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## FISCAL IMPACT REPORT

SPONSOR Cisneros DATE TYPED 1/27/2004 HB \_\_\_\_\_

SHORT TITLE Business Precipitation Collection Standards SB 122

ANALYST Aguilar

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI		Indeterminate		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates House Bill 197.

Responses Received From

- Regulation and Licensing Department (RLD)
- Office of the State Engineer (OSE)
- Public Schools Facilities Authority (PSFA)
- Energy, Mineral and Natural Resources Department (EMNRD)

No Response

Department of Environment (ED)

### SUMMARY

Synopsis of Bill

Senate Bill 122 adds to the Construction Industries Licensing Act a requirement that the General Construction Bureau (within the Construction Industries Division of the NM Regulation and Licensing Department) recommend to the Construction Industries Commission minimum standards for requiring all new commercial buildings that have landscaping to collect precipitation from roof surfaces. Water collected shall be used for native landscaping and may be used for indoor non-potable purposes.

Significant Issues

Senate Bill 122 would promote water conservation and re-use.

The proposed legislation would apply to all commercial buildings, including state owned buildings, irrespective of size.

SB 122 requires the use of collected water for native landscaping. This may result in the state mandating the type of landscaping used in all commercial building.

The Public Schools Facility Authority reports that water harvesting is a logical and progressive response to the scarcity issues facing New Mexico. Care should be taken not to legislate design parameters without more public input and consensus on definitions of native species and other definitions that would impact the landscape architect community and the community at large.

The Regulation and Licensing Department notes the following:

- There does not appear to be a correlation between the amount of water harvested and the amount used. For example, malls, schools, manufacturing plants, etc. could harvest large amounts of water, but may have minimal amounts of landscaping in their large parking lots.
- The proposed language could be implemented through the rule making process rather than through legislation.
- Water harvesting is expensive because it increases the construction cost of piping that is required to redistribute harvested water.

## **FISCAL IMPLICATIONS**

RLD reports it may expend some additional time on plan review and inspections, this impact is not expected to be significant after initial training.

RLD notes that additional staff time will be required to research, develop and draft new codes; conduct public hearings and educate the public regarding new code adoption.

## **ADMINISTRATIVE IMPLICATIONS**

According to RLD, SB122 has the following implications:

1. Increases plan review time.
2. Only roof construction would fall under the jurisdiction of the general construction bureau. The systems necessary to implement the harvesting would fall under the jurisdiction of the mechanical bureau.
3. New training will be required for plan reviewers and inspectors.
4. Significant staff time will be required to research standards and form well-based recommendations because many of standards that would be required by this legislation do not exist in the current plumbing codes adopted by the State.
5. Inspection time on each building would increase.

## **TECHNICAL ISSUES**

The legislation specifies that water collected shall be used for native landscaping. This provision may encourage the use of non-native species for landscaping. In the event native landscaping is not used; an argument could be made that this legislation would not apply to a particular com-

mercial project.

Language should be inserted including the mechanical bureau since the systems necessary to harvest the water would fall under its jurisdiction.

**OTHER SUBSTANTIVE ISSUES**

SB122 may result in an increase in initial construction costs since it will require roof drainage and collection systems, storage systems and a distribution system for the water.

No response was received from the Environment Department although the harvested water may raise water quality issues or pest control issues. These concerns would fall outside of the Construction Industries Division statutory authority.

**PA/sb**