

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 7

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO MUNICIPALITIES; AUTHORIZING MUNICIPALITIES TO ACQUIRE, OPERATE AND MAINTAIN A MUNICIPAL UTILITY TO PROVIDE FOR STORM WATER SERVICE AND CHARGE A FEE OR ADVANCE PAYMENT FOR THE STORM WATER SERVICE; ADDING STORM WATER FACILITIES TO THE DEFINITION OF "MUNICIPAL UTILITY" IN THE MUNICIPAL CODE.

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

SECTION 1. A new section of the Municipal Code is enacted to read:

"[NEW MATERIAL] STORM WATER MUNICIPAL UTILITY--AUTHORITY TO ACQUIRE FACILITIES AND PROVIDE SERVICE--FEE.--

A. A municipality may, by ordinance, acquire, operate and maintain a municipal utility to provide for storm water service for the collection, treatment, storage or disposal of storm water.

underscoring material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 B. A municipality may require each person owning or
2 controlling real property in the municipality to pay a just and
3 reasonable fee for storm water service provided by a municipal
4 utility."

5 **SECTION 2.** Section 3-1-2 NMSA 1978 (being Laws 1965,
6 Chapter 300, Section 14-1-2, as amended) is amended to read:

7 "3-1-2. DEFINITIONS.--As used in the Municipal Code:

8 A. "acquire" or "acquisition" means purchase,
9 construct, accept or any combination of purchasing,
10 constructing or accepting;

11 B. "business" means any person, occupation,
12 profession, trade, pursuit, corporation, institution,
13 establishment, utility, article, commodity or device engaged in
14 making a profit, but does not include an employee;

15 C. "census" means any enumeration of population of
16 a municipality conducted under the direction of the government
17 of the United States, the state of New Mexico or the
18 municipality;

19 D. "county" means the county in which the
20 municipality or land is situated;

21 E. "district court" means the district court of the
22 district in which the municipality or land is situated;

23 F. "governing body" means the city council or city
24 commission of a city, the board of trustees of a town or
25 village, the council of incorporated counties and the board of

.229215.1

underscoring material = new
~~[bracketed material] = delete~~

1 county commissioners of H class counties;

2 G. "municipal" or "municipality" means any
3 incorporated city, town or village, whether incorporated under
4 general act, special act or special charter, incorporated
5 counties and H class counties;

6 H. "municipal utility" means sewer facilities,
7 water facilities, gas facilities, electric facilities, storm
8 water facilities, generating facilities or any interest in
9 jointly owned generating facilities owned by a municipality and
10 serving the public. A municipality that owns both electric
11 facilities and any interest in jointly owned generating
12 facilities may, by ordinance, designate such interest in
13 jointly owned generating facilities as part of its electric
14 facilities. Generating facilities shall be considered as part
15 of a municipality's electric facilities unless the municipality
16 designates, by ordinance, the generating facilities as a
17 separate municipal utility, such designation being conclusive
18 subject to any existing property rights or contract rights;

19 I. "public ground" means any real property owned or
20 leased by a municipality;

21 J. "publish" or "publication" means printing in a
22 newspaper that maintains an office in the municipality and is
23 of general circulation within the municipality or, if such
24 newspaper is a nondaily paper that will not be circulated to
25 the public in time to meet publication requirements or if there

.229215.1

underscored material = new
~~[bracketed material] = delete~~

1 is no newspaper that maintains an office in the municipality
2 and is of general circulation within the municipality, then
3 "publish" or "publication" means posting in six public places
4 within the municipality on the first day that publication is
5 required in a newspaper that maintains an office in the
6 municipality and is of general circulation within the
7 municipality. One of the public places where posting shall be
8 made is the office of the municipal clerk, who shall maintain
9 the posting during the length of time necessary to comply with
10 the provisions relating to the number of times publication is
11 required in a newspaper of general circulation within the
12 municipality. The municipal clerk may, in addition to posting,
13 publish one or more times in a newspaper of general circulation
14 in the municipality;

15 K. "qualified elector" means any person who is a
16 resident of the municipality and is registered to vote under
17 the provisions of the Election Code. Persons who would
18 otherwise be qualified electors if land on which they reside is
19 annexed to a municipality shall be deemed to be qualified
20 electors:

21 (1) upon the effective date of the municipal
22 ordinance effectuating the terms of the annexation as certified
23 by the board of arbitration pursuant to Section 3-7-10 NMSA
24 1978;

25 (2) upon thirty days after the filing of an

.229215.1

underscored material = new
[bracketed material] = delete

1 order of annexation by the municipal boundary commission
2 pursuant to Sections 3-7-15 and 3-7-16 NMSA 1978 if no appeal
3 is filed or, if an appeal is filed, upon the filing of a
4 nonappealable court order effectuating the annexation; or

5 (3) upon thirty days after the filing of an
6 ordinance pursuant to Section 3-7-17 NMSA 1978 if no appeal is
7 filed or, if an appeal is filed, upon the filing of a
8 nonappealable court order effectuating the annexation;

9 L. "revenue producing project" means any
10 municipally owned self-liquidating projects that furnish public
11 services to a municipality and its ~~[citizens]~~ residents,
12 including but not necessarily limited to public buildings;
13 facilities and equipment for the collection or disposal of
14 trash, refuse or garbage; swimming pools; golf courses and
15 other recreational facilities; cemeteries or mausoleums or
16 both; airports; off-street parking garages; and transportation
17 centers, which may include but are not limited to office
18 facilities and customary terminal facilities for airlines,
19 trains, monorails, subways, intercity and intracity buses and
20 taxicabs. "Revenue producing project" does not mean a
21 municipal utility as defined in Subsection H of this section;

22 M. "street" means any thoroughfare that can
23 accommodate pedestrian or vehicular traffic, is open to the
24 public and is under the control of the municipality;

25 N. "warrant" means a warrant, check or other

.229215.1

underscored material = new
~~[bracketed material] = delete~~

1 negotiable instrument issued by a municipality in payment for
2 goods or services acquired by the municipality or for the
3 payment of a debt incurred by the municipality;

4 O. "mayor" means the chief executive officer of
5 municipalities having the mayor-council form of government. In
6 municipalities having other forms of government, the presiding
7 officer of the governing body and the official head of the
8 government, without executive powers, may be designated mayor
9 by the governing body. Wherever the Municipal Code requires an
10 act to be performed by the mayor with the consent of the
11 governing body, in municipalities not having the mayor-council
12 form of government, the act shall be performed by the governing
13 body;

14 P. "generating facility" means any facility located
15 within or outside the state necessary or incidental to the
16 generation or production of electric power and energy by any
17 means and includes:

18 (1) any facility necessary or incidental to
19 the acquisition of fuel of any kind for the production of
20 electric power and energy, including the acquisition of fuel
21 deposits, the extraction of fuel from natural deposits, the
22 conversion of fuel for use in another form, the burning of fuel
23 in place and the transportation and storage of such fuel; and

24 (2) any facility necessary or incidental to
25 the transfer of the electric power and energy to the

.229215.1

underscoring material = new
~~[bracketed material] = delete~~

1 municipality, including without limitation step-down
2 substations or other facilities used to reduce the voltage in a
3 transmission line in order that electric power and energy may
4 be distributed by the municipality to its retail customers;

5 Q. "jointly owned generating facility" means any
6 generating facility in which a municipality owns any undivided
7 or other interest, including without limitation any right to
8 entitlement or capacity; and

9 R. "joint participant" means any municipality in
10 New Mexico or any other state; any public entity incorporated
11 under the laws of any other state having the power to enter
12 into the type of transaction contemplated by the Municipal
13 Electric Generation Act; the state of New Mexico; the United
14 States; Indian tribes; and any public electric utility,
15 investor-owned electric utility or electric cooperative subject
16 to general or limited regulation by the public regulation
17 commission or a similar commission of any other state."

18 SECTION 3. Section 3-23-1 NMSA 1978 (being Laws 1965,
19 Chapter 300, Section 14-22-1, as amended) is amended to read:

20 "3-23-1. MUNICIPAL UTILITY--SERVICE CHARGES--DEPOSITS--
21 DISCONTINUANCE OF WATER SERVICE FOR NONPAYMENT OF CHARGES--
22 SUPPLEMENTAL METHOD.--

23 A. A municipality, including an entity established
24 pursuant to Section 72-1-10 NMSA 1978, may require a reasonable
25 payment in advance or a reasonable deposit for water,

.229215.1

underscoring material = new
~~[bracketed material] = delete~~

1 electricity, gas, sewer service, geothermal energy, refuse
2 collection service, ~~[or]~~ street maintenance or storm water
3 service.

4 B. If payment of any price, rent, fee or other
5 charge for water, sewer service, refuse collection or street
6 maintenance is not made within thirty days from the date the
7 payment is due, the water service may be discontinued and shall
8 not be again supplied to the person liable for the payment
9 until the arrears with interest and penalties have been fully
10 paid.

11 C. The provisions of this section are intended to
12 afford an additional method of enforcing payment of charges for
13 water, sewer service, refuse collection, ~~[or]~~ street
14 maintenance or storm water service furnished by the
15 municipality."