RE: Oppose HJR 2 Environmental Rights, CA

Mr./Madame Chair and Committee Members:

The New Mexico Business Coalition (NMBC) represents hundreds of businesses and thousands of New Mexicans. Our focus is to make New Mexico a better place to live and work, where we have an abundance of good-paying jobs to provide for our families.

NMBC respectfully opposes HJR 2 Environmental Rights, CA. All our members and followers support a clean, vibrant environment, but they want to see that accomplished in a way that provides balance and allows businesses to provide for our needs while creating jobs for New Mexicans. This bill does not accomplish that.

If approved by voters, this piece of legislation would alter our state constitution, which is not a desirable way to address the environment. New Mexico often experiences unintended consequences resulting from rushed legislation. There is no way to address those types of issues without going back to voters, which greatly impedes and slows correction.

This amendment is anti-development and will limit job opportunities in New Mexico. The amendment allows any permit to be challenged by any member of the public when that person believes their right to a clean and healthy environment has been infringed, whether there is actual harm or not. For example, a dairy producer with a discharge permit could become involved in litigation if a person decided to challenge the permit. It would take resources away from business operations for defense against the lawsuit. This increased uncertainty is detrimental to the state because it is a deterrent to businesses and will limit opportunities for job creation and stability in these already uncertain times.

In addition, this amendment creates conflicts for operators on federal lands, because the federal government does not have these requirements.

This amendment allows individuals to sue government agencies which is expensive to the state and, therefore, harmful to taxpayers. In addition, agencies embroiled in litigation will be challenged in addressing their normal workload. This could mean slower response time for inspections that would impede business operations, such as restaurants and operators in the oil and gas industry that require inspections so they can continue operations. Not only does this reduce revenue to the business, but it also reduces revenue to the state when that business is unable to operate.

The proponents of this Green Amendment are focused on the goal of getting the legislation passed, but they are giving little consideration to the impact it will have on New Mexicans. This is part of a nationwide movement to change environmental protection in the United States, but it does not consider the work already accomplished

in our state. New Mexico already has some of the most stringent environmental laws in place, including the strongest methane rule in the country. Contrasted to the current Pollution Control Amendment which balances the protection of the environment with the use of our natural resources while allowing businesses to continue operations and job creation, you can readily see what is needed versus what is before you for consideration in this bill.

While this legislation removes monetary damages, there is no guarantee that monetary damages would not be awarded by a court, hindering certainty for business owners. The language does not exclude the possibility of attorneys' fees and costs being awarded. Further, the language creates conflict with the Civil Rights Act and leaves a court to decide the outcome.

On behalf of hard-working New Mexicans and businesses, and for the reasons stated, we urge you to say 'NO' to HJR 2 Environmental Rights, CA.

Thank you,

Carla J. Sonntag
President