

1 SENATE BILL 276

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

3 INTRODUCED BY

4 Cliff R. Pirtle and Bob Wooley

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10 AN ACT

11 RELATING TO ADMINISTRATIVE HEARINGS; REQUIRING ADMINISTRATIVE
12 HEARINGS HELD BY THE OFFICE OF THE STATE ENGINEER TO BE HELD IN
13 THE COUNTY IN WHICH THE WATER RIGHT AT ISSUE IS LOCATED.

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

16 SECTION 1. Section 72-2-16 NMSA 1978 (being Laws 1965,
17 Chapter 285, Section 4, as amended) is amended to read:

18 "72-2-16. HEARINGS REQUIRED BEFORE APPEAL.--The state
19 engineer may order that a hearing be held before ~~[he]~~ the state
20 engineer enters a decision, acts or refuses to act. If,
21 without holding a hearing, the state engineer enters a
22 decision, acts or refuses to act, any person aggrieved by the
23 decision, act or refusal to act is entitled to a hearing if a
24 request for a hearing is made in writing within thirty days
25 after receipt by certified mail of notice of the decision, act

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underscored material = new
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underscoring material = new
~~[bracketed material]~~ = delete

1 or refusal to act. Hearings shall be held before the state
2 engineer or ~~[his]~~ the state engineer's appointed examiner.
3 Hearings shall be held in the county in which the water right
4 at issue is adjudicated, licensed or permitted, unless the
5 parties and the state engineer stipulate another site for the
6 hearing. A record shall be made of all hearings. ~~[No]~~ An
7 appeal shall not be taken to the district court until the state
8 engineer has held a hearing and entered ~~[his]~~ a decision in the
9 hearing."

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