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SENATE BILL 189

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Linda M. Lopez

AN ACT

RELATING TO ENERGY ASSISTANCE; PROVIDING DISTRIBUTIONS FOR HOME ENERGY RELIEF; MAKING A DISTRIBUTION TO THE HOME ENERGY RELIEF FUND FOR THE LOW INCOME HOME ENERGY ASSISTANCE PROGRAM; CHANGING THE NAME OF THE GASOLINE AND HOME HEATING RELIEF FUND TO THE HOME ENERGY RELIEF FUND; MAKING AN APPROPRIATION.

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

Section 1. Section 6-4-25 NMSA 1978 (being Laws 2005 (1st S.S.), Chapter 2, Section 1) is amended to read:

"6-4-25. [~~GASOLINE AND~~] HOME [~~HEATING~~] ENERGY RELIEF FUND--CREATED.--The "[~~gasoline and~~] home [~~heating~~] energy relief fund" is created in the state treasury. The fund consists of appropriations, distributions, gifts, grants and donations. Balances in the fund at the end of a fiscal year shall not revert to the general fund. The fund is administered

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1 by the department of finance and administration and money in
2 the fund is subject to appropriation by the legislature

3 ~~[A. to provide gasoline price rebates to New Mexico~~
4 ~~taxpayers burdened as a result of extremely high gasoline~~
5 ~~prices;~~

6 ~~B. to provide economic relief, in accordance with~~
7 ~~programs existing within New Mexico law, to New Mexico~~
8 ~~taxpayers suffering from rapidly increasing home heating costs;~~
9 ~~and~~

10 ~~G.] for the low income home energy assistance~~
11 ~~program."~~

12 Section 2. A new section of the Tax Administration Act is
13 enacted to read:

14 "[NEW MATERIAL] DISTRIBUTION TO THE HOME ENERGY RELIEF
15 FUND.--Beginning on July 1, 2008, a distribution pursuant to
16 Section 7-1-6.20 NMSA 1978 shall be made to the home energy
17 relief fund for the human services department's low income home
18 energy assistance program in an amount equal to thirty-three
19 and thirty-three hundredths percent of the net receipts
20 attributable to the natural gas processors tax imposed and
21 collected pursuant to Section 7-33-4 NMSA 1978."

22 Section 3. Section 27-6-13 NMSA 1978 (being Laws 1979,
23 Chapter 290, Section 3, as amended) is amended to read:

24 "27-6-13. ADMINISTRATION OF LOW INCOME UTILITY ASSISTANCE
25 ACT.--

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1 A. As used in the Low Income Utility Assistance
2 Act, "department" means the ~~[agency of the state designated by~~
3 ~~the governor]~~ human services department.

4 B. The department ~~[is authorized to]~~ may determine
5 eligibility, establish payment amounts, make utility assistance
6 payments to or on behalf of eligible recipients and otherwise
7 administer the Low Income Utility Assistance Act.

8 C. The department ~~[is also called upon to utilize]~~
9 shall use funds appropriated under the Low Income Utility
10 Assistance Act to the maximum extent to generate available
11 federal and local government funds and to mobilize other
12 resources ~~[which]~~ that may be applied to the concepts of
13 ~~[that]~~ the Low Income Utility Assistance Act."

14 Section 4. Section 27-6-16 NMSA 1978 (being Laws 1979,
15 Chapter 290, Section 6, as amended) is amended to read:

16 "27-6-16. FUND CREATED.--There is created in the state
17 treasury the "low income utility assistance fund". Money in
18 the fund is appropriated to the department to make utility
19 assistance payments and for weatherization and energy
20 efficiency programs, which shall comprise at least fifty
21 percent of the expenditures from the fund. Payments shall be
22 made from the low income utility assistance fund upon warrants
23 drawn by the secretary of finance and administration pursuant
24 to vouchers signed by the ~~[head of the department]~~ secretary of
25 human services or the secretary's designated representative.

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1 Such payments shall be made for the costs and administration of
2 the Low Income Utility Assistance Act."

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