

HOUSE FLOOR SUBSTITUTE FOR
HOUSE BILL 197

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

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 BUILDINGS.

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.

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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

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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.]~~ F. 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

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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,

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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 ~~[F.]~~ 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 ~~[G.]~~ 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."