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HOUSE BILL 328

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

INTRODUCED BY

Randall T. Pettigrew and Mark B. Murphy

AN ACT

RELATING TO THE ENVIRONMENT; REPEALING PROVISIONS OF LAW
PERTAINING TO THE CLEAN TRANSPORTATION FUEL STANDARD PROGRAM;
PROHIBITING THE ADOPTION OR CONTINUATION OF RULES PROVIDING FOR
A CLEAN TRANSPORTATION FUEL STANDARD; REPEALING SECTION 74-1-18
NMSA 1978 (BEING LAWS 2024, CHAPTER 54, SECTION 4).

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

SECTION 1. Section 74-1-3 NMSA 1978 (being Laws 1971,
Chapter 277, Section 3, as amended) is amended to read:

"74-1-3. DEFINITIONS.--As used in the Environmental
Improvement Act:

A. "board" means the environmental improvement
board;

~~[B. "carbon intensity" means the quantity of fuel
lifecycle greenhouse gas emissions per unit of fuel energy,
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underscored material = new
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1 ~~expressed in grams of carbon dioxide equivalent per megajoule;~~

2 ~~G.]~~ B. "department" or "environmental improvement
3 department" means the department of environment;

4 ~~[D. "fuel lifecycle" means an assessment of the~~
5 ~~aggregate greenhouse gas emissions based on science-based~~
6 ~~models or protocols, including direct emissions and significant~~
7 ~~indirect emissions from indirect land use change, all stages of~~
8 ~~fuel and feedstock production and distribution, feedstock~~
9 ~~generation or extraction through the distribution, delivery and~~
10 ~~use of the finished fuel by the consumer, including~~
11 ~~consideration of storage, transportation and combustion;~~

12 ~~E.]~~ C. "on-site liquid waste system" means a liquid
13 waste system, or part thereof, serving a dwelling,
14 establishment or group, and using a liquid waste treatment unit
15 designed to receive liquid waste followed by either a soil
16 treatment or other type of disposal system. "On-site liquid
17 waste system" includes holding tanks and privies but does not
18 include systems or facilities designed to receive or treat mine
19 or mill tailings or wastes;

20 ~~[F.]~~ D. "person" means the state or any agency,
21 institution or political subdivision thereof, any public or
22 private corporation, individual, partnership, association or
23 other entity and includes any officer or governing or managing
24 body of any political subdivision or public or private
25 corporation;

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1 [~~G.~~] E. "residential on-site liquid waste system"
2 means an on-site liquid waste system serving up to four
3 dwelling units; and

4 [~~H.~~] F. "secretary" means the secretary of
5 environment [~~and~~

6 ~~I. "transportation fuel" means electricity or a
7 liquid, gaseous or blended fuel, including gasoline, diesel,
8 liquefied petroleum gas, natural gas and hydrogen, sold,
9 supplied, used or offered for sale to power vehicles or
10 equipment for the purposes of transportation]."~~

11 SECTION 2. Section 74-1-7 NMSA 1978 (being Laws 1971,
12 Chapter 277, Section 10, as amended) is amended to read:

13 "74-1-7. DEPARTMENT--DUTIES.--

14 A. The department is responsible for environmental
15 management and consumer protection programs. In that respect,
16 the department shall maintain, develop and enforce rules and
17 standards in the following areas:

- 18 (1) food protection;
- 19 (2) water supply, including implementing a
20 capacity development program to assist water systems in
21 acquiring and maintaining technical, managerial and financial
22 capacity in accordance with Section 1420 of the federal Safe
23 Drinking Water Act of 1974 and establishing administrative
24 penalties for enforcement;
- 25 (3) liquid waste, including exclusive

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1 authority to collect on-site liquid waste system fees that are
2 no more than the average charged by the contiguous states to
3 New Mexico for similar permits and services and to implement
4 and administer an inspection and permitting program for on-site
5 liquid waste systems;

6 (4) air quality management as provided in the
7 Air Quality Control Act;

8 (5) radiation control and collection of
9 license, registration and other related fees as provided in the
10 Radiation Protection Act;

11 (6) noise control;

12 (7) nuisance abatement;

13 (8) vector control;

14 (9) occupational health and safety as provided
15 in the Occupational Health and Safety Act;

16 (10) sanitation of public swimming pools and
17 public baths;

18 (11) plumbing, drainage, ventilation and
19 sanitation of public buildings in the interest of public
20 health;

21 (12) medical radiation, health and safety
22 certification and standards for radiologic technologists as
23 provided in the Medical Imaging and Radiation Therapy Health
24 and Safety Act;

25 (13) hazardous wastes and underground storage

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1 tanks as provided in the Hazardous Waste Act; and

2 (14) solid waste as provided in the Solid
3 Waste Act [~~and~~

4 ~~(15) carbon intensity of transportation fuels~~
5 ~~as provided in Section 4 of this 2024 act, including~~
6 ~~registration and related fees].~~

7 B. Nothing in Subsection A of this section imposes
8 requirements for the approval of subdivision plats in addition
9 to those required elsewhere by law. Nothing in Subsection A of
10 this section preempts the authority of any political
11 subdivision to approve subdivision plats."

12 SECTION 3. Section 74-1-8 NMSA 1978 (being Laws 1971,
13 Chapter 277, Section 11, as amended) is amended to read:

14 "74-1-8. BOARD--DUTIES.--

15 A. The board is responsible for environmental
16 management and consumer protection. In that respect, the board
17 shall promulgate rules and standards in the following areas:

18 (1) food protection;

19 (2) water supply, including a capacity
20 development program to assist water systems in acquiring and
21 maintaining technical, managerial and financial capacity in
22 accordance with Section 1420 of the federal Safe Drinking Water
23 Act of 1974 and rules authorizing imposition of administrative
24 penalties for enforcement;

25 (3) liquid waste, including exclusive

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1 authority to establish on-site liquid waste system fees that
2 are no more than the average charged by the contiguous states
3 to New Mexico for similar permits and services and to implement
4 and administer an inspection and permitting program for on-site
5 liquid waste systems;

6 (4) air quality management as provided in the
7 Air Quality Control Act;

8 (5) radiation control and establishment of
9 license and registration and other related fees not to exceed
10 fees charged by the United States nuclear regulatory commission
11 for similar licenses as provided in the Radiation Protection
12 Act;

13 (6) noise control;

14 (7) nuisance abatement;

15 (8) vector control;

16 (9) occupational health and safety as provided
17 in the Occupational Health and Safety Act;

18 (10) sanitation of public swimming pools and
19 public baths;

20 (11) plumbing, drainage, ventilation and
21 sanitation of public buildings in the interest of public
22 health;

23 (12) medical radiation, health and safety
24 certification and standards for radiologic technologists as
25 provided in the Medical Imaging and Radiation Therapy Health

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1 and Safety Act;

2 (13) hazardous wastes and underground storage
3 tanks as provided in the Hazardous Waste Act; and

4 (14) solid waste as provided in the Solid
5 Waste Act [~~and~~

6 ~~(15) carbon intensity of transportation fuels~~
7 ~~as provided in Section 4 of this 2024 act].~~

8 B. Nothing in Subsection A of this section imposes
9 requirements for the approval of subdivision plats in addition
10 to those required elsewhere by law. Nothing in Subsection A of
11 this section preempts the authority of any political
12 subdivision to approve subdivision plats.

13 C. Administrative penalties collected pursuant to
14 Paragraph (2) of Subsection A of this section shall be
15 deposited in the water conservation fund.

16 D. On-site liquid waste system fees shall be
17 deposited in the environmental health fund.

18 E. Radiation license and registration and other
19 related fees shall be deposited in the radiation protection
20 fund."

21 SECTION 4. A new section of the Environmental Improvement
22 Act is enacted to read:

23 "[NEW MATERIAL] RULES FOR CLEAN TRANSPORTATION FUEL
24 STANDARD PROHIBITED.--The board shall not adopt or continue in
25 effect a rule providing for a clean transportation fuel

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standard."

SECTION 5. REPEAL.--Section 74-1-18 NMSA 1978 (being Laws
2024, Chapter 54, Section 4) is repealed.

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