350 Santa Fe/350 New Mexico Joint Legislative Review Notes

Accelerating the transition away from fossil fuels as we collaborate, cooperate and coordinate with climate crisis fighters in and around Santa Fe

Date: April 10, 2021
Place: via Zoom
Time: 10:00 am
Zoommeister and Facebook Livestream: Tom Solomon

Zoom primaries: Senator Antoinette Sedillo Lopez, Representative Andrea Romero, Camilla Feibelman, Christopher Mann, Robert Cordingley, Jim Mckenzie


Attendance Statistics
Total No. Registered: 73
Total No. Attendees: 49
Total No. Attendees on 350 Santa Fe mail list: 22
Total No. Attendees only on 350NM mail list: 25 (estimated)
Total No. Attendees on neither list: 2 (estimated)
Total No. Attendees on both lists: unknown but <= 22

Introductions

Introduction by 350 New Mexico
Tom Solomon, co-coordinator of 350 New Mexico, started by saying there was quite a list of good environmental bills introduced in the 2021 legislative session but today the focus will be on climate and energy bills. The legislation 350 New Mexico was supporting is
listed on their website under the tab ‘New Mexico Climate Action’. The bills that passed both state House and Senate were:

SB 112 (Sustainable Economy Task Force),
SB 76 (EIB Permit Denial for Poor Compliance),
SB 8 (Local Government Air Quality Regulations, aka the Stringency bill),
SB 84 (Community Solar Act),
HB 51 (Environmental Database Act),
HB 15 (Sustainable Building Tax Credit),
HB 89 (Healthy Soil Tax Refund Contribution Option).

Tom made it clear the passage of these bills was helped by advocacy from many organizations. He acknowledged the major contribution of the Power for New Mexico Coalition. There were many other good bills that died somewhere in the process. Much more could have been accomplished if there was a longer session and paid legislators, similar to what exists in Colorado.

Introduction of Panelists
Robert Cordingley gave a short introduction of the panelists and informed us that Representative Melanie Stansbury intended to participate but something urgent came up today and she was unable to attend. The remaining panelists are:

- Senator Antoinette Sedillo-Lopez from District 16, Bernalillo County, retired law professor
- Representative Andrea Romero from District 46, northern Santa Fe County, entrepreneur
- Camilla Feibelman, Director of the Rio Grande Chapter of the Sierra Club

Panel Introductions
Each panelist introduced herself.

- Senator Sedillo-Lopez: The Senate used to be extremely conservative when it comes to the environment. That has changed although we are still behind even Texas in some respects. Texas has laws on the books about produced water and methane while New Mexico does not. I was especially pleased with the passage of SB 8. I support a full-time legislature.
- Representative Romero: I represent much of Santa Fe County. I worked with Rep. Stansbury on several bills. I spent quite a bit of time on water issues and I now see water as an issue tied to climate change. There is a strong water lobby. The process for granting water rights is not transparent and HB 95 (Water Administration Changes), which I sponsored, tried to change that. We had a win in the passage of Community Solar. In this session held primarily by Zoom it was challenging to keep in touch with constituents and advocates.
- Ms. Feibelman: Thanks to Sen. Sedillo Lopez and Rep. Romero for their elbow grease and expertise. Passage of bills this session was due to deep and diverse
coalitions, like the people participating on the Climate Call. This session featured a lot of things all at once [tax reform, abortion, trapping, marijuana, Gila River money, early childhood education]. In terms of climate issues, we made a solid step forward but much more needs to be done. It has to do with the budget and fortunately some agencies did receive budget increases. In some instances the Fiscal Impact Report was decisive because it said the changes cannot go forward without the money.

Prepared Questions to Panel

Q1: Using examples of bills that were important to you—one that passsed and one that did not make it this time: What were the keys to success or primary obstacles, who were your key supporters or opponents, and what would you suggest to either replicate that success or overcome the obstacles on related environmental bills in the future?

a) Sen. Sedillo Lopez: There was disappointment about SB 86 (Use of Water for Oil & Gas Operations). There are four major companies in New Mexico that generate produced water. Two of them are good in the way they handle it. Those two companies gave technical input to make sure the bill was well-written. We also had political experts and legal experts review the bill. The way the bill was handled at the Senate Judiciary Committee was a shock. I was given time to introduce the bill, my experts spoke, then the oil and gas lobbyists had an opportunity to speak. The public had no chance for input and we were not allowed to respond to misstatements by lobbyists. The committee said the bill was given a “Do not pass” because it was “too complex an issue.” On the other hand, the Democratic caucus stood together in support of SB 8 and it passed. I believe there is a water crisis.

b) Ms. Feibelman: We were also disappointed that the produced water bill did not pass. We thank Sen. Sedillo Lopez for sponsoring SB 149 (Prohibit New Fracking Licenses). It will be possible to deal with some water issues by regulation. I consider passage of HB 4 (NM Civil Rights Act) a success. It centers social justice and reforms qualified immunity. I want to emphasize the importance of communicating with partners we don’t usually work with. That was done with HB 9 (Climate Solutions Act), which referenced recommendations from the NM Clean Energy Workforce Development Study.

c) Rep. Romero: Community Solar was passed with the involvement of many different entities over the years. All that matters is the bill. Get your legislator to draft a bill as soon as possible. Talk to parties who will be affected by the legislation. Committee assignments are pivotal. At times it is important not to compromise for incrementalism.

Q2: There is no denying the outsized influence of the oil and gas industry on the state’s economy and coffers, and its resulting political influence. We are looking forward to the Sustainable Economy Task Force jump-starting the process of converting to a green and sustainable economy in New Mexico. But to make these changes a reality, we will need
greenhouse gas reduction mechanisms and targets. Considering the debate and action (or lack thereof) in the legislature this session, what additional groundwork needs to be laid to ensure specific and measurable action on emission reductions across the economy?

a) Rep. Romero: Where is it in the law that sustainable energy can be addressed? The mechanism in partly the early conversations. Much of this session was deadlocked in incrementalism. It will take great efforts to decentralize.

b) Sen. Sedillo Lopez: Our part-time legislature with no staff is a problem. The environmental caucus prioritized bills in the Senate. Then we found out what the House was doing. The Green Amendment (Environmental Rights Constitutional Amendment, SJR 3) and Produced Water (SB 86) had high priority for us but they did not make it. There was no discussion from the time the caucus made its decision until the bill came up in committee. There are structural limits to what we can do. The constitution was written in the time of ranchers and patrons. The oil and gas industry became very strong. I do see connections between environment/energy and other issues.

c) Ms. Feibelman: There is an old saying “Exxon drills on Christmas”, so stay focused. We all want climate urgency to be at the front of government attention in the same way Covid-19 is. Senators Heinrich and Lujan are looking at legislation to decouple education and extractive industries. According to New Mexico Voices for Children, tax breaks in 2003 and 2013 hurt working families. Tell the truth about the economics of the oil and gas sector. For example, the number of days of school children miss due to asthma, the number of days of work parents lose. The Oil Conservation Division approved good methane rules but the other ozone rule from New Mexico Environment Department was too lax. There will be opportunities for public comment on the latter in May and September.

Q3: Although opposition from the usual suspects was anticipated, some of the most far-reaching bills this session (e.g., HB 9 and SJR3) ended up buried in committee. These are complicated matters, and it is not as simple as counting the votes if the vote never gets scheduled. What can we, as advocates, do to be more effective and helpful in overcoming death by committee and other forms of less transparent opposition to the causes we support?

a) Sen. Sedillo Lopez: You are a supplicant to get your bill scheduled. It depends on the chairs of committees. Educate legislators why the bill is important to you. A Tweet by the New Mexico Oil and Gas Association against me paradoxically prompted a large amount of comments supporting my position.

b) Ms. Feibelman: First, we need to do a better job interacting about the budget. There is not much time to do anything once the legislative budget comes out. Somehow we need to act earlier. Second, think about administrative support of our issues. Interact with agencies and the governor. Develop a long-term relationship with your legislator. Recognize that much legislation takes years and multiple attempts to pass.

c) Rep. Romero: On the House side we did two times the amount of legislation the Senate did. The House was going until 10 pm a month into the session. Text, do
not email, your legislator with specifics in a timely manner. Interim committee meetings are important. I agree Tweets were effective during this session.

**Q4:** The Biden Administration is putting addressing the climate crisis front-and-center in its policies. While this agenda faces concerted and powerful opposition, we are likely to see some, if not significant, progress, on national initiatives. We had some notable successes in this just-concluded state legislative session but there is much more to be done. What do you see as the next pieces of the puzzle at the state level? Should we continue to go big, scale back to narrower, more tactical measures, or all of the above?

a) Ms. Feibelman: Do anything and everything on all fronts. Be a good neighbor, think of people living next to oil and gas wells. If you [state agency] cannot properly oversee, then permits should not be issued. There was proposed legislation about electric vehicles for the state fleet but there was an issue with the Fiscal Impact Report. People have the perception that the Energy Transition Act was enough but electricity generation is responsible for only 11% of New Mexico carbon emissions. We need movement in other sectors.

b) Rep. Romero: In the House, leadership can change in two years. I put forth five comprehensive bills (each more than 40 pages). I still think that is a good approach.

c) Sen. Sedillo Lopez: All of the above, big bills and small technical bills.

**Questions from Audience**

**Q1:** From James Povijua: We saw terrible displays of racism and sexism in both chambers and in various committees. Representative or Senator would either of you be willing to share your perspective?

a) Sen. Sedillo Lopez: It was weird frat-boy stuff. Now that there are more women legislators, the tone got sharper. Madame Pro Tem Stewart is facing pushback. We should respect everyone. I have heard Sen. Ivey-Soto apparently is that rude to everyone. He should not do it to anyone. At the break, women Senators literally surrounded Stewart expressing our support and protection. I have been told I am too aggressive.

b) Rep. Romero: In 2018 when I started, there were more women than before and the culture was changing on the House side. It is important to tweet about it and to write letters. It seems more evident in the Senate chamber. It happens even with staff members. What does professionalism mean? There is still so much to do about this boy’s club mentality.

c) Ms. Feibelman: Yes, the old white guys in the climate movement have to examine themselves, too. We can ask ourselves what are the assumptions I make? How can I build a pause in my conversation? Don’t believe everything you think. During a hearing on HB 15 a Republican said to Rep. Cortez “You are talking too long.” The place where Rosa Parks got training on how to take strategic action is
the Highlander Institute. That is a good place to get ideas. Ask yourself....Am I tapping into the knowledge from all cultures in New Mexico?

**Q2:** Chris combined two questions from the chat [Bill Renfro, James DesJardins] regarding a full-time legislature. Has there been any effort to get a constitutional amendment passed?

a) Rep. Romero: Yes, there have been two attempts in the past 30 years. To the public, the attempts came across as legislators just want to get paid. An alternative approach is to fund an independent study.

b) Sen. Sedillo Lopez: Sen. Cervantes had a bill to study the Constitution in this session. It went to the floor but did not pass. Maybe a conference with advocacy groups would be a good way to start. Frame it as: We are not doing the people’s work because we do not have the resources. Also, the Legislature is weak relative to the other two branches of government. We could have a big discussion led by the Sierra Club or 350.

c) Ms. Feibelman: The Center for Civic Policy would be a possible appropriate lead for this discussion.

**Final Comments**

Robert thanked the panelists for their time and observations. He thanked the audience for showing up and participating.

**Next meeting**

The next monthly public meeting will be Saturday, May 8th, 2021, starting at 10:00 am.

Meeting ended at 12:00 pm

Notes taken by Barbara Sinha