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Chapter 25, Section 1, as amended) is repealed and a new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
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, 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
    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 of pueblo and no more than three members shall be appointed from the same congressional district. 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.

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 office or 
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 
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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