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HOUSE MEMORIAL 27

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

INTRODUCED BY

Linda Serrato

A MEMORIAL

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

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

WHEREAS, utility providers in New Mexico sometimes find the capital costs of installing utility cables, lines, pipes and other utility infrastructure to be prohibitive for some

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1 communities due to their geography, geology, per capita
2 disposable income, population density or other factors; and

3 WHEREAS, building up the funding to install the final leg,
4 commonly referred to as the "last mile", of an electrical
5 network, a telecommunications network chain or a pipeline
6 system for gas, water or wastewater that physically reaches
7 residential homes has quite often proved to be an
8 insurmountable obstacle for communities to have access to these
9 essential services;

10 WHEREAS, in 2022, the voters of New Mexico approved an
11 exception to Article 9, Section 14 of the constitution of New
12 Mexico, commonly known as the "anti-donation clause", to allow
13 the state to expend funds or resources for the purpose of
14 providing essential services primarily for residential purposes
15 and defined "essential services" as "infrastructure that allows
16 internet, energy, water, wastewater or other similar services
17 as provided by law"; and

18 WHEREAS, the exception the voters approved included a
19 requirement for state expenditures to provide essential
20 services pursuant to implementing legislation that includes
21 "safeguards to protect public money and other public
22 resources"; and

23 WHEREAS, electricity, internet, natural gas, water and
24 wastewater services meet very different human and community
25 needs, operate under very different regulatory structures and

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1 have very different types of supporting infrastructure; and

2 WHEREAS, developing legislation to implement the exception
3 and safeguard public money raises several issues that need to
4 be examined with input from varying perspectives across the
5 state;

6 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
7 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico
8 legislative council be requested to task an interim committee
9 to:

10 A. examine the following questions:

11 (1) whether a bureau, a department, an
12 instrumentality or other type of entity would be most efficient
13 and accountable to provide assistance to build infrastructure
14 for internet, energy, water, wastewater or other similar
15 services;

16 (2) whether a single entity to assist all
17 essential services or several separate public entities, each
18 specifically dedicated to a particular type of essential
19 service, would be more efficient and provide greater
20 accountability to safeguard public money and other public
21 resources;

22 (3) whether the best pathway to implement an
23 assistance program for essential services is to establish a
24 program to provide assistance for one type of essential service
25 to act as a prototype to develop best practices for providing

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1 assistance for other essential services or to implement a broad
2 spectrum assistance program for all essential services;

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

7 (5) whether the provision of assistance for
8 essential services should be conditioned on some level of
9 matching funding from local governments;

10 (6) what would be the most effective method to
11 ensure accountability for a state assistance program for
12 essential services, including whether legislative oversight
13 would be best accomplished by tasking oversight to an existing
14 interim committee or establishing a new interim committee; and

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

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

20 BE IT FURTHER RESOLVED that copies of this memorial be
21 transmitted to the members of the New Mexico legislative
22 council and the director of the legislative council service.

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