



BETTER TOGETHER
NEW MEXICO

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RE: Oppose **HJR 3 Environmental Rights, CA**

Mr./Madame Chair and Committee Members:

Better Together New Mexico (BTNM) brings together hundreds of advocacy groups and thousands of New Mexicans statewide. Our mission is to unite New Mexicans through grassroots initiatives and work to positively shape the decisions that affect our lives, families, and communities.

House Joint Resolution 3 (HJR3), which seeks to amend the New Mexico Constitution to establish environmental rights for all residents, is a proposal that could have serious unintended consequences for the state, its economy, and individual rights. While safeguarding the environment is commendable, the amendment creates unnecessary legal ambiguity and government overreach that could hinder economic development and damage the state's fragile business climate.

Impact on Free Enterprise: One of the core tenets of this proposal is creating a "right" to clean air, water, soil, and other environmental factors. However, this right is not clearly defined, and terms like "clean," "healthy," and "safe" are left vague, potentially leading to subjective judicial interpretations. This lack of clarity will likely result in lawsuits targeting businesses, industries, and local governments, adding unnecessary litigation costs that could stifle innovation, development, and job creation in the state. Industries such as oil and gas, agriculture, and manufacturing may face continual legal challenges, deterring investment and growth in sectors critical to our state's economy.

Furthermore, the proposed amendment risks creating conflicting regulatory requirements among various state agencies, such as the Energy, Minerals, and Natural Resources Department (EMNRD) and the Environment Department (NMED). Without a central coordinating body for enforcing these new environmental rights, agencies may interpret and apply the rules differently, leading to inefficient regulatory enforcement and additional burdens on businesses.

Legal and Fiscal Burden: The fiscal implications of HJR 3 are significant. State agencies such as NMED and EMNRD have already raised concerns about the cost of addressing the legal confusion that would arise from this amendment. With the potential for conflicting interpretations of the new environmental rights, these agencies may require additional legal staff and resources, diverting funds away from other important environmental initiatives. Moreover, municipalities and counties could face costly lawsuits for failing to comply with these broad new provisions, and it is unclear whether local governments would have the resources to manage these risks, further placing a strain on state finances.

The legal uncertainty created by HJR3 could lead to litigation that costs the state millions of dollars, as evidenced by other ongoing legal cases such as the Martinez-Yazzie and Hatten-Gonzales lawsuits. Such prolonged legal battles could have lasting

financial consequences, particularly for smaller governments and businesses, further hurting New Mexico's economy.

Government Overreach: HJR3 also grants the state, counties, and municipalities the role of "trustees" for New Mexico's natural resources but without specifying clear limits on governmental power. This could pave the way for increased government control over private property, potentially infringing on property rights by imposing restrictions that may go beyond what is necessary for environmental protection. While environmental protection is important, the government must balance these goals with respect for private ownership and the principles of limited government.

Another point of concern is the proposed amendment's self-executing nature. The resolution bypasses the state legislature's role in creating and modifying laws by making the provisions enforceable without requiring legislative action. This undermines the democratic process and could give unelected judges the authority to interpret and apply environmental standards, potentially overriding the people's and state lawmakers' will. Such centralized control in the hands of the judiciary would severely limit transparency and accountability.

Impact on Renewable Energy and Economic Growth: Contrary to the amendment's environmental goals, HJR3 could actually impede progress in renewable energy initiatives in New Mexico. While the amendment aims to protect the environment, it could be used by opponents of renewable energy projects, such as wind and solar energy infrastructure, to delay or block projects through legal challenges. This could stall the state's efforts to diversify its energy sources and transition to cleaner energy alternatives, ultimately hindering the development of green energy infrastructure. New Mexico's potential to lead in the renewable energy space could be undermined by excessive litigation and regulatory roadblocks. Additionally, HJR3 could exacerbate the difficulties faced by New Mexico's already overburdened communities, especially those located near existing energy infrastructure. The imposition of stringent and undefined environmental rights could create additional regulatory burdens in these areas, making it harder to implement new projects or maintain current infrastructure.

Conclusion: While the goal of ensuring environmental protection is essential, House Joint Resolution 3 is a poorly defined and potentially harmful amendment. By expanding government authority, creating legal uncertainty, and imposing vague and broad environmental "rights," the resolution threatens to undermine private enterprise, increase state and local government spending, and create a litigious environment that could halt economic growth. New Mexico needs to focus on balanced, clear, and effective environmental policies that protect the environment while promoting economic development. HJR3 fails to achieve this balance and should not be adopted.

We urge you to vote "NO" on HJR 3 Environmental Rights.

Thank you for your consideration of my comments,



Carla J. Sonntag
President & CEO