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HOUSE BILL 612

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Mary Helen Garcia

AN ACT

RELATING TO COUNTIES; CLARIFYING THE POWERS OF COUNTY
COMMISSIONERS TO ADMINISTER REFUSE; AMENDING A SECTION OF THE
NMSA 1978.

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

Section 1. Section 4-56-3 NMSA 1978 (being Laws 1967,
Chapter 79, Section 3, as amended) is amended to read:

"4-56-3. AUTHORITY OF BOARD OF COUNTY [~~COMMISSIONS~~]
COMMISSIONERS TO ADMINISTER. --

A. The board of county commissioners in any county
establishing a system of collection and disposal of refuse may
acquire by purchase, gift, grant, bequest, devise or through
condemnation proceedings, in the manner provided in [~~Section~~
~~22-9-1 through 22-9-59 NMSA 1953~~] the Eminent Domain Code,
such lands and rights of way as are necessary for the exercise

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1 of any authorized function of the county in the collection and
2 disposal of refuse.

3 B. The board of county commissioners may execute
4 contracts on behalf of the county with any municipality or
5 other county for the joint operation of any refuse collection
6 system and sanitary landfill or other disposal method.

7 C. The board of county commissioners may determine
8 that the collection and disposal of refuse is in the interest
9 of public health, safety and welfare, compel the taking of
10 refuse to designated places and regulate such collection and
11 disposal within the county.

12 D. The board of county commissioners may receive
13 all grants or assistance from and cooperate with county,
14 municipal, state and federal agencies in carrying out the
15 purpose and function of the collection and disposal of refuse.

16 E. If the board of county commissioners has acted
17 under this section to establish one or more sanitary landfill
18 sites and is regulating the disposal of refuse in the county,
19 it may establish, assess and collect fees from persons using
20 the refuse disposal sites.

21 F. If the board of county commissioners has acted
22 under this section to establish a system of collection and
23 disposal of refuse and is regulating the collection and
24 disposal of refuse, it may establish, assess and collect fees
25 from persons who use the disposal system in order to pay the

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1 necessary costs of the refuse collection and disposal system.
2 Before taking final action on the establishment of a system of
3 fees, the board of county commissioners shall give at least
4 twenty [~~days~~] days' notice of the meeting at which final
5 action to establish a system of fees is to be taken and shall
6 publish that notice once in a newspaper of general circulation
7 in the county at least fifteen days prior to the meeting.

8 G. The board of county commissioners shall consult
9 with and coordinate solid waste disposal activities with the
10 local health department. "