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SENATE BILL 159

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Gerald Ortiz y Pino

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING THE WASTEWATER FACILITY
CONSTRUCTION LOAN ACT TO INCLUDE MUTUAL DOMESTIC WATER
CONSUMERS ASSOCIATIONS IN THE DEFINITION OF "LOCAL AUTHORITY".

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

SECTION 1. Section 74-6A-3 NMSA 1978 (being Laws 1986,
Chapter 72, Section 3, as amended) is amended to read:

"74-6A-3. DEFINITIONS.--As used in the Wastewater
Facility Construction Loan Act:

A. "administrative fee" means a fee assessed and
collected by the department from a local authority on each loan
and expressed as a percentage per year on the outstanding
principal amount of the loan, payable by the borrower on the
same date that principal and interest on the loan are due, for
deposit in the clean water administrative fund;

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underscored material = new
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1 B. "commission" means the water quality control
2 commission;

3 C. "division" or "department" means the department
4 of environment;

5 D. "financial assistance" means loans, the purchase
6 or refinancing of existing local political subdivision
7 obligations, loan guarantees, credit enhancement techniques to
8 reduce interest on loans and bonds, bond insurance and bond
9 guarantees or any combination of these purposes;

10 E. "fund" means the wastewater facility
11 construction loan fund;

12 F. "local authority" means any municipality,
13 county, incorporated county, mutual domestic water consumers
14 association, sanitation district, water and sanitation district
15 or any similar district, recognized Indian tribe or other
16 issuing agency created pursuant to a joint powers agreement
17 acting on behalf of any entity listed in this subsection;

18 G. "operate and maintain" means to perform all
19 necessary activities, including replacement of equipment or
20 appurtenances, to ensure the dependable and economical function
21 of a wastewater facility in accordance with its intended
22 purpose;

23 H. "wastewater facility" means a publicly owned
24 system for treating or disposing of sewage or wastes either by
25 surface or underground methods, including any equipment, plant,

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1 treatment works, structure, machinery, apparatus or land, in
2 any combination, that is acquired, used, constructed or
3 operated for the storage, collection, reduction, recycling,
4 reclamation, disposal, separation or treatment of water or
5 wastes or for the final disposal of residues resulting from the
6 treatment of water or wastes, such as pumping and ventilating
7 stations, facilities, plants and works, outfall sewers,
8 interceptor sewers and collector sewers and other real or
9 personal property and appurtenances incident to their use or
10 operation. "Wastewater facility" also includes a nonpoint
11 source water pollution control project as eligible under the
12 Clean Water Act;

13 I. "account" means the wastewater suspense account;

14 J. "board" means the state board of finance;

15 K. "bonds" means wastewater bonds or other
16 obligations authorized by the commission to be issued by the
17 board pursuant to the Wastewater Facility Construction Loan
18 Act;

19 L. "Clean Water Act" means the federal Clean Water
20 Act of 1977 and its subsequent amendments or successor
21 provisions;

22 M. "federal securities" means direct obligations of
23 the United States, or obligations the principal and interest of
24 which are unconditionally guaranteed by the United States, or
25 an ownership interest in either of the foregoing;

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1 N. "force account construction" means construction
2 performed by the employees of a local authority rather than
3 through a contractor;

4 O. "holders" means persons who are owners of bonds,
5 whether registered or not, issued pursuant to the Wastewater
6 Facility Construction Loan Act;

7 P. "issuing resolution" means a formal statement
8 adopted by the board to issue bonds pursuant to the Wastewater
9 Facility Construction Loan Act, including any trust agreement,
10 trust indenture or similar instrument providing terms and
11 conditions for the bonds to be issued; and

12 Q. "recommending resolution" means a formal
13 statement adopted by the commission recommending to the board
14 that bonds be issued pursuant to the Wastewater Facility
15 Construction Loan Act, including any trust agreement, trust
16 indenture or similar instrument providing the terms and
17 conditions for the bonds that are issued."