

HOUSE MEMORIAL 37

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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A MEMORIAL

REQUESTING THE ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT TO STUDY COSTS ASSOCIATED WITH DECOMMISSIONING SOLAR
AND WIND ENERGY GENERATION FACILITIES AND TO MAKE
RECOMMENDATIONS FOR REQUIRING FINANCIAL ASSURANCE FROM OWNERS
AND OPERATORS OF SUCH FACILITIES.

WHEREAS, New Mexico has rapidly expanded its reliance on renewable energy over the past decade, with renewable energy currently comprising nearly forty-five percent of total in-state electricity generation; and

WHEREAS, New Mexico ranks seventh in the nation in electricity generation from wind power, with about thirty-seven percent of net electricity generation coming from wind in 2024 alone, a sevenfold increase from 2014; and

WHEREAS, solar installation has risen dramatically across
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1 the state since the early 2010s, with over four thousand
2 megawatts currently installed, a number that is expected to
3 grow significantly over the next five years; and

4 WHEREAS, existing statutory requirements for public
5 utilities will require eighty percent of a utility's energy
6 portfolio to be made up of renewable energy by 2040,
7 effectively ensuring continued rapid deployment of solar and
8 wind energy generation facilities by various organizations; and

9 WHEREAS, solar and wind energy generation facilities are
10 vulnerable to various types of deterioration from events such
11 as erosion, hail, lightning strikes and equipment failure,
12 which can result in shorter-than-anticipated lifespans, with
13 some facilities failing a decade earlier than projected; and

14 WHEREAS, despite having thorough financial assurance
15 requirements for other types of energy facilities, there are
16 currently no statutory requirements for the decommissioning of
17 solar and wind energy generation facilities in New Mexico, a
18 process that would cover the removal of physical structures and
19 equipment and ensure that the land is returned to its original
20 condition once a facility is no longer operating; and

21 WHEREAS, without such financial assurance requirements,
22 residents could be forced to foot the bill for decommissioning,
23 to the tune of anywhere between thirty million dollars
24 (\$30,000,000) and one hundred million dollars (\$100,000,000)
25 per one thousand megawatts of deployed capacity; and

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1 WHEREAS, a 2025 report from the national center for energy
2 analytics gave New Mexico a failing grade for being ill-
3 equipped to meet a potential nine-hundred-seventy-four-million
4 dollar (\$974,000,000) financial exposure resulting from
5 anticipated decommissioning costs of current and projected
6 solar and wind energy generation facilities within the state;
7 and

8 WHEREAS, without appropriate measures in place that
9 require owners and operators of solar and wind energy
10 generation facilities to safely and efficiently decommission
11 those facilities at the cessation of operations, the rapid
12 proliferation of solar and wind energy generation facilities
13 across New Mexico could result in serious environmental and
14 economic harm that would otherwise be avoidable through the
15 implementation of financial assurance requirements;

16 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
17 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the energy,
18 minerals and natural resources department, in consultation with
19 the New Mexico renewable energy transmission authority and the
20 public regulation commission, be requested to study the
21 potential costs of decommissioning current and future solar and
22 wind energy generation facilities operating in New Mexico and
23 to provide recommendations on possible financial assurance
24 requirements for those facilities; and

25 BE IT FURTHER RESOLVED that the goals of the study include
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1 evaluating the scale and timing of actual end-of-life solar and
2 wind energy generation facility retirement; estimating the
3 likely costs of equipment removal and site restoration on land
4 used for solar and wind energy generation facilities; assessing
5 the adequacy of existing financial assurance options to hold
6 owners and operators of solar and wind energy generation
7 facilities accountable for decommissioning costs; considering
8 best practices from other states that have successfully adopted
9 financial assurance requirements for solar and wind energy
10 generation facilities; and proposing recommendations for
11 policies or legislation that would minimize the risks of
12 environmental harm and financial exposure related to
13 decommissioning solar and wind energy generation facilities;
14 and

15 BE IT FURTHER RESOLVED that the energy, minerals and
16 natural resources department be requested to present its
17 findings and recommendations to the appropriate interim
18 legislative committee by November 1, 2026; and

19 BE IT FURTHER RESOLVED that copies of this memorial be
20 transmitted to the secretary of energy, minerals and natural
21 resources, the executive director of the New Mexico renewable
22 energy transmission authority and the chair of the public
23 regulation commission.