

LFC Requester: _____

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared: January 28, 2025 *Check all that apply:*
Bill Number: HJR 3 Original Correction
Amendment Substitute

Sponsor: FERRARY, ROYBAL **Agency Name**
CABALLERO, HERNANDEZ, **and Code** NMML
AND SEDILLO LOPEZ **Number:** _____
Short Title: ENVIRONMENTAL RIGHTS, **Person Writing** Clinton Nicley
CA **Phone:** 490-7699 **Email** cnicley@nmsif.org

SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			Indeterminate, potentially significant		Recurring	Municipalities

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Joint Resolution 3 creates a new class of individually-secured environmental rights within the state constitution’s bill of rights, to include clean and healthy air, water, soil, and environments; native flora, fauna and ecosystems; a safe climate; and the preservation of the natural, cultural, scenic and healthful qualities of the environment.

These rights would be secured so that they are enforceable via litigation against the state, counties, and municipalities and those entities are expected to serve as trustees of the resources referenced above.

FISCAL IMPLICATIONS

Because these rights would be secured in Article II of the state constitution, enforcement action

taken against the state, counties, and municipalities could occur through the New Mexico Civil Rights Act. Governmental entities, including local governments, could be exposed to significant, ongoing liability exposures without a clear way to address them. Securing insurance for this expanded liability could become more difficult and also significantly more expensive.

SIGNIFICANT ISSUES

Although the bill indicates that monetary damages are not available and that the bill's provisions are self-executing, costs to local governments could be significant. If a court finds an alleged deficiency in local government permitting or infrastructure, for example, costs could be significant to address the alleged deficiency. Additionally, a judgment could affect public bodies around the state simultaneously, crowding the procurement space.