

1 A MEMORIAL

2 REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO TASK AN
3 INTERIM COMMITTEE TO ASSESS THE BEST METHODS TO IMPLEMENT THE
4 EXCEPTION THE VOTERS APPROVED TO ARTICLE 9, SECTION 14 OF THE
5 CONSTITUTION OF NEW MEXICO, COMMONLY KNOWN AS THE ANTI-
6 DONATION CLAUSE, FOR THE PROVISION OF STATE ASSISTANCE FOR
7 ESSENTIAL SERVICES AND TO DEVELOP LEGISLATIVE PROPOSALS BASED
8 ON THE COMMITTEE'S FINDINGS FOR THE 2026 LEGISLATIVE SESSION.

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10 WHEREAS, many New Mexico communities have struggled to
11 acquire essential utility services for their residents,
12 including internet, electricity, natural gas, water and
13 wastewater services; and

14 WHEREAS, utility providers in New Mexico sometimes find
15 the capital costs of installing utility cables, lines, pipes
16 and other utility infrastructure to be prohibitive for some
17 communities due to their geography, geology, per capita
18 disposable income, population density or other factors; and

19 WHEREAS, building up the funding to install the final
20 leg, commonly referred to as the "last mile", of an
21 electrical network, a telecommunications network chain or a
22 pipeline system for gas, water or wastewater that physically
23 reaches residential homes has quite often proved to be an
24 insurmountable obstacle for communities to have access to
25 these essential services;

1 WHEREAS, in 2022, the voters of New Mexico approved an
2 exception to Article 9, Section 14 of the constitution of New
3 Mexico, commonly known as the "anti-donation clause", to
4 allow the state to expend funds or resources for the purpose
5 of providing essential services primarily for residential
6 purposes and defined "essential services" as "infrastructure
7 that allows internet, energy, water, wastewater or other
8 similar services as provided by law"; and

9 WHEREAS, the exception the voters approved included a
10 requirement for state expenditures to provide essential
11 services pursuant to implementing legislation that includes
12 "safeguards to protect public money and other public
13 resources"; and

14 WHEREAS, electricity, internet, natural gas, water and
15 wastewater services meet very different human and community
16 needs, operate under very different regulatory structures and
17 have very different types of supporting infrastructure; and

18 WHEREAS, developing legislation to implement the
19 exception and safeguard public money raises several issues
20 that need to be examined with input from varying perspectives
21 across the state;

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New
24 Mexico legislative council be requested to task an interim
25 committee to:

1 A. examine the following questions:

2 (1) whether a bureau, a department, an
3 instrumentality or other type of entity would be most
4 efficient and accountable to provide assistance to build
5 infrastructure for internet, energy, water, wastewater or
6 other similar services;

7 (2) whether a single entity to assist all
8 essential services or several separate public entities, each
9 specifically dedicated to a particular type of essential
10 service, would be more efficient and provide greater
11 accountability to safeguard public money and other public
12 resources;

13 (3) whether the best pathway to implement an
14 assistance program for essential services is to establish a
15 program to provide assistance for one type of essential
16 service to act as a prototype to develop best practices for
17 providing assistance for other essential services or to
18 implement a broad spectrum assistance program for all
19 essential services;

20 (4) whether the criteria for essential
21 services should be based on the poverty levels in a
22 community, the percentage of households without a particular
23 utility service or some other condition within a community;

24 (5) whether the provision of assistance for
25 essential services should be conditioned on some level of

1 matching funding from local governments;

2 (6) what would be the most effective method
3 to ensure accountability for a state assistance program for
4 essential services, including whether legislative oversight
5 would be best accomplished by tasking oversight to an
6 existing interim committee or establishing a new interim
7 committee; and

8 (7) what would be a reasonable annual budget
9 for an assistance program for essential services; and

10 B. develop legislative proposals for the 2026
11 legislative session to implement an assistance program for
12 essential services based on the committee's findings; and

13 BE IT FURTHER RESOLVED that copies of this memorial be
14 transmitted to the members of the New Mexico legislative
15 council and the director of the legislative council service.

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