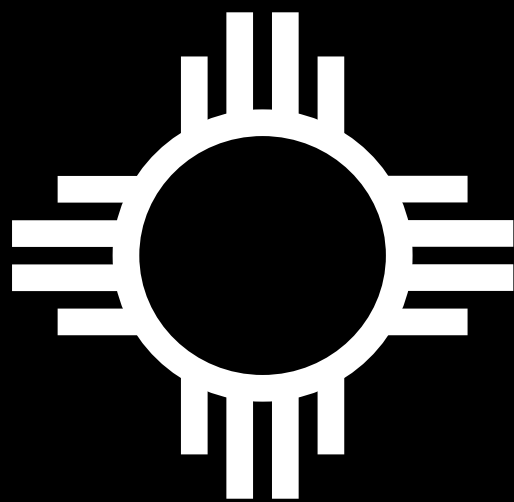


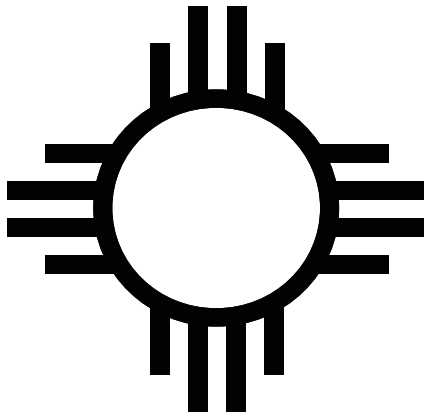
**NEW
MEXICO
REGISTER**



Volume XXIV
Issue Number 3
February 14, 2013

New Mexico Register

**Volume XXIV, Issue Number 3
February 14, 2013**



The official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico

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New Mexico Register

Volume XXIV, Number 3

February 14, 2013

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Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. “No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register.” Section 14-4-5 NMSA 1978.

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Notices of Rulemaking and Proposed Rules

NEW MEXICO TAXATION AND REVENUE DEPARTMENT

NEW MEXICO TAXATION AND REVENUE DEPARTMENT

NOTICE OF HEARING AND PROPOSED RULES

The New Mexico Taxation and Revenue Department proposes to amend the following rule:

Property Tax Code

3.6.7.71 NMAC Section 7-38-62 NMSA 1978

(County Treasurers are Authorized to Act as Agent for the Department in Accepting Payments)

These proposals were placed on file in the Office of the Secretary on February 1, 2013. Pursuant to Section 9-11-6.2 NMSA 1978 of the Taxation and Revenue Department Act, the final of these proposals, if filed, will be filed as required by law on or about April 1, 2013.

A public hearing will be held on these proposals on March 14, 2013, at 9:30 a.m. in the Secretary's Conference Room No. 3002/3137 of the Taxation and Revenue Department, Joseph M. Montoya Building, 1100 St. Francis Drive, Santa Fe, New Mexico. Auxiliary aids and accessible copies of the proposals are available upon request; contact (505) 827-0928. Comments on the proposals are invited. Comments may be made in person at the hearing or in writing. Written comments on the proposals should be submitted to the Taxation and Revenue Department, Director of Tax Policy, Post Office Box 630, Santa Fe, New Mexico 87504-0630 on or before March 14, 2013.

3.6.7.71 C O U N T Y TREASURERS ARE AUTHORIZED TO ACT AS AGENT FOR THE DEPARTMENT IN ACCEPTING PAYMENTS:

A. County treasurers are authorized by the department to act as the department's agent in accepting payments of taxes, penalties ~~[and interest]~~, interest and costs due on property shown on the tax delinquency list prepared in accordance with Section 7-38-61 NMSA 1978 after its receipt by the division, unless this agency relationship is revoked by order of the director. ~~[As the department's agent, however, county treasurers are authorized to accept payment for properties on~~

~~delinquency lists only if the payment is for all delinquent taxes, penalties and interest due on the property for all delinquent years. Payments which are for less than all delinquent taxes, penalties and interest may not be accepted by the treasurer.]~~

B. County treasurers are required to notify the department by the ~~[fifth]~~ 15th day of the month following the month in which payment is accepted of the amount paid and other information necessary for the department to correct the tax delinquency list.

[12/27/83, 12/29/94, 8/31/96; 3.6.7.71 NMAC - Rn & A, 3 NMAC 6.7.71, 4/30/01; A, XXX]

End of Notices and Proposed Rules Section

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Adopted Rules

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.31.3 NMAC, Section 9 effective 2-14-2013.

19.31.3.9 PRIVATE LAND - PRONGHORN ANTELOPE AND ELK LICENSES:

A. Private land licenses for elk and pronghorn antelope will be issued without an application deadline.

B. [~~Licenses will be issued, in person or by mail, out of the Santa Fe, Albuquerque, Las Cruces, Roswell, and Raton offices.~~] The amount due for a private land hunting license shall be composed of "landowner authorization certificate" fee, the appropriate "certificate of application" fee as defined in 19.30.9 NMAC and the appropriate license fee as defined in Section 17-3-13 NMSA 1978.

C. Licenses will be issued only up to the number of authorizations allotted for each ranch and only to persons who submit a properly completed form and the appropriate fees.

D. Authorizations for elk licenses may be issued to landowners in game management units where no core occupied elk range is designated and to landowners whose private property lays outside of the designated core occupied elk range pursuant to Subsection A of 19.30.5.11 NMAC.

[19.31.3.9 NMAC - Rp, 19.31.3.9 NMAC, 12-30-04; A, 6-15-06; A, 4-1-07; A, 3-16-09; A, 3-15-11; A, 9-30-11; A, 2-14-13]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.31.10 NMAC, Section 9 effective 2-14-2013.

19.31.10.9 POSSESSION OR SALE OF PROTECTED SPECIES:

It shall be unlawful to possess, sell, or offer for sale all or part of any protected species except as provided below:

A. License or permit: A person may possess protected species or parts thereof that they have lawfully taken (killed) under a license or permit.

B. Game taken by another: Any person may have in their possession or under their control any protected species or parts thereof that have been lawfully taken by another person, if they possess a written statement which shall be provided by the donor of the protected

species, or parts thereof, and which shall contain the following:

(1) the kind and number of game or furbearer parts donated;

(2) the date and county where the game or furbearer was lawfully taken;

(3) the donor's name, address, and the number of the hunting or fishing or trapping license under which the game or furbearer was lawfully taken;

(4) the date and place of the donation.

C. Retention of live animals: It shall be unlawful to retain protected species in a live condition except under permit or license issued by the director for the following purposes:

(1) zoos open for public display;

(2) in class A parks;

(3) in projects for scientific research and propagation;

(4) a rehabilitation permit;

(5) under a falconry permit, only those birds listed on the permit;

(6) under a protected mammal permit, only those mammals listed on the permit;

(7) under a scientific collection permit, one may collect and possess only those species listed on the permit;

(8) in transit through New Mexico when the transporter can demonstrate proof of legal possession of the protected animal being transported.

D. Sale of game animal parts: Only skins, heads, antlers, horns, or claws of legally taken protected species and feathers from non-migratory game birds may be bartered or sold. (Internal organs of protected species may not be sold). The disposer must supply to the recipient a written statement which shall contain the following:

(1) description of the skin, head, antlers, horns or claws, or feathers involved;

(2) the date and county where the game was taken;

(3) the disposer's name, address and hunting license number under which the game was taken;

(4) the date and place of the transaction.

E. Possession of game animal parts found in the field: It shall be unlawful to possess heads, horns, or antlers of protected species found in the field without invoice or permit from the department of game and fish, with the exception of obviously shed antlers.

F. Big game and turkey: For licensed hunters of any big game species or turkey, the licensee killing the animal shall immediately punch or completely fill in (black out) the area designated for the appropriate species on the license.

Immediately upon arriving at a vehicle, camp or a place of storage, the licensee must permanently fill in the proper date and time of kill on their license.

(1) The properly punched or blacked-out license shall be attached or accompany the carcass while the carcass is left unattended in any vehicle, field, or while it is in camp or at a residence or other place of storage. The punched or blacked-out license may be removed from the carcass while the carcass is being removed from the field to a camp or vehicle. In situations where numerous trips are required to remove the carcass from the field, the punched or blacked-out license shall remain attached to that portion of the carcass left unattended in a camp or vehicle.

(2) Once removed from the field, the licensee must ensure the carcass or parts thereof are accompanied by a properly filled out and punched or blacked-out license or other license information as determined by the director.

(3) It shall be unlawful for any licensee to fail to properly punch or completely black out the area designated by appropriate species on the license immediately upon killing any big game species or turkey.

(4) It shall be unlawful for any licensee for any big game or turkey to fail to properly fill in the date and time of kill on their license as required by rule.

(5) It shall be unlawful to possess any big game species or turkey that are unaccompanied by a properly punched, blacked-out or filled out license or unaccompanied by the other license information as determined by the director.

(6) It shall be unlawful for any person to transport or possess the carcass of any big game animal or turkey without proof of sex until the carcass arrives at a residence, taxidermist, meat processing facility, place of final storage or if required, is inspected and documented or pelt tagged by a department official.

G. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize the carcass of any protected species that is possessed contrary to this section.

[19.31.10.9 NMAC - Rp, 19.31.10.9 NMAC, 4-1-2007; A, 2-14-2013]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.5 NMAC, Sections 10 & 15, effective 02-22-2013.

16.22.5.10 APPLICANTS HOLDING A VALID LICENSE IN ANOTHER STATE FOR TEN YEARS OR MORE SEEKING LICENSURE UNDER SECTION 61-9-10 - RECIPROCITY

A. An applicant seeking licensure under this section may obtain a license pursuant to Section 61-9-10 of the act if the applicant fulfills the following conditions.

(1) At the time of application, the applicant shall possess a current license to practice psychology in another state, territory, possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or other country.

(2) The applicant shall possess a doctoral degree in psychology or a [related field] degree that is substantially equivalent and is acceptable by the board.

(3) The applicant shall have no pending disciplinary actions, no formal disciplinary actions issued against the license in the last five (5) years and no past suspensions or revocations.

(4) The applicant shall have been licensed for a minimum of ten (10) years.

B. Application under this board regulation shall be made on a form approved by the board. The applicant shall submit the following to the satisfaction of the board:

(1) completed and signed application;

(2) application fee as required by the board; (for fee schedule, see 16.22.13.8 NMAC)

(3) license verification from all jurisdictions in which the applicant is or has been granted a psychologist license;

(4) official doctoral degree college or university transcripts; and

(5) three (3) current letters of reference; applicants under this section are not required to submit verification of predoctoral internship and postgraduate experience.

C. Applicant must take and pass a jurisprudence examination and during the first year of licensure furnish evidence to the board that demonstrates an awareness and knowledge of New Mexico cultures.

[16.22.5.10 NMAC - Rp, 16.22.5.11 NMAC, 11/15/06, A, 03/21/09; A, 04/11/12; A, 02/22/13]

16.22.5.15 APPLICANTS WHO ARE GRADUATES FROM PROGRAMS OUTSIDE THE UNITED STATES AND

CANADA [~~RECIPROCITY~~]

A. Graduates of programs outside the United States and Canada shall be evaluated according to the following criteria for New Mexico licensure:

(1) applicants shall meet the requirements set forth in Subsection A of 16.22.4.8 NMAC of these regulations; "substantial equivalencies" of professional schools in the United States, Canada, or any other jurisdiction under ASPPB shall meet the requirements set forth in 16.22.4 NMAC;

(2) applicants for licensure whose applications are based on graduation from universities outside the United States and Canada shall provide the board with such documents and evidence to establish that their formal education is equivalent to a doctoral program in psychology granted by a United States university that is regionally accredited; equivalency will be reviewed by a board approved agency specializing in the credentialing of foreign graduates; such documents and evidence include:

(a) an original diploma or other certificate of graduation which will be returned, and a photocopy of such a document which will be retained;

(b) an official transcript or comparable document of all course work completed;

(c) a certified translation of all documents submitted in a language other than English;

(d) satisfactory evidence of supervised experience; and

(e) a statement prepared by the applicant listing studies and research based on documents referenced in this section in a format as comparable as possible to a transcript issued by a United States university.

B. After evaluation and acceptance by the board, the applicant shall take and pass the EPPP and an online jurisprudence examination to obtain licensure.

[16.22.5.15 NMAC - N, 11/15/06; A, 09/16/10; A, 02/22/13]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

This is an amendment to 16.22.11 NMAC, Section 8, effective 02-22-2013.

16.22.11.8 COMPLAINT PROCEDURES

A. **Inquiries regarding filing of complaints.**

(1) Inquiries made to the board or to a board member regarding a potential complaint will be referred to the board administrator or compliance liaison for a response.

(2) Upon receipt of an inquiry, the board administrator or compliance liaison shall forward to the potential complainant a [statement regarding the board's jurisdiction, the conduct or grounds for possible action by the board against a licensee or applicant, and a] complaint form with instructions on how to file the complaint. Complaints ~~[should]~~ shall be submitted in writing on the prescribed form, signed and notarized, and state the facts upon which the complaint is based [~~however, oral complaints may be received and investigated. An oral complaint submitted to the board administrator shall be in an audio or audiovisual format. After the complaint committee reviews the complaint facts and determines there is cause for further investigation, the complainant shall resubmit the complaint in writing on a form provided by the board, signed, notarized and submitted to the board administrator.~~]. Anonymous complaints will not be investigated, unless the board determines an exception is valid due to unusual circumstances.

(3) Once a complaint, is made, it will come under the provisions of this section and cannot be withdrawn.

B. **Procedures for processing complaints.** The board administrator or compliance liaison shall:

(1) log in the date the complaint is received;

(2) determine if the subject of the complaint is a licensed psychologist, psychologist associate or an applicant or person otherwise within the jurisdiction of the board;

(3) assign an individual file with a complaint number, which numbering sequence shall begin each new calendar year;

(4) [forward the complaint file to the chair of the complaint committee and the complaint manager or designee; and] send a letter to the complainant confirming receipt of the complaint;

(5) [send a letter to the complainant confirming receipt of the complaint.] forward the complaint to respondent with a letter requesting a response to the allegations and any documents or materials relevant to the complaint, unless it will impede an investigation or interfere with the acquisition of documents or relevant papers or the development of the case; and

(6) forward the complaint file to the chair of the complaint committee.

C. **Review by the complaint committee.**

(1) The chair of the complaint committee is appointed by the board chair and shall consist of a board member and may include [liaison(s) from the compliance section of the regulation and licensing department] the board administrator and compliance liaison.

(2) The complaint [manager, if

assigned, or his designee shall review the complaint and meet with the administrative prosecutor and complaint committee chair, as needed] committee shall review the entire complaint file to determine if the allegations in the complaint are substantiated and constitute grounds for disciplinary action.

(3) ~~[If allegations in the complaint when substantiated, constitutes grounds for disciplinary action, the complaint committee will recommend a course of action in accordance with the attorney general's guide to administrative discipline and Uniform Licensing Act, Sections 61-1-1 thru 61-1-33 NMSA 1978.]~~ The complaint committee or its designee may employ experts, consultants, or private investigators to assist in investigations of complaints.

(4) The complaint committee, or its designee, on behalf of the board, may issue investigative subpoenas, pursuant to Section 61-1-4(A) NMSA 1978.

~~[(4)]~~ (5) Upon completion of an investigation and review, the complaint ~~[manager] committee shall submit to the full board~~ a case summary containing alleged violations of the code, board regulations or the act and recommendations for disposition ~~[, to the full board]~~. Throughout this process, confidentiality of interested parties will be maintained.

~~[(5)]~~ ~~Unless the complaint committee determines that it will impede an investigation or interfere with the acquisition of documents or relevant papers or the development of the case, the complaint committee shall inform the licensee or applicant of the complaint and request a response to the allegations. Disclosure of data, communications, and information relating to actual or potential disciplinary action shall be made in accordance with Section 61-9-5.1 NMSA 1978 or superseding statute.~~

~~(6) The complaint committee or its designee may employ experts, consultants, or private investigators to assist in investigations of complaints.~~

~~(7) The complaint committee, or its designee, on behalf of the board, may issue investigative subpoenas, pursuant to Section 61-1-4(A) NMSA 1978.]~~

D. Review by the full board.

(1) Any board member or any member of the complaint committee who is partial or who believes he is not capable of judging a particular controversy fairly on the basis of its own circumstances shall not participate in the decision whether to issue a notice of contemplated action and shall not participate in the hearing, deliberation, or decision of the board.

(2) The board shall review the case summary presented by the complaint committee, relevant documents, witness statements, and other pertinent information

regarding the complaint. If the board has sufficient evidence that a violation may have occurred, the board shall forward the evidence to the administrative prosecutor for issuance of an notice of contemplated action.

(3) Following the issuance of a notice of contemplated action, the board may at its option authorize a board member, ~~[the hearing officer,]~~ or the administrative prosecutor to confer with the applicant or the licensee for the purpose of settlement of the complaint. Such settlement must be approved by the board, must be with the consent of the applicant or licensee, and shall include a knowing and intentional waiver by the applicant or the licensee of his rights to hearing under the Uniform Licensing Act.

(4) The board may refer a complaint to the attorney general for injunctive proceedings or to the district attorney for criminal prosecution.

[16.22.11.8 NMAC - Rp, 16.22.11.8 NMAC, 11/15/06; A, 02/22/13]

NEW MEXICO BOARD OF PSYCHOLOGIST EXAMINERS

**This is an amendment to 16.22.27 NMAC,
Section 8, effective 02-22-2013.**

16.22.27.8 FORMULARY:

A. Conditional prescribing or prescribing psychologists shall exercise prescriptive authority using psychotropic medications, as defined in 16.22.1 NMAC, of these regulations, within the recognized scope of practice for the treatment of mental disorders and for which the psychologist has been properly educated and trained.

B. As provided by Section 61-9-17.2, of the act, when prescribing psychotropic medication for a patient, a conditional prescribing psychologist or a psychologist with a conditional prescription certificate shall maintain an ongoing collaborative relationship with a health care practitioner who oversees the patient's general medical care to ensure that necessary medical examinations are conducted, the psychotropic medication is appropriate for the patient's medical condition and significant changes in the patient's medical or psychological condition are discussed. The collaborative relationship shall be utilized to coordinate the patient's ongoing care, including, determining whether non-psychotropic medications should be prescribed to provide the patient with optimized care. In such cases, all non-psychotropic medications shall be prescribed by the health care practitioner who oversees the patient's general medical care, or by other health care practitioners involved in the patient's care who are authorized by law to prescribe such medications.

C. ~~[Unless specifically agreed to by a primary healthcare practitioner,]~~ A conditional prescribing or prescribing psychologist shall not prescribe psychotropic medication to treat patients for the following conditions:

- (1) chronic pain;
- (2) endocrine, cardiovascular, orthopedic, neurological, and gynecological illness or disorders;
- (3) allergies; or
- (4) other non-psychiatric illnesses, disorders, or illnesses causing mental disorders.

~~[D.]~~ ~~A conditional prescribing or prescribing psychologist shall be allowed to treat patients psychopharmacologically with the medical conditions in 16.22.27.8 NMAC, if those conditions are under treatment of a health care practitioner licensed in New Mexico.]~~

~~[E.]~~ **D.** A conditional prescribing or prescribing psychologist shall treat psychopharmacologically only mental disorders listed in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

~~[F.]~~ **E.** A conditional prescribing psychologist or prescribing psychologist who prescribes outside the scope of practice specified in the act and these regulations is subject to disciplinary action by the board.

[16.22.27.8 NMAC - Rp, 16.22.27.8 NMAC, 11/15/06; A, 02/22/13]

NEW MEXICO PUBLIC REGULATION COMMISSION

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES

CHAPTER 1 UTILITIES GENERAL PROVISIONS

PART 3 FUTURE TEST YEAR PERIOD FILING REQUIREMENTS IN SUPPORT OF RATE SCHEDULES FOR INVESTOR-OWNED UTILITIES

17.1.3.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[17.1.3.1 NMAC - N, 2-14-13]

17.1.3.2 SCOPE: The data requirements specified in this rule shall apply to the investor-owned utilities doing business in New Mexico that tender a new rate schedule or rate schedule based on a future test year period where the future test year period is not the 12 consecutive months following the last day of the base period.

A. Where the commission has promulgated a rule for filing requirements in support of rate schedules for investor-owned electric, gas, water or sewer utilities

in New Mexico, and a provision of the rule is inconsistent with a provision in this rule, the provision in this rule shall apply.

B. Where the commission has promulgated a rule for filing requirements in support of rate schedules for investor-owned electric, gas, water or sewer utilities in New Mexico, and a provision of the rule is silent with respect to the subject matter of a provision of this rule, the provision of this rule shall apply.

[17.1.3.2 NMAC – N, 2-14-13]

17.1.3.3 S T A T U T O R Y

AUTHORITY: Sections 8-8-4, 8-8-15, 62-3-1 through 62-3-3, 62-6-4A, 62-6-4.3, 62-6-14, 62-6-16, 62-6-17, 62-6-26, 62-6-26.1, 62-6-28, 62-8-1, 62-8-6, 62-8-7, 62-9-1B, 62-9-2B, 62-13-13.2, 62-16-6, and 62-17-6 NMSA 1978.

[17.1.3.3 NMAC – N, 2-14-13]

17.1.3.4 D U R A T I O N :

Permanent.

[17.1.3.4 NMAC – N, 2-14-13]

17.1.3.5 E F F E C T I V E D A T E:

February 14, 2013, unless a later date is cited at the end of a section.

[17.1.3.5 NMAC – N, 2-14-13]

17.1.3.6 O B J E C T I V E:

The purpose of 17.1.3 NMAC is to define and specify the different or additional minimum data requirements to be filed in support for a tendered new rate schedule or rate schedule based on a future test year period which will supersede, supplement, or otherwise change the provision of a rate schedule required to be on file with this commission. This rule is intended to provide for a complete and comprehensive rate case filing that, by including full explanations and justifications of changes in items between the adjusted base period, linkage data and future test year period as required by this rule should minimize the amount of discovery needed by commission staff (hereafter “staff”) and intervenors to analyze a filing. This rule shall in no way, however, be construed to place any limits on discovery by staff and intervenors, nor to limit the utility’s burden of proof under Section 62-8-7A NMSA 1978.

[17.1.3.6 NMAC – N, 2-14-13]

17.1.3.7 D E F I N I T I O N S:

In addition to the definitions in 17.1.2 NMAC, 17.9.530 NMAC, 17.10.630 NMAC, 17.12.1 NMAC, 17.12.730 NMAC, 17.12.780 NMAC, 17.13.1 NMAC, 17.13.930 NMAC and 17.13.980 NMAC, as used in this rule:

A. “adjusted base period” means a utility’s base period data that includes fully explained annualizations, normalizations and adjustments for known and measureable changes and regulatory

requirements that occur within the base period; the primary purpose of including the adjusted base period year with these changes in the filing is to provide staff and intervenors the ability to test the validity of the information in the future test year period;

B. “base period” means a historical 12-month period terminating (1) at the end of a quarter and (2) no earlier than 150 days prior to the date of filing;

C. “cost center” means a department, division, or organizational grouping of departments or divisions at which operating expense planning and evaluation takes place;

D. “cost driver” means a factor that influences or contributes to the expense of a business activity or operation; a business activity or operation may have more than one cost driver attached to it;

E. “data rules” means rules 17.1.2 NMAC, 17.9.530 NMAC, 17.10.630 NMAC, 17.12.1 NMAC, 17.12.730 NMAC, 17.12.780 NMAC, 17.13.1 NMAC, 17.13.930 NMAC, and 17.13.980 NMAC;

F. “elements of cost” means types of cost such as labor, materials, outside services, contract costs, important clearings, and all other types of cost combined as one category;

G. “future test year period” means a 12-month period beginning no later than the date the proposed rate change is expected to take effect;

H. “linkage data” means a specific and detailed description of all line items for the period of time between the end of the base period and the beginning of the future test year period required by this rule to create a verifiable link between future test year period data and base period data; linkage data does not constitute a test period and is provided for the purpose of validating the information contained in the future test year period;

I. “major plant additions” means plant for which the utility is required to file:

(1) an application for a certificate or public convenience and necessity; or

(2) prior notice with the commission pursuant to 17.5.440 NMAC;

J. “material change” or “material variance” means a change or variance in cost between the adjusted base period and the future test year period for a cost center if budget estimates are being used and for a uniform system of accounts (USOA) account otherwise that:

(1) exceeds 6% and \$100,000 total company for investor-owned electric utilities;

(2) exceeds 6% and \$100,000 total company for investor-owned gas utilities with 250,000 or more customers;

(3) exceeds 6% and \$1,000 total

company for investor-owned gas utilities with fewer than 250,000 customers;

(4) exceeds 6% and \$1,000 total company for investor-owned water utilities; and

(5) exceeds 6% and \$1,000 total company for investor-owned sewer utilities;

K. “this rule” means 17.1.3 NMAC;

L. “total company” means the costs of the utility’s total operation without regard to jurisdiction.

[17.1.3.7 NMAC – N, 2-14-13]

17.1.3.8 I N C O R P O R A T I O N I N T O R E Q U I R E D D A T A R E Q U E S T S C H E D U L E S:

The minimum data standard requirements contained in the schedules in 17.9.530 NMAC, 17.10.630 NMAC, 17.12.730 NMAC and 17.13.930 NMAC shall be incorporated into any rate case application made under this rule, except:

A. for 17.9.530 NMAC schedules P-2(f), P-3(f), P-4(f), P-5(c)(iii), P-5(d)(ii), P-7(b)(ii), and P-10(e), the utility shall file the data for five years beyond the base period; and

B. for 17.10.630 NMAC schedules Q-2(f), Q-3(f), Q-4(h), Q-5(f) and Q-7(e), the utility shall file the data for five years beyond the base period.

[17.1.3.8 NMAC – N, 2-14-13]

17.1.3.9 F A I L U R E T O C O M P L Y:

The failure of the utility to fulfill the data requirements specified in this rule shall constitute sufficient cause for the commission to reject the utility’s filing pursuant to 17.1.210 NMAC.

[17.1.3.9 NMAC – N, 2-14-13]

17.1.3.10 V A R I A N C E S:

A. Pursuant to 17.1.2 NMAC and 17.1.210 NMAC, a utility unable to comply fully with any data request contained in this rule due to good and sufficient cause shall give notice in writing to the commission of the utility’s inability to comply with the provisions of such data request at least 30 days prior to the actual filing of the minimum data requirements filing package.

B. Upon receipt of such notification and after consideration by the commission of the utility’s stated reasons for failure to comply fully with the provisions of the data request, the commission shall within 15 days notify the utility in writing of its decision concerning the utility’s notice of its inability to comply with the commission’s data filing requirements.

[17.1.3.10 NMAC – N, 2-14-13]

17.1.3.11 E L E C T R O N I C F I L I N G R E Q U I R E D:

Base period, linkage data and future test year period data filed to support the rate application must be

provided in fully functional electronic format so that amounts in schedules and supporting work papers required by this rule and the commission's data rules can be traced with relative ease to supporting, detailed data.

A. Fully functional electronic format allows staff and intervenors to make adjustments that would carry through to the jurisdictional revenue requirement.

B. If the inputs to the fully functioning electronic support for the future test year period are fed by systematic calculations within other programs that are not downloadable to fully functioning and executable spreadsheets, the utility will rerun such supporting programs for input changes reasonably required by the staff or intervenors so as to be able to capture the impact of such proposed input changes on the future test year period jurisdictional cost of service model.

C. The utility shall identify any data that is not provided in fully functional electronic format and provide the reason why the data is not provided in fully functional electronic format.

[17.1.3.11 NMAC – N, 2-14-13]

17.1.3.12 CONTENTS OF RATE APPLICATION BASED ON FUTURE TEST YEAR PERIOD: The rate application shall include:

A. a base period;
B. an adjusted base period;
C. a future test year period and;

D. verifiable information for the linkage data to allow commission staff and intervenors to assess the validity of the information contained in the future test year period described in Sections 15, 16, 17 and 18 of this rule;

E. all filed data and all data provided in response to discovery shall specify whether the amounts provided are total, jurisdictional, or based on some other identified and described method.

[17.1.3.12 NMAC – N, 2-14-13]

17.1.3.13 HISTORIC DATA REQUIRED: The rate application shall present operating results and financial data that are prepared in the normal course of business for the three years preceding the base period.

[17.1.3.13 NMAC – N, 2-14-13]

17.1.3.14 SUPPORTING TESTIMONY AND EXHIBITS REQUIRED: The required data shall be accompanied by testimony and exhibits explaining and justifying quantities, assumptions, expectations, activity changes, etc. and verifying that the amounts used to support the future test year period are the utility's most recently available data.

[17.1.3.14 NMAC – N, 2-14-13]

17.1.3.15 CONFORMITY WITH UNIFORM SYSTEM OF ACCOUNTS REQUIRED: The base period, adjusted base period and future test year period, including rate base, shall be presented in conformity with the applicable USOA accounts prescribed by commission rule.

[17.1.3.15 NMAC – N, 2-14-13]

17.1.3.16 BASE PERIOD, ADJUSTED BASE PERIOD, LINKAGE DATA AND FUTURE TEST YEAR PERIOD REQUIRED DATA: In addition to the requirements of Section 15 of this rule, base period, adjusted base period, linkage data and future test year period results and expectations shall be presented as set forth in this section. If budget estimates are used, the results and expectations shall be presented by cost center and elements of cost. In addition, the base period, the adjusted base period, the linkage data and the future test year period shall be presented by cost categories in at least the following detail set forth in this section.

A. Revenues. Revenues shall be detailed by the accounts prescribed in the applicable commission rate classes by month. The utility shall also provide a breakdown of sales revenue by service classification and related volumes. For electric, water and sewer utilities, as has been the history in New Mexico, base period revenue shall not be weather normalized.

B. Operating expenses. Operation and maintenance expenses shall be broken down at least by USOA accounts and elements of cost, on both a total company and jurisdictional basis. In providing linkage data, the utility shall provide summary information using the future test year period jurisdictional allocators to provide a reasonable approximation of jurisdictional amounts for appropriate comparison purposes.

(1) The USOA accounts shall be further subdivided to the level necessary to identify the appropriate cost drivers and adequately demonstrate where the variations between base period and future test year period occur.

(2) Each subdivision-level estimate shall then be detailed into elements of cost.

(3) Any expenses for which the utility is not seeking recovery or which are excluded from recovery by the commission's data rules or commission order shall be clearly identified.

(4) Depreciation, operating taxes and income taxes shall be detailed in schedules breaking these items down into sufficient detail to be useful for making projections.

C. Rate base. Rate base shall be presented on both a total company and jurisdictional basis.

(1) For a future test year period that begins at least 12 months after the end of the base period, the average rate base shall be used, utilizing the projected 13-month average of the future test year period. In providing linkage data, the utility shall provide summary information using the future test year period jurisdictional allocators to provide a reasonable approximation of jurisdictional amounts for appropriate comparison purposes.

(2) Rate base shall be shown in the detail required by the commission's data rules for base period presentations.

(3) Major plant additions and retirements from the end of the base period shall be separately identified, indicating actual or estimated in-service dates.

D. Cost of capital.

(1) The required information shall be supplied at least for the base period, the linkage data, the future test year period and the adjusted base period.

(2) There shall also be comparable data for two subsequent calendar years; for example, if the future test year period ended December 31, 2010, projections shall be made for calendar years 2011 and 2012 ("forward-looking data").

(a) If the utility determines the forward-looking data needs to be protected to comply with SEC requirements, the filing shall clearly state the utility has made this determination.

(b) The forward-looking data shall be provided by the utility in discovery if requested to persons who have signed a confidentiality agreement in accordance with the protective order.

(3) To ensure that a complete and useful record is compiled, the following information shall be submitted at the time of the filing:

(a) estimated short-term debt balances and available lines of credit;

(b) external financing requirements, including:

(i) projected issues of debt; and

(ii) preferred and common equity, including sources such as dividend reinvestment and employee stock purchase plans as well as public offerings; and

(c) projected capitalized ratios and a statement of the utility's objectives.

(4) The equity and debt amounts for the future test year period shall be based upon an average calculated in the same manner as the rate base.

(5) Estimates of interest and preferred dividend coverages shall be computed in accordance with the applicable bond indenture or certificate of incorporation.

(6) The computations of ratios of earnings to fixed charges (or earnings to fixed charges and preferred dividends) normally found in SEC registration statements for public security issues shall be included. [17.1.3.16 NMAC – N, 2-14-13]

17.1.3.17 FUTURE TEST YEAR PERIOD ESTIMATES SHALL BE FULLY EXPLAINED: The future test year period estimates shall be fully explained and linked to the historic base period and any linkage data.

A. For any material changes between base period and future test year period, cost drivers shall be separately identified, explained and justified as well as linked to the historical base period and any linkage data.

(1) For example, for operation and maintenance expenses, changes in prices and in activity levels (e.g. number of employees, etc.) shall be fully explained and separately detailed by USOA account and elements of cost (segregated between labor and non-labor) and, if budget estimates are used, referenced to budget documentation by cost center.

(2) For revenues, taxes and rate base, an analysis of the change between the historical and forecast period shall be made that distinguishes between volume and cost/price changes to the extent practicable.

(3) For non-plant items, any material change shall be separately identified, explained and justified.

B. All assumptions of changes in cost/price inputs because of inflation or other factors or changes in activity levels due to modified work practices or other reasons shall be separately developed.

C. Staff and other parties in rate cases should be able to retrace projections back to their historical source, or the new basis for the estimate should be fully understandable.

D. All assumptions, escalation factors, contingency provisions and changes in activity levels shall be quantified and properly supported. [17.1.3.17 NMAC – N, 2-14-13]

17.1.3.18 FUTURE TEST YEAR PERIOD ESTIMATES SHALL BE SUPPORTED AND JUSTIFIED: The future test year period may be established by utilizing adjustments, forecasts, budgets or other reasonable methods; provided, however, that all future test year values, whether at the USOA account or sub-account level or at the cost center level, shall be fully described, justified, and supported through linkage data.

A. If budget estimates are used, the estimates shall still be fully supported, explained and justified in the

context of this rule, with full budget process documentation. If a company uses a budget it shall:

(1) substantiate how it derived its estimates, starting with the base period; and

(2) the support provided shall allow staff and intervenors to evaluate the company’s budget numbers in the future test period.

B. In addition, for each cost center if budget estimates are used or for each USOA account otherwise, future test year period expenditure estimates shall include side-by-side comparisons, with:

(1) a column showing actual expenditures during the base period;

(2) a column showing the estimated expenditures during the future test year period;

(3) a column showing the variance between the two; and

(4) a column providing an explanation (or a reference to the written testimony requirement under Subsection D of this section) for the differences between the base period data and the future test period estimates, including occurrences which took place in the linkage data.

C. Underlying the requirements contained in Subsection B of this section of this rule is the premise that estimated amounts frequently have origins in actual past amounts or in past experience.

D. In addition to the information required under Paragraph (4) of Subsection B of this section, material changes from base period to linkage data and future test year period amounts shall be fully explained in written testimony. [17.1.3.18 NMAC – N, 2-14-13]

17.1.3.19 CHANGES TO INITIAL RATE APPLICATION:

A. During the rate proceeding, the commission shall consider the utility’s proposed revisions, if any, to the originally filed future test year period. The utility shall timely notify the commission, staff and intervenors of any proposed revisions due to errors, changes in law or other changed circumstances that decrease or increase its requested revenue requirements by an amount that materially affects its original filing and shall provide detailed sufficient explanations for the proposed revisions. For purposes of this section, “materially affects” means proposed revisions that decrease or increase the utility’s originally filed jurisdictional revenue deficiency or surplus by five percent (5%) or more.

B. If the utility’s proposed revisions materially affect its original filing, it shall file a modification of its original filing with the commission. Modifications shall be approved only by order of the commission. If the commission approves

the modification, the original filing shall be rendered incomplete, and the suspension period of the proposed rates shall start anew. Any approved modification that results in an increase to rates above the amount that was originally filed shall require the utility to issue a new notice to customers consistent with the law.

C. Revisions provided by the utility through errata or in response to discovery requests that do not require the filing of a modification by the utility shall be incorporated into a comprehensive list (with detailed sufficient explanations for the revisions) filed and served on a date that: 1. is established by the presiding officer in the procedural schedule; 2. provides reasonable notice to all parties; and 3. is before the date staff and intervenor direct testimony is due to be filed under the procedural schedule. Such revisions shall be presented as adjustments to the utility’s original presentation (rather than as a revised presentation) so that the adjustments are verifiable between the original presentation and the revised figures.

D. Nothing contained in this section shall be construed to prevent a utility from presenting revisions to its original filing through rebuttal testimony in response to staff or intervenor testimony or to correct errors discovered after the filing of the comprehensive list of revisions provided for in this section. The utility shall promptly notify the commission, staff and intervenors of any such errors.

[17.1.3.19 NMAC – N, 2-14-13]

HISTORY OF 17.1.3 NMAC:
[RESERVED]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

This is an amendment to 14.6.6 NMAC, Section 10, effective 04-01-13.

14.6.6.10 ELECTRICAL CLASSIFICATIONS.

A. General information.
(1) A journeyman certificate of competence in the appropriate trade classification for the work to be performed is required of all individuals performing electrical wiring; provided however, that an apprentice, as defined in Section 60-13-2 of the act, may work under the direct supervision of a validly certified journeyman, as defined in Section 60-13-2 of the act, who is employed by a validly licensed person, as defined in Section 60-13-2 of the act, or a holder of a valid annual permit. Journeyman certifications shall be issued such that the certificates parallel the

electrical license classification numbers and scopes. Ratio of unregistered apprentices. The ratio of certified journeyman to unregistered apprentices must not exceed:

(a) one journeyman to two unregistered apprentices on commercial or industrial work;

(b) one journeyman to two unregistered apprentices on commercial or industrial special systems low-voltage work;

(c) one journeyman to three unregistered apprentices on residential work.

(2) Conduit installation: All conduit installations within, or on, buildings shall be performed by a contractor holding a EE-98 license, except where ER-1 licensees and journeymen are installing conduit that is incidental to residential wiring. Specialty electrical license holders (ES-1, 2, 3, and 7) shall not install conduit within, or on, buildings.

(3) Electrical contracting defined: The definition of contracting is set forth in Section 60-13-3 of the act, and nothing in this rule shall be construed to conflict with that definition. However, for the purposes of clarity in this rule, contracting is understood to include installations, alterations, repairs, servicing and maintenance involving electrical work.

(4) Electrical customer-owned distribution systems are subject to all adopted codes, standards, and regulations. Customer-owned distribution systems include all (non-utility owned or operated) overhead or underground primary or secondary voltage electrical power line construction, installation, alteration, repairs, and maintenance.

B. License classifications.

(1) Residential and commercial.

(a) **EE-98. Residential and commercial electrical wiring 5000 volts, nominal or less.** Requires four years experience. Includes all electrical wiring operating at 5000 volts, nominal, or less, electrical wiring identified in electrical specialty classifications ES-1, ES-2, ES-3 and ES-7, residential electrical wiring identified in classification ER-1, and only trenching and ductwork associated with classification EL-1. Does not include electrical wiring defined in the EL-1 classification other than trenching and duct work as specified above. May bid and contract as the prime contractor of an entire project provided the electrical contractor's portion of the contract, based on dollar amount, is the major portion of the contract.

(b) **ER-1. Residential electrical wiring.** Requires two years experience. Includes one- and two-family dwelling units and multi-family dwellings when all such units are all on the ground floor with no occupancies above or below, as set forth in 14.10.4 NMAC. May not install wiring for commercial use, such as motels, hotels

and similar occupancies. May not contract for more than four (4) dwelling units in any single building or structure.

(c) **EL-1. Electrical distribution and transmission systems over 5000 volts, nominal.** Requires four years experience. Includes all electrical wiring operating at over 5000 volts, nominal, including overhead or underground electrical distribution and transmission circuits, equipment, associated towers, tower foundations and other supporting structures, trenching and ductwork and sub-stations and terminal facilities. Does not include any electrical wiring specified on other electrical classifications EE-98, ER-1, ES-1, ES-2, ES-3 or ES-7.

(2) Specialty licenses.

(a) **ES-1. Electrical signs and outline lighting.** Requires two years experience. Electrical signs and outline lighting, including electrical wiring to connect signs installed where a "sign circuit" has been provided within ten (10) feet, and concrete for the foundation of poles, and build structures for the support of such signs. Outline lighting is an arrangement of incandescent lamps or gaseous tubes to outline and call attention to certain features such as the shape of a building or the decoration of a window and may or may not contribute to the general illumination of an area.

(b) **ES-2. Cathodic protection and lightning protection systems.** Requires two years experience. Electrically activated systems to prevent galvanic damage to metallic pipelines or structures, usually underground and electrical work involved in the equipment for connection rectifier systems. Also includes lightning protection systems. May not install the service riser, main service or service grounding.

(c) **ES-3. Low voltage special systems (under 50 volts).** Requires two years experience. Public address or other sound, voice communication systems normally involving low energy signal circuits. Also, electrical burglar and fire alarm systems, computer data systems, one and two family and multifamily dwelling telephone systems and cable TV systems normally involving coaxial cable for the purpose of transmitting R.F. signals and other intelligence by wire and cable. Includes other low voltage specialty systems such as, but not limited to, door and gate operated control circuits, and temperature control circuits. An installer of TVROs (dishes) is not required to have a contractor's license when the installation is in a single-family dwelling and does not require the use of 120 volts for tracking.

(d) **ES-7. Telephone communication systems.** Requires two years experience. In-plant and out-plant telephone systems, telephone interconnections in public or privately

owned buildings, computer data systems and underground cables or aerial supporting structures, trenching, duct work, terminal facilities, repeaters, including the installation of instruments at their terminating locations. Interior wiring of a building housing any of the above equipment requires an EE-98 classification. Note: Refer to GF-9 classification for additional underground telephone cable installations. The GF-9 classification does not include electrical raceway installation.

(e) **ES-10 R. Residential water well pump installer.** Requires two years experience. This classification covers residential water well pumps, 120/240 volts or less, single phase 15 HP or less. Install, maintain, repair or replace electrical equipment, wiring, and accessories used in connection with water well pump systems, including single phase variable frequency drives. Also includes subpanels, luminaires, and receptacle outlets installed within the well pit or well enclosure. Branch circuit or feeder conductors from the service equipment or panelboard to the well pump location. Incidental excavation, trenching and solar photo-voltaic arrays 5 kW or less when dedicated to pumping equipment. This classification does not include systems over 240 volts, pumps over 15 HP, electrical services, building wiring or any other electrical wiring.

(f) **ES-10. Water well pump installer.** Requires two years experience. This classification covers residential and commercial water well pumps, 600 volts or less, single or three phase. Install, maintain, repair or replace electrical equipment wiring and accessories used in connection with water well pump systems, including variable frequency drives. Also includes subpanels, luminaires, and receptacle outlets installed within the well pit or well enclosure. Branch circuit or feeder conductors from the service equipment or panelboard to the well pump location. Incidental excavation, trenching and solar photo-voltaic arrays 5 kW or less when dedicated to pumping equipment. This classification does not include systems over 600 volts, electrical services, building wiring or any other electrical wiring.

C. Journeyman classifications.

(1) **EE-98J. Journeyman residential and commercial electrical.** Requires four years experience.

(2) **ER-1J. Journeyman residential wiring.** Requires two years experience.

(3) **EL-1J. Journeyman electrical distribution systems, including transmission lines.** Requires four years experience.

(4) **ES-1J. Journeyman electrical signs and outline lighting.** Requires two years experience.

(5) ES-2J. Journeyman cathodic protection and lightening protection systems. Requires two years experience.

(6) ES-3J. Journeyman sound, intercommunication, electrical alarm systems, and systems 50 volts and under. Requires two years experience.

(7) ES-7J. Journeyman telephone communication systems and telephone interconnect systems. Requires two years experience.

(8) ES-10RJ. Journeyman residential water well pump installer. Requires two years experience.

(9) ES-10J. Journey man water well pump installer. Requires two years experience.

[14.6.6.10 NMAC - Rp, 14.6.6.12 NMAC, 2-1-06; A, 05-01-10; A, 11-01-11, A, 04-01-13]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES DIVISION

This is an amendment to 14.7.2 NMAC, Section 26, effective 04-01-13.

14.7.2.26 CHAPTER 18 SOILS AND FOUNDATIONS: See this chapter of the IBC except [in Section 1809.7 delete the text and footnotes in table 1809.7 and replace with the following:] as follows:

A. Section 1805.2 Dampproofing. Amend this paragraph as follows: in the first sentence delete "floor and" between the section number "1803.5.4" and "walls". After the first sentence add the following sentence: "when required by a geotechnical investigation, design professional, or the building official, floors shall be dampproofed in accordance with this section."

B. Section 1805.4 Subsoil drainage. Amend this paragraph as follows: delete "where a hydrostatic pressure condition does not exist" in the first sentence and replace with "when required by a geotechnical investigation, design professional, or the building official" and add the word "course" between the word "base" and "shall".

C. Section 1809.7 Prescriptive footings for light-frame construction. Delete the text and footnotes in Table 1809.7 and replace with the following:

Table with 3 columns: NUMBER OF FLOORS SUPPORTED BY THE FOOTING, WIDTH OF FOOTING (inches), THICKNESS OF FOOTING (inches). Row 1: 1, 16, 8. Includes footnotes a-f and conversion: For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

[14.7.2.26 NMAC - Rp, 14.7.2.26 NMAC, 1-28-11, A, 04-01-13]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

This is an amendment to 14.7.3 NMAC, Section 17, effective 04-01-13.

14.7.3.17 CHAPTER 9 ROOF ASSEMBLIES:

A. Section R901 through Section R902: See these sections of the IRC.

B. Section R903: See this section of the IRC except as provided below.

(1) Section R903.2 Plaster to roof separation. A reglet and, weep screed or an approved metal flashing shall be applied where all stucco wall surfaces terminate at a roof.

(2) Section R903.3 Plastered parapets. Delete the text of this section and replace with the following: Plastered parapets shall require a seamless but permeable waterproof cover or weather barrier, capping the entire parapet and wrapping over each side. The cover shall extend past any break from the vertical a minimum of four (4) inches on the wall side. On the roof side, the cover shall properly lap any rising roof felts or membranes and be properly sealed. A layer of furred expanded metal lath shall be installed over the cover before plaster or stucco is applied. The lath shall extend past any break from the vertical on the wall side a minimum of five (5) inches and on the roof side, the same distance as the cover below, allowing for plaster stops or seals. No penetrating fasteners are allowed on the horizontal surface of parapets.

C. Section R904: See this section of the IRC except add the following

new section: Section R904.5 Loose granular fill. Pumice and other granular fill type materials are not permitted in roof assemblies.

D. Section R905: See this section of the IRC except add the following new sections.

(1) Section R905.9.4 Roof deck transitions. Add new section to the IRC as follows: Where roof sheathing is overlapped to create drainage "crickets" or valleys to canales, taperboard or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

(2) Section R905.9.5 Canales and scuppers. All canales and/or scuppers must have a metal pan lining extending 6 inches minimum past the inside of the parapet and 6 inches minimum to each side of the canale or scupper opening. All canales or scuppers must have positive drainage.

(3) Section R905.11.4 Modified

bitumen roofing. Add new section to the IRC as follows: Where roof sheathing is overlapped to create drainage “:cricket” or valleys to canales, taperboard or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

(4) Section R905.12.4 Thermoset single-ply roofing. Add new section to the IRC as follows: Where roof sheathing is overlapped to create drainage “crickets” or valleys to canales, taperboard or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

(5) Section R905.13.4 Thermoplastic single-ply roofing. Add new section to the IRC as follows: Where roof sheathing is overlapped to create drainage “crickets” or valleys to canales, taperboard or equivalent shall be used to transition between the two deck levels to create a uniform substrate.

E. Section R907.3 Re-covering versus replacement. Delete the text of section R907.3 and substitute with the following: New roof covering shall not be installed without first removing existing roof coverings where any of the following conditions occur.

(1) Where the existing roof or roof covering is water soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.

(2) Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.

(3) Where the existing roof has two or more applications of any type of roof covering.

(4) Where pumice or other granular fill are present. Existing roofing and granular fill must be removed prior to re-roofing.

[14.7.3.17 NMAC - Rp, 14.7.3.17 NMAC, 1-28-11, A, 04-01-13]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

This is an amendment to 19.15.40 NMAC, Sections 12 and 15, effective 04-01-13.

19.15.40.12 INSURANCE:

A. Licensees holding LP gas classifications LP-1, LP-3S, LP-4, LP-5, LP-6, LP-10, CNG-1 and LNG-1 with only vehicles of 3,500 gallons water capacity or less shall have combined single-limit public liability insurance or a corporate surety bond in at least the minimum of \$500,000.

B. Licensees holding LP gas classification LP-7, LP-8 or LP-9 shall have combined single-limit public liability

insurance or a corporate surety bond in at least the minimum amount of \$100,000.

[19.15.40.12 NMAC - Rp, 19.15.40.12 NMAC, 2-1-06, A, 04-01-13]

19.15.40.15 L I C E N S E CLASSIFICATIONS, SCOPES AND FEES: License classifications are defined and annual license fees are set as follows.

A. LP-1 wholesale sale or delivery of LP gas \$125.00. A licensee under this classification is authorized to wholesale, transport and/or deliver LP gas in vehicular units into or out of any location except that of an ultimate consumer. This classification will allow delivery to the ultimate consumer whose facilities require a bulkhead.

B. LP-3S retail sale of LP gas \$65.00. A licensee under this classification is authorized to deliver, transfer and transport LP gas in a liquid state to the ultimate consumer, both intrastate and interstate. The company employing the LP-3S licensee must also hold an LP-5 license in order to hold a LP-3S license. A person holding this classification is authorized to perform all work as described in classifications LP-1 and LP-9.

C. LP-4 limited installation, service and repair \$125.00. A licensee under this classification is authorized to install, service and repair appliances, equipment, and piping for use with LP gas in residences and commercial buildings except mobile homes (as defined by the Manufactured Housing Act) recreational vehicles and similar units. The scope of the work for the LP piping is from (point of delivery) to the final connection of the appliances. In order to qualify for this classification, a licensee must hold mechanical license classification MM2 or MM98.

D. LP-5 installation, service and repair \$125.00. A licensee under this classification is authorized to install or erect liquid transfer facilities; and to install, service and repair appliances, equipment and piping for use with LP gas in residences and commercial buildings including mobile homes (as defined by the Manufactured Housing Act), recreational vehicles and similar units. The scope of the work for the LP gas appliances in this classification does not include the HVAC ductwork or hydronic piping systems connected to any appliance. Those specialties fall under the mechanical license classifications.

E. LP-6 installation, service and repair of mobile units only \$75.00. A licensee under this classification is authorized to install, service and repair LP gas appliances, equipment and piping in manufactured housing, travel trailers, recreational vehicles, campers and similar units.

F. LP-7 wholesale or manufacture of appliances, equipment or

containers \$50.00. A licensee under this classification is authorized to wholesale or manufacture appliances, equipment or containers for use with LP gas.

G. LP-8 installation, service and repair of cylinder exchange cabinets \$35.00. A licensee under this classification is authorized to install, service and repair LP gas cylinder exchange cabinets and to deliver portable containers (maximum water capacity 239#).

[G:] H. LP-9 station for dispensing LP gas \$35.00. A licensee under this classification is authorized to dispense LP gas into fuel containers on vehicles or to fill and/or deliver portable containers (maximum water capacity 239#).

[H:] I. LP-10 LP gas carburetion sales, service and installation, including repair \$35.00. A licensee under this classification is authorized for LP gas carburetion sale, service and installation, including repair.

[I:] J. CNG-1 CNG carburetion sale, service and installation \$35.00. A licensee under this classification is authorized for CNG gas carburetion sale, service and installation, including repair.

[J:] K. LNG-1 LNG carburetion sale, service and installation \$35.00.

[K:] L. Qualifying party identification card \$15.00.

[L:] M. Annual renewal fee per qualifying party identification card \$10.00.

[M:] N. Licensing examination fee \$25.00.

[N:] O. Licensing re-examination fee \$25.00.

[O:] P. The total license fee charged any one licensee for a combination of LP gas activities at any one operating location is set at: \$300.00.

[19.15.40.15 NMAC - Rp, 19.15.40.15 NMAC, 2-1-06, A, 04-01-13]

End of Adopted Rules Section

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