

FORTY-SIXTH LEGISLATURE
SECOND SESSION, 2004

January 30, 2004

Mr. Speaker:

Your **ENERGY AND NATURAL RESOURCES COMMITTEE**, to whom has been referred

HOUSE BILL 206

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 3, line 21, strike "adjacent landowners,".
2. On page 3, lines 22 and 23, strike ", Indian nations, tribes or pueblos".
3. On page 3, line 24, after "issuance" insert ", renewal".
4. On page 3, line 25, strike "and any public hearing on the application".
5. On page 3, line 25, after the period insert the following:
"Public notice shall include:

(1) for issuance or modification of a permit:

(a) notice by mail to adjacent and nearby landowners, local, state and federal governments, land grant organizations, ditch associations and Indian nations, tribes or pueblos;

(b) posting at a place conspicuous to the public and near the discharge or proposed discharge site; and

(c) a display advertisement in English and Spanish, if appropriate, in a newspaper of general circulation in the location of the discharge or proposed discharge; provided, however, that the advertisement shall not be displayed in the classified or legal advertisement sections; and

(2) for issuance of renewals of permits:

(a) notice by mail to the interested public,

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municipalities, counties, land grant organizations, ditch associations and Indian nations, tribes or pueblos; and

(b) a display advertisement in English and Spanish, if appropriate, in a newspaper of general circulation in the location of the discharge; provided, however, that the advertisement shall not be displayed in the classified or legal advertisement sections."

6. On page 3, line 25, before "No" insert the subsection designation "G."

7. Reletter the succeeding subsections accordingly.

8. On page 4, line 4, strike "on the application or draft permit".

9. On page 6, line 16, after the period insert "Notice shall also be given by mail to persons who participated in the permitting action."

10. On page 7, line 7, strike "served on" and insert in lieu thereof "provided to".

11. On page 7, line 20, remove the brackets and line-through and on lines 20 and 21 strike "a person who submitted evidence, data, views or arguments before the constituent agency".

12. On page 9, strike lines 1 through 12 in their entirety and insert in lieu thereof:

"R. Prior to the date set for review, if a party shows to the satisfaction of the commission that there was no reasonable opportunity to submit comment or evidence on an issue being challenged, the commission shall order that additional comment or evidence be taken by the constituent agency. Based on the additional evidence, the constituent agency may revise the decision and shall promptly file with the commission the additional evidence received and action taken. The commission shall consider the additional evidence within ninety days after receipt of the additional evidence and shall notify the petitioner and the applicant or permittee, if other than the petitioner, of the date, time and place of the review."

13. On pages 9 through 11, strike Section 2 in its entirety.

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Respectfully submitted,

James Roger Madalena, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

No: 0

Excused: Martinez

Absent: None

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