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SENATE BILL 574

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

FERNANDO R. MACIAS

AN ACT

RELATING TO WATER AND SANITATION DISTRICTS; AMENDING SECTION
73-21-16 NMSA 1978 (BEING LAWS 1943, CHAPTER 80, SECTION 14, AS
AMENDED) TO AUTHORIZE MANDATORY PARTICIPATION IN WATER AND
SANITATION DISTRICT REFUSE COLLECTION AND DISPOSAL SERVICES.

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

Section 1. Section 73-21-16 NMSA 1978 (being Laws 1943,
Chapter 80, Section 14, as amended) is amended to read:

"73-21-16. GENERAL POWERS. -- For and on behalf of the
district, the board shall have the following powers:

- A. to have perpetual existence;
- B. to have and use a corporate seal;
- C. to sue and be sued and be a party to suits,
actions and proceedings;
- D. except as otherwise provided in the Water and

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1 Sanitation District Act, to enter into contracts and agreements
2 affecting the affairs of the district, including contracts with
3 the United States and any of its agencies or instrumentalities.
4 Except in cases in which a district will receive aid from a
5 governmental agency, a notice shall be published for bids on all
6 construction contracts for work or material or both involving an
7 expense of five thousand dollars (\$5,000) or more. The district
8 may reject any and all bids, and if it appears that the district
9 can perform the work or secure material for less than the lowest
10 bid, it may proceed to do so;

11 E. to borrow money and incur indebtedness and
12 evidence the indebtedness by certificates, notes or debentures
13 and to issue bonds in accordance with the provisions of [~~that~~]
14 the Water and Sanitation District Act;

15 F. to acquire, dispose of and encumber real and
16 personal property, water rights, water and sewer works and
17 plants and any interest in them, including leases and easements;

18 G. to refund any bonded indebtedness or revenue
19 bonds of the district without an election in accordance with the
20 provisions of [~~that~~] the Water and Sanitation District Act;

21 H. to have the management, control and supervision
22 of all the business and affairs of the district and the
23 construction, installation, operation and maintenance of
24 district improvements;

25 I. to hire and retain agents, employees, engineers

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1 and attorneys;

2 J. to have and exercise the power of eminent domain
3 and dominant eminent domain and, in the manner provided by law
4 for the condemnation of private property for public use, to take
5 any property necessary to the exercise of the powers granted in
6 [~~that~~] the Water and Sanitation District Act, both within and
7 without the district;

8 K. to construct and maintain works and establish and
9 maintain facilities across or along any public street or highway
10 and in, upon or over any vacant public lands, which public lands
11 are now or may become the property of the state, and to
12 construct works and establish and maintain facilities across any
13 stream of water or watercourse; provided, however, that the
14 district shall promptly restore any such street or highway to
15 its former state of usefulness as nearly as may be and shall not
16 use the street or highway in such manner as to completely or
17 unnecessarily impair its usefulness;

18 L. to fix and from time to time to increase or
19 decrease water and sewer rates, tolls or charges for services or
20 facilities furnished or made available by the district,
21 including without limiting the generality of the foregoing
22 standby charges for both water and sewers, and to pledge that
23 revenue for the payment of any indebtedness of the district.
24 Until paid, all rates, tolls or charges constitute a perpetual
25 lien on and against the property served, and any such lien may

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1 be foreclosed in the same manner as provided by the laws of New
2 Mexico for the foreclosure of real estate mortgages. The board
3 shall shut off or discontinue service for delinquencies in the
4 payment of the rates, tolls or charges or in the payment of
5 taxes levied pursuant to the Water and Sanitation District Act
6 and prescribe and enforce rules and regulations for the
7 connection with and the disconnection from properties of the
8 facilities of the district. For health and sanitary purposes,
9 the board shall have the power to compel the owners of inhabited
10 property within a sanitation district to connect their property
11 with the sewer system of the district, and, upon a failure [se]
12 to connect within sixty days after written notice by the board,
13 the board may cause the connection to be made and a lien to be
14 filed against the property for the expense incurred in making
15 the connection; provided, however, that no owner shall be
16 compelled to connect his property with such system unless a
17 service line is brought by the district to a point within four
18 hundred feet of his dwelling place;

19 M to provide for the collection and disposal of
20 refuse in any manner deemed suitable by the district, including:

21 (1) appointing or contracting with a refuse
22 collector and prescribe the duties and compensation of a refuse
23 collector;

24 (2) requiring each person owning or controlling
25 occupied or previously occupied real property within the

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1 district boundaries or served by the district water system to
2 pay a reasonable fee for the collection and disposal of refuse
3 whether or not the refuse collection service is used by the
4 person; and

5 (3) determining if the district or the refuse
6 collector shall collect the fee for the collection and disposal
7 of refuse;

8 [M-] N. to adopt and amend bylaws not in conflict with
9 the constitution and laws of the state for carrying on the
10 business, objects and affairs of the board and of the district;
11 and

12 [N-] 0. to have and exercise all rights and powers
13 necessary or incidental to or implied from the specific powers
14 granted in this section. Such specific powers shall not be
15 considered as a limitation upon any power necessary or
16 appropriate to carry out the purposes and intent of ~~that~~ the
17 Water and Sanitation District Act. "

1 FORTY-THIRD LEGISLATURE

SB 574/a

2 FIRST SESSION, 1997

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5
6 February 18, 1997

7
8 Mr. President:

9
10 Your CONSERVATION COMMITTEE, to whom has been referred

11
12 SENATE BILL 574

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

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18 1. On page 4, line 25, strike "occupied or previously
19 occupied".

20
21 2. On page 5, line 1, strike "or served by" and insert in
22 lieu thereof "and connected to".

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24 3. On page 5, line 1, after "water" insert "or sewer",

25 and thence referred to the CORPORATIONS & TRANSPORTATION

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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COMMITTEE.

Respectfully submitted,

Michael S. Sanchez, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Kysar, Lyons, Tsosie

Absent: None

S0574C01

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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