

**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}**Check all that apply:*

**Original**      X      **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_    **Substitute**    \_\_\_\_\_

**Date Prepared:** January 19, 2024**Bill No:** SM2**Sponsor:** Steven P. Neville and Greg Nibert**Agency Name and Code Number:** 305 – New Mexico Department of Justice**Short Title:** Repeal Electric Vehicle Mandate**Person Writing Analysis:** Victor A. Hall, AAG**Phone:** 505-537-7676**Email:** legisfir@nmag.gov**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)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(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: SM2 is a request to the Environmental Improvement Board (“EIB”) to repeal the recently enacted electric vehicle mandate. Additionally, SM2 requests that the EIB take no further actions concerning electric vehicles without first conducting analysis of the feasibility of electric vehicle use, including the “potential damage to business and the economy.” SM2 cites the basis for this under general statements regarding recent success regarding reductions in carbon dioxide emissions and citing concerns about inadequate infrastructure to achieve this rule.

**FISCAL IMPLICATIONS**

None.

**SIGNIFICANT ISSUES**

SM2 contains no citations or reference to each claim made as the basis for the memorial. Additionally, this memorial acknowledges that climate change “is a credible concern and New Mexico should be part of the solution,” but indicates, without citation, that the US and western Europe have made significant reductions in carbon dioxide emissions. Aside from no citations noted to the claims made in this memorial, SM2 appears to imply that the only benefit from mandating electric vehicles is the reduction of carbon dioxide. However, the “electric vehicle mandate”, technically named Advanced Clean Cars II, and similar rules seek not only the reduction of carbon dioxide, but also the reduction of nitrogen oxide emissions and ozone. Thus, SM2’s basis that NM’s emission of carbon dioxide is de minimus does not take into account the other health effects of vehicle emissions.

SM2 conflicts with NMSA 1978, § 74-2-5 which makes it mandatory for the EIB to prevent or abate air pollution.

**PERFORMANCE IMPLICATIONS**

None

**ADMINISTRATIVE IMPLICATIONS**

None

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SM 2 is effectively HB 76 in memorial form. HB 76 would enact a new section of the Air Quality Control Act that would prohibit the EIB from “adopting or continue in effect a rule” that requires manufacturers to produce or deliver a certain percentage of zero-emission vehicles for a model year “to control motor vehicle emissions or for any other lawful purpose.”

Conflict: HB41 Clean Transportation Fuel Standards

## **TECHNICAL ISSUES**

None

## **OTHER SUBSTANTIVE ISSUES**

None.

## **ALTERNATIVES**

None.

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

Status quo.

## **AMENDMENTS**

N/A.