

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 511

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
PROHIBITING FALSE STATEMENTS TO THE DEPARTMENT OF ENVIRONMENT
BY AN OWNER OR OPERATOR OF A PUBLIC WATER SYSTEM; PROVIDING
CRIMINAL PENALTIES.

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

SECTION 1. A new section of the Environmental Improvement
Act is enacted to read:

"[NEW MATERIAL] FALSE STATEMENTS TO THE DEPARTMENT--
PENALTIES.--

A. For the purposes of this section, "person
regulated by the department" means:

(1) an owner or operator of a public water
system subject to the Environmental Improvement Act and
applicable rules; or

.207537.3

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1 (2) an agent or other person acting on behalf
2 of any of the persons covered by Paragraph (1) of this
3 subsection.

4 B. No person regulated by the department shall:

5 (1) make a false statement, representation,
6 certification or omission of material fact in an application,
7 record, report, plan or other document filed with or submitted
8 to the department, or required by rule to be maintained by the
9 person regulated by the department;

10 (2) falsify, tamper with or render inaccurate
11 any device, method or record to be relied upon by the
12 department to monitor or track information;

13 (3) falsify or conceal a material fact; or

14 (4) make or use any document with the
15 knowledge that the document contains material false statements
16 or representations.

17 C. A person who knowingly violates or knowingly
18 causes or allows another person to violate Subsection B of this
19 section is guilty of a fourth degree felony and shall be
20 sentenced in accordance with the provisions of Section 31-18-15
21 NMSA 1978.

22 D. A person who negligently violates or negligently
23 causes or allows another person to violate Subsection B of this
24 section may be issued a compliance order pursuant to Section
25 74-1-10 NMSA 1978 and a penalty of up to ten thousand dollars

1 (\$10,000) and may be ordered to take any action the department
2 finds necessary to remediate the consequences of the person's
3 negligent violation. A monetary penalty shall not be assessed
4 under this subsection for a negligent violation that is
5 discovered by the person regulated by the department; provided
6 that the person immediately notifies the department of the
7 negligent violation in writing and agrees in writing to
8 promptly take any action the department finds necessary to
9 remediate the consequences of the negligent violation."

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