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HOUSE BILL 866

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

INTRODUCED BY

James Nicholas Tinnin Jr.

AN ACT

**RELATING TO ELECTRIC GENERATION; PROVIDING FOR LOCAL GOVERNING
BODY CONSTRUCTION PERMITTING OF CERTAIN 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 issue a construction
permit to an electric generation facility with a one hundred
megawatt or less generating capacity. A facility that receives
a construction permit pursuant to this section may be**

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1 constructed and operate as if it has met all applicable
2 department permitting requirements; provided, that if once the
3 facility is operating and it does not meet all department and
4 federal act emissions standards and operating standards, the
5 department may order the facility to cease operation until it
6 is certified by the department as meeting all required
7 standards.

8 B. A facility that receives a construction permit
9 from a local governing body shall notify the department within
10 thirty days of receiving a local governing body construction
11 permit.

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

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