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## FISCAL IMPACT REPORT

SPONSOR Coll DATE TYPED 2/3/04 HB HJR 06

SHORT TITLE Local Control of Public Water Bodies SB \_\_\_\_\_

ANALYST Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			See Narrative	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

No Responses Received From

Office of the Secretary of State  
 Department of Finance and Administration  
 Energy, Minerals and Natural Resources Department  
 Office of the State Engineer  
 Public Regulatory Commission  
 Environment Department

### SUMMARY

Synopsis of Bill

House Joint Resolution 6 amends Article 16 of the State of New Mexico Constitution. The Resolution adds a new section providing:

- A person or legal entity, whether public or private, may not acquire a right to use the public waters of the state for a water supply system to furnish water to the public within the state unless the administration of the system, use of the water and rates for the water are governed by an elected body.

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- The elected body must consist of at least three members, and all members shall be residents of the municipality or area served by the water system and shall be elected by the qualified voters residing within the municipality.
- The term of those elected to the governing body must be six years or less.
- The provisions of this Constitutional amendment do not apply to water supply systems acquired before January 1, 2005, unless the water supply system is merged with, acquired by or its owners are succeeded by another person or legal entity on or after January 1, 2005.
- The amendment proposed by this resolution shall be submitted to the people of New Mexico for their approval or rejection at the next general election, or at any special election prior to that date.

### Significant Issues

The goal of this resolution is to ensure maximized benefit of New Mexico's waters for the benefit of the state's residents, and to ensure local control over, and electoral accountability for, New Mexico's water.

The future of the state is dependant on responsible, proactive management of New Mexico's water.

The Office of the State Engineer has been charged with the responsibility of managing New Mexico's water. The Office has not been successful in getting ahead of the state's water problems. Empowering local governing bodies to actively participate in the process may result in greater success.

### **FISCAL IMPLICATIONS**

This Resolution does not contain an appropriation. However, each Constitutional Amendment placed on the ballot for a general election creates administrative costs for the Office of the Secretary of State.

### **POSSIBLE QUESTIONS**

Will multiple, competing local governing bodies create a further contentious and disjointed approach to the statewide water needs?

**SJM/lg**