

<b>LFC Requester:</b>	<b>Noah Montano</b>
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## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2/20/2025

*Check all that apply:*

**Bill Number:** SB 451

Original  Correction   
 Amendment  Substitute

**Sponsor:** Sen. Linda M. Trujillo

**Agency Name and Code Number:** 305 – New Mexico Department of Justice

**Short Title:** Minimum Building Code Requirements

**Person Writing Analysis:** Kalista Wilson  
**Phone:** 505-537-7676  
**Email:** legisfir@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: Senate Bill 451 (“SB451”) proposes to add language regarding minimum building code requirements to NMSA 1978, Section 60-13-9, which outlines the duties of the Construction Industries Division of the Regulation and Licensing Department (the “CID”). This new language would require that within two years of the International Code Council revising its International Building Codes, building codes adopted by the CID would meet the standards set forth in that revision. This would be the case for codes without other recommendations from the electrical, mechanical, or general constructions trade bureaus as outlined by NMSA 1978, Section 60-13-44.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

SB451 could effectively delegate the duties of the Construction Industries Division to adopt building codes to a separate body without deference to CID’s discretion to adopt building codes through the use of the compulsory “shall.” Issues could arise should the International Code Council adopt codes CID believes are contrary to its duties, or if the International Code Council ceases to exist at some point in the future.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relationship:

House Bill 491: Relating to Construction Industries: Licensing private inspection companies. HB491 if passed could create additional requirements for inspectors to be familiar with.

## **TECHNICAL ISSUES**

N/A

## **OTHER SUBSTANTIVE ISSUES**

N/A

## **ALTERNATIVES**

One alternative would be to have CID promulgate rules that incorporate such standards instead of listing it in statute.

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

Status quo.

## **AMENDMENTS**

N/A