

1 SENATE BILL 212

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Peter Wirth and Matthew McQueen

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10 AN ACT

11 RELATING TO WATER; CHANGING MEMBERSHIP OF THE INTERSTATE STREAM  
12 COMMISSION; PROVIDING OTHER TERMS OF HOLDING OFFICE ON THE  
13 COMMISSION.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 72-14-1 NMSA 1978 (being Laws 1935,  
17 Chapter 25, Section 1, as amended) is repealed and a new  
18 Section 72-14-1 NMSA 1978 is enacted to read:

19 "72-14-1. [NEW MATERIAL] INTERSTATE STREAM COMMISSION--  
20 CREATION--MEMBERSHIP--ORGANIZATION.--

21 A. The "interstate stream commission" is created,  
22 consisting of the following members:

23 (1) the state engineer; and

24 (2) eight members appointed by the governor,  
25 with the advice and consent of the senate, with the provision

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1 that not more than five members shall be from the same  
2 political party, and at least one of whom shall be a member of  
3 a New Mexico Indian nation, tribe or pueblo. Members shall be  
4 appointed, as follows:

5 (a) four representatives of irrigation  
6 or conservancy districts;

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

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

12 (d) one member of the New Mexico water  
13 resources research institute or civil or environmental  
14 engineering faculty of New Mexico state university or the  
15 university of New Mexico; and

16 (e) one professional hydrogeologist with  
17 expertise in New Mexico ground water resources or a  
18 professional engineer with a New Mexico consulting engineering  
19 practice in water resources or water utility engineering.

20 B. Except for the state engineer:

21 (1) no more than two members shall be  
22 appointed from the same irrigation or conservancy district or  
23 the same New Mexico Indian nation, tribe or pueblo;

24 (2) no more than three members shall be  
25 appointed from the same congressional district; and

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1 (3) members shall be appointed from and reside  
2 in at least three different state engineer water rights  
3 districts.

4 C. The appointed members shall be qualified by no  
5 less than ten years' experience with New Mexico water  
6 resources. A member who changes political party affiliation  
7 shall be deemed to have resigned, and a person shall not be  
8 qualified for appointment if the person has changed party  
9 affiliation in the previous two years.

10 D. The appointed members shall serve for staggered  
11 terms of four years; provided that of the initial members, two  
12 members shall serve for one year, two members shall serve for  
13 two years, two members shall serve for three years and two  
14 members shall serve for four years. Initial terms shall be  
15 decided by drawing lots.

16 E. An appointed member may be removed from the  
17 commission by the governor for failure to attend three  
18 consecutive meetings or for other cause in the same manner as  
19 provided for removal of members of boards of regents pursuant  
20 to Article 12, Section 13 of the constitution of New Mexico. A  
21 vacancy occurring other than by expiration of the term shall be  
22 filled in the same manner as the original appointment for the  
23 remainder of the unexpired term.

24 F. The commission shall elect a chair and vice  
25 chair as provided by rule, and the state engineer shall be the

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1 secretary. A commission member shall not hold any office or  
2 employment in a political party.

3 G. All actions of the commission shall be by  
4 majority vote, and a majority of members constitutes a quorum  
5 for the transaction of business."

6 SECTION 2. TEMPORARY PROVISION--INITIAL APPOINTMENTS TO  
7 INTERSTATE STREAM COMMISSION.--Members of the interstate stream  
8 commission serving as of July 1, 2021 shall continue in their  
9 positions until their replacements have been appointed.  
10 Current members who meet the qualifications of the positions  
11 specified in Section 72-14-1 NMSA 1978 may be appointed for new  
12 terms. A member appointed before January 1, 2022 pursuant to  
13 this act shall take office immediately, serve the remainder of  
14 the year and serve for a term beginning January 1, 2022 and  
15 ending December 31 in the year for that position as determined  
16 by lot in accordance with Section 72-14-1 NMSA 1978.

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