

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 866

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO ELECTRIC GENERATION; PROVIDING FOR LOCAL GOVERNING
BODY CONSTRUCTION PERMITTING OF GAS-FIRED ELECTRIC GENERATION
FACILITIES; ENACTING A NEW SECTION OF THE AIR QUALITY CONTROL
ACT.

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

Section 1. A new section of the Air Quality Control Act
is enacted to read:

"~~[NEW MATERIAL]~~ LOCAL GOVERNING BODY AUTHORITY--
CONSTRUCTION PERMITS--ELECTRIC GENERATION FACILITIES.--

A. A local governing body may receive a
construction permit for a gas-fired electric generation
facility with a one hundred megawatt or less generating
capacity in accordance with the Air Quality Control Act and
may transfer the permit to the owner or operator of a facility

1 that meets the specifications of the permit.

2 B. A facility that receives a construction permit
3 transferred from a local governing body shall notify the
4 department within thirty days of receiving the transferred
5 construction permit. The permit shall be effective for that
6 facility when the department receives notification of the
7 transfer. The local governing body that transfers the
8 construction permit shall notify the owner or operator of the
9 local electric distribution company and the public regulation
10 commission of the permitted project, including its net
11 capacity rating and intended date of service.

12 C. As used in this section, "local governing body"
13 means the council or other legislative body charged with
14 governing a municipality or county.

15 D. The department may cooperate with and lend
16 assistance to any Indian nation, tribe or pueblo located in
17 the state in developing permitting procedures that fulfill
18 federal environmental protection agency standards and that
19 parallel the state permitting procedures described in
20 Subsections A and B of this section. "