4 in excess of ten percent of the member's gross personal  
5 income in each of the preceding two years, that the member  
6 received directly or indirectly from permit holders or  
7 applicants for permits required under the Water Quality Act.  
8 A member of the commission shall not participate in the  
9 consideration of an appeal if the subject of the appeal is an  
10 application filed or a permit held by an entity that either  
11 employs the commission member or from which the commission  
12 member received more than ten percent of the member's gross  
13 personal income in either of the preceding two years.

14 C. The commission shall elect a chair and other  
15 necessary officers and shall keep a record of its  
16 proceedings.

17 D. A majority of the commission constitutes a  
18 quorum for the transaction of business, but no action of the  
19 commission is valid unless concurred in by six or more  
20 members present at a meeting.

21 E. The commission is the state water pollution  
22 control agency for this state for all purposes of the federal  
23 act and the wellhead protection and sole source aquifer  
24 programs of the federal Safe Drinking Water Act and may take  
25 all action necessary and appropriate to secure to this state,

1 its political subdivisions or interstate agencies the  
2 benefits of that act and those programs.

3 F. The commission is administratively attached, as  
4 defined in the Executive Reorganization Act, to the department  
5 of environment."

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