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SENATE BILL 250

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Manny M. Aragon

AN ACT

RELATING TO ENVIRONMENTAL IMPROVEMENT; AUTHORIZING THE
IMPOSITION OF A WASTEWATER IMPACT FEE ON CERTAIN MUNICIPAL
WASTEWATER TREATMENT FACILITIES; EARMARKING WASTEWATER IMPACT
FEES FOR CERTAIN ENVIRONMENTAL IMPROVEMENT PURPOSES IN
UNINCORPORATED AREAS.

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

Section 1. WASTEWATER IMPACT FEE--PURPOSE--
ADMINISTRATION. --

A. Notwithstanding the provisions of Section
4-37-2 NMSA 1978, a majority of the members of the board of
county commissioners of a county may adopt an ordinance
imposing a wastewater impact fee on sewage or other wastes
treated at a municipal wastewater treatment facility serving
residents in the unincorporated area of the county, if the

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1 board finds that there are significant environmental
2 improvement needs related to water quality and extension of
3 the municipal water and wastewater system in the county.

4 B. A fee imposed pursuant to this section shall
5 not exceed twenty-five cents (\$.25) per thousand gallons of
6 sewage or other wastes treated at the municipal wastewater
7 treatment facility. The fee shall take effect no earlier than
8 the first day of the month three months after the date the
9 governing body of the municipality receives notice of the
10 imposition of the fee. The municipality shall collect the fee
11 and transmit the revenues quarterly to the treasurer of the
12 county imposing the fee.

13 C. A board of county commissioners imposing a
14 wastewater impact fee pursuant to Subsection A of this section
15 is subject to the following notice requirements:

16 (1) the board shall notify the affected
17 municipality of a proposal to impose a wastewater impact fee
18 no later than one month prior to proposed adoption of an
19 ordinance imposing the fee and shall allow the governing body
20 of the municipality to provide information and offer testimony
21 to the board on the matter; and

22 (2) the board shall notify the affected
23 municipality of the imposition or repeal of the wastewater
24 impact fee no later than five working days after the date the
25 ordinance imposing or repealing the fee is adopted.

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1 D. Revenues from the wastewater impact fee shall
2 be deposited in a special county fund to be called the "county
3 environmental protection fund" and shall be used solely for
4 the purposes authorized in this subsection. Earnings on the
5 fund and balances in the fund at the end of any fiscal year
6 shall not revert to the county general fund but shall accrue
7 to the credit of the fund. Money in the fund shall be used by
8 the county for necessary water quality improvements and water
9 and sewer capital outlay needs in the unincorporated area of
10 the county, including extension of water and sewer lines into
11 the unincorporated area of the county.

12 E. A county imposing the wastewater impact fee
13 shall develop a five-year plan for expenditure of fee
14 revenues. In developing the plan and budgeting annual
15 expenditures, the board of county commissioners shall consult
16 with the municipality operating the wastewater treatment
17 facility.

18 F. The county imposing the wastewater impact fee
19 and the municipality operating the municipal wastewater
20 treatment facility may enter into an agreement pursuant to the
21 Joint Powers Agreements Act as necessary to carry out the
22 provisions of this section.

23 G. Any increase or decrease in a wastewater impact
24 fee shall be imposed in the same manner and subject to the
25 same requirements as the initial fee imposed pursuant to this

1 section.

2 H. A board of county commissioners imposing the
3 wastewater impact fee shall repeal the fee upon a finding that
4 fee revenues are no longer needed to fund significant
5 environmental improvements in the unincorporated area of the
6 county and that all outstanding obligations due to be paid
7 from fee revenues have been satisfied. The board shall notify
8 the municipality of the repeal no later than five days after
9 adoption of the ordinance repealing the fee.

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 4, 1999

6
7 Mr. President:

8
9 Your CONSERVATION COMMITTEE, to whom has been referred

10
11 SENATE BILL 250

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 WAYS & MEANS COMMITTEE.
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18 Respectfully submitted,

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25 Fernando R. Macias, Chairman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

4

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6 Date _____

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9 The roll call vote was 5 For 1 Against

10 Yes: 5

11 No: Payne

12 Excused: Eisenstadt, Feldman, Payne, Vernon

13 Absent: None

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