

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING THE SANITARY PROJECTS
ACT TO PROVIDE FOR LIVESTOCK WATER.

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

Section 1. Section 3-29-3 NMSA 1978 (being Laws 1965, Chapter 300,
Section 14-28-3) is amended to read:

"3-29-3. PURPOSE OF ACT--STATEMENT OF POLICY.--The purpose of
the Sanitary Projects Act is to improve the public health of the people of New
Mexico through a program that will provide for the installation of sanitary domestic
water facilities, sewage works or both and thus eliminate present hazardous
practices and conditions. It is, therefore, declared to be the policy of the legislature
to assist in providing facilities for the development of adequate, sanitary domestic
water supplies, sewage works or both, together with all parts and appurtenances as
may be needed to provide water supplies, sewage works or both in rural
unincorporated communities."

Section 2. Section 3-29-7 NMSA 1978 (being Laws 1965, Chapter 300,
Section 14-28-7, as amended) is amended to read:

"3-29-7. CONDITIONS DEPARTMENT MAY REQUIRE BEFORE
EXTENDING BENEFITS.--

A. Insofar as the department deems it necessary for the purpose of
the Sanitary Projects Act, the department may, as a condition to extending benefits
under its provisions to any community or group of individuals, recommend:

(1) agreements or covenants in regard to maintenance and
permanent use of such lands, water or facilities benefited by a domestic water
supply, sewers or treatment plant or any of them; provided that the water supplies
developed shall not in any case be used for irrigation of commercial crops. The

S
B
3
5
6
P
a
g
e
1

1 liquid effluent from sewage plants shall not be used for the irrigation of truck crops
2 or fruits, and livestock shall not have access to sewage plant effluents;

3 (2) contributions in cash by the association in addition to the
4 contract for labor, materials or services as specified in Section 3-29-5 NMSA 1978;
5 provided that the association's contribution shall always equal or exceed one-third
6 of the total state cost; and

7 (3) that the state cooperate and contribute financial aid
8 according to the following schedules:

9 (a) a maximum of seven thousand dollars (\$7,000) for
10 each water project or for each sewer project where twenty-eight or fewer dwelling
11 units are to be served; provided that no association shall be formed that shall not
12 provide service for at least ten domestic dwelling units; and

13 (b) two hundred fifty dollars (\$250) per dwelling unit
14 where more than twenty-eight dwelling units are to be served; provided that the total
15 allowable maximum state expenditure for each water project or for each sewer
16 project shall not exceed twelve thousand dollars (\$12,000).

17 B. A requisite to securing such allocation of funds upon a
18 department recommendation shall be that the individuals either collectively or
19 individually in an association shall agree to provide proper sewage disposal facilities
20 for the sanitary removal of potentially harmful material classified as sewage, which
21 shall be occasioned by the installation of running water facilities. Associations shall
22 be eligible for construction grants as provided for in the Federal Water Pollution
23 Control Act.

24 C. No privy, cesspool, septic tank or other means of sewage
25 disposal or treatment shall be located within one hundred fifty feet of any well,
spring or other source of domestic water supply created under the provisions of the
Sanitary Projects Act.

S
B
3
5
6
P
a
g
e
2

1 D. The department may in its discretion and shall upon the petition
2 of twenty-five percent of the users of a project hold a hearing and make a
3 determination as to whether a sanitary project is being operated and managed in
4 the best interest of all local citizens. If the department, after a hearing, determines
5 that a project is not being operated or managed in the best interests of the local
6 citizens, the department may intervene in the operation and management with full
7 powers, including the power to set and collect assessments from members of the
8 association and use the same for the proper operation and management of the
9 project."

S
B
3
5
6
P
a
g
e
3

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25