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HOUSE BILL 859

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Jim R. Trujillo

AN ACT

RELATING TO ENVIRONMENTAL IMPROVEMENT; ENACTING THE CESSPOOL  
ELIMINATION ASSISTANCE ACT; PROVIDING FOR GRANTS TO LOW-INCOME  
HOUSEHOLDS FOR EXPENSES RELATED TO REPLACEMENT OF CESSPOOLS;  
CREATING THE CESSPOOL ELIMINATION ASSISTANCE 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] SHORT TITLE.--This act may be cited as the  
"Cesspool Elimination Assistance Act"."

Section 2. A new section of the Environmental Improvement  
Act is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Cesspool  
Elimination Assistance Act:

.166605.1

underscored material = new  
[bracketed material] = delete

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[bracketed material] = delete

1           A. "cesspool" means an excavation or non-watertight  
2 unit that receives untreated water-carried liquid waste and  
3 allows direct discharge to the soil;

4           B. "department" means the department of  
5 environment;

6           C. "indigent recipient" means an owner of an owner-  
7 occupied single-family dwelling, an owner-occupied single-  
8 family dwelling with a guest house or an owner-occupied duplex  
9 whose household income does not exceed two hundred fifty  
10 percent of the federal poverty level; and

11           D. "fund" means the cesspool elimination assistance  
12 fund."

13           Section 3. A new section of the Environmental Improvement  
14 Act is enacted to read:

15           "[NEW MATERIAL] GRANT PROGRAM--CRITERIA.--

16           A. The department shall establish a "cesspool  
17 elimination assistance grant program fund" to make grants to  
18 indigent recipients for:

19                   (1) the pumping, abandonment and replacement  
20 of cesspools located on the recipient's property;

21                   (2) permitting, site evaluation, design,  
22 purchase and installation costs of a new on-site liquid waste  
23 treatment and disposal system; and

24                   (3) up to two years of maintenance, operation  
25 and any required testing of the on-site liquid waste treatment

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1 and disposal system.

2 B. The department shall promulgate rules necessary  
3 for the administration of the cesspool elimination assistance  
4 fund, including establishing priorities for the disbursement of  
5 money and the application and selection process."

6 Section 4. A new section of the Environmental Improvement  
7 Act is enacted to read:

8 "[NEW MATERIAL] CESSPOOL ELIMINATION ASSISTANCE FUND  
9 CREATED.--The "cesspool elimination assistance fund" is created  
10 in the state treasury. The fund consists of appropriations,  
11 gifts, grants, donations and bequests made to the fund. Money  
12 in the fund shall not revert or be transferred to any other  
13 fund at the end of a fiscal year, and income from investment of  
14 the fund shall be credited to the fund. The department shall  
15 administer the fund, and money in the fund is appropriated to  
16 the department to make grants from the fund in accordance with  
17 Section 4 of the Cesspool Elimination Assistance Act.  
18 Expenditures from the fund shall be made on warrant of the  
19 secretary of finance and administration on vouchers signed by  
20 the secretary of environment."

21 Section 5. APPROPRIATION.--Four million dollars  
22 (\$4,000,000) is appropriated from the general fund to the  
23 cesspool elimination assistance fund for expenditure in fiscal  
24 year 2008 and subsequent fiscal years to carry out the  
25 provisions of the Cesspool Elimination Assistance Act. Any

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1 unexpended or unencumbered balance remaining at the end of a  
2 fiscal year shall not revert to the general fund.

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