

1 HOUSE BILL 732

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

3 INTRODUCED BY

4 Ben Lujan

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10 AN ACT

11 RELATING TO PUBLIC ASSISTANCE; AMENDING AND ENACTING SECTIONS
12 OF THE LOW INCOME UTILITY ASSISTANCE ACT; MAKING A DISTRIBUTION
13 TO THE LOW INCOME UTILITY ASSISTANCE FUND FOR THE LOW INCOME
14 HOME ENERGY ASSISTANCE PROGRAM AND THE LOW INCOME
15 WEATHERIZATION PROGRAM AND FOR LOW INCOME ENERGY EFFICIENCY
16 IMPROVEMENT PROGRAMS; MAKING APPROPRIATIONS.

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

19 Section 1. Section 27-6-11 NMSA 1978 (being Laws 1979,
20 Chapter 290, Section 1) is amended to read:

21 "27-6-11. SHORT TITLE.--~~[This act]~~ Sections 27-6-11
22 through 27-6-17 NMSA 1978 may be cited as the "Low Income
23 Utility Assistance Act"."

24 Section 2. A new section of the Low Income Utility
25 Assistance Act is enacted to read:

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underscored material = new
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1 "[NEW MATERIAL] DEFINITIONS.--As used in the Low Income
2 Utility Assistance Act:

3 A. "department" means the human services
4 department;

5 B. "low income energy efficiency improvement
6 programs" means small-scale, direct in-home energy efficiency
7 programs that do not include weatherization and that are
8 developed by the energy, minerals and natural resources
9 department to assist low income households to become more
10 energy efficient; and

11 C. "weatherization program" means the whole house
12 energy efficiency improvements program administered by the New
13 Mexico mortgage finance authority pursuant to Paragraph (5) of
14 Subsection E of Section 58-18-5.5 NMSA 1978."

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

17 "27-6-13. ADMINISTRATION OF LOW INCOME UTILITY ASSISTANCE
18 ACT.--

19 A. ~~[As used in the Low Income Utility Assistance~~
20 ~~Act, "department" means the agency of the state designated by~~
21 ~~the governor.~~

22 B.] The department ~~[is authorized to]~~ shall
23 determine eligibility, establish payment amounts, make utility
24 assistance payments to or on behalf of eligible recipients and
25 shall otherwise administer sections of the Low Income Utility

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1 Assistance Act that relate to utility assistance payments.

2 B. The energy, minerals and natural resources
3 department shall develop and implement low income energy
4 efficiency improvement programs, including outreach and
5 education, and may coordinate with the department and the New
6 Mexico mortgage finance authority to determine eligibility for
7 those programs. The energy, minerals and natural resources
8 department shall also administer the provisions of the sections
9 of the Low Income Utility Assistance Act that relate to low
10 income energy efficiency improvement programs.

11 C. The New Mexico mortgage finance authority shall
12 determine eligibility for and otherwise administer the
13 provisions of the sections of the Low Income Utility Assistance
14 Act that relate to the weatherization program.

15 [~~G.~~] D. The department [is also called upon to
16 utilize], the energy, minerals and natural resources department
17 and the New Mexico mortgage finance authority shall use funds
18 appropriated under the Low Income Utility Assistance Act to the
19 maximum extent to [generate] access available federal and local
20 government funds and to [mobilize] leverage other resources
21 [which] that may be applied to the concepts of [that] the Low
22 Income Utility Assistance Act."

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

25 "27-6-16. FUND CREATED.--

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1 A. There is created in the state treasury the "low
2 income utility assistance fund". The fund shall consist of
3 appropriations, distributions, gifts, grants and donations to
4 the fund. Money in the fund shall be administered by the
5 department of finance and administration and shall be
6 apportioned and allocated as follows:

7 (1) at least fifty percent of the annual
8 expenditures from the fund shall be allocated to the New Mexico
9 mortgage finance authority for administration of the
10 weatherization program;

11 (2) at least thirty percent of the annual
12 expenditures from the fund shall be allocated to the department
13 for utility assistance supplement payments; provided, however,
14 that an amount less than thirty percent may be allocated in any
15 fiscal year in which the department receives a grant of federal
16 low income home energy assistance program funds of more than
17 fifteen million dollars (\$15,000,000); and

18 (3) no more than ten percent of the annual
19 expenditures from the fund shall be allocated to the energy,
20 minerals and natural resources department to develop and
21 administer low income energy efficiency improvement programs.

22 B. Payments shall be made from the low income
23 utility assistance fund upon warrants drawn by the secretary of
24 finance and administration pursuant to vouchers or fund
25 requests signed by the [~~head of the department~~] secretary of

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1 human services or the secretary's designated representative,
2 the executive director of the New Mexico mortgage finance
3 authority or the executive director's designated representative
4 or the secretary of energy, minerals and natural resources or
5 the secretary's designated representative. Such payments shall
6 be made for the costs and administration of the Low Income
7 Utility Assistance Act. Any unexpended or unencumbered balance
8 remaining at the end of a fiscal year shall not revert to the
9 general fund."

10 Section 5. A new section of the Tax Administration Act is
11 enacted to read:

12 "[NEW MATERIAL] DISTRIBUTION TO THE LOW INCOME UTILITY
13 ASSISTANCE FUND.--Beginning on July 1, 2009, distributions
14 pursuant to Section 7-1-6.20 NMSA 1978 shall be made to the low
15 income utility assistance fund for the human services
16 department's low income home energy assistance program, the New
17 Mexico mortgage finance authority's low income weatherization
18 programs and the energy, minerals and natural resources
19 department's low income energy efficiency improvement programs
20 in an amount equal to thirty-three and thirty-three hundredths
21 percent of the net receipts attributable to the natural gas
22 processors tax imposed and collected pursuant to Section 7-33-4
23 NMSA 1978."

24 Section 6. DELAYED REPEAL.--Section 5 of this act is
25 repealed effective June 30, 2014.

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