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SENATE BILL 335

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Carlos R. Cisneros

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO THE ENVIRONMENT; ENACTING A NEW SECTION OF THE ENVIRONMENTAL IMPROVEMENT ACT TO PROVIDE FOR ASSISTANCE TO WATER AND WASTEWATER SYSTEMS; CREATING A FUND; MAKING AN APPROPRIATION.

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

Section 1. A new section of the Environmental Improvement Act is enacted to read:

"[NEW MATERIAL] WATER AND WASTEWATER SYSTEM MANAGEMENT ASSISTANCE FUND--CREATED--PURPOSE.--

A. The "water and wastewater system management assistance fund" is created in the state treasury. The department shall administer the fund. The fund is composed of appropriations, donations and transfers of money earned from investment of the fund and otherwise accruing to the fund.

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1 Balances remaining in the fund at the end of a fiscal year
2 shall remain to the credit of the fund. Disbursements from the
3 fund shall be drawn on warrant of the secretary of finance and
4 administration pursuant to vouchers signed by the secretary of
5 environment or the secretary's authorized representative.

6 Money in the fund is appropriated to the department to assist
7 small water and wastewater systems that qualify for funding to
8 pay for:

9 (1) a certified water or wastewater operator
10 to maintain and manage a small water or wastewater system;

11 (2) the administrative management of a small
12 water or wastewater system; or

13 (3) all or a portion of the connection fees to
14 connect a small water or wastewater system to another water or
15 wastewater system so as to create a regional water or
16 wastewater system.

17 B. System operation, maintenance, construction and
18 administrative activities funded by the water and wastewater
19 system management assistance fund shall be performed by
20 contractors selected through competitive bid pursuant to
21 guidelines provided by the department.

22 C. No more than ten percent of the fund shall be
23 used by the department on an annual basis to pay for the
24 department costs associated with management and implementation
25 of fund activities.

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D. As used in this section:

(1) "administrative management" means activities such as rate structure development and other system business management, record keeping, customer service and customer invoicing and collections;

(2) "connection fee" means the fee paid directly to a public water or wastewater system or other water or wastewater management organization and does not include other fees, such as legal fees, related to connecting a small water or wastewater system to another water or wastewater system to create a regional water or wastewater system; and

(3) "small water or wastewater system" means a water or wastewater system that serves no more than three hundred connections, whether public or private, including small systems managed by a political subdivision of the state, including a water and sanitation district, a mutual domestic water consumers association or a public school district and as further established by department qualification criteria."

Section 2. APPROPRIATION.--Two million dollars (\$2,000,000) is appropriated from the general fund to the water and wastewater system management assistance fund for expenditure in fiscal year 2010 and subsequent fiscal years to carry out the purposes of the water and wastewater system management assistance fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert

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to the general fund.

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