

AN ACT

RELATING TO THE ENVIRONMENT; PROVIDING FOR REDUCTION OR
ELIMINATION OF CIVIL PENALTIES FOR PERSONS WHO VOLUNTARILY
REPORT POTENTIAL VIOLATIONS WITHIN SIXTY DAYS.

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

Section 1. Section 74-1-6 NMSA 1978 (being Laws 1971,
Chapter 277, Section 9, as amended) is amended to read:

"74-1-6. DEPARTMENT--POWERS.--The department shall have
power to:

- A. sue and be sued;
- B. make contracts to carry out its delegated
duties;
- C. enter into agreements with environmental and
consumer protection agencies of other states and the federal
government pertaining to duties of the department;
- D. enter into investigation and remediation
agreements with persons potentially responsible for sites
within New Mexico subject to the federal Comprehensive
Environmental Response, Compensation, and Liability Act of
1980, and such agreements shall not duplicate or take any
authority from the oil conservation commission;
- E. serve as agent of the state in matters of
environmental management and consumer protection not expressly
delegated by law to another department, commission or

political subdivision in which the United States is a party;

F. enforce the rules, regulations and orders promulgated by the board and environmental management and consumer protection laws for which the department is responsible by appropriate action in courts of competent jurisdiction;

G. collect civil penalties pursuant to law, including reduction or elimination of penalties for violations from persons that:

(1) within sixty days of the discovery of a potential violation, voluntarily report to the department potential violations of law enforced by the department;

(2) initiate corrective action for the potential violation;

(3) have not previously violated the same provision of law; and

(4) do not present an imminent and substantial endangerment to health or the environment by the potential violation.

H. on the same basis as any other person, recommend and propose regulations for promulgation by the board;

I. on the same basis as any other person, present data, views or arguments and examine witnesses and otherwise participate at all hearings conducted by the board or any

other administrative agency with responsibility in the areas of environmental management or consumer protection, but shall not be given any special status over any other party; and

J. have such other powers as may be necessary and appropriate for the exercise of the powers and duties delegated to the department."