

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 58

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO WATER; CHANGING MEMBERSHIP OF THE INTERSTATE STREAM
COMMISSION; PROVIDING OTHER TERMS OF HOLDING OFFICE ON THE
COMMISSION; REPEALING AND ENACTING A SECTION OF THE NMSA 1978.

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Chapter 25, Section 1, as amended) is repealed and a new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; and
- (2) eight members appointed by the governor,
with the advice and consent of the senate, with the provision

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

7 (a) four representatives of irrigation
8 or conservancy districts or sections of the state of New
9 Mexico;

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

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

15 (d) one member of the water
16 resources research institute or civil or environmental
17 engineering faculty of New Mexico state university or the
18 university of New Mexico; and

19 (e) one hydrogeologist with expertise in
20 New Mexico ground water resources who is a faculty member of
21 the New Mexico institute of mining and technology or a
22 professional engineer with a New Mexico consulting engineering
23 practice in water resources or water utility engineering.

24 B. Except for the state engineer:

25 (1) members of the commission shall have no

1 less than ten years' experience with New Mexico water
2 resources;

3 (2) no more than two members shall be
4 appointed from the same irrigation or conservancy district or
5 section of the state of New Mexico or the same New Mexico
6 Indian nation, tribe or pueblo;

7 (3) no more than three members shall be
8 appointed from the same congressional district; and

9 (4) members shall be appointed from and reside
10 in at least three different state engineer water rights
11 districts.

12 C. An appointed member of the interstate stream
13 commission shall not have changed party registration in the two
14 years preceding the member's appointment in such a manner that
15 the member's prior party registration would cause one political
16 party to have more than five members. A member of the
17 commission shall not continue to serve on the commission if the
18 member changes party registration after the date of appointment
19 in such a manner as to cause one political party to have more
20 than five members.

21 D. The appointed members shall serve for staggered
22 terms of four years; provided that of the initial members, two
23 members shall serve for one year, two members shall serve for
24 two years, two members shall serve for three years and two
25 members shall serve for four years. Initial terms shall be

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1 decided by drawing lots.

2 E. An appointed member may be removed from the
3 interstate stream commission by the governor for failure to
4 attend three consecutive meetings or for other cause in the
5 same manner as provided for removal of members of boards of
6 regents pursuant to Article 12, Section 13 of the constitution
7 of New Mexico. A vacancy occurring other than by expiration of
8 the term shall be filled in the same manner as the original
9 appointment for the remainder of the unexpired term.

10 F. The interstate stream commission shall elect a
11 chair and vice chair as provided by rule, and the state
12 engineer shall be the secretary. A commission member shall not
13 hold any office or employment in a political party.

14 G. All actions of the interstate stream commission
15 shall be by majority vote, and a majority of members
16 constitutes a quorum for the transaction of business."

17 **SECTION 2. TEMPORARY PROVISION--INITIAL APPOINTMENTS TO**
18 **THE INTERSTATE STREAM COMMISSION.--**Members of the interstate
19 stream commission serving as of July 1, 2023 shall continue in
20 their positions until their terms have expired and their
21 successors have been appointed and qualified. Current members
22 who meet the qualifications of the positions specified in
23 Section 72-14-1 NMSA 1978 may be appointed for new terms. A
24 member appointed before January 1, 2024 pursuant to this act
25 shall take office immediately, serve the remainder of the year

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1 and serve for a term beginning January 1, 2024 and ending
2 December 31 in the year for that position as determined
3 by lot in accordance with Section 72-14-1 NMSA 1978.

4 SECTION 3. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2023.

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