

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 415

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

AN ACT

RELATING TO PUBLIC WATER SUPPLIES; REQUIRING THE DEPARTMENT OF ENVIRONMENT TO COMPILE A LIST OF CONTAMINANTS THAT WILL BE TESTED IN PUBLIC WATER SUPPLIES IN THE TWELVE MONTHS FOLLOWING COMPILATION OF THE LIST; 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 not been paid.

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

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

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

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

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

23           D. The taxation and revenue department shall  
24 provide by regulation for the manner and form of collection of  
25 the water conservation fee. All water conservation fees

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

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

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

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

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1 conservation fund, the needs of the public water supplies being  
2 tested for additional contaminants and public health and  
3 safety.

4 [~~G.~~] H. As used in this section:

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

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

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