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New Mexico Register

The official publication for all official notices of rulemaking
and filing of proposed, adopted and emergency rules.

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New Mexico Register

Volume XXIX, Issue 7

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Notices of Rulemaking and Proposed Rules

ECONOMIC DEVELOPMENT DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Hearing. The New Mexico Economic Development Department (EDD) hereby gives notice that it will conduct a public hearing at the Bernalillo Workforce Connection, 301 Railrunner Ave., Bernalillo, NM 87104 on Thursday, May 10, 2018 from 9:00 am to 12:00 pm (MDT). The purpose of the public hearing is to receive public input on the proposed amendment to 5.5.50 NMAC, Industrial Development Training Program (Job Training Incentive Program) and address additional changes that may have been suggested by the Industrial Training Board or other interested parties during the public comment period.

Rule Change Information: The purpose of this rule change is to clean up and clarify existing language, revise company eligibility related to start-ups, and reduce the options for additional reimbursement above the standard rates.

No technical information served as a basis for the proposed rule change.

Statutory Authorization: Section 21-19-7 NMSA 1978 grants the Industrial Training Board the authority to promulgate and enforce rule.

Public comment: Interested individuals may testify at the public hearing or submit written comments regarding the proposed rulemaking relating to the Job Training Incentive Program to sara.gutierrez@state.nm.us or Sara Gutiérrez, JTIP Program Manager, New Mexico Economic Development Department, P.O. Box 20003 Santa Fe, New Mexico 87504-5003. Written comments must be received no later

than 5:00 pm on Friday, May 4, 2018. The EDD encourages the early submission of written comments.

Copies of the proposed changes may be accessed through EDD's website <https://gonm.biz/business-development/edd-programs-for-business/job-training-incentive-program/> or from Sara Gutiérrez at the contact below on April 10, 2018.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in this hearing are asked to contact Sara Gutiérrez as soon as possible. The EDD requests at least ten days advanced notice to provide requested special accommodations.

FINANCE AND ADMINISTRATION, DEPARTMENT OF

NOTICE OF PROPOSED RULEMAKING

The State of New Mexico Department of Finance and Administration (hereinafter "DFA") hereby gives notice, pursuant to law and rules, of the following meeting and public hearing to be held at 10:00 am on Tuesday, May 15, 2018 in the Red Room (Room 238) at 407 Galisteo, Santa Fe NM 87501. DFA will hold a hearing to repeal and replace 2.40.2 NMAC, Governing the Approval of Contracts for the Purchase of Professional Services. Pursuant to Subsection E of 9-1-5 and 9-6-5 NMSA 1978, DFA promulgates these rules to administer the duties of the Department of Finance and Administration and its divisions.

The proposed repeal and replace of 2.40.2 NMAC is to update administrative language to comply with statutory language directives in the Procurement Code, and to clarify certain procedures and citations thereto, including formatting

requirements per 1.24.10 NMAC.

Interested individuals are encouraged to submit comments during the Public Comment Period, which runs from April 11, 2018 through May 10, 2018. Written comments may be submitted to Clinton Nicley, Deputy General Counsel, DFA, via email at Clinton.Nicley@state.nm.us, fax (505) 827-4984, or directed to Mr. Nicley at Department of Finance and Administration, Office of the Secretary, 407 Galisteo St. #180B, Santa Fe, New Mexico 87501.

Copies of the proposed rule may be accessed on the Department's website at <http://www.nmdfa.state.nm.us/>, or obtained from Mr. Nicley by calling (505) 827-3013.

Individuals with disabilities who require this information in an alternative format, or need any form of auxiliary aid to submit comments, are asked to contact Mr. Nicley as soon as possible. DFA requires at least ten (10) days advance notice to provide requested special accommodations.

GAME AND FISH, DEPARTMENT OF

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Tuesday, May 22, 2018, beginning at 9:00 a.m., at the Holiday Inn Express Meeting Room, 60 Entrada Drive, Los Alamos, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed repeal of the Pronghorn License Allocation System rule.

Synopsis:

The purpose is to repeal the Pronghorn License Allocation System

rule, 19.30.12 NMAC, on March 31, 2019. The new Pronghorn Antelope rule, 19.31.15 NMAC, effective April 1, 2019 will replace the current Pronghorn License Allocation System rule.

Interested persons may submit comments on the proposed repeal of the Pronghorn License Allocation System rule at Nicole.Quintana@state.nm.us, or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on May 21, 2018. Final rule action will be voted on by the Commission during a public meeting on May 22, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on May 22, 2018.

Technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game

Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

GAME AND FISH, DEPARTMENT OF

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Tuesday, May 22, 2018, beginning at 9:00 a.m., at the Holiday Inn Express Meeting Room, 60 Entrada Drive, Los Alamos, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Bighorn Sheep rule.

Synopsis:

The proposal is to adopt a new Bighorn Sheep rule, 19.31.17 NMAC, which will become effective April 1, 2019. The current Bighorn Sheep rule is set to expire on March 31, 2019.

The proposed new rule will include increasing the maximum number of Rocky Mountain and desert bighorn licenses for rams, modifying certain hunt dates and season lengths to accommodate more Rocky Mountain bighorn hunters, adding hunts in the Jemez and Manzano mountains that will only be drawn if ram numbers indicates it's feasible, adding additional youth, rifle, and archery hunts, increasing licenses for Rocky Mountain ewes to address population management issues, and adding an additional hunt period to Fra Cristobal desert ram hunt to spread out hunters. We propose removing manner and method references from the bighorn sheep rule. Removed content will be included in the manner and method rule to open later in 2018. The proposal also includes allowing the Director, with chairperson concurrence, to designate some population management ram hunts as not once-in-a-lifetime. In

addition, we propose modifying the enhancement program such that the auction hunter declares which herd they will hunt by June 30, the raffle hunter declares by July 20, and both hunters can hunt the remaining open areas (but not the other person's declared herd). A full text of changes will be available on the Department's website at: www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Bighorn Sheep rule at DGF-Bighorn-Rules@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on May 21, 2018. The final proposed rule will be voted on by the Commission during a public meeting on May 22, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on May 22, 2018.

Full copies of text of the proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

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8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

GAME AND FISH, DEPARTMENT OF

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Tuesday, May 22, 2018, beginning at 9:00 a.m., at the Holiday Inn Express Meeting Room, 60 Entrada Drive, Los Alamos, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Javelina rule.

Synopsis:

The proposal is to adopt a new Javelina rule, 19.31.21 NMAC, which will become effective April 1, 2019. The current Javelina rule is set to expire on March 31, 2019.

The proposed new rule will include adjusting hunting seasons for calendar dates. For example, if a 5-day hunt typically starts on a Saturday, this date shifts earlier during each year of the 4-year rule. To avoid having these hunts occur earlier and earlier, the dates need to be "reset" during each new 4-year rule cycle. We propose removing manner and method references from the Javelina rule and include it in the manner and method rule to open later in 2018. No changes to number of licenses or open areas are being proposed. A full text of changes will be available on the Department's website at www.wildlife.state.nm.us.

Interested persons may submit

comments on the proposed changes to the Javelina rule at DGF-Javelina-Rules@state.nm.us; or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on May 21, 2018. The final proposed rule will be voted on by the Commission during a public meeting on May 22, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on May 22, 2018.

Full copies of text of the proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

GAME AND FISH, DEPARTMENT OF

STATE GAME COMMISSION MEETING AND RULE MAKING NOTICE

The New Mexico State Game Commission ("Commission") has scheduled a regular meeting and rule hearing for Tuesday, May 22, 2018, beginning at 9:00 a.m., at the Holiday Inn Express Meeting Room, 60 Entrada Drive, Los Alamos, New Mexico, to hear and consider action as appropriate on the following: Presentation of proposed changes to the Pronghorn Antelope rule.

Synopsis:

The proposal is to adopt a new Pronghorn Antelope rule, 19.31.15 NMAC, which will become effective April 1, 2019. The current Pronghorn Antelope rule is set to expire on March 31, 2019.

The proposed new rule will be modelled after the deer hunting program to increase sustainable hunting opportunities, while maintaining robust populations based on pronghorn biology and modern population survey techniques. Public licenses will be allocated by Game Management Unit (GMU) through the big game draw. Public hunters will be able to hunt accessible public land in the GMU in which they draw, and private deeded land with written permission. Unlimited over-the-counter private land licenses will be offered during established seasons. These would run concurrently with public hunts in the same GMU. Private land hunters will be able to hunt private deeded land with written permission. Nine-day archery hunts and 3-day rifle, mobility impaired, and youth hunts will be offered in August. Public draw and private land female/immature hunting opportunities will be offered to hunters in October where local pronghorn populations warrant such hunts. A program will be created to recognize properties that have accomplished substantial habitat

improvements to benefit pronghorn by developing alternative season dates on their properties. Ranch-wide agreements will create a hunting ranch consisting of both deeded and public leased lands that can be hunted by private-land hunters (with a limit to the private-land licenses) and public draw hunters in that GMU. We propose removing manner and method references from the pronghorn antelope rule. The removed content will be included in the manner and method rule to open later in 2018. A full text of changes will be available on the Department's website at www.wildlife.state.nm.us.

Interested persons may submit comments on the proposed changes to the Pronghorn Antelope rule at Nicole.Quintana@state.nm.us, or individuals may submit written comments to the physical address below. Comments are due by 5:00 p.m. on May 21, 2018. The final proposed rule will be voted on by the Commission during a public meeting on May 22, 2018. Interested persons may also provide data, views or arguments, orally or in writing, at the public rule hearing to be held on May 22, 2018.

Full copies of text of the proposed new rule, technical information related to proposed rule changes, and the agenda can be obtained from the Office of the Director, New Mexico Department of Game and Fish, 1 Wildlife Way, Santa Fe, New Mexico 87507, or from the Department's website at www.wildlife.state.nm.us/commission/proposals-under-consideration/. This agenda is subject to change up to 72 hours prior to the meeting. Please contact the Director's Office at (505) 476-8000, or the Department's website at www.wildlife.state.nm.us for updated information.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting,

please contact the Department at (505) 476-8000 at least one week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Department at 505-476-8000 if a summary or other type of accessible format is needed.

Legal authority for this rulemaking can be found in the General Powers and Duties of the State Game Commission 17-1-14, et seq. NMSA 1978; Commission's Power to establish rules and regulations 17-1-26, et seq. NMSA 1978.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or department) will hold a public rulemaking hearing on May 16, 2018. The hearing will begin at 10:30 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed repeal and replace of **5.5.2 NMAC - APPROVAL OF NEW GRADUATE PROGRAMS**.

Purpose:

Whereas by statute, Section 21-2-5 NMSA 1978, Section 21-1-26 NMSA 1978 and Section 21-1-24 NMSA 1978, the New Mexico Higher Education Department has the authority to adopt rules and regulations for oversight of all new state-funded graduate degree programs, the department proposes repeal and replace of **5.5.2 NMAC - APPROVAL OF NEW GRADUATE PROGRAMS**.

Summary of proposed rule:

The department proposes repeal and replace to update the process for approval and maintenance of all graduate degree programs proposed

by all higher education institutions defined in Article XII, Section 11 of the New Mexico Constitution. The proposed rule establishes the following related to graduate degree programs: a process by which the department reviews proposed new graduate degree programs or proposed changes to graduate degree programs; the advisory review committee; factors by which new graduate degree programs or changes to graduate degree programs will be evaluated; how institutions are to request classification of instruction programs codes; a process by which initiations obtain New Mexico State Board of Finance approval; and reporting requirements for institutions.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact core.competencies@state.nm.us or 505-476-8407.

A public hearing will be held from 10:30 a.m. until 11:30 a.m. at NMHED on May 16, 2018. Any person who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or core.competencies@state.nm.us.** **Written comments must be received no later than 5:00 p.m. on May 11, 2018.** Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing,

subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-8, Section 21-2-5, Section 21-1-26 NMSA 1978, and Section 21-1-24 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8407 or email core.competencies@state.nm.us ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or department) will hold a public rulemaking hearing on May 16, 2018. The hearing will begin at 9:30 a.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed adoption of new rule **5.5.6 NMAC - APPROVAL OF NEW UNDERGRADUATE PROGRAMS**.

Purpose:

Whereas by statute, Section 21-2-5 NMSA 1978, Section 21-13-12 NMSA 1978 and Section 21-1-26 NMSA 1978, the New Mexico Higher Education Department has the authority to adopt rules and regulations for oversight of all new state-funded bachelor's and associate's degree programs, the department proposes new rule **5.5.6 NMAC - APPROVAL OF NEW UNDERGRADUATE PROGRAMS**.

Summary of proposed rule:

The department proposes a new part number and name for the regulation, approval and maintenance of all

new state-funded bachelor's and associate's degree programs proposed by any public higher education institution receiving funding from the state of New Mexico. The proposed rule establishes the following related to undergraduate degree programs: a process by which the department reviews proposed new undergraduate degree programs or proposed changes to undergraduate degree programs; the advisory review committee; factors by which new undergraduate degree programs or changes to undergraduate degree programs will be evaluated; how institutions are to request classification of instruction programs codes; and reporting requirements for institutions. Every public higher education institution receiving funding from the state of New Mexico shall be subject to the proposed new rule.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact core.competencies@state.nm.us or 505-476-8407.

A public hearing will be held from 9:30 a.m. until 10:30 a.m. at NMHED on May 16, 2018. Any person who is or may be affected by this proposed rule may appear and testify.

Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or core.competencies@state.nm.us. Written comments must be received no later than 5:00 p.m. on May 11, 2018.

Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number

and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-8, Section 21-2-5, Section 21-13-12 NMSA 1978, and Section 21-1-26 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8407 or email core.competencies@state.nm.us ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or department) will hold a public rulemaking hearing on May 16, 2018. The hearing will begin at 1:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding repeal of **5.55.3 NMAC - TRANSFER AND ARTICULATION**.

Purpose:

The proposed repeal of 5.55.3 NMAC to accommodate for changes to Section 21-1B-1 et seq. NMSA 1978 (Post-Secondary Education Articulation Act) that occurred during the 2017 regular New Mexico legislative session. Whereas by statute the department is charged with oversight of a statewide common course numbering system, a statewide general education curriculum, and statewide meta-majors and transfer modules, the department proposes to repeal 5.55.3 NMAC and has proposed new rule 5.55.5 NMAC to

address regulation of the statewide common course numbering system, new rule 5.55.6 NMAC to address regulation of the statewide general education curriculum, and new rule 5.55.7 NMAC to address regulation of the statewide system of meta-majors and transfer modules.

Summary of the proposed changes:

The proposed repeal of 5.55.3 NMAC in order to create new parts. The regulations previously addressed in 5.55.3 NMAC have been separated by subject matter and regulations have been proposed in three new separate rules: 5.55.5 NMAC to address regulation of the statewide common course numbering system, new rule 5.55.6 NMAC to address regulation of the statewide general education curriculum, and new rule 5.55.7 NMAC to address regulation of the statewide system of meta-majors and transfer modules.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed statement of repeal is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed statement of repeal is also posted on the NMHED website at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the statement of repeal be sent to you by mail or e-mail, please contact core.competencies@state.nm.us or 505-476-8407.

A public hearing will be held from 1:00 p.m. until 2:00 p.m. at NMHED on May 16, 2018. Any person who is or may be affected by this proposed rule change may appear and testify. **Interested persons may submit written comments to the department at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or core.competencies@state.nm.us.**

Written comments must be received no later than 5:00 p.m. on May 11, 2018. Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If

submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 21-1B-1 et seq. NMSA 1978 and Section 9-25-8 NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8407 or email core.competencies@state.nm.us within ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or department) will hold a public rulemaking hearing on May 16, 2018. The hearing will begin at 2:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed adoption of new rule **5.55.5 NMAC - COMMON COURSE NUMBERING**.

Purpose:

The purpose of the proposed new rule is to accommodate for changes to Section 21-1B-1 et seq. NMSA 1978 (Post-Secondary Education Articulation Act) that occurred during the 2017 regular New Mexico legislative session. Whereas by statute the New Mexico Higher Education Department has the authority to adopt rules and regulations for the establishment, maintenance, and oversight of a statewide common course numbering

system, the department proposes new rule **5.55.5 NMAC - COMMON COURSE NUMBERING**.

Summary of the proposed changes:

The department proposes a new part number and name for the regulation of a statewide common course numbering system. The proposed rule establishes the following related to the statewide common course numbering system: a process by which the common course numbering system may be reviewed and revised; the New Mexico Curriculum and Articulation Committee; standards by which the department will maintain the common course numbering system; a process by which institutions may apply to have courses added, removed, or reclassified within the common course numbering system; how courses will transfer between institutions; complaint procedures for transfer students; and reporting requirements for institutions. Every public higher education institution receiving funding from the state of New Mexico shall be subject to the proposed new rule.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact core.competencies@state.nm.us or 505-476-8407.

A public hearing will be held from 2:00 p.m. until 3:00 p.m. at NMHED on May 16, 2018. Any person who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or core.competencies@state.nm.us. Written comments must be received no later**

than 5:00 p.m. on May 11, 2018.

Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-8 and Section 21-1B-1 et seq. NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8407 or email core.competencies@state.nm.us ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or department) will hold a public rulemaking hearing on May 16, 2018. The hearing will begin at 3:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed adoption of new rule **5.55.6 NMAC - GENERAL EDUCATION CURRICULUM**.

Purpose:

The purpose of the proposed new rule is to accommodate for changes to Section 21-1B-1 et seq. NMSA 1978 (Post-Secondary Education Articulation Act) that occurred during the 2017 regular New Mexico legislative session. Whereas by statute the New Mexico Higher Education Department has

the authority to adopt rules and regulations for the establishment, maintenance, and oversight of a comprehensive statewide general education curriculum that consists of lower-division college-level courses designed to provide a foundation for a liberal education, the department proposes new rule **5.55.6 NMAC - GENERAL EDUCATION CURRICULUM**.

Summary of proposed rule:

The department proposes a new part number and name for the regulation of a statewide general education curriculum. The proposed rule establishes the following related to the statewide general education curriculum: a process by which the general education curriculum may be reviewed and revised; the New Mexico Curriculum and Articulation Committee; standards by which the department will maintain the general education curriculum; a process by which institutions may seek certification of new general education courses; factors for reviewing the certification of general education courses; how general education courses will transfer between institutions; complaint procedures for transfer students; and reporting requirements for institutions. Every public higher education institution receiving funding from the state of New Mexico shall be subject to the proposed new rule.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact core.competencies@state.nm.us or 505-476-8407.

A public hearing will be held from 3:00 p.m. until 4:00 p.m. at NMHED on May 16, 2018. Any person

who is or may be affected by this proposed rule may appear and testify. **Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or core.competencies@state.nm.us. Written comments must be received no later than 5:00 p.m. on May 11, 2018.** Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-8 and Section 21-1B-1 et seq. NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8407 or email core.competencies@state.nm.us ten (10) business days prior to the hearing.

HIGHER EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the New Mexico Higher Education Department (NMHED or department) will hold a public rulemaking hearing on May 16, 2018. The hearing will begin at 4:00 p.m. and will be held at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505. The purpose of the rulemaking hearing is to take public comment regarding proposed adoption of new rule **5.55.7 NMAC - META-MAJORS AND TRANSFER MODULES**.

Purpose:

The purpose of the proposed

new rule is to accommodate for changes to Section 21-1B-1 et seq. NMSA 1978 (Post-Secondary Education Articulation Act) that occurred during the 2017 regular New Mexico legislative session. Whereas by statute the New Mexico Higher Education Department has the authority to adopt rules and regulations for the development, oversight and approval of statewide meta-majors and transfer modules, the department proposes new rule **5.55.7 NMAC - META-MAJORS AND TRANSFER MODULES.**

Summary of proposed rule:

The department proposes a new part number and name for the regulation of statewide meta-majors and transfer modules. The proposed rule establishes the following related to statewide meta-majors and transfer modules: a process by which the meta-majors and transfer modules may be developed, approved, reviewed and revised; the New Mexico Curriculum and Articulation Committee; standards by which the department will maintain the meta-majors and transfer modules; how meta-majors and transfer modules will transfer between institutions; complaint procedures for transfer students; and reporting requirements for institutions. Every public higher education institution receiving funding from the state of New Mexico shall be subject to the proposed new rule.

Details for Obtaining a Copy, Public Hearing and Comments:

The proposed rule is available at NMHED located at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505-2100. The proposed rule is also posted on the NMHED website and may be accessed at <http://www.hed.state.nm.us/> under the "Recent Posting" section. To request that a copy of the proposed rule be sent to you by mail or e-mail, please contact core.competencies@state.nm.us or 505-476-8407.

A public hearing will be held from 4:00 p.m. until 5:00 p.m. at NMHED

on May 16, 2018. Any person who is or may be affected by this proposed rule may appear and testify.

Interested persons may submit written comments to NMHED at 2044 Galisteo Street, Suite 4, Santa Fe, NM 87505 or core.competencies@state.nm.us. Written comments must be received no later than 5:00 p.m. on May 11, 2018.

Please note that any written comments received will become part of the rulemaking record, be posted to the New Mexico Sunshine Portal, and be accessible to the public. If submitting written comments by email, please indicate in the subject line the number and section of each rule(s) for which you are providing comments. Oral comments will also be accepted at the rule hearing, subject to time limitations.

Legal authority for this rulemaking can be found in Section 9-25-8 and Section 21-1B-1 et seq. NMSA 1978.

Any person with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or auxiliary aid or service to attend or participate in the hearing should contact 505-476-8407 or email core.competencies@state.nm.us ten (10) business days prior to the hearing.

NURSING, BOARD OF NOTICE OF PUBLIC RULEMAKING HEARING

The New Mexico Board of Nursing (NMBON) will hold a Public Rulemaking Hearing on Thursday, June 7, 2018. The Rulemaking Hearing will begin at 9:00 a.m. The Rulemaking Hearing will be held at The Albuquerque Journal Theater at the National Hispanic Cultural Center, located at 1701 4th St. SW, Albuquerque, NM 87102.

Statutory authority for this rulemaking can be found in Section 61-3-10 et seq. NMSA 1978 and Section 61-36-3 et seq. NMSA 1978.

The purpose of the Rulemaking Hearing is to hear public testimony and comments regarding the proposal to repeal the rule:

Title 16 Occupational and Professional Licensing, Chapter 12 Nursing and Health Care Related Providers - Part 6 Nurse Licensure Compact.

These rules apply to the original Nurse Licensure Compact. As New Mexico entered the Enhanced Nurse Licensure Compact (eNLC) on January 18, 2018 (§61-3-24.1 NMSA 1978), the rules are no longer applicable. The eNLC has an Interstate Commission, which promulgates all legally binding rules with no requirement for ratification and/or adoption by the member states.

In addition, the purpose of the Rulemaking Hearing is to hear public testimony and comments regarding the proposed new rule:

Title 16 Occupational and Professional Licensing, Chapter 12 Nursing and Health Care Related Providers - Part 11 Lactation Care Providers.

Pursuant to the Lactation Care Provider Act, 61-36 NMSA 1978, the NMBON is proposing to adopt the new rule to promote, preserve and protect the public health, safety and welfare of the citizens of the state by establishing standards for licensure and regulation of licensed lactation care providers in New Mexico. Specifically the proposed new rule addresses the requirements for initial licensure as a lactation care provider, the requirements for ongoing licensure, including continuing education, the standards of practice for licensed lactation care providers, and disciplinary proceedings including the definitions of incompetence and unprofessional conduct.

No specific technical information serves as a basis for this proposed rule.

Persons desiring to view the proposed rule to be repealed or the new rule may download them from <http://nmbon.sks.com/rule-changes.aspx>. If you do not have internet access, a copy of the proposed rules may be requested by contacting the NMBON at (505) 841-9094.

Written comments may be submitted via email to Bon.Legal@state.nm.us. If submitting comments via email specify in the subject line the following: NMBON Public Comments. Written comments may also be filed by sending original, signed copies to:
New Mexico Board of Nursing
ATTN: NMBON Public Comments
6301 Indian School Road, NE, Suite 710
Albuquerque, NM 87110

Persons wishing to submit written comments regarding the proposed rules should submit them to the Board office no later than Wednesday, May 16, 2018. Written comments will be given the same consideration as oral testimony made at the public hearing. All written comments must be received no later than 5:00 p.m. MDT, Wednesday, May 16, 2018.

PUBLIC DEFENDER COMMISSION

NOTICE OF PUBLIC HEARINGS

The New Mexico Public Defender Commission ("Commission") hereby gives notice that the Commission will conduct public hearings to obtain public input on the possible adoption of a new rule concerning an Interim Case Refusal Protocol.

The hearings are scheduled to occur as follows:
Monday, May 21, 2018 at 9:00 a.m.
Room 321, State Capitol
490 Old Santa Fe Trail,
Santa Fe, New Mexico, 87501.

Tuesday, May 22, 2018 at 10:00 a.m.
Ruidoso Convention Center
111 Sierra Blanca

Ruidoso, NM 88345

The hearings may be recessed and reconvened at a later date as needed.

Authority: Article VI, Sec. 39 of the Constitution of New Mexico establishing an independent Public Defender Commission; Section 31-15-2.4(B)(6) NMSA 1978; Section 31-15-7 NMSA 1978.; NMAC 10.12.13.; the Rules of Professional Responsibility.

Purpose: The Public Defender attorneys are obligated under federal and state constitutions and rules of ethics to represent clients according to recognized standards. These standards require certain steps to be taken in every case to ensure that each client receives fair and legally adequate representation. At some point this minimally required representation becomes impossible to provide because of too many cases. The question is where is that point? How is it determined, and how is the Department to responsibly proceed when that point is reached? The Commission will receive public information on these questions and will consider a proposed protocol for refusing cases.

Summary of full text: The proposed protocol provides the Chief Public Defender guidelines for determining when accepting additional cases would be ethically irresponsible due to excessive attorney workloads within a local office or by a contract attorney. The proposed rule requires the Chief Public Defender to assess the likelihood of creating conflicts of interest with existing clients and creating an unacceptable risk that each client would not receive competent representation at all stages of the case.

The proposed protocol then provides procedures for the Chief Public Defender to follow, including notification to courts when it is determined that workloads require the Department to decline additional case assignments by local offices

or contract attorneys. Finally, the proposal outlines how to proceed when circumstances have changed sufficiently to permit the affected attorneys to once more receive case assignments.

To accomplish these purposes, the proposal provides for the collection of data regarding attorney workloads on the part of Department attorneys and contract attorneys.

The Commission will provide opportunities for employees of the Department and interested parties to comment on the proposed rule adoption. Comments may be provided at the public hearings and/or electronically via email to [judy.gonzales@lopdm.us](mailto:gonzales@lopdm.us) (505) 395-2887 or mailed to Judy Gonzales, Law Offices of the Public Defender, 301 N. Guadalupe, Santa Fe, New Mexico, 87501.

Written comments must be received no later than 5:00 pm on the Thursday prior to the first public hearing. However, the submission of written comments as soon as possible is encouraged. Persons may also submit written comments at the public hearing.

Copies of the proposed rule are available for download on the Law Office of the Public Defender (LOPD) website at <http://www.lopdm.us/> and are available at the LOPD located at 301 N. Guadalupe, Suite 101, Santa Fe, NM 87501. A copy of the proposed rule may also be requested by contacting Judy Gonzales at the LOPD at (505) 395-2887.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearings are asked to contact Judy Gonzales at (505) 395-2887 as soon as possible to provide requested special accommodations.

**PUBLIC RECORDS,
COMMISSION OF**

**NOTICE OF REGULAR
MEETING AND OF
RULEMAKING**

The New Mexico Commission of Public Records (CPR) has scheduled a regular meeting and rule hearing for Tuesday, May 22, 2018, at 10:00 A.M. at the New Mexico State Records Center and Archives, which is an accessible facility, at 1209 Camino Carlos Rey, Santa Fe, NM. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any form of auxiliary aid or service to attend or participate in the meeting, please contact Georgette Chavez at 476-7926 by May 8, 2018, or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats.

The Commission of Public Records (“CPR”) and State Records Administrator (“SRA”) may consider the following items of rulemaking at the meeting:

Amend:

- 1.21.2 NMAC Retention and Disposition of Public Records (CPR Rule)
- 1.13.12 NMAC Designation of Records Management Personnel (CPR Rule)
- 1.13.30 NMAC Disposition of Public Records and Non-Records (Joint CPR & SRA Rule)
- 1.13.10 NMAC Records Storage and Access (SRA Only)

Synopsis:

The proposed amendment of 1.21.2 NMAC consists of the following modifications:

Section 7 is being amended to clarify the definition of a trigger event;

Section 9 is being amended to remove language referencing the judicial branch and add language indicating that records transferred to the state archives will be reviewed for

final disposition;

Section 428 is being amended to modify the retention period; and

Section 620 is being added to provide a classification for court proceedings records.

The proposed amendment of 1.13.12 NMAC consists of the following modification:

Sections 9, 10, and 11 are being amended to clarify the training requirement renewal cycle.

The proposed amendment of 1.13.30 NMAC consists of the following modifications:

Section 7 is being amended to clarify the definition of a trigger event;

Section 11 is being amended to add language the State Records Administrator may suspend destruction of records determined to have historical value as well as the requirements for the electronic records certificate of destruction;

Section 12 is being amended to add language the State Records Administrator may suspend destruction of records determined to have historical value and to identify the services that will be suspended due to past due invoices; and

Section 13 is being amended to identify the services that will be suspended due to past due invoices.

The proposed amendment of 1.13.10 NMAC consists of the following modifications:

Section 7 is being amended to clarify the definition of a trigger event; and

Section 11 is being amended to identify the services that will be suspended due to past due invoices.

A summary of the proposed revisions and copies of the full text of the proposed rules may be accessed at the Commission’s website (www.nmcpr.state.nm.us), or by contacting Melissa Salazar at Melissa.Salazar@state.nm.us, or via regular mail at 1205 Camino Carlos Rey, Santa Fe, New Mexico 87505 or 476-7911.

At the hearing the CPR and Administrator will take oral and written comments related to the rulemaking actions listed below and during the meeting consider approving these rulemaking actions. The Commission may vote on the proposed rules during the meeting on May 22, 2018. The State Records Administrator may take action on those rules at the close of the public rulemaking hearing.

Interested persons may submit comments on the proposed rules at the rule hearing or may submit written comments via email at rmd.cpr@state.nm.us. Written comments must be received no later than 5 p.m. on May 11, 2018. If submitting written comments by email, please indicate in the subject line the number of each rule(s) for which you are providing comments. Persons offering written comments at the hearing must have eight (8) copies for the Commission and Administrator to review. Oral comments will also be accepted at the rule hearing, subject to time limitations.

A copy of the agenda for the combined regular meeting and rule hearing is also available on the Commission website and at the office of the State Records Administrator located at the State Records Center and Archives at 1209 Camino Carlos Rey, Santa Fe, NM. The agenda is subject to change up to 72 hours prior to the meeting. Legal authority for this rulemaking can be found in the Public Records Act, Section 14-3-1, et seq. and in the State Rules Act, Section 14-4-1, et seq. NMSA 1978.

**REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

**NOTICE OF PUBLIC RULE
HEARING**

The Construction Industries Commission will convene a public hearing on proposed changes to 19.15.40 NMAC - NEW MEXICO

LIQUIFIED PETROLEUM GAS STANDARD, Amending Sections 14, 15, 20, 21, and 24. 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 original public hearing scheduled for March 28, 2018 was cancelled and reset for May 10, 2018. The hearing is scheduled as follows: 9:00 a.m., May 10, 2018 at the New Mexico Regulation and Licensing Department (Toney Anaya Building – Hearing Room 2 on the 2nd Floor), located at 2550 Cerrillos Rd., Santa Fe, NM 87504.

Please Note: All persons wishing to participate in the public hearing remotely may do so telephonically dialing into:
 Dial-in Number: (515) 739-1015
 Meeting ID: 788-223-117
 The proposed changes are as follows:

19.15.40.14 PRINTED FORMS, AND FEES:

C. (1) (b) amend section for installation of piping and appliances.

19.15.40.15 LICENSE CLASSIFICATIONS, SCOPES AND FEES:

B. amend section as to LP-3S allowable work.

19.15.40.20 CONTAINERS AND INSTALLATIONS:

F. (2) amend section for container protection.

19.15.40.21 LP GAS CYLINDER EXCHANGE INSTALLATIONS:

C. amend section as to protection of cylinder exchange cabinets.

19.15.40.24 STANDARDS:

- A.** amend section to update code.
- B.** amend section to update code.
- C.** amend section to remove guide.

D and E amend to correct order.

Adoption of the amendments to Sections of 19.15.40 NMAC listed above, helps state and local jurisdictions, maintain minimum code requirements to provide a level of safety to protect building occupants. The adoption also reflects continual changes that protect life health and property. Sections 70-5-5 and 60-13-9 NMSA 1978 authorize the Commission and the Construction Industries Division (CID) to adopt rules to carry out the provisions of the Liquefied and Compressed Gases Act and the Construction Industries Licensing Act.

Interested persons may secure copies of the proposed changes by accessing the Construction Industries Division website (www.rld.state.nm.us/construction) or by request from the Santa Fe CID Office – Toney Anaya Building, 2550 Cerrillos Rd. Santa Fe, NM 87504. 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) 476-4702. All comments must be received no later than 5:00 p.m., on Friday, May 4, 2018. Written comments may also be submitted when appearing at the public hearing. All public comments and documentation will be entered into the record during the public rules hearing. If you require special accommodations to attend the hearing, please notify CID by phone, email, or fax, of such needs as soon as possible to ensure adequate accommodations. Telephone: (505) 269-6710. Email: clay.bailey@state.nm.us; Fax No. (505) 476-4702.

REGULATION AND LICENSING DEPARTMENT FINANCIAL INSTITUTIONS DIVISION

NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING
 The Financial Institutions Division

(FID) of the New Mexico Regulation and Licensing Department will convene a public hearing on proposed rule changes pursuant to §58-15-11 NMSA 1978 concerning Title 12 - TRADE, COMMERCE AND BANKING, CHAPTER 18 - LOAN COMPANIES.

The proposed changes are to the following rules:

- Repeal the following rules:
 12.18.2 NMAC - LENDERS' EXCHANGES.
 12.18.5 NMAC - ANNUAL DATA REPORT FOR PAYDAY LOAN LENDERS.
 12.18.6 NMAC - ANNUAL DATA REPORT FOR TITLE LOAN COMPANIES.

Amendments to the following rules:
 12.18.3 NMAC - MANDATORY BROCHURE FOR SMALL LOAN BUSINESS, Amending Subsections A, C, D, E and F of Section 8
 12.18.4 NMAC - MANDATORY SIGNAGE FOR ALL SMALL LOAN COMPANIES, Amending Sections 6 and 7 and Subsections A, C, D, F, E, G and H of Section 8.

Repeal and replace the following rules:
 12.18.7 NMAC - TERMS AND CONDITIONS OF PAYDAY LOAN AGREEMENTS, Replaced by 12.18.7 NMAC - HEARING PROCEDURES FOR SMALL LOAN COMPANIES.
 12.18.8 NMAC - LICENSING OF NONRESIDENT LENDERS, Replaced by 12.18.8 NMAC - LICENSING OF NONRESIDENT LENDERS.

Adoption of the following rules:
 12.18.9 NMAC - REFUND ANTICIPATION LOANS.
 12.18.10 NMAC - ELECTRONIC MEDIA REQUIREMENTS.

The purpose of the rule changes is to adopt requirements and correct inconsistencies to incorporate the provisions of 2017 House Bill 347 which amended provisions of the New Mexico Small Loan Act of 1955, the

New Mexico Bank Installment Loan Act of 1959, and the Money, Interest, and Usury statute, concerning certain types of loans in the state of New Mexico. The statutory changes made by 2017 House Bill 347 necessitate the amendment of existing rules concerning, but not limited to, signage and brochures required at licensed small loan company facilities, the repeal of rules related to certain loan products that are no longer permitted under statute, and the adoption of new rule provisions for administrative hearings under the Small Loan Act of 1955.

The hearing will be held before a hearing officer, at which time any interested person is invited to submit data, views or opinions on the proposed changes, orally or in writing.

The hearing will be held at 11:00 a.m. on May 15, 2018 at the Rehoboth McKinley Christian Health Care Services Building (Solarium Room on the 3rd Floor), 1901 Red Rock Drive, Gallup, NM 87301.

Interested persons may secure copies of the proposed changes by accessing the FID website: www.rld.state.nm.us/financialinstitutions/ or by request from the Santa Fe FID Office - Toney Anaya Building, 2550 Cerrillos Rd. Santa Fe, NM 87504. You may send written comments to: Financial Institutions Division P.O. Box 25101, Santa Fe, New Mexico 87504, Attention: Public Comments. Written comments may also be faxed to: (505) 476-4670. All comments must be received no later than 5:00 p.m., on May 14, 2018. All public comments and documentation will be entered into the record during the public rules hearing. If you require special accommodations to attend the hearing, please notify FID by phone, email, or fax, of such needs notifying us as soon as possible to ensure adequate accommodations. Telephone: (505) 476-4885; Email: maya.otero@state.nm.us; Fax: No. (505) 476-4670.

**REGULATION AND
LICENSING DEPARTMENT
PSYCHOLOGIST EXAMINERS,
BOARD OF**

**NOTICE OF PUBLIC RULE
HEARING AND REGULAR
BOARD MEETING**

The New Mexico State Board of Psychologist Examiners (“Board”) will hold a public rule hearing on May 18, 2018, at 8:30 AM and following the rule hearing will convene a board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held in the Rio Grande Room, at the New Mexico Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, NM 87505.

Pursuant to its authority in Section 61-9-6, NMSA 1978, the Board is proposing the following amendments to the Psychology rules listed below in an effort to comply with the new state rules act and to provide for uniformity in the application of the rules, cleaning up definitions and removing similar language that appeared in more than one part. The proposed amendments also add a new part for the prescription monitoring program requirements.

16.22.1 NMAC – General Provisions;
16.22.2 NMAC – Code of Conduct;
16.22.3 NMAC – Non-Licensed Applicant with an Independent Mental Health License;
16.22.4 NMAC – Psychologists: Education Requirements;
16.22.5 NMAC – Psychologists: Application Requirements; Procedures;
16.22.6 NMAC – Psychologists: Predoctoral and Postdoctoral Supervised Experience;
16.22.7 NMAC – Examination Requirements;
16.22.8 NMAC – License Expiration and Renewal;
16.22.12 NMAC – Psychologist Associates: Education Requirements and Conditions of Practice;
16.22.13 NMAC – Fees;
16.22.14 NMAC – Licensure for

Military Service Members, Spouses and Veterans; and
16.22.30 NMAC – Prescription Monitoring Program Requirements.

To obtain and review copies of the proposed rules you may go to the Board’s website: http://www.rld.state.nm.us/boards/Psychologist_Examiners_Rules_and_Laws.aspx, contact the Boards and Commissions Division at (505) 476-4622, or visit the board office located at 2550 Cerrillos Road in Santa Fe. A copy of the agenda for the board meeting will be available at least 72 hours prior to the meeting and will be posted on the Board’s website. The agenda may also be obtained by contacting the Board office as noted above.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to psychologist.examiners@state.nm.us, or by regular mail to the Board at P.O. Box 25101, Santa Fe, NM 87504 no later than **Monday, May 14, 2018**. Persons wishing to present their written comments at the rule hearing will need to provide 10 copies of any written comment or proposed language change for distribution to the Board members and staff.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing, please contact the Board Administrator at least ten days before the meeting at (505) 476-4622. Public documents can be provided in various accessible formats by contacting the Board office as previously indicated.

**TAXATION AND REVENUE
DEPARTMENT**

**NOTICE OF HEARING AND
PROPOSED RULES**

The New Mexico Taxation and Revenue Department proposes to

repeal and replace the following rule:

Weight Distance Tax Act, Section 7-15A-13 NMSA 1978
3.12.12 NMAC - Weight Distance Tax Identification Permit

The proposals were placed on file in the Office of the Secretary on March 29, 2018. Pursuant to Section 9-11-6.2 NMSA 1978 of the Taxation and Revenue Department Act, the final of the proposals, if filed, will be filed as required by law on or about May 29, 2018.

A public hearing will be held on the proposals on Monday, May 14, 2018, at 10:00 a.m. in the Secretary's Conference Room on the third floor of the Joseph M. Montoya Building, 1100 St. Francis Drive, Santa Fe, New Mexico. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Alicia Romero at alicia.romero@state.nm.us. The Taxation and Revenue Department will make every effort to accommodate all reasonable requests, but cannot guarantee accommodation of a request that is not received at least ten calendar days prior to the scheduled hearing. Accessible copies of the proposals are available upon request; contact the Tax Policy Office at policy.office@state.nm.us. 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 or by email to policy.office@state.nm.us on or before May 14, 2018.

TITLE 3: TAXATION
CHAPTER 12: HIGHWAY USE TAXES AND FEES
PART 12: WEIGHT DISTANCE TAX IDENTIFICATION PERMIT

3.12.12.1 ISSUING
AGENCY: Taxation and Revenue Department, Joseph M. Montoya

Building, 1100 South St. Francis Drive, P.O. Box 630, Santa Fe NM 87504-0630
 [3.12.12.1 NMAC - Rp, 3.12.12.1 NMAC, xx/xx/20xx]

3.12.12.2 SCOPE: This part applies to all registrants, owners and operators of motor vehicles with a declared gross weight of 26,001 pounds or more if the motor vehicles are used or intended to be used on New Mexico highways, when the motor vehicle is registered with New Mexico.

[3.12.12.2 NMAC - Rp, 3.12.12.2 NMAC, xx/xx/20xx]

3.12.12.3 STATUTORY AUTHORITY: Section 9-11-6.2 NMSA 1978.

[3.12.12.3 NMAC - Rp, 3.12.12.3 NMAC, xx/xx/20xx]

3.12.12.4 DURATION: Permanent.

[3.12.12.4 NMAC - Rp, 3.12.12.4 NMAC, xx/xx/20xx]

3.12.12.5 EFFECTIVE DATE: xx/xx/20xx, unless a later date is cited at the end of a section, in which case the later date is the effective date.

[3.12.12.5 NMAC - Rp, 3.12.12.5 NMAC, xx/xx/20xx]

3.12.12.6 OBJECTIVE: The objective of this part is to interpret, exemplify, implement and enforce the provisions of the Weight Distance Tax Act.

[3.12.12.6 NMAC - Rp, 3.12.12.6 NMAC, xx/xx/20xx]

3.12.12.7 DEFINITIONS: [RESERVED]

[3.12.12.7 NMAC - Rp, 3.12.12.7 NMAC, xx/xx/20xx]

3.12.12.8 WEIGHT DISTANCE TAX IDENTIFICATION PERMIT TO BE ISSUED:

A. Upon receipt of an approved application by a motor carrier, the department will issue weight distance tax identification

permit(s) to the motor carrier for the number of vehicles they own that are subject to the weight distance tax. The motor carrier will be required to identify each permit they receive to a specific vehicle by indicating the unit and vehicle identification numbers on the face of the permit.

B. The weight distance tax identification permit is an administrative certificate that will be issued on non-reproducible paper to motor carriers who submit an approved application.

C. Weight distance tax identification permits issued by the department will only be valid for the calendar year for which they are issued.

[3.12.12.8 NMAC - Rp, 3.12.12.8 NMAC, xx/xx/20xx]

3.12.12.9 WEIGHT DISTANCE TAX IDENTIFICATION PERMIT - ADMINISTRATIVE FEE: Any person that applies for and receives a weight distance tax identification permit shall pay an administrative fee. The administrative fee shall be ten dollars (\$10.00) upon the effective date of this regulation. The administrative fee may be increased or decreased by the secretary after due consideration of the costs of issuing and administering weight distance tax identification permits and of enforcing permits use. Persons who have current weight distance tax identification permits will be notified if the secretary changes the fee at least 30 days prior to effective date of a change in the fee. The administrative fee will be deposited in the weight distance tax identification permit fund to pay the costs of issuing and administering weight distance tax identification permits and costs incurred by the department and the motor transportation division of the department of public safety to enforce the use of such permits by motor carriers in accordance with the Weight Distance Tax Act. The administrative fee will be imposed for every permit, including annual renewals and replacements.

[3.12.12.9 NMAC - Rp, 3.12.12.9, xx/

xx/20xx]

History of 3.12.12 NMAC:
[RESERVED]

**End of Notices of
Rulemaking and
Proposed Rules**

Adopted Rules

Effective Date and Validity of Rule Filings

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 in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

ATTORNEY GENERAL, OFFICE OF

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION CHAPTER 24 RULES PART 25 DEFAULT PROCEDURAL RULE FOR RULEMAKING

1.24.25.1 ISSUING

AGENCY: New Mexico Office of the Attorney General, 408 Galisteo Street, Santa Fe, NM 87501.

[1.24.25.1 NMAC - N, 04/10/2018]

1.24.25.2 SCOPE: State agencies that have not adopted their own procedural rules consistent with the State Rules Act, Sections 14-4-1 to -11 NMSA 1978 (1967, as amended through 2017).

[1.24.25.2 NMAC - N, 04/10/2018]

1.24.25.3 STATUTORY

AUTHORITY: Section 14-4-5.8 NMSA 1978.

[1.24.25.3 NMAC - N, 04/10/2018]

1.24.25.4 DURATION:

Permanent.

[1.24.25.4 NMAC - N, 04/10/2018]

1.24.25.5 EFFECTIVE

DATE: April 10, 2018, unless a later date is cited at the end of a section.

[1.24.25.5 NMAC - N, 04/10/2018]

1.24.25.6 OBJECTIVE:

To provide default procedural rules for public rule hearings for use by agencies that have not adopted their own procedural rules consistent with the State Rules Act and to facilitate public engagement with the administrative rulemaking process in a transparent, organized, and fair manner.

[1.24.25.6 NMAC - N, 04/10/2018]

1.24.25.7 DEFINITIONS:

This rule adopts the definitions found in Section 14-4-2 NMSA 1978.

[1.24.25.7 NMAC - N, 04/10/2018]

1.24.25.8 AGENCY ADOPTION OF PROCEDURAL RULES:

A. Agencies that have not adopted their own procedural rules consistent with the State Rules Act shall apply these default rules, until such time as they have adopted their own rules.

B. Agencies may adopt these default rules, in whole or in part as their own, or continue to use their existing rules, so long as those rules satisfy the requirements of the State Rules Act and provide as much opportunity for public participation as provided by these rules.

C. Agencies that adopt their own rules must submit a copy to the office of the attorney general within 30 calendar days of adoption, and post a copy of those rules on the agency's website, if one exists.

[1.24.25.8 NMAC - N, 04/10/2018]

1.24.25.9 INITIATION OF THE RULEMAKING PROCESS BY AN AGENCY:

A. The rulemaking process may be initiated by an agency when a notice for a rule hearing is publicly posted pursuant to this rule.

B. The agency shall proceed with the rulemaking process by posting public notice, publishing the proposed rule for comment, and setting a public rule hearing in accordance with the State Rules Act and any other applicable law.

C. If the agency is a public body subject to the Open Meetings Act, the decision to initiate the rulemaking process must be an action taken by vote of the public body in open session.

D. Once the agency initiates the rulemaking process, the agency must maintain a record as prescribed in Section 14-4-5.4 NMSA 1978.

[1.24.25.9 NMAC - N, 04/10/2018]

1.24.25.10 INITIATION OF THE RULEMAKING PROCESS BY THE PUBLIC:

A. Any person may file a petition for rulemaking with an agency.

B. A petition for rulemaking shall be made in writing and include an explanation of the purpose or statement of reasons for the proposed rule. A petition shall include a citation to the legal authority authorizing the agency to adopt the rule and a copy of or citation to technical information, if any, that serves as the basis for the proposed rule. A petition should be as clear as possible and may include the proposed rule in underline and strikethrough format, consistent with requirements of the state records administrator.

C. The agency to which a petition is made shall, if required by law, consider the petition and make a determination whether to grant or deny the petition. If the agency denies the petition, it shall issue a concise written statement explaining its reason for denial. No affirmative duty to respond to a public petition is created by these rules. If a public right to petition an agency exists in law, the agency must follow all timelines or responses governed by law of the agency.

D. If the agency is a public body subject to the Open Meetings Act, the decision to grant a petition must be an action taken by vote of the public body in open session.

E. Once the agency

initiates the rulemaking process, the agency must maintain a record as prescribed in Section 14-4-5.4 NMSA 1978.

[1.24.25.10 NMAC - N, 04/10/2018]

1.24.25.11 RULEMAKING NOTICE:

A. The agency shall provide to the public, as defined in Section 14-4-2 NMSA 1978, notice of the proposed rulemaking a minimum of 30 calendar days prior to the public rule hearing and in accordance with requirements of Section 14-4-5.2 NMSA 1978.

[1.24.25.11 NMAC - N, 04/10/2018]

1.24.25.12 WRITTEN COMMENT PERIOD:

A. The public comment period must be at least 30 calendar days, beginning after publication of the notice in the New Mexico register and issuance of the rulemaking notice. The agency shall not adopt a proposed rule before the end of the public comment period.

B. A person may submit, by mail or electronic form, written comments on a proposed rule, and those comments shall be made part of the record. Written comments may be submitted through the end of the public comment period.

C. The agency may decide to amend the comment period if it provides to the public, as defined in Section 14-4-2 NMSA 1978, notice of the changes.

D. The agency shall post all written comments on its website, if one exists, as soon as practicable, and no more than 3 business days following receipt to allow for public review. All written comments received by the agency shall also be available for public inspection at the main office of the agency.

[1.24.25.12 NMAC - N, 04/10/2018]

1.24.25.13 PUBLIC HEARING:

A. Prior to adopting a proposed rule, the agency must hold a public rule hearing. The purpose of the hearing is to provide

all interested persons a reasonable opportunity to submit data, views or arguments orally or in writing on the proposed rule. The agency, at its sole discretion, may determine whether to hold more than one hearing.

B. The agency may act as the hearing officer or designate an individual hearing officer to preside over the hearing. The hearing officer may ask questions and provide comments for clarification purposes only, but should refrain from providing opinions or engaging in discussion regarding the merits of the proposed rule or any public comment presented.. The hearing officer shall identify and mark all written comments submitted during the public comment period, as well as any written comments submitted during the hearing. The public comment should be labeled as exhibits for reference, but do not require formal admission into the hearing record.

D. Individuals wishing to provide public comment or submit information at the hearing must state their name and any relevant affiliation for the record and be recognized before presenting. Public comment shall not be taken under oath unless required by law or separate rule of the agency. Any individual who provides public comment at the hearing may be questioned by the agency or hearing officer or, at the discretion of the agency or hearing officer, or as otherwise provided by law, by other persons at the hearing.

E. The hearing shall be conducted in a fair and equitable manner. The agency or hearing officer may determine the format in which the hearing is conducted (e.g. introduction of each part or section one at a time for comment), but the hearing should be conducted in a simple and organized manner that facilitates public comment and a clear rulemaking record.

F. The rules of evidence do not apply to public rule hearings and the agency or hearing officer may, in the interest of efficiency, exclude or limit comment or questions deemed irrelevant, redundant, or unduly repetitious.

G. The agency must hold the hearing in a venue that reasonably accommodates all persons who wish to participate or observe, and appropriate audio equipment should be secured to ensure all in attendance can hear the proceeding and be heard when presenting comment. Reasonable efforts shall be made to accommodate the use of audio and video recording devices. Hearings shall be open to the public, but are not subject to the New Mexico Open Meetings Act, unless conducted by a quorum of a public body.

H. The hearing shall be recorded by any stenographic method in use in the district court or by audio recording.

[1.24.25.13 NMAC - N, 04/10/2018]

1.24.25.14 RULEMAKING RECORD AND ADOPTION OF RULE:

A. The agency shall maintain a record of the rulemaking proceeding as required in Section 14-4-5.4 NMSA 1978, and any written comment, document, or other exhibit entered into the record during the rule hearing shall be labeled clearly. Pre-filed written comments are part of the rulemaking record without the need for formal admission. Pre-filed comments include, but are not limited to: the petition; public notices of the rulemaking, including any lists of individuals to whom notice was mailed or sent electronically; the proposed rule in underline and strikethrough format; and any written comment submitted during the comment period prior to the rule hearing. Written comments or other documents introduced during the hearing should be admitted into the record after being marked as an exhibit.

B. If the rule hearing is conducted by a designated hearing officer, the complete rulemaking record, including any memoranda summarizing the contents of the hearing, if written, shall be compiled and forwarded to the agency head or members of the board or commission with sufficient time to review. The agency head or members of the board

or commission shall familiarize themselves with the rulemaking record before rendering a decision on the proposed rule.

C. The agency may adopt, amend or reject the proposed rule. Any amendments to the proposed rule must fall within the scope of the current rulemaking proceeding. Amendments that exceed the scope of the noticed rulemaking may require a new rulemaking proceeding. Amendments to a proposed rule may fall outside of the scope of the rulemaking based on the following factors:

(1) any person affected by the adoption of the rule, if amended, could not have reasonably expected that the change from the published proposed rule would affect the person’s interest;

(2) subject matter of the amended rule or the issues determined by that rule are different from those in the published proposed rule; or

(3) effect of the adopted rule differs from the effect of the published proposed rule.

D. In instances where the agency is a board or commission, consideration and approval of adoption of the proposed rule shall occur during a public meeting.

E. The date of adoption of the proposed rule shall be the date the concise explanatory statement is signed by the agency, unless otherwise specified in the concise explanatory statement.

F. The concise explanatory statement shall include, but not limited to, the following:

(1) citation to specific statutory or other authority authorizing the rule;

(2) effective date of the rule;

(3) date of adoption of the rule, if different than the date of the concise explanatory statement;

(4) if the agency is a board or commission, the date of the meeting at which the agency voted to approve the adoption of the rule;

(5) reasons for adopting the rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;

(6) reasons for any change between the published proposed rule and the final rule; and

(7) reasons for not accepting substantive arguments made through public comment.
[1.24.25.14 NMAC - N, 04/10/2018]

1.24.25.15 FILING AND PUBLICATION; EFFECTIVE DATE:

A. Within 15 calendar days after the date of adoption of a rule, the agency shall file the adopted rule with the state records administrator and shall provide to the public the adopted rule and concise explanatory statement in accordance with the State Rules Act.

B. Unless another date is stated in the agency’s concise explanatory statement, or otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico register.
[1.24.25.15 NMAC - N, 04/10/2018]

1.24.25.16 EMERGENCY RULES: The agency shall comply with the rulemaking procedures in Section 14-4-5.6 NMSA 1978, regarding the promulgation of emergency rules.
[1.24.25.16 NMAC - N, 04/10/2018]

HISTORY OF 1.24.25 NMAC:
[RESERVED]

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT FORESTRY DIVISION

The Energy, Minerals and Natural Resources Department - Forestry Division, repeals its rule entitled Tree Harvesting and Forest Regeneration, 19.20.2 NMAC, filed 12/31/1996, effective 04/10/2018.

GENERAL SERVICES DEPARTMENT

**TITLE 1 GENERAL GOVERNMENT
CHAPTER 4 STATE PROCUREMENT
PART 9 ELECTRONIC SIGNATURES**

1.4.9.1 ISSUING AGENCY: General Services Department (GSD).
[1.4.9.1 NMAC, 04/10/2018]

1.4.9.2 SCOPE: This rule applies to the use of electronic media, including electronic signatures for the execution of contracts and amendments or change orders, thereto, in the award process of procurements by state agencies and local public bodies subject to Sections 13-1-28 through 13-1-199 NMSA 1978 (“Procurement Code”).
[1.4.9.2 NMAC - N, 04/10/2018]

1.4.9.3 STATUTORY AUTHORITY: Procurement Code, Sections 13-1-28 through 13-1-199 NMSA 1978; Uniform Electronic Transactions Act, Section 14-16-1 et seq. NMSA 1978.
[1.4.9.3 NMAC – N, 04/10/2018]

1.4.9.4 DURATION: Permanent.
[1.4.9.4 NMAC - N, 04/10/2018]

1.4.9.5 EFFECTIVE DATE: April 10, 2018, unless a later date is cited at the end of a section.
[1.4.9.5 NMAC - N, 04/10/2018]

1.4.9.6 OBJECTIVE: This rule establishes uniform procedures and defines levels of signature authority for the state purchasing agent (and central purchasing offices when not excluded from purchasing through the state purchasing agent) and local public bodies to use electronic signatures for conducting procurements through the award process.
[1.4.9.6 NMAC - N, 04/10/2018]

1.4.9.7 DEFINITIONS:

For purposes of this part, all terms defined in the Uniform Electronic Transactions Act, Section 14-16-1 et seq. NMSA 1978 have the meaning set forth in statute. Additionally, the following terms shall have the following meanings:

A. Definitions

beginning with the letter "A":

(1) "Agency"

means the state of New Mexico or any of its branches, agencies, departments, boards, instrumentalities, or institutions.

(2) "Agency

head" means the individual, or their proper designee, statutorily authorized to bind the state.

(3) "Award

process" means when the final individual or their proper designee signs a document that statutorily binds the entity including the state or local public body to any contract, amendment or change order when performing procurements subject to the Procurement Code.

(4)

"**Authenticate**" refer to Electronic Authentication of Documents Act, Subsection A of Section 14-15-3 NMSA 1978.

B. Definitions

beginning with the letter "B":

[RESERVED].

C. Definitions

beginning with the letter "C":

(1)

"**Contract**" means any agreement for the procurement of items of tangible personal property, services or construction.

(2)

"**Contractor**" as defined in Section 13-1-43 NMSA 1978 means any business having a contract with a state agency.

(3) "CRS

number" means the New Mexico tax identification number issued by the New Mexico taxation and revenue department that is used for reporting gross receipts, compensating, and withholding tax.

(4)

"**Cyber Threat**" means a potential circumstance, entity or event capable of exploiting vulnerability and

causing harm. Threats can come from natural causes, human actions, or environmental conditions. A threat does not present a risk when there is no vulnerability. Vulnerability is a weakness that can be accidentally triggered or intentionally exploited.

D. Definitions

beginning with the letter "D":

(1)

"**Department**" means the general services department.

(2) "Digital

signature" means any electronic signature that can be used to authenticate the identity of the sender of or signer of a document, and may also ensure that the content of the sent document is unaltered.

(3) "Digitized

signature" means a graphical image of a handwritten signature.

(4)

"**Document**" means an identifiable collection of words, letters or graphical knowledge representations, regardless of the mode of representation. For purposes of this rule, "document" may include, but is not limited to correspondence, agreements, contracts, amendments, change orders, invoices, reports, certifications, maps, drawings and images in both electronic and hard copy.

E. Definitions

beginning with the letter "E":

(1)

"**Electronic**" includes electric, digital, magnetic, optical, electronic or similar medium.

(2)

"**Electronic authentication**" means the electronic signing of a document that establishes a verifiable link between the originator of a document and the document by means of optical, electrical, digital, magnetic, electromagnetic, wireless, telephonic, biological, a public key and private key system or other technology providing similar capabilities.

(3)

"**Electronic record**" means a record created, generated, sent, communicated, received or stored by electronic means.

(4)

"**Electronic signature**" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. Refer to Uniform Electronic Transactions Act, Paragraph (8) of Section 14-16-2 NMSA 1978.

F. Definitions

beginning with the letter "F":

[RESERVED].

G. Definitions

beginning with the letter "G":

"**Governmental agency**" means an executive, legislative or judicial agency, department, board, commission, authority, institution or instrumentality of the federal government or of a state or of a county, municipality or other political subdivision of a state.

H. Definitions

beginning with the letter "H":

[RESERVED].

I. Definitions

beginning with the letter "I":

(1)

"**Identification**" means the process of verifying and associating attributes with a particular person designated by an identifier for needed levels of signature authority.

(2) "Identity"

means the unique name of an individual person, and any associated attributes; the set of the properties of a person that allows the person to be distinguished from other persons.

(3)

"**Information**" means data, text, images, sounds, codes, computer programs, software, databases or the like.

(4)

"**Integrity**" means a state in which information has remained unaltered from the point it was produced by a source, during transmission, storage and eventual receipt by the destination.

(5) "Intent

to sign" means the intent of a person that a sound, symbol or process is applied to a record in order to have a legally binding effect.

J. Definitions

beginning with the letter "J":

[RESERVED].

K. Definitions beginning with the letter “K”:
[RESERVED].

L. Definitions beginning with the letter “L”:
“**Level of assurance**” means the level of authentication assurance that describes the degree of certainty that a user has presented an identifier that refers to her identity.

M. Definitions beginning with the letter “M”:
“**Method**” means a particular way of doing something, a means, process or manner of procedure, especially a regular and systematic way of accomplishing something and an orderly arrangement of steps to accomplish an end.

N. Definitions beginning with the letter “N”:
[RESERVED].

O. Definitions beginning with the letter “O”:
“**Originator**” means the person who signs a document electronically.

P. Definitions beginning with the letter “P”:
(1)

“**Password**” means a secret word or string of characters that is used for authentication, to prove identity or to gain access to a record or resource. Passwords are typically character strings.

(2) “**PDF**” or “portable document format” refers to a file format used to present documents in a manner independent of application software, hardware, and operating systems. A PDF file encapsulates a complete description of a fixed-layout flat document, including the text, fonts, graphics, and other information needed to display it.

(3)
“**Person**” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity.

(4) “**Personal identification number (PIN)**” means a shared secret a person accessing a government organization’s electronic application is requested to enter,

such as a password or PIN. The system checks that password or PIN against data in a database to ensure its correctness and thereby “authenticates” the user.

(5) “**Private key**” means the code or alphanumeric sequence used to encode an electronic authentication and which is known only to its owner. The private key is the part of a key pair used to create an electronic authentication.

(6) “**Public key**” means the code or alphanumeric sequence used to decode an electronic authentication. The public key is the part of a key pair used to verify an electronic authentication.

(7) “**Public/private key system**” means the hardware, software, and firmware that are provided by a vendor for:

(a) the generation of public/private key pairs;

(b) the record abstraction by means of a secure hash code;

(c) the encoding of the signature block and the record abstraction or the entire record;

(d) the decoding of the signature block and the record abstraction or the entire record; and

(e) the verification of the integrity of the received record.

Q. Definitions beginning with the letter “Q”:
[RESERVED].

R. Definitions beginning with the letter “R”:

(1) “**Reason for signing**” means the purpose statement of a person with regard to a document or electronic record that is affirmed by signing the document or record. The reason for signing should be distinguished from the intent to sign.

(2) “**Record**” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form.

(3) “**Record**

“**abstraction**” means a condensed representation of a document, which condensation is prepared by use of a secure hash code; it is also known as a message digest.

(4)
“**Regulation**” as defined by Section 13-1-80 NMSA 1978 means any rule, order, or statement of policy, including amendments thereto and repeals thereof, issued by a state agency or a local public body to affects persons not members or employees of the issuer.

(5)
“**Repudiate**” and “**non-repudiation**” refer to the acts of denying or proving the origin of a document from its sender, and to the acts of denying or proving the receipt of a document by its recipient. The burden of proof is with the person challenging the authenticity of the signature.

S. Definitions beginning with the letter “S”:

(1)
“**Secretary**” means the secretary of the general services department.

(2) “**Security**” shall mean either low, moderate or high risk transaction for any electronic form of signature, as defined in 1.12.7.15 NMAC. The level of security (low, moderate and high) is determined by the analysis of the likelihood of a successful challenge to the enforceability of a signature and the analysis of the cost or impact of an unenforceable signature.

(3) “**Security procedure**” means a procedure employed for the purpose of verifying that an electronic signature, record or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, callback or other acknowledgment procedures.

(4) “**Signed**” and “**signature**” means the manual or electronic signature of an individual or officer who is authorized, delegated, or required to legally bind

a party.

(5)

“**Signature block**” means the portion of a document, encoded by the private key, which contains the identity of the originator and the date and time of the records creation, submittal or approval.

(6)

“**Signing requirements**” means the requirements that must be satisfied to create a valid and enforceable electronic signature.

(7)

“**Sole source**” means tangible personal property, services or construction for which there is only one source and that source is unique and no other similar items of tangible personal property, services or construction can meet the intended purpose of the procurement.

(8) “**State**

agency” means any department, agency, commission, council, board, advisory board, committee, or institution of the state of New Mexico, and does not include local public bodies.

(9) “**State**

purchasing agent” means the director of the purchasing division of the general services department.

T. Definitions

beginning with the letter “T”:

(1) “**Tax and**

revenue” shall mean the taxation and revenue department.

(2)

“**Transaction**” means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial affairs or governmental affairs.

(3)

“**Transferable record**” means an electronic record that would:

(a)

be a note under Chapter 55, Article 3 NMSA 1978 or a document under Chapter 55, Article 7 NMSA 1978 if the electronic record were in writing; and

(b)

the issuer of the electronic record expressly has agreed is a transferable record.

(4) “**Trusted**

entity” means an independent, unbiased third party that contributes to, or provides, important security assurances that enhance the admissibility, enforceability and reliability of information in electronic form. In a public/private key system, a trusted entity registers a digitally signed data structure that binds an entity’s name (or identity) with its public key.

[1.9.7.7 NMAC - N, 04/10/2018]

1.4.9.8 ELECTRONIC SIGNATURE WORKFLOW PROCESS FOR CONTRACTS AWARDED AND CONTRACT AMENDMENTS:

The electronic signature workflow process for procurements, contracts awarded, change orders and contract amendments that are initiated and executed by any agency is as follows:

A. Signed by the contractor, with moderate security, and shall be considered final and binding as to the terms of contract.

B. Signed by any tax and revenue employee, with low security, and shall be considered to confirm the CRS number status of the contractor.

C. Signed by the agency (or agencies’) head(s), if required by the state purchasing agent, with moderate security, and shall be considered final and binding as to the agency or agencies.

D. Signed by chief legal counsel for the agency, with high security, and shall be considered to have been reviewed and approved for execution.

E. Signed by the state purchasing agent, with high security, and shall be considered final and binding as to the terms of the contract or, for professional services, signed by the contracts review bureau of the department of finance, as designated by the department of finance cabinet secretary, with high security, and shall be considered final and binding as to the terms of the contract.

[1.4.9.8 NMAC - N, 04/10/2018]

1.4.9.9 DELEGATION OF APPROVAL AUTHORITY:

A. The state

purchasing agent may delegate, in writing, to certain members of the department, the authority to approve contracts with the same level of security to sign all contracts and all amendments to those contracts except retroactive approval to contracts and contract amendments and sole source contracts and amendments to sole source contracts as provided herein.

B. Any agency head

may delegate, in writing, to certain members of their department, the authority to approve contracts with the same level of security to sign all contracts and all amendments to those contracts except retroactive approval to contracts and contract amendments and sole source contracts and amendments to sole source contracts as provided herein.

C. Any chief legal

counsel may delegate, in writing, to certain members of the general counsel office, the authority to approve contracts with the same level of security to sign for execution for all contracts and all amendments to those contracts except retroactive approval to contracts and contract amendments and sole source contracts and amendments to sole source contracts as provided herein.

[1.4.9.11 NMAC - N, 04/10/2018]

HISTORY of 1.4.9 NMAC:
[RESERVED]

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

The Construction Industries Commission of the Construction Industries Division of Regulation & Licensing Department approved and adopted, at the March 21, 2018 meeting to repeal 14.8.2 NMAC, the 2012 New Mexico Plumbing Code and replace it with 14.8.2 NMAC, the 2015 New Mexico Plumbing Code, effective May 15, 2018.

The Construction Industries Commission of the Construction

Industries Division of Regulation & Licensing Department approved and adopted, at the March 21, 2018 meeting to repeal 14.9.2 NMAC, the 2012 New Mexico Mechanical Code and replace it with 14.9.2 NMAC, the 2015 New Mexico Mechanical Code, effective May 15, 2018.

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

**TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 8 PLUMBING CODES
PART 2 2015 NEW MEXICO PLUMBING CODE**

14.8.2.1 ISSUING AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.8.2.1 NMAC - Rp, 14.8.2.1 NMAC, 05/15/2018]

14.8.2.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after May 15, 2018, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.
[14.8.2.2 NMAC - Rp, 14.8.2.2 NMAC, 05/15/2018]

14.8.2.3 STATUTORY AUTHORITY: Section 60-13-9 and 60-13-44 NMSA 1978.
[14.8.2.3 NMAC - Rp, 14.8.2.3 NMAC, 05/15/2018]

14.8.2.4 DURATION: Permanent.
[14.8.2.4 NMAC - Rp, 14.8.2.4 NMAC, 05/15/2018]

14.8.2.5 EFFECTIVE DATE: May 15, 2018, unless a later date is cited at the end of a section.
[14.8.2.5 NMAC - Rp, 14.8.2.5 NMAC, 05/15/2018]

14.8.2.6 OBJECTIVE: The

purpose of this rule is to establish minimum standards for all plumbing, as defined in CILA Section 60-12-32, in New Mexico.
[14.8.2.6 NMAC - Rp, 14.8.2.6 NMAC, 05/15/2018]

14.8.2.7 DEFINITIONS: See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2015 Uniform Plumbing Code (UPC) as amended in 14.8.2.10 NMAC.
[14.8.2.7 NMAC - Rp, 14.8.2.7 NMAC, 05/15/2018]

14.8.2.8 ADOPTION OF THE 2015 UNIFORM PLUMBING CODE:
A. This rule adopts by reference the 2015 Uniform Plumbing Code and all appendices, as amended by this rule.

B. In this rule, the internal numbering of each provision corresponds with the numbering of the 2015 Uniform Plumbing Code.
[14.8.2.8 NMAC - Rp, 14.8.2.8 NMAC, 05/15/2018]

14.8.2.9 CHAPTER 1 ADMINISTRATION:
A. 101.0 General.
(1) 101.1 Title. Delete this section of the UPC and substitute: This code shall be known as the 2015 New Mexico Plumbing Code (NMPC).

(2) 101.2 Scope. Delete this section of the UPC and see 14.8.2.2 NMAC.

(3) 101.3 Purpose. Delete this section of the UPC except as provided in 14.8.2.6 NMAC.

(4) 101.4 Unconstitutional. Delete this section of the UPC and see 14.5.1 NMAC.

(5) 101.5 Validity. Delete this section of the UPC except as provided in 14.5.2 NMAC.

B. 102.0 Applicability.
(1) 102.1 Conflicts between codes. Delete this section of the UPC.

(2) 102.2 Existing installations. Delete this section of the UPC.

(3) 102.3 Maintenance. Delete this section of the UPC.

(4) 102.8 Appendices. Delete this section of the UPC except in 14.8.2.27 NMAC.

C. 103.0 Duties and powers of the authority having jurisdiction.

(1) 103.1 General. Delete this section of the UPC.

(2) 103.2 Liability. Delete this section of the UPC and see CILA Section 60-13-26.

(3) 103.3 Applications and permits. Delete this section of the UPC except as provided in 14.5.2 NMAC.

(4) 103.4 Right of entry. Delete this section of the UPC and see CILA Section 60-13-42.

D. 104.0 Permits.
(1) 104.1 Permits required. Delete this section of the UPC except as provided in 14.5.2 NMAC.

(2) 104.2 Exempt work. See this section of the UPC.

(3) 104.3 Application for permit. Delete this section of the UPC except as provided in 14.5.2 NMAC.

(4) 104.4 Permit issuance. Delete this section of the UPC except as provided in 14.5.2 NMAC.

(5) 104.5 Fees. Delete this section of the UPC and see 14.5.5 NMAC.

E. 105.0 Inspections and testing. Delete these sections except as provided in 14.5.3 NMAC.

F. 106.0 Violations and penalties. Delete this section of the UPC and see CILA Section 60-13-1 et seq., and 14.5.3 NMAC.
[14.8.2.9 NMAC - Rp, 14.8.2.9 NMAC, 05/15/2018]

14.8.2.10 CHAPTER 2 DEFINITIONS: See this chapter of the UPC except as provided below.
A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute:

The authority having jurisdiction is the construction industries division (CID) and the bureau chief of the mechanical and plumbing bureau of CID.

B. 214.0 Listing agency. See this definition in the UPC and CILA Section 60-13-44B. [14.8.2.10 NMAC - Rp, 14.8.2.10 NMAC, 05/15/2018]

14.8.2.11 CHAPTER 3 GENERAL REGULATIONS: See this chapter of the UPC except as provided below.

A. 301.3 Alternate materials and methods of construction equivalency. Delete this section of the UPC and see 14.5.1 NMAC.

B. 301.5 Alternative engineered design. See this section of the UPC except as provided below.

(1) 301.5.1 Permit application. Delete this section of the UPC and see 14.5.2 NMAC.

(2) 301.5.2 Technical data. See this section of the UPC.

(3) 301.5.3 Design documents. See this section of the UPC and 14.5.2 NMAC.

(4) 301.5.4 Design approval. Delete this section of the UPC and see 14.5.2 NMAC.

(5) 301.5.5 Design review. Delete this section of the UPC and see 14.5.2 NMAC.

(6) 301.5.6 Inspection and testing. Delete this section of the UPC and see 14.5.2 NMAC and 14.5.3 NMAC. [14.8.2.11 NMAC - Rp, 14.8.2.11 NMAC, 05/15/2018]

14.8.2.12 CHAPTER 4 PLUMBING FIXTURES AND FIXTURE FITTINGS: See this chapter of the UPC except as provided below.

A. 403.0 Accessible plumbing facilities. See this section of the UPC except as provided below.

(1) 403.1 General. Delete this section of the UPC and see 14.7.2 NMAC.

(2) 403.2

Fixtures and fixture fittings for persons with disabilities. Delete this section of the UPC and see 14.7.2 NMAC.

(3) 403.3

Exposed pipes and surfaces. See this section of the UPC.

B. 405.0 Prohibited fixtures. See this section of the UPC except as provided below.

(1) 405.1 Prohibited water closets. See this section of the UPC.

(2) 405.2 Prohibited urinals. See this section of the UPC.

(3) 405.3 Miscellaneous fixtures. See this section of the UPC and add the following: "the authority having jurisdiction reserves the right to require the contractor to install water and drain lines to be used for installation of a flush-type toilet should the chemical-dry toilet fail."

C. 415.0 Drinking fountains. See this section of the UPC except as provided below. **415.2 Drinking fountain alternatives.** Delete this section of the UPC and see 14.7.2 NMAC.

D. 422.0 Minimum number of required fixtures. See this section of the UPC except as provided below.

(1) 422.1 Fixture count. Delete this section of the UPC and see 14.7.2 NMAC.

(2) 422.2 Separate facilities. Delete this section of the UPC.

(3) 422.4 Toilet facilities serving employees and customers. Delete this section of the UPC and see 14.7.2 NMAC.

(4) 422.5 Toilet facilities for workers. Delete this section of the UPC.

E. Table 422.1 Minimum plumbing facilities. Delete this table of the UPC and see 14.7.2 NMAC.

[14.8.2.12 NMAC - Rp, 14.8.2.12 NMAC, 05/15/2018]

14.8.2.13 CHAPTER 5 WATER HEATERS: See this chapter of the UPC except as

provided below.

A. 501.0 General. 501.1 Applicability. See this section of the UPC except delete the following sentence: "The minimum capacity for water heaters shall be in accordance with the first hour rating listed in Table 501.1."

B. 507.13 Installation in garages. At the end of the last sentence delete the following text: "unless listed as flammable vapor ignition resistant".

C. 508.3 Access to equipment on roofs. 508.3.1 Access. See this section of the UPC except after the words "in height" add the following: "except those designated as R-3 occupancies."

D. 510.2.19 Chimneys and vents. See this chapter of the UPC except delete the following language: "Where vents extend outdoors above the roof more than 5 feet (1524mm) higher than required by Table 509.6.2, and where vents terminate in accordance with Section 509.6.2(1), the outdoor portion of the vent shall be enclosed as required by this section for vents not considered to be exposed to the outdoors or such venting shall be engineered." [14.8.2.13 NMAC - Rp, 14.8.2.13 NMAC, 05/15/2018]

14.8.2.14 [RESERVED]

14.8.2.15 CHAPTER 6 WATER SUPPLY AND DISTRIBUTION: See this chapter of the UPC except as provided below. **612.0 Residential fire sprinkler systems.** Delete this section and tables of the UPC. [14.8.2.15 NMAC - Rp, 14.8.2.15 NMAC, 05/15/2018]

14.8.2.16 CHAPTER 7 SANITARY DRAINAGE PART I - DRAINAGE SYSTEMS: See this chapter of the UPC except as provided below.

A. 704.0 Fixture connections (drainage). 704.3 Commercial dishwashing machines and sinks. Delete the text this section of the UPC and substitute with the following: pot sinks, scullery sinks,

dishwashing sinks, silverware sinks, commercial dishwashing machines, silverware washing machines, and other similar fixtures shall not be connected directly to the drainage system. Such equipment or fixtures shall be drained by means of indirect waste pipes, as defined in chapter 2 of the UPC, and all wastes drained by them shall discharge through an airgap into an open floor sink or other approved type receptor that is properly connected to the drainage system. Food waste disposal units shall be connected directly to the drainage system. A floor drain shall be provided adjacent to the disposal unit, and the disposal unit shall be connected on the sewer side of the floor drain trap, provided that no other drainage line is connected between the floor drain waste connection and the disposal unit drain. The floor drain shall be trapped and vented as required in this code.

B. 712.1 Media. See this section of the UPC except add the following text to the end: When testing during weather conditions that could result in damage to piping, adequate provisions shall be made to protect such piping from freezing. [14.8.2.16 NMAC - Rp, 14.8.2.16 NMAC, 05/15/2018]

14.8.2.17 CHAPTER 7 SANITARY DRAINAGE PART II - BUILDING SEWERS: See this chapter of the UPC. [14.8.2.17 NMAC - Rp, 14.8.2.17 NMAC, 05/15/2018]

14.8.2.18 CHAPTER 8 INDIRECT WASTES: See this chapter of the UPC. [14.8.2.18 NMAC - Rp, 14.8.2.18 NMAC, 05/15/2018]

14.8.2.19 CHAPTER 9 VENTS: See this chapter of the UPC except as provided below. **906.1 Roof Termination.** See this section of the UPC except add the following to the end: "Exception: When approved by the authority having jurisdiction, a fixture or fixture branch may be permitted to be vented by the use of an approved Air Admittance

Valve (AAV) in accordance with its listing when conventional venting termination methods are not available."

[14.8.2.19 NMAC - Rp, 14.8.2.19 NMAC, 05/15/2018]

14.8.2.20 CHAPTER 10 TRAPS AND INTERCEPTORS: See this chapter of the UPC. [14.8.2.20 NMAC - Rp, 14.8.2.20 NMAC, 05/15/2018]

14.8.2.21 CHAPTER 11 STORM DRAINAGE: See this chapter of the UPC except as provided below. **1101.6 Subsoil drains.** See this section of the UPC except after the words "Subsoil drains shall be provided" in the first sentence add the following text: "as required by the NMCBC, 14.7.2 NMAC". [14.8.2.21 NMAC - Rp, 14.8.2.21 NMAC, 05/15/2018]

14.8.2.22 CHAPTER 12 FUEL PIPING: See this chapter of the UPC except as provided below.

A. 1208.5.2.2 Copper and copper alloy. Delete this section of the UPC and substitute: Copper and brass pipe shall not be used. Threaded aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 1208.5.3.2 Copper and copper alloy. Delete this section of the UPC and substitute: Copper and brass pipe shall not be used.

C. 1208.5.8.4 Metallic pipe fitting (including valves, strainers, filters). See this section of the UPC except delete "(4) fittings used with copper or copper alloy pipe shall be copper or copper alloy."

D. 1210.11.2 Emergency shutoff valves. See this section of the UPC except delete the following: "The emergency shutoff valves shall be plainly marked as such and their locations posted as required by the authority having jurisdiction" and replace with the following text: "For purposes of isolation and safety, an additional gas shut off shall be installed downstream of the serving supplier gas meter prior to any distribution of gas into the gas piping

system."

E. 1211.0 Electrical bonding and grounding. Delete this section of the UPC and see 14.10.4 NMAC the New Mexico electrical code (NMEC).

F. 1212.10 Liquefied petroleum gas facilities and piping. Delete this section of the UPC and substitute the following: Liquefied petroleum gas facilities shall comply with 19.15.40 NMAC, Liquefied Petroleum Gas Standards, and Section 70-5-1 et seq. NMSA 1978, liquefied and compressed gasses.

G. 1213.3 Test pressure. See this section of the UPC except add the following: Exception: An existing gas piping system may be tested at a test pressure equal to one and one-half times the operating pressure of the system, but in no case shall it be tested at less than 3 psi. [14.8.2.22 NMAC - Rp, 14.8.2.22 NMAC, 05/15/2018]

14.8.2.23 CHAPTER 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND VACUUM SYSTEMS PART I - SPECIAL REQUIREMENTS FOR HEALTH CARE FACILITIES: [RESERVED] [14.8.2.23 NMAC - Rp, 14.8.2.23 NMAC, 05/15/2018]

14.8.2.24 CHAPTER 13 HEALTH CARE FACILITIES AND MEDICAL GAS AND VACUUM SYSTEMS PART II - MEDICAL GAS AND VACUUM SYSTEMS: See this chapter of the UPC except as provided below: **1312.8 Future piping.** Delete the text of this section of the UPC and replace with the following text: Shutoff valves shall be provided for the connection of future piping, and shall meet the following requirements:

A. be located in a restricted area;

B. be locked, closed, and capped;

C. be identified in accordance with section 1312.9 (NFPA 99:5.1.4.10). [14.8.2.24 NMAC - Rp, 14.8.2.24 NMAC, 05/15/2018]

**14.8.2.25 CHAPTER 14
FIRESTOP PROTECTION.** See this chapter of the UPC.
[14.8.2.25 NMAC - Rp, 14.8.2.25 NMAC, 05/15/2018]

**14.8.2.26 CHAPTER 15
ALTERNATE WATER
SOURCES FOR NONPOTABLE
APPLICATIONS.**—See this chapter of the UPC.
[14.8.2.26 NMAC - Rp, 14.8.2.26 NMAC, 05/15/2018]

**14.8.2.27 CHAPTER 16
NONPOTABLE RAINWATER
CATCHMENT SYSTEMS.** See this chapter of the UPC.
[14.8.2.27 NMAC - Rp, 14.8.2.27 NMAC, 05/15/2018]

14.8.2.28 [RESERVED]

**14.8.2.29 CHAPTER 17
REFERENCED.** See this chapter of the UPC.
[14.8.2.29 NMAC - N, 05/15/2018]

14.8.2.30 APPENDICES:
See this section of the UPC.
[14.8.2.30 NMAC - Rp, 14.8.2.29 NMAC, 05/15/2018]

HISTORY OF 14.8.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with state records center and archives under:

CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1/23/1968.
CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4/29/1970.
CIC MB 71-4, 1970 Plumbing Code of New Mexico, filed 6/8/1971.
CIC MB 74-9, 1973 Uniform Plumbing Code, filed 11/20/1974.
CIC 76-1, 1976 Uniform Plumbing Code, filed 5/4/1976.
CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4/24/1980.
MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11/4/1982.
MB-UPC-85-1, 1985 Uniform Plumbing Code, filed 10/1/1985.
MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12/15/1988.
MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7/28/1992.

CIC MB 68-3, 1966 New Mexico Gas Code, filed 1/23/1968.
CIC MB 70-7, 1970 Natural Gas Code of New Mexico, filed 4/29/1970.
CIC MB 71-3, 1970 Natural Gas Code of New Mexico, filed 6/8/1971.
CIC-74-8, 1973 Uniform Mechanical Code, filed 11/20/1974.
CIC 76-4, 1976 Uniform Mechanical Code, filed 11/24/1976.
CID MB 80-3, 1979 Uniform Mechanical Code, filed 4/23/1980.
MB-UMC-82-1, 1982 Uniform Mechanical Code, filed 11/4/1982.
MB-UMC-85-1, 1985 Uniform Mechanical Code, filed 10/1/1985.
MB-UMC-88-1, 1988 Uniform Mechanical Code, filed 12/15/1988.
MB-UMC-91-1, 1991 Uniform Mechanical Code, filed 7/28/1992.
CIC 77-3, 1976 New Mexico Uniform Solar Energy Code, 2/2/1977.
CID MB-80-6, 1979 Uniform Solar Energy Code, 4/24/1980.
MB-USEC-82-1, 1982 Uniform Solar Energy Code, filed 11/4/1982.
MB-USEC-85-1, 1985 Uniform Solar Energy Code, 12/23/1985.
MB-USEC-88-1, 1988 Uniform Solar Energy Code, 12/15/1988.
MB-USEC-91-1, 1991 Uniform Solar Energy Code, 7/28/1992.
CIC-75-1, 1973 Uniform Swimming Pool Code, Section 1.7, 10/31/1975.
CIC-76-3, 1976 Uniform Swimming Pool Code, 7/27/1976.
CIC MB 80-4, 1979 Uniform Swimming Pool Code, filed 4/23/1880.
MB-USPC-82-1, 1982 Uniform Swimming Pool Code, 11/4/1982.
MB-USPS and HTC-85-1, 1985 Uniform Swimming Pool, Spa and Hot Tub Code, 12/23/1985.
MB-USPS and HTC-88-1; 1988 Uniform Swimming Pool, Spa and Hot Tub Code, 12/15/1988.
MB-USPS and HTC-91-1, 1991 Uniform Swimming Pool, Spa and Hot Tub Code, 7/28/1992.
CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, 7/7/1992.
CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1/23/1968.
CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4/29/1970.

CIC MB 71-4, 1970 New Mexico Plumbing Code, filed 6/8/1971.
CIC 74-9, 1973 Uniform Plumbing Code, filed 11/20/1974.
CIC 76-1, 1976 Uniform Plumbing Code, filed 5/4/1976.
CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4/24/1980.
MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11/4/1982.
MB-UPC-85-1, 1985 Uniform Plumbing Code, filed 10/1/1985.
MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12/15/1988.
MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7/28/1992.

History of Repealed Material:

14.8.2 NMAC, 2003 New Mexico Plumbing Code (filed 5/27/2004) repealed 1/7/2004.
14.8.2 NMAC, 2006 New Mexico Plumbing Code (filed 8/16/2007) repealed 1/28/2011.
14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 12/28/2010) repealed 6/28/2013.
14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 5/29/2013) repealed 5/01/2015.
14.8.2.NMAC, 2012 New Mexico Plumbing Code (filed 3/31/2015) repealed 05/15/2018.

Other History:

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, (filed 7/7/1992), replaced by 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code, effective 12/31/1998.
14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10/30/1998) and MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7/28/1992 both replaced by 14.8.2 NMAC, 2003 New Mexico Plumbing Code, effective 7/1/2004.
14.8.2 NMAC, 2003 New Mexico Plumbing Code (filed 5/27/2004) replaced by 14.8.2 NMAC, 2006 New Mexico Plumbing Code, effective 1/1/2008.
14.8.2 NMAC, 2006 New Mexico Plumbing Code (filed 8/16/2007) replaced by 14.8.2 NMAC, 2009 New Mexico Plumbing Code, effective 1/28/2011.

14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 12/28/2010) replaced by 14.8.2 NMAC, 2009 New Mexico Plumbing Code, effective 6/28/2013.

14.8.2 NMAC, 2009 New Mexico Plumbing Code (filed 5/29/2013) replaced by 14.8.2 NMAC, 2012 New Mexico Plumbing Code, effective 5/01/2015.

14.8.2 NMAC, 2012 New Mexico Plumbing Code (filed 3/31/2015) replaced by 14.8.2 NMAC, 2015 New Mexico Plumbing Code, effective 05/15/2018.

**REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

**TITLE 14 HOUSING AND
CONSTRUCTION
CHAPTER 9 MECHANICAL
CODES
PART 2 2015 NEW
MEXICO MECHANICAL CODE**

14.9.2.1 ISSUING
AGENCY: Construction Industries Division (CID) of the Regulation and Licensing Department.
[14.9.2.1 NMAC - Rp, 14.9.2.1 NMAC, 05/15/2018]

14.9.2.2 SCOPE: This rule applies to all contracting work performed in New Mexico on or after May 15, 2018, that is subject to the jurisdiction of CID, unless performed pursuant to a permit for which an application was received by CID before that date.
[14.9.2.2 NMAC - Rp, 14.9.2.2 NMAC, 05/15/2018]

14.9.2.3 STATUTORY AUTHORITY: Sections 60-13-9 and 60-13-44 NMSA 1978.
[14.9.2.3 NMAC - Rp, 14.9.2.3 NMAC, 05/15/2018]

14.9.2.4 DURATION: Permanent.
[14.9.2.4 NMAC - Rp, 14.9.2.4 NMAC, 05/15/2018]

14.9.2.5 EFFECTIVE DATE: May 15, 2018, unless a later date is cited at the end of a section.
[14.9.2.5 NMAC - Rp, 14.9.2.5 NMAC, 05/15/2018]

14.9.2.6 OBJECTIVE:
The purpose of this rule is to establish minimum standards for the installation, repair, and replacement of mechanical systems including equipment, appliances, fixtures, fittings and appurtenances including ventilating, heating, cooling, air conditioning, and refrigeration systems, incinerators, and other energy related systems in New Mexico.
[14.9.2.6 NMAC - Rp, 14.9.2.6 NMAC, 05/15/2018]

14.9.2.7 DEFINITIONS:
See 14.5.1 NMAC, General Provisions and Chapter 2 of the 2015 Uniform Mechanical Code (UMC) as amended in 14.9.2.10 NMAC.
[14.9.2.7 NMAC - Rp, 14.9.2.7 NMAC, 05/15/2018]

14.9.2.8 ADOPTION OF THE 2015 UNIFORM MECHANICAL CODE:
A. This rule adopts by reference the 2015 UMC, as amended by this rule.
B. In this rule, each provision is numbered to correspond with the numbering of the 2015 UMC.
[14.9.2.8 NMAC - Rp, 14.9.2.8 NMAC, 05/15/2018]

14.9.2.9 CHAPTER 1 ADMINISTRATION:
A. 101.0 General.
(1) 101.1 Title
Delete this section of the UMC and substitute: This code shall be known as 14.9.2 NMAC, the 2015 New Mexico Mechanical Code (NMMC).
(2) 101.2
Scope. Delete this section of the UMC and see 14.9.2.2 NMAC.
(3) 101.3

Purpose. Delete this section of the UMC and see 14.9.2.6 NMAC.
B. 102.0 Applicability.
See this section of the UMC except as provided below. **102.1 Conflicts**

between codes. Delete this section of the UMC and see 14.5.1 NMAC.

C. 103.0 Duties and powers of the authority having jurisdiction.

(1) 103.1

General. Delete this section of the UMC and see Construction Industries Licensing Act (CILA).

(2) 103.2

Liability. Delete this section of the UMC and see CILA Section 60.13.26.

(3) 103.3

Applications and permits. Delete this section of the UMC and see 14.5.2 NMAC.

(4) 103.4

Right of entry. Delete this section of the UMC and see CILA Section 60.13.42.

D. 104.0 Permits.

See this section of the UPC except as provided below.

(1) 104.1

Permits required. Delete this section of the UMC and see 14.5.2 NMAC.

(2) 104.2

Exempt work. See this section of the UMC.

(3) 104.3

Application of permit. Delete this section of the UMC and see 14.5.2 NMAC.

(4) 104.4

Permit issuance. Delete this section of the UMC and see 14.5.2 NMAC.

(5) 104.5

Fees. Delete this section of the UMC and see 14.5.5 NMAC.

E. 105.0 Inspections and testing. Delete this section of the UMC and see 14.5.3 NMAC.

F. 106.0 Violations and penalties. Delete this section of the UMC and see CILA Section 60.13.1 to 59, and 14.5.3 NMAC.

G. 107.0 Board of appeals. Delete this section of the UMC and see 14.5.1 NMAC.

H. Table 104.5

Mechanical permit fees. Delete this table from the UMC and see 14.5.5 NMAC.

[14.9.2.9 NMAC - Rp, 14.9.2.9 NMAC, 05/15/2018]

14.9.2.10 CHAPTER 2 DEFINITIONS: See this chapter of

the UMC except as provided below.

A. 203.0 Authority having jurisdiction. Delete the text of this definition and substitute: The authority having jurisdiction is the CID and the bureau chief of the mechanical and plumbing bureau of CID.

B. 214.0 Listed. See this definition in the UPC and add the following provision at the end of the definition: A manufacturer may select the independent certification organization of its choice to certify its products, provided that the certification organization has been accredited by the American national standards institute (ANSI), or another certification organization that CID has approved in writing.
[14.9.2.10 NMAC - Rp, 14.9.2.10 NMAC, 05/15/2018]

14.9.2.11 CHAPTER 3 GENERAL REQUIREMENTS: See this chapter of the UMC except as provided below.

A. 304.3 Access to equipment and appliances on roofs. 304.3.1 Access. See this section of the UMC except after the words "in height" add the following: except those designated as R-3 occupancies.

B. 305.1 Installation in garages. At the end of the last sentence delete the following text: "unless listed as a flammable vapor ignition resistant.

C. 311.0 Heating and cooling air system. See this section of the UMC except as follows: **311.3 Prohibited source.** See this section of the UMC except delete the text of subsection (5) and replace with the following: a closet, bathroom, laundry room, toilet room, kitchen; or where it will pick up objectionable odors, fumes, or flammable vapors.

D. 314.0 Balancing. Delete this section of the UMC.
[14.9.2.11 NMAC - Rp, 14.9.2.11 NMAC, 05/15/2018]

14.9.2.12 CHAPTER 4 VENTILATION AIR: See this chapter of the UMC.
[14.9.2.12 NMAC - Rp, 14.9.2.12 NMAC, 05/15/2018]

14.9.2.13 CHAPTER 5 EXHAUST SYSTEMS: See this chapter of the UMC except as provided below. **511.3 Makeup air.** See this section of the UMC except add the following: windows and doors shall not be used for the purpose of providing makeup air. The exhaust and makeup air systems shall be connected by an electrical interlocking switch. A device to sense continued air movement within the makeup air plenum shall be installed initiating a complete system shut-down if air-flow is interrupted.
[14.9.2.13 NMAC - Rp, 14.9.2.13 NMAC, 05/15/2018]

14.9.2.14 CHAPTER 6 DUCT SYSTEMS: See this chapter of the UMC except as follows.

A. 603.12 Underground installation. See this section of the UMC and add the following to the last sentence, "and be installed so as to support the weight of the concrete during encasement."

B. 608.0 Automatic shutoffs. 608.1 Air-moving systems and smoke detectors. See this section of the UMC and add the following to the exceptions: (6) automatic shutoffs are not required on evaporative coolers that derive all of their air from outside the building.
[14.9.2.14 NMAC - Rp, 14.9.2.14 NMAC, 05/15/2018]

14.9.2.15 CHAPTER 7 COMBUSTION AIR: See this chapter of the UMC.
[14.9.2.15 NMAC - Rp, 14.9.2.15 NMAC, 05/15/2018]

14.9.2.16 CHAPTER 8 CHIMNEYS AND VENT LOCATIONS: See this chapter of the UMC except as provided below. **803.1.10 Chimney and vent locations.** See this section of the UMC except delete the following language: "Where vents extend outdoors above the roof more than 5 feet (1524mm) higher than required by Table 802.6.2, and where vents terminate in accordance with Section 802.6.2(1), the outdoor portion of the vent shall be enclosed

as required by this section for vents not considered to be exposed to the outdoors or such venting shall be engineered."
[14.9.2.16 NMAC - Rp, 14.9.2.16 NMAC, 05/15/2018]

14.9.2.17 CHAPTER 9 INSTALLATION OF SPECIFIC APPLIANCES: See this chapter of the UMC except as provided below. **907.2 Location.** See this section of the UMC except add the following to the end: unlisted wall furnaces shall be installed with clearances to combustible material of not less than eighteen (18) inches (460 mm).
[14.9.2.17 NMAC - Rp, 14.9.2.17 NMAC, 05/15/2018]

14.9.2.18 CHAPTER 10 BOILERS AND PRESSURE VESSELS: See this chapter of the UMC.
[14.9.2.18 NMAC - Rp, 14.9.2.18 NMAC, 05/15/2018]

14.9.2.19 CHAPTER 11 REFRIGERATION: See this chapter of the UMC.
[14.9.2.19 NMAC - Rp, 14.9.2.19 NMAC, 05/15/2018]

14.9.2.20 CHAPTER 12 HYDRONICS: See this chapter of the UMC except as provided below. **1205.2 Pressure testing.** See this section of the UMC except delete the first sentence and substitute: piping shall be tested with a hydrostatic pressure or an air test of not less than 1.5 times operating pressure.
[14.9.2.20 NMAC - Rp, 14.9.2.20 NMAC, 05/15/2018]

14.9.2.21 CHAPTER 13 FUEL GAS PIPING: See this chapter of the UMC except as provided below.

A. 1308.5.2.2 Copper and copper alloy. Delete this section and substitute with the following: Copper and copper alloy pipe shall not be used. Aluminum alloy pipe shall not be used with gases corrosive to such material.

B. 1308.5.3.2 Copper and copper alloy. Delete this section

and substitute with the following: Copper and copper alloy pipe shall not be used. Aluminum alloy pipe shall not be used with gases corrosive to such material.

C. 1311.11.2

Emergency shutoff valves. See this section of the UMC except delete the following: the emergency shutoff valves shall be plainly marked as such and their locations posted as required by the authority having jurisdiction. See this section of the UMC except add the following to the end: For purposes of isolation and safety, an additional gas shut off shall be installed downstream of the serving supplier gas meter prior to any distribution of gas into the gas piping system

D. 1312.0 Electrical bonding and grounding. Delete this section of the UMC and see 14.10.4 NMAC.

E. 1313.9 Liquefied petroleum gas facilities and piping. Delete this section of the UPC and substitute the following: Liquefied petroleum gas facilities shall comply with 19.15.40 NMAC, liquefied petroleum gas standards, and Sections 70-5-1 to -23 NMSA 1978, liquefied and compressed gasses.

F. 1314.3 Test pressure. See this section of the UMC except add the following: Exception: An existing gas piping system may be tested at a test pressure equal to one and one-half times them operating pressure of the system, but in no case shall it be tested at less than 3 psi.
[14.9.2.21 NMAC - Rp, 14.9.2.21 NMAC, 05/15/2018]

14.9.2.22 CHAPTER 14 PROCESS PIPING: See this chapter of the UMC.
[14.9.2.22 NMAC - Rp, 14.9.2.22 NMAC, 05/15/2018]

14.9.2.23 CHAPTER 15 SOLAR SYSTEMS: See this chapter of the UMC.
[14.9.2.23 NMAC - Rp, 14.9.2.23 NMAC, 05/15/2018]

14.9.2.24 CHAPTER 16

STATIONARY POWER PLANTS: See this chapter of the UMC.
[14.9.2.24 NMAC - Rp, 14.9.2.24 NMAC, 05/15/2018]

14.9.2.25 [RESERVED]

14.9.2.26 [RESERVED]

14.9.2.27 CHAPTER 17 REFERENCED STANDARDS: See this chapter of the UMC.
[14.9.2.27 NMAC - Rp, 14.9.2.27 NMAC, 05/15/2018]

14.9.2.28 APPENDICIES: See this section of the UMC except delete appendix A and appendix B.
[14.9.2.28 NMAC - Rp, 14.9.2.28 NMAC, 05/15/2018]

HISTORY OF 14.9.2 NMAC: Pre-NMAC History: The material in this part was derived from that previously filed with state records center and archives under:
CIC MB 68-2, 1964 New Mexico Plumbing Code, filed 1/23/68.
CIC MB 70-8, 1970 Plumbing Code of New Mexico, filed 4/29/70.
CIC MB 71-4, 1970 Plumbing Code of New Mexico, filed 6/8/71.
CIC MB 74-9, 1973 Uniform Plumbing Code, filed 11/20/74.
CIC 76-1, 1976 Uniform Plumbing Code, filed 5/4/76.

CIC MB 80-5, 1979 Uniform Plumbing Code, filed 4/24/80.
MB-UPC-82-1, 1982 Uniform Plumbing Code, filed 11/4/82.
MB-UPC-85-1, 1985 Uniform Plumbing Code, filed 10/1/85.
MB-UPC-88-1, 1988 Uniform Plumbing Code, filed 12/15/88.
MB-UPC-91-1, 1991 Uniform Plumbing Code, filed 7/28/92.
CIC MB 68-3, 1966 New Mexico Gas Code, filed 1/23/68.
CIC MB 70-7, 1970 Natural Gas Code of New Mexico, filed 4/29/70.
CIC MB 71-3, 1970 Natural Gas Code of New Mexico, filed 6/8/71.
CIC-74-8, 1973 Uniform Mechanical Code, filed 11/20/74.
CIC 76-4, 1976 Uniform Mechanical Code, filed 11/24/76.
CID MB 80-3, 1979 Uniform Mechanical Code, filed 4/23/80.

MB-UMC-82-1, 1982 Uniform Mechanical Code, filed 11/4/82.
MB-UMC-85-1, 1985 Uniform Mechanical Code, filed 10/1/85.
MB-UMC-88-1, 1988 Uniform Mechanical Code, filed 12/15/88.
MB-UMC-91-1, 1991 Uniform Mechanical Code, filed 7/28/92.
CIC 77-3, 1976 New Mexico Uniform Solar Energy Code, 2/26/77.
CID MB-80-6, 1979 Uniform Solar Energy Code, 4/24/80.
MB-USEC-82-1, 1982 Uniform Solar Energy Code, filed 11/4/82.
MB-USEC-85-1, 1985 Uniform Solar Energy Code, 12/23/85.
MB-USEC-88-1, 1988 Uniform Solar Energy Code, 12/15/88.
MB-USEC-91-1, 1991 Uniform Solar Energy Code, 7/28/92.
CIC-75-1, 1973 Uniform Swimming Pool Code, Section 1.7, 10/31/75.
CIC-76-3, 1976 Uniform Swimming Pool Code, 7/27/76.
CIC MB 80-4, 1979 Uniform Swimming Pool Code, filed 4/23//80.
MB-USPC-82-1, 1982 Uniform Swimming Pool Code, 11/4/82.
MB-USPS and HTC-85-1, 1985 Uniform Swimming Pool, Spa and Hot Tub Code, 12/23/85.
MB-USPS and HTC-88-1; 1988 Uniform Swimming Pool, Spa and Hot Tub Code, 12/15/88.
MB-USPS and HTC-91-1, 1991 Uniform Swimming Pool, Spa and Hot Tub Code, 7/28/92.
CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, 7/7/92.

History of Repealed Material:
14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10/30/1998), repealed 7/1/2004.
14.9.2 NMAC, 2003 New Mexico Mechanical Code (filed 5/27/2004), repealed 1/7/2004.
14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 08/16/2007), repealed 1/28/2011.
14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 12/28/2010), repealed 8/1/2011
14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 06/15/2011), repealed 6/28/2013.
14.9.2 NMAC, 2009 New Mexico

Mechanical Code (filed 05/29/2013), repealed 5/01/2015.

14.9.2 NMAC, 2012 New Mexico Mechanical Code (filed 03/31/2015), repealed 05/15/2018.

Other History:

CID-MB-NMP&M 91-1, 1991 New Mexico Plumbing and Mechanical Code, (filed 7/7/1992), replaced by 14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code, effective 12/31/1998.

14 NMAC 9.2, 1997 New Mexico Plumbing and Mechanical Code (filed 10/30/1998) (that applicable portion) replaced by 14.9.2 NMAC, 2003 New Mexico Mechanical Code, effective 7/1/2004.

14.9.2 NMAC, 2003 New Mexico Mechanical Code (filed 5/27/2004) replaced by 14.9.2 NMAC, 2006 New Mexico Mechanical Code, effective 1-1-08.

14.9.2 NMAC, 2006 New Mexico Mechanical Code (filed 08/16/2007) replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 1-28-11.

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 12/28/2010) replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 8-1-11.

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 06/15/2011) replaced by 14.9.2 NMAC, 2009 New Mexico Mechanical Code, effective 6-28-13.

14.9.2 NMAC, 2009 New Mexico Mechanical Code (filed 05/29/2013) replaced by 14.9.2 NMAC, 2012 New Mexico Mechanical Code, effective 05-01-15.

14.9.2 NMAC, 2012 New Mexico Mechanical Code (filed 03/31/2015) replaced by 14.9.2 NMAC, 2015 New Mexico Mechanical Code, effective 05/15/2018.

**REGULATION AND LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION**

This is an amendment to 14.5.1 NMAC, Section 7, effective 5/15/2018.

14.5.1.7 DEFINITIONS:

The definitions in this section are used throughout the CID rules contained in Title 14, Chapters 5 through 10 of the New Mexico Administrative Code.

A. Trade bureau chief “TBC” means the administrative head of a state of New Mexico trade bureau charged with the administration and enforcement of this that trade bureau’s state adopted codes. The trade bureau chiefs are the ultimate authority to determine interpretations of their trade code, this includes applications of the New Mexico trade codes. The trade bureau chief shall recommend to “CID and CIC” all minimum standards for code adoptions.

B. Certified building official “CBO” means an employee of any county, municipality or other political subdivision who has a broad knowledge of the construction industry, holds a current nationally recognized code organization certified building official certificate and has been either a practicing inspector or practicing contractor for at least five years or held a management position in a construction-related company or construction organization for at least five of the past 10 years. This official is charged with the administration and enforcement of the adopted administrative codes for an AHJ.

C. State of New Mexico certified building official “NMCBO” means a person who meets the qualifications for CBO, is employed by CID as a trade bureau chief, and appointed by the director as the state’s NMCBO. The NMCBO has ultimate authority over conflicts arising among AHJs other than trade bureau chiefs.

D. Inspector means a person certified by the division and certified by one or more trade bureaus to conduct inspections of permitted

work in a jurisdiction that has an inspection and permitting agency with a state approved CBO to ensure that all work performed by a contractor or the homeowner complies with the applicable codes.

E. Authority having jurisdiction “AHJ” means the entity with permitting and enforcement authority over a project within its jurisdiction.

F. CID and division mean the construction industries division of the regulation and licensing department.

G. CID rules means the rules compiled in Title 14, Chapters 5 through 10 of the New Mexico Administrative Code.

H. CILA means the Construction Industries Licensing Act, Section 60-13-1 et seq. NMSA 1978.

I. Commission means the construction industries commission.

J. Commissioning means adjusting, balancing, documenting, and certifying the completion of an heating, ventilation, air conditioning (HVAC) system.

K. Contracting has the meaning given in Section 60-13-3 NMSA 1978.

L. Director has the meaning given it in Section 60-13-2 NMSA 1978.

M. IBC means the 2015 International Building Code.

N. IFC means the 2015 International Fire Code.

O. IRC means the 2015 International Residential Code.

P. LPG Standards means 19.15.40 NMAC, Liquefied Petroleum Gas Standards, and Section 70-5-1 et seq. NMSA 1978, Liquefied and Compressed Gasses, collectively.

Q. New Mexico construction code(s) means any of the rules compiled in Title 14, Chapters 7 through 10 of the New Mexico Administrative Code.

R. NMCBC means 14.7.2 NMAC, 2015 New Mexico Commercial Building Code, which adopts by reference and amends the 2015 international building code.

S. NMEBC means 14.7.7 NMAC, 2015 New Mexico Existing Building Code, which adopts by reference and amends the 2015 international existing building code.

T. NMEBMC means 14.7.4 NMAC, 2015 New Mexico Earthen Building Materials Code.

U. NMEC means 14.10.4 NMAC, [2014] 2017 New Mexico Electrical Code, which adopts by reference and amends the [2014] 2017 National Electrical Code.

V. NMECC means 14.7.6 NMAC, 2009 New Mexico Energy Conservation Code, which adopts by reference and amends the 2009 International Energy Conservation Code.

W. NMESC means 14.10.5 NMAC, [2010] 2012 New Mexico Electrical Safety Code, which adopts by reference and amends the 2010 National Electrical Safety Code.

X. NMMC means 14.9.2 NMAC, [2012] 2015 New Mexico Mechanical Code, which adopts by reference and amends the 2012 Uniform Mechanical Code.

Y. NMPC means 14.8.2 NMAC, [2012] 2015 New Mexico Plumbing Code, which adopts by reference and amends the 2012 Uniform Plumbing Code.

Z. NMRBC means 14.7.3 NMAC, 2015 New Mexico Residential Building Code, which adopts by reference and amends the 2015 International Residential Code.

AA. NMSEC means 14.9.6 NMAC, 2012 New Mexico Solar Energy Code, which adopts by reference and amends the 2012 Uniform Solar Energy Code.

BB. NMSPSHTC means 14.8.3 NMAC, 2012 New Mexico Swimming Pool, Spa, and Hot Tub Code, which adopts by reference and amends the 2012 Uniform Swimming Pool, Spa, and Hot Tub Code.

CC. Published code means any code or standard published by an entity other than the state of New Mexico and adopted by reference, or referred to as a standard in the CID rules.

DD. ULA means Section

61-1-1 et seq. NMSA 1978, the Uniform Licensing Act. [14.5.1.7 NMAC - Rp, 14.5.1.7 NMAC, 11/15/2016; A, 5/15/2018]

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

This is an amendment to 14.5.2 NMAC, Sections 9 and 10, effective 5/15/2018.

14.5.2.9 EXCEPTIONS TO REQUIREMENT FOR PERMITS: Permits shall not be required for the following:

- A. Commercial.**
 - (1) One-story** detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15.m2).
 - (2) Oil** derricks.
 - (3) Retaining** walls that retain less than 36 inches (915 mm) of unbalanced fill, and have a total height equal to or less than six feet from top of wall to bottom of footing. Retaining walls supporting a surcharge load or impounding class I, II, or III-A liquids are not exempt from permit.
 - (4) Water** tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927L) and the ratio of height to diameter or width does not exceed two to one.
 - (5) Sidewalks** and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of an accessible route.
 - (6) Temporary** motion picture, television and theater stage sets and scenery.
 - (7)** Prefabricated swimming pools accessory to a group R-3 occupancy, as applicable in the NMRBC, and are installed entirely above ground.
 - (8) Shade**

cloth structures constructed for nursery or agricultural purposes and not including services systems.

(9) Swings and other playground equipment accessory to one-and two-family dwellings.

(10) Window awnings supported by an exterior wall of group R-3, as applicable in the NMRBC, and group U occupancies.

(11) Moveable cases, counters and partitions not over five feet nine inches (1,753mm) in height.

B. Residential: Refer to Section R105.2 of the IRC except as provided below:

- (1) R105.2** **(1) - One-story** detached accessory structures provided that the floor area does not exceed 120 square feet (18.58 m2).
- (2) R105.2 (2)** - Delete this section of the IRC.
- (3) R105.2 (3)** - Retaining walls that retain less than 36 inches (915mm) of unbalanced fill, and have a total height equal to or less than six feet from top of wall to bottom of footing. Retaining walls supporting a surcharge load or impounding class I, II, or III-A liquids are not exempt from permit.
- (4) R105.2 (4)** - See this section of the IRC.
- (5) R105.2 (5)** - See this section of the IRC.
- (6) R105.2 (6)** - Delete this section of the IRC.
- (7) R105.2 (7)** - See this section of the IRC.
- (8) R105.2 (8)** - See this section of the IRC.
- (9) R105.2 (9)** - See this section of the IRC.
- (10) R105.2** **(10) - See** this section of the IRC.

C. Mechanical work. Refer to the exempt work section [411-2] of the currently adopted UMC.

D. Plumbing work. Refer to the exempt work section [403-1-1] of the currently adopted UPC.

E. Electrical work. No exceptions other than those set

forth in CILA Section 60-13-45.
[14.5.2.9 NMAC - Rp, 14.5.2.9
NMAC, 11/15/2016; A, 5/15/2018]

**14.5.2.10 SUBMITTAL
DOCUMENTS:**

**A. Submittal
documents.**

(1) With each application for a permit, two sets of the following documents (collectively, submittal documents) must be submitted:

- (a) type, occupancy including occupant load and kind of structure;
- (b) plans;
- (c) specifications;
- (d) engineering calculations;
- (e) diagrams;
- (f) soil investigation reports;
- (g) any other data or document required by the AHJ's plan review official; and
- (h) exterior wall envelope; submittal documents for all buildings shall describe the exterior wall envelope in sufficient detail to enable the plan review to determine compliance with the NMCBC the NMRBC and NMECC; the submittal documents shall show the exterior wall envelope in detail as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves, or parapets, means of drainage, water-resistive membrane, and details around openings; roofing systems and manufacturers specifications are required to be submitted;
- (i) mechanical design criteria for all buildings must be included with the submittal documents.

(2) For construction subject to the NMCBC, see Sections 107.1.1, 107.1.2, 107.2 of the IBC for other requirements regarding submittal documents, including form, means of egress, and site plans.

(3) For construction subject to NMRBC, see Sections 106.1.1, 106.1.2, 106.1.3 and 106.2 of the IRC for other requirements regarding submittal documents, including form, manufacturer's installation instructions, construction in flood areas, and site plans.

(4) Upon approval, one set of the submittal documents shall be retained by the division, and one set shall be returned to the permittee, shall be available at the work site, and shall be available for inspection by the AHJ or inspector during the performance of the permitted work.

(5) Submissions may be required of any specifications, drawings or diagrams necessary to show clearly the kind and extent of building construction work.

B. Professional seals requirements: The AHJ or the plan review official may require submittal documents to be prepared and sealed by an architect, registered in accordance with the New Mexico Architectural Act, and the rules promulgated pursuant thereto, or by a professional structural engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act, and the rules promulgated pursuant thereto. An architect or engineer stamp is required for all uses listed in table 1004.1.1 of the IBC.

C. Exceptions: The requirement for plans and specifications to be prepared by an architect or engineer shall not be required in any of the following instances unless, in the discretion of the TBC or CBO, an exception is not in the best interests of public safety or health.

(1) Multiple dwellings of not more than two stories in height and containing not more than four dwelling units constructed of materials approved for use pursuant to the NMRBC, and provided this exception is not construed to allow a person who is not an architect to design multiple clusters of four

dwelling units each where the total exceeds four dwelling units on each lawfully divided lot.

(2) Garages or other structures not more than two stories in height which are appurtenant to buildings described in Subsection A of 14.5.2.10 NMAC.

(3) Group A, B, E divisions 1 and 2, F, M, S, U buildings or additions having a total occupant load of 10 or less and not more than two stories in height.

(4) Alteration to buildings or structures that present no unusual conditions or hazards or change in occupancy.

(5) Single-family dwellings, not more than three stories in height.

D. Submission may be waived. The CBO or TBC may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that plan review is not necessary to obtain compliance with the New Mexico construction codes.

E. Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted with the application for the permit, and that are to be submitted, thereafter, within a period specified by the AHJ or the plan review official.

F. Approval. Deferral of any submittal items must have the prior approval of the TBC or CBO. The responsible design professional shall list the deferred submittals on the submittal documents accompanying the permit application. Submittal documents for deferred submittal items must be submitted to the responsible design professional which shall review and forward them to the AHJ with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The items identified in the deferred submittals shall not be installed until the building official has

approved their design and submittal documents.

G. Responsible design professional. When submittal documents are required to be prepared by a registered design professional, the permit application shall indicate the registered design professional who shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. This design professional shall be deemed to be the “responsible design professional.” The permittee shall notify the division in writing within a reasonable period of time, not to exceed 10 business days, if the responsible design professional is changed or is unable to continue to perform the duties required.

H. Special submissions. The building official plan review official is authorized to require, before and after, the commencement of a project, the submission of any specification, drawing or diagram necessary to adequately and clearly show the kind, extent, and occupancy of the general building, mechanical or plumbing, and electrical work on the project that is covered by the permit issued, or that is required to be permitted under the CID rules. See Subsection C of 14.5.2.10 NMAC.

I. Phased approval. See Section 107.3.3 of the IBC for work subject to the NMCBC, and Section 106.3.3 of the IRC for work subject to the NMRBC.

J. Correction of submittal documents. The issuance of a permit based on certain plans and specifications shall not prevent the AHJ from thereafter requiring the correction of any error in such plans or specifications, or from prohibiting work pursuant to those plans or specifications when a violation of the applicable code would result.

K. Electrical projects.
(1) Any installation with a calculated service capacity over 100 kVA single-phase or over 225 kVA three-phase must be stamped by an electrical engineer,

registered in accordance with the New Mexico Engineering and Surveying Practice Act. This requirement shall not apply to remote installations such as irrigation pumps. Any commercial project that requires an architect or engineer seal pursuant to this part shall be submitted to the electrical bureau for review and approval.

(2) Submittal documents shall show the electrical riser, conductor size, grounding conductor size, method of grounding (available electrodes, etc.), load calculations, available fault calculations, size and location of disconnects, panel schedules, wiring methods, site and floor plan. General expressions such as “work shall be done in accordance with the New Mexico Electrical Code” or “work shall be done to the satisfaction of the state building official” shall be considered inadequate, and incomplete.

(3) No permit for electrical work shall be issued for the addition to, or alteration of, wiring of an existing building unless the building as it will be wired conforms to the requirements of the code for new buildings, except that those portions of the existing wiring that have not been disturbed and are deemed safe by the inspector may remain in service.

L. Mechanical projects.

(1) The AHJ may require the stamp of a professional engineer, registered in accordance with the New Mexico Engineering and Surveying Practice Act on permits for mechanical or plumbing work with a total value of \$200,000, or more, or for commercial buildings three stories and higher.

(2) Plans for buildings more than two stories in height, other than R-3 and U occupancies, see the construction documents section [14.5.3] of the currently adopted UMC.

M. Permit contents and display. Pursuant to CILA Section 60-13-59, every permit or notice of permit issued by the AHJ shall:

- (1)** clearly indicate the name and address of the owner of the property;
- (2)** contain a legal description of the property being built on either by “lot and block” description in a subdivision, by street address in a municipality, or by township, range and section numbers if outside a municipality or platted subdivision;
- (3)** contain the name, address and license number of the contractor or the homeowner to whom the permit is to be issued, and the name of the architect or engineer as may be required by the building official; and
- (4)** must be prominently displayed on the site where the permitted work is to be performed.

N. Retention. The division shall retain construction documents, including submittal documents and permit applications, in accordance with New Mexico state laws governing document retention.

O. Preliminary inspection. As part of the document review process, before issuing a building permit, the AHJ is authorized to examine or cause to be examined buildings, structures and sites for which an application for a building permit has been filed.
 [14.5.2.10 NMAC - Rp, 14.5.2.10 NMAC, 11/15/2016; A, 5/15/2018]

**REGULATION AND LICENSING DEPARTMENT
 CONSTRUCTION INDUSTRIES
 DIVISION**

This is an amendment to 14.5.3 NMAC, Section 9, effective 5/15/2018.

14.5.3.9 INSPECTIONS:
 The following inspections are required unless otherwise indicated.

A. For work subject to the NMCBC.

- (1)** Footing and foundation inspection, see Section 110 of the IBC.
- (2)** Concrete

slab or under floor inspection, see Section 110 of the IBC.

(3) Lowest

floor elevation, see Section 110 of the IBC.

(4) Frame

inspection, see Section 110 of the IBC.

(5) Roof

assembly inspection.

(6) Exterior

wall opening flashings.

(7) Weather

resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered.

(8) Lath and

gypsum board, see Section 110 of the IBC.

(9) Fire and

smoke-resistant penetrations, see Section 110 of the IBC.

(10) Energy

efficiency inspection, see Section 110 of the IBC.

(11) Other

inspections required by the AHJ building official, see Section 110 of the IBC.

(12) Special

inspections, see Section 110 of the IBC.

(13) Final

inspection, see Section 110 of the IBC.

B. For work subject to the NMRBC.

(1) Footing

and foundation inspection, see Section 109.1.1 of the IRC.

(2) Concrete

slab or under floor inspection, see Section 109 of the IRC.

(3) Frame

and masonry inspections, see Section 109.1.4 of the IRC.

(4) Roof

assembly inspection.

(5) Exterior

wall opening flashings.

(6) Weather

resistive barrier inspection is to be made after installation of the appropriate weather resistive barrier and before such barrier is covered.

(7) Energy

efficiency inspections and state

of New Mexico thermal bypass inspection checklist verification.

(8) Lath and

gypsum board, see Section 109.1.5 of the IRC.

(9) Other

inspections required by the AHJ, see Section 109 of the IRC.

(10) Fire

resistance rated construction inspection, see Section 109.1.5.1 of the IRC.

(11) Final

inspection, see Section 109.1.6 of the IRC.

C. For work subject to the NMEC.

(1) Temporary

pole (if applicable).

(2)

Underground or under-slab (if applicable).

(3) Rough-in:

(a) on residential projects, all wiring must be installed and connections made-up;

(b)

on commercial projects, perform inspections as required.

(4) Pre-final

(if applicable).

(5) Final

(electrical system is complete and energized).

D. For work subject to the NMMC.

(1) Rough

inspection of all mechanical work covered by permit after work has been installed and before it is covered or concealed.

(2) Temporary

heat (if applicable).

(3) Final

inspection after all mechanical work covered by permit has been installed and covered and after fixtures and appliances have been attached.

(4) Operation

of mechanical equipment installed to replace existing equipment or fixtures. See the existing installations section [H6.2] of the currently adopted UMC.

E. For work subject to the NMPC.

(1) Rough

inspection of all plumbing work

covered by permit after work has been installed and before it is covered or concealed.

(2) Top-out

inspection of all vented piping above floor and all extensions through the roof and walls. The top-out testing procedures are at the option of the inspector to insure the system is free from leaks or defects.

(3) Water

distribution including all water piping inside and under a building.

(4) Water

service piping from a service meter to a connection outside the building.

(5) Final

inspection after all plumbing work covered by permit has been installed and covered and after fixtures and appliances have been attached.

(6) Operation

of plumbing equipment to replace existing equipment or fixtures, see the existing installations section [H3.5.2] of the currently adopted UPC.

F. Additional inspections. In addition to required inspections, the AHJ or CBO is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of the applicable New Mexico construction codes.

G. Re-inspections.

(1) A re-

inspection fee shall be permitted to be assessed for each inspection or re-inspection when such portion of work for which an inspection is called and is not complete or when the required corrections have not been made. This provision shall not be interpreted as requiring a re-inspection fee the first time work is rejected for failure to comply with the applicable New Mexico construction codes, but for controlling the practice of requesting inspections before the work is ready for inspection or re-inspection. No additional inspections of the work will be performed until the required fees have been paid and re-inspection has been made.

(2) Re-

inspection fees may be assessed when the approved plans are not readily available to the inspector,

or for deviating from plans without the approval of the authority having jurisdiction.

(3) Re-inspection fees may be assessed for failure to provide access on the date for which the inspection is requested. [14.5.3.9 NMAC - Rp, 14.5.3.9 NMAC, 11/15/2016; A, 5/15/2018]

REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

This is an amendment to 14.7.6 NMAC, Sections 8 and 9, effective 5/15/2018.

14.7.6.8 ADOPTION OF THE 2009 NEW MEXICO ENERGY CONSERVATION CODE:

A. This rule adopts by reference the 2009 International Energy Conservation Code (IECC), as amended by this rule.

B. In this rule, each provision is numbered to correspond with the numbering of the 2009 International Energy Conservation Code.

C. This rule is to be applied in conjunction with each of the other [2009] New Mexico building codes, including the NMCBC, NMRBC, NMPC, NMMC and the NMEC.

[14.7.6.8 NMAC - Rp, 14.7.6.8 NMAC, 6/28/2013; A, 5/15/2018]

14.7.6.9 CHAPTER 1 - ADMINISTRATION:

A. **Section 101 -
General.**

(1) **101.1**
Title. Delete this section of the IECC and substitute: this rule shall be known as 14.7.6 NMAC, the 2009 New Mexico Energy Conservation Code (NMECC).

(2) **101.2**
Scope. Delete this section of the IECC and see 14.7.6.2 NMAC, Scope.

(3) **101.3**
Intent. Delete this section of the

IECC and see 14.7.6.6 NMAC, Objective.

(4) **101.4**
Applicability. See this section of the IECC.

(5) **101.5.1**
Compliance materials. Delete this section of the IECC and substitute the following: the code official shall be permitted to approve specific computer software, worksheets, compliance manuals and other similar materials that meet the intent of this code, such as ComCheck, ResCheck, and worksheet or trade-off sheets from the *New Mexico Energy Conservation Code Residential Applications Manual*.

B. **Section 102**
Alternate Materials-Method of Construction, Design for Insulating Systems. See this section of the IECC.

C. **Section 103 -
Construction Documents.** Delete this section of the IECC and see 14.5.2 NMAC - Permits.

D. **Section 104**
Inspections. Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

E. **Section 105**
Validity. Delete this section of the IECC and see. 14.5.1 NMAC, General Provisions.

F. **Section 106**
Reference Standards. All references in the IECC to the International Building Code shall be deemed references to 14.7.2 NMAC, the [2009] New Mexico Commercial Building Code (NMCBC). All references to the International Residential Code shall be deemed references to 14.7.3 NMAC, the [2009] New Mexico Residential Building Code (NMRBC). All references to the International Plumbing Code shall be deemed references to 14.8.2 NMAC, the [2009] New Mexico Plumbing Code (NMPC). All references to the International Mechanical Code shall be deemed references to 14.9.2 NMAC, the [2009] New Mexico Mechanical Code (NMMC). All references to the ICC or International Electrical Code shall be deemed

references to 14.10.4 NMAC, the [2008] New Mexico Electrical Code (NMEC). All references to the International Energy Conservation Code shall be deemed references to 14.7.6 NMAC, the [2009] New Mexico Energy Conservation Code (NMECC). All references to the International Fuel Gas Code are deemed references to the NMMC or the LP gas standards found at 19.15.40 NMAC, and Sections 70-5-1 et seq., NMSA 1978.

G. **Section 107 Fees.**
(1) **107.1**

Fees. Delete this section of the IECC and see 14.5.5 NMAC Fees.

(2) **107.2**
Schedule of Permit Fees. Delete this section of the IECC and see 14.5.5.10 NMAC Permit Fees.

(3) **107.3**
Work Commencing Before a Permit Issuance. Delete this section of the IECC and see 14.5.2.16 NMAC - Failure to Obtain Permit.

(4) **107.4**
Related Fees. Delete this section of the IECC and see 14.5.5 NMAC, Fees.

(5) **107.5**
Refunds. Delete this section of the IECC and See 14.5.5 NMAC, Fees.

H. **108 Stop Work Order.** Delete this section of the IECC and see 14.5.3 NMAC, Inspections.

I. **109 Board of Appeals.** Delete this section of the IECC and See 14.5.1 NMAC, General Provisions.

[14.7.6.9 NMAC - Rp, 14.7.6.9 NMAC, 6/28/2013; A, 5/15/2018]

End of Adopted Rules

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Other Material Related to Administrative Law

**REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
DIVISION****NOTICE OF MINOR,
NONSUBSTANTIVE
CORRECTION**

The New Mexico Regulation and Licensing Department, Construction Industries Division, gives Notice of Minor, Nonsubstantive Correction (“Notice”).

The following corrections have been identified and amended regarding:

14.8.2.2 NMAC, corrected the reference of “Month, Date, 20XX” to “May 15, 2018”.

14.8.2.5 NMAC, corrected the reference of “Month, Date, 20XX” to “May 15, 2018”.

14.9.2.2 NMAC, corrected the reference of “Month, Date, 20XX” to “May 15, 2018”.

14.9.2.5 NMAC, corrected the reference of “Month, Date, 20XX” to “May 15, 2018”.

These corrections clarify that for the above rules and pursuant to the authority granted under State Rules Act, Paragraph D of Section 14-4-5 NMSA, that the following minor, non-substantive corrections to spelling, grammar or format has been made to all published and electronic copies of the above rules.

A copy of the Notice was filed with the official version of each of the above rule.

**End of Other Material
Related to Administrative
Law**

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Submittal Deadlines and Publication Dates

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Issue	Submittal Deadline	Publication Date
Issue 1	January 4	January 16
Issue 2	January 18	January 30
Issue 3	February 1	February 13
Issue 4	February 15	February 27
Issue 5	March 1	March 13
Issue 6	March 15	March 27
Issue 7	March 29	April 10
Issue 8	April 12	April 24
Issue 9	April 26	May 15
Issue 10	May 17	May 29
Issue 11	May 31	June 12
Issue 12	June 14	June 26
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Issue 15	July 26	August 14
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Issue 19	September 27	October 16
Issue 20	October 18	October 30
Issue 21	November 1	November 13
Issue 22	November 15	November 27
Issue 23	November 29	December 11
Issue 24	December 13	December 27

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978.

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