

1 HOUSE BILL 440

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

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

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

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

20 "4-37-2. AREAS IN WHICH COUNTY ORDINANCES ARE  
21 EFFECTIVE.--County ordinances are effective within the  
22 boundaries of the county, including privately owned land or  
23 land owned by the United States. However, ordinances are not  
24 effective within the limits of any incorporated municipality;  
25 provided that an ordinance adopted by a county pursuant to the

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1 Solar Energy Improvement Special Assessment Act shall be  
2 effective within the limits of an incorporated municipality if  
3 the municipality adopts a resolution approving the application  
4 of the county's ordinance within the incorporated  
5 municipality."

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

8 "4-55C-1. SHORT TITLE.--~~[This act]~~ Chapter 4, Article 55C  
9 NMSA 1978 may be cited as the "Solar Energy Improvement Special  
10 Assessment Act"."

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

13 "4-55C-3. ORDINANCE IMPOSING SOLAR ENERGY IMPROVEMENT  
14 SPECIAL ASSESSMENT.--

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

20 B. A solar energy improvement special assessment  
21 may be imposed on residential or commercial property within the  
22 boundaries of an incorporated municipality in a county if the  
23 municipality adopts a resolution approving the application of  
24 the county's ordinance within the incorporated municipality.

25 C. The purpose of the solar energy improvement

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1 special assessment shall be to increase access to the benefits  
2 of solar technology improvements by participation in a  
3 voluntary special assessment on property, which can be used to  
4 facilitate financing arrangements for the eligible solar energy  
5 improvements."

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

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