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HOUSE BILL 12

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Bill McCamley

AN ACT

RELATING TO THE ENVIRONMENT; AMENDING SECTIONS OF THE ENVIRONMENTAL IMPROVEMENT ACT TO PROVIDE FOR WATER BUDGET RATE STRUCTURES AS A CONDITION FOR DEPARTMENT OF ENVIRONMENT SUPPORT FOR WATER SYSTEM FINANCING.

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

SECTION 1. Section 74-1-12 NMSA 1978 (being Laws 1993, Chapter 317, Section 1, as amended) is amended to read:

"74-1-12. COMPLIANCE WITH THE FEDERAL SAFE DRINKING WATER ACT--PURPOSE.--The purpose of this section and Section 74-1-13 NMSA 1978 is to provide:

A. an incentive for conservation of water, the state's most precious resource; [and]

B. funding for certain locations in the state to comply with the federal Safe Drinking Water Act in which the

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1 United States congress mandated that the United States
2 environmental protection agency establish drinking water
3 standards for contaminants, require filtration and disinfection
4 for all public water supply systems, increase enforcement
5 authority, establish public notification requirements,
6 implement a lead ban and implement a capacity development
7 program for existing and newly created water systems; and

8 C. a requirement of public water systems to adopt
9 and maintain a water budget rate structure and to direct the
10 department to adopt rules for implementing water budget rate
11 structures no later than June 30, 2016. As used in this
12 section, "water budget rate structure" means a personalized
13 water budget each month designed to meet customer-specific
14 indoor and outdoor water needs, regardless of household or yard
15 size. Residential water budgets are calculated based on each
16 customer's landscaped area of the customer's parcel, real-time
17 localized weather data and the number of residents in each
18 home, among other factors. Residential water budgets vary from
19 month to month based upon the weather and the amount of billing
20 days in each cycle. A water budget rate structure shall be
21 calculated using:

22 (1) sixty-five gallons of water per person per
23 day;

24 (2) the number of people in the household;

25 (3) the number of days in the billing cycle;

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1 (4) the amount of irrigated acreage per
2 parcel;

3 (5) the daily evapotranspiration; and

4 (6) plant factors."

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

7 "74-1-13. WATER CONSERVATION FEE--IMPOSITION--
8 DEFINITIONS.--

9 A. There is imposed on every person who operates a
10 public water supply system a water conservation fee in an
11 amount equal to three cents (\$.03) per thousand gallons of
12 water produced on which the fee imposed by this subsection has
13 not been paid.

14 B. The "water conservation fund" is created in the
15 state treasury and shall be administered by the department.
16 The fund shall consist of water conservation fees collected
17 pursuant to this section. Balances in the fund at the end of
18 any fiscal year shall not revert to the general fund but shall
19 accrue to the credit of the fund. Earnings on the fund shall
20 be credited to the fund.

21 C. Money in the water conservation fund is
22 appropriated to the department for administration of a public
23 water supply program to:

24 (1) test public water supplies for the
25 contaminants required to be tested pursuant to the provisions

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1 of the federal Safe Drinking Water Act, as amended, and collect
2 chemical compliance samples as required by those provisions of
3 the federal act;

4 (2) perform vulnerability assessments that
5 will be used to assess a public water supply's susceptibility
6 to those contaminants; and

7 (3) implement new requirements of the Utility
8 Operators Certification Act and provide training for all public
9 water supply operators.

10 D. The taxation and revenue department shall
11 provide by regulation for the manner and form of collection of
12 the water conservation fee. All water conservation fees
13 collected by the taxation and revenue department, less the
14 administrative fee withheld pursuant to Section 7-1-6.41 NMSA
15 1978, shall be deposited in the water conservation fund.

16 E. The fee imposed by this section shall be
17 administered in accordance with the provisions of the Tax
18 Administration Act and shall be paid to the taxation and
19 revenue department by each person who operates a public water
20 supply system in the manner required by the department on or
21 before the twenty-fifth day of the month following the month in
22 which the water is produced.

23 F. Each operator of a public water supply system
24 shall register and comply with the provisions of Section 7-1-12
25 NMSA 1978 and furnish such information as may be required by

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1 the taxation and revenue department.

2 G. The department shall compile a list of the
3 contaminants that require testing pursuant to Paragraph (1) of
4 Subsection C of this section. The list shall be compiled no
5 less than once every twelve months and include the contaminants
6 that will be tested in the subsequent twelve months. The
7 department shall establish by rule procedures to compile the
8 list and to determine which contaminants that require testing
9 will be tested in the subsequent twelve months. The
10 determination of which contaminants will be tested shall
11 include consideration of the availability of funds in the water
12 conservation fund, the needs of the public water supplies being
13 tested for additional contaminants and public health and
14 safety.

15 H. The department shall provide sampling and
16 analysis service only to water systems that have a water budget
17 rate structure approved by the department pursuant to Section
18 74-1-12 NMSA 1978.

19 [~~H.~~] I. As used in this section:

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

24 (2) "public water supply system" means a
25 system that provides piped water to the public for human

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1 consumption and that has at least fifteen service connections
2 or regularly services an average of at least twenty-five
3 individuals at least sixty days per year."

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