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SENATE BILL 122

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

INTRODUCED BY

Carlos R. Cisneros

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO WATER; AMENDING A SECTION OF THE CONSTRUCTION INDUSTRIES LICENSING ACT TO PROVIDE FOR MINIMUM STANDARDS FOR THE COLLECTION OF PRECIPITATION FROM COMMERCIAL 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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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 bureau shall recommend
3 to the commission minimum standards for requiring all new
4 construction of commercial buildings that have landscaping to
5 provide for collection of precipitation from roof surfaces.
6 The minimum standards may include standards for collection
7 surfaces and conveyance systems, inlet flushes or filters,
8 storage in tanks or cisterns, retrieval, distribution,
9 monitoring, overflows and spillways, vermin control and
10 operations and management. The water collected shall be used
11 for native landscaping and may be used for nonpotable uses in
12 the building. These standards shall apply to all water
13 harvesting from roofs.

14 [~~D-~~] E. The general construction bureau shall
15 recommend to the commission additional specifications for any
16 public building constructed in the state through expenditure of
17 state, county or municipal funds, bonds and other revenues,
18 which specifications shall embody standards making the building
19 accessible to individuals who are physically handicapped, and
20 the specifications shall conform substantially with those
21 contained in a nationally recognized standard for making public
22 facilities accessible to the physically handicapped that is
23 developed through an open, balanced consensus process. All
24 orders and rules recommended by the general construction bureau
25 and adopted by the commission under the provisions of this

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1 section shall be printed and distributed to all licensed
2 contractors, architects and engineers and to the governor's
3 committee on concerns of the handicapped. The orders and rules
4 shall take effect on a date fixed by the commission, which
5 shall not be less than thirty days after their adoption by the
6 commission, and shall have the force of law.

7 [E-] F. The general construction bureau shall have
8 the right of review of all specifications of public buildings
9 and the responsibility to ensure compliance with the adopted
10 standards.

11 [F-] G. All political subdivisions of the state are
12 subject to the provisions of codes adopted and approved under
13 the Construction Industries Licensing Act. Such codes
14 constitute a minimum requirement for the codes of political
15 subdivisions.

16 [G-] H. The trade bureaus within their respective
17 jurisdictions shall recommend to the commission standards that
18 are developed through an open, balanced consensus process for
19 the installation or use of electrical wiring, the installation
20 of all fixtures, consumers' gas pipe, appliances and materials
21 installed in the course of mechanical installation and the
22 construction, alteration or repair of all buildings intended
23 for use by the physically handicapped or persons requiring
24 special facilities to accommodate the aged. The
25 recommendations shall give due regard to physical, climatic and

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1 other conditions peculiar to New Mexico.

2 ~~[H-]~~ I. The trade bureaus within their respective
3 jurisdictions shall recommend to the commission standards for
4 the construction, alteration, repair, use or occupancy of
5 manufactured commercial units, modular homes and
6 premanufactured homes. The recommendations shall substantially
7 embody the applicable provisions or standards for the safety to
8 life, health, welfare and property approved by the nationally
9 recognized standards association and developed through an open,
10 balanced consensus process and shall give due regard to
11 physical, climatic and other conditions peculiar to New Mexico.
12 Wherever existing state codes or standards conflict with the
13 codes and standards adopted by the commission under the
14 provisions of this subsection, the provisions of the New Mexico
15 Uniform Building Code, the New Mexico Electrical Code, the New
16 Mexico Plumbing Code or the Natural Gas Code of New Mexico
17 shall exclusively apply and control, except for codes and
18 standards for mobile housing units.

19 ~~[I-]~~ J. Modular homes and premanufactured homes in
20 existence at the time of the effective date of the Construction
21 Industries Licensing Act shall have their use or occupancy
22 continued if such use or occupancy was legal on the effective
23 date of that act, provided such continued use or occupancy is
24 not dangerous to life. Any change in the use or occupancy or
25 any major alteration or repair of a modular home or

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1 premanufactured home shall comply with all codes and standards
2 adopted under the Construction Industries Licensing Act.

3 ~~[J-]~~ K. The commission shall review all
4 recommendations made under the provisions of this section and
5 shall by rule adopt standards and codes that substantially
6 comply with the requirements of this section that apply to the
7 recommendations of the trade bureaus. "