

NOTICE OF PROPOSED RULEMAKING PUBLIC HEARING

The Construction Industries Commission will convene a public hearing on the following proposed changes to the administrative code to include amendments to its rules 14.5.8 NMAC – INVESTIGATIONS AND ENFORCEMENT, 14.7.2 NMAC - 2015 NEW MEXICO COMMERCIAL BUILDING CODE and 14.6.4 NMAC – JOURNEYMAN CERTIFICATION as well as repeal and replace 14.5.1 NMAC – GENERAL PROVISIONS, 14.5.2 NMAC – PERMITS, 14.5.3 NMAC – INSPECTIONS, 14.6.3 NMAC - CONTRACTOR’S LICENSE REQUIREMENTS, 14.6.5 NMAC – INSPECTORS and 14.6.6 NMAC – CLASSIFICATIONS AND SCOPES. The hearing will be held before a hearing officer, at which time any interested person is invited to submit data, views or arguments on the proposed changes, either orally or in writing and to examine witnesses testifying at the hearing.

The purposes of this public rule hearing is to receive public comments regarding the amendments and changes to the administrative code reflecting updating of the codes as well as including rule making based on enactment of laws to include equal access to public baby changing facilities, expedited licensure for military service members and criminal records that cannot be considered in granting licensure or issuing discipline.

The statutory authority for this rulemaking is found in the Construction Industries Licensing Act, NMSA 1978 60-13-1 through 60-13-59.

The hearing is scheduled as follows:

The hearing shall begin at 9:30 a.m., December 15, 2021 will remain open until 10:00 a.m. or until participants have an opportunity to make public comment, whichever is longer. Due to the ongoing public health concerns posed by the threat of the contagious disease COVID-19, the rule hearing will be virtual via an Internet-based video conference and via telephone.

Interested persons may secure copies of the proposed changes by accessing the Construction Industries Division website (<https://www.rld.nm.gov/construction-industries>) to download the proposed rules or by written request to the Santa Fe CID Office – Toney Anaya Building, 2550 Cerrillos Rd. Santa Fe, NM 87505, attention: Mary James.

In order to ensure that the rules hearing is open to the public in a manner allowing members of the public to participate while social distancing due to COVID-19, the division shall implement the following procedures: You may send written comments to: Construction Industries Division, P.O. Box 25101, Santa Fe, New Mexico 87504, Attention: Public Comments. Written comments may also be faxed to (505) 476-4685/(505) 476-4702 or submitted to Mary James at her email address: mary.james2@state.nm.us. All written comments must be received no later than 5:00 p.m., on Tuesday, December 14, 2021. You may also review submitted comments by contacting Mary James at her email address above. All public comment received shall be admitted into the record during the public hearing.

Written comments may also be received on the day of the hearing as a division representative shall be stationed at each of the division offices: Toney Anaya Building, 2550 Cerrillos Rd., Santa Fe; 5500 San Antonio NE- Suite F Albuquerque and 505 S. Main St – Suite 103 Las Cruces between 8:30 a.m. and 9:30 a.m. to receive written comments and to provide for the comments to be admitted into the record during the public hearing. All public comments and documentation will be entered into the record during the public rules hearing.

Those desiring to participate in the public video/telephonic hearing process may do so by remote participation through livestreaming the meeting or becoming a participant by following these instructions:

Join via Video:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=edb16dbecf72ac6df6c228d76e5f09f1d>

Once you join through the above link you will be provided instructions for accessing the meeting. Event password not required.

Join via telephone:

+1-415-655-0002

Access Code: 2489 538 4103

No password required.

You may also access the division's website at <https://www.rld.nm.gov/construction-industries/> the day of the hearing to locate instructions for participating in the hearing. All persons desiring to make public comment during the hearing shall do so through the WebEx process notifying the host who shall then ensure the ability for recorded comment. If you have any issues you may contact Kimberly Salazar at (575) 621-8351

All public comments and documentation will be entered into the record during the public rules hearing. Any individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing should contact Mary James, Santa Fe Supervisor, at mary.james2@state.nm.us or (505) 476-4616 at least seven (7) days prior to the hearing.

Summary of the Proposed Changes to the Administrative Codes:

14.5.1 General Provisions: places all definitions in the administrative codes being revised in Part 1 as well as providing clarifying language for current processes.

14.5.2 Permits: removes definitions for placement in Part 1, includes the permit process for baby-changing facilities, and updates and clarifies language for the permit process.

14.5.3 Inspections: removes definitions for placement in Part 1, provides inspection information for baby-changing facilities and updates and clarifies language for the inspection process.

14.5.8 Investigations and Enforcement: removes definitions for placement in Part 1, includes potential discipline information for a disqualifying criminal conviction and updates and clarifies information for the disciplinary process.

14.6.4 Contractor's License Requirements: removes definitions for placement in Part 1, includes process for potential denial of licensure or certification based on a disqualifying criminal conviction, expedited licensure and certification for military service members and updates and clarifies information for the contractor license and qualifying party certification processes.

14.6.4 Journeyman Certification: provides information for expedited certification for military service members and updates and clarifies journeyman information and classifications.

14.6.5 Inspectors: removes definitions for placement in Part 1, explains potential denial of inspector certification based on a disqualifying criminal conviction and updates and clarifies the process for inspector certification.

14.6.6 Classifications and Scopes: removes definitions for placement in Part 1 and provides clarification as to classifications and information as to what is exempted from certain classifications.

14.7.2 2015 New Mexico Commercial Building Code: provides codes explanations and information for ensuring process of implementation of baby changing facilities in the plan review, permitting and inspection process.