

1 SENATE BILL 467

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Peter Wirth

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10 AN ACT

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

14
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17 Chapter 25, Section 1, as amended) is repealed and a new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;

24 (2) four members appointed by the governor

25 with the advice and consent of the senate as follows, with the

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1 provision that not more than two members shall be from the same
2 political party:

3 (a) one representative of an irrigation
4 or conservancy district;

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

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

10 (d) one member of a New Mexico Indian
11 nation, tribe or pueblo; and

12 (3) four members appointed by the New Mexico
13 legislative council with the advice and consent of the senate
14 as follows, with the provision that not more than two members
15 shall be from the same political party:

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

20 (b) one faculty member from the
21 university of New Mexico law school with expertise in New
22 Mexico water law;

23 (c) one professional hydrogeologist with
24 expertise in New Mexico ground water resources or a registered
25 engineer with a New Mexico consulting engineering practice in

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1 water resources or water utility engineering; and

2 (d) one representative of a
3 nongovernmental environmental quality advocacy organization.

4 B. The commission shall elect a chair and vice
5 chair and the state engineer shall be the secretary. A
6 commission member shall not hold any office or employment in a
7 political party.

8 C. Members may be removed from the commission by
9 the appointing authority for failure to attend three
10 consecutive meetings or for other cause in the same manner as
11 provided for removal of members of boards of regents under
12 Article 12, Section 13 of the constitution of New Mexico. A
13 vacancy occurring other than by expiration of the term shall be
14 filled in the same manner as the original appointment for the
15 unexpired term.

16 D. Appointed members of the commission shall serve
17 for staggered terms of five years; provided that of the initial
18 members, one member shall serve for two years, one member shall
19 serve for three years, two members shall serve for four years
20 and one member shall serve for five years. Initial terms shall
21 be decided by drawing lots. Members shall serve until their
22 successors are appointed and qualified.

23 E. The appointed members shall be qualified by
24 competence and no less than ten years' experience with New
25 Mexico water resources. An appointed member shall not have had

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1 any contracts to do business with the commission or the state
2 engineer or an irrigation or conservancy district for a period
3 of two calendar years prior to the member's appointment to the
4 commission and shall not enter into any contracts to do
5 business with the state engineer, the commission or an
6 irrigation or conservancy district for a period of two calendar
7 years after the end of the term for which the member was
8 appointed.

9 F. All actions of the commission shall be by
10 majority vote and a majority of members constitutes a quorum
11 for the transaction of business. Members who are not
12 compensated by public money are entitled to receive per diem
13 and mileage expenses as provided in the Per Diem and Mileage
14 Act. Members who are compensated by public money may receive
15 per diem and mileage from their public agencies or
16 institutions. Members of the commission and officers and
17 employees of the commission shall be governed by the provisions
18 of the Governmental Conduct Act."

19 SECTION 2. Section 72-14-3 NMSA 1978 (being Laws 1935,
20 Chapter 25, Section 3) is amended to read:

21 "72-14-3. GENERAL POWERS--INTERSTATE COMPACTS--
22 EMPLOYEES--ATTORNEY GENERAL'S DUTIES.--~~[That said]~~

23 A. The interstate stream commission is [~~hereby~~]
24 authorized to:

25 (1) negotiate compacts with other states to

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1 settle interstate controversies or [~~looking~~] to look toward an
2 equitable distribution and division of waters in interstate
3 stream systems, subject, in all cases, to final approval by the
4 legislature of New Mexico;

5 (2) [~~to~~] match appropriations made by the
6 congress of the United States for investigations looking to the
7 development of interstate streams originating in or flowing
8 through the state [~~of New Mexico~~];

9 (3) [~~to~~] investigate and develop water
10 [~~supply~~] resources;

11 (4) [~~to develop, to~~] conserve [~~to~~] and protect
12 [~~and to do any and all other things necessary to protect,~~
13 ~~conserve and develop the waters and~~] water resources and
14 associated agricultural and biological resources of the stream
15 systems of this state, interstate or otherwise;

16 (5) [~~to~~] institute or cause to be instituted
17 in the name of the state [~~of New Mexico~~] any and all
18 negotiations [~~and/or~~] or legal proceedings as in its judgment
19 are necessary to carry out the provisions of [~~this Act~~]
20 Sections 72-14-1 through 72-14-3 NMSA 1978;

21 (6) [~~to~~] do all other things necessary to
22 carry out the provisions of [~~this Act~~] Sections 72-14-1 through
23 72-14-3 NMSA 1978;

24 (7) [~~to~~] employ such attorneys, engineers and
25 clerical help as, in its judgment, may be necessary to carry

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1 out the provisions of [~~this Act~~] Sections 72-14-1 through
2 72-14-3 NMSA 1978 and to fix their compensation and expenses;
3 and

4 (8) [~~together with~~] perform such other powers
5 and duties as may, from time to time, be given [~~said~~] the
6 commission by the legislature [~~of New Mexico~~].

7 B. The attorney general shall be the legal adviser
8 of [~~such~~] the commission and attorneys employed [~~as above~~]
9 shall be subject to [~~his~~] the attorney general's approval and
10 supervision and be designated as special assistant attorneys
11 general."

12 **SECTION 3. TEMPORARY PROVISION--INTERSTATE STREAM**
13 **COMMISSION MEMBERSHIP PER THIS ACT.--**The new membership of the
14 interstate stream commission shall be appointed for staggered
15 terms pursuant to Subsection D of Section 1 of this act that
16 begin July 1, 2015. Current members who meet the requirements
17 of the positions specified in Section 1 of this act may be
18 reappointed for new terms. Current members shall continue in
19 their positions until their replacements have been qualified.