

1 HOUSE BILL 524

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

3 INTRODUCED BY

4 Meredith A. Dixon

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10 AN ACT

11 RELATING TO ADVANCE PURCHASE COMMITMENTS; CREATING A PROGRAM
12 FOR THE AWARDING OF ADVANCE PURCHASE COMMITMENTS FOR THE
13 PURCHASE, THREE OR MORE YEARS IN THE FUTURE, OF LOW-EMISSIONS
14 CEMENT, CONCRETE, ASPHALT BINDER OR ASPHALT MIXTURES.

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

17 SECTION 1. [NEW MATERIAL] ADVANCE PURCHASE COMMITMENT--
18 AUTHORITY--REQUIREMENTS--PRIORITIES--ASSIGNMENT.--

19 A. By January 1, 2026, the department shall
20 establish a program within the department for the awarding of
21 advance purchase commitments with the objective of encouraging
22 innovation and emissions reductions and establishing market
23 demand for low-emissions cement, concrete, asphalt binder or
24 asphalt mixtures. An advance purchase commitment may be
25 awarded under the program only if:

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underscored material = new
[bracketed material] = delete

1 (1) a private entity submits to the department
2 a statement describing the quantity and cost of the low-
3 emissions cement, concrete, asphalt binder or asphalt mixture
4 for which the advance purchase commitment is sought and:

5 (a) an environmental product
6 declaration;

7 (b) if a private entity does not have
8 sufficient production to generate an environmental product
9 declaration, a life cycle assessment of the entity's applicable
10 product that is consistent with the standards of the
11 international organization for standardization or, if that
12 organization no longer exists, a national or international
13 standard development organization selected by the department;
14 or

15 (c) a preliminary environmental product
16 declaration that the department shall verify within one year of
17 fulfillment of delivery of materials pursuant to the advance
18 purchase commitment; and

19 (2) for each submission, the department
20 confirms that:

21 (a) the embodied greenhouse gas
22 emissions of the applicable low-emissions cement, concrete,
23 asphalt binder or asphalt mixture meets or exceeds the
24 threshold established by the United States secretary of energy
25 under Section 458(i)(2) of the federal Energy Independence and

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1 Security Act of 2007; and

2 (b) the applicable low-emissions cement,
3 concrete, asphalt binder or asphalt mixture meets all technical
4 specifications and requirements established by the department.

5 B. In awarding advance purchase commitments
6 pursuant to this section, the department shall prioritize
7 awards based on the following factors:

8 (1) the degree of greenhouse gas emissions
9 reduced during or in connection with the production of the
10 applicable low-emissions cement, concrete, asphalt binder or
11 asphalt mixture;

12 (2) the anticipated suitability of the low-
13 emissions cement, concrete, asphalt binder or asphalt mixture
14 for its intended use;

15 (3) the potential of the advance purchase
16 commitment to increase the availability of, or financing for,
17 low-emissions cement, concrete, asphalt binder or asphalt
18 mixtures in New Mexico; and

19 (4) the utilization or mineralization of
20 carbon dioxide in the low-emissions cement, concrete, asphalt
21 binder or asphalt mixture, but only if it does not lead to
22 positive net carbon dioxide emissions.

23 C. A contract entered into or material purchased
24 pursuant to this section may be assigned to a local
25 transportation authority at the discretion of the secretary of

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1 transportation.

2 D. As used in this section:

3 (1) "advance purchase commitment" means a
4 binding commitment from the department to purchase, three or
5 more years in the future, from a private entity, a specified
6 minimum quantity of conforming low-emissions cement, concrete,
7 asphalt binder or asphalt mixtures at a specified minimum
8 price; and

9 (2) "department" means the department of
10 transportation.

11 SECTION 2. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2025.