

## **What do we think about the House Energy, Environment and Natural Resources Committee Substitute for House Joint Resolution 2 – aka the New Mexico Green Amendment?**

(see original and substitute language below for comparison)

The HEENRC Substitute for HJR 2 takes a different approach to accomplishing the strong environmental rights and natural resource protections of the original.

Some points to highlight:

The amendment maintains the Bill of Rights placement and strong language that ensures an enforceable entitlement of all New Mexicans to a clean and healthy environment, including life sustaining fundamentals such as water, air soils, environments, ecosystems and a stable climate. At the same time, the new language maintains the obligation of all branches of government to protect the natural resources of the state for both present and future generations. Maintaining this trust obligation with all of the legal mandates that strengthen environmental justice, climate justice, generational protection, the obligation to consider cumulative impacts and essential science is an essential element maintained in the new language. The generational protection and recognition of the importance of climate stability are notable and bring strengthened protections that don't currently exist.

While the terms “flora and fauna” were removed from the language because of concerns by some legislators that the language could be misused in ways harmful to healthy and protected wildlife populations, because native flora and fauna are critical to a healthy ecosystem, they will still receive protection under the new language.

Likewise, cultural values grounded in clean and vibrant landscapes will continue to be protected, while avoiding questionable claims of “cultural” significance that harm the environment. Securing passage of this amendment this year with these strong protections will allow communities to more quickly get the powerful protections they provide.

The proposal maintains repeal of Article XX Section 21 so its focus on controlling, rather than preventing and remediating, pollution and despoilment of the environment and empowering the legislature to determine the extent of environmental rights cannot be used to undermine the new Green Amendment language.

The Proposed HEENRC substitute for HJR 2 provides powerful recognition and protection of the environmental rights of present and future generations in New Mexico, and will strengthen protection of the natural resources of the state for present and future generations.

### **HEENRC Substitute for HJR 2:**

SECTION 1. It is proposed to amend Article 2 of the constitution of New Mexico by adding a new:

A. The people of the state shall be entitled to clean and healthy air, water, soil and environment; a stable climate; and self-sustaining ecosystems, for the benefit of public health, safety and general welfare. The state, including its political subdivisions, shall serve as trustee 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.

B. The provisions of this section are self-executing. Monetary damages shall not be awarded for a violation of this section."

SECTION 2. It is proposed to amend Article 20 of the constitution of New Mexico by repealing Section 21.

### **Original HJR 2 language for comparison:**

SECTION 1. It is proposed to amend Article 2 of the constitution of New Mexico by adding a new:

A. The people of the state have the natural, inherent and inalienable right to a clean and healthy environment, including water, air, soil, flora, fauna, ecosystems, and climate, and to the protection of the natural, cultural, scenic and healthful qualities of the environment.

B. The protection of the state's environment is hereby declared to be of fundamental importance to health, safety and the public interest.

C. The state, including its political subdivisions, shall serve as trustee of the natural resources of New Mexico, and shall conserve, protect and maintain these resources for the benefit of all New Mexicans, including present and future generations.

D. The provisions of this section are self-executing. Money damages shall not be allowed under this section.

SECTION 2. It is proposed to amend Article 20 of the constitution of New Mexico by repealing Section 21.