

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 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. DEFINITIONS.--As used in the Solar Collector Standards Act:

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

B. "solar collector" means a component that provides for the collection and transfer of incident solar energy, such transfer to be effected through a liquid or air medium primarily by mechanical means for use in water heating, space heating or cooling or other applications that normally require or would require a conventional source of energy such as petroleum products, natural gas or electricity; but does

not include a passive system that uses structural elements of a building to provide for the collection, storage and distribution of solar energy for heating or cooling without the use of a motor-driven fan or pump."

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

"71-6-7. DEPARTMENT--DUTIES RELATING TO SOLAR COLLECTOR STANDARDS.--

A. The department shall promulgate rules to:

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

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

B. In promulgating the rules required by Subsection A of this section, the department shall:

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

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

costs; and

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

C. The department shall approve testing facilities that meet the criteria established by Paragraph (2) of Subsection A of this section and that have no financial interest in the manufacture, distribution or sale of solar collectors. An approved testing facility that is partially or wholly supported by state funds may collect a reasonable testing fee sufficient to cover the costs of testing."

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

"71-6-8. CERTIFICATION.--

A. A person who manufactures, distributes or sells solar collectors may apply to the department for certification of the collectors. The department shall certify the solar collectors if:

(1) the applicant submits test results performed by an approved testing facility that show that the collectors meet the minimum standards of durability and reliability and that indicate the thermal efficiency of the collectors; or

(2) the applicant submits test results that show that the collectors meet the minimum standards of

durability and reliability and that indicate the thermal efficiency of the collectors and the applicant submits proof that the collectors have been certified or approved by another state or the federal government and, in the opinion of the secretary of energy, minerals and natural resources, the minimum standards and testing criteria of the other state or the federal government are at least as stringent as those established pursuant to the Solar Collector Standards Act.

B. The department shall maintain accurate records of all solar collectors that have been certified pursuant to Subsection A of this section, including the test results submitted to the department. The records shall be available for public inspection.

C. Not more than once every two years, the department may require any applicant for which solar collectors have been previously certified pursuant to this section to submit additional or more recent test results. If the applicant continues to meet the requirements of Subsection A of this section, the certification of the solar collectors shall be continued. If the applicant fails to submit the additional or more recent test results or if the applicant fails to continue to meet the requirements of Subsection A of this section, the department shall withdraw the certification previously issued and shall so notify the applicant.

D. The department shall promulgate rules necessary

to implement the provisions of this section."

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

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

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

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

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

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

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