

HOUSE BILL 415

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

George Dodge, Jr.

AN ACT

RELATING TO PUBLIC WATER SUPPLIES; REQUIRING THE DEPARTMENT OF ENVIRONMENT TO COMPILE A LIST OF CONTAMINANTS THAT ARE TESTED IN PUBLIC WATER SUPPLIES; PROVIDING FOR THE TESTING OF ADDITIONAL CONTAMINANTS THAN THOSE REQUIRED BY FEDERAL LAW IN CERTAIN CIRCUMSTANCES; MAKING AN APPROPRIATION.

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

SECTION 1. Section 74-1-13 NMSA 1978 (being Laws 1993, Chapter 317, Section 2, as amended) is amended to read:

"74-1-13. WATER CONSERVATION FEE--IMPOSITION--
DEFINITIONS.--

A. There is imposed on every person who operates a public water supply system a water conservation fee in an amount equal to three cents (\$.03) per thousand gallons of water produced on which the fee imposed by this subsection has

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1 not been paid.

2 B. The "water conservation fund" is created in the
3 state treasury and shall be administered by the department [~~of~~
4 ~~environment~~]. The fund shall consist of water conservation
5 fees collected pursuant to this section. Balances in the fund
6 at the end of any fiscal year shall not revert to the general
7 fund but shall accrue to the credit of the fund. Earnings on
8 the fund shall be credited to the fund.

9 C. Money in the water conservation fund is
10 appropriated to the department [~~of environment~~] for
11 administration of a public water supply program to:

12 (1) test public water supplies for the
13 contaminants required to be tested pursuant to the provisions
14 of Section 1412 of the federal Safe Drinking Water Act, as
15 [~~finalized through July 1, 1992~~] amended, [~~and~~] collect
16 chemical compliance samples as required by those provisions of
17 the federal act and create a list of contaminants to be tested;

18 (2) perform vulnerability assessments [~~which~~]
19 that will be used to assess a public water supply's
20 susceptibility to those contaminants; and

21 (3) implement new requirements of the Utility
22 Operators Certification Act and provide training for all public
23 water supply operators.

24 D. The taxation and revenue department shall
25 provide by regulation for the manner and form of collection of

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1 the water conservation fee. All water conservation fees
2 collected by the taxation and revenue department, less the
3 administrative fee withheld pursuant to Section [~~1 of this 1997~~
4 ~~act~~] 7-1-6.41 NMSA 1978, shall be deposited in the water
5 conservation fund.

6 E. The fee imposed by this section shall be
7 administered in accordance with the provisions of the Tax
8 Administration Act and shall be paid to the taxation and
9 revenue department by each person who operates a public water
10 supply system in the manner required by the department on or
11 before the twenty-fifth day of the month following the month in
12 which the water is produced.

13 F. Each operator of a public water supply system
14 shall register and comply with the provisions of Section 7-1-12
15 NMSA 1978 and furnish such information as may be required by
16 the taxation and revenue department.

17 G. The department shall compile a list of the
18 contaminants that require testing pursuant to Paragraph (1) of
19 Subsection C of this section. The list shall be compiled no
20 less than once every twelve months and include the contaminants
21 that will be tested in the subsequent twelve months. The
22 department shall establish by rule procedures to compile the
23 list and to determine if any additional contaminants will be
24 tested. The determination of whether additional contaminants
25 will be tested shall include consideration of the availability

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1 of funds in the water conservation fund, the needs of the
2 public water supplies being tested for additional contaminants,
3 public health and safety and other factors as determined by the
4 department.

5 [G-] H. As used in this section:

6 (1) "person" means any individual or legal
7 entity and also means, to the extent permitted by law, any
8 federal, state or other governmental unit or subdivision or an
9 agency, department or instrumentality thereof; and

10 (2) "public water supply system" means a
11 system that provides piped water to the public for human
12 consumption and that has at least fifteen service connections
13 or regularly services an average of at least twenty-five
14 individuals at least sixty days per year."

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