

**NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** that the State Fire Marshal (“Fire Marshal”), New Mexico Department of Homeland Security & Emergency Management, pursuant to the New Mexico Insurance Code, NMSA 1978, Section 59A-52-1.1, proposes to adopt a new rule, 10. 25.12.1 NMAC, INSPECTION OF FIRE AND SMOKE DAMPERS.

**PURPOSE OF THE PROPOSED NEW RULE IS:** This rule requires the inspection and testing of mechanical fire and smoke dampers and smoke control systems in places of assembly, educational occupancies, institutional occupancies, residential occupancies consisting of four or more family units, mercantile occupancies, industrial occupancies, storage occupancies, and miscellaneous structures consisting of towers, underground structures and windowless buildings and all buildings owned or occupied by the state or any political subdivision thereof or by municipal governments. It also sets the minimum qualifications for the inspection and testing of fire and smoke dampers and some control systems.

**STATUTORY AUTHORITY:** NMSA 1978, Section 59A-52-1.1(C)(1).

Copies of the Notice of Proposed Rulemaking and proposed rule are available by electronic download from the State Fire Marshal’s Office website State Fire Marshal - NM Department of Homeland Security & Emergency (nmdhsem.org) or the New Mexico Sunshine Portal.

The State Fire Marshal’s Office will hold a public video/telephonic hearing on the proposed rule on November 30, 2021 at 9:00 a.m.

Join via Video: <https://us06web.zoom.us/j/87103002232?pwd=clZKMnBRbGI0NzM0U3FHWkRVbGlydz09>

Join via telephone: 17207072699 Meeting ID: 871 0300 2232 Passcode: 368050

The Fire Marshal designates Bureau Chief Kyle Marshall to act as the hearing officer for this rulemaking. Oral comments will be accepted at the video/telephonic hearing from members of the public and any interested parties.

Written comments and proposals will be accepted through 4:00 pm on November 23, 2021. Responses to written comments or oral comments will be accepted through 4:00 pm on November 24, 2021. Comments may be submitted via email to [kyle.marshall@state.nm.us](mailto:kyle.marshall@state.nm.us) or may be filed by sending original copies to:

New Mexico Fire Marshal’s Office, New Mexico Department of Homeland Security, 13 Bataan Blvd., P.O. Box 27111, Santa Fe, NM. 87502

Only signed statements, proposals, or comments will be accepted. Scanned or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, the Fire Marshal reserves the right to require that original signatures be provided to verify the electronic signature. All filings must be received between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. Any filings after 4:00 will be filed to the docket the next business day.

**SPECIAL NEEDS:** Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other auxiliary aid or service to attend or participate in the hearing should contact Danielle Gonzales at 505-476-0874 ten (10) business days prior to the hearing.

The Fire Marshal will consider all oral comments and will review all timely submitted written comments and responses.

ISSUED this 14<sup>th</sup> day of October 2021  
/S/Chief John Kondratick