



(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: n/a

Duplicates/Relates to Appropriation in the General Appropriation Act: n/a

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

Synopsis: Senate Bill 451 (SB 451)

SB 451 amends the Construction Industries Licensing Act (CILA) at paragraph F §60-13-9 NMSA 1978, "Division Duties" to add the requirement that the Construction Industries Division (CID) of the New Mexico Regulation and Licensing Department (RLD) adopt the International Building Code (IBC) as the minimum standard for general building codes in New Mexico and remain in compliance with the current IBC by adopting the IBC codes within twenty-four (24) months after a new IBC code is promulgated. SB 451 requires that the CID adopt the minimum standards set forth in the most recent revision of the IBC unless changes are otherwise recommended by the trade bureau chiefs (electrical, mechanical or general construction) and approved by the Construction Industries Commission (Commission).

#### **FISCAL IMPLICATIONS**

Most costs associated with the general rule adoption for trade bureau codes are already accounted for in CID's budget since construction codes are regularly updated and adopted. However, SB 451 would increase these costs by requiring continual review and rule adoption during the three-year code cycle to ensure compliance with current IBC adopted rules. Those cost increases are speculative.

#### **SIGNIFICANT ISSUES**

SB 451 negatively impacts the CID by restricting what general building code can be adopted as the state's minimum code. This conflicts with §60-13-44 NMSA 1978 of the CILA which currently delegates authority to bureau chiefs of the CID and the Commission to determine what codes to adopt as the state's minimum code. Currently, the CID and the Commission have authority to adopt any nationally recognized code, SB 451 limits the state's minimum code for general construction to the IBC.

CILA §60-13-44 is critical, as it emphasizes the need for codes to be developed through an open consensus process by a nationally recognized body. This ensures that the New Mexico codes reflect the best practices and safety standards while also accommodating local needs. The propagation of the international code or codes, emphasizing that all building codes follow the International Council minimum standards could lead to problematic issues keeping in mind that the CILA, at §60-13-44, indicates that the adoption and enforcement of these standards should be managed by a nationally recognized body. This ensures consistency and reliability in the application of the codes across various jurisdictions.

The unique geographic and diversity of New Mexico presents additional challenges. Any proposed code changes must consider the distinct environmental conditions that influence construction practices in the state. This is essential to ensure that the codes are not only applicable and consistent but also beneficial to the communities they serve.

SB 451 mandates that the CID General Construction Bureau adopt the IBC codes within twenty-

four (24) months after promulgation; however, this is impractical and costly since once the IBC is adopted, it is subject to change as it goes through numerous modifications and adjustments for approximately one (1) year after the initial adoption. Requiring the CID to adopt the IBC's general building codes within twenty-four (24) months after promulgation would require the CID to continually conduct multiple reviews and engage in potential on-going rule changes to ensure compliance with the current IBC. The potential cost implications of publishing and adopting new codes should be carefully evaluated. It's vital to engage with local stakeholders and experts to ensure that the codes are practical, equitable, and sustainable, considering the specific needs of New Mexico's diverse regions. Collaborative discussions and a transparent process will be key in moving forward effectively

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB 451 allows the CID's Electrical Bureau Chief and Mechanical Bureau Chief to make recommendations on the proposed IBC adoption; however, the IBC does not apply to those trades. The IBC applies only to general building trade, not to the electrical, plumbing and mechanical trades.

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

## **AMENDMENTS**

SECTION 1 page 2 lines 23 through 25: Delete the words "by the international code council of a revision of the International Building Code, all building codes shall meet the minimum standards set forth in the most recent revision" and replace with "of the triennial code development cycle updated version of the nationally recognized general construction code currently adopted by the Construction Industries Division, shall commence rule adoption proceedings, in accordance with Article 4, Chapter 14, of the State Rules Act, the updated version of the nationally recognized general construction code in compliance with Section 60-13-44 NMSA 1978."

SECTION 1 page 3: Delete lines 1 through 3.