

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 151

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO WATER; AMENDING A SECTION OF THE CONSTRUCTION INDUSTRIES LICENSING ACT TO PROVIDE FOR MINIMUM STANDARDS FOR THE VOLUNTARY COLLECTION OF PRECIPITATION FROM ROOF SURFACES.

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

Section 1. Section 60-13-44 NMSA 1978 (being Laws 1967, Chapter 199, Section 52, as amended) is amended to read:

"60-13-44. TRADE BUREAUS--STANDARDS--CONFLICTS.--

A. The electrical bureau shall recommend to the commission minimum standards for the installation or use of electrical wiring. The recommendations shall substantially embody the applicable provisions of an electrical code for safety to life and property promulgated by a nationally recognized association and developed through an open, balanced consensus process.

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1           B. The mechanical bureau shall recommend to the  
2 commission minimum standards for the installation of all  
3 fixtures, consumers' gas pipe, appliances and materials  
4 installed in the course of a mechanical installation. The  
5 recommendations shall be in substantial conformity with codes  
6 and standards that are developed through an open, balanced  
7 consensus process. Manufacturers may choose the independent  
8 certification organization they wish to certify their products,  
9 if the certification organization is accredited by the American  
10 national standards institute or other accreditation  
11 organization selected by the commission.

12           C. The general construction bureau shall recommend  
13 to the commission minimum standards for the construction,  
14 alteration or repair of buildings, except for those activities  
15 within the jurisdiction of the electrical bureau or the  
16 mechanical bureau. The recommendations shall substantially  
17 embody the applicable provisions of a nationally recognized  
18 building code that is developed through an open, balanced  
19 consensus process and shall give due regard to physical,  
20 climatic and other conditions peculiar to New Mexico. The  
21 standards shall include the authority to permit or deny  
22 occupancy of existing and new buildings or structures and  
23 authority to accept or deny the use of materials manufactured  
24 within or without the state. The general construction bureau  
25 may set minimum fees or charges for conducting tests to verify

. 153618. 1

underscored material = new  
[bracketed material] = delete

1 claims or specifications of manufacturers.

2 D. The general construction and mechanical bureaus  
3 shall recommend to the commission minimum standards for the  
4 voluntary collection of precipitation from roof surfaces.

5 [~~D.-~~] E. The general construction bureau shall  
6 recommend to the commission additional specifications for any  
7 public building constructed in the state through expenditure of  
8 state, county or municipal funds, bonds and other revenues,  
9 which specifications shall embody standards making the building  
10 accessible to individuals who are physically handicapped, and  
11 the specifications shall conform substantially with those  
12 contained in a nationally recognized standard for making public  
13 facilities accessible to the physically handicapped that is  
14 developed through an open, balanced consensus process. All  
15 orders and rules recommended by the general construction bureau  
16 and adopted by the commission under the provisions of this  
17 section shall be printed and distributed to all licensed  
18 contractors, architects and engineers and to the governor's  
19 committee on concerns of the handicapped. The orders and rules  
20 shall take effect on a date fixed by the commission, which  
21 shall not be less than thirty days after their adoption by the  
22 commission, and shall have the force of law.

23 [~~E.-~~] E. The general construction bureau shall have  
24 the right of review of all specifications of public buildings  
25 and the responsibility to ensure compliance with the adopted

. 153618. 1

underscored material = new  
[bracketed material] = delete

1 standards.

2           ~~[F-]~~ G. All political subdivisions of the state are  
3 subject to the provisions of codes adopted and approved under  
4 the Construction Industries Licensing Act. Such codes  
5 constitute a minimum requirement for the codes of political  
6 subdivisions.

7           ~~[G-]~~ H. The trade bureaus within their respective  
8 jurisdictions shall recommend to the commission standards that  
9 are developed through an open, balanced consensus process for  
10 the installation or use of electrical wiring, the installation  
11 of all fixtures, consumers' gas pipe, appliances and materials  
12 installed in the course of mechanical installation and the  
13 construction, alteration or repair of all buildings intended  
14 for use by the physically handicapped or persons requiring  
15 special facilities to accommodate the aged. The  
16 recommendations shall give due regard to physical, climatic and  
17 other conditions peculiar to New Mexico.

18           ~~[H-]~~ I. The trade bureaus within their respective  
19 jurisdictions shall recommend to the commission standards for  
20 the construction, alteration, repair, use or occupancy of  
21 manufactured commercial units, modular homes and  
22 premanufactured homes. The recommendations shall substantially  
23 embody the applicable provisions or standards for the safety to  
24 life, health, welfare and property approved by the nationally  
25 recognized standards association and developed through an open,

underscored material = new  
[bracketed material] = delete

1 balanced consensus process and shall give due regard to  
2 physical, climatic and other conditions peculiar to New Mexico.  
3 Wherever existing state codes or standards conflict with the  
4 codes and standards adopted by the commission under the  
5 provisions of this subsection, the provisions of the New Mexico  
6 Uniform Building Code, the New Mexico Electrical Code, the New  
7 Mexico Plumbing Code or the Natural Gas Code of New Mexico  
8 shall exclusively apply and control, except for codes and  
9 standards for mobile housing units.

10 ~~[I.]~~ J. Modular homes and premanufactured homes in  
11 existence at the time of the effective date of the Construction  
12 Industries Licensing Act shall have their use or occupancy  
13 continued if such use or occupancy was legal on the effective  
14 date of that act, provided such continued use or occupancy is  
15 not dangerous to life. Any change in the use or occupancy or  
16 any major alteration or repair of a modular home or  
17 premanufactured home shall comply with all codes and standards  
18 adopted under the Construction Industries Licensing Act.

19 ~~[J.]~~ K. The commission shall review all  
20 recommendations made under the provisions of this section and  
21 shall by rule adopt standards and codes that substantially  
22 comply with the requirements of this section that apply to the  
23 recommendations of the trade bureaus."