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HOUSE BILL 998

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Jeff Steinborn

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 [~~his~~] the secretary's staff designated by [~~him~~] the
secretary;

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

[~~(2)~~] (3) the director of the department of

underscored material = new
[bracketed material] = delete

1 game and fish or a member of [~~his~~] the director's staff
2 designated by [~~him~~] the director;

3 [~~(3)~~] (4) the state engineer or a member of
4 [~~his~~] the state engineer's staff designated by [~~him~~] the state
5 engineer;

6 [~~(4)~~] (5) the [~~chairman~~] chair of the oil
7 conservation commission or a member of [~~his~~] the chair's staff
8 designated by [~~him~~] the chair;

9 [~~(5)~~] (6) the director of the state parks
10 division of the energy, minerals and natural resources
11 department or a member of [~~his~~] the director's staff designated
12 by [~~him~~] the director;

13 [~~(6)~~] (7) the director of the New Mexico
14 department of agriculture or a member of [~~his~~] the director's
15 staff designated by [~~him~~] the director;

16 [~~(7)~~] (8) the [~~chairman~~] chair of the soil and
17 water conservation commission or a soil and water conservation
18 district supervisor designated by [~~him~~] the chair;

19 [~~(8)~~] (9) the director of the bureau of
20 geology and mineral resources at the New Mexico institute of
21 mining and technology or a member of [~~his~~] the director's staff
22 designated by [~~him~~] the director;

23 [~~(9)~~] (10) a municipal or county government
24 representative; and

25 [~~(10)~~] (11) three representatives of the

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1 public to be appointed by the governor for terms of four years
2 and who shall be compensated from the budgeted funds of the
3 department of environment in accordance with the provisions of
4 the Per Diem and Mileage Act. At least one member appointed by
5 the governor shall be a member of a New Mexico Indian tribe or
6 pueblo.

7 B. A member of the commission shall not receive, or
8 shall not have received during the previous two years, a
9 significant portion of [~~his~~] the member's income directly or
10 indirectly from permit holders or applicants for a permit. A
11 member of the commission shall, upon the acceptance of [~~his~~]
12 the member's appointment and prior to the performance of any of
13 [~~his~~] the member's duties, file a statement of disclosure with
14 the secretary of state disclosing any amount of money or other
15 valuable consideration, and its source, the value of which is
16 in excess of ten percent of [~~his~~] the member's gross personal
17 income in each of the preceding two years, that [~~he~~] the member
18 received directly or indirectly from permit holders or
19 applicants for permits required under the Water Quality Act. A
20 member of the commission shall not participate in the
21 consideration of an appeal if the subject of the appeal is an
22 application filed or a permit held by an entity that either
23 employs the commission member or from which the commission
24 member received more than ten percent of [~~his~~] the member's
25 gross personal income in either of the preceding two years.

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underscored material = new
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1 C. The commission shall elect a [~~chairman~~] chair
2 and other necessary officers and shall keep a record of its
3 proceedings.

4 D. A majority of the commission constitutes a
5 quorum for the transaction of business, but no action of the
6 commission is valid unless concurred in by six or more members
7 present at a meeting.

8 E. The commission is the state water pollution
9 control agency for this state for all purposes of the federal
10 act and the wellhead protection and sole source aquifer
11 programs of the federal Safe Drinking Water Act and may take
12 all action necessary and appropriate to secure to this state,
13 its political subdivisions or interstate agencies the benefits
14 of that act and those programs.

15 F. The commission is administratively attached, as
16 defined in the Executive Reorganization Act, to the department
17 of environment."