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SENATE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO ADMINISTRATIVE HEARINGS; REQUIRING ALL  
ADMINISTRATIVE HEARINGS HELD BY THE OFFICE OF THE STATE  
ENGINEER TO BE HELD IN THE COUNTY SEAT OF THE COUNTY IN WHICH  
AN APPLICATION IS FILED OR AN ISSUE ARISES.

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

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

"72-2-16. HEARINGS REQUIRED BEFORE APPEAL.--The state  
engineer may order that a hearing be held before ~~[he]~~ the state  
engineer enters a decision, acts or refuses to act. If,  
without holding a hearing, the state engineer enters a  
decision, acts or refuses to act, any person aggrieved by the  
decision, act or refusal to act is entitled to a hearing if a  
request for a hearing is made in writing within thirty days

.198068.2

underscoring material = new  
~~[bracketed material] = delete~~

underscoring material = new  
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1 after receipt by certified mail of notice of the decision, act  
2 or refusal to act. Hearings shall be held before the state  
3 engineer or ~~[his]~~ the state engineer's appointed examiner.  
4 Hearings shall be held in the county seat of the county in  
5 which the application is filed or in which the matter in  
6 controversy arises, unless the parties and the state engineer  
7 agree on another site for the hearing. A record shall be made  
8 of all hearings. ~~[No]~~ An appeal shall not be taken to the  
9 district court until the state engineer has held a hearing and  
10 entered ~~[his]~~ a decision in the hearing."

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