

FORTY-SIXTH LEGISLATURE  
SECOND SESSION, 2004

February 16, 2004

Mr. Speaker:

Your ENERGY AND NATURAL RESOURCES COMMITTEE, to whom has been referred

SENATE BILL 125

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 15, after the semicolon insert "PROVIDING FOR AN APPEAL FROM DECISIONS OF THE NATURAL RESOURCES TRUSTEE;".

2. On page 1, between lines 17 and 18, insert the following new section:

"Section 1. Section 75-7-3 NMSA 1978 (being Laws 1993, Chapter 292, Section 3) is amended to read:

"75-7-3. NATURAL RESOURCES TRUSTEE POWERS AND DUTIES. --

A. The natural resources trustee shall take all actions necessary to carry out the responsibilities of the natural resources trustee as provided in the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, the federal Water Pollution Control Act and any other applicable federal law, including the responsibility to:

(1) act on behalf of the public to protect New Mexico's natural resources by recovering damages for injury to, destruction of or loss of those resources;

(2) investigate injury to, destruction of or loss of natural resources;

(3) determine the amount and cause of injury to, destruction of or loss of natural resources;

(4) determine the liability of any person for injury to, destruction of or loss of natural resources;

(5) assess and collect damages for injury to, destruction of or loss of natural resources, including bringing

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legal actions and collecting the costs of assessing and collecting the damages; and

(6) expend [~~monies~~] money for the purposes set forth in the Natural Resources Trustee Act.

B. The natural resources trustee ~~may~~:

(1) hire staff, in accordance with the Personnel Act, to carry out the provisions of the Natural Resources Trustee Act;

(2) contract with economists, consultants and other experts; and

(3) accept gifts and grants to carry out the provisions of the Natural Resources Trustee Act. Gifts and grants accepted by the natural resources trustee shall be deposited in the natural resources trustee fund.

C. The attorney general shall provide legal counsel and representation to the natural resources trustee and the office of the natural resources trustee.

D. A person may appeal a decision of the natural resources trustee to the district court in the judicial district in which the damages or violations occurred."

3. Renumber the succeeding section accordingly.,

and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

The roll call vote on Amendments 1 through 3 was 8 For 3 Against

Yes: 8

No: Garcia MP, Lujan A., Madalena

Excused: Picraux

Absent: None

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Respectfully submitted,

\_\_\_\_\_  
James Roger Madalena, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 11 For 0 Against  
Yes: 11  
No: 0  
Excused: Picraux  
Absent: None

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