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SENATE MEMORIAL 76

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Carroll H. Leavell

A MEMORIAL

REQUESTING CERTAIN CABINET SECRETARIES TO CONVENE A DIALOGUE OF  
STAKEHOLDERS TO DISCUSS WAYS TO IMPROVE ADMINISTRATION OF STATE  
AND LOCAL POLICIES.

WHEREAS, New Mexico has extensive statutory and regulatory  
oversight of extractive industry activities, including oil,  
gas, geothermal and mining exploration, development,  
production, transportation, environmental protection and  
reclamation, pursuant to the Oil and Gas Act, New Mexico Mining  
Act, Surface Mining Act, Geothermal Resources Conservation Act,  
Water Quality Act and Air Quality Control Act; and

WHEREAS, by enactment of these laws and authorization of  
rules pursuant to them the legislature's implicit intent has  
been to preempt county and municipal regulation of, or  
prohibitions on, New Mexico's extractive industry activities;

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1 and

2 WHEREAS, extractive industries are critical and vital to  
3 the welfare of New Mexico and its citizens through severance  
4 tax revenues used for infrastructure; other state and local  
5 taxes benefitting the state and its counties; high-paying job  
6 opportunities; secondary employment opportunities for ancillary  
7 businesses serving the extractive industries and their  
8 employees; promotion of rural economic development; generation  
9 of revenues from state trust lands utilized for the education  
10 of youth; generation of energy resources that power homes,  
11 industries and traffic and contribute to the goals of energy  
12 independence and generation of raw materials that contribute to  
13 general economic development and modern ways of life of the  
14 state's residents; and

15 WHEREAS, New Mexico has a commensurate interest, on behalf  
16 of all its residents, in minimizing, controlling or preventing  
17 adverse or harmful environmental, health and safety impacts  
18 that may result from human activities that include but are not  
19 limited to activities of the extractive industries; and

20 WHEREAS, counties and municipalities acting as such, or  
21 acting through nongovernmental organizations, have the same  
22 ability as every citizen and group of this state to influence  
23 the makeup of state legislation and the regulations adopted or  
24 administered by a wide range of state agencies in relation to  
25 extractive industry activity, including but not limited to the

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1 oil conservation commission and the oil conservation division,  
2 the mining and coal surface mining commissions, the mining and  
3 minerals division, the environmental improvement board, the  
4 water quality control commission and the department of  
5 environment; and

6 WHEREAS, rather than exercise their recognized rights to  
7 participate in the political and regulatory processes of the  
8 legislative and executive branches of New Mexico's state  
9 government, from time to time a small number of counties and  
10 municipalities in New Mexico have attempted, directly or  
11 indirectly, to impose additional, conflicting or more  
12 restrictive permitting regimes, environmental protection  
13 regimes or other provisions regulating or restricting the  
14 activities of New Mexico's extractive industries in ways that  
15 have caused conflict, confusion and duplication of regulatory  
16 oversight of the extractive industries;

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
18 OF NEW MEXICO that the secretaries of energy, minerals and  
19 natural resources, environment, economic development and  
20 finance and administration be requested to convene a dialogue  
21 among trade associations, local government representatives,  
22 environmental stakeholders and business associations to discuss  
23 avenues for efficient and effective administration of state  
24 laws and local policies to improve service to the public peace,  
25 health, safety and welfare; and

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BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretaries of energy, minerals and natural resources, environment, economic development and finance and administration.