

**FORTY-NINTH LEGISLATURE
SECOND SESSION, 2010**

January 28, 2010

Mr. Speaker:

Your **AGRICULTURE AND WATER RESOURCES COMMITTEE**, to whom has been referred

HOUSE BILL 15

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 6, line 24, strike "and".
2. On page 8, line 6, strike the period and insert in lieu thereof "; and" and between lines 6 and 7, insert the following new paragraph to read:

"(8) adopt an operating budget that supports the full cost of operation, maintenance and replacement as established by an asset management plan and a rate-setting analysis. The operating budget shall be subject to the approval of the department of finance and administration."
3. On page 8, line 15, after "rights", insert "from a willing seller only".
4. On page 8, lines 19 through 21, strike Subsection F in its entirety and insert in lieu thereof:

"F. be allowed a water use planning period not to exceed forty years and may hold water rights based on a water development plan submitted to and approved by the state engineer the implementation of which shall not exceed forty years from the date of the application to change the place or purpose of use of an acquired water right;"
5. On page 8, line 25, after "property", insert "as the last resort".
6. On page 9, line 1, after the period, insert "The authority shall not acquire water rights through eminent domain."
7. On page 9, line 23, after "PROVIDERS", insert "--ACQUISITION OF WATER RIGHTS".
8. On page 10, between lines 24 and 25, insert the following

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new subsection to read:

"C. When a water right is included in the assets and liabilities of an entity listed in Subsection A of this section that are transferred to the authority, or upon the acquisition of a water right by the authority, the authority shall file a change of ownership form with the state engineer and shall apply to the state engineer to combine and commingle the transferred or acquired water right with the authority's existing water rights and contract rights to water."

9. On page 14, line 23, strike "and".

10. On page 14, line 25, strike the period and insert in lieu thereof "; and" and after line 25, insert the following new paragraph to read:

"(4) provide a capital fund for system improvements and replacements."

11. On page 19, line 17, after "COMMISSION", insert "AND STATE ENGINEER".

12. On page 20, between lines 2 and 3, insert the following new subsection to read:

"C. The authority shall be subject to the rules and regulations of the state engineer and the applicable articles of Chapter 72 NMSA 1978."

and thence referred to the **TAXATION AND REVENUE COMMITTEE.**

Respectfully submitted,

Andy Nunez, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against
Yes: 7
No: 0
Excused: Cervantes
Absent: None

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