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HOUSE BILL 151

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO WATER; REQUIRING THAT A NATIVE AMERICAN  
COMMISSIONER BE APPOINTED TO THE INTERSTATE STREAM COMMISSION  
AND THE WATER QUALITY CONTROL COMMISSION; AMENDING SECTIONS OF  
THE NMSA 1978.

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 amended to read:

"72-14-1. INTERSTATE STREAM COMMISSION-- CREATION--  
MEMBERSHIP-- ORGANIZATION.-- There is created the "interstate  
stream commission" consisting of nine members, eight appointed  
by the governor for a term of six years and the ninth member to  
be the state engineer. The members appointed by the governor  
shall be representative of major irrigation districts or  
sections, and no two members shall be appointed from the same

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1 irrigation district or section. The governor shall appoint at  
2 least one Native American to the commission. The commission  
3 shall elect a chairman, and the state engineer shall be the  
4 secretary. "

5 Section 2. Section 74-6-3 NMSA 1978 (being Laws 1967,  
6 Chapter 190, Section 3, as amended by Laws 2001, Chapter 246,  
7 Section 14 and by Laws 2001, Chapter 267, Section 1) is amended  
8 to read:

9 "74-6-3. WATER QUALITY CONTROL COMMISSION CREATED. --

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

12 (1) the secretary of environment or a member  
13 of his staff designated by him;

14 (2) the director of the department of game and  
15 fish or a member of his staff designated by him;

16 (3) the state engineer or a member of his  
17 staff designated by him;

18 (4) the chairman of the oil conservation  
19 commission or a member of his staff designated by him;

20 (5) the director of the state parks division  
21 of the energy, minerals and natural resources department or a  
22 member of his staff designated by him;

23 (6) the director of the New Mexico department  
24 of agriculture or a member of his staff designated by him;

25 (7) the chairman of the soil and water

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1 conservation commission or a soil and water conservation  
2 district supervisor designated by him;

3 (8) the director of the bureau of [~~mines~~  
4 geology and mineral resources at the New Mexico institute of  
5 mining and technology or a member of his staff designated by  
6 him;

7 (9) a municipal or county government  
8 representative; and

9 (10) three representatives of the public to be  
10 appointed by the governor for terms of four years and who shall  
11 be compensated from the budgeted funds of the department of  
12 environment in accordance with the provisions of the Per Diem  
13 and Mileage Act. At least one member appointed by the governor  
14 shall be a Native American.

15 B. [~~No~~] A member of the commission shall not  
16 receive, or shall not have received during the previous two  
17 years, a significant portion of his income directly or  
18 indirectly from permit holders or applicants for a permit. A  
19 member of the commission shall, upon the acceptance of his  
20 appointment and prior to the performance of any of his duties,  
21 file a statement of disclosure with the secretary of state  
22 disclosing any amount of money or other valuable consideration,  
23 and its source, the value of which is in excess of ten percent  
24 of his gross personal income in each of the preceding two  
25 years, that he received directly or indirectly from permit

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1 holders or applicants for permits required under the Water  
2 Quality Act. ~~[No]~~ A member of the commission shall not  
3 participate in the consideration of an appeal if the subject of  
4 the appeal is an application filed or a permit held by an  
5 entity that either employs the commission member or from which  
6 the commission member received more than ten ~~[(10)]~~ percent of  
7 his gross personal income in either of the ~~[proceeding]~~  
8 preceding two years.

9 C. The commission shall elect a chairman and other  
10 necessary officers and shall keep a record of its proceedings.

11 D. A majority of the commission constitutes a  
12 quorum for the transaction of business, but no action of the  
13 commission is valid unless concurred in by six or more members  
14 present at a meeting.

15 E. The commission is the state water pollution  
16 control agency for this state for all purposes of the federal  
17 act and the wellhead protection and sole source aquifer  
18 programs of the federal Safe Drinking Water Act and may take  
19 all action necessary and appropriate to secure to this state,  
20 its political subdivisions or interstate agencies the benefits  
21 of that act and those programs.

22 F. The commission is administratively attached, as  
23 defined in the Executive Reorganization Act, to the department  
24 of environment. "

25 Section 3. EFFECTIVE DATE. --The effective date of the

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1 provisions of this act is July 1, 2003.

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