

<b>LFC Requester:</b>	<b>Austin Davidson</b>
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**AGENCY BILL ANALYSIS - 2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO**

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*(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:** Jan. 23, 2025 *Check all that apply:*  
**Bill Number:** SJR 4 Original  Correction   
 Amendment  Substitute

**Sponsor:** Sen. Antoinette Sedillo Lopez **Agency Name and Code** State Land Office – 539  
**Short Title:** ENVIRONMENTAL RIGHTS, CA **Number:** \_\_\_\_\_  
**Person Writing** Sunalei Stewart  
**Phone:** 505-827-5755 **Email** [sstewart@nmslo.gov](mailto:sstewart@nmslo.gov)

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
None	None		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
No Fiscal Impact	Indeterminate negative	Indeterminate negative	Recurring	Land Grant Permanent Fund
No Fiscal Impact	Indeterminate negative	Indeterminate negative	Recurring	Land Maintenance Fund

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

Total	No Fiscal Impact	Indeterminate negative	Indeterminate negative		Recurring	Land Maintenance Fund
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(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

SJR 4 would add a new section to Article 2 of the Constitution to state that the people of New Mexico “have a right to clean and healthy air, water, soil and environments; healthy native flora, fauna and ecosystems; a safe climate; and the preservation of the natural, cultural, scenic and healthful qualities of the environment.” It would, as a matter of state constitutional law, require the state to “protect these rights equitably for all people regardless of race, ethnicity, tribal affiliation, gender, socioeconomics or geography.” The new constitutional provision would also provide that “state, counties and municipalities shall serve as trustees of the natural resources of New Mexico and shall conserve, protect and maintain these resources for the benefit of all the people, including present and future generations.”

The new constitutional provision would be “self executing” and enforceable against the state, counties and municipalities, except that monetary damages would not be available. The Resolution is subject to voter approval or rejection.

**FISCAL IMPLICATIONS**

The Resolution, if adopted and approved by the voters, could result in an undetermined increase in State Land Office budgetary costs associated with litigation. It is difficult to anticipate what lawsuits may be filed, on which basis, the likelihood of any such suits prevailing, and which future State Land Office leasing activities may or may not be impacted. However, to the extent that the agency is prevented from engaging in certain leasing activities that would otherwise have occurred, there could be an undetermined negative impact on earnings.

**SIGNIFICANT ISSUES**

New Mexicans should be entitled to a healthy environment, and the actions of governmental actors, whether they are at the state or local level, should reflect the importance of protecting air, water, soil and the ecosystems that rely on them. The Commissioner of Public Lands has broad discretion in managing the millions of acres of state trust land that provide support for beneficiary institutions. In making leasing decisions, the State Land Office balances the requirement to generate revenue with an obligation to protect the lands it manages in perpetuity and the communities in which they are situated. Maintaining healthy lands and a stable climate are key to ensuring that state trust lands remain productive for current and future generations that rely on them. Responsible leasing activities can, and should, occur in a manner that protects the state’s air, water and soil.

**PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

It is difficult to anticipate how this proposed constitutional change and individual right would apply to and be enforced against state agencies such as the State Land Office. There is pending a lawsuit against the state, the legislature and various state agencies (not including the State Land Office) seeking a court judgment requiring the state to take various measures in recognition of an existing right to a healthful environment and protection of natural resources, relying on NM Const. art. XX, § 21 and art. II, §§ 4 & 18. See *Atencio v. State of NM et al.*, 1st Jud. Dist., Santa Fe County, No. D-101-CV-2023-01038. If the constitutional amendment allows citizen suits to contest State Land Office lease decisions, or approval and review protocols, this could have administrative and/or performance impacts.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

### **TECHNICAL ISSUES**

Similar proposed constitutional amendment introduced in earlier sessions would have repealed existing article 20, section 21 of the Constitution which provides that “protection of the state’s beautiful and healthful environment is hereby declared to be of fundamental importance to the public interest, health, safety and the general welfare” and that “[t]he legislature shall provide for control of pollution and control of despoilment of the air, water and other natural resources of this state, consistent with the use and development of these resources for the maximum benefit of the people.” See, e.g., HJR 2 (2022). In the absence of a repeal or revision of article 20, section 21, the proposed amendment would create some overlap and potential conflict, though a full repeal might create questions as to the scope and extent of the authority of the legislature and certain agencies.

The clause making this constitutional provision “enforceable against the state, counties and municipalities” seems to leave various details to be worked out through litigation that might be included in the amendment, such as in what courts lawsuits may be filed and what kind of relief in the way of injunction or mandamus might be available. Alternatively, the proposed amendment could state explicitly that the legislature shall provide for enforcement in addition to the amendment being “self executing” to make it clear that the legislature has authority in that regard.

### **OTHER SUBSTANTIVE ISSUES**

### **ALTERNATIVES**

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

### **AMENDMENTS**