

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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Chapter 25, Section 1, as amended) is repealed and a new  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. 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 of the commission, including  
the state engineer, shall be from the same political party,  
at least one of whom shall be a member of a New Mexico Indian  
nation or tribe and at least one of whom shall be a member of  
a New Mexico Indian pueblo. Members shall be appointed as  
follows:

(a) four representatives of irrigation  
or conservancy districts or sections of the state of

1 New Mexico;

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

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

7 (d) one member of the water  
8 resources research institute or civil or environmental  
9 engineering faculty of New Mexico state university or the  
10 university of New Mexico; and

11 (e) one hydrogeologist with expertise  
12 in New Mexico ground water resources who is a faculty member  
13 of the New Mexico institute of mining and technology or a  
14 professional engineer with a New Mexico consulting  
15 engineering practice in water resources or water utility  
16 engineering.

17 B. Except for the state engineer:

18 (1) members of the commission shall have no  
19 less than ten years' experience with New Mexico water  
20 resources;

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

25 (3) no more than three members shall be

1 appointed from the same congressional district; and

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

5 C. An appointed member of the interstate stream  
6 commission shall not have changed party registration in the  
7 two years preceding the member's appointment in such a manner  
8 that the member's prior party registration would cause one  
9 political party to have more than five members. A member of  
10 the commission shall not continue to serve on the commission  
11 if the member changes party registration after the date of  
12 appointment in such a manner as to cause one political party  
13 to have more than five members.

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

20 E. An appointed member may be removed from the  
21 interstate stream commission by the governor for failure to  
22 attend three consecutive meetings or for other cause in the  
23 same manner as provided for removal of members of boards of  
24 regents pursuant to Article 12, Section 13 of the  
25 constitution of New Mexico. A vacancy occurring other than

1 by expiration of the term shall be filled in the same manner  
2 as the original appointment for the remainder of the  
3 unexpired term.

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

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

11 SECTION 2. TEMPORARY PROVISION--INITIAL APPOINTMENTS TO  
12 THE INTERSTATE STREAM COMMISSION.--Members of the interstate  
13 stream commission serving as of July 1, 2023 shall continue  
14 in their positions until their terms have expired and their  
15 successors have been appointed and qualified. Current  
16 members who meet the qualifications of the positions  
17 specified in Section 72-14-1 NMSA 1978 may be appointed for  
18 new terms. A member appointed before January 1, 2024  
19 pursuant to this act shall take office immediately, serve the  
20 remainder of the year and serve for a term beginning January  
21 1, 2024 and ending December 31 in the year for that position  
22 as determined by lot in accordance with Section 72-14-1 NMSA  
23 1978.

24 SECTION 3. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2023. \_\_\_\_\_