

SENATE BILL 5

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Peter Wirth

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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 Section 72-14-1 NMSA 1978 (being Laws 1935, Chapter 25, Section 1, as amended) is repealed and a new Section 72-14-1 NMSA 1978 is enacted to read: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

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

(1) the state engineer;

(2) four members appointed by the governor,

SRC→with the advice and consent of the senate,←SRC with the provision that not more than two members shall be from the same political party, and at least one of whom shall be a member of a New Mexico Indian nation, tribe or pueblo, as follows:

(a) two representatives of irrigation or conservancy districts;

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

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

(3) four members appointed by the New Mexico legislative council, SRC→with the advice and consent of the senate,←SRC with the provision that not more than two members shall be from the same political party, and at least one of whom shall be a member of a New Mexico Indian nation, tribe or pueblo, as follows:

(a) two representatives of irrigation or conservancy districts;

(b) one member of the New Mexico water resources research institute or civil or environmental

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engineering faculty of New Mexico state university or the university of New Mexico; and

(c) one professional hydrogeologist with expertise in New Mexico ground water resources or a professional engineer with a New Mexico consulting engineering practice in water resources or water utility engineering.

B. No two members shall be appointed from the same irrigation or conservancy district or the same New Mexico Indian nation, tribe SRC→of←SRC SRC→or←SRC pueblo HJC→and ,←HJC no more than SRC→three←SRC SRC→four←SRC members shall be appointed from the same congressional district HJC→and the appointed members shall reside in at least three different office of the state engineer water rights districts←HJC. The appointed members shall be qualified by no less than ten years' experience with New Mexico water resources. A member who changes political party affiliation shall be deemed to have resigned, and a person shall not be qualified for appointment if the person has changed party affiliation in the previous two years.

C. Appointed members of the commission shall serve for staggered terms of four years; provided that of the initial members, two members shall serve for one year, two members shall serve for two years, two members shall serve for three years and two members shall serve for four years. Initial terms shall be decided by drawing lots.

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

E. The commission shall elect a chair and vice chair as provided by rule, and the state engineer shall be the secretary. A commission member shall not hold any SRC office or SRC employment in a political party.

F. All actions of the commission shall be by majority vote, and a majority of members constitutes a quorum for the transaction of business."

SECTION 2. TEMPORARY PROVISION--INITIAL APPOINTMENTS TO INTERSTATE STREAM COMMISSION.--Members of the interstate stream commission serving as of July 1, 2019 shall continue in their positions until their replacements have been appointed. Current members who meet the qualifications of the positions specified in Section 72-14-1 NMSA 1978 may be appointed for new terms. A member appointed before January 1, 2020 pursuant to this act shall take office immediately, serve the remainder of the year and serve for a term beginning January 1, 2020 and ending December 31 in the year for that position as determined

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by lot in accordance with Subsection C of Section 72-14-1 NMSA
1978.

SECTION 3. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2019.

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