

For Immediate Release:  
January 28, 2021

Contact:  
Camilla Feibelman, 505.715.8388 [camilla.feibelman@sierraclub.org](mailto:camilla.feibelman@sierraclub.org)

Webinar: 1pm - RSVP [here](#)

### **Community leaders across New Mexico applaud introduction of Climate Solutions Act (HB 9)**

(Santa Fe, NM) Community leaders across New Mexico today applauded the introduction of the Climate Solutions Act (HB 9), highlighting its science-based approach and focus on historically disadvantaged communities. They called on state legislators to protect public health and New Mexico's air and water resources from climate change and to accelerate a just transition to a more diversified and resilient economy built by and for everyday New Mexicans.

"The Climate Solutions Act sponsored by Rep. Angelica Rubio, Rep. Melanie Stansbury, Speaker Brian Egolf, Senate President Pro Tem Mimi Stewart, and Senators Carrie Hamblen and Benny Shendo is NM's first step towards modeling environmentally conscious and resilient economic development—resulting in a more fair economy where all New Mexicans prosper while tackling the ever growing threat of climate change to our everyday lives. HB9 begins the bold, long-term work NM needs to do to make sure historically marginalized communities across the state, especially rural communities and communities of color, can diversify their local economy and it guarantees New Mexicans are first in line to prepare for the high quality jobs and economic opportunities that will arise from clean energy industry."

**James Povijua, Policy Director, Center for Civic Policy**

"Today's introduction of the Climate Solutions Act is a huge first step in making sure that historically disadvantaged communities are heard by having a seat at the table to envision a stronger and healthier NM for present and future generations. This legislation sends a clear message that the best way to move New Mexico forward is by making sure the voices and needs of those directly impacted by climate change and the need to diversify our economy are put front and center. We applaud Rep. Rubio and Rep. Stansbury for this bold piece of legislation that creates more pathways for hardworking New Mexicans to be part of NM's new clean energy economy."

**Johana Bencomo, Executive Director, NM CAFé**

"The Climate Solutions Act will provide the framework for impacted communities in Northwestern New Mexico to transition from historic reliance on fossil fuels to renewable energy and sustainable economic principles. We look forward to innovative approaches and solutions to eliminating emissions, reducing externalities and protecting public health."

**Mike Eisenfeld, San Juan Citizens Alliance**

"The Climate Solutions Act will build upon the 2019 New Mexico Energy Transition Act, by taking a statewide approach of a **Just Transition** for every New Mexican. HB 9 addresses the disproportionate impacts of fossil fuel extraction and climate change that are all too common in many tribal communities. Thank You Rep. Angelica Rubio, Rep. Melanie Stansbury, Speaker Brian Egolf, Senate President Pro Tem Mimi Stewart, and Senators Carrie Hamblen and Benny Shendo for providing the roadmap for true healing of our Mother Earth."

**Joseph Hernandez, Dine' energy organizer, NAVA Education Project**

"Greenhouse gas emissions do not stop at tribal, state, or national borders. We all breathe the same air, drink the same water, depend on the same climate, and have the same dreams for our children. The Climate Solutions Act is unique in combining ambitious, science-based goals to reduce climate pollution with new economic strategies that will ensure all New Mexicans thrive in a healthier and more prosperous future. Kudos to Speaker Brian Egolf, Representatives Melanie Stansbury and Angelica Rubio, Senate President Pro Tem Mimi Stewart, and Senators Benny Shendo and Carrie Hamblen for their leadership."

**Barbara Webber, Health Action New Mexico**

"The science on climate change is clear. The Climate Solutions Act rises to the challenge of leaving a better, healthier, and safer world for our children and grandchildren. It seizes the opportunity to rebuild better and make New Mexico a leader in innovations that will create jobs, take advantage of our state's abundant renewable energy, create a just transition for our economy, and protect our precious land, air and water resources. We also need to ensure that as we tackle climate change, we create a just transition so that all communities are part of that solution."

**Alex Merlino, Partnership for Responsible Business**

"This legislation will help accelerate the transition to a cleaner, more diversified economy that works for all New Mexicans. This is New Mexico emerging as a leader in creating quality jobs for those who have been left out of the boom-and-bust industries and taking advantage of our potential for renewable energy and abundance of natural beauty."

**Camilla Feibelman, Sierra Club Rio Grande Chapter**

"The Climate Solutions Act will put New Mexico in the lead, building a clean sustainable economy that works for all New Mexicans."

**Noah Long, NRDC (Natural Resources Defense Council)**

"This comprehensive bill will build on the leading climate commitments Governor Michelle Lujan Grisham has made over the last few years. By enshrining science-based, emissions targets in statute and directing the New Mexico Environment Department to ensure regulations are in place to meet those reductions, it will protect local communities from the worst impacts of climate change, including worsening heat, drought and water scarcity. This bill takes an important step toward a just transition in New Mexico, by prioritizing historically disadvantaged communities for high-quality, clean energy jobs. As New Mexico tackles the existential threat of climate change head on, it will need to ensure that frontline communities across the state are at the table and able to play a central role in shaping policy action."

**Jon Goldstein, Environmental Defense Fund**

"We applaud the Climate Solutions Act for precisely what it is: an act of climate leadership that will help safeguard our natural heritage, respect and protect hard working New Mexican families, and spark exciting new opportunities to build a thriving, stable, and sustainable clean energy future."

**Erik Schlenker-Goodrich, Western Environmental Law Center**

"This bill reinforces New Mexico's strong commitment to have necessary conversations about the need for a just transition for the economy and our energy resources. What comes next in our energy landscape and how we get there from here needs to be a defining conversation in the Capitol, and statewide, in the coming years. We applaud HB 9 for centering and creating workforce pathways for

impacted communities through workforce development, and underscoring the Governor's climate commitment."

**Ben Shelton, Conservation Voters New Mexico**

"Passage of the Climate Solutions Act will put New Mexico at the national forefront of carbon reduction targets, while centering frontline communities as we transition to a green, sustainable economy. The NM Environmental Law Center applauds this comprehensive approach to combating environmental injustice and saving Mother Earth."

**Dr. Virginia Necochea, New Mexico Environmental Law Center**

"For the first time, New Mexico is tackling climate change with a comprehensive strategy that combines science-based emissions targets and a commitment to prepare and support communities for the impacts of climate change. The Climate Solutions Act is forward looking with a focus on enhancing and diversifying New Mexico's economy, especially for disadvantaged communities that are seeking opportunities in the growing renewable energy economy."

**Tom Solomon 350NM**

"We want to thank Speaker Brian Egolf for the tremendous opportunity he has afforded New Mexico by presenting the forward-thinking Climate Solutions Act. This landmark bill will put New Mexico on the map as a pioneer of equitable and effective climate strategies by aggressively reducing greenhouse gas emissions, expanding high-quality jobs, and ensuring a just transition for our economy. Thanks also to Rep. Melanie Stansbury and Rep. Angelica Rubio, Senate President Pro Tem Mimi Stewart, and Senators Benny Shendo and Carrie Hamblen for joining the Speaker in this powerful Act. The legislature should fast track this initiative to harness the state's abundant renewable potential and protect our state's most valuable resources: its people and its lands."

**Jordan Smith, Climate Advocates Voces Unidas**

###

## Support the New Mexico Climate Solutions Act

**House Bill 9, Sponsored by Representatives Melanie Stansbury, Angelica Rubio, and Nathan Small, House Speaker Brian Egolf, Senate President Pro Tem Mimi Stewart, and Senators Benny Shendo and Carrie Hamblen**

The Climate Solutions Act (HB 9) establishes nation-leading carbon pollution limits to benefit current and future generations while ensuring that all New Mexicans will benefit from the increased jobs provided in a green economy. The bill promotes sustainable, equitable and resilient economic development – resulting in the creation of high-quality jobs for everyday New Mexicans. The bill ensures that the most impacted communities and historically disadvantaged communities are the priority for pollution reduction and have a seat at the table to envision a more diversified and resilient economy as we move to a net-zero carbon future.

### The New Mexico Climate Solutions Act:

- **Provides guidance on how to achieve a Just Transition.** The Climate Solutions Act sets the foundation for the bold, long-term work New Mexico needs to do to make sure communities across the state have a say in what they need to successfully be part of the clean energy economy. It makes sure no community is left behind during our state's transition into a stronger and healthier future for all New Mexican families and children.
- **Seeks to diversify the state's economy and strengthen its resilience** by adding sustainable jobs and a new tax base that lessens the state's dependence on revenues from extractive industries.
- **Codifies and expands the Governor's New Mexico Climate Strategy.** Building on Governor Michelle Lujan Grisham's climate Executive Order (2019-003), this bill sets a goal of 50% reduction in greenhouse gas emissions from 2005 levels by 2030 and net-zero emissions by 2050. HB 9 also sets a target of 60% reduction by 2030 in methane, carbon dioxide and volatile organic compound emissions from the oil and gas sector from 2005 levels. The bill codifies the Governor's cabinet level climate leadership council and requires the promulgation of rules by state agencies and implementation of incentives and policies to reduce emissions that prioritize reductions in the state's most impacted communities.

### How Can This Benefit New Mexico?

- **Continue as a national leader in climate change** by creating a climate reduction framework that builds on the leadership of Governor Lujan Grisham, the success of the Energy Transition Act and ensures the development of a clean energy economy.
- **Grow & stimulate New Mexico's economy** by identifying opportunities for economic diversification, investment, and job creation, especially in disproportionately impacted and historically disadvantaged communities.
- **Improve public health** by reducing carbon dioxide emissions and improving the resilience of water supplies.
- **Protect New Mexico's limited water resources** by addressing climate change, which is already leading to drought, reduced snowpack and longer, hotter burning wildfires.

- **Provide energy affordability assistance to New Mexicans** by investing in energy efficiency programs and building standards.
- **Provide the data, science and tools** to plan and implement strategies to address climate change impacts.

For further information, contact [camilla.feibelman@sierraclub.org](mailto:camilla.feibelman@sierraclub.org), 505.715.8388

HOUSE BILL

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CLIMATE CHANGE SOLUTIONS; ENACTING THE CLIMATE  
SOLUTIONS ACT; CREATING THE CLIMATE LEADERSHIP COUNCIL;  
REQUIRING THE DEVELOPMENT OF A STATEWIDE FRAMEWORK TO ADDRESS  
CLIMATE CHANGE AND DEVELOP A SUSTAINABLE ECONOMY; ESTABLISHING  
STATEWIDE GREENHOUSE GAS EMISSIONS REDUCTION REQUIREMENTS;  
DIRECTING STATE AGENCIES TO ADOPT RULES AS ALLOWED BY AN  
AGENCY'S EXISTING STATUTORY AUTHORITY TO ACHIEVE STATEWIDE  
GREENHOUSE GAS EMISSIONS REDUCTIONS AND FOSTER INCLUSION IN  
WORKFORCE DEVELOPMENT AND PROCUREMENT RELATED TO CLIMATE  
SOLUTIONS; REQUIRING ANNUAL REPORTING; DIRECTING THE CLIMATE  
LEADERSHIP COUNCIL TO RECOMMEND AND PRIORITIZE FUNDING FROM THE  
CLEAN ENERGY GRANTS FUND; AMENDING A DEFINITION IN THE AIR  
QUALITY CONTROL ACT TO ALLOW FOR GREATER OVERSIGHT OF SOURCES  
OF AIR POLLUTION.

.218006.3

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

2 SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
3 through 7 of this act may be cited as the "Climate Solutions  
4 Act".

5 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the  
6 Climate Solutions Act:

7 A. "council" means the climate leadership council;

8 B. "climate solutions" means strategies developed  
9 by the council to meet the greenhouse gas emissions reductions  
10 required pursuant to Section 6 of the Climate Solutions Act and  
11 to promote equity, a sustainable economy and high-road  
12 employment and training;

13 C. "disproportionately impacted community" means a  
14 community or population of people for which multiple burdens,  
15 including environmental and socioeconomic stressors, inequity,  
16 poverty, high unemployment, pollution or discrimination, may  
17 act to persistently and negatively affect the health,  
18 well-being and environment of the community or population and  
19 includes tribal communities, communities of color and  
20 low-income rural communities and native people, people of  
21 color, women, immigrants, formerly incarcerated people,  
22 lesbian, gay, bisexual, transgender and queer people and people  
23 with disabilities;

24 D. "economic inclusion" means high-road employment,  
25 training and contracting opportunities and includes improved

.218006.3

1 access to those opportunities for disproportionately impacted  
2 communities;

3 E. "greenhouse gas" means gaseous compounds that  
4 absorb infrared radiation emitted from the earth's surface and  
5 trap heat in the earth's atmosphere, including carbon dioxide,  
6 methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons,  
7 nitrogen trifluoride and sulfur hexafluoride, but not including  
8 water vapor;

9 F. "high-road employment" means jobs with  
10 family-sustaining wages and benefits, opportunities for  
11 advancement and safe working conditions in industries engaged  
12 in sustainable economic development;

13 G. "mitigation" means the reduction of greenhouse  
14 gas emissions or the sequestration of carbon and other  
15 greenhouse gases;

16 H. "net-zero emissions" means a total of zero  
17 greenhouse gas emissions, with any emissions netted against  
18 quantifiable, enforceable, additional, permanent and verifiable  
19 sequestered greenhouse gases, whether sequestered by  
20 biological, chemical or geological means;

21 I. "resilience" means the capability to anticipate,  
22 prepare for, respond to and recover from impacts and minimize  
23 damage to social well-being, including damage to the economy,  
24 health and the environment;

25 J. "risk" means a combination of the magnitude of a



1 potential climate change impact and the likelihood that the  
2 consequence will occur;

3 K. "state agency" means a governmental entity  
4 within the executive branch of state government or under the  
5 direction of the office of the governor;

6 L. "statewide greenhouse gas emissions" means the  
7 total net statewide anthropogenic emissions of greenhouse  
8 gases, including emissions from the production of imported  
9 electricity and fuels and subtracting any carbon sequestered in  
10 the state, expressed as carbon dioxide equivalent calculated  
11 using a methodology and data on radiative forcing and  
12 atmospheric persistence;

13 M. "statewide strategy" means the strategy for the  
14 state to address and prepare for the impacts of climate change,  
15 including impacts on health, the economy, society and the  
16 environment, developed by the council pursuant to Section 4 of  
17 the Climate Solutions Act; and

18 N. "sustainable economy" means an economy that  
19 supports high-road employment, thriving communities, a healthy  
20 environment and worker and community participation in decision  
21 making.

22 SECTION 3. [NEW MATERIAL] CLIMATE LEADERSHIP COUNCIL--  
23 CREATED.--

24 A. The "climate leadership council" is created and  
25 is administratively attached to the energy, minerals and

1 natural resources department. The energy, minerals and natural  
2 resources department shall provide administrative and clerical  
3 assistance to the council.

4 B. The council shall:

5 (1) consist of the secretaries of all cabinet  
6 departments as voting members; and

7 (2) include as advisory members:

8 (a) one representative of the state land  
9 office;

10 (b) two representatives of tribal and  
11 local governments;

12 (c) two representatives of  
13 disproportionately impacted communities;

14 (d) three members, with one each having  
15 an expertise in mitigation, economic development or workforce  
16 development;

17 (e) two members representing relevant  
18 industrial sectors that will be involved in implementing  
19 climate solutions; and

20 (f) the members of the sustainable  
21 economic development subgroup that are not members of the  
22 council.

23 C. The council shall be co-chaired by the secretary  
24 of energy, minerals and natural resources and the secretary of  
25 environment.

1           D. The co-chairs shall appoint advisory members to  
2 the council and subgroups created by the council. Advisory  
3 members shall serve for a term of four years and may be  
4 reappointed to serve for one additional term.

5           E. The co-chairs shall convene regular meetings of  
6 the council, and any subgroup, throughout the year as needed to  
7 carry out the Climate Solutions Act, but no less than  
8 quarterly. In addition to the requirements of the Open  
9 Meetings Act, meeting notices shall be in published in a manner  
10 that is reasonably likely to reach members of the public,  
11 including tribal members and members of disproportionately  
12 impacted communities, that may have an interest in a specific  
13 agenda item.

14           F. Public members of the council or a subgroup of  
15 the council may receive per diem and mileage as provided in the  
16 Per Diem and Mileage Act but shall receive no other  
17 compensation, perquisite or allowance.

18           SECTION 4. [NEW MATERIAL] CLIMATE LEADERSHIP COUNCIL--  
19 DUTIES--REPORT.--

20           A. The council shall develop and recommend for  
21 implementation a statewide strategy for New Mexico to:

22                   (1) prepare for climate change, reduce  
23 vulnerabilities, expand training and access to high-road  
24 employment and enhance the resilience of New Mexico's  
25 communities, especially disproportionately impacted

1 communities, of natural and built systems and of economic  
2 sectors to climate impacts and risks;

3 (2) advance a framework for mitigation  
4 consistent with the statewide greenhouse gas emission  
5 reductions required by Section 6 of the Climate Solutions Act,  
6 with sustainable economic growth and with high-road employment  
7 and training;

8 (3) support New Mexico's communities in  
9 planning and preparing for and responding to climate change;

10 (4) advance the recommendations of the  
11 sustainable economic development subgroup; and

12 (5) support the resilience and sustainability  
13 of the state's economy and its communities, especially  
14 disproportionately impacted communities.

15 B. The statewide strategy shall include a statewide  
16 plan, timelines for implementation, performance metrics and  
17 budgets and identify specific recommended climate solutions and  
18 agency rules, policies, programs or partnerships to further  
19 resilience, mitigation, diversification and inclusion.

20 C. To implement the statewide strategy, the council  
21 shall:

22 (1) advise, recommend and collaborate with  
23 state agencies on implementing climate solutions appropriate to  
24 the jurisdiction of a state agency and may petition a state  
25 agency or a state agency's rulemaking body to adopt rules under

.218006.3

1 each agency's statutory authority to implement the recommended  
2 strategies advanced by the council;

3 (2) recommend programs to encourage  
4 implementation of climate solutions and create high-road  
5 employment opportunities throughout the state and in particular  
6 in disproportionately impacted communities;

7 (3) work with the state land office and  
8 federal bureaus and agencies that manage land and natural  
9 resources in New Mexico on developing and implementing climate  
10 solutions;

11 (4) identify legislative changes needed to  
12 address climate change and implement climate solutions; and

13 (5) provide recommendations and set  
14 priorities, with an emphasis on disproportionately impacted  
15 communities, equity and expanding a sustainable economy, for  
16 expenditures from the clean energy grants fund when funds are  
17 available.

18 D. The council shall submit an annual report to the  
19 governor and appropriate interim legislative committees no  
20 later than September 15, 2021 and every year thereafter by  
21 September 15. The report shall include the progress made  
22 toward achieving statewide greenhouse gas emissions reductions  
23 pursuant to Section 6 of the Climate Solutions Act, identify  
24 legislative changes needed to implement the statewide strategy  
25 or identified climate solutions and provide other

.218006.3

1 recommendations to implement the statewide strategy.

2 SECTION 5. [NEW MATERIAL] SUSTAINABLE ECONOMIC  
3 DEVELOPMENT SUBGROUP--MEMBERSHIP--DUTIES--STRATEGIC PLAN.--

4 A. By no later than August 1, 2021, the co-chairs  
5 of the council shall convene, in collaboration with the  
6 secretaries of economic development and workforce solutions, a  
7 sustainable economic development subgroup. The sustainable  
8 economic development subgroup shall be co-chaired by the  
9 secretaries of economic development and workforce solutions.

10 B. The voting membership of the sustainable  
11 economic development subgroup shall consist of one  
12 representative each from the:

- 13 (1) economic development department;
- 14 (2) workforce solutions department;
- 15 (3) department of finance and administration;
- 16 (4) taxation and revenue department;
- 17 (5) general services department;
- 18 (6) higher education department;
- 19 (7) public education department;
- 20 (8) state investment council; and
- 21 (9) Indian affairs department.

22 C. Advisory members of the sustainable economic  
23 development subgroup shall be appointed by the co-chairs of the  
24 climate leadership council and shall consist of five members of  
25 the council who are not voting members of the sustainable

1 economic development subgroup and representatives of:

- 2 (1) the state land office;
- 3 (2) tribal governments and organizations;
- 4 (3) local governments; and
- 5 (4) organizations with experience in
- 6 sustainable economic development planning and workforce
- 7 development and working with disproportionately impacted
- 8 communities.

9 D. The sustainable economic development subgroup  
10 shall develop a sustainable development strategic plan that  
11 provides specific and measurable steps to implement the  
12 recommendations contained in the New Mexico clean energy  
13 workforce development study commissioned by the workforce  
14 solutions department and to expand economic inclusion and  
15 development in the equitable attainment of net-zero emissions  
16 levels by 2050 and implementation of the climate solutions  
17 proposed by the council, including, as appropriate, with the  
18 use of an environmental justice screening tool. The  
19 sustainable development strategic plan shall:

- 20 (1) be informed by input from communities  
21 across New Mexico, including, and with a focus on,  
22 disproportionately impacted communities and communities likely  
23 to be affected by changes in local economic activities in the  
24 transition to achieving net-zero emissions levels;

- 25 (2) with input from relevant state agencies,

1 include a plan to implement the recommendations of the New  
2 Mexico clean energy workforce development study;

3 (3) identify ways to expand and diversify New  
4 Mexico's economy to:

5 (a) enhance and expand sustainable  
6 economic opportunity, investment and employment;

7 (b) create new and high-road employment  
8 opportunities;

9 (c) diversify the state's revenue and  
10 tax base to stabilize the state's budget;

11 (d) increase overall economic stability  
12 and resilience of the state's economy; and

13 (e) advance the social, ecological and  
14 cultural resilience of communities;

15 (4) use state procurement processes to support  
16 supplied diversity and high-road employment opportunities  
17 through best value contracting;

18 (5) identify methods to support communities in  
19 developing short-term and long-term plans for local sustainable  
20 economic development and job creation that:

21 (a) advance local community goals and  
22 priorities;

23 (b) expand opportunities for local  
24 employment and workforce development;

25 (c) advance economic inclusion for New



1 Mexicans;

2 (d) create enhanced opportunities for  
3 New Mexicans to access capital and resources to create and  
4 expand sustainable jobs and businesses;

5 (e) support communities in expanding  
6 economic opportunities in ways that are culturally appropriate  
7 and affirming; and

8 (f) ensure that apprenticeship and job  
9 training programs that receive state funds shall be accessible  
10 to individuals with limited English proficiency; and

11 (6) advise and work with state agencies to  
12 implement the sustainable development strategic plan with the  
13 goal of expanding sustainable economic opportunity in New  
14 Mexico.

15 E. The sustainable economic development subgroup  
16 shall provide an annual report, in conjunction with the annual  
17 report of the council pursuant to Section 4 of the Climate  
18 Solutions Act, to the governor and the appropriate interim  
19 legislative committees beginning no later than September 15,  
20 2021, and every year thereafter on September 15. The report  
21 shall include progress on implementation of the recommendations  
22 of the New Mexico clean energy workforce development study,  
23 identify legislative changes needed to implement the statewide  
24 strategy, including identified sustainable economic solutions,  
25 and provide other recommendations to implement the statewide

.218006.3

1 strategy.

2 SECTION 6. [NEW MATERIAL] STATEWIDE GREENHOUSE GAS  
3 EMISSIONS REDUCTIONS--POLICY.--

4 A. The state shall achieve:

5 (1) quantifiable and enforceable statewide  
6 greenhouse gas emissions reductions that are equivalent to at  
7 least fifty percent below 2005 levels by 2030 and net-zero  
8 emissions by 2050; and

9 (2) at least a sixty percent reduction in  
10 methane, carbon dioxide and volatile organic compound emissions  
11 from the oil and gas sector as compared to 2005 emission levels  
12 by 2030.

13 B. An agency may use a later baseline year for  
14 reductions from the oil and gas sector to ensure the quality of  
15 emissions data if the agency increases the reduction target  
16 proportionately to the size of the sector in the new baseline  
17 year as compared to 2005 to meet the statewide emissions  
18 reductions pursuant to Subsection A of this section.

19 SECTION 7. [NEW MATERIAL] STATE AGENCIES--RULEMAKING.--

20 A. No later than September 30, 2022, a state  
21 agency, or rulemaking body that has the authority to adopt  
22 rules for a state agency, shall identify the climate solutions  
23 that are consistent with the state agency's area of  
24 jurisdiction and shall promulgate rules or enact policies,  
25 programs or partnerships to implement the identified climate

.218006.3

1 solutions and support resilience and mitigation. Rules adopted  
2 pursuant to this subsection and Subsection C of this section:

3 (1) shall ensure the reduction of greenhouse  
4 gas emissions across geographic areas and economic sectors of  
5 the state;

6 (2) shall require immediate, reasonable and  
7 consistent progress toward the greenhouse gas emissions  
8 reductions established in Section 6 of the Climate Solutions  
9 Act, taking into account early reductions of emissions greater  
10 than the reductions required in determining whether the  
11 requirements of a consistent emissions reductions pathway have  
12 cumulatively been met;

13 (3) shall prioritize strategies to reduce air  
14 pollution emissions in, and their impacts on,  
15 disproportionately impacted communities and Indian nations,  
16 tribes and pueblos in New Mexico;

17 (4) may include regulatory strategies that are  
18 being implemented in another jurisdiction, and a state agency  
19 may coordinate with another jurisdiction to reduce greenhouse  
20 gas emissions; provided that reductions in net greenhouse gas  
21 emissions that occur under coordinated programs shall only be  
22 accounted for if the implementing rules of each coordinated  
23 jurisdiction are sufficiently rigorous to ensure the integrity  
24 of the reductions in greenhouse gas emissions in the  
25 atmosphere;

.218006.3

1 (5) shall account for and include under the  
2 statewide emissions limit emissions that occur as a result of  
3 electricity and fuels imported into the state, regardless of  
4 where they occur; and

5 (6) shall be amended over time to ensure  
6 timely progress toward the emissions reductions established by  
7 Section 6 of the Climate Solutions Act and cumulative  
8 achievement of the associated emission reduction pathway, and  
9 to ensure that the other requirements of this subsection are  
10 being met.

11 B. To the extent relevant to a state agency's  
12 statutory authority, a state agency, or a state agency's  
13 rulemaking body, shall promulgate rules and policies pursuant  
14 to Subsection A of this section that:

15 (1) create incentives to reach emissions  
16 limits early, create high-road employment and reduce barriers  
17 to implementing climate solutions and developing a sustainable  
18 economy while promoting equity;

19 (2) ensure that climate risks, impacts,  
20 mitigation, and harmful emissions reductions are fully  
21 considered and accounted for in state programs, planning,  
22 investments, infrastructure and natural resource planning and  
23 management;

24 (3) increase energy efficiency statewide,  
25 through building and industry standards, incentives for

1 installing energy-efficient appliances and fixtures, in  
2 particular in low-income communities, utilizing renewable  
3 energy sources, contracting for the purchase of renewable  
4 energy and other energy conservation and efficiency measures;

5 (4) optimize building performance, including  
6 by adopting and implementing requirements and incentives for  
7 high-performance, sustainable building design, construction,  
8 operation, management, maintenance and deconstruction and  
9 reducing the consumption of energy, water and materials;

10 (5) reduce emissions from vehicles by  
11 optimizing vehicle fleets and travel, increasing public transit  
12 options, increasing the use of alternative fuel vehicles,  
13 increasing the use and availability of low- and zero-emitting  
14 vehicles as allowed under Section 177 of the federal Clean Air  
15 Act and using regulatory frameworks that are at least as  
16 stringent as applicable federal law;

17 (6) enhance carbon sequestration through  
18 natural processes and explore permanent geologic sequestration  
19 from industrial sources;

20 (7) eliminate waste and prevent pollution by,  
21 among other things, minimizing the generation of waste and  
22 pollutants, diverting more waste for beneficial use, reducing  
23 the purchase and use of paper and single-use plastics,  
24 increasing the use of compostable and organic materials and  
25 decreasing the use of chemicals;

1 (8) improve the resilience of water supplies,  
2 including by reducing water consumption, improving water  
3 efficiencies, implementing resilient water management  
4 strategies, promoting water reuse and ensuring that climate  
5 change impacts and risks are fully considered in state water  
6 management decisions;

7 (9) provide data, science, tools and support  
8 to communities to plan for and implement strategies to foster  
9 climate resilience and mitigation, including planning with  
10 community and industry partners and through coordination of  
11 state research, higher education, public education, cultural  
12 affairs and extension programs;

13 (10) use of project labor agreements or  
14 community workforce agreements for public or publicly-regulated  
15 contracts or investments; and

16 (11) establish supplier diversity targets and  
17 implementation plans.

18 C. In addition to the provisions of Subsection A of  
19 this section, the department of environment, pursuant to rules  
20 adopted by the environmental improvement board by September 30,  
21 2022, and amended as needed, shall ensure that the state  
22 attains quantifiable, enforceable reductions in greenhouse gas  
23 emissions to meet the statewide emissions reductions  
24 established in Section 6 of the Climate Solutions Act and  
25 shall, within its statutory authority, address any deficit in

1 achieving the required emissions reductions statewide. The  
2 environmental improvement board's rules:

3 (1) shall include and provide for the  
4 execution of protocols:

5 (a) for the department of environment to  
6 track all statewide greenhouse gas and air pollutant emissions,  
7 quantify emissions from fuels extracted and exported from New  
8 Mexico and track the reductions of emissions of greenhouse  
9 gases and other harmful pollutants that have been achieved  
10 through the implementation of state agency rules pursuant to  
11 the Climate Solutions Act;

12 (b) for the department of environment to  
13 track the impacts of current emissions of air pollutants on  
14 disproportionately impacted communities and certify that the  
15 state is cumulatively meeting or exceeding the reductions  
16 required by the consistently declining emissions reduction  
17 pathway pursuant to Paragraph (2) of Subsection A of this  
18 section; and

19 (c) for how state agencies provide  
20 information on a consistent and timely basis to the council for  
21 inclusion in the council's annual report required by Subsection  
22 D of Section 4 of the Climate Solutions Act; and

23 (2) may take into account rules that other  
24 state agencies have adopted and that remain in effect, to the  
25 extent that those rules require quantifiable and enforceable

1 reductions of greenhouse gas emissions.

2 D. In addition to the provisions of Subsection A of  
3 this section, by September 30, 2021, the general services  
4 department shall, to the extent authorized within the agency's  
5 statutory authority, adopt procurement rules for climate  
6 solutions projects to ensure that all New Mexico workers,  
7 especially in disproportionately impacted communities, have  
8 opportunities to access the jobs created by the implementation  
9 of climate solutions, identify ways to ensure that all New  
10 Mexicans have an opportunity to participate in governmental  
11 procurement for climate solutions projects and consider the use  
12 of incentives to achieve inclusion of all interested New  
13 Mexicans. If the general services department concludes that  
14 additional legislative authority is needed to implement the  
15 sustainable development strategic plan developed by the  
16 sustainable economic development subgroup, it shall identify  
17 the legislative authority needed in the report required  
18 pursuant to Subsection E of Section 5 of the Climate Solutions  
19 Act.

20 E. In addition to the provisions of Subsection A of  
21 this section, by September 30, 2021, the workforce solutions  
22 department, to the extent authorized within the agency's  
23 statutory authority, shall adopt workforce development rules  
24 for climate solutions projects to ensure that all New Mexico  
25 workers have opportunities to access jobs created by the

.218006.3



1 implementation of climate solutions and that a sustainable  
2 economy is created for all workers, with priority given to  
3 disproportionately impacted communities. The workforce  
4 solutions department shall develop training and registered  
5 apprenticeship opportunities for all New Mexicans interested in  
6 training for jobs created through the achievement of greenhouse  
7 gas emissions reductions and shall consider the use of  
8 incentives to achieve inclusion of all interested New Mexicans.  
9 If the workforce solutions department concludes that additional  
10 legislative authority is needed to implement the sustainable  
11 development strategic plan developed by the sustainable  
12 economic development subgroup, it shall identify the  
13 legislative authority needed in the report required pursuant to  
14 Subsection E of Section 5 of the Climate Solutions Act.

15 **SECTION 8.** Section 71-7-6 NMSA 1978 (being Laws 2004,  
16 Chapter 55, Section 6) is amended to read:

17 "71-7-6. CLEAN ENERGY GRANTS PROGRAM.--

18 A. The secretary shall establish the clean energy  
19 grants program to provide clean energy grants to:

- 20 (1) municipalities and county governments;
- 21 (2) state agencies;
- 22 (3) state universities;
- 23 (4) public schools;
- 24 (5) post-secondary educational institutions;

25 and

1 (6) Indian nations, tribes and pueblos.

2 B. The climate leadership council pursuant to the  
3 Climate Solutions Act shall provide recommendations to the  
4 secretary and set priorities for expenditures from the clean  
5 energy grants fund, when funds are available. The secretary  
6 may make grants from the fund for physical projects utilizing  
7 clean energy technologies and clean energy education, technical  
8 assistance and training programs. The department may use no  
9 more than one hundred thousand dollars (\$100,000) from the fund  
10 for the administration of the grants program and to conduct  
11 research or studies directly related to the Advanced Energy  
12 Technologies Economic Development Act.

13 C. The department may adopt rules establishing the  
14 application procedure and required qualifications of projects.  
15 No single entity shall receive greater than one hundred  
16 thousand dollars (\$100,000) from the fund. Factors that may be  
17 considered in approving or denying disbursements from the fund  
18 are the:

19 (1) [~~the~~] geographic area of the state in  
20 which the project is to be conducted in relation to other  
21 projects;

22 (2) percentage of cash or in-kind  
23 contributions applied to the total project;

24 (3) [~~the~~] extent to which the project  
25 incorporates an innovative new technology or an innovative

1 application of an existing technology;

2 (4) ~~[the]~~ degree to which the project will  
3 reduce the entity's energy-related expenditures;

4 (5) ~~[the]~~ degree to which the project fosters  
5 the general public's, students' or a specific government or  
6 industry sector's overall understanding and appreciation of  
7 clean energy technologies; and

8 (6) ~~[the]~~ extent to which the project  
9 stimulates in-state economic development, including jobs  
10 creation, and further development of a commercial market for  
11 clean energy technologies.

12 D. Except as provided otherwise in this section,  
13 the department shall disburse:

14 (1) no less than three hundred thousand  
15 dollars (\$300,000) to municipalities and county governments;

16 (2) no less than three hundred thousand  
17 dollars (\$300,000) to state universities and post-secondary  
18 educational institutions;

19 (3) no less than three hundred thousand  
20 dollars (\$300,000) to Indian nations, tribes and pueblos; and

21 (4) no more than two hundred thousand dollars  
22 (\$200,000) to state agencies and public schools.

23 E. The minimum disbursements designated in this  
24 section may be amended by the department if an insufficient  
25 number of qualified projects are applied for by entities

1 seeking grant funding within a particular category or  
2 categories.

3 F. The department shall report on disbursements  
4 made from the fund to the legislative finance committee prior  
5 to each regular legislative session. The report shall include:

6 (1) a list of recipients receiving  
7 disbursements;  
8 (2) the amount of each disbursement;  
9 (3) the date of each disbursement;  
10 (4) a description of each project or expansion  
11 funded with a disbursement;

12 (5) a description of each project's  
13 contribution to the state's knowledge and use of clean energy  
14 technologies; and

15 (6) a description of the extent to which the  
16 grants program is [~~benefitting~~] benefiting the state's  
17 environment, public health and economic development."

18 SECTION 9. Section 74-2-2 NMSA 1978 (being Laws 1967,  
19 Chapter 277, Section 2, as amended) is amended to read:

20 "74-2-2. DEFINITIONS.--As used in the Air Quality Control  
21 Act:

22 A. "air contaminant" means a substance, including  
23 any particulate matter, fly ash, dust, fumes, gas, mist, smoke,  
24 vapor, micro-organisms, radioactive material, any combination  
25 thereof or any decay or reaction product thereof;

.218006.3

1           B. "air pollution" means the emission, except  
2 emission that occurs in nature, into the outdoor atmosphere of  
3 one or more air contaminants in quantities and of a duration  
4 that may with reasonable probability injure human health or  
5 animal or plant life or as may unreasonably interfere with the  
6 public welfare, visibility or the reasonable use of property;

7           C. "department" means the department of  
8 environment;

9           D. "director" means the administrative head of a  
10 local agency;

11           E. "emission limitation" or "emission standard"  
12 means a requirement established by the environmental  
13 improvement board or the local board, the department, the local  
14 authority or the local agency or pursuant to the federal act  
15 that limits the quantity, rate or concentration, or combination  
16 thereof, of emissions of air contaminants on a continuous  
17 basis, including any requirements relating to the operation or  
18 maintenance of a source to assure continuous reduction;

19           F. "federal act" means the federal Clean Air Act,  
20 its subsequent amendments and successor provisions;

21           G. "federal standard of performance" means a  
22 standard of performance, emission limitation or emission  
23 standard adopted pursuant to 42 U.S.C. Section 7411 or 7412;

24           H. "hazardous air pollutant" means an air  
25 contaminant that has been listed as a hazardous air pollutant

1 pursuant to the federal act;

2 I. "local agency" means the administrative agency  
3 established by a local authority pursuant to Paragraph (2) of  
4 Subsection A of Section 74-2-4 NMSA 1978;

5 J. "local authority" means any of the following  
6 political subdivisions of the state that have, by following the  
7 procedure set forth in Subsection A of Section 74-2-4 NMSA  
8 1978, assumed jurisdiction for local administration and  
9 enforcement of the Air Quality Control Act:

10 (1) a county that was a class A county as of  
11 January 1, 1980; or

12 (2) a municipality with a population greater  
13 than one hundred thousand located within a county that was a  
14 class A county as of January 1, 1980;

15 K. "local board" means a municipal, county or joint  
16 air quality control board created by a local authority;

17 L. "mandatory class I area" means any of the  
18 following areas in this state that were in existence on August  
19 7, 1977:

20 (1) national wilderness areas that exceed five  
21 thousand acres in size; and

22 (2) national parks that exceed six thousand  
23 acres in size;

24 M. "modification" means a physical change in, or  
25 change in the method of operation of, a source that results in

1 an increase in the potential emission rate of a regulated air  
2 contaminant emitted by the source or that results in the  
3 emission of a regulated air contaminant not previously emitted,  
4 but does not include:

5 (1) a change in ownership of the source;

6 (2) routine maintenance, repair or  
7 replacement;

8 (3) installation of air pollution control  
9 equipment, and all related process equipment and materials  
10 necessary for its operation, undertaken for the purpose of  
11 complying with regulations adopted by the environmental  
12 improvement board or the local board or pursuant to the federal  
13 act; or

14 (4) unless previously limited by enforceable  
15 permit conditions:

16 (a) an increase in the production rate,  
17 if such increase does not exceed the operating design capacity  
18 of the source;

19 (b) an increase in the hours of  
20 operation; or

21 (c) use of an alternative fuel or raw  
22 material if, prior to January 6, 1975, the source was capable  
23 of accommodating such fuel or raw material or if use of an  
24 alternate fuel or raw material is caused by a natural gas  
25 curtailment or emergency allocation or [~~an other~~] another lack

1 of supply of natural gas;

2 N. "nonattainment area" means for an air  
3 contaminant an area that is designated "nonattainment" with  
4 respect to that contaminant within the meaning of Section  
5 107(d) of the federal act;

6 O. "person" includes an individual, partnership,  
7 corporation, association, the state or political subdivision of  
8 the state and any agency, department or instrumentality of the  
9 United States and any of their officers, agents or employees;

10 P. "potential emission rate" means the emission  
11 rate of a source at its maximum capacity to emit a regulated  
12 air contaminant under its physical and operational design,  
13 provided any physical or operational limitation on the capacity  
14 of the source to emit a regulated air contaminant, including  
15 air pollution control equipment and restrictions on hours of  
16 operation or on the type or amount of material combusted,  
17 stored or processed, shall be treated as part of its physical  
18 and operational design only if the limitation or the effect it  
19 would have on emissions is enforceable by the department or the  
20 local agency pursuant to the Air Quality Control Act or the  
21 federal act;

22 Q. "regulated air contaminant" means an air  
23 contaminant, the emission or ambient concentration of which is  
24 regulated pursuant to the Air Quality Control Act or the  
25 federal act;

.218006.3



1 R. "secretary" means the secretary of environment;

2 S. "significant deterioration" means an increase in  
3 the ambient concentrations of an air contaminant above the  
4 levels allowed by the federal act or federal regulations for  
5 that air contaminant in the area within which the increase  
6 occurs;

7 T. "source" means a structure, building, equipment,  
8 facility, installation or operation ~~[that emits or may emit an]~~  
9 at, from or by reason of which an air contaminant is emitted;

10 U. "standard of performance" means a requirement of  
11 continuous emission reduction, including any requirement  
12 relating to operation or maintenance of a source to assure  
13 continuous emission reduction;

14 V. "state implementation plan" means a plan  
15 submitted by New Mexico to the federal environmental protection  
16 agency pursuant to 42 U.S.C. Section 7410; and

17 W. "toxic air pollutant" means an air contaminant,  
18 except a hazardous air pollutant, classified by the  
19 environmental improvement board or the local board as a toxic  
20 air pollutant."

21 SECTION 10. EFFECTIVE DATE.--The effective date of the  
22 provisions of this act is July 1, 2021.