

SENATE FLOOR SUBSTITUTE FOR  
SENATE BILL 607

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING A SECTION OF THE WATER  
QUALITY ACT TO CHANGE THE NUMBER OF WATER QUALITY CONTROL  
COMMISSIONERS TO TWELVE, SEVEN REPRESENTATIVES REPRESENTING  
CONSTITUENT AGENCIES AND FIVE PUBLIC REPRESENTATIVES  
REPRESENTING BOTH THE PUBLIC REGULATION COMMISSION DISTRICTS  
AND INTEREST GROUPS.

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

Section 1. Section 74-6-3 NMSA 1978 (being Laws 1967,  
Chapter 190, Section 3, as amended) is amended to read:

"74-6-3. WATER QUALITY CONTROL COMMISSION CREATED.--

A. There is created the "water quality control  
commission" consisting of:

(1) the secretary of environment or a member  
of the secretary's staff designated by the secretary;

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underscored material = new  
[bracketed material] = delete

1                   ~~[(2) the secretary of health or a member of~~  
2 ~~the secretary's staff designated by the secretary;~~

3                   ~~(3)}~~ (2) the director of the department of  
4 game and fish or a member of the director's staff designated by  
5 the director;

6                   ~~[(4)}~~ (3) the state engineer or a member of  
7 the state engineer's staff designated by the state engineer;

8                   (4) the secretary of energy, minerals and  
9 natural resources or a member of the secretary's staff  
10 designated by the secretary;

11                   ~~[(5) the chair of the oil conservation~~  
12 ~~commission or a member of the chair's staff designated by the~~  
13 ~~chair;~~

14                   ~~(6) the director of the state parks division~~  
15 ~~of the energy, minerals and natural resources department or a~~  
16 ~~member of the director's staff designated by the director;~~

17                   ~~(7)}~~ (5) the director of the New Mexico  
18 department of agriculture or a member of the director's staff  
19 designated by the director;

20                   ~~[(8)}~~ (6) the chair of the soil and water  
21 conservation commission or a soil and water conservation  
22 district supervisor designated by the chair;

23                   ~~[(9)}~~ (7) the director of the bureau of  
24 geology and mineral resources at the New Mexico institute of  
25 mining and technology or a member of the director's staff

1 designated by the director; and

2 ~~[(10) a municipal or county government~~  
3 ~~representative; and~~

4 ~~(11) four representatives of the public to be~~  
5 ~~appointed by the governor for terms of four years and who shall~~  
6 ~~be compensated from the budgeted funds of the department of~~  
7 ~~environment in accordance with the provisions of the Per Diem~~  
8 ~~and Mileage Act. At least one member appointed by the governor~~  
9 ~~shall be a member of a New Mexico Indian tribe or pueblo]~~

10 (8) five members from the public at large  
11 appointed by the governor to represent the five public  
12 regulation commission districts and confirmed by the senate,  
13 one of whom shall represent Native Americans, one of whom shall  
14 represent conservation interests, one of whom shall represent  
15 New Mexico municipalities or counties and two of whom shall  
16 represent industries subject to commission regulations, plus  
17 one alternate member who shall sit in the place of one of the  
18 industry members only if a member is disqualified from  
19 participating in a matter under Subsection B of this section.

20 B. Except for the two members appointed to  
21 represent industries subject to commission regulations, a  
22 member of the commission shall not receive, or shall not have  
23 received during the previous two years, a significant portion  
24 of the member's income directly or indirectly from permit  
25 holders or applicants for a permit. A member of the commission

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1 shall, upon the acceptance of the member's appointment and  
2 prior to the performance of any of the member's duties, file a  
3 statement of disclosure with the secretary of state disclosing  
4 any amount of money or other valuable consideration, and its  
5 source, the value of which is in excess of ten percent of the  
6 member's gross personal income in each of the preceding two  
7 years, that the member received directly or indirectly from  
8 permit holders or applicants for permits required under the  
9 Water Quality Act. A member of the commission shall not  
10 participate in the consideration of an appeal if the subject of  
11 the appeal is an application filed or a permit held by an  
12 entity that either employs the commission member or from which  
13 the commission member received more than ten percent of the  
14 member's gross personal income in either of the preceding two  
15 years.

16 C. The commission shall elect a chair, who shall  
17 not represent a constituent agency, and other necessary  
18 officers and shall keep a record of its proceedings.

19 D. A majority of the voting members of the  
20 commission, constitutes a quorum for the transaction of  
21 business, but in matters where all commission members have a  
22 vote, no action of the commission is valid unless concurred in  
23 by [~~six or more~~] a majority of the members present at a  
24 meeting.

25 E. The commission is the state water pollution

1 control agency for this state for all purposes of the federal  
2 act and the wellhead protection and sole source aquifer  
3 programs of the federal Safe Drinking Water Act and may take  
4 all action necessary and appropriate to secure to this state,  
5 its political subdivisions or interstate agencies the benefits  
6 of that act and those programs.

7 F. The commission is administratively attached, as  
8 defined in the Executive Reorganization Act, to the department  
9 of environment.

10 G. For purposes of proceedings regarding appeals  
11 under Subsections O through S of Section 74-6-5 NMSA 1978, only  
12 five members appointed by the governor shall be voting members,  
13 and the other members of the commission shall sit as ex-officio  
14 members. In all other matters, each member shall have a vote."

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