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## Symposium on New Mexico's Just Transition

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## Symposium on New Mexico's Just Transition

### Cover Page Footnote

The authors would like to especially thank Noah Allaire. His thoughtful manuscript feedback had significant influence on the shape of this summary.

## SYMPOSIUM ON NEW MEXICO'S JUST TRANSITION

Melanie Coffing\* and Logan Stokes\*\*

*A Just Transition aims to develop capacity for a low-carbon, climate-resilient economy while maximizing benefits and minimizing hardships for working communities.<sup>1</sup> The ideation and implementation of such a sweeping, intersectional policy framework requires thoughtful conversation, collaborative action, and years of dedication from community members and policy makers alike.*

*On November 3, 2023, the Natural Resources Journal, through the University of New Mexico School of Law, and the New Mexico Speaker of the House, Javier Martínez, hosted the Symposium on New Mexico's Just Transition.<sup>2</sup> Students from the law school and the Natural Resources Journal had the opportunity to collaborate with community groups and workers, members of the Legislature, and professors to develop the Symposium's fundamental topics. They were guided by members of the Center for Civic Policy, Somos un Pueblo Unido, Naeva, the University of New Mexico School of Law, the Sustainable Economy Advisory Council, and the Office of the New Mexico Speaker of the House, and this work culminated in an event with over 120 people in attendance.<sup>3</sup> We provide the following summary of the discussions to memorialize the event and the ideas explored there.*

### THE NATURAL RESOURCES JOURNAL AND THE SYMPOSIUM ON NEW MEXICO'S JUST TRANSITION

Melanie Coffing, a third-year law student at the University of New Mexico School of Law and Symposium Editor for the *Natural Resources Journal (NRJ)*, delivered the following introduction to the Symposium:

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\*\* J.D. with a Certificate in Natural Resources and Environmental Law, University of New Mexico School of Law, 2024; B.A., The Evergreen State College, 2016. The authors would like to especially thank Noah Allaire. His thoughtful manuscript feedback had significant influence on the shape of this summary.

1. Anabella Rosemberg, *Building a Just Transition: The Linkages Between Climate Change and Employment*, 2 INT'L J. OF LAB. RSCH. 125, 141 (2010).

2. Sairis Perez-Gomez, *Symposium of New Mexico's Just Transition*, UTTON TRANSBOUNDARY RES. CTR., <https://sites.google.com/view/new-mexico-just-transition/panelists-and-moderators?authuser=0> (Nov. 2, 2023) [hereinafter *Symposium on NM Just Transition Website*].

3. *Id.*

For fifty years, [the *NRJ* has] been devoted to the study of natural and environmental resources.<sup>4</sup> [Its] contributors span multiple disciplines, countries, and backgrounds, and provide varied approaches to the complex issues raised by our need to balance resource development with environmental concerns.<sup>5</sup> [The *NRJ*] will continue to provide an interdisciplinary forum for addressing these issues and take into account the increasing complexity of that balance.<sup>6</sup> By working with our contributors, [the *NRJ*] aim[s] to inform and shape the way our communities address these issues going forward.<sup>7</sup>

New Mexico has taken important steps to move towards a low carbon economy.<sup>8</sup> A major challenge to a clean energy transition, however, will be how to ensure equitable opportunities for all communities.<sup>9</sup> Similar to our contributors to [the *NRJ*], our Symposium's panelists represent a multitude of backgrounds, disciplines, interests, and ideas.<sup>10</sup> Our panelists will feature voices of frontline communities, legislators, executive branch officials, business representatives, and University of New Mexico faculty, who are devoted to the interests surrounding a clean energy transition and to the people of New Mexico.<sup>11</sup> They will discuss a number of issues, including energy transition challenges and opportunities for workers and frontline communities, equitable and sustainable economic development policy, and structural barriers to this just transition while maximizing federal funding opportunities.<sup>12</sup>

[The *NRJ*] would like to thank the Utton Transboundary Resources Center, the University of New Mexico School of Law Natural Resources Environmental Law program, and the University of New Mexico Just Transition Grand Challenge for their generous organization of this event.<sup>13</sup> Thank you. And now, it is my pleasure to introduce New Mexico Speaker of the House, Javier Martínez.<sup>14</sup>

### Speaker Javier Martínez's Opening Address

In New Mexico House Speaker Javier Martínez's opening address, he emphasized the urgent need for action to transition toward a cleaner, more

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4. University of New Mexico School of Law, *NRJ Symposium on New Mexico's Just Transition*, at 42:35, YOUTUBE (November 3, 2023), <https://www.youtube.com/watch?v=qhYuJhUXeD8&t=2634s>. [hereinafter *Symposium on NM Just Transition YouTube*]

5. *Id.* at 42:44.

6. *Id.* at 43:00.

7. *Id.* at 43:08.

8. *Id.* at 43:17.

9. *Id.* at 43:20.

10. *Id.* at 43:30.

11. *Id.* at 43:40.

12. *Id.* at 43:56.

13. *Id.* at 44:15.

14. *Id.* at 44:30.

sustainable energy economy.<sup>15</sup> This urgency is especially present in New Mexico, given its economy is so dependent on oil and gas revenue.<sup>16</sup> Speaker Martínez recognized that for the energy transition to be successful, it must be equitable and just for frontline communities: the workers whose livelihoods are reliant on the energy economy, their spouses, their families, their elderly grandparents, those who care for their children, and their children, all who depend on these frontline jobs.<sup>17</sup>

New Mexico's most impacted populations, both energy workers and the communities that are most vulnerable to the effects of climate change, should always be at the forefront of the conversations ideating a just transition.<sup>18</sup> Currently, thousands of New Mexican families in the Permian Basin, the highest producing oil field in the country—located in southeastern New Mexico and Texas—and beyond depend on the oil and gas industry for family-supporting jobs with good wages.<sup>19</sup> These workers and their families need a path forward in the energy transition.<sup>20</sup> They exemplify on-the-ground communities who experience issues related to the energy transition every day, and people from these communities will be those with the best solutions.<sup>21</sup> Consistent with this spirit, the Symposium featured the voices of grassroots groups from across the state, including fossil fuel workers, people that live in low-income neighborhoods, tribal members, and communities of color.<sup>22</sup>

New Mexico has established itself as a national leader on state climate action with varying policy approaches, many of which explored in the panels that follow.<sup>23</sup> The Symposium is a place to maintain this commitment and bring insight, knowledge, and expertise together, and facilitate an effective transition that works for the community.<sup>24</sup> New Mexico is well positioned to make this transition in a just and equitable way.<sup>25</sup>

This Symposium is about learning from one another and uncovering how to best work together going forward.<sup>26</sup> The equitable energy transition is not—and should not be—a zero-sum game.<sup>27</sup> It can—and it should be—inclusive of multiple strategies and multiple viewpoints.<sup>28</sup> Collaboration is only going to make the efforts stronger.<sup>29</sup> By working together, New Mexico can facilitate a transition that protects its air, land, and water, and that empowers New Mexico and its people.<sup>30</sup>

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15. *Id.* at 46:06.

16. *Id.* at 46:17.

17. *Id.* at 46:24.

18. *Id.* at 46:53.

19. *Id.* at 49:51.

20. *Id.* at 50:02.

21. *Id.* at 47:22.

22. *Id.* at 47:04.

23. *Id.* at 47:36.

24. *Id.* at 50:10.

25. *Id.* at 50:23.

26. *Id.* at 51:23.

27. *Id.* at 51:31.

28. *Id.* at 51:36.

29. *Id.* at 51:41.

30. *Id.* at 51:46.

### Panel One: Energy Transition Challenges and Opportunities for Workers and Frontline Communities

Annalisa Miller, a third-year law student at the University of New Mexico School of Law and the Managing Editor of the *NRJ*, worked with grassroots community groups to develop the agenda for the first panel. The speakers brought in the perspective of miners, union members, immigrant oil and gas workers, educators, researchers, indigenous leaders, government officials, and community members.<sup>31</sup> New Mexico State Representative Kristina Ortez moderated the panel,<sup>32</sup> which included María Romano from Somos Un Pueblo Unido,<sup>33</sup> Ahtza Chavez from Naeva,<sup>34</sup> Barry Dixon and Joseph Lee from the International Union of Operating Engineers,<sup>35</sup> Secretary Sarita Nair from the New Mexico Department of Workforce Solutions,<sup>36</sup> Dr. Shannon Sánchez-Youngman from the Center for Social Policy at the University of New Mexico,<sup>37</sup> and Dr. Gabriel Sanchez, a member of the Native American Budget and Policy Institute at the University of New Mexico.<sup>38</sup>

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31. *Id.* at 5:45:06.

32. Kristina Ortez earned an undergraduate degree from Harvard University and a master's degree in public administration from the University of New Mexico. *Symposium on NM Just Transition Website, supra* note 2. In 2020, Ortez was elected to the New Mexico Legislature to represent the 42nd district. *Id.* Her career is focused on improving her community and protecting the environment. *Id.* She serves as the Executive Director of the Taos Land Trust and is a founding board member of the Taos Housing Partnership. *Id.* (All biographies of participants included in this and the footnotes that follow were provided by the panel participants and edited by *NRJ* editors Melanie Coffing, Annalisa Miller, Elena Papadakos, Morgan Pettit, Miguel Quintana, Justin Starr, and Logan Stokes.)

33. María Romano is a community organizer and leader in her local Somos un Pueblo Unido chapter in Hobbs, NM. *Symposium on NM Just Transition Website, supra* note 2. She advocates for safer jobs, healthier environments, and policies that include and improve frontline communities. *Id.* "Somos Un Pueblo Unido works to build a community that does not discriminate against people based on their national origin, that institutes humane migration policies, and that protects the human rights of everyone irrespective of where they are born or what documents they carry." *About, SOMOS UN PUEBLO UNIDO*, <https://www.somosunpueblounido.org/somos-un-pueblo-unido.html#about> (last visited May 9, 2024).

34. Ahtza Chavez is a member of the Diné Nation born in Kewa Pueblo and is the Executive Director of Naeva. *Symposium on NM Just Transition Website, supra* note 2. She oversees organizations focused on educating and creating an Indigenous voting bloc in New Mexico. *Id.* She strives to increase civic engagement within indigenous communities and strengthen Indigenous sovereignty over sacred lands. *Id.* Naeva's mission is "organizing and mobilizing an informed, active, and empowered Indigenous electorate to build a civic agenda that works for us." *About, NAEVA*, <https://naeva.org/about/> (last visited May 9, 2024).

35. Barry Dixon has served as the Business Manager of the International Union of Operating Engineers for Local Mine 953 for the last eight years. *Symposium on NM Just Transition Website, supra* note 2. He manages the Union's administrative affairs and employees, and he addresses all aspects of collective bargaining agreements. *Id.* As a Union member since 1973 who worked in the coal mines for thirty-three years, he applies his vast experience to advocate for policies on the Union's behalf at the local, state, and national levels. *Id.* Joseph Lee was an underground miner for twenty-three years and has been a union member for twenty-two years. *Id.* As of November 2023, he serves as a business agent for Local Unit 953 of the International Union of Operating Engineers. *Id.* "The International Union of Operating Engineers . . . is a progressive, diversified trade union that primarily represents operating engineers, who work as heavy equipment operators, mechanics, and surveyors in the construction industry, and stationary engineers, who work in operations and maintenance in building and industrial complexes, and in the service industries." *About, IUOE, INT'L UNION OF OPERATING ENGINEERS*, <https://www.iuoe.org/about-iuoe> (last visited May 9, 2024).

This panel questioned what the term just transition truly means.<sup>39</sup> More than 30 percent of the workforce left for other states when their mining jobs ceased to exist.<sup>40</sup> But New Mexico wants to keep its families at home in the state.<sup>41</sup> All the panelists agreed that the best solutions will come from the communities who are most impacted by the energy transition.<sup>42</sup> Those who will live with the impacts of the policies every single day are most effectively positioned to create solutions and to appreciate what will make an energy transition just.<sup>43</sup>

The panelists advocated for funding apprenticeships and creating better training programs that are more accessible to all community members.<sup>44</sup> They discussed investing in tribally led companies, updating infrastructure, improving access to transportation services, reliable childcare, and broadband internet.<sup>45</sup> They also discussed building the industrial base of communities and expanding these opportunities to all people.<sup>46</sup>

Secretary Sarita Nair promoted the Energy Transition Act Displaced Worker Assistance Fund, which allocates funds directly to workers in the event of a closure of a New Mexico facility producing electricity that results in the displacement of at least 40 workers.<sup>47</sup> The Department of Workforce Solutions received around \$12 million, the Economic Development Department<sup>48</sup> received

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36. Sarita Nair is the Cabinet Secretary for the New Mexico Department of Workforce Solutions. *Symposium on NM Just Transition Website, supra* note 2. She was the first woman to serve as the City of Albuquerque's Chief Administrative Officer and has also served as the Chief Government Accountability Officer and as General Counsel for the Office of the State Auditor. *Id.*

37. Dr. Sánchez-Youngman is a researcher with over twenty years of experience developing community health interventions with an aim at reducing social and health disparities among marginalized groups in the United States. *Symposium on NM Just Transition Website, supra* note 2. She is the Associate Director for Participatory Research and Evaluation at the Center for Participatory Research, and she serves as the Doctoral Fellowship Director for the Center for Social Policy at the University of New Mexico. *Id.*

38. Dr. Gabriel Sanchez is an expert on Latino politics, New Mexico politics, and utilizing research to inform public policy decisions. *Symposium on NM Just Transition Website, supra* note 2. He is a professor of Political Science, the Robert Wood Johnson Foundation Endowed Chair in Health Policy, a Senior Fellow at The Brookings Institution, and a member of the Native American Budget and Policy Institute at the University of New Mexico. *Id.*

39. *Id.* at 5:45:42.

40. *Id.* at 5:45:47.

41. *Id.* at 5:45:54.

42. *Id.* at 5:45:59.

43. *Id.* at 5:46:06.

44. *Id.* at 5:46:15.

45. *Id.* at 5:46:25.

46. *Id.* at 5:46:38.

47. *Id.* at 1:34:40. "The Energy Transition Act establishes New Mexico as a national leader in clean energy. [ . . . ] The law transitions New Mexico away from coal and toward clean energy, ensuring greater renewable energy production and reducing costs for consumers, and provides tens of millions of dollars of economic and workforce support for communities impacted by coal plant closures, as well as the development of renewable replacement power in San Juan County." *Energy Transition Act*, N.M. DEP'T WORKFORCE SOL., <https://www.dws.state.nm.us/ETA> (lasted visited May 3, 2024).

48. "The mission of the New Mexico Economic Development Department is the improve the lives of New Mexico families by increasing economic opportunities and providing a place for business to thrive." *About Us*, N.M. ECON. DEV. DEP'T, <https://edd.newmexico.gov/about-us/> (last visited May 15, 2024).

around \$6 million, and the New Mexico Indian Affairs Department<sup>49</sup> received around \$2 million.<sup>50</sup> Secretary Nair cautioned, however, that the Energy Transition Act restricts aid to the San Juan region and excludes workers if they move to other regions of New Mexico.<sup>51</sup> Furthermore, this workers displacement funding needs to be preventative, flexible, and proactive instead of providing aid after the closure of energy facilities.<sup>52</sup>

Barry Dixon and Joseph Lee reminded attendees that every city in New Mexico with a thriving economy has an industrial base and provides a variety of jobs apart from energy, such as in labor and agriculture.<sup>53</sup> A rail system would help to support the San Juan region by providing access and creating a centralized industrial base.<sup>54</sup> Furthermore, unions create necessary apprenticeship programs, but the programs must first pass through the New Mexico State Apprenticeship Council<sup>55</sup> for approval and are not considered eligible for state funding due to their union status.<sup>56</sup> Instead, union funding is used to support their paid apprenticeship programs. Making New Mexico or federal funding accessible to unions to develop paid

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49. “The New Mexico Indian Affairs Department is committed to be a resource by advocating for tribal interests at state and federal levels through policy and legislative work, supporting tribes with access to resources, technical assistance, and funding opportunities, and connecting tribes with the executive branch, other tribes, and with the tools and resources they need to be self-governing and self-sufficient.” *About Us*, N.M. DEP’T INDIAN AFF., <https://www.iad.nm.gov/about-us/> (last visited May 15, 2024).

50. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 1:34:56.

51. *Id.* at 1:36:42.

52. *Id.* at 1:37:34. After San Juan Generating Station closed in September 2022, there were about 1500 direct and indirect job losses related to the closure, with a San Juan County poverty rate of 26.7 percent and about half of employees Native American, many from the nearby Navajo Nation. Alice Fordham, *Despite Promises of Help, A Community Struggles After San Juan Generating Station Closes*, KUNM (Dec. 21, 2022, 6:50 PM), <https://www.kunm.org/local-news/2022-12-21/despite-promises-of-help-a-community-struggles-after-san-juan-generating-station-closes>. The Department of Workforce Solutions delivered over 350 direct payments to displaced workers after the workers gave their feedback of the financial stain caused by the San Juan Generating Station closure. *Over \$7 million paid out to displaced workers affected by the closure of the San Juan Generating Station*, N.M. DEP’T WORKFORCE SOL. (July 6, 2023), <https://www.dws.state.nm.us/en-us/News/Latest-News/over-7-million-paid-out-to-displaced-workers-affected-by-the-closure-of-the-san-juan-generating-station>. Governor Michelle Lujan Grisham noted that, “as we move toward a more diverse power grid in New Mexico, I promise not to leave anyone behind during the transition.” *Id.* During the 2023 legislative session, Energy Transition Act funding eligibility was expanded, which removed the requirement to include only workers who had been terminated within the past year. *Id.*

53. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 2:06:03.

54. *Id.* at 2:07:00.

55. “The New Mexico State Apprenticeship Office works in conjunction with the State Apprenticeship Council to encourage development of and assist in the establishment of voluntary apprenticeship training opportunity for eligible persons in industry. The State Apprenticeship Council is composed of public, employer, and employee groups so that there is equal representation on the council. The Director of the Labor Relations Division appoints members from each group to participate on the council. The State Apprenticeship Council is a very active group as it reviews all applications for new or revised apprenticeship programs. It recognizes the need to increase both the number of registered apprenticeship programs and the number of apprentices.” *State Apprenticeship Office*, N.M. DEP’T WORKFORCE SOL., <https://www.dws.state.nm.us/Job-Seeker/Jobs-and-Careers/Apprenticeship/State-Apprenticeship-Office> (last visited May 15, 2024).

56. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 1:58:55.



apprenticeship programs would help create jobs that are necessary for the energy transition.<sup>57</sup>

Ahtza Chavez noted a lack of tribal consultation and consent when developing energy transition policies.<sup>58</sup> Furthermore, Ahtza Chavez stressed that bringing businesses to northwest New Mexico, like Maxeon Solar<sup>59</sup> would bring jobs, tax incentives, and an economic base to their community.<sup>60</sup> Ahtza Chavez advocated for tribally led renewable energy businesses, such as Native Renewables, with paid internships that provide electricity to the Navajo Nation.<sup>61</sup> Diné College and Navajo Tech in that region provide job training, but lack the funding for classes necessary for the energy transition.<sup>62</sup> Additionally, it is difficult for workers to participate in training programs apart from paid internships, without financial, childcare, and community support.<sup>63</sup>

María Romano would like to see an expansion of worker and Permian Basin community representation from the Sustainable Economy Task Force.<sup>64</sup> Immigrant workers hold jobs in key industries, such as construction, tourism, childcare, home health care, and oil and gas.<sup>65</sup> These workers are not represented by unions and experience twelve 16-hour-long workdays, extreme temperatures, inadequate training, and dangerous working conditions.<sup>66</sup> These workers are ineligible for benefits, such as unemployment, healthcare, retirement, and other public benefits due to their immigrant status.<sup>67</sup> The energy transition will disrupt their livelihood with their limited access to alternative jobs and workforce development opportunities.<sup>68</sup> Additionally, women and youth are often excluded from the workforce. The energy transition must provide equitable opportunities for all workers and support for their families.<sup>69</sup>

Dr. Shannon Sánchez-Youngman has studied labor and working conditions in the oil and gas industry in the Permian Basin in partnership with Somos un Pueblo

57. *Id.* at 1:59:12.

58. *Id.* at 2:00:35; *see id.* at 2:02:37 (Secretary Nair noted that the Department of Workforce Solutions required tribal consultation under the Energy Transition Act).

59. Launched in 2020, Maxeon Solar Technologies is an independent company that designs, manufactures, and sells branded solar panels in over 100 countries. MAXEON SOLAR TECH., <https://maxeon.com/> (last visited May 15, 2024). With a global network of over 1,700 sales and installation partners and over 1,000 solar patents, Maxeon Solar reports a revenue of \$1.06 billion. *Id.*

60. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 2:10:13.

61. *Id.* at 2:10:29.

62. *Id.* at 2:00:49.

63. *Id.* at 2:01:56.

64. *Id.* at 2:05:08. As part of Senate Bill 112, the Sustainable Economy Task Force, through the New Mexico Economic Development Department and in conjunction with state agencies, is tasked with developing strategic plans to transition the state economy from its reliance on natural resource extraction. *About Us, Sustainable Economy Task Force and Advisory Council*, N.M. ECON. DEV. DEP'T, <https://edd.newmexico.gov/about-us/setf/> (last visited May 15, 2024).

65. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 58:38.

66. *Id.* at 1:02:59.

67. *Id.* at 1:03:13.

68. *Id.* at 1:03:22.

69. *Id.* at 1:05:04.

Unido.<sup>70</sup> Dr. Sánchez-Youngman found that “46.2 percent of respondents [had] accidents on the job.”<sup>71</sup> “Workers are reporting unsafe working conditions and injuries that lead to disability and death without a proper health and safety net.”<sup>72</sup> Furthermore, long working hours, long traveling distances, and separation from families contributed to poor mental health outcomes, family disruption, and substance abuse.<sup>73</sup> Women experience unsafe working conditions, including poor working accommodations, and sexual assault.<sup>74</sup> Limitations to childcare prevent women’s abilities to participate successfully in the workforce.<sup>75</sup> Additionally, the job market is volatile, with 69 percent of oil workers terminated or their hours reduced when the market declines, most without unemployment benefits.<sup>76</sup> The current employment instability of the Permian Basin oil and gas industry must be a consideration during the energy transition.<sup>77</sup> These workers support job retaining programs if they are at convenient times and locations, and free of cost.<sup>78</sup>

Dr. Gabriel Sanchez informed attendees that the best benefits and pay differentials per hour are workers with high school or associate degrees, which pertains to many workers in New Mexico, and New Mexicans must know what jobs are available to them during the transition.<sup>79</sup> Furthermore, the spillover industries, such as local grocery stores and restaurants that have thrived on the oil and gas community, are also concerned about their futures when the oil and gas industry declines.<sup>80</sup> Communities must collectively ensure that all industries, not just oil and gas, have access to employment opportunities.<sup>81</sup>

The panelists agreed that all community voices must have a seat at the table as New Mexico contemplates workforce development strategies.<sup>82</sup> The progress must start now due to the damage that would occur if there is another closure before action is taken.<sup>83</sup> There needs to be deep and early investments into frontline communities.<sup>84</sup> The discussion closed by emphasizing that frontline workers and communities must be at the forefront so that they can overcome these challenges and maximize their opportunities.<sup>85</sup>

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70. *Id.* at 1:13:03.

71. *Id.* at 1:16:20.

72. *Id.* at 1:16:54.

73. *Id.* at 1:17:18.

74. *Id.* at 1:17:42.

75. *Id.* at 1:17:58.

76. *Id.* at 1:18:25.

77. *Id.* at 1:18:50.

78. *Id.* at 1:19:35.

79. *Id.* at 2:08:30.

80. *Id.* at 2:09:18.

81. *Id.* at 2:09:53.

82. *Id.* at 5:46:46.

83. *Id.* at 5:46:56.

84. *Id.* at 5:47:01.

85. *Id.* at 5:47:05.

## Panel Two: Next Steps to Implement Equitable and Sustainable Economic Development Policy in New Mexico

Miguel Quintana, a third-year law student at the University of New Mexico School of Law and the Co-Editor-in-Chief of the *NRJ*, worked with experts in economics, community leaders, and professors to develop the agenda for the second panel. Michael Leon Guerrero, from the Center of Civic Policy,<sup>86</sup> moderated this second panel, and it included Representative Angelica Rubio,<sup>87</sup> James Povijua from Sustainable Economy Advisory Council,<sup>88</sup> Shani Harvie from the State of New Mexico's Economic Development Department,<sup>89</sup> Rob Black from the New Mexico Chamber of Commerce,<sup>90</sup> and Serge Martinez from the University of New Mexico School of Law's Economic Justice Clinic.<sup>91</sup>

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86. Michael Leon Guerrero is the Economic Sustainability Advisor for the Center for Civic Policy. *Symposium on NM Just Transition Website*, *supra* note 2. He specializes in community organizing and grassroots alliance campaigns to promote environmental and economic justice policies. *Id.* The Center for Civic Policy "envision[s] a thriving New Mexico where people of color, LGBTQ+, and historically and systemically excluded communities realize full, decolonized freedom through access and attainment of justice." *About*, CTR. FOR CIVIC POL'Y, <https://civicpolicy.com/about/> (last visited May 9, 2024).

87. Representative Angelica Rubio was born and raised in rural southeastern New Mexico. *Symposium on NM Just Transition Website*, *supra* note 2. Rubio earned a degree in government from New Mexico State University and later earned a graduate degree in Latin America Studies. *Id.* In 2016, Representative Rubio won a seat in the New Mexico Legislature where she focuses on energy policy through the lens of environmental and worker's justice. *Id.* Representative Rubio is also a champion for equitable outdoor recreation access, expanding outdoor opportunities for younger New Mexicans, and mobility justice. *Id.*

88. James Povijua grew up in Los Pachecos, New Mexico, and is a proud member of Ohkay Owingeh Pueblo. *Symposium on NM Just Transition Website*, *supra* note 2. He earned a Bachelor of Arts from Goddard College and worked as a journalist at The Santa Fe New Mexican, earning an Associated Press Award for investigative journalism. *Id.* James Povijua is the Chair of the Sustainable Economy Advisory Council and Regional Director of the Natural Resources Defense Council. *Id.* The Sustainable Economy Advisory Council "was established in 2021 by New Mexico House Senate Bill 112, which mandates the state's New Mexico Economic Development Department (NMEDD) to develop a strategic plan to diversify New Mexico's economy beyond dependence on fossil fuel revenues." *The Sustainable Economy Advisory Council (SEAC) Met at Mesalands Community College*, MESALANDS CMTY. COLL. (Oct. 3, 2023), <https://www.mesalands.edu/news-releases/the-sustainable-economy-advisory-council-seac-met-at-mesalands-community-college/>.

89. Shani Harvie serves as a Justice, Equity, Diversity, and Inclusion ("JEDI") Coordinator for the State of New Mexico's Economic Development Department. *Symposium on NM Just Transition Website*, *supra* note 2. A graduate of the University of New Mexico Anderson School of Management, she has used her background in engagement and organizational leadership to help communities effectively navigate government and political systems. *Id.* She is also the transitioning Chair for the Sustainable Economy Task Force, responsible for transitioning New Mexico's economy away from its reliance on natural resource extraction. *Id.* With a vision to create space where all New Mexico businesses can thrive, Shani Harvie and the JEDI Office work to directly address systemic inequities and barriers to entry in economic development for New Mexico businesses and entrepreneurs. *Id.*

90. Rob Black was born and raised in New Mexico, and he earned a Bachelor of Arts degree from the University of New Mexico and a Juris Doctorate from the University of California, Hastings College of Law. *Symposium on NM Just Transition Website*, *supra* note 2. He has over twenty-one years of experience in public policy, advocacy, and economic development. *Id.* Prior to joining the New Mexico Chamber of Commerce, Rob Black was the Senior Director for Community Relations at Pacific Gas and Electric of California, one of the largest combined gas and electric utility companies in the country. *Id.*

91. Professor Serge Martinez teaches primarily in the University of New Mexico School of Law's Economic Justice Clinic, which focuses on support for grassroots economic development initiatives,

The discussion focused on addressing economic challenges facing workers and communities in the push for a just transition.<sup>92</sup> The panel, composed of some of the people leading the charge in this area, organized around a common theme: it will take everyone working together to address these issues.<sup>93</sup>

Michael Leon Guerrero introduced policies and programs needed to diversify New Mexico's economy that were developed by legislators, tribal community organizers, industry leaders, and economic developers.<sup>94</sup> At the federal level, the Bipartisan Infrastructure Law<sup>95</sup> and the Inflation Reduction Act<sup>96</sup> have "opened new possibilities to reshore manufacturing in New Mexico."<sup>97</sup> As addressed by Speaker Martínez, New Mexico is becoming a leader in renewable energy development.<sup>98</sup> Other industries, such as the New Mexico Environment Department outdoor recreation and the Early Childhood Education Fund,<sup>99</sup> have created new jobs and resources.<sup>100</sup> Michael Leon Guerrero proposed these topic questions to the panelists:

- 1) How can we rapidly develop a New Mexico workforce to take these jobs?
- 2) How are we going to provide housing opportunities that are affordable for workers and students?
- 3) How can these new opportunities reach the workers' families and communities at the center of our economic transition in the San Juan and

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enforcing the rights of low-wage workers, and improving housing stability and conditions for low-income tenants. *Symposium on NM Just Transition Website*, *supra* note 2. His background includes work as a senior staff attorney at the Urban Justice Center's Community Development Project, where he represented tenants and tenant associations and provided transactional legal assistance to non-profits and worker-owned cooperatives. *Id.*

92. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 5:47:38.

93. *Id.* at 5:47:55.

94. *Id.* at 2:46:50.

95. Enacted in 2021, "the [Bipartisan Infrastructure Law] directed \$1.2 trillion of federal funds towards transportation, energy, and climate infrastructure projects, most of which is distributed via state and local governments." Eric Van Nostrand, *Infrastructure Investment in the United States*, U.S. DEP'T TREASURY (November 15, 2023), <https://home.treasury.gov/news/featured-stories/infrastructure-investment-in-the-united-states>.

96. Enacted in 2022, "the Inflation Reduction Act create[s] opportunities to build projects, hire workers, and manufacture equipment needed to strengthen domestic supply chains, lower household energy costs while reducing greenhouse gas emissions, and pay good wages for those efforts." *Inflation Reduction Act*, U.S. DEP'T TREASURY, <https://home.treasury.gov/policy-issues/inflation-reduction-act#:~:text=The%20Inflation%20Reduction%20Act%20enhanced,chains%20for%20materials%20and%20equipment> (last visited May 15, 2024). "The Inflation Reduction Act enhanced or created more than 20 tax incentives for clean energy and manufacturing. For many of these incentives, it created additional bonuses to enhance investments in communities and workers as well as mechanisms that will increase private sector investment and – for the first time- open access to certain clean energy tax incentives to tax-exempt entities, like state, local, and Tribal governments, rural electric cooperatives, and many more." *Id.*

97. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 2:47:04.

98. *Id.* at 2:47:12.

99. The Early Childhood Education and Care Fund "was established with \$300 million on July 1, 2020. *Early Childhood Education and Care Fund*, N.M. STATE INV. COUNCIL, <https://www.sic.state.nm.us/investments/permanent-funds/early-childhood-education-and-care-fund/> (last visited May 15, 2024). In fiscal year 2022, the fund will distribute \$20 million to the Early Childhood Education Department. Thereafter, the fund will distribute the greater of \$30 million or 5 percent of the three-year average of the Fund to the Early Childhood Education Department." *Id.*

100. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 2:47:21.

Permian Basins, and other rural communities that have historically been marginalized from good paying jobs and economic development?

- 4) How do we ensure that justice, equity, diversity, and inclusion are at the heart of our economic transition decisions, and ensure that affected workers and communities are at the table deciding the future of their lives and communities?<sup>101</sup>

Representative Angelica Rubio informed attendees that the Sustainable Economy Task Force and the Sustainable Economy Advisory Council were created from legislation in 2021 and tasked to develop solutions for building a sustainable economy in New Mexico.<sup>102</sup> She suggested that to move forward, New Mexico should create a department dedicated to economic transition that focuses on the community needs and the people that are directly impacted by the transition.<sup>103</sup> Furthermore, the Anti-Donation Clause<sup>104</sup> needs to be amended to allow marginalized communities to receive direct investments.<sup>105</sup> New Mexico should restore the economy by building a diverse multi-generational plan that creates opportunities that benefit workers, such as equitable wages, paid sick leave, housing affordability, utility affordability, food security, and early childhood education, and not solely an energy centered economic transition.<sup>106</sup> “[New Mexico has] a once-in-a-lifetime budget, and [ . . . ] as we address issues of climate, [ . . . ] we must also center people and those in our community who are really desperate right now for opportunities that are not just about being financially secure but also being safe from harm.”<sup>107</sup>

Shani Harvie would like to see more interaction and collaboration between state and federal agencies and break down the silos to find united solutions for workers during the energy transition.<sup>108</sup> The Sustainable Economy Advisory Council and Sustainable Economy Task Force have a responsibility to support jobs and industry development.<sup>109</sup> Departments, such as the New Mexico Department of Workforce Solutions, New Mexico Department of Higher Education, New Mexico Tax and Revenue Services, the State Investment Council, the New Mexico Economic Development Division, and the Indian Affairs Department, must be brought to the table together to provide a framework that is centered on frontline communities.<sup>110</sup> Furthermore, the Mortgage Finance Authority,<sup>111</sup> which provides funding support for

101. *Id.* at 2:47:47.

102. *Id.* 2:57:53.

103. *Id.* at 3:00:09.

104. “Neither the state nor any county, school district or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association or public or private corporation or in aid of any private enterprise for the construction of any railroad except as provided in Subsections A through H of this section.” *See* N.M. Const., art. IX § 14 (2022).

105. *Symposium on NM Just Transition YouTube, supra* note 4, at 3:00:55.

106. *Id.* at 3:01:17.

107. *Id.* at 3:02:20.

108. *Id.* at 3:33:47.

109. *Id.* at 3:33:21.

110. *Id.* at 3:34:04.

111. “The New Mexico Mortgage Finance Authority is a self-supporting quasi-governmental entity that provides financing to make quality affordable housing and other related services available to low-

housing, needs to be invited to the conversation with the Sustainable Economy Advisory Council.<sup>112</sup> The New Mexico Creative Industries Division<sup>113</sup> has given the state an opportunity to push into new industry areas that are outside of the energy sector.<sup>114</sup>

Rob Black described the just transition as a “just evolution of our economy” and the complex role of oil and gas and the energy transition in New Mexico over the next decade for future generations.<sup>115</sup> To decarbonize by 2030, renewable energy infrastructure must be invested in, which will require oil and gas, steel, concrete, and copper.<sup>116</sup> Additionally, long-haul trucking and air transportation are necessary in this economy and the future transition.<sup>117</sup> New Mexico must keep jobs in the state by providing affordable, accessible, and local workforce training.<sup>118</sup> To accomplish this, Rob Black recommended a New Mexico trust fund for career technical education that goes to high demand certifications through local community colleges and union training programs.<sup>119</sup> The Opportunity Scholarship<sup>120</sup> funds certifications that are two-year or four-year degrees but does not fund non-degree technical training programs and certifications.<sup>121</sup> With the New Mexico budget surplus, wraparound funds are necessary for these training programs to directly support workers through the Department of Workforce Solutions and would expand access to participate in this economy meaningfully.<sup>122</sup> Furthermore, careers outside of energy, such as healthcare, are also needed in rural communities, and can provide opportunities for further education and professional development during the transition.<sup>123</sup>

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and moderate-income New Mexicans.” *Housing New Mexico*, N.M. MORTG. FIN. AUTH., <https://housing.nm.org/> (last visited May 15, 2024).

112. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 3:23:50.

113. In 2023, the Creative Industries Division was established through House Bill 8 by the Economic Development Department. *Creative Industries Division*, N.M. ECON. DEV. DEP’T, <https://edd.newmexico.gov/business-development/creative-industries/> (last visited May 15, 2024). The role of the division is to increase and advance economic development, support entrepreneurs and small businesses, assist organizations, companies, and workers, and establish public infrastructure for creative industries such as performing, visual, and literary arts, entertainment, media, information and broadcasting, design, architecture, museums, computer and software design, coding and digital media, and artisan professions. *Id.*

114. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 3:03:30.

115. *Id.* at 3:06:02.

116. *Id.* at 3:07:28.

117. *Id.* at 3:10:04.

118. *Id.* at 3:10:22.

119. *Id.* at 3:29:05.

120. “New Mexico was the first state to offer tuition-free college through the Lottery Scholarship, but tuition has risen while lottery earnings have declined, leaving college students with a significant financial burden.” *The New Mexico Opportunity Scholarship: Expanding Access to Higher Education*, N.M. OFF. GOVERNOR MICHELLE LUJAN GRISHAM, <https://www.governor.state.nm.us/opportunity-scholarship/> (last visited May 15, 2024). While “the Lottery Scholarship only covers 60 to 75 percent of [higher education costs] for students [from New Mexico High Schools],” the Opportunity Scholarship aims to enable “tuition-free college for 55,000 students across the state.” *Id.*

121. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 3:29:39.

122. *Id.* at 3:29:52.

123. *Id.* at 3:39:16.

James Povijua reiterated that the study from the Department of Workforce Solutions by Dr. Shannon Sánchez-Youngman, in collaboration with the Power for New Mexico Coalition,<sup>124</sup> was conducted during the height of the pandemic—when the oil and gas industry declined in New Mexico—demonstrating that the workforce suffered when the economy failed.<sup>125</sup> The Sustainable Economy Task Force and the Sustainable Economy Advisory Council has centered around creating jobs and industry based on frontline voices in New Mexico and creating solutions that reflect each unique community.<sup>126</sup> New Mexico operates from a “scarcity mindset, even down to how we feel about or how we choose to attract companies to the state,” and too often has felt “held hostage” by its resources.<sup>127</sup> New Mexico agencies, however, are underfunded, the state legislature is volunteer, and programs such as the Sustainable Economy Advisory Council are volunteer and do not receive per diems.<sup>128</sup> These are all the challenges that state agencies and policymakers have to overcome to get this important work done.<sup>129</sup>

Professor Serge Martinez stressed that it is predictable that new jobs and training opportunities will attract more people, and those people will need a place to live.<sup>130</sup> Housing is less affordable in New Mexico and the market is not capable of addressing the affordable housing needs.<sup>131</sup> By identifying places where people will need to work, New Mexico has the opportunity to build affordable housing now instead of relying on the market of private development.<sup>132</sup> Through subsidization and investments, New Mexico must “treat housing as a social good, rather than [a] commodity [as it has done in the past].”<sup>133</sup> If workers are attracted to rural communities in New Mexico or other places for training due to the transition or industry demand, there will be a shortage of housing.<sup>134</sup> “The best time to build affordable housing is ten years ago, but the second-best time is now.”<sup>135</sup>

The panelists suggested that efforts for bold action are stymied by legislative constraints, and small steps must be taken to build and address the larger issues.<sup>136</sup> They proposed creating a trust fund for career and technical education, expanding the Opportunity Scholarship to include the trades, adding the Mortgage Finance Authority to the Sustainable Economy Task Force, and creating new departments that focus on economic transition.<sup>137</sup>

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124. Power 4 NM’s mission is “growing community power and amplifying community voices to inform NM’s energy transition and push the state’s decision makers to commit to bold actions on climate, we will be able shape a clean and prosperous present and future led by frontline communities.” *About, Power 4 NM’s Mission*, POWER4NM, <https://www.power4nm.com/about/> (last visited May 15, 2024).

125. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 3:12:56.

126. *Id.* at 3:12:16.

127. *Id.* at 4:00:33.

128. *Id.* at 4:01:12.

129. *Id.* at 4:01:29.

130. *Id.* at 3:17:05.

131. *Id.* at 3:17:23.

132. *Id.* at 3:18:15.

133. *Id.* at 3:19:27.

134. *Id.* at 3:19:44.

135. *Id.* at 3:21:00.

136. *Id.* at 5:48:10.

137. *Id.* at 5:48:21.

Further, they articulated that existing laws must be changed to help improve administrative barriers and provide funding to people most in need.<sup>138</sup> Some urged that the Anti-Donation Clause must be reformed.<sup>139</sup> As another related policy objective, housing should be built proactively before it becomes even more scarce.<sup>140</sup> Finally, jobs in new industries must be given to New Mexicans and not outsourced to other states.<sup>141</sup>

In the end, the panelists found commonality in the idea that policies and advocacy must be rooted in specific communities, and that all communities across New Mexico must be given a chance to benefit from a rapidly growing economy.<sup>142</sup>

### **Panel Three: Structural Barriers to a Just Transition in New Mexico and Maximizing Federal Funding Opportunities**

Logan Stokes, a third-year law student at the University of New Mexico School of Law and the Co-Editor-in-Chief of the *NRJ*, worked with executive advisors, policy developers, state representatives, and university professors to develop the agenda for the third panel. Rebecca Roose, the Infrastructure Advisor to New Mexico Governor Michelle Lujan Grisham,<sup>143</sup> moderated this third panel, which included New Mexico House Representative Nathan Small,<sup>144</sup> Jacob Vigil from New Mexico Voices for Children,<sup>145</sup> and Gabriel

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138. *Id.* at 5:48:44.

139. *Id.* at 5:48:53.

140. *Id.* at 5:48:59.

141. *Id.* at 5:49:07.

142. *Id.* at 5:49:15.

143. Rebecca Roose provides strategic leadership for federal and state infrastructure programs to support resilient communities across New Mexico. *Symposium on NM Just Transition Website, supra* note 2. In her former role as Deputy Cabinet Secretary of Administration for the New Mexico Environment Department, Rebecca oversaw New Mexico environmental and public health initiatives across all New Mexico Environment Department programs. *Id.* Prior to joining state government in 2019, Rebecca Roose led national environmental programs at the United States Environmental Protection Agency. *Id.* Rebecca Roose is a graduate of the University of New Mexico School of Law and former Lead Articles Editor of the *NRJ*. *Id.*

144. Nathan Small represents District 36 in the New Mexico House of Representatives where he serves as Chair of the House Appropriations and Finance Committee and as a member of the House Energy, Environment, and Natural Resources Committee. *Symposium on NM Just Transition Website, supra* note 2. He is a third generation New Mexican from a family of teachers and ranchers. *Id.* He works as a Field Representative with the New Mexico Wilderness Alliance where he helps to lead the effort to conserve the Organ Mountains-Desert Peaks. *Id.*

145. Jacob Vigil is the Deputy Policy Director for New Mexico Voices for Children where he has focused on anti-poverty initiatives, including economic security, safety net, and early care and education policies. *Symposium on NM Just Transition Website, supra* note 2. Before entering public policy, Jacob Vigil was a social worker and educator. *Id.* Jacob Vigil holds a Bachelor of Arts in Latin American History from Pomona College in Claremont, California, and a master's in social work from Loyola University Chicago. *Id.* New Mexico Voices for Children's mission "is to improve the status, well-being and racial/ethnic equity of New Mexico's children, families, and communities in the areas of health, education, and economic security by promoting public policies through credible research and effective advocacy." *About Us*, N.M. VOICES FOR CHILD., <https://www.nmvoices.org/about-us> (last visited May 9, 2023).



Pacyniak from the Natural Resources and Environmental Law Clinic at the University of New Mexico School of Law.<sup>146</sup>

The panelists brought in their professional and personal perspectives on challenges and next steps for a just transition.<sup>147</sup> They addressed the structural barriers of the boom-and-bust cycle inherent in New Mexico's relationship with fossil fuel revenue, while incorporating ideas from previous panels, such as affordable housing, childcare, access to skill development, and access to jobs.<sup>148</sup> Further, they recognized that New Mexico has already taken positive steps to address some of these challenges.<sup>149</sup>

Nathan Small, Chair of the House Appropriations and Finance Committee, discussed the privilege of growing up close to the land and stressed that New Mexico must figure out a way to protect that privilege going forward.<sup>150</sup> New Mexico needs to invest in those who decarbonize their transportation and leverage the Clean Cars Rule.<sup>151</sup> The Land of Enchantment Legacy Fund is moving New Mexico forward in land, water, and climate funding by setting aside recurring funds through an annual matching system in these targeted areas.<sup>152</sup> With a \$3 billion predicted surplus over the next several years, New Mexico will be able to save more in both long-term and short-term emergency plans, invest creatively, and aggressively match federal funding across all areas of the state budget.<sup>153</sup> Moreover, New Mexico must be aggressive in landing additional large-scale zero-carbon manufacturing opportunities, such as what occurred with the Maxeon Solar development.<sup>154</sup> Chair Small encouraged stakeholder participation at the House Appropriations and Finance Committee.<sup>155</sup> "We want your ideas. We're going to ask a ton of questions about

146. Professor Gabriel Pacyniak is the primary faculty supervisor of the Natural Resources and Environmental Law Clinic and teaches doctrinal courses in the Natural Resources and Environmental Law program at the University of New Mexico School of Law. *Symposium on NM Just Transition Website*, *supra* note 2. His recent work has focused on ensuring that energy is affordable to everyone in the clean energy transition and on identifying the mechanisms being used to address equity in administrative rulemakings related to climate change. *Id.* Prior to joining the University of New Mexico School of Law faculty in August 2017, Gabriel Pacyniak managed the Climate Change Mitigation program at the Georgetown Climate Center. *Id.*

147. *Symposium on NM Just Transition YouTube*, *supra* note 4 at 5:49:58.

148. *Id.* at 5:51:06.

149. *Id.* at 5:51:30.

150. *Id.* at 5:50:53.

151. *Id.* at 5:05:42. The Clean Cars Rule was adopted in 2022 and "requires automakers to provide increasing numbers of zero-emission cars and light trucks (such as vans, minivans and SUVs) for sale in New Mexico." *Transportation, Clean Cars I (2022)*, N.M. ENV'T DEP'T, <https://www.env.nm.gov/transportation/#:~:text=Last%20year%2C%20the%20Environmental%20Improvement,and%20hydrogen%20fuel%2Dcell%20vehicles> (last visited May 15, 2024).

152. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 5:25:47. The Land of Enchantment Legacy Fund "prioritizes [funding of] land and water stewardship, forest and watershed health, outdoor recreation and infrastructure, agriculture and working lands, historic preservation, and wildlife species protection." Legislative Updates, Press Release, *Governor Introduces Bipartisan "Land of Enchantment Legacy Fund" Proposal for Land and Water Conservation*, N.M. OFF. GOVERNOR MICHELLE LUJAN GRISHAM (January 26, 2023), <https://www.governor.state.nm.us/2023/01/26/governor-introduces-bipartisan-land-of-enchantment-legacy-fund-proposal-for-land-and-water-conservation/>.

153. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 5:28:05.

154. *Id.* at 5:42:47.

155. *Id.* at 5:39:20.

implementation. Because when folks have ideas about how things can be better, if we're part of that solution, and we really need your help—frankly—that's a big part of how we get there."<sup>156</sup>

Jacob Vigil discussed “how climate policies and just transition policies are also kids’ policies.”<sup>157</sup> The Early Childhood Trust Fund,<sup>158</sup> free school meals programs,<sup>159</sup> and expanding the Child Tax credit<sup>160</sup> are all examples of how New Mexico is investing in its children by leading the nation in children policy and program funding.<sup>161</sup> Jacob Vigil spoke about the fact that New Mexico has established a state department in early childhood development, which is not the norm in other states.<sup>162</sup> To be seen as a pillar of a just transition, New Mexico must support its care economy through support of its families, which include providing paid family medical leave, higher wages for childcare workers, and improved infrastructure.<sup>163</sup> It is essential to recognize “that a strong and a clean economy means strong families, and strong families mean strong kids.”<sup>164</sup>

Professor Gabriel Pacyniak addressed the panel by evaluating how New Mexico can maximize the unique opportunity to receive over \$450 billion of federal funding available to state and local governments and community organizations.<sup>165</sup> New Mexico must file a Priority Climate Action Plan by March 2024 to unlock around \$5 billion of competitive state and local government funding, which can include workforce development as one of its cores.<sup>166</sup> Several rural and

156. *Id.* at 5:39:40.

157. *Id.* at 5:50:37.

158. The Early Childhood Trust Fund “provide[s] for a transformative long-term investment strategy in the health, education and well-being of New Mexico’s youngest children . . . with a general fund appropriation of \$320 million.” Press Releases, *Governor Creates Early Childhood Trust Fund*, N.M. OFF. GOVERNOR MICHELLE LUJAN GRISHAM (February 18, 2020), <https://www.governor.state.nm.us/2020/02/18/governor-creates-early-childhood-trust-fund/>.

159. Healthy Hunger-Free Students Bill of Rights Act “ensures that all K-12 students have free-of-cost breakfasts and lunches [and began] in the 2023-2024 school year. About \$30 million will be used each year to cover the cost of the initiative.” Press Release, *Governor Sign Senate Bill 4, Making Universal Free and Healthy School Meals the Law of the Land*, N.M. OFF. GOVERNOR MICHELLE LUJAN GRISHAM (March 28, 2023), <https://www.governor.state.nm.us/2023/03/28/governor-signs-senate-bill-4-making-universal-free-and-healthy-school-meals-the-law-of-the-land/#:~:text=Senate%20Bill%204%20establishes%20the,the%20cost%20of%20the%20initiative.>

160. In 2023, Governor Michelle Lujan Grisham signed into law the New Mexico Child Tax Credit. “The credit may be claimed for each ‘qualifying child’ as defined by the federal Internal Revenue Code. The amounts vary based on family income.” *New Mexico Child Tax Credit*, N.M. TAX’N & REVENUE DEP’T, <https://www.tax.newmexico.gov/new-mexico-child-tax-credit/> (last visited May 15, 2024).

161. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 5:09:26.

162. *Id.* at 5:03:00.

163. *Id.* at 5:36:42.

164. *Id.* at 5:37:09.

165. *Id.* at 4:48:35.

166. *Id.* at 5:12:49, 5:20:14. The Priority Climate Action Plan “outlines priority actions the state needs to take to cut greenhouse gas emissions, while providing air quality, health, workforce, and economic benefits to the state’s communities.” *Climate Pollution Reduction Grant (CPRG), Climate Action Plan*, CLIMATE ACTION N.M., <https://www.climateaction.nm.gov/climate-pollution-reduction-grant/#:~:text=22%2C%202024%20%E2%80%93%206:00,benefits%20to%20the%20state's%20communities> (last visited May 15, 2024). The Climate Pollution Reduction Grants program “provides \$5 billion in grants to states, local governments, tribes, and territories to develop and implement ambitious plans for reducing

disadvantaged communities across New Mexico must be engaged quickly to develop the required Priority Climate Action Plans before the application deadline.<sup>167</sup> Moreover, bringing low-income energy efficiency services to the communities with the highest energy burden will reduce energy bills, demand for electricity, and the greenhouse gas footprint, and improve the affordable housing stock.<sup>168</sup> Some federal programs, such as the Bipartisan Infrastructure Law and the Inflation Reduction Act, are formula funding in which states and organizations need to front between 10-50 percent of the cost of the development before they are federally matched.<sup>169</sup> Many organizations and local communities cannot afford to initially invest, and, therefore, are barred from accessing these federal funds.<sup>170</sup> Another barrier is capacity building, in which communities and organizations must apply for funding through a rigorous grant-writing process, and then continue to manage and report on the grant over multiple years.<sup>171</sup> Although smaller in capacity, New Mexico State University has set up a technical assistance center to provide assistance for some grants, including some environmental justice grants.<sup>172</sup> Other states, such as Minnesota, have set up state-supported, grant-assistance programs to help offset the stress of the grant-writing and managing process.<sup>173</sup> Colorado requires about 30 percent of the state match funds to go to disadvantaged communities, similar to the Justice40 program in Albuquerque.<sup>174</sup> Professor Pacyniak stressed the idea that somehow, in a short period of time, New Mexico needs to figure out how to acquire these federal funds.<sup>175</sup>

The panelists agreed that, even with this progress, more investment was needed.<sup>176</sup> The panelists highlighted that New Mexico must develop policies for additional investment in its children, create awareness of the opportunities for local governments and community organizations, and develop the capacity necessary to

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greenhouse gas emissions and other harmful air pollution.” *Climate Pollution Reduction Grants*, U.S. ENV’T PROT. AGENCY, <https://www.epa.gov/inflation-reduction-act/climate-pollution-reduction-grants> (last updated on April 16, 2024).

167. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 5:21:46.

168. *Id.* at 5:15:45. Low-income efficiency services consider “structural improvements—including better insulation and air sealing; more-efficient appliances and heating and cooling equipment; and new thermostats with improved controls—to help reduce home energy use” and energy costs. *Low-Income Energy Efficiency Programs*, AMERICAN COUNCIL FOR ENERGY-EFFICIENT ECON., <https://www.aceee.org/topic/low-income> (last visited May 15, 2024).

169. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 5:31:15.

170. *Id.* at 5:31:58.

171. *Id.* at 5:33:05.

172. *Id.* at 5:33:35.

173. *Id.* at 5:33:49.

174. *Id.* at 5:34:13. “The Justice40 Initiative, established by the Biden-Harris Administration, aims to tackle the long-standing issue of inadequate investment in marginalized communities. The initiative endeavors to allocate resources to the communities that have been disproportionately affected by climate change, pollution, and environmental hazards. At the federal level, the Justice40 Initiative is a comprehensive governmental strategy that establishes a requirement that at least 40 percent of federal investments to reverse or prevent negative environmental and social impacts be directed towards disadvantaged communities.” *Justice40 Oversight Coordinating Committee*, CITY ALBUQUERQUE OFF. EQUITY & INCLUSION, <https://www.cabq.gov/office-of-equity-inclusion/justice40-oversight-coordinating-committee> (last visited May 15, 2024).

175. *Symposium on NM Just Transition YouTube*, *supra* note 4, at 5:38:21.

176. *Id.* at 5:51:49.

access the federal funds available within months.<sup>177</sup> State and local organizations have a limited time to apply for these kinds of grants from the federal government.<sup>178</sup> This not only includes navigating the complex application process, but also sustaining grants over time.<sup>179</sup> While state government and nonprofit entities have opportunities to acquire billions of dollars of federal funding, structural barriers must also be addressed if New Mexico is to be successful in a just energy transition.<sup>180</sup> Moreover, New Mexico must integrate workforce development, skill development, and economic policy development into its broader climate policy.<sup>181</sup> As the panel came to a close, Chair Nathan Small encouraged New Mexico to take this opportunity despite the great challenges ahead.<sup>182</sup>

### CONCLUSION

The Symposium on New Mexico's Just Transition advanced the knowledge and experience of grassroots community advocates, university professors, executive branch officials, members of the Legislature, and business representatives to facilitate an effective energy transition for New Mexico.<sup>183</sup> By empowering frontline communities, advocates, and experts, New Mexico can enable an effective, just, and equitable transition by providing essential resources to power the state while also protecting its land, climate, and people.<sup>184</sup>

The *NRJ* would like to thank the Utton Transboundary Resources Center, including Adrian Oglesby, Claire Conrad, and Sairis Perez-Gomez, the University of New Mexico School of Law Natural Resources Environmental Law program, including Reed Benson and Gabriel Pacyniak, the University of New Mexico Just Transition Grand Challenge, and Dean of the University of New Mexico School of Law Camille Carey for their generous and dedicated support of this event.<sup>185</sup>

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177. *Id.* at 5:51:55.

178. *Id.* at 5:52:15.

179. *Id.* at 5:52:22.

180. *Id.* at 5:52:52.

181. *Id.* at 5:52:36.

182. *Id.* at 5:53:04.

183. *Id.* at 43:39.

184. *Id.* at 51:24.

185. *Id.* at 44:14.