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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.