

SENATE BILL 48

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

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

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

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

A. The "community benefit fund" is created as a

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nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and bequests made to the fund and income from investment of the fund. The department of finance and administration shall administer the fund, and money in the fund is subject to appropriation by the legislature to fund projects that will:

(1) reduce a greenhouse gas; provided that for projects related to:

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

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

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

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

(4) reduce the use of combustion engine vehicles through transportation projects, including projects

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that increase electric vehicle infrastructure or bicycle and pedestrian infrastructure;

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

(6) assist public entities in the purchase of electric vehicles and related charging infrastructure to reduce the use of combustion engine vehicles;

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

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

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

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

(a) documentation that two meetings regarding the project were held within the community affected

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by the proposed project to accept comments and address concerns and that shows that notice of the meetings was provided to overburdened communities that may be impacted by the project; or

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

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

C. The department of finance and administration shall, in consultation with energy, minerals and natural resources department, develop or identify ~~SCONC~~→~~an~~ ~~existing~~←~~SCONC~~ ~~SCONC~~→~~a~~←~~SCONC~~ data tool ~~SCONC~~→~~used by the federal government~~←~~SCONC~~ that uses spatial datasets to identify overburdened communities, which are communities experiencing disproportionate burdens in climate change, energy, health, housing, legacy pollution, transportation, water and wastewater and workforce development. ~~SCONC~~→~~The departments shall ensure that data from tribal and indigenous communities are included in the data used by the data tool.~~←~~SCONC~~

D. On or before December 1 of each year that a project receives funding from the community benefit fund, the

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administrating agency shall submit a report to the appropriate interim legislative committees with the progress or, if appropriate, final results of the project and any other information the committee requires to evaluate the project.

E. As used in this section:

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

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

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

(4) "grid modernization" means improvements to electric distribution or transmission infrastructure, including related data analytics equipment, that are designed to accommodate or facilitate the integration of renewable electric

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generation resources with the electric distribution grid or to otherwise enhance electric distribution or transmission grid reliability, grid security, demand response capability, customer service or energy efficiency or conservation; and

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

(a) is generated by use of the following energy resources, with or without energy storage and delivered to a rural electric cooperative or public utility: 1) solar, wind and geothermal; 2) hydropower facilities brought in service on or after July 1, 2007; 3) other hydropower facilities supplying no greater than the amount of energy from hydropower facilities that were part of an energy supply portfolio prior to July 1, 2007; 4) fuel cells that do not use fossil fuels to create electricity; 5) biomass resources, limited to agriculture or animal waste, small diameter timber not to exceed eight inches, salt cedar and other phreatophyte or woody vegetation removed from river basins or watersheds in New Mexico; provided that these resources are from facilities certified by the energy, minerals and natural resources department to: a) be of appropriate scale to have sustainable feedstock in the near vicinity; b) have zero life cycle carbon emissions; and c) meet scientifically determined restoration, sustainability and soil nutrient principles; and 6) landfill gas and anaerobically digested waste biomass; and

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

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

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