

LFC Requester:	Austin Davidson
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1.20.24
Bill No: SJR8

Sponsor:	<u>Sen. Sedillo-Lopez</u>	Agency Name and Code	<u>ONRT 66800</u>
	<u>Environmental Rights C.A.</u>		Number: _____
Short Title:	_____	Person Writing	<u>Maggie Hart Stebbins</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Undetermined	Undetermined	undetermined	undetermined		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to HJR4
 Duplicates/Relates to Appropriation in the General Appropriation Act: NO

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Joint Resolution 8 (SJR8) proposes to amend Article 2 of the New Mexico Constitution to include the following text:

- a. The people of the state shall be entitled to clean and healthy air, water, soil, native ecosystems and environments, including a safe climate, for the benefit of public health, safety and general welfare. The state shall protect these rights equitably for all people regardless of race, ethnicity, tribal affiliation, gender, socioeconomics or geography.
- b. The state, counties and municipalities shall serve as trustees of the natural resources of New Mexico and shall conserve, protect and maintain these resources for the benefit of all the people, including present and future generations. The state, counties and municipalities shall not allow, through government action or inaction, the degradation, diminution or depletion of the natural environment that is avoidable, contributes to significant or widespread environmental harm or results in an unhealthy or unsustainable environment.
- c. The provisions of this section are self-executing. Monetary damages shall not be awarded for a violation of this section. This section is enforceable against the state, counties and municipalities.

SJR8 provides the amendment be put on the next general election ballot and become effective if passed by a majority of the electorate.

FISCAL IMPLICATIONS

It is unclear how the provisions of SJR8 relate to the statutory duties of the Office of the New Mexico Natural Resources Trustee (ONRT). Implementation of the constitutional amendment will determine whether “trustees” as identified in the proposed amendment assume the authority and responsibilities of the Natural Resources Trustee and what responsibilities ONRT would retain. Until the details of implementation are established, ONRT cannot estimate the potential fiscal or operational impact of SJR8 on ONRT.

SIGNIFICANT ISSUES

It is difficult to state with certainty how the provisions of SJR8 align with State of New Mexico Natural Resources Trustee Act. Both SJR8 and the New Mexico Natural Resources Trustee Act, Chapter 75, Article 7 NMSA 1978, contain language directing the State to act as “trustee of natural resources”.

The New Mexico Natural Resources Trustee Act reads: “The natural resources trustee shall act on behalf of the public as trustee of natural resources.” SJR8 reads: “The state, counties and municipalities shall serve as trustees

of the natural resources of New Mexico and shall conserve, protect and maintain these resources for the benefit of all the people, including present and future generations.”

Implementation of SJR8 will determine how “trustees” as defined in the constitutional amendment will relate to the authority and responsibilities of the NM Natural Resources Trustee and what role, if any, ONRT would play.

Under the Natural Resources Trustee Act, the responsibilities of the Trustee are limited to pursuing natural resource damage claims under federal environmental protection laws such as the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), the Federal Water Pollution Control Act, and the Oil Pollution Act. By statute, the office protects and represents the state’s interest under those federal laws by seeking damages for injury to, destruction of or loss of those resources. The role of ONRT is largely reactive with the responsibility to pursue claims following the release of hazardous substances or oil into the environment.

Until the responsibilities of the “trustees” created in SJR8 are defined, the relationship to ONRT is unclear.

PERFORMANCE IMPLICATIONS

Until the powers and responsibilities assigned to “trustees” under SJR8 are clarified, the impact on ONRT’s performance cannot be determined.

ADMINISTRATIVE IMPLICATIONS

Until the powers and responsibilities assigned to “trustees” under SJR8 are clarified, the impact on ONRT’s administration cannot be determined.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HJR4 duplicates many of the provisions in SJR8.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL