

1 SENATE BILL 607

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Carlos R. Cisneros

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10 AN ACT

11 RELATING TO THE ENVIRONMENT; REMOVING THE LIMITATION ON MONEY
12 TRANSFERRED FROM THE LIQUID WASTE FUND TO THE LIQUID WASTE
13 DISPOSAL SYSTEM ASSISTANCE FUND; PERMITTING DONATIONS TO THE
14 LIQUID WASTE DISPOSAL SYSTEM ASSISTANCE FUND; MAKING AN
15 APPROPRIATION.

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

18 SECTION 1. Section 74-1-15 NMSA 1978 (being Laws 2000,
19 Chapter 96, Section 3, as amended) is amended to read:

20 "74-1-15. LIQUID WASTE FUND CREATED.--The "liquid waste
21 fund" is created in the state treasury. On-site liquid waste
22 system fees shall be deposited in the fund. Money in the fund
23 is appropriated to the department for administration of liquid
24 waste regulations and [~~no more than two hundred thousand~~
25 ~~dollars (\$200,000) from~~] unexpended money in the fund may be

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1 transferred to the liquid waste disposal system assistance fund
2 [~~if enacted into law by the first session of the forty-ninth~~
3 ~~legislature~~]. Disbursements from the fund shall be by warrant
4 drawn by the secretary of finance and administration pursuant
5 to vouchers signed by the secretary of environment or the
6 [~~secretary of environment's~~] secretary's designee. Any
7 unexpended or unencumbered balance or income earned from the
8 money in the liquid waste fund remaining at the end of any
9 fiscal year shall not revert to the general fund."

10 SECTION 2. Section 74-1-15.1 NMSA 1978 (being Laws 2009,
11 Chapter 203, Section 1) is amended to read:

12 "74-1-15.1. LIQUID WASTE DISPOSAL SYSTEM ASSISTANCE
13 FUND--CREATED--PURPOSE.--

14 A. The "liquid waste disposal system assistance
15 fund" is created in the state treasury. The department shall
16 administer the fund. The fund may be composed of
17 appropriations, donations and transfers of money earned from
18 investment of the fund and otherwise accruing to the fund and
19 transfers of money from the liquid waste fund [~~not to exceed~~
20 ~~two hundred thousand dollars (\$200,000) from the unexpended~~
21 ~~balance in the fund~~]. Balances remaining in the fund at the
22 end of a fiscal year shall remain to the credit of the fund.
23 Disbursements from the fund shall be drawn on warrant of the
24 secretary of finance and administration pursuant to vouchers
25 signed by the secretary of environment or the secretary's

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1 authorized representative. Money in the fund is appropriated
2 to the department for the sole purpose of assisting indigent
3 individuals or households that qualify for funding to
4 accomplish one of the following purposes where there is a real
5 or potential negative impact to public health or water quality
6 from on-site liquid waste disposal system effluent:

7 (1) to pay for a liquid waste disposal system
8 to replace a cesspool or other failed or improper on-site
9 liquid waste disposal system;

10 (2) to purchase, install or maintain an
11 advanced treatment system as required by the Environmental
12 Improvement Act or regulations issued pursuant to that act;

13 (3) to pay for the decommissioning and removal
14 of a cesspool or other failed or improper on-site liquid waste
15 disposal system; or

16 (4) to pay for all or a portion of the
17 connection fees in order to connect an individual or household
18 to a centralized wastewater collection and treatment system.

19 B. Construction activities sponsored by the fund
20 shall be performed by licensed contractors selected through
21 competitive bid by the department and shall be managed by the
22 department.

23 C. No more than five percent of the fund shall be
24 used by the department on an annual basis to pay for the
25 department costs associated with management and implementation

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1 of fund activities.

2 D. As used in this section:

3 (1) "advanced treatment system" means an on-
4 site liquid wastewater treatment system that removes a greater
5 amount of contaminants than is accomplished by a primary
6 treatment system;

7 (2) "connection fee" means the fee paid
8 directly to a public water or wastewater system or other
9 wastewater management organization and does not include other
10 fees, such as legal fees, related to connecting an individual
11 or household to a centralized wastewater collection and
12 treatment system; and

13 (3) "indigent individuals or households" means
14 individuals or households whose annual incomes do not exceed
15 the federal poverty guidelines."

16 SECTION 3. APPROPRIATION.--Two million eight hundred
17 thousand dollars (\$2,800,000) is appropriated from the general
18 fund to the liquid waste disposal system assistance fund for
19 expenditure in fiscal year 2020 and subsequent fiscal years to
20 provide for assistance to indigent persons to replace
21 substandard liquid waste disposal systems. Any unexpended or
22 unencumbered balance remaining at the end of a fiscal year
23 shall not revert to the general fund.