

HOUSE JOINT MEMORIAL 42

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE GOVERNOR TO ISSUE AN EXECUTIVE ORDER THAT PROVIDES FOR LOCAL GOVERNMENTS AND LAW ENFORCEMENT AGENCIES TO HAVE THE SAME STANDING AS THE STATE WHEN ACTING AS ENTITIES WITH ANY FEDERAL AGENCY.

WHEREAS, New Mexico enjoys a unique fabric of custom, culture and history, resulting from centuries of habitation by a variety of people whose identities are grounded in natural resources; and

WHEREAS, agriculture, the utilization of natural resources and the responsible stewardship of the land have been primary pursuits and a unifying theme among all of New Mexico's cultures for centuries, providing a stable base for local economies, community stability and support for the historic lifestyles of New Mexico's people; and

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1           WHEREAS, federal land, resource and environmental  
2 management policies have the potential to conflict with plans  
3 and policies enacted by local governments to the detriment of  
4 the health, safety and welfare of the residents of New Mexico,  
5 the local environment and the local customs, culture and  
6 communities that rely on natural resources and natural resource  
7 products for personal and economic well-being; and

8           WHEREAS, federal agencies have an obligation under federal  
9 law to coordinate, at all stages of the planning and management  
10 processes, with state and local governments in the development,  
11 implementation and enforcement of federal plans and policies;

12           NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
13 STATE OF NEW MEXICO that the governor be requested to issue an  
14 executive order that provides for the state's political  
15 subdivisions and law enforcement agencies to have the same  
16 standing as the state when acting as coordinating entities with  
17 any federal agency or entity with regard to plans and policies  
18 being enacted by federal agencies within the state. In  
19 enacting this policy, the state requests federal agencies to:

20           A. keep apprised of state, tribal and the state's  
21 political subdivision plans, policies and programs and ensure  
22 that there is consistency with the state's political  
23 subdivision plans when developing federal rules, plans,  
24 policies or management actions;

25           B. provide early notification to the state's

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1 political subdivisions at the time of initial scoping of the  
2 development of any plan, policy or action;

3 C. provide the opportunity for meaningful input by  
4 a state's political subdivision to the development of any  
5 federal plan, policy or action that may or will affect the  
6 state's political subdivision, natural resources within its  
7 jurisdiction or its residents;

8 D. make all practical efforts, in good faith, to  
9 resolve conflicts at the lowest level possible between federal  
10 and the state's political subdivision policies or plans and  
11 reach consistency with the state's political subdivision's  
12 plans and policies through coordination; and

13 E. develop procedures for coordination with and  
14 provide for meaningful input by the state's political  
15 subdivisions regarding the merits of each rule, plan, action or  
16 proposal developed by federal agencies; and

17 BE IT FURTHER RESOLVED that as used in this memorial and  
18 the governor's executive order, "coordination" means the  
19 process by which federal or state government agencies seek, in  
20 good faith, to reach consistency between a federal or state  
21 regulation, rule, plan or policy and a political subdivision's  
22 law, regulation, plan or policy; and

23 BE IT FURTHER RESOLVED that all state agencies be asked to  
24 assist, as appropriate, in implementing this memorial and the  
25 governor's order to achieve its purposes and that the actions

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1 mandated as a result of this executive order be accomplished  
2 within the bounds of, and consistent with, the relevant federal  
3 agencies' or the state's agencies', boards' or commissions'  
4 existing statutory and regulatory authorities; and

5 BE IT FURTHER RESOLVED that the governor be requested to  
6 issue an executive order that requires state agencies, boards  
7 and commissions to coordinate their planning and policymaking  
8 with the political subdivisions of the state to include but not  
9 be limited to the state implementation of federal programs or  
10 policies. In enacting this policy, the legislature requests  
11 that the governor's executive order direct the state agencies,  
12 boards and commissions to:

13 A. keep apprised of the state's political  
14 subdivision's plans, policies and programs and, where  
15 practicable and consistent with state law, ensure that there is  
16 consistency with the state's political subdivision's plans when  
17 developing rules, plans, policies or management actions,  
18 providing the state's political subdivisions have provided  
19 their plans and policies to the agencies, boards and  
20 commissions;

21 B. provide early direct notification to the state's  
22 political subdivisions of the development of any rule, plan,  
23 policy or action to those political divisions that have  
24 requested notification;

25 C. provide the opportunity for meaningful input by

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1 the state's political subdivisions to the development of any  
2 state agency, board or commission rule, plan, policy or action  
3 that will or may affect the political subdivision, the natural  
4 resources within the political subdivision's jurisdiction or  
5 the political subdivision's residents;

6 D. make all practical efforts, in good faith, to  
7 resolve conflicts at the lowest level possible between state  
8 agencies, boards or commissions and the political subdivision's  
9 policies and plans and, where practicable and not in conflict  
10 with state law, reach consistency with those plans and  
11 policies; and

12 E. develop procedures for coordination with and  
13 provide for meaningful input by the state's political  
14 subdivisions regarding the merits of each rule, plan, action or  
15 proposal developed by the state's agencies, boards or  
16 commissions; and

17 BE IT FURTHER RESOLVED that copies of this memorial be  
18 transmitted to the governor and the members of the New Mexico  
19 congressional delegation.

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