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HOUSE BILL 87

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

INTRODUCED BY

Candy Spence Ezzell

AN ACT

RELATING TO THE WATER QUALITY CONTROL COMMISSION; AUTHORIZING
THE COMMISSION TO SET THE TIME AND PLACE OF CERTAIN HEARINGS;
DECLARING AN EMERGENCY.

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

SECTION 1. Section 74-6-6 NMSA 1978 (being Laws 1967,
Chapter 190, Section 5, as amended) is amended to read:

"74-6-6. ADOPTION OF REGULATIONS AND STANDARDS--NOTICE
AND HEARING.--

A. No regulation or water quality standard or
amendment or repeal thereof shall be adopted until after a
public hearing.

B. Any person may petition in writing to have the
commission adopt, amend or repeal a regulation or water quality
standard. The commission shall determine whether to hold a

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1 hearing within ninety days of submission of the petition. The
2 denial of such a petition shall not be subject to judicial
3 review.

4 C. The commission shall set the time and place of
5 hearings on regulations or water quality standards [~~of~~
6 ~~statewide application shall be held in Santa Fe. Hearings on~~
7 ~~regulations or standards that are not of statewide application~~
8 ~~may be held within the area that is substantially affected by~~
9 ~~the regulation or standard]~~. At least thirty days prior to the
10 hearing date, notice of the hearing shall be published in the
11 New Mexico register and a newspaper of general circulation in
12 the area affected and mailed to all persons who have made a
13 written request to the commission for advance notice of
14 hearings and who have provided the commission with a mailing
15 address. The notice shall state the subject, the time and the
16 place of the hearing and the manner in which interested persons
17 may present their views. The notice shall also state where
18 interested persons may secure copies of any proposed regulation
19 or water quality standard.

20 D. At the hearing, the commission shall allow all
21 interested persons reasonable opportunity to submit data, views
22 or arguments orally or in writing and to examine witnesses
23 testifying at the hearing. The commission may designate a
24 hearing officer to take evidence in the hearing. Any person
25 heard or represented at the hearing shall be given written

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notice of the action of the commission.

E. No regulation or water quality standard or amendment or repeal thereof adopted by the commission shall become effective until thirty days after its filing in accordance with the provisions of the State Rules Act."

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.