

HB 807 -- Administrative Hearing Commission

Sponsor: Hobbs

This bill allows any person or entity involved or affected by a finding, decision, order, or assessment by the Hazardous Waste Management Commission, Land Reclamation Commission, Safe Drinking Water Commission, Air Conservation Commission, or Clean Water Commission to have an appeals hearing before the Administrative Hearing Commission if they file a petition within 30 days after receiving notice of the judgment. If a party filing an appeal prevails in the dispute, that party is entitled to interest on any amount wrongfully collected or erroneously paid. However, the authority to render a final decision after an appeals hearing remains with the Administrative Hearing Commission.

A commission issuing a final order or decision will have the burden of proof, except in cases involving the denial of a permit, license, or registration, in which case the burden is on the applicant.

Appropriations will be made from the respective funds of the various commissions to cover the Administrative Hearing Commission's expenses of any appeal.