



Conservation Voters New Mexico Legislative Outcomes, 2022 Legislative Session

This memo is divided into six sections:

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****Starred bills are high-priority. Votes on these measures may be weighted on CVNM's Scorecard.**

1. Budget Outcomes:

The session saw an executive proposal for the operating budgets for NMED and EMNRD that would have allowed both agencies to meaningfully invest in the planning, rulemaking, and enforcement measures necessary to begin tackling the state's climate emissions. Ultimately the legislature settled on a budget that didn't address the challenge. For example, NMED submitted a request for 14 new employees to form a climate bureau. HB 2 ultimately included \$650,000 for a climate bureau, sufficient for 3 to 4 staff.

With significant surpluses in the form of both state and federal dollars, New Mexico had the opportunity to make a real investment in setting the state up. The budget process didn't take advantage of that opportunity.

Despite the misses for climate action, significant progress was made in the conservation space between the allocation of ARPA funds in the December 2021 special session and the

2022 short session budget. Money set aside for State Parks, outdoor recreation, and some public land acquisitions indicates that the legislature and Governor committed to resourcing the state's 30x30 plan and executive message moving forward.

Land of Enchantment GO Bond

The Land of Enchantment General Obligation (GO) Bond, would provide \$50 million for investments that protect and preserve our lands, waters, and wildlife, while also providing funding for outdoor recreation and equitable access to the outdoors. This influx of funds would have a transformational impact on conservation and restoration of public and private lands in New Mexico by giving agencies the sustainable funding they need for existing programs and to plan long-term impactful projects. Unfortunately, there was not enough time or support within the legislature to pass this GO Bond this year. We look forward to building on the conversations started in this session around dedicated funding streams for conservation, and bold policy steps to address the climate crisis.

2. Pro-Conservation legislation that passed:

****HB 37: Community Energy Efficiency Development Block Grant (Ortez, Sariñana, Roybal Caballero, Lujan; Stewart)**

New Mexicans living in rural, low-income communities spend up to 15% of their total monthly income on utility bills. By improving energy efficiency in their homes, this expense will be reduced and the quality of their homes improved. HB 37 creates a new state grant program to support improving energy efficiency of low-income households. This bill also complements New Mexico's climate goals by achieving 100% energy affordability for all New Mexico residents while helping to reduce greenhouse gas emissions by 2050.

Passed through the House (44-24) and the Senate (26-14), and has been signed by the Governor.

****PRIORITY BILL**

****HB 164: Uranium Mine Cleanup (Sariñana, Allison, Johnson; Steinborn)**

The New Mexico Mining and Minerals Division has identified 259 mining sites in New Mexico that produced uranium, 137 of which have no record of any reclamation. Without reclamation, former uranium mine and mill sites continue to expose rural and Indigenous communities to toxic and radioactive pollution, which has spiked cancer rates and health issues in former mining communities. HB 164 would start to address this devastating problem by creating a strategic plan to address legacy uranium waste sites, and establishing an evolving fund to resource the critical work that community advocates have urged action on for decades. ***Passed through the House (64-0) and the Senate (26-0), and has been signed by the Governor.***

****PRIORITY BILL**

3. Pro-Conservation Legislation that didn't pass:

****HB 6: Clean Future Act (Small, Egolf, Ortez; Stewart, Hemphill)**

HB 6 would have positioned New Mexico to be a national leader on the climate crisis by establishing economy-wide climate pollution reduction targets that would reduce direct emissions to 50% of 2005 levels by 2030 and remaining regulated emissions to zero by 2050, meeting goals established by the international scientific community and protecting families from toxic air pollution like diesel exhaust. HB 6 also called for direct coordination with communities most impacted by climate pollution, like low-income, rural, and/or communities of color. CVNM also urged that HB 6 be strengthened to ensure that a just economic transition is fully realized, and pollution is addressed in frontline communities. ***Moved out of HENRC without recommendation, received a do pass recommendation on a committee substitute in HGEIC, but died waiting to be heard on the house floor.***

****PRIORITY BILL**

HB 11: Energy Storage System Tax Credit (Sariñana, Dixon; Stewart, Stefanics)

HB 11 would have added a new section to the Income Tax Act to create the energy storage system income tax credit; limited to one per eligible taxpayer and covering 40% of the cost of purchase and installation (with a maximum of \$5,000); authorizes a \$1 million maximum in aggregate credits per calendar year; tasks EMNRD with certification and reporting related to the new credit. Tax incentives are an excellent way to encourage consumers to install these energy storage systems that might otherwise be a financial burden. With this bill, more New Mexicans would have been able to play an active role in improving the reliability and resilience of our energy grid, diversifying our energy portfolio, and reducing negative environmental impacts. Energy storage systems can help integrate solar, wind, and geothermal energy into our grid which will result in reduced climate pollution. ***Received a do pass recommendation out of HENRC, but died waiting to be scheduled in HTRC.***

HB 14: Bonds & Gross Receipts Tax Deduction for Electric Storage (Chandler, Sariñana, Small, Lujan)

HB 14 would have amended the industrial revenue bond (IRB) act and county IRB act to include energy storage facilities and amended NM tax statutes to include energy storage equipment sales to governments as tax deductions when used for renewable energy, specifically wind and solar. This would have incentivized expanded renewable energy adoption through new tax benefits. New Mexico has a remarkable number of alternative energy sources that will allow us to transition away from fossil fuels. The wind and solar energy industries are taking off, but the more energy options New Mexicans have, the more we can diversify our energy portfolio. This bill would have ensured that New Mexico has reliable, resilient energy sources as we continue to transition to a sustainable energy future. ***Died, never got scheduled in the first committee.***

HB 34: Solar Market Development Tax Credit Extension (Ferrary, Lujan; Soules)

HB 34 would have extended the tax credit for residential and commercial construction of solar systems by 4 years to 2032 and doubled the annual aggregate cap from \$8M to \$16M. New Mexico is blessed with year round sunshine and wind that can be harnessed for energy, allowing our state to diversify our energy production. Expanding this tax incentive

would have encouraged New Mexico residents and business owners to invest in solar energy systems in their communities. ***Received a do pass recommendation out of HENRC, but died waiting to be scheduled in HTRC.***

HB 35/SB 68: Geothermal Heat Pump Tax Credits (Soules; Ferrary, Lujan)

SB 68 would have reinstated and extended the geothermal tax credit to 2032, which ended in 2020. Geothermal heat pumps are reliable, highly efficient tools to heat and cool your home. By placing these pumps underground, the naturally occurring heat below the surface is used to assist with temperature regulation and efficiency. This is an alternative to using fossil fuels to heat and cool our homes, however, the cost of installing these systems can create a significant financial burden. Providing tax incentives to install geothermal pumps would have encouraged New Mexico residents and business owners to more efficiently meet their heating and cooling needs, thus reducing their impact on the climate. ***HB 35 received a do pass recommendation out of HENRC, but died waiting to be heard in HTRC. SB 68 died, never got scheduled in the first committee.***

HB 41: Water Trust Fund (Herrera)

New Mexico is one of the states in the Southwest that has, and will continue to have, water scarcity issues. By providing the Water Trust Fund with an annual appropriation, we could have begun to address the serious backlog of work that currently exists within the fund. ***Received a do pass recommendation in HAAWC, died waiting to be scheduled in HAFC.***

HB 83: Qualifications for Head of the OSE (Romero)

HB 83 would have expanded eligibility for the state engineer to include credentialed geo-hydrologists, hydrologists, geologists or attorneys. By doing so, this position could have been filled by a professional who would have supported water projects that are vital to our drought-stricken state. ***Died awaiting a committee substitute for HAAWC.***

HB 101/SB 11: NM Reforestation Center Act (Sariñana, Matthews, Ortez, McQueen, Anderson; Woods)

On average, there are over 1,000 wildland fires per year in New Mexico. Developing and planting seedlings, not only to replace those that have been burned or died as a result of the changing climate, but that will withstand continued wildfires and drought conditions, is imperative. Maintaining our forested areas will help the biodiversity, wildlife, economic benefits, and watershed health of the state of New Mexico. HB 101 would have established a seed resiliency program between EMNRD, NM Highlands University, UNM and NMSU. Those schools would have worked with the US Forest Service to grow seeds that are more resilient; found areas that would be more ideally suited for tree survival; created seed banks for future generations; set up nurseries at the university campuses. These projects are projected to support 475 full-time jobs/year for the people of New Mexico, and bring in over \$6 million/year from seedling sales alone. ***HB 101 received do pass recommendations out of the house committees, but died waiting to be heard on the house floor. SB 11 died waiting to be scheduled in its first committee.***

HB 121/SB 46: Acequia and Community Ditch Fund Act Funding (Herrera, Castellano, Ortez, Romero, Lente; Gonzales)

There is currently a \$400,000 unmet need for legal and technical assistance to acequias. By providing an annual recurring appropriation to the Acequia and Community Ditch Fund, it would have allowed equitable and equal access to the resources needed to navigate complex water rights issues, necessary water management, and water conservation. ***HB 121 was moving; received a do pass recommendation out of HAAWC, died waiting to be scheduled in HAFC. SB 46 received a do pass recommendation out of SCONC, died waiting to be scheduled in SFC.***

HB 125: Sustainable Building Tax Credit Dates (Ortez, Lujan)

HB125 would have accelerated the rollout of the tax credit expansion set forth in HB15 in the 2021 Legislative Session which benchmarked April 1, 2023 as the start date for this tax credit availability. In HB 125, a taxpayer who builds or restores a building that is deemed “sustainable” would have been eligible for this tax credit starting January 1, 2022. In order for New Mexico to achieve our climate goals, we must take every measure possible to reduce our greenhouse gas (GHG) emissions, including upgrading our buildings to be more energy efficient. “Sustainable buildings” are defined as buildings that feature broadband availability, water conservation standards, higher energy efficiency through use of electricity, rather than natural gas, and electric vehicle charging stations. ***Received a do pass recommendation out of HENRC, died waiting to be scheduled in HTRC.***

HB 127/SB 54: Storage of Certain Radioactive Waste (McQueen, Lujan; Steinborn)

Proper storage and disposal of radioactive and hazardous waste is critical in avoiding radiation exposure and pollution to New Mexico and our residents. Because of our national labs being highly involved with nuclear weapon research, New Mexico must be particularly cautious with how we handle the byproducts of those projects. SB 54 would have ensured that we have a task force equipped with experts to protect vulnerable populations from radioactive exposure, as well as statutes that prevent irresponsible handling of radioactive and hazardous materials. HB 127 would have provided important safeguards for not only our environment, but at-risk New Mexicans, as well. ***HB 127 received do pass motions in house committees, but was tabled on the house floor. SB 54 moved out of its first committee without recommendation, died waiting to be scheduled in SJC.***

HB 131: Water Data Act Implementation (Romero, Lujan)

HB 131 would have appropriated \$18.3M in FY23-27 general fund dollars to various state agencies and departments for implementation of the Water Data Act (HB 651, 2019). The purpose of the Water Data Act is to develop a modern, integrated approach to collecting, sharing and using data and information by state agencies for water management, and to integrate federal, tribal, state, local, and nongovernmental data. The act would have also established a fund to accept both state and outside monies to support improvements to water data statewide. ***Received a do pass recommendation out of HAAWC, died waiting to be scheduled in HAFC.***

HJR 2/SJR 2: Environmental Rights, CA (Ferrary, Lujan, Chasey; Sedillo Lopez, Steinborn, Soules, Pope)

HJR 2 would have constitutionally mandated that state and local decision-makers protect the environmental rights of all New Mexicans. This would have given communities experiencing environmental injustice legal recourse to protect the air they breathe and the water they drink, and ensured that government decisions prioritize environmental protection for all. ***HJR 2 received a do pass recommendation out of HENRC, but was tabled in HJC. SJR 2 died, never got scheduled in its first committee.***

****SB 8: New Mexico Voting Rights Act (Wirth, Duhigg, Pope, Hamblen; Martínez)**

Protecting the public's right to vote is critical to ensure that community voices are heard and reflected in decision-making spaces. SB 8 would have made voting more accessible and expanded voting rights through online voter registration, protections for Native voters, establishment of a voting holiday, restoration of voting rights of those convicted of a felony who are not incarcerated, and the creation of a permanent absentee ballot request list. ***Received a do pass recommendation through senate committees, but died waiting to be heard on the senate floor. Many of the components were worked into SB 144.***

****PRIORITY BILL**

SB 14: Enacting The Clean Fuels Standard Act (Stewart)

SB 14 would have established a state clean fuel standard aimed at reducing the carbon intensity of transportation fuels used in NM, and set targets to reduce carbon pollution - 20% of 2018 levels by 2030, and 40% by 2040. Transforming the fuels vehicles use to low-carbon alternatives is a critical step for New Mexico to address toxic air pollution and the climate crisis. This clean fuel standard approach has also been proven to be an effective policy in systematically reducing transportation emissions in states like California, Oregon, and Minnesota. ***Passed through the Senate (25-16), but failed on the house floor (33-33).***

SB 18: Appropriations to the Water Trust Fund (Stefanics)

New Mexico is one of the state's in the Southwest that has, and will continue to have, water scarcity issues. By providing the Water Trust Fund with an annual appropriation, we could have begun addressing the serious backlog of work that currently exists within the fund.

Received a do pass recommendation out of SCONC, died waiting to be scheduled in SFC.

SB 21: Electric Vehicle Income Tax Credit (Tallman)

Greenhouse gas (GHG) emissions from the transportation sector make up nearly a third of all climate pollution nationwide. Vehicle exhaust is also a significant trigger for asthma and other respiratory illnesses, which is experienced by low income communities at higher rates. SB 21 would have created incentives for families to transition to electric vehicles by establishing a tax credit of \$2,500 or \$5,000 for purchases or leases made before January 2027. It also covered consumer installation costs up to \$3,000 for charging units. ***Received a do pass recommendation out of all senate committees, but died waiting to be heard on the senate floor.***

SB 32: Outdoor Learning Program Funding (Correa Hemphill)

SB 32 supported the expansion of an outdoor education program that could work in conjunction with the Outdoor Equity Fund to help get over 22,000 youth outdoors. Outdoor learning environments have been proven to improve the mental, physical and emotional health and wellbeing of kids, and promotes their connection to their environment and each other. Creating this program would have helped to bring equitable outdoor access to school-aged kids throughout the state of New Mexico, and is set up to provide training and support to public teachers in order to accomplish this program. *Received a do pass recommendation out of SEC, but died waiting to be heard in SFC.*

SB 44: New Solar Market Development Income Tax Credit Changes (Soules)

SB 44 extended the tax credit for residential and commercial construction of solar systems by 4 years to 2032 and doubled the annual aggregate cap from \$8M to \$16M. New Mexico is blessed with year round sunshine and wind that can be harnessed for energy, allowing our state to diversify our energy production. Expanding this tax incentive would have encouraged New Mexico residents and business owners to invest in solar energy systems in their communities. *Died, never got scheduled in the first committee.*

SB 72: NMSU Center for Dryland Resilience (Soules)

SB 72 appropriated critical funding to the NMSU Center for Dryland Resilience. The center would house a consortium of research projects directed at finding nature-based solutions to mitigate desertification and water scarcity brought on by climate change in desert landscapes. This Center had the potential to position New Mexico as a global leader in managing lands when water is scarce. It also has a positive economic impact: a 2018 report shows this work brings in four dollars of research grants for every one dollar in direct state investment. *Received a do pass recommendation out of SCONC, died waiting to be scheduled in SFC.*

****SB 89/HB 164: Uranium Mine Cleanup & Reclamation (Steinborn, Pinto; Sariñana, Allison, Johnson,)**

The New Mexico Mining and Minerals Division has identified 259 mining sites in New Mexico that produced uranium, 137 of which have no record of any reclamation. Without reclamation, former uranium mine and mill sites continue to expose rural and Indigenous communities to toxic and radioactive pollution, which has spiked cancer rates and health issues in former mining communities. SB 89 will start to address this devastating problem by creating a strategic plan to address legacy uranium waste sites, and establishing an evolving fund to resource the critical work that community advocates have urged action on for decades. *While SB 89 did not pass, the underlying legislation was successful when HB 164 passed.*

****PRIORITY BILL**

SB 109: Environmental Violations Civil Penalties (McKenna)

SB 109 ensured that bad actors are penalized appropriately when they violate state air quality, hazardous waste, water quality and/or solid waste laws. The penalties for these laws have not been updated since they were established more than 30 to 50 years ago

(depending on the law), although the true costs of remediation have risen dramatically since then. ***Died, never got scheduled in the first committee.***

SB 144: Intimidation of Election Workers (Duhigg, Ely)

This bill made significant changes to the ability of New Mexicans to access the ballot, including: Enacting digital voter registration; aligning tribal polling place changes to Native American Voting Rights Act, and many other much needed changes to increase access to the ballot for New Mexicans. The ability for New Mexican communities to advocate effectively for the protection and restoration of the environment rests in large part on their ability to be heard by those in positions of power. The ballot box remains the most powerful venue for New Mexicans to effect change on the scale that is required for bringing our environmental and community values to reality. Voting is, in a very direct sense, an environmental act. This bill is a conservation priority for that reason. ***Passed through the Senate (38-0) and the House (39-30), died awaiting concurrence on the senate floor.***

SB 145: NM Reforestation Center (Campos)

SB 145 appropriated \$4.6 million in non-reverting funds to establish a seed resiliency program between EMNRD, NM Highlands University, UNM and NMSU. They will work together to establish a seed bank program, a nursery program, and a planting program to develop and operate reforestation projects. Compared to HB 101/SB 11, however, the outline of the involved parties is less specific. This difference opens the opportunity for more collaboration between the groups in this bill, and indigenous populations that already have developed native seedling operations, and have cultivated forests for hundreds of years. ***Died, never got scheduled in the first committee.***

SB 162: Strategic Water Reserve (Stefanics, Campos)

Similar to other water funding legislation, this funding aided in the completion of water projects within our state. It provided funding to the Interstate Stream Commission to administer the strategic water reserve. ***Received a do pass recommendation out of SCONC, died waiting to be scheduled in SFC.***

SB 203: Study High-Speed Train (Soules)

High-speed rails work to bring equitable transportation methods to the communities which they serve, as well as an affordable and easy to access method of reducing the carbon footprint of the transportation sector. This study would have allowed for the potential for all New Mexicans to benefit from such a railway system. ***Received a do pass recommendation out of STBTC, died waiting to be scheduled in SFC.***

SJR 8: Salaries for Public Officials, CA (Ivey-Soto, Gonzales, Duhigg, McKenna)

New Mexico is part of only a handful of states that still operate with a citizen legislature. By allowing our legislature to be salaried, it opens the door for more community members to potentially become a member of the legislature. SJR 8 would have created the opportunity for longer legislative sessions and/or policy discourse, allowing for the public and decision-makers to vet legislation more robustly. ***Received a do pass recommendation out of SRC, but died waiting to be scheduled in SJC.***

SJM 2: National Biodiversity Strategy (Stewart)

New Mexico is a hub for biodiversity; we have the fourth highest plant diversity in the country, and 4,583 known species. However, with the changing climate and human activity this biodiversity is being threatened. This memorial called on the federal government to create a national biodiversity strategy to protect plant and animal species, and the spiritual, cultural, historic, and scientific importance of them. *Received do pass recommendations out of the senate committees, but died waiting to be heard on the senate floor.*

4. Anti-conservation legislation that passed

None!

5. Anti-conservation legislation that didn't pass

HB 4: Hydrogen Hub Development Act (Lundstrom, Small, Martínez, H. Garcia)

HB 4 would have facilitated the development of hydrogen production in New Mexico by creating the framework for establishing public-private partnerships to develop hydrogen projects, and establishing tax incentives. *Died, tabled in HEENRC.*

HB 227 & HB 228: Hydrogen Hub Development Act (Lundstrom)

HB 228 would have facilitated the development of hydrogen production in New Mexico by creating the framework for establishing public-private partnerships to develop hydrogen projects. The bill would have also amended the Renewable Energy Act and Rural Electric Cooperatives Act to include hydrogen electricity as “zero carbon energy,” which is not an accurate representation of the current state of hydrogen electricity development. The state should not commit to certifying hydrogen produced electricity as “zero carbon” until important questions about the lifecycle greenhouse gas emissions attributable to hydrogen are definitively answered. *HB 227 was withdrawn by the sponsor. HB 228 died, tabled on the house floor.*

HM 49: Livestock Protection from Wolves (Dow, Armstrong)

This memorial would have opened the door to threats on the Mexican wolves within the state. Wolves are considered keystone species, meaning they provide significant biodiversity and ecosystem benefit and balance. Prior to reintroduction, Mexican gray wolves were completely eliminated from their natural territories due to habitat loss, along with eradication efforts by ranchers. Mexican wolves are at tremendous risk due to their small population size, limited gene pool, threats from trapping, and illegal killings. As of the last official count in 2020, there are 186 known Mexican gray wolves in the wild in the U.S. We must continue to protect our small wolf population and keep remote areas of the state wild enough for them to thrive. *Died, never got scheduled in the first committee.*

SB 194: Additional Energy Acts Definitions (Muñoz)

SB 194 would have amended the Rural Electric Cooperative and Renewable Energy Acts to include hydrogen projects. It would also include methane, generated from the fossil fuel industry, as a responsibly sourced gas in hydrogen production. Taxpayer dollars should not be spent on energy sources that continue to exacerbate the climate crisis, especially when the communities that will bear the brunt of those decisions, like tribal and indigenous voices, have not been engaged in the process. *Died, tabled in SCONC.*

6. Special Session Outcomes

The Special Session that began and concluded on April 5th saw the legislature pass two additional pieces of legislation: a bill providing a \$500 dollar rebate to New Mexicans in response to inflation and gasoline prices, and the reinstatement of the “junior bill” from the 2022 session, which was vetoed. The junior bill includes over \$5 million for environmental and conservation measures, including \$590 thousand dollars designated for the Environment Department and EMNRD for uranium clean up and remediation, which will support House Bill 164.