

LFC Requester:**Helen Gaussoin**

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

SECTION I: GENERAL INFORMATION*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

<i>Check all that apply:</i>				Date Prepared:	1/17/2024
Original	x	Amendment		Bill No:	HB 76
Correction		Substitute			

Sponsor:	Reps. Townsend, Scott, Montoya and Pettigrew	Agency Name and Code Number:	305 – New Mexico Department of Justice
Short Title:	RESTRICT ZERO-EMISSION VEHICLE RULE	Person Writing Analysis:	AAG Gideon Elliot
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SECTION II: FISCAL IMPACT**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

HB 76 seeks to add a new section to New Mexico Air Quality Control Act, NMSA 1978, §§ 74-2-1 to -17 (1967, as amended through 2021) to prevent the Environmental Improvement Board (“EIB”) from adopting, or “continue in effect a rule” that requires automobile manufactures to deliver a “percentage of zero-emission vehicles for a model year to control vehicle emissions or for any other lawful purpose.”

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

HB 76 would effectively require the Environmental Improvement Board to repeal the New Motor Vehicle Emission Standards rule, 20.2.91.1 NMAC, that became effective on 12/31/2023, and which requires automakers to deliver an increasing percentage of zero emission vehicles and light duty trucks beginning in 2026 and culminating in 2032 with zero emission vehicles comprising 82% of all new vehicles delivered in the state. Accordingly, enactment of the bill would likely result in fewer zero emission vehicles being sold in the state, and less abatement of C02 emissions in the state overall.

HB76 conflicts with NMSA 1978, § 74-2-5 which makes it mandatory for the EIB to prevent or abate air pollution.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Conflict: HB41 Clean Transportation Fuel Standards

TECHNICAL ISSUES

None noted.

OTHER SUBSTANTIVE ISSUES

None noted.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS