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## FISCAL IMPACT REPORT

SPONSOR Stewart DATE TYPED 03/16/05 HB 151/aHBIC/aSCORC/a  
 SFL#1

SHORT TITLE Roof Water Collection Minimum Standards SB \_\_\_\_\_

ANALYST McSherry

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files  
 Regulations and Licensing Department

### SUMMARY

#### Synopsis of Senate Floor Amendment #1

Senate Floor Amendment #1 provides that the proposed standards to be determined for the voluntary collection of precipitation from roof surfaces by the general construction and mechanical bureaus would be for new construction projects only.

#### Synopsis of SCORC Amendment

The Senate Corporations and Transportation Committee amendments to House Bill 151:

- 1) On page 3 of the bill, replace the committee on concerns of the handicapped with the commission on disability as the party receiving copies of orders and rules adopted by the construction industries commission;
- 2) On page 5 of the bill, strike the New Mexico Uniform Building Code, the New Mexico Electrical Code, the New Mexico Plumbing Code and the Natural Gas Code of New Mexico and replace it with the applicable New Mexico building codes adopted pursuant to the Construction Industries Licensing Act and the LPG and CNG Act in effect at the applicable time.

#### Synopsis of HBIC Amendment

House Business and Industry Committee amendment to House Bill 151 adds the word “construction” to specify that the minimum Construction Industry Commission required standards would be established with regard the construction of the precipitation collection.

### Synopsis of Original Bill

This bill would require the general construction and mechanical bureaus of the Construction Industries Division to recommend to the Construction Industries Commission minimum standards for the voluntary collection of precipitation from roof surfaces.

### Significant Issues

According to the Regulations and Licensing Department (RLD) the Construction Industries Division (CID) is responsible for establishing and enforcing minimum standards for construction.

The collection of rainwater would be voluntary, but should the decision for collection be made, the regulations determined by the commission would be mandated for compliance with commission rules.

RLD predicts that significant staff time would be required to research standards and form recommendations proposed in HB 151, because such standards are not addressed in the plumbing or construction codes currently adopted by the State.

### **PERFORMANCE IMPLICATIONS**

RLD states that CID division staff would be required to research and develop standards, conduct public hearings and conduct rulemaking to adopt such proposed standards regarding water collection found in HB 151 and that the process would be time consuming.

### **FISCAL IMPLICATIONS**

There is no appropriation contained in HB 151.

RLD asserts that rulemaking is an expensive process and that resources such as staff salaries, and direct costs such as publication of notices, public hearing accommodations, per diem, and publication of the proposed rule in the Register would all be affected by the proposed House Bill 151.

### **ADMINISTRATIVE IMPLICATIONS**

RLD asserts that the task of enforcing established building codes and related rules is demanding.

### **OTHER SUBSTANTIVE ISSUES**

RLD states that standards for water collection from roofs are not within the expertise or experience of CID staff. RLD continues that, even in areas of its expertise, CID does not develop new standards. According to the Department, by statute the Division is required to adopt standards that have been developed and approved by nationally recognized standards associations ( NMSA 60-13-2 R.)

RLD asserts that CID's technical staff is heavily burdened by the volume of work associated with enforcement of its statutes and rules.

**ALTERNATIVES**

According to RLD, CID would be happy to participate with other agencies and members of the public in the process of developing guidelines for water collection, and once finalized, CID could publish these guidelines for sale.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

Voluntary water collection is not prohibited or regulated and collections could continue; state-recognized standards, however, would still not exist.

According to RLD, to the extent that any such water collections system involves construction, CID is already inspecting for code compliance.

Specific state sanctioned standards regarding construction criteria for water collection would not exist in New Mexico.

**EM/lg:njw:rs**