

1 SENATE BILL 58

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Peter Wirth

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17 Chapter 25, Section 1, as amended) is repealed and a new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

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

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

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

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

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

23 B. Except for the state engineer:

24 (1) members of the commission shall have no
25 less than ten years' experience with New Mexico water

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1 resources;

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

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

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

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

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

25 E. An appointed member may be removed from the

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

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

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

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

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1 by lot in accordance with Section 72-14-1 NMSA 1978.

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

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