

# STAFF REPORTS

NEW MEXICO GOVERNMENT AFFAIRS,  
Mike Miller, PBPA

The New Mexico Legislature convened on January 19th and proved to be one of the most challenging in memory. The Capitol was closed to the public the entire session, in fact it was surrounded by a six-foot chain-link fence with only one entry and exit for legislators and the limited staff allowed inside.

All committee meetings were held virtually with public input limited on zoom, sometimes to as little as one minute and the number of people allowed to testify was also limited to just a few. House members were allowed to participate in floor sessions virtually with a restricted number allowed in the chamber. Senators were all in the building and participated in floor sessions from the chamber or from their office within the Capitol.

There were 806 bills introduced during the 60-day session, 352 House bills and 454 Senate bills. There were also 38 constitutional amendments proposed, 14 from the House and 24 from the Senate. When the dust settled 161 bills ended up passing both Houses, including a \$7.6 billion budget and only three constitutional amendments will make it to the people.

Friday, April 9th was the final day for the Governor to act on bills passed. Of the 161 bills that made it to her desk she signed 65 into law. Nine of the bills signed were bills that were on our tracking list for the session (by the end of session we were tracking 42 pieces of legislation).

There were a number of very bad bills for industry introduced this session. As we all know the legislature in NM as become very progressive. Only three bills that directly impacted industry were passed by both chambers and signed by the Governor; HB 51, Environmental Database Act; HB 76, EIB Denial for Poor Compliance and SB 8 Local Government Air Quality Regulations.

- House Bill 51 (HB 51) requires the development, operation and maintenance of a free web-based information portal. It directs the database to house the state's environmental data. No later than 1 July 2022, the environmental database is to be made available to the public. The departments/entities subject to providing data for the database include Energy, Minerals, and Natural Resources; Environment; State Land Office; Department of Health; Department of Game and Fish; Public Regulation Commission; and the Historic Preservation Division of the Department of Cultural Affairs.
- House Bill 76 (HB 76) allows the Department of Environment (NMED) [(Environmental Improvement Board (EIB)] or a local agency to deny a permit application based on poor compliance history after considering five factors including: knowingly misrepresentation on a permit application; conviction for a felony relating to an environmental crime or one involving restraint of trade, bribery, price fixing and fraud, within the past ten years; construction of a facility needing a permit under the AQCA without obtaining such a permit and with the plant's emissions above a certain level; or permit revocation or permanent suspension for cause under federal or any state's environmental laws.

# STAFF REPORTS

## NEW MEXICO GOVERNMENT AFFAIRS CONTINUED

- Senate Bill 8 (SB 8) amends the Air Quality Control Act and the Hazardous Waste Act to permit state and local boards the ability to set minimum standards for air quality and management of hazardous waste more stringent than the federal regulations.

If an EIB or local board determines that emissions within its jurisdiction cause ozone concentrations more than 95% of the national air quality standard, the board can adopt a plan and rules to control the emissions. The rules are applicable to sources of emissions where ozone concentrations exceed 95% only.

SB 8 permits EIB to adopt rules to manage hazardous waste and storage tanks that are at least as stringent as the federal Environmental Protection Agency requirements.

All in all, industry had a good session although it looked very bleak in the beginning. Multiple pieces of bad legislation, including the Green Amendment (SJR 3), the Climate Solutions Act (HB 9), a Private Right of Action bill (HB 50), a Prohibition on Hydraulic Fracturing (SB 149), several water related bills and several other environmental bills did not make it to the Governor's desk.

Shortly after the conclusion of the regular session, the Governor called a special session to deal with the legalization of recreational cannabis. That session lasted 2-1/2 days with the legislature approving the recreational use of cannabis. There are several effective dates for this legislation, but the date actual sales can begin is April 1, 2022.

I have also met with Dusty McCoy, Executive Director of West Texas Counseling and Guidance. They recently were awarded a grant to establish a location in Eddy County and next Lea County. Dusty contacted me about local contacts and industry folks to meet with about specific needs.