

1 SENATE BILL 48

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Mimi Stewart

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10 AN ACT

11 RELATING TO PUBLIC FINANCE; CREATING THE COMMUNITY BENEFIT
12 FUND; MAKING A TRANSFER FROM THE GENERAL FUND TO THE COMMUNITY
13 BENEFIT FUND.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. [NEW MATERIAL] COMMUNITY BENEFIT FUND--
17 PROJECTS TO BE FUNDED.--

18 A. The "community benefit fund" is created as a
19 nonreverting fund in the state treasury. The fund consists of
20 distributions, appropriations, gifts, grants, donations and
21 bequests made to the fund and income from investment of the
22 fund. The department of finance and administration shall
23 administer the fund, and money in the fund is subject to
24 appropriation by the legislature to fund projects that will:

25 (1) reduce a greenhouse gas; provided that for

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1 projects related to:

2 (a) the construction or the renovation
3 of a public building, the reduction shall be accomplished by
4 practices that exceed all requirements of the most current
5 international energy conservation code; and

6 (b) reducing methane leaks and releases
7 attributable to the extractive industries, projects shall
8 implement greenhouse gas emission reduction strategies to
9 achieve emission reductions that are in addition to those that
10 would be achieved pursuant to any existing greenhouse
11 regulatory requirements in state or federal law;

12 (2) increase electric grid capacity,
13 resilience or reliability through grid modernization;

14 (3) increase electricity from renewable energy
15 resources and the efficiency of electricity from energy
16 efficiency projects;

17 (4) reduce the use of combustion engine
18 vehicles through transportation projects, including projects
19 that increase electric vehicle infrastructure or bicycle and
20 pedestrian infrastructure;

21 (5) assess or reduce the effects of climate
22 change on the natural environment, agricultural production,
23 land and natural resources and human health;

24 (6) assist public entities in the purchase of
25 electric vehicles and related charging infrastructure to reduce

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1 the use of combustion engine vehicles;

2 (7) establish or expand economic development
3 needed to address the economic implications of climate change,
4 develop economic opportunities to optimize resources to lower
5 consumption, promote the reuse and recycling of materials in a
6 sustainable manner and transition New Mexico away from
7 dependence on the fossil fuel industry as a revenue resource;
8 or

9 (8) establish or expand worker training
10 activities to provide workers for industries that assist in
11 achieving the objectives identified in Paragraphs (1) through
12 (7) of this subsection.

13 B. A project that proposes to meet the requirements
14 of:

15 (1) Paragraphs (1) through (5) of Subsection A
16 of this section shall include:

17 (a) documentation that two meetings
18 regarding the project were held within the community affected
19 by the proposed project to accept comments and address concerns
20 and that shows that notice of the meetings was provided to
21 overburdened communities that may be impacted by the project;
22 or

23 (b) a community benefits agreement
24 negotiated with overburdened communities that may be impacted
25 by the project; and

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1 (2) Paragraphs (7) and (8) of Subsection A of
2 this section shall include a plan for outreach to overburdened
3 communities to encourage those communities to participate in
4 the worker training programs or in the economic development
5 opportunities.

6 C. The department of finance and administration
7 shall, in consultation with energy, minerals and natural
8 resources department, develop or identify an existing data tool
9 used by the federal government that uses spatial datasets to
10 identify overburdened communities, which are communities
11 experiencing disproportionate burdens in climate change,
12 energy, health, housing, legacy pollution, transportation,
13 water and wastewater and workforce development.

14 D. On or before December 1 of each year that a
15 project receives funding from the community benefit fund, the
16 administrating agency shall submit a report to the appropriate
17 interim legislative committees with the progress or, if
18 appropriate, final results of the project and any other
19 information the committee requires to evaluate the project.

20 E. As used in this section:

21 (1) "climate change" means any significant
22 change in the measures of climate lasting for an extended
23 period of time, typically decades or longer, and includes major
24 changes in temperature, precipitation, wind patterns or other
25 weather-related effects;

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1 (2) "energy efficiency" means measures,
2 including energy conservation measures, or programs that target
3 consumer behavior, equipment or devices to result in a decrease
4 in consumption of electricity without reducing the amount or
5 quality of energy services;

6 (3) "greenhouse gas" means a gas or gaseous
7 compound that contributes to the process through which heat is
8 trapped near earth's surface by absorbing infrared radiation,
9 including carbon dioxide, methane, nitrous oxide,
10 hydrofluorocarbons, perfluorocarbons, nitrogen trifluoride and
11 sulfur hexafluoride;

12 (4) "grid modernization" means improvements to
13 electric distribution or transmission infrastructure, including
14 related data analytics equipment, that are designed to
15 accommodate or facilitate the integration of renewable electric
16 generation resources with the electric distribution grid or to
17 otherwise enhance electric distribution or transmission grid
18 reliability, grid security, demand response capability,
19 customer service or energy efficiency or conservation; and

20 (5) "renewable energy resource" means electric
21 or useful thermal energy that:

22 (a) is generated by use of the following
23 energy resources, with or without energy storage and delivered
24 to a rural electric cooperative or public utility: 1) solar,
25 wind and geothermal; 2) hydropower facilities brought in

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1 service on or after July 1, 2007; 3) other hydropower
2 facilities supplying no greater than the amount of energy from
3 hydropower facilities that were part of an energy supply
4 portfolio prior to July 1, 2007; 4) fuel cells that do not use
5 fossil fuels to create electricity; 5) biomass resources,
6 limited to agriculture or animal waste, small diameter timber
7 not to exceed eight inches, salt cedar and other phreatophyte
8 or woody vegetation removed from river basins or watersheds in
9 New Mexico; provided that these resources are from facilities
10 certified by the energy, minerals and natural resources
11 department to: a) be of appropriate scale to have sustainable
12 feedstock in the near vicinity; b) have zero life cycle carbon
13 emissions; and c) meet scientifically determined restoration,
14 sustainability and soil nutrient principles; and 6) landfill
15 gas and anaerobically digested waste biomass; and

16 (b) does not include electric energy
17 generated by use of fossil fuel or nuclear energy.

18 SECTION 2. TRANSFER.--Three hundred forty million dollars
19 (\$340,000,000) is transferred from the general fund to the
20 community benefit fund.