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HOUSE BILL 189

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Brian F. Egolf

AN ACT

RELATING TO THE DEPARTMENT OF ENVIRONMENT; PROHIBITING FALSE  
STATEMENTS TO THE DEPARTMENT; PROVIDING CRIMINAL PENALTIES.

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

SECTION 1. A new section of the Department of Environment  
Act is enacted to read:

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

A. Notwithstanding any other provision of law, in  
conducting business with the department, a person shall not:

(1) make a false statement or representation,  
whether oral, written or visual;

(2) make a false statement, representation,  
certification or omission of material fact in an application,  
record, report, plan or other document filed with, submitted to

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1 or required to be maintained by the department;

2 (3) falsify, tamper with or render inaccurate  
3 any device, method or record used by the department to monitor  
4 or track information;

5 (4) falsify or conceal a material fact; or

6 (5) make or use any document with the  
7 knowledge that the document contains false statements or  
8 representations.

9 B. A person who knowingly violates or knowingly  
10 causes or allows another person to violate Subsection A of this  
11 section is guilty of a fourth degree felony and shall be  
12 sentenced in accordance with the provisions of Section 31-18-15  
13 NMSA 1978.

14 C. A person who is convicted of a second or  
15 subsequent violation of Subsection A of this section is guilty  
16 of a third degree felony and shall be sentenced in accordance  
17 with the provisions of Section 31-18-15 NMSA 1978.

18 D. A person who knowingly violates Subsection A of  
19 this section or knowingly causes or allows another person to  
20 violate Subsection A of this section, and whose violation  
21 results in an adverse environmental impact, is guilty of a  
22 third degree felony and shall be sentenced in accordance with  
23 the provisions of Section 31-18-15 NMSA 1978.

24 E. A person who knowingly violates Subsection A of  
25 this section or knowingly causes or allows another person to

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1 violate Subsection A of this section, and whose violation  
2 creates a substantial danger of death or serious bodily injury  
3 to another person, is guilty of a second degree felony and  
4 shall be sentenced in accordance with the provisions of Section  
5 31-18-15 NMSA 1978.

6 F. A person who negligently violates or negligently  
7 causes or allows another person to violate Subsection A of this  
8 section shall be subject to a civil penalty of up to ten  
9 thousand dollars (\$10,000) per day for each day that elapses  
10 between the date of the violation and the date that the civil  
11 penalty is imposed.

12 G. For the purposes of this section, "conducting  
13 business with the department" includes business conducted in  
14 connection with the following acts and rules promulgated  
15 pursuant to the acts:

- 16 (1) Food Service Sanitation Act;
- 17 (2) New Mexico Food Act;
- 18 (3) Flour and Bread Act;
- 19 (4) Occupational Health and Safety Act;
- 20 (5) Medical Imaging and Radiation Therapy  
21 Health and Safety Act;
- 22 (6) Utility Operators Certification Act;
- 23 (7) Environmental Improvement Act;
- 24 (8) Air Quality Control Act;
- 25 (9) Radiation Protection Act;

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- 1 (10) Radioactive and Hazardous Materials Act;  
2 (11) Hazardous Waste Feasibility Study Act;  
3 (12) Wastewater Facility Construction Loan  
4 Act;  
5 (13) Ground Water Protection Act;  
6 (14) Environmental Compliance Act;  
7 (15) Solid Waste Act;  
8 (16) Pesticide Control Act; and  
9 (17) Sanitary Projects Act."

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