

HOUSE BILL 440

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

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO LOCAL GOVERNMENT; PROVIDING AUTHORITY FOR COUNTY SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENTS TO BE EFFECTIVE IN INCORPORATED MUNICIPALITIES; ALLOWING COUNTIES TO CONTRACT WITH THIRD PARTIES TO ADMINISTER THE SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENT.

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

SECTION 1. Section 4-37-2 NMSA 1978 (being Laws 1975, Chapter 312, Section 2) is amended to read:

"4-37-2. AREAS IN WHICH COUNTY ORDINANCES ARE

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EFFECTIVE.--County ordinances are effective within the boundaries of the county, including privately owned land or land owned by the United States. However, ordinances are not effective within the limits of any incorporated municipality; provided that an ordinance adopted by a county pursuant to the Solar Energy Improvement Special Assessment Act shall be effective within the limits of an incorporated municipality if the municipality adopts Sfl→a resolution←Sfl Sfl→SCONG→resolution←SCONG SCONG→ordinance←SCONG←Sfl Sfl→an ordinance←Sfl approving the application of the county's ordinance within the incorporated municipality."

SECTION 2. Section 4-55C-1 NMSA 1978 (being Laws 2009, Chapter 270, Section 1) is amended to read:

"4-55C-1. SHORT TITLE.--~~[This act]~~ Chapter 4, Article 55C NMSA 1978 may be cited as the "Solar Energy Improvement Special Assessment Act"."

SECTION 3. Section 4-55C-3 NMSA 1978 (being Laws 2009, Chapter 270, Section 3) is amended to read:

"4-55C-3. ORDINANCE IMPOSING SOLAR ENERGY IMPROVEMENT SPECIAL ASSESSMENT.--

A. The board of county commissioners of a county may provide by ordinance for a solar energy improvement special assessment to be imposed on a residential or commercial property within the boundaries of the county if the owner of the property requests the assessment.

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B. A solar energy improvement special assessment may be imposed on Hfl→residential or←Hfl commercial property within the boundaries of an incorporated municipality in a county if the municipality adopts Sfl→a resolution←Sfl Sfl→SCONG→resolution←SCONG SCONG→ordinance←SCONG←Sfl Sfl→an ordinance←Sfl approving the application of the county's ordinance within the incorporated municipality.

C. The purpose of the solar energy improvement special assessment shall be to increase access to the benefits of solar technology improvements by participation in a voluntary special assessment on property, which can be used to facilitate financing arrangements for the eligible solar energy improvements."

SECTION 4. A new section of the Solar Energy Improvement Special Assessment Act is enacted to read:

"[NEW MATERIAL] THIRD-PARTY ADMINISTRATOR.--The board of county commissioners may contract with a third party to assist with the planning and administration of the solar energy improvement special assessment pursuant to the Solar Energy Improvement Special Assessment Act."