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SENATE BILL 5

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

INTRODUCED BY

Peter Wirth

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Chapter 25, Section 1, as amended) is repealed and a new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 provision that not more than two members shall be from

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1 the same political party, and at least one of whom shall be a
2 member of a New Mexico Indian nation, tribe or pueblo, as
3 follows:

4 (a) two representatives of irrigation or
5 conservancy districts;

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

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

11 (3) four members appointed by the New Mexico
12 legislative council, with the provision that not more than two
13 members shall be from the same political party, and at least
14 one of whom shall be a member of a New Mexico Indian nation,
15 tribe or pueblo, as follows:

16 (a) two representatives of irrigation or
17 conservancy districts;

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; and

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

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1 B. No two members shall be appointed from the same
2 irrigation or conservancy district or the same New Mexico
3 Indian nation, tribe of pueblo and no more than three members
4 shall be appointed from the same congressional district. The
5 appointed members shall be qualified by no less than ten years'
6 experience with New Mexico water resources. A member who
7 changes political party affiliation shall be deemed to have
8 resigned, and a person shall not be qualified for appointment
9 if the person has changed party affiliation in the previous two
10 years.

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

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

25 E. The commission shall elect a chair and vice

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1 chair as provided by rule, and the state engineer shall be the
2 secretary. A commission member shall not hold any office or
3 employment in a political party.

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

7 SECTION 2. TEMPORARY PROVISION--INITIAL APPOINTMENTS TO
8 INTERSTATE STREAM COMMISSION.--Members of the interstate stream
9 commission serving as of July 1, 2019 shall continue in their
10 positions until their replacements have been appointed.

11 Current members who meet the qualifications of the positions
12 specified in Section 72-14-1 NMSA 1978 may be appointed for new
13 terms. A member appointed before January 1, 2020 pursuant to
14 this act shall take office immediately, serve the remainder of
15 the year and serve for a term beginning January 1, 2020 and
16 ending December 31 in the year for that position as determined
17 by lot in accordance with Subsection C of Section 72-14-1 NMSA
18 1978.

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