

**FORTY-SEVENTH LEGISLATURE  
FIRST SESSION, 2005**

February 23, 2005

Mr. Speaker:

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

**HOUSE BILL 516**

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

1. On page 1, line 11, after "PENALTIES" insert "AND REMEDIES" and after "TO" insert "OBEY".
2. On page 1, strike line 12 up to "COMPLIANCE".
3. On page 2, line 11, strike "any" and insert in lieu thereof "the".
4. On page 2, line 12, after "director" insert "and that is alleged to have been violated".
5. On page 2, line 15, strike the semicolon.
6. On page 2, lines 15 through 22, strike the underscored language.
7. On page 4, between lines 15 and 16, insert new Subsections I and J to read:

"I. If a person fails to comply with an administrative order, the secretary or director may initiate an action to suspend or revoke the permit, or portion thereof, alleged to have been violated or to commence a civil action in district court to enforce the order, or to suspend or revoke the permit, or both.

J. If a person fails to pay an assessment of a civil penalty, the secretary or director may commence a civil action in district court to collect the civil penalties assessed in the order."
8. Reletter the succeeding subsection accordingly.
9. On page 4, lines 16 and 17, strike "an administrative order or a field citation" and insert in lieu thereof "this section".

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10. On page 5, strike lines 9 through 13 and insert in lieu thereof the following new subsection:

"B. A person who fails to comply with an administrative order issued pursuant to Section 74-2-12 NMSA 1978 may be assessed a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each day of noncompliance with the order."

11. On page 5, line 16, strike "emergency".,  
and thence referred to the **JUDICIARY COMMITTEE**.

Respectfully submitted,

\_\_\_\_\_  
**James Roger Madalena, Chairman**

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

No: 0

Excused: Cheney, Heaton, Madalena

Absent: None

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