

1 HOUSE BILL 298

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Melanie Ann Stansbury

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10 AN ACT

11 RELATING TO THE STATE ENGINEER; PROVIDING FOR HEARINGS TO BE  
12 HELD IN SANTA FE OR BY VIDEO CONFERENCE; DECLARING AN  
13 EMERGENCY.

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

16 SECTION 1. Section 72-2-16 NMSA 1978 (being Laws 1965,  
17 Chapter 285, Section 4, as amended) is amended to read:

18 "72-2-16. HEARINGS REQUIRED BEFORE APPEAL.--The state  
19 engineer may order that a hearing be held before the state  
20 engineer enters a decision, acts or refuses to act. If,  
21 without holding a hearing, the state engineer enters a  
22 decision, acts or refuses to act, any person aggrieved by the  
23 decision, act or refusal to act is entitled to a hearing if a  
24 request for a hearing is made in writing within thirty days  
25 after receipt by certified mail of notice of the decision, act

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1 or refusal to act. Hearings shall be held before the state  
2 engineer or the state engineer's appointed examiner. Hearings  
3 shall be held in [~~the county in which the water right at issue~~  
4 ~~is adjudicated, licensed or permitted~~] Santa Fe or via video  
5 conference at the hearing examiner's discretion unless the  
6 parties and the state engineer stipulate another site for the  
7 hearing. A record shall be made of all hearings. An appeal  
8 shall not be taken to the district court until the state  
9 engineer has held a hearing and entered a decision in the  
10 hearing."

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