

**FORTY-NINTH LEGISLATURE
FIRST SESSION, 2009**

March 18, 2009

Mr. Speaker:

Your **ENERGY AND NATURAL RESOURCES COMMITTEE**, to whom has been referred

**SENATE FLOOR SUBSTITUTE
FOR SENATE BILL 607**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, after "TO", strike the remainder of the line, strike lines 14 through 16 up to the period and insert in lieu thereof "THIRTEEN AND INCLUDE INDUSTRY REPRESENTATION ON THE COMMISSION".

2. On page 1, line 19, through page 5, line 14 strike Section 1 and insert in lieu thereof:

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)] (5) the [director of the state parks division] secretary of the energy, minerals and natural resources department or a member of the [director's] secretary's staff~~

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designated by the [~~director~~] secretary;

[~~(7)~~] (6) The director of the New Mexico department of agriculture or a member of the director's staff designated by the director;

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

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

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

[~~(11)~~] (10) four representatives of the public to be appointed by the governor for terms of four years and who shall be compensated from the budgeted funds of the department of environment in accordance with the provisions of the Per Diem and Mileage Act. At least one member appointed by the governor shall be a member of a New Mexico Indian tribe or pueblo, and two members appointed by the governor shall represent industries subject to commission regulations.

B. Except for the two members to represent industries subject to commission regulations, a member of the commission shall not receive, or shall not have received during the previous two years, a significant portion of the member's income directly or indirectly from permit holders or applicants for a permit. A member of the commission shall, upon the acceptance of the member's appointment and prior to the performance of any of the member's duties, file a statement of disclosure with the secretary of state disclosing any amount of money or other valuable consideration, and its source, the value of which is in excess of ten percent of the member's gross personal income in each of the preceding two years, that the member received directly or indirectly from permit holders or applicants for permits required under the Water Quality Act. A member of the commission shall not participate in the consideration of an appeal if the subject of the appeal is an application filed or

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a permit held by an entity that either employs the commission member or from which the commission member received more than ten percent of the member's gross personal income in either of the preceding two years. A member of the commission shall not participate in the consideration of an appeal or a public hearing on a compliance order if the agency who employs that member is a party to the appeal or the issued compliance order.

C. The commission shall elect a chair who shall not represent a constituent agency and other necessary officers and shall keep a record of its proceedings.

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

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

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

and thence referred to the **JUDICIARY COMMITTEE.**

Respectfully submitted,

James Roger Madalena, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 9 For 4 Against
Yes: 9
No: Egolf, Lujan, A., Rodefer, Steinborn
Excused: None
Absent: None

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