

SENATE BILL 212

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Peter Wirth

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO WATER; CHANGING 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 Section 72-14-1 NMSA 1978 (being Laws 1935, Chapter 25, Section 1, as amended) is repealed and a new Section 72-14-1 NMSA 1978 is enacted to read:

.218818.1AIC February 19, 2021 (4:47am)

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"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; and

(2) eight members appointed by the governor,
with the advice and consent of the senate, with the provision
that not more than five members SJC→of the commission,
including the state engineer,←SJC 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. Members shall be
appointed, as follows:

(a) four representatives of irrigation
or conservancy districts;

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

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

(d) 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

(e) one professional hydrogeologist with
expertise in New Mexico ground water resources SJC→who is a

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faculty member of the New Mexico institute of mining and technology←SJC or a professional engineer with a New Mexico consulting engineering practice in water resources or water utility engineering.

B. Except for the state engineer:

SJC→(1) members of the commission shall have no less than ten years' experience with New Mexico water resources;←SJC

SJC→(1)←SJC SJC→(2)←SJC no more than two members shall be appointed from the same irrigation or conservancy district or the same New Mexico Indian nation, tribe or pueblo;

SJC→(2)←SJC SJC→(3)←SJC no more than three members shall be appointed from the same congressional district; and

SJC→(3)←SJC SJC→(4)←SJC members shall be appointed from and reside in at least three different state engineer water rights districts.

SJC→C. ~~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.~~←SJC

SJC→C. An appointed member of the commission shall

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not have changed party registration in the two years next preceding the member's appointment in such a manner that the member's prior party registration would cause one political party to have more than five members. A member of the commission shall not continue to serve on the commission if the member changes party registration after the date of appointment in such a manner as to cause one political party to have more than five members.←SJC

D. The appointed members 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.

E. An appointed member may be removed from the commission by the governor 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 pursuant to 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.

F. 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

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employment in a political party.

G. 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, 2021 shall continue in their positions until their SCNC→replacements←SCNC SCNC→terms have expired and their successors←SCNC have been appointed SCNC→and qualified←SCNC . 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, 2022 pursuant to this act shall take office immediately, serve the remainder of the year and serve for a term beginning January 1, 2022 and ending December 31 in the year for that position as determined by lot in accordance with Section 72-14-1 NMSA 1978.

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.