



**NEW MEXICO  
BUSINESS COALITION**

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**RE: Oppose HB 91 Natural Resource Trustee Changes**

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 HB 91 Natural Resource Trustee Changes. New Mexico already has strong environmental laws that protect human health and the environment. Specifically, there are laws to protect air and water quality as well as laws that protect the environment from hazardous waste and oil pollution.

Current environmental laws are enforced on behalf of the state by the Secretaries of the Environment and Energy Departments. HB91 effectively changes the work of the Natural Resources Trustee from overseeing the state's natural resource restoration projects, to instead becoming a new "enforcement" agency for the state's Environment Department. This expansion of the Trustee's authority would include causes of action not available under existing environmental laws by inserting the Green Amendment into the Natural Resources Trustee Act or, at the very least, creating the enabling language for the Green Amendment.

HB 91 creates a new environmental private right of action in state statute, which will upend any sense of regulatory structure or certainty in New Mexico – making it even harder to recruit and retain businesses to grow and diversify the state's economy. It would also allow the Trustee to seek damages from past owners of a business whether they caused the spill or contamination or not and in total disregard to whether remediation has or is occurring. For instance, a prior owner of a dry-cleaning facility could be sued under HB91 for a current spill even though the prior owner no longer has any relationship with the facility and had nothing to do with the spill.

HB 91 is broadly drafted, vests significant authority within one person, and potentially leads to increased litigation for business owners. No business will want to invest in a state with a private right of action statute that encourages frivolous litigation.

On behalf of hard-working New Mexicans and businesses, and for the reasons stated, NMBC opposes HB 91 Natural Resource Trustee Changes and urges you to say 'NO' to its passage.

Thank you,

A handwritten signature in blue ink, appearing to read "Carla J. Sonntag".

Carla J. Sonntag  
President and CEO