

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS  
2025 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO  
[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)  
(Analysis must be uploaded as a PDF)**

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:

Original  Amendment \_\_\_\_\_  
Correction \_\_\_\_\_ Substitute \_\_\_\_\_

Date \_\_\_\_\_

Bill Number: HOUSE BILL 88

Sponsor: Hochman-Vigil  
Short ELECTRIC VEHICLE  
Title: CHARGING STATION

Agency Name  
and Code DFA-341  
Number: \_\_\_\_\_

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>		\$109.128			R	GF

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

HB 88 aims to establish standards for permitting electric vehicle (EV) charging stations in New Mexico. Key Provisions include the following:

**Section 2: Definitions**

- Defines "electric vehicle" as a motor vehicle powered by electricity stored in a rechargeable battery.
- Defines "electric vehicle charging station" as a facility that transfers electricity to an electric vehicle from an external source.
- Defines "electric vehicle supply equipment" as the components and equipment used to transfer electricity to an electric vehicle.

**Section 3: Permitted Use Designation**

- Installation of electric vehicle charging stations is considered a permitted use and accessory use in county and municipal zoning districts, not requiring a use variance.

**Section 4: Expedited Permitting Process**

- County and municipal zoning authorities must develop an expedited process for reviewing and approving permits for electric vehicle charging stations.
- Permit applications are subject to administrative review only, without a public hearing, focusing on compliance with applicable codes.
- Zoning authorities cannot impose restrictions beyond ensuring code compliance.

**Section 5: Parking Space Designation**

- A parking space used as an electric vehicle charging station counts as at least one standard parking space for minimum parking requirements.
- A parking space meeting disability accessibility standard counts as two standard parking spaces.

**Section 6: Permit Application Criteria**

- Zoning authorities must provide a checklist of requirements for a complete permit application.
- Applicants must be informed in writing within fifteen days if their application is incomplete, with a clear explanation of missing documentation or corrections.

- If no explanation is received within fifteen days, the application is deemed complete on the sixteenth day.

### **Section 7: Effective Date**

- The act's provisions take effect on July 1, 2025.

### **FISCAL IMPLICATIONS**

- HB 88 contains no direct appropriations. HB 88 may trigger minimal administrative costs for zoning authorities in implementation.
- HB 88 may result in more local projects that are eligible for clean energy rebates from the U.S. Department of Treasury. Direct Pay, also called Elective Pay, established under the Inflation Reduction Act (IRA), enables non-taxpaying entities, such as state and local governments, tribal governments, nonprofits, and other eligible organizations, to access federal clean energy incentives for electric vehicle (EV) charging infrastructure, so long as the local entity owns the asset and files properly and timely for the rebate
- Most of these administrative costs can be offset by tax incentives created by the Federal Government for Elective Vehicle Charging Stations.
- Through implementation of HB 88, local entities could consider Direct Pay provisions early in project siting and design so as to maximize the amount of the rebate, such as compliance with prevailing wage and apprenticeship standards that may generate a rebate for up to 30% of project costs.

### **SIGNIFICANT ISSUES**

N/A.

### **PERFORMANCE IMPLICATIONS**

N/A.

### **ADMINISTRATIVE IMPLICATIONS**

- DFA recommends that the administrative review processes implemented incident to HB 88's passage should include information about the eligibility and applicability of Direct Pay (Elective Pay) incentives to non-taxpaying entities permitting, installing and owning electric vehicle charging stations.
- To maximize Direct Pay benefits associated with EV charging infrastructure and other Direct Pay-eligible projects by local governments and eligible entities, the State may want to create an administrative program to aggregate projects and applications to the federal government for IRA Direct Pay rebates.
  - DFA anticipates adding an FTE within its Infrastructure Planning and Development Division to process any state or local Direct Pay filings, such as those for EV charging infrastructure projects. DFA anticipates this work will require 1,912 work hours per year totaling an approximate cost of \$109,128.19 (see cost estimate breakdown below).

FTE Cost Detail	
Salary (70)	76,960.00
Benefits	27,538.00
ISD Rate	864.18
HCM Assessment Fee	350.00
Telecom Rate	616.01
On-Boarding Equipment	2,800.00
Total FTE Cost	109,128.19

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A.

**TECHNICAL ISSUES**

N/A.

**OTHER SUBSTANTIVE ISSUES**

N/A.

**ALTERNATIVES**

N/A.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If this bill is not enacted in some form, the State will not have uniform standards for EV Charging Infrastructure, potentially prohibiting aggregation and project collaboration between municipalities, counties, other governmental entities, and the State.

**AMENDMENTS**

N/A.