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HOUSE BILL 610

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO SOLAR ENERGY DEVELOPMENT; PROVIDING FOR RULEMAKING TO ESTABLISH STANDARDS FOR NEW CONSTRUCTION TO ACCOMMODATE SOLAR COLLECTORS; REPEALING SECTION 71-6-9 NMSA 1978 (BEING LAWS 1981, CHAPTER 379, SECTION 19, AS AMENDED).

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

Section 1. Section 71-6-4 NMSA 1978 (being Laws 1981, Chapter 379, Section 14) is amended to read:

"71-6-4. SHORT TITLE.--Sections [~~14 through 20 of this act~~] 71-6-4 through 71-6-10 NMSA 1978 may be cited as the "Solar Collector Standards Act"."

Section 2. Section 71-6-6 NMSA 1978 (being Laws 1981, Chapter 379, Section 16) is amended to read:

"71-6-6. [~~DEFINITION~~] DEFINITIONS.--As used in the Solar Collector Standards Act:

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1 A. "department" means the energy, minerals and
2 natural resources department; and

3 B. "solar collector" means a component [which] that
4 provides for the collection and transfer of incident solar
5 energy, such transfer to be effected through a liquid or air
6 medium primarily by mechanical means for use in water heating,
7 space heating or cooling or other applications [which] that
8 normally require or would require a conventional source of
9 energy such as petroleum products, natural gas or electricity;
10 but does not include [~~custom installations to be assembled at~~
11 ~~the site at which installation is to be made nor does it~~
12 ~~include what are commonly known as "passive systems"~~] a passive
13 system that uses structural elements of a building to provide
14 for the collection, storage and distribution of solar energy
15 for heating or cooling without the use of a motor-driven fan or
16 pump."

17 Section 3. Section 71-6-7 NMSA 1978 (being Laws 1981,
18 Chapter 379, Section 17, as amended) is amended to read:

19 "71-6-7. [~~ENERGY, MINERALS AND NATURAL RESOURCES~~]
20 DEPARTMENT--DUTIES RELATING TO SOLAR COLLECTOR STANDARDS.--

21 A. The [~~secretary of energy, minerals and natural~~
22 ~~resources or his designee~~] department shall promulgate
23 [~~regulations~~] rules to:

24 (1) define minimum standards for the
25 durability and reliability of solar collectors; and

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1 (2) establish criteria for testing the
2 durability, reliability and thermal efficiency of solar
3 collectors.

4 B. In promulgating the ~~[regulations]~~ rules required
5 by Subsection A of this section, the ~~[secretary or his~~
6 ~~designee]~~ department shall:

7 (1) consult with scientists, engineers and
8 individuals in research centers and professional societies such
9 as the American society of testing and materials who are
10 engaged in the construction of, experimentation with and
11 research of solar energy systems in order to make changes,
12 modifications and improvements to the standards and
13 certification program;

14 (2) consider compliance costs to industry and,
15 insofar as practicable, make efforts to reduce such costs; and

16 (3) consider similar standards and testing
17 criteria adopted by other states or included in nationally
18 recognized and accepted testing methodologies.

19 C. The ~~[secretary of energy, minerals and natural~~
20 ~~resources or his designee]~~ department shall approve testing
21 facilities ~~[which]~~ that meet the criteria established by
22 Paragraph (2) of Subsection A of this section and ~~[which]~~ that
23 have no financial interest in the manufacture, distribution or
24 sale of solar collectors. ~~[Any]~~ An approved testing facility
25 ~~[which]~~ that is partially or wholly supported by state funds

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1 may collect a reasonable testing fee sufficient to cover the
2 costs of testing."

3 Section 4. Section 71-6-8 NMSA 1978 (being Laws 1981,
4 Chapter 379, Section 18, as amended) is amended to read:

5 "71-6-8. CERTIFICATION.--

6 A. ~~[Any]~~ A person who manufactures, distributes or
7 sells solar collectors may apply to the ~~[energy, minerals and~~
8 ~~natural resources]~~ department for certification of the
9 collectors. The department shall certify the solar collectors
10 if:

11 (1) the applicant submits test results
12 performed by an approved testing facility ~~[which]~~ that show
13 that the collectors meet the minimum standards of durability
14 and reliability and ~~[which]~~ that indicate the thermal
15 efficiency of the collectors; or

16 (2) the applicant submits test results ~~[which]~~
17 that show that the collectors meet the minimum standards of
18 durability and reliability and ~~[which]~~ that indicate the
19 thermal efficiency of the collectors and the applicant submits
20 proof that the collectors have been certified or approved by
21 another state or the federal government and, in the opinion of
22 the secretary of energy, ~~[and]~~ minerals and natural resources,
23 the minimum standards and testing criteria of the other state
24 or the federal government are at least as stringent as those
25 established pursuant to the Solar Collector Standards Act.

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1 B. The [~~energy, minerals and natural resources~~]
2 department shall maintain accurate records of all solar
3 collectors [~~which~~] that have been certified pursuant to
4 Subsection A of this section, including the test results
5 submitted to the department. The records shall be available
6 for public inspection.

7 C. Not more than once every two years, the
8 [~~secretary of energy, minerals and natural resources~~]
9 department may require any applicant for which solar collectors
10 have been previously certified pursuant to this section to
11 submit additional or more recent test results. If the
12 applicant continues to meet the requirements of Subsection A of
13 this section, the certification of the solar collectors shall
14 be continued. If the applicant fails to submit the additional
15 or more recent test results or if the applicant fails to
16 continue to meet the requirements of Subsection A of this
17 section, the [~~secretary~~] department shall withdraw the
18 certification previously issued and shall so notify the
19 applicant.

20 D. The [~~energy, minerals and natural resources~~]
21 department shall promulgate rules [~~and regulations~~] necessary
22 to implement the provisions of this section."

23 Section 5. A new section of the Solar Collector Standards
24 Act is enacted to read:

25 "[NEW MATERIAL] CONSTRUCTION STANDARDS TO ACCOMMODATE

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1 SOLAR COLLECTORS--RULEMAKING.--The department, the construction
2 industries division of the regulation and licensing department
3 and the construction industries commission shall jointly
4 promulgate rules, standards or codes that establish
5 requirements for new construction that will accommodate the
6 installation of solar collectors to or on the new construction
7 after that construction is otherwise complete, including roof
8 orientation, roof strength, location of obstructions to
9 sunlight, access to installation locations, built-in conduit,
10 wiring and piping and brackets for attaching solar collectors."

11 Section 6. A new section of the Construction Industries
12 Licensing Act is enacted to read:

13 "[NEW MATERIAL] DIVISION AND COMMISSION--STANDARDS TO
14 ACCOMMODATE SOLAR COLLECTORS.--As provided in the Solar
15 Collector Standards Act, the division and commission shall
16 jointly with the energy, minerals and natural resources
17 department promulgate rules, standards or codes that establish
18 requirements for new construction that will accommodate the
19 installation of solar collectors to or on the new construction
20 after the construction is otherwise complete."

21 Section 7. REPEAL.--Section 71-6-9 NMSA 1978 (being Laws
22 1981, Chapter 379, Section 19, as amended) is repealed.

23 Section 8. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2007.