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SENATE MEMORIAL 86

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Pete Campos

A MEMORIAL

ENCOURAGING STATE AGENCIES TO SUPPORT UPDATING THE NEW MEXICO ENERGY CONSERVATION CODE.

WHEREAS, the federal Energy Conservation and Production Act requires that states review new building codes for possible adoption after the United States department of energy has certified the energy savings benefits; and

WHEREAS, New Mexico's current energy conservation code, enacted in 2009, does not meet the current national standard and is not in compliance with this requirement, since the United States department of energy certified that the 2012 edition of the international energy conservation code achieved greater energy savings when it published a notice of determination on May 17, 2012; and

WHEREAS, the energy conservation and management division

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1 of the energy, minerals and natural resources department  
2 provides technical assistance and training under the United  
3 States department of energy state energy conservation program  
4 to the construction industries division of the regulation and  
5 licensing department for inspectors, builders, architects,  
6 engineers and new homeowners on compliance with new building  
7 codes; and

8 WHEREAS, the United States department of energy no longer  
9 supports the 2009 energy conservation code with compliance  
10 software tools like REScheck and COMcheck and no longer  
11 provides training; and

12 WHEREAS, Governor Michelle Lujan Grisham's Executive Order  
13 2019-003, addressing climate change and energy waste  
14 prevention, directs the evaluation of regulatory strategies,  
15 including the adoption of building codes to achieve reduction  
16 in greenhouse gas pollution; and

17 WHEREAS, new energy codes incorporate modern technologies  
18 and construction techniques to create safer, healthier and more  
19 sustainable building structures; and

20 WHEREAS, Pacific Northwest national laboratory conducted a  
21 study that demonstrated that New Mexico homebuyers would  
22 realize significant utility cost savings benefits with the  
23 implementation of the 2015 international energy conservation  
24 code; and

25 WHEREAS, in 2018, the New Mexico regulation and licensing

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1 department adopted the 2015 uniform plumbing and uniform  
2 mechanical codes without updating the state energy conservation  
3 code; and

4 WHEREAS, the energy, minerals and natural resources  
5 department, in February 2019, was not selected to receive a  
6 grant from the United States department of energy to measure  
7 the effectiveness of energy conservation building practices, in  
8 part due to the state having outdated energy conservation codes  
9 for residential and commercial buildings; and

10 WHEREAS, New Mexico energy roadmap meetings conducted by  
11 the energy, minerals and natural resources department, which  
12 included more than fifty diverse New Mexico energy  
13 stakeholders, concluded that it is important to upgrade all New  
14 Mexico building codes to at least meet national standards and  
15 to develop a process for maintaining current codes;

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
17 OF NEW MEXICO that the energy, minerals and natural resources  
18 department be requested to partner with the regulation and  
19 licensing department and the construction industries commission  
20 in the development of an updated New Mexico energy conservation  
21 code; and

22 BE IT FURTHER RESOLVED that the energy, minerals and  
23 natural resources department provide information and assistance  
24 to the regulation and licensing department in the development  
25 of the updated New Mexico energy conservation code; and

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1 BE IT FURTHER RESOLVED that all affected stakeholders be  
2 invited to participate in the review and adopting process; and

3 BE IT FURTHER RESOLVED that the regulation and licensing  
4 department and the energy, minerals and natural resources  
5 department be requested to develop a way for all building codes  
6 to be updated in a timely manner in the future; and

7 BE IT FURTHER RESOLVED that the energy, minerals and  
8 natural resources department and stakeholders present to the  
9 appropriate interim legislative committee by November 1, 2019  
10 an update on the development and progress of the updated energy  
11 conservation code; and

12 BE IT FURTHER RESOLVED that copies of this memorial be  
13 transmitted to the superintendent of regulation and licensing,  
14 the director of the construction industries division of the  
15 regulation and licensing department, the chair of the  
16 construction industries commission, the secretary of energy,  
17 minerals and natural resources, the director of the energy  
18 conservation and management division of the energy, minerals  
19 and natural resources department and the governor.

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