



This memo is divided into five sections:

- 1) Pro-Conservation legislation that passed and was enacted,
- 2) Pro-Conservation legislation that passed but was not enacted,
- 3) Pro-Conservation legislation that didn't pass,
- 4) Anti-Conservation legislation that passed, and
- 5) Anti-Conservation legislation that didn't pass.

1) PRO-CONSERVATION legislation that passed and was enacted:

We urged all of our Representatives and Senators to SUPPORT these measures:

HB160: Public Records Availability and Procedures (*El Chavez*)

Dramatically improving the accessibility of public records, HB160 amends the Inspection of Public Records Act (IPRA) to ensure that bodies subject to IPRA offer easily-accessible instructions for requesting public records, and provide them to the requestor electronically at a fraction of the cost of hard copies. **HB160 passed both the House (64-3) and the Senate (36-0), and was signed by the Governor on April 8th, 2011.**

HB301: Create New Mexico Unit Fund (*R Martinez*)

Establishing a state fund to receive federal resources under the Arizona Water Settlements Act, HB301 contains language broad enough to ensure that all viable water project alternatives for the southwestern counties are considered. **HB301 passed both the House (66-0) and the Senate (36-0), and was signed by the Governor on April 6th, 2011.**

SB52: Electronic Copies of Public Records (*Fischmann*)

This bill requires public records to be transmitted electronically if requested, as long as it can be done efficiently and with available resources. **SB52 passed both the Senate (39-0) and the House (63-0), and was signed by the Governor on April 8th, 2011.**

HJM10: Large Animal Traffic Safety Pilot Project (*Stewart*)

HJM10 will help save the lives of people and wildlife by requesting a pilot safety project to reduce large animal-vehicle collisions by, for example, reducing traffic speeds and using signs and lights. **HJM10 passed the House (57-0) and the Senate (30-0). Memorials and resolutions do not require action by the Governor.**

HJM20: Importance of Local Food Systems (*B Lujan*)

This measure recognizes that local and regional food systems are vital to our food security, and that they promote healthy and economically-strong communities. HJM20 urges state agencies, tribal, county, municipal and other governmental entities to support and collaborate with local and regional food systems, which will help conserve our resources, protect our culture and heritage, and support New Mexico farmers. **HJM20 passed the House (65-0) and the Senate (30-0). Memorials and Resolutions do not require action by the Governor.**

HJM38: Maintain San Juan River Trout Fishery (*Taylor*)

HJM38 requests cross-jurisdictional coordination, augmented by consultation with academic institutions and the public, to maintain and enhance the San Juan River Trout Fishery. **HJM38 passed both the House (64-0), and the Senate (33-0). Memorials and Resolutions do not require action by the Governor.**

SM43: Rio Grande National Wildlife Refuge (*Eichenberg*)

Senate Memorial 43 expresses support for federal designation of the 570-acre Price's dairy property in Bernalillo County as the first urban national wildlife refuge in the southwest. **SM43 passed the Senate (30-0). Memorials and Resolutions do not require action by the Governor.**

PRO-CONSERVATION legislation that passed but was not enacted:

HB161/SB47: Tax Expenditure Budget Development and Report (*El Chavez/Keller*)

These measures require the state Taxation & Revenue Department to prepare an annual 'tax expenditure budget', detailing the real costs of all tax expenditures - including credits, exemptions, deductions, and more. With this information, the Legislature will have the appropriate tool to make sound decisions about which tax expenditures are achieving their objectives and which should be repealed. **HB161 passed the House (63-0) and the Senate (32-0). SB47 passed both the Senate (35-0) and the House (66-0). Both measures were vetoed by the Governor.**

SB12: Dental Amalgam Waste Reduction Act (*Wirth*)

SB12 is a simple measure that merely requires dental offices to remove dental amalgam—composed of highly-toxic mercury—before it is discharged in sewer systems. **SB12 passed both the Senate (37-0) and the House (60-0), but was pocket vetoed by the Governor.**

SB124: 5 Feet For Cars To Pass Bicycles (*Wirth*)

Alternative modes of transportation—like biking—reduce air pollution, save

money, and conserve resources. As New Mexico is currently the fifth worst state in the nation for cyclist fatalities, risks and safety concerns are deterring use of alternative modes of transportation. Requiring cars to leave a 5-foot buffer when passing bicycles will prevent injuries and fatalities, increase comfort and confidence for cyclists, and promote more cycling. **SB124 passed both the Senate (20-17) and the House (33-22), but was vetoed by the Governor.**

SB237: Colleges in Energy Efficiency & Bonding Act (*Keller*)

SB237 amends the Energy Efficiency and Renewable Energy Bonding Act to allow post-secondary institutions to access resources for efficiency and renewable projects, and service the debt by dedicating 90% of their utility bill savings. **SB237 passed both the Senate (30-3) and the House (66-0), but was pocket vetoed by the Governor.**

SB266: Energy Conservation Bonds (*Wirth*)

For local communities to take advantage of federally-authorized Qualified Energy Conservation Bonds (QECBs), New Mexico must establish a process for allocating and issuing the bonds in accordance with the Federal Internal Revenue Code. SB266 does just that—setting the parameters of the process, and directing the state board of finance to implement it. **SB266 passed both the Senate (37-0) and the House (39-18), but was pocket vetoed by the Governor.**

2) PRO-CONSERVATION legislation That DID NOT PASS:

HB9: Homeowner Association Act (*Stewart*)

HB9 would have set rules for the establishment and operation of homeowners' associations (HOAs). One key element of the bill is the restrictions it places on HOAs that try to prevent a homeowner from implementing water conservation measures or installing solar energy apparatus. No entity should be able to interfere with an individual's right to reduce their resource consumption and lower their utility bills. **HB9 passed the House (65-2), but failed to be heard on the Senate floor.**

HB46/SB51: Farmer Liability for Certain Products (*Bandy/Fischmann*)

Otherwise known as the "Freedom to Farm Act", HB46 and SB51 would have provided some basic rights and protections to New Mexico farmers who may have unintended possession of a genetically-engineered product. After an initial tied vote on the House floor, **HB46 failed upon reconsideration the following day (27-42). SB51 died in the Senate Conservation Committee.**

HB75: Geothermal Pump Tax Credit Refundability (*Gonzales*)

Geothermal heat pumps are a highly-efficient renewable energy technology that concentrates naturally existing heat, rather than producing heat through

combustion of fossil fuels. HB75 would have encouraged expanded use of geothermal heat pumps by making the existing tax credit refundable. **HB75 passed both the House (51-12), but failed to pass the Senate.**

HB109: Appeal State Engineer Decisions in Court (*Gentry*)

In cases where an application to the State Engineer is not protested, HB109 would have allowed individuals aggrieved by the decision—if made without a hearing—to appeal directly to district court. This appears to be a sensible option to reduce the unnecessary expense of a hearing in an unprotested case where the likely outcome is an appeal to district court anyways. **HB109 passed the House (63-5) but died in the Senate Judiciary Committee.**

HB145: High Performance School Buildings Act (*Stewart*)

HB145 establishes a fund and process to help schools install high performance technologies to reduce water and/or energy use or provide renewable energy sources. The bill boasts many benefits, including saving schools money in operating expenses, creating jobs throughout the state, reducing wasteful use of water and energy, and offering valuable learning opportunities for students. **HB145 passed the House (57-9), but failed to be heard on the Senate floor.**

HB147: Availability of Agendas for Public Meetings (*Smith*)

New Mexicans face a number of barriers to getting actively involved in public policy. HB147 fixes one obstacle, by amending the Open Meetings Act to require that agendas for public meetings be available seventy-two hours in advance, except in the case of emergencies. **HB147 passed the House (66-0), but failed to be heard on the Senate floor.**

HB156: Budget & Corporate Transparency (*El Chavez*)

HB156 would have taken a huge step towards sound fiscal policy by establishing protocols for transparency in economic development subsidies. This information is critical to making good decisions about maintaining, increasing, or eliminating a range of incentives, including those offered to the oil, gas, and mining industries. **HB156 died in the House Business and Industry Committee.**

HB176: Oil & Gas Act Enforcement (*Egolf*)

Many aspects of New Mexico's Oil and Gas Act—including penalties for violations--haven't been updated since 1935. HB176 would have increased penalties for violations to make them more rational for the 21st century, and allowed the state to regulate oil and gas production to protect public health and water resources. **HB176 died in the House Energy and Natural Resources Committee.**

HB177: Recovery of Damages For Injury to Resources (*Egolf*)

HB177 was crafted around the “polluter pays” principle, which holds that no one should be able to damage or destroy public resources without making

compensation. This measure would have allowed the state Natural Resources Trustee to pursue, within limits, an entity that damages resources belonging to all New Mexicans. **HB177 died in the House Energy and Natural Resources Committee.**

HB178: Denial of Air Quality Control Permits (*Egolf*)

Under every major environmental statute, New Mexico has the authority to deny a permit to egregious violators of environmental laws--**except** under the Air Quality Control Act. The effect is that companies can contaminate our air and make our children sick, but we still can't stop them from operating in our state. HB178 would have rectified this inequity in statute by authorizing the state to deny or revoke permits in instances where the applicant or permittee is guilty of specific bad acts. **HB178 died in the House Energy and Natural Resources Committee.**

HB222: Reduce Unequal Treatment of Taxes & Credits (*Egolf*)

A common-sense approach to relieving the financial pressures on New Mexicans, HB222 would have reduced the gross receipts tax for all businesses and residents by .25 percent. The tax cut would have been paid for by eliminating unnecessary tax loopholes and subsidies for oil, gas, and other extractive industries. **HB222 died in the House Business and Industry Committee.**

HB284/SB431: Renewable Energy Facilities in Enviro Services Tax (*K Martinez/Munoz*)

These measures would have expanded the purposes of county-imposed environmental services gross receipts taxes--currently authorized for solid waste, and water and wastewater--to include renewable energy facilities and systems. **HB284 passed the House (37-31), but died in the Senate Finance Committee. SB431 died in the Senate Finance Committee.**

HB360/SB30: Requirements for Altering State Rules Act (*Egolf/Keller*)

The product of extensive negotiations among diverse stakeholders during the recent interim, HB360 and SB30 represented a consensus set of reforms to New Mexico's administrative procedures for rulemaking. **HB360 died in the House Judiciary Committee. SB30 was withdrawn from the floor by the sponsor (Keller) after the Senate adopted an unfriendly amendment that would have prohibited the state from taking substantive actions to reduce carbon pollution and tackle climate change.**

HB367: Live Webcasting of Public Meetings (*Smith*)

HB367 would have amended the Open Meetings Act to require most public meetings covered by the act to be webcast--both audio and video. Provisions were made for exceptions where impracticable. This was an important step in ensuring maximum transparency of government to all New Mexicans. **HB367 died in the House Appropriations and Finance Committee.**

HB405: Availability of Certain Taxpayer Info (*Cervantes*)

A major impediment to comprehensive and accurate evaluation of the efficacy of New Mexico's various tax expenditures is the inability of the Taxation & Revenue Department to access detailed information on tax credits, deductions, and exemptions claimed by individuals and businesses. HB405 would have addressed this challenge by relieving—for data collection purposes only—the privacy restrictions on state access to this important information. **HB405 died in the House Taxation and Revenue Committee.**

HB444: Tax Credit for Certain Oil and Gas Wells (*B Lujan*)

The best available technology for protecting groundwater from contamination by oil and gas drilling are closed-loop systems for waste management, which also save a tremendous amount of water during the drilling process. Although the 2008 pit rule imposes preventive measures for oil and gas waste disposal, it does not mandate closed-loop systems except in certain circumstances. HB444 would have offered a short-term tax credit to incentivize conversion to closed-loop systems, which is a sensible approach to better protection of our groundwater. **HB444 died in the House Energy and Natural Resources Committee.**

HB461: Energy Efficiency Act Provisions & Bonds (*Stewart*)

HB461 would have authorized local governments to bond against gross receipts tax revenues for energy efficiency and renewable energy projects—bonds that currently are only accessible to schools and state agencies. Investments in energy efficiency and renewable energy recover their costs in a short time frame, resulting in long-term savings in utility bills for public institutions. **HB461 died in the House Taxation and Revenue Committee.**

HB488: Public Utility Hearing Intervenor Legal Costs (*El Chavez*)

This measure would have enabled more public participation in utility hearings at the Public Regulation Commission (PRC), by allowing the PRC to require utilities to reimburse intervenors for legal fees if the Commission finds that they have made a substantial contribution to the outcome of the case. **HB488 died in the House Business and Industry Committee.**

HB565: Industrial Hemp License (*Begaye*)

Hemp is one of the most versatile, high-yielding, and environmentally-friendly crops, and is completely distinct from marijuana by the virtual absence of THC in industrial varieties of hemp. Despite resistance from the US federal government, at least nine states—including North Dakota, Kentucky, Montana and West Virginia—have legalized cultivation of industrial hemp, and are awaiting federal government approval. There is a huge global market for hemp, and the United States currently has to import from the world's leading producers: China, the European Union and Canada. New Mexico would have been wise to be at the forefront of this effort, primed to take advantage of

legal licenses as soon as possible. **HB565 died in the House Judiciary Committee.**

HB574: Middle Rio Grande Conservancy District Info (*MP Garcia*)

The Middle Rio Grande Conservancy District (MRGCD) is a public body that controls hundreds of thousands of acre-feet of water from Cochiti to San Acacia, and is funded through property assessments on landowners—only a very small percentage of whom vote in MRGCD elections. Concerns have frequently been raised about the transparency of the MRGCD, a problem that HB574 attempted to address by requiring that information on MRGCD transactions be posted on the state’s Sunshine Portal. **HB574 died in the House Consumer and Public Affairs Committee.**

HB587: Prohibit Restriction on Certain Green Energy (*Stewart*)

HB587 contained provisions from HB9, Rep. Stewart’s Homeowners’ Association (HOA) Act, which would have prevented HOAs from undue restrictions on water conservation or renewable energy installations. CVNM supported HB9 but HB587 contained critical provisions that could have passed independently. **HB587 died in the House Consumer and Public Affairs Committee.**

SB49: Public Access to PRC Rulemaking & Case Info (*Fischmann*)

In an effort to make the proceedings of the Public Regulation Commission (PRC) more transparent to the public, SB49 would have required a number of documents—case information, notices, summaries of rate and plan filings, and annual utility reports—to be posted on the state’s Sunshine Portal. **SB49 passed the Senate (36-0) but died in the House Business and Industry Committee.**

SB53: Publication of Certain State Land Documents (*Fischmann*)

SB53 would have instituted some key safeguards for state land transactions by requiring the State Auditor or an independent expert to review proposed planning and development leases before they can be finalized by the Commissioner of Public Lands. **SB53 passed the Senate (37-0), but died in the House Business and Industry Committee.**

SB137: Electricity Purchase from Customer Generators (*Wirth*)

SB137 would have encouraged small-scale renewable energy projects by setting fair and predictable pricing for utility purchase of customer-generated electricity. **SB137 died in the Senate Corporations and Transportation Committee.**

SB231: Utton Center & Joe Stell Ombudsman at UNM (*McSorley*)

There would have been no better tribute to the legacy of former State Representative Joe Stell than to establish an ombudsman program in his name to provide education and other assistance to parties in water rights adjudications who don’t have legal representation. **SB231 died in the Senate**

Conservation Committee.

SB243: Tax Increment District Requirements (*Fischmann*)

In an effort to protect New Mexico taxpayers, SB243 would have placed a few reasonable restrictions on the dedication of state gross receipts tax (GRT) revenues for tax increment financing districts (TIDDs). These restrictions would have ensured that taxpayer dollars will only subsidize redevelopment of public infrastructure, and that all funded improvements will remain under state or local government ownership. **SB243 died in the Senate Corporations and Transportation Committee.**

SB245: Coordination of Utility Planning (*Fischmann*)

SB245 would have amended the Efficient Use of Energy Act to direct the PRC to ensure coordination of efficiency, renewable energy and integrated resource plans for utilities. This would have helped to prevent each plan from being addressed in isolation, which often leads to inefficiencies and conflicts among them. **SB245 died in the Senate Public Affairs Committee.**

SB276: Utility Cost Test Cost Effectiveness (*Wirth*)

By amending the Efficient Use of Energy Act to change the cost-test criteria so they more accurately reflect the cost-effectiveness of efficiency programs, SB276 would have undoubtedly fostered expansion of utility efficiency programs--likely yielding significant increases in efficiency. **SB276 died in the Senate Conservation Committee.**

SB271: Inspection of Public Records Act Penalties (*Keller/Park*)

SB271 puts some teeth into the Inspection of Public Records Act by imposing penalties for knowingly and willfully withholding or destroying public records—a misdemeanor in the former case, and fourth degree felony in the latter. **SB271 passed the Senate (32-5) but died in the House Judiciary Committee.**

SB347: Limits for Contractors of State Land Office (*Fischmann*)

Helping to ease any concerns about “pay to play” in the State Land Office, SB347 would have prohibited contributions to candidates for Commissioner of Public Lands by individuals or entities that hold contracts with the Land Office. **SB347 died in the Senate Rules Committee.**

SB384: Farmer Protection for Engineered Products (*Fischmann*)

SB384 would have provided some basic rights and protections to New Mexico farmers who may have unintended possession of a genetically-engineered product. It was very similar to SB51 and HB46, except that SB384 did not hold a manufacturer liable for public nuisance. **SB384 died in the Senate Conservation Committee.**

SB442: Building Energy Disclosure Act (*Cisneros*)

Increasing energy transparency in buildings unlocks opportunities to create jobs and reduce energy costs for businesses. SB442 would have given tenants and investors the right to see an energy rating for a nonresidential building before completing a lease or sale transaction, ensuring their ability to compare the energy efficiency of buildings. **SB442 died in the Senate Conservation Committee.**

SB530: Surface Owner Protection Property Taxes (*Munoz*)

This bill would have addressed the problem that occurs when a subsurface mineral rights owner prevents the surface owner from accessing property that is not directly affected by oil and gas operations. Although the Surface Owners' Protection Act addresses direct financial losses, these amendments to the Act would have provided an incentive to oil and gas companies to reduce constraints on land access for property owners. **SB530 died in the Senate Corporations and Transportation Committee.**

SB559: Sunshine Portal Access to State Contracts (*Rue*)

Very simply, SB559 would have improved the transparency of state government activities by expanding information on the Sunshine Portal to include all state contracts, regardless of size. **SB559 died in the Senate Public Affairs Committee.**

HJM47/SJM34: Low-Altitude Military Flight Impact Statement (*Gonzales/Pinto*)

Recognizing the negative consequences for wildlife, livestock and communities of low-altitude military flights currently proposed for northern New Mexico, HJM47 and SJM34 would have wisely requested a full impact statement to assess and mitigate those effects. **HJM47 died in the House Energy and Natural Resources Committee. SJM34 died in the Senate Rules Committee. However, HM70—a similar single-chamber memorial—passed the House 48-17.**

SJM3: Electronic Handouts for Interim Committees (*Sapien*)

Currently, documents presented at interim committees are only available in hard copy. By requesting that handouts for interim committees be made available electronically, SJM3 increases transparency of, and public access to, interim committee materials while conserving energy and resources. **SJM3 passed the Senate (37-1), but failed to be heard on the House floor.**

SJM11: Reform Interim Committee Process (*Eichenberg*)

SJM11 would have improved the effectiveness of the interim committee process by requesting fewer committees—maintaining only one for each core issue area. Not only would legislators have been better able to focus on key issues by serving on fewer committees, SJM11 also would have saved resources in terms of per diem and committee costs. In addition, it would have made it

easier for the public to follow and weigh in on issues of concern on a more consistent basis, and would have significantly reduced overlap in committee scheduling. **SJM11 died in the Senate Public Affairs Committee.**

SJM13: Supporting Outdoor Opportunities for Children (*Nava*)

SJM13 would have encouraged and supported the development of outdoor programs for New Mexico's children. Outdoor programs provide critical opportunities for youth in cultivating an appreciation for New Mexico's natural heritage, outdoor recreation, and lifelong healthy habits. **SJM13 passed the Senate floor (31-0), but failed to be heard on the House Floor.**

SR1: Require Webcasting of Committee Meetings (*Boitano*)

SR1 would have improved the transparency and accessibility of the Legislature to New Mexicans around the state by expanding webcasting of legislative proceedings to include State Senate Standing Committees. **SR1 died in the Senate Rules Committee.**

SM12: Study ABQ-Bernalillo County Water Authority (*B Sanchez*)

SM12 recognized that the Albuquerque-Bernalillo County Water Utility Authority has complex and important duties and would have requested that a task force be convened to study the Authority to examine if it is accomplishing its responsibilities. **SM12 failed to be heard on the Senate Floor.**

3) ANTI-CONSERVATION legislation that PASSED:

A number of measures posed great risks to New Mexico's natural resources - by subsidizing polluters, removing regulations, or encouraging activities that threaten our environment. We urged all of our Representatives and Senators to OPPOSE these bills, and we are pleased to report that they were DEFEATED.

A. Anti-Conservation Bills that passed: ZERO

B. Anti-Conservation Memorials that Passed (One Chamber)

HM46: Endangered Species Act Enforcement Study (*Wooley*)

While CVNM supports protections for farmers, ranchers, and small business owners as needed, HM46 simply blames federal regulation for harm caused to land owners - economic or otherwise. HM46 jeopardizes endangered species programs - and broadly attacks regulation - by challenging the jurisdiction and intent of the federal government. HM46 also fails to acknowledge the many benefits of federal law or recognize other externalities that could cause economic harm to land owners, resulting in an unbalanced and factually incorrect view of federal regulation. **HM46 passed the House (43-24). Memorials and resolutions do not require action by the Governor.**

HM48/SM69: Employment in Natural Resources Study (*Cook/Burt*)

These measures request consideration of transferring the administration of endangered species programs from the Federal to the state governments. As a result, New Mexico would be ineligible to receive critical federal funding for endangered species management. **HM48 passed the House (61-1). SM69 failed to be heard on the Senate Floor.**

4) ANTI-CONSERVATION legislation that DID NOT PASS:

HB45: Eminent Domain Federal Property Condemnation (*Bandy*)

It was not clear from this legislation whether or not there was a specific piece of federal property at issue. However, in addition to concerns about efforts to condemn critically important federal lands in national forests, wilderness areas, and monuments, the basic concept raised major constitutional questions that seemed unlikely to be resolved. **HB45 died in the House Judiciary Committee.**

HB48: Cultural Properties Review Committee Duties (*Bandy*)

Counter to every other effort of the Legislature to make government more transparent and accessible, HB48 would have curtailed public involvement in key decisions about state historic preservation and cultural properties—shifting those decisions from open meetings with public input to a private office with no public accountability. **HB48 died in the House Consumer and Public Affairs Committee.**

HB69: Legislative Review Act (*Hall*)

Aside from its being wholly unconstitutional, HB69 was exceedingly bad public policy. Many rules are adopted after days or weeks of testimony and after decision-makers have reviewed thousands of pages of technical documents. Unless each member of the Legislature is required to re-hear all testimony and review every page of technical documentation, decisions on the merits of a rule will most certainly be arbitrary and capricious. **HB69 died in the House Business and Industry Committee.**

HB80: Merge Game & Fish with EMNRD (*Bandy*)

HB206: Merging Dept of Game & Fish with EMNRD (*Hall*)

Both of these proposals would have merged the Department of Game & Fish (DGF) with the Energy, Minerals & Natural Resources Department (EMNRD) by placing the current DGF as a division within EMNRD. This merger would have taken dedicated sportsmen dollars from the sales of hunting and fishing licenses and federal tax on hunting and fishing equipment, and blended them into the general fund. Moreover, elimination of the Game Commission would have taken away an avenue for sportsmen and the public to be involved in the management of wildlife and operation of DGF. **Both HB80 and HB206 died in the House Energy and Natural Resources Committee.**

HB84: Merge EMNRD, Environment Dept. and Game & Fish (*Lundstrom*)

HB84 would have created one mega-agency that would have incorporated EMNRD, DGF and the Environment Department (NMED). This proposal was made worse by the internal conflicts of interest it promoted by housing conflicting agency functions within a single entity. With few exceptions, it is bad public policy to make the same entity responsible for competing functions—in this case, the conflicting interests of resource development/extraction and environmental protection. **HB84 died in the House Energy and Natural Resources Committee.**

HB88: Executive Branch Entity Sunsets (*Bandy/Lovejoy*)

Although there may be some executive branch entities—even conservation-related ones—that are no longer necessary, HB88 would have taken a machete to a number of bodies that serve absolutely critical functions, including: the State Land Trusts Advisory Board, the Cultural Properties Review Committee, the State Commission of Public Records, the Water Trust Board and the Interstate Stream Commission. In many cases, these entities are the only avenue the public has to actively engage with their government on issues. **HB88 died in the House Health and Government Affairs Committee.**

HB91: Transfer from Other Accounts to General Fund (*Varela*)

We recognize that New Mexico is in a budget crisis and that we must find avenues of generating additional revenues. However, raiding critical environmental and public health funds is, at best, short-sighted. For example, money in the natural resources trustee fund pays for reclamation that is then reimbursed by the responsible party; up-front available funding is crucial to the functioning of that system. **Almost all of the anti-environment fund transfers in HB91 were restored in the budget.**

HB111: Uranium Legacy Cleanup Act (*Lundstrom*)

This bill would have established a fund to assist with cleanup of abandoned uranium mines and milling sites, the revenues for which would have been derived from a tax on new uranium mining. Although HB111 included one very important section that empowered the state to pursue responsible parties for liability for cleanup of abandoned uranium operations, this value was more than offset by the return of the “blackmail bill” - so-called because it would have forced communities to accept new uranium mining if they wanted any funds generated to clean up the messes left behind from the last wave of uranium industry activity. **HB111 died in the House Energy and Natural Resources Committee.**

HB157: Create Natural Resources & Environment Dept (*Park*)

Like HB84, HB157 had the strong potential to exacerbate conflicts of interest. Although the bill separated the protection and development/extraction functions by division, there didn't appear to be any safeguards to ensure that the activities of one division didn't influence or interfere with the activities of

the others. **HB157** died in the House Energy and Natural Resources Committee.

HB213: Transfer Services to DOE & Make EIB Advisory (*Bandy*)

Whatever the intent of this legislation, HB213 would have effectively gutted the safeguards on which New Mexico's families and communities depend, by exposing environmental and public health rulemaking to uninformed, political verdicts instead of thoughtful decisions based on the balance of evidence presented. By making advisory the Boards and Commissions whose members have a sworn duty to hear testimony and review every page of the record before taking action, the power to make critical decisions would have been in the hands of a single political appointee who simply would not have had the time or capacity to read the full record for every rule under their jurisdiction. **HB213** died in the House Health and Government Affairs Committee.

HB225/SB249: Water Quality Control Act Revisions (*Nunez/P Griego*)

HB225 raised a number of significant concerns. Perhaps most importantly, the measure granted a number of individual political appointees exclusive veto power over rules adopted after extensive public and technical hearings—even though those individuals weren't part of the rulemaking process. The measure also authorized legislative committees—both standing and interim—to alter the effective date of a rule, which was unconstitutional. **HB225** died in the House Energy and Natural Resources Committee. **SB249** died in the Senate Conservation Committee.

HB276: Agriculture Protection Act (*Nunez*)

Similar in some respects to HB225, the biggest problem with HB276 was that it would have authorized the Secretary of Agriculture to exempt the agricultural industry from any rule—not just environmental safeguards—that he or she believed would cause “undue burden” (not defined). This would have allowed the Secretary to exempt the agricultural sector from food and worker safety standards as well as water quality standards. **HB276** died in the House Agriculture and Water Resources Committee.

HB297: Blanket Plugging Financial Assurance Increase (*T Garcia*)

HB297 represented a dangerous effort to undermine safeguards on inactive oil and gas wells that are a major vector for contamination of groundwater—on which 9 out of 10 New Mexicans depend for our drinking water. Although extensive negotiations yielded a version of the bill that was at least neutral from an environmental standpoint, the compromise drew fire from some sectors of the oil and gas industry. **HB297** passed the House (48-20), but died in the Senate Conservation Committee.

HB302: Protection from Certain Scientific Topics (*Anderson*)

New Mexico has adopted baseline standards and curricula to ensure that all students have access to the same quality of education statewide. **HB302** would

have circumvented these critical uniform standards for topics deemed “controversial” at any educator’s discretion -- like evolution and climate change - by allowing teachers to introduce alternative beliefs as scientific information in the classroom. **HB302 died in the House Education Committee.**

HB345/SB235: State Agency Proposed Rule Statutory Citation (*D Chavez/B Sanchez*)

HB345 and SB235 require agencies to explicitly cite their statutory authority when promulgating rules. It is unclear why these measures are necessary, since agencies can only promulgate rules under their existing statutory authority. However, language in the bills required statute to describe the “content of the rule”. This may be unconstitutional, since it may intrude on the authority of the executive branch to conduct rulemaking. If the legislature prescribes every detail of the rule, leaving any differences subject to legal challenge as “unauthorized by statute”, then the legislature would be engaging in rulemaking, not the promulgating entity. After working with the sponsors, the bills were amended to address our concerns, and **CVNM withdrew our opposition. HB345 passed the House (64-0) but died in the Senate Rules Committee. SB235 died in the Senate Judiciary Committee.**

HB381: Repeal Wastewater Tech Advisory Committee (*Trujillo*)

By repealing the Wastewater Technical Advisory Committee, HB381 reduces the ability to ensure that wastewater facilities are using the best possible technologies to keep our water clean. The measure does not explain how the functions and responsibilities of the Committee will be fulfilled, or how the public will be able to observe or participate in the process. **HB381 was amended to address our concerns, and CVNM withdrew our opposition. HB381 died in the House Judiciary Committee.**

HB396: Court Appeals of Agency Decisions (*Gentry*)

This measure was highly problematic for a number of reasons. It conflicted with many organic statutes (e.g. the Solid Waste and Mining Acts) in re-writing the appeals process. It allowed for appeals of rules for up to one year after the effective date—the uncertainty of which would likely have resulted in compliance and enforcement chaos. It changed—rather dramatically—the conditions under which a court could reverse agency actions, including insubstantial errors of fact or procedure that had no bearing on the outcome. Moreover, it would have considerably increased agencies’ legal expenses, because any pending decision could have been appealed, whether or not all administrative remedies had been exhausted. **HB396 died in the House Health and Government Affairs Committee.**

HB402/SB236: Status of Water Rights Under Lease (*Gonzales/P Griego*)

Addressing a complicated and contentious area of New Mexico water law, HB402 and SB236 sought to change the treatment of leased water rights.

Although the bill initially raised concerns about encouraging speculation in water rights, amendments were adopted that imposed sufficient constraints to protect against major speculation, and **CVNM withdrew our opposition. SB236 failed to be heard on the Senate floor. HB402 passed the House (57-3) and the Senate (36-1), but was pocket vetoed by the Governor.**

HB409: State Agency Rule Economic Impact Statements (*Doyle*)

HB409 would have taken the concept of regulatory impact statements and turned it into a punitive measure that appeared to be intended to dissuade agencies from adopting critical safeguards for public health and welfare. In requiring economic impact statements, it directed that any underestimate of negative financial impacts on affected parties be subtracted from the promulgating agency's budget in the next fiscal year. While CVNM did not have a position on HB22: Regulatory Impact Statements (MH Garcia), HB409 would have severely undercut the ability of agencies to serve the public and fulfill their statutory obligations. **HB409 died in the House Consumer and Public Affairs Committee.**

HB422/SB421: Cultural Property Registration & Acquisition (*Vigil/Adair*)

New Mexico is blessed with rich cultural and sacred sites that are critical to preserving our unique heritage. Contrary to popular belief, establishing a site as a cultural property does not curtail access to minerals or ground resources, if extraction is done responsibly. All tools need to be available to ensure that New Mexico's treasured sites are protected and preserved for generations to come. These measures would have jeopardized the designation of sites by imposing daunting obstacles to designation and revoking critical tools. **HB422 died in the House Judiciary Committee. SB421 died in the Senate Judiciary Committee.**

HB435/SB481: Use of Trail Safety Fund for Maintenance (*Herrell/Cravens*)

Improper Off-Highway Vehicle (OHV) use degrades natural resources, harms wildlife and livestock, and deters recreational visitors. HB435 and SB481 would have hamstrung New Mexico's ability to ensure that OHVs are operated responsibly by drastically reducing and capping funds in the Trail Safety Fund that are dedicated for enforcement, training, and safety. **HB435 died in the House Energy and Natural Resources Committee after the sponsor withdrew her bill. SB481 died in the Senate Corporations and Transportation Committee.**

HB445: Off-Highway Vehicles on Streets and Fees (*Cook*)

A problematic section of HB445 would have stripped local governments of any flexibility in imposing fees or restrictions on off-highway vehicles (OHVs), the irresponsible and unlawful use of which degrades public lands and wildlife habitats. **HB445 died in the House Transportation and Public Works Committee.**

HB484: Board & Commission Coordination (*Bandy*)

The intent of HB484 is laudable: to improve communication and coordination of state actions with local government plans and policies. Unfortunately, as drafted, the broad language in the bill would have imposed standards that are simultaneously vague and burdensome. The legislature does not have to comply with similar constraints when enacting laws; the executive needs some flexibility as well. With a few carefully crafted amendments, the bill could have accomplished its purpose without creating a cause of action for challenging any state activity. **HB484 died in the House Judiciary Committee.**

HB543: Endangered Species Management Compacts (*Tripp*)

HB543 would have authorized the Governor to enter into interstate compacts for endangered species management, without any public input or involvement before the compact is signed. Many of the advantages that were sought by the legislation are already available through the current Endangered Species Act implementation. The only effect of the legislation would have been to undermine federal jurisdiction over threatened and endangered species. **HB543 died in the House Judiciary Committee.**

HB546: Amend Renewable Energy Portfolio Standards (*Strickler*)

The Renewable Portfolio Standard (RPS) spurs investment in renewable energy by requiring 20% of electricity to be produced from renewable energy sources by 2020, with incremental benchmarks along the way. HB546 would have slashed the RPS in half—hindering the diversification of New Mexico’s energy portfolio and stifling new job creation. **HB546 died in the House Energy and Natural Resources Committee.**

HB567/SB565: State Responsibility for Endangered Species (*Cook/Burt*)

HB567 and SB565 would have transferred the primary responsibility for listing and protecting threatened and endangered species from the federal to the state government. There are inherent problems with shifting responsibility to the state level, but a key factor in tight budget times should be the availability of resources to fulfill those responsibilities. These bills would have made the state ineligible to receive federal funds for at-risk species management at a time when the Department of Game & Fish is sorely underfunded. There is also the problem of the state being out of compliance with the federal Endangered Species Act, and the unconstitutional intrusion on an area of clear federal jurisdiction. **HB567 died in the House Energy and Natural Resources Committee. SB565 died in the Senate Conservation Committee.**

HB579: Regulate Greenhouse Gas Emission Requirements (*Taylor*)

This bill would have voided New Mexico’s efforts to reduce carbon pollution by prohibiting rulemaking on greenhouse gas emissions in the absence of federal requirements and restricting state standards to be no more stringent than federal law. Furthermore, HB579 would have undermined the growth of the

renewable energy industry in New Mexico by prohibiting enforcement of existing state carbon pollution rules. **HB579 died in the House Energy and Natural Resources Committee.**

HB594: Construction Industries Division Rulemaking (*Doyle*)

This bill would have made the Construction Industries Commission (CIC) advisory and transfer its rulemaking authority to the Construction Industries Division (CID) of the Regulation and Licensing Division (RLD), meaning the Superintendent of RLD--a Gubernatorial appointee--would have approved the rules. Like several similar measures, the effect would have been to undermine public access to, and confidence in, the rulemaking process. **HB594 died in the House Health and Government Affairs Committee.**

SB57: Energy Transmission Cost Recovery (*Harden*)

As originally drafted, SB57 would have allowed utilities to recover costs of new transmission infrastructure, but seemed to exclude cost recovery for renewable energy transmission. After working with the sponsor, the bill was amended in House Energy & Natural Resources Committee, and **CVNM withdrew our opposition. SB57 passed the Senate (17-10), but died in the House Business and Industry Committee.**

SB91: Suspend Effectiveness of Some Rules (*Harden*)

This bill was an effort to overturn several rules that were decided after months, or in some cases years, of motions, hearings, technical and public testimony, and deliberations. They cover many different issue areas, and represent critical safeguards for New Mexico's families and communities. Without conducting similar hearings and reviewing the full record of testimony and documents (in some cases, thousands of pages), the legislature is poorly-equipped to undermine the decisions of hard-working individuals who have made that effort. **SB91 died in the Senate Judiciary Committee.**

SB147: Publish Legal Notices on Websites (*Ulibarri*)

Sometimes the only way that members of the public learn about proposed hearings in their community is through the notices that appear in the legal section of their community newspaper. SB147 would have changed the requirements to allow these important notices to be posted online on a central website instead. Although this would have been helpful as an additional notice requirement, the public is unlikely to check the website on a regular basis (not to mention the percentage of New Mexicans without access to the internet). Effectively, SB147 negated public notice requirements of hearings - a major disservice to New Mexicans. **SB147 died in the Senate Judiciary Committee.**

SB148: Rules for License Application Time Frames (*Ulibarri*)

SB148 would have required that all state agencies, boards, commissions, departments, and officers promulgate rules on time frames for the majority of their operations. This sweeping measure, if enacted, would have brought the

New Mexico state government to a standstill as all agencies diverted resources from permitting and enforcement to rulemaking. The rules on time frames would have applied to permits, certificates, approvals, registrations, charters, memberships, statutory exemptions, or other forms of permission required by law. Such a broad definition of license means that hundreds of rules would have needed to be promulgated - including many activities that clearly are not meant to be captured by this legislation (e.g. approvals of work plans, etc.) **SB148 died in the Senate Public Affairs Committee.**

SB155: Private Landfill Term of Permits (*P Griego*)

Initially, CVNM opposed this legislation, because it dramatically reduced the opportunity for communities to provide input on nearby landfills during permit renewals. However, the proponents and sponsor agreed to an amendment that will maintain five-year reviews of privately-operated landfills. Although these reviews are not nearly as extensive as full permit applications, it is a significant improvement over the original bill. Moreover, private landfills have a better compliance history than publicly-operated landfills (which have a much longer time horizon between permit renewals), yielding an unlevel playing field that may have warranted the change. **CVNM withdrew our opposition to this measure.**

SB190: Repeal Effectiveness of Some Rules (*Leavell*)

Although SB190 only dealt with recent carbon rules adopted by the Environmental Improvement Board (EIB), the concerns were the same as with SB91—it attempted to overturn rules that were decided after months (or in this case, years) of motions, hearings, technical and public testimony, and deliberations. Without conducting similar hearings and reviewing the full record of testimony and documents (in some cases, thousands of pages), the legislature is poorly-equipped to undermine the decisions of those hard-working individuals who have made that effort. **SB190 died in the Senate Judiciary Committee.**

SB373: Capital Outlay Reauthorization (*Cisneros*)

The version of SB373 that passed the Senate attempted to shift \$5 million in funding committed to conservation and restoration projects to other programs, jeopardizing critical land and habitat protection efforts. **The House amended the legislation to restore all of the conservation funding - ensuring that the state lives up to its commitment to approved projects.**

SB394: Conserved Water Put to Beneficial Use (*Ryan*)

SB394 would have merged two existing water conservation incentives to allow water rights holders to ‘double-dip’. Under current law, water rights owners can choose between two incentives for conserving water: putting the water to beneficial use (including selling or leasing it) or receiving a tax credit for the conserved water. This bill would have allowed owners to put conserved water to beneficial use while still collecting the tax credit, which essentially meant

that taxpayers would have been paying an individual to reallocate water instead of conserving it. **SB394 died on the Senate floor (19-20).**

SB415: Utility Cost Limits (*Beffort*)

SB415 would have seriously undermined New Mexico's renewable energy standards for utilities by imposing arbitrary cost limits on compliance. What the measure failed to account for were the extraordinary capital costs of new plants for conventional coal or other fossil fuels—costs that get passed on to ratepayers. The massive rate increases sought by utilities over the last several years were not the result of renewable energy requirements, but rather the costs of over-reliance on fuels governed by commodity prices and massive capital costs for new conventional-fueled plants. **SB415 failed to be heard on the Senate floor.**

SB459: Repeal Effectiveness of Certain Rules (*Ulibarri*)

SB459 seeks an unconstitutional repeal of rules duly adopted by the executive branch. It attempts to overturn rules that were decided after months (or in this case, years) of motions, hearings, technical and public testimony, and deliberations. Without conducting similar hearings and reviewing the full record of testimony and documents (in some cases, thousands of pages), the legislature is poorly-equipped to undermine the decisions of the hard-working individuals who have made that effort. **SB459 died in the Senate Judiciary Committee.**

SB475: Repeal PRC & Recommend Integration (*Lovejoy*)

The purpose of the Public Regulation Commission (PRC) is to protect communities and families by ensuring that utilities, insurance, and telecommunications industries provide services and operate in a way that is fair and responsible. The PRC has experienced challenges in realizing its potential and there are certainly opportunities for reform or alternative structures to better achieve their purposes. However, SB475 would have only gone into effect upon passage of a constitutional amendment proposed in SJR6 (which CVNM also opposed). The better avenue would have been to proceed with development of alternative structures to the PRC, and then have that legislative proposal go into effect after passage of a constitutional amendment—so New Mexicans would know both options when voting. **SB475 died in the Senate Rules Committee.**

SB489: Greenhouse Gas Emission Rule Stringency (*Harden*)

Similar to HB579, this bill would have voided New Mexico's efforts to reduce carbon pollution by prohibiting rules on greenhouse gas emissions that are more stringent than federal law. Not only did this infringe upon our state's rights to determine what is best for our own residents, but it would have also struck a huge blow to the rapidly growing, job-creating renewable energy sector in New Mexico. **SB489 died in the Senate Judiciary Committee.**

SB500: Expedite Energy Transmission Line Siting (*Leavell*)

SB500 may have been intended to address a specific transmission line siting situation; however, it raised concerns about the caliber of information available in a relatively short time frame (4 months from application to decision)—especially when the decision would have overridden all local laws, regulations and policies. There may be a less drastic solution to the problem at hand. **SB500 died in the Senate Judiciary Committee.**

SB535: Renewable Energy Cost Thresholds (*Payne*)

SB535 would have allowed large-scale utilities to opt out of investment in renewable energy if the associated costs surpassed an arbitrarily-imposed threshold that does not allow for amortization of capital costs for new solar or wind facilities. What the measure failed to account for are the extraordinary capital costs of new plants for conventional coal or other fossil fuels—costs that get passed on to ratepayers. The massive rate increases sought by utilities over the last several years were not the result of renewable energy requirements, but rather the costs of over-reliance on fuels governed by commodity prices and massive capital costs for new conventional-fueled plants. **SB535 died in the Senate Conservation Committee.**

SB549: Renewable Energy Utility & Customer Costs (*B Sanchez*)

SB 549 would have allowed a large-scale utility to opt out of investment in renewable energy if the associated costs surpass an arbitrary rate of 2% of a customer's bill impact, including the cost of procurement. What the measure fails to account for are the extraordinary capital costs of new plants for conventional coal or other fossil fuels—costs that get passed on to ratepayers. The massive rate increases sought by utilities over the last several years were not the result of renewable energy requirements, but rather the costs of over-reliance on fuels governed by commodity prices and massive capital costs for new conventional-fueled plants. **SB549 was amended to address our concerns, and CVNM withdrew our opposition.**

HJR3: Legislative Nullification of Rules, CA (*Nunez*)

HJR3 would have posed serious constitutional questions because it created a conflict among all three branches of government. By law, rules must be adopted in accordance with delegated legislative authority. If the executive steps beyond its authority, those actions should be challenged in court. HJR3 would have allowed the Legislature to usurp the authority of the other two branches of government, which is unconstitutional. Moreover, the Legislature doesn't have time to give appropriate consideration to rules that have often involved days or weeks of testimony and thousands of pages of documentation. **HJR3 died in House Judiciary Committee.**

HJM24: Withdraw NM From Western Climate Initiative (*Lewis*)

Reducing our carbon pollution is critical to protecting the water we drink, the air we breathe, and our families and communities. The Western Climate

Initiative (WCI) enables New Mexico to participate in a regional carbon pollution reduction program that provides much-needed market incentives for industries to reduce carbon emissions. HJM24 contained a number of factual errors; this issue would have benefitted from a discussion centered on more objective, scientific, and accurate information. **HJM24 died in the House Consumer and Public Affairs Committee.**

SJR3: Legislative Overturn of Agency Rules, CA (*Neville*)

Similar to HJR3, SJR3 poses serious constitutional questions because it creates a conflict among all three branches of government. By law, rules must be adopted in accordance with delegated legislative authority. If the executive steps beyond its authority, those actions should be challenged in court. SJR3 would have allowed the Legislature to usurp the authority of the other two branches of government, which is unconstitutional. **SJR3 died in the Senate Rules Committee.**

HM3: Jurisdiction Consent for Monument Designation (*Herrell*)

National Monument designations not only preserve our natural heritage, but also boost tourism, outdoor recreation, and economic diversity. This measure sets a bad precedent of unconstitutionally overstepping federal authority and would threaten future attempts to protect and preserve our lands through designation. **After working with the sponsor, HM3 was amended in House Consumer and Public Affairs, and CVNM withdrew our opposition. HM3 passed the House (64-1). Memorials and Resolutions do not require action by the Governor.**

HM50: Uranium Mining Task Force Creation Request (*Lundstrom*)

Unremediated contamination resulting from past uranium exploration, mining and milling activities constitutes a continuing threat to the health and well-being of New Mexicans and tribal communities. Despite this, HM50 requested the creation of a task force to examine how to encourage new uranium mining and milling in New Mexico without allowing adequate seats at the table from those communities that would be directly impacted - tribes and pueblos. **HM50 was amended to address our concerns, and CVNM was able to support this measure. HM50 passed the House (63-0). Memorials and resolutions do not require action by the Governor.**