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SENATE BILL

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Benny Shendo, Jr. and Harry Garcia

AN ACT

RELATING TO PROCUREMENT; INCREASING THE PREFERENCE FOR NEW MEXICO RESIDENT BUSINESSES AND CONTRACTORS; ELIMINATING THE TIME LIMITATION FOR SPECIAL PREFERENCES FOR NEW MEXICO RESIDENT VETERAN BUSINESSES AND RESIDENT VETERAN CONTRACTORS; PROVIDING FOR A PREFERENCE FOR NEW MEXICO NATIVE AMERICAN RESIDENT AND RESIDENT VETERAN BUSINESSES AND CONTRACTORS.

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

SECTION 1. Section 13-1-21 NMSA 1978 (being Laws 1979, Chapter 72, Section 1, as amended) is amended to read:

"13-1-21. APPLICATION OF PREFERENCES.--

A. For the purposes of this section:

(1) "business" means a commercial enterprise carried on for the purpose of selling goods or services, including growing, producing, processing or distributing

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1 agricultural products;

2 (2) "formal bid process" means a competitive
3 bid process;

4 (3) "formal request for proposals process"
5 means a competitive proposal process, including a competitive
6 qualifications-based proposal process;

7 (4) "Native American resident business" means
8 a business that has a valid Native American resident business
9 certificate issued by the taxation and revenue department
10 pursuant to Section 13-1-22 NMSA 1978 but does not include a
11 Native American resident veteran business;

12 (5) "Native American resident veteran
13 business" means a business that has a valid Native American
14 resident veteran business certificate issued by the taxation
15 and revenue department pursuant to Section 13-1-22 NMSA 1978;

16 [~~4~~] (6) "public body" means a department,
17 commission, council, board, committee, institution, legislative
18 body, agency, government corporation, educational institution
19 or official of the executive, legislative or judicial branch of
20 the government of the state or a political subdivision of the
21 state and the agencies, instrumentalities and institutions
22 thereof, including two-year post-secondary educational
23 institutions, school districts, local school boards and all
24 municipalities, including home-rule municipalities;

25 [~~5~~] (7) "recycled content goods" means

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1 supplies and materials composed twenty-five percent or more of
2 recycled materials; provided that the recycled materials
3 content meets or exceeds the minimum content standards required
4 by bid specifications;

5 [~~(6)~~] (8) "resident business" means a business
6 that has a valid resident business certificate issued by the
7 taxation and revenue department pursuant to Section 13-1-22
8 NMSA 1978 but does not include a resident veteran business; and

9 [~~(7)~~] (9) "resident veteran business" means a
10 business that has a valid resident veteran business certificate
11 issued by the taxation and revenue department pursuant to
12 Section 13-1-22 NMSA 1978.

13 B. Except as provided in Subsection C of this
14 section, when a public body makes a purchase using a formal bid
15 process, the public body shall deem a bid submitted by a:

16 (1) resident business or Native American
17 resident business to be [~~five~~] eight percent lower than the bid
18 actually submitted; or

19 (2) resident veteran business [~~with annual~~
20 ~~gross revenues of up to three million dollars (\$3,000,000) in~~
21 ~~the preceding tax year~~] or Native American resident veteran
22 business to be ten percent lower than the bid actually
23 submitted.

24 C. When a public body makes a purchase using a
25 formal bid process and the bids are received for both recycled

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1 content goods and nonrecycled content goods, the public body
2 shall deem:

3 (1) bids submitted for recycled content goods
4 from any business, except a resident veteran business or Native
5 American resident veteran business, to be [~~five~~] eight percent
6 lower than the bids actually submitted; or

7 (2) bids submitted for recycled content goods
8 from a resident veteran business [~~with annual gross revenues of~~
9 ~~up to three million dollars (\$3,000,000) in the preceding tax~~
10 ~~year~~] or Native American resident veteran business to be ten
11 percent lower than the bids actually submitted.

12 D. When a public body makes a purchase using a
13 formal request for proposals process, not including contracts
14 awarded on a point-based system, the public body shall award an
15 additional:

16 (1) [~~five~~] eight percent of the total weight
17 of all the factors used in evaluating the proposals to a
18 resident business or Native American resident business; and

19 (2) ten percent of the total weight of all the
20 factors used in evaluating the proposals to a resident veteran
21 business [~~that has annual gross revenues of up to three million~~
22 ~~dollars (\$3,000,000) in the preceding tax year~~] or Native
23 American resident veteran business.

24 E. When a public body makes a purchase using a
25 formal request for proposals process, and the contract is

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1 awarded based on a point-based system, the public body shall
2 award additional points equivalent to:

3 (1) ~~[five]~~ eight percent of the total possible
4 points to a resident business or Native American resident
5 business; or

6 (2) ten percent of the total possible points
7 to a resident veteran business [~~that has annual gross revenues~~
8 ~~of up to three million dollars (\$3,000,000) in the preceding~~
9 ~~tax year~~] or Native American resident veteran business.

10 F. When a joint bid or joint proposal is submitted
11 by a combination of resident veteran, Native American resident
12 veteran, resident, Native American resident or nonresident
13 businesses, the preference provided pursuant to Subsection B,
14 C, D or E of this section shall be calculated in proportion to
15 the percentage of the contract, based on the dollar amount of
16 the goods or services provided under the contract, that will be
17 performed by each business as specified in the joint bid or
18 proposal.

19 G. [~~A resident veteran business shall not benefit~~
20 ~~from the preference pursuant to this section for more than ten~~
21 ~~consecutive years. A person that is an owner of a business~~
22 ~~that is a resident veteran business shall not benefit from the~~
23 ~~preference pursuant to this section for more than ten~~
24 ~~consecutive years]~~ A person shall not benefit from the
25 provisions of this section based on more than one business

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1 concurrently.

2 H. A public body shall not award a business both a
3 resident business preference and a resident veteran business
4 preference or a Native American resident business preference
5 and a Native American resident veteran business preference.

6 I. The procedures provided in Sections 13-1-172
7 through 13-1-183 NMSA 1978 or in an applicable purchasing
8 ordinance apply to a protest to a public body concerning the
9 awarding of a contract in violation of this section.

10 J. This section shall not apply when the
11 expenditure includes federal funds for a specific purchase."

12 SECTION 2. Section 13-1-22 NMSA 1978 (being Laws 2012,
13 Chapter 56, Section 4, as amended) is amended to read:

14 "13-1-22. RESIDENT BUSINESS AND RESIDENT CONTRACTOR
15 CERTIFICATION--NATIVE AMERICAN RESIDENT BUSINESS AND NATIVE
16 AMERICAN RESIDENT CONTRACTOR CERTIFICATES--RESIDENT VETERAN
17 BUSINESS AND RESIDENT VETERAN CONTRACTOR CERTIFICATES.--

18 A. To receive a resident business, Native American
19 resident business, resident veteran business or Native American
20 resident veteran business preference pursuant to Section
21 13-1-21 NMSA 1978 or a resident contractor, Native American
22 resident contractor, resident veteran contractor or Native
23 American resident veteran contractor preference pursuant to
24 Section 13-4-2 NMSA 1978, a business or contractor shall submit
25 with its bid or proposal a copy of a valid resident business,

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1 Native American resident business, resident veteran business or
2 Native American resident veteran business certificate or valid
3 resident contractor, Native American resident contractor,
4 resident veteran contractor or Native American resident veteran
5 contractor certificate issued by the taxation and revenue
6 department.

7 B. An application for a resident business
8 certificate shall include an affidavit from a certified public
9 accountant setting forth that the business is licensed to do
10 business in this state and that:

11 (1) the business has paid property taxes or
12 rent on real property in the state and paid at least one other
13 tax administered by the state in each of the three years
14 immediately preceding the submission of the affidavit;

15 (2) if the business is a new business, the
16 owner or majority of owners has paid property taxes or rent on
17 real property in the state and has paid at least one other tax
18 administered by the state in each of the three years
19 immediately preceding the submission of the affidavit and has
20 not applied for a resident business or resident contractor
21 certificate pursuant to this section during that time period;

22 (3) if the business is a relocated business,
23 at least eighty percent of the total personnel of the business
24 in the year immediately preceding the submission of the
25 affidavit were residents of the state and that, prior to the

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1 submission of the affidavit, the business either leased real
2 property for ten years or purchased real property greater than
3 one hundred thousand dollars (\$100,000) in value in the state;
4 or

5 (4) if the business is a previously certified
6 business or was eligible for certification, the business has
7 changed its name, has reorganized into one or more different
8 legal entities, was purchased by another legal entity but
9 operates in the state as substantially the same commercial
10 enterprise or has merged with a different legal entity but
11 operates in the state as substantially the same commercial
12 enterprise.

13 C. An application for a resident veteran business
14 certificate shall include the affidavit required by Subsection
15 B of this section and:

16 (1) verification by the United States
17 department of veterans affairs as being either a veteran-owned
18 small business or a service-disabled veteran-owned small
19 business; or

20 (2) verification of veteran status as
21 indicated by the United States department of defense DD form
22 214 of release or discharge from active duty with an honorable
23 discharge or of service-disabled veteran status by the United
24 States department of veterans affairs and proof that a veteran
25 or veterans own a majority of the business.

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1 [~~G.~~] D. An application for a resident contractor
2 certificate shall include an affidavit from a certified public
3 accountant setting forth that the contractor is currently
4 licensed as a contractor in this state and that:

- 5 (1) the contractor has:
- 6 (a) registered with the state at least
7 one vehicle; and
- 8 (b) in each of the five years
9 immediately preceding the submission of the affidavit: 1) paid
10 property taxes or rent on real property in the state and paid
11 at least one other tax administered by the state; and 2) paid
12 unemployment insurance on at least three full-time employees
13 who are residents of the state; provided that if a contractor
14 is a legacy contractor, the requirement of at least three full-
15 time employees who are residents of the state is waived;

16 (2) if the contractor is a new contractor, the
17 owner or majority of owners has paid property taxes or rent on
18 real property in the state and has paid at least one other tax
19 administered by the state in each of the five years immediately
20 preceding the submission of the affidavit and has not applied
21 for a resident business or resident contractor certificate
22 pursuant to this section during that time period;

23 (3) if the contractor is a relocated business,
24 at least eighty percent of the total personnel of the business
25 in the year immediately preceding the submission of the

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1 affidavit were residents of the state and that, prior to the
2 submission of the affidavit, the contractor either leased real
3 property for ten years or purchased real property greater than
4 one hundred thousand dollars (\$100,000) in value in the state;
5 or

6 (4) if the contractor is a previously
7 certified contractor or was eligible for certification, the
8 contractor has changed its name, has reorganized into one or
9 more different legal entities, was purchased by another legal
10 entity but operates in the state as substantially the same
11 enterprise or has merged with a different legal entity but
12 operates in the state as substantially the same commercial
13 enterprise.

14 E. An application for a resident veteran contractor
15 certificate shall include the affidavit required by Subsection
16 D of this section and:

17 (1) verification by the United States
18 department of veterans affairs as being either a veteran-owned
19 small business or a service-disabled veteran-owned small
20 business; or

21 (2) verification of veteran status as
22 indicated by the United States department of defense DD form
23 214 of release or discharge from active duty with an honorable
24 discharge or of service-disabled veteran status by the United
25 States department of veterans affairs and proof that a veteran

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1 or veterans own a majority of the business.

2 F. An application for a Native American resident
3 business certificate or a Native American resident contractor
4 certificate shall include an affidavit from a notary public
5 setting forth that the business is:

6 (1) operating on lands owned by an Indian
7 nation, tribe or pueblo located in whole or in part on land
8 within New Mexico; and

9 (2) at least fifty-one percent owned by an
10 Indian nation, tribe or pueblo located in whole or in part on
11 land within New Mexico; provided that:

12 (a) the Indian nation, tribe or pueblo
13 receives at least a majority of the net income from the
14 business; and

15 (b) the management and daily operation
16 of the business are controlled by one or more individuals who
17 are members of a New Mexico Indian nation, tribe or pueblo; or

18 (3) at least fifty-one percent owned by one or
19 more New Mexico residents who are members of a federally
20 recognized Indian nation, tribe or pueblo located in whole or
21 in part on land within New Mexico and that is established for
22 the purpose of profit; provided that:

23 (a) the Native American owners receive
24 at least a majority of the net income from the business; and

25 (b) the management and daily operation

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1 of the business are controlled by one or more individuals who
2 are members of a New Mexico Indian nation, tribe or pueblo.

3 G. An application for a Native American resident
4 veteran business certificate or a Native American resident
5 veteran contractor certificate shall include the affidavit
6 required by Subsection F of this section and, if the business
7 is not owned by an Indian nation, tribe or pueblo:

8 (1) verification by the United States
9 department of veterans affairs that the business is either a
10 veteran-owned small business or a service-disabled veteran-
11 owned small business;

12 (2) verification of veteran status of a
13 majority of the owners of the business as indicated by the
14 United States department of defense DD form 214 of release or
15 discharge from active duty with an honorable discharge or of
16 service-disabled veteran status by the United States department
17 of veterans affairs; or

18 (3) verification of veteran status of the
19 contractor as indicated by the United States department of
20 defense DD form 214 of release or discharge from active duty
21 with an honorable discharge or of service-disabled veteran
22 status by the United States department of veterans affairs.

23 ~~[D.]~~ H. The taxation and revenue department shall
24 prescribe the form and content of the application and required
25 affidavit. The taxation and revenue department shall examine

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1 the application and affidavit and, if necessary, may seek
2 additional information to ensure that the business or
3 contractor is eligible to receive the certificate pursuant to
4 the provisions of this section. If the taxation and revenue
5 department determines that an applicant is eligible, the
6 department shall issue a certificate pursuant to the provisions
7 of this section. If the taxation and revenue department
8 determines that the applicant is not eligible, the department
9 shall issue notification within thirty days. If no
10 notification is provided by the department, the certificate is
11 deemed approved. A certificate is valid for three years from
12 the date of its issuance; provided that if there is a change of
13 ownership of more than fifty percent, a resident business or
14 resident contractor shall reapply for a certificate.

15 ~~[E.]~~ I. A business or contractor whose application
16 for a certificate is denied has fifteen days from the date of
17 the taxation and revenue department's decision to file an
18 objection with the taxation and revenue department. The person
19 filing the objection shall submit evidence to support the
20 objection. The taxation and revenue department shall review
21 the evidence and issue a decision within fifteen days of the
22 filing of the objection.

23 ~~[F.]~~ J. If, following a hearing and an opportunity
24 to be heard, the administrative hearings office finds that a
25 business or contractor provided false information to the

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1 taxation and revenue department in order to obtain a
2 certificate or that a business or contractor used a certificate
3 to obtain a resident business or resident contractor preference
4 for a bid or proposal and the resident business or contractor
5 did not perform the percentage of the contract specified in the
6 bid or proposal, the business or contractor:

7 (1) is not eligible to receive a certificate
8 or a preference pursuant to Section 13-1-21 or 13-4-2 NMSA 1978
9 for a period of five years from the date on which the taxation
10 and revenue department became aware of the submission of the
11 false information or the failure to perform the contract as
12 specified in the bid or proposal; and

13 (2) is subject to an administrative penalty of
14 up to fifty thousand dollars (\$50,000) for each violation.

15 ~~[G.]~~ K. In a decision issued pursuant to Subsection
16 ~~[E or F]~~ I or J of this section, the taxation and revenue
17 department or the administrative hearings office shall state
18 the reasons for the action taken and inform an aggrieved
19 business or contractor of the right to judicial review of the
20 determination pursuant to the provisions of Section 39-3-1.1
21 NMSA 1978.

22 ~~[H.]~~ L. The taxation and revenue department may
23 assess a reasonable fee for the issuance of a certificate not
24 to exceed the actual cost of administering the taxation and
25 revenue department's duties pursuant to this section.

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1 [~~F.~~] M. The state auditor may audit or review the
2 issuance or validity of certificates.

3 [~~J.~~] N. For purposes of this section:

4 (1) "new business" means a person that did not
5 exist as a business in any form and that has been in existence
6 for less than three years;

7 (2) "new contractor" means a person that did
8 not exist as a business in any form and that has been in
9 existence for less than five years;

10 (3) "legacy contractor" means a construction
11 business that has been licensed in this state for ten
12 consecutive years; and

13 (4) "relocated business" means a business that
14 moved eighty percent of its total domestic personnel from
15 another state to New Mexico in the past five years."

16 SECTION 3. Section 13-4-2 NMSA 1978 (being Laws 1984,
17 Chapter 66, Section 2, as amended) is amended to read:

18 "13-4-2. APPLICATION OF PREFERENCE.--

19 A. For the purposes of this section:

20 (1) "formal bid process" means a competitive
21 sealed bid process;

22 (2) "formal request for proposals process"
23 means a competitive sealed proposal process, including a
24 competitive sealed qualifications-based proposal process;

25 (3) "Native American resident contractor"

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1 means a person that has a valid Native American resident
2 contractor certificate issued by the taxation and revenue
3 department pursuant to Section 13-1-22 NMSA 1978 but does not
4 include a Native American resident veteran contractor;

5 (4) "Native American resident veteran
6 contractor" means a person that has a valid Native American
7 resident veteran contractor certificate issued by the taxation
8 and revenue department pursuant to Section 13-1-22 NMSA 1978;

9 ~~[(3)]~~ (5) "public body" means a department,
10 commission, council, board, committee, institution, legislative
11 body, agency, government corporation, educational institution
12 or official of the executive, legislative or judicial branch of
13 the government of the state or a political subdivision of the
14 state and the agencies, instrumentalities and institutions
15 thereof, including two-year post-secondary educational
16 institutions, school districts, local school boards and all
17 municipalities, including home-rule municipalities;

18 ~~[(4)]~~ (6) "public works contract" means a
19 contract for construction, construction management,
20 architectural, landscape architectural, engineering, surveying
21 or interior design services;

22 ~~[(5)]~~ (7) "resident contractor" means a person
23 that has a valid resident contractor certificate issued by the
24 taxation and revenue department pursuant to Section 13-1-22
25 NMSA 1978 but does not include a resident veteran contractor;

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1 and

2 [~~(6)~~] (8) "resident veteran contractor" means
3 a person that has a valid resident veteran contractor
4 certificate issued by the taxation and revenue department
5 pursuant to Section 13-1-22 NMSA 1978.

6 B. For the purpose of awarding a public works
7 contract using a formal bid process, a public body shall deem a
8 bid submitted by a:

9 (1) resident contractor or Native American
10 resident contractor to be [~~five~~] eight percent lower than the
11 bid actually submitted; or

12 (2) resident veteran contractor [~~with annual~~
13 ~~gross revenues of up to three million dollars (\$3,000,000) in~~
14 ~~the preceding tax year] or Native American resident veteran
15 contractor to be ten percent lower than the bid actually
16 submitted.~~

17 C. When a public body awards a contract using a
18 formal request for proposals process, not including contracts
19 awarded on a point-based system, the public body shall award an
20 additional:

21 (1) [~~five~~] eight percent of the total weight
22 of all the factors used in evaluating the proposals to a
23 resident contractor or Native American resident contractor; or

24 (2) ten percent of the total weight of all the
25 factors used in evaluating the proposals to a resident veteran

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1 contractor [~~that has annual gross revenues of up to three~~
2 ~~million dollars (\$3,000,000) in the preceding tax year]~~ or
3 Native American resident veteran contractor.

4 D. When a public body makes a purchase using a
5 formal request for proposals process, and the contract is
6 awarded based on a point-based system, the public body shall
7 award an additional of the equivalent of:

8 (1) [~~five~~] eight percent of the total possible
9 points to a resident contractor or Native American resident
10 contractor; or

11 (2) ten percent of the total possible points
12 to a resident veteran contractor [~~that has annual gross~~
13 ~~revenues of up to three million dollars (\$3,000,000) in the~~
14 ~~preceding tax year]~~ or Native American resident veteran
15 contractor.

16 E. When a joint bid or joint proposal is submitted
17 by a combination of resident veteran, Native American resident
18 veteran, resident, Native American resident or nonresident
19 contractors, the preference provided pursuant to Subsection B,
20 C or D of this section shall be calculated in proportion to the
21 percentage of the contract, based on the dollar amount of the
22 goods or services provided under the contract, that will be
23 performed by each contractor as specified in the joint bid or
24 joint proposal.

25 F. [~~A resident veteran contractor shall not benefit~~

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1 ~~from the preference pursuant to this section for more than ten~~
2 ~~consecutive years. A person that is an owner of a business~~
3 ~~that is a resident veteran contractor shall not benefit from~~
4 ~~the preference pursuant to this section for more than ten~~
5 ~~consecutive years]~~ A person shall not benefit from the
6 provisions of this section based on more than one business
7 concurrently.

8 G. A public body shall not award a contractor both
9 a resident contractor preference and a resident veteran
10 contractor preference or a Native American resident contractor
11 preference and a Native American resident veteran contractor
12 preference.

13 H. The procedures provided in Sections 13-1-172
14 through 13-1-183 NMSA 1978 or in an applicable purchasing
15 ordinance apply to a protest to a public body concerning the
16 awarding of a contract in violation of this section."

17 SECTION 4. Section 62-16B-7 NMSA 1978 (being Laws 2021,
18 Chapter 34, Section 7) is amended to read:

19 "62-16B-7. PUBLIC REGULATION COMMISSION--ENFORCEMENT AND
20 RULEMAKING.--

21 A. The commission shall administer and enforce the
22 rules and provisions of the Community Solar Act, including
23 regulation of subscriber organizations in accordance with the
24 Community Solar Act and oversight and review of the consumer
25 protections established for the community solar program.

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1 B. The commission shall adopt rules to establish a
2 community solar program by no later than April 1, 2022. The
3 rules shall:

4 (1) provide an initial statewide capacity
5 program cap of two hundred megawatts alternating current
6 proportionally allocated to investor-owned utilities until
7 November 1, 2024. The statewide capacity program cap shall
8 exclude native community solar projects and rural electric
9 distribution cooperatives;

10 (2) establish an annual statewide capacity
11 program cap to be in effect after November 1, 2024;

12 (3) require thirty percent of electricity
13 produced from each community solar facility to be reserved for
14 low-income customers and low-income service organizations. The
15 commission shall issue guidelines to ensure the carve-out is
16 achieved each year and develop a list of low-income service
17 organizations and programs that may pre-qualify low-income
18 customers;

19 (4) establish a process for the selection of
20 community solar facility projects and allocation of the
21 statewide capacity program cap, consistent with Section 13-1-21
22 NMSA 1978 regarding resident business, Native American resident
23 business, [~~and~~] resident veteran business and Native American
24 resident veteran business preferences;

25 (5) require a qualifying utility to file the

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1 tariffs, agreement or forms necessary for implementation of the
2 community solar program;

3 (6) establish reasonable, uniform, efficient
4 and non-discriminatory standards, fees and processes for the
5 interconnection of community solar facilities that are
6 consistent with the commission's existing interconnection rules
7 and interconnection manual that allows a qualifying utility to
8 recover reasonable costs for administering the community solar
9 program and interconnection costs for each community solar
10 facility, such that a qualifying utility and its non-
11 subscribing customers do not subsidize the costs attributable
12 to the subscriber organization pursuant to this paragraph;

13 (7) provide consumer protections for
14 subscribers, including a uniform disclosure form that
15 identifies the information that shall be provided by a
16 subscriber organization to a potential subscriber, in both
17 English and Spanish, and when appropriate, native or indigenous
18 languages, to ensure fair disclosure of future costs and
19 benefits of subscriptions, key contract terms, security
20 interests and other relevant but reasonable information
21 pertaining to the subscription, as well as grievance and
22 enforcement procedures;

23 (8) provide a community solar bill credit rate
24 mechanism for subscribers derived from the qualifying utility's
25 total aggregate retail rate on a per-customer-class basis, less
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1 the commission-approved distribution cost components, and
2 identify all proposed rules, fees and charges; provided that
3 non-subscribers shall not subsidize costs attributable to
4 subscribers; and provided further that if the commission
5 determines that it is in the public interest for non-
6 subscribers to subsidize subscribers, non-subscribers shall not
7 be charged more than three percent of the non-subscribers'
8 aggregate retail rate on an annual basis to subsidize
9 subscribers;

10 (9) reasonably allow for the creation,
11 financing and accessibility of community solar facilities; and

12 (10) provide requirements for the siting and
13 co-location of community solar facilities with other energy
14 resources; provided that community solar facilities shall not
15 be co-located with other community solar facilities.

16 C. The commission may through rule establish a
17 reasonable application fee for subscriber organizations that is
18 designed to cover a portion of the administrative costs of the
19 commission in carrying out the community solar program.
20 Application fees collected by the commission shall be remitted
21 to the state treasurer no later than the day after their
22 receipt.

23 D. The commission shall solicit input from relevant
24 state agencies, public utilities, low-income stakeholders,
25 disproportionately impacted communities, potential owners or

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1 operators of community solar facilities, Indian nations, tribes
2 and pueblos and other interested parties in its rulemaking
3 process.

4 E. By no later than November 1, 2024, the
5 commission shall provide to the appropriate interim legislative
6 committee a report on the status of the community solar
7 program, including the development of community solar
8 facilities, the participation of investor-owned utilities and
9 rural electric distribution cooperatives, low-income
10 participation, the adequacy of facility size, proposals for
11 alternative rate structures and bill credit mechanisms, cross-
12 subsidization issues, local developer project selection and
13 expansion of the local solar industry, community solar
14 facilities' effect on utility compliance with the renewable
15 portfolio standard and an evaluation of the effectiveness of
16 the commission's rules to implement the Community Solar Act and
17 any recommended changes."

18 SECTION 5. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2022.