

**STATE OF NEW MEXICO
CONSTRUCTION INDUSTRIES DIVISION**

MINUTES

The Construction Industries Commission held a regular meeting on January 19, 2007. Officially attending the meeting was:

Thomas A. Montañó, Member,
 (Representing Organized Labor)
David Dallago, Member,
 (Representing Residential Construction)
Michael Brodgon, Member,
 (Representing General Construction)
Steve Crespín, Member
 (Representing the Licensed Mechanical Contractors)
Brian Steagall, Member,
 (Representing the LP Gas Industry)
Bobby McDade, Member,
 (Representing Licensed Electrical Contractors)
Larry Shed, Member,
 (Representing the Subcontracting Industry)
Lisa D. Martínez, Director/CID
Kate Baca, General Counsel/CID
Sonny Suazo, Assistant Attorney General
Fermin Aragon, General Construction Bureau Chief
Rem Pacheco, Electrical Bureau Chief

Not Present: Dale Dekker, Representing the Registered and Practicing Architects; Paul Wood, Member, Representing the Public Sector.

Other Attendees: **See Attachment A.**

ITEM NO. 1 - DETERMINATION OF QUORUM

Commissioner Montano stated there was a quorum and called the meeting to order at 9:45 a.m. All members of the Commission and the audience introduced themselves.

MOTION: Commissioner Brodgon moved to approve the Agenda.
 Commissioner Crespín seconded the Motion.

VOTE: All voted in favor of the Motion.

MOTION: Commissioner Crespin moved to approve the Minutes of the November 17, 2006 Regular Meeting. Commissioner Brodgon seconded the Motion.

VOTE: All voted in favor of the Motion.

###

ITEM NO 2. - ELECTION OF NEW CHAIRMAN AND VICE CHAIRMAN

Chairman Montano stated it is the time of year when new officers need to be elected. He requested nominations for chairman.

MOTION: Commissioner Steagall moved to elect the existing chairman, Thomas Montano, by acclamation. Commissioner Crespin seconded the Motion.

VOTE: All voted in favor of the Motion.

Chairman Montano requested nominations for vice chairman.

MOTION: Commissioner Crespin moved to nominate Commissioner Dallago. Commissioner Brodgon seconded the Motion.

VOTE: All voted in favor of the Motion.

###

ITEM NO. 3 - PSI PRESENTATION

Brett Greenwood, Director of Operations for Psychological Services Incorporated (PSI), thanked the commission for the opportunity to provide a brief overview of PSI's testing and licensing services that began in the fourth quarter of 2006. Mr. Greenwood stated that he would cover the testing component first, which started on October 1, 2006 in a temporary facility in Albuquerque. He stated that PSI was awarded the testing contract in the first week of September. PSI intended to set up three permanent testing sites around New Mexico, but couldn't get permanent facilities up and running within three weeks. PSI did identify a temporary space and started testing November 1, 2006, in Albuquerque. Mr. Greenwood provided testing numbers, stating that in October PSI processed 162 registrations, and in November, 200 candidates. In November, PSI opened the Las Cruces and Roswell testing sites as well as a permanent testing site in Albuquerque. He continued, stating that in December PSI tested 257 individuals, and to date, which would be the first two weeks in January, 2007, 263 individuals had been tested. Mr. Greenwood added that PSI has been rolling out new exams on a weekly basis and has been able to accommodate more people each month. Some of the exams are not yet developed for production, but PSI will have all exams finished and available by the end of February.

Mr. Greenwood added that PSI has been awarded the testing contract for the New Mexico Real Estate Commission, which will benefit Construction Industries. PSI will be adding two new permanent testing sites, one in Farmington and the other in Santa Fe, bringing the total to five permanent testing facilities in the State. There are four in testing sites in Texas, which are

located very close to New Mexico's border, and one in Southern Colorado, which is very convenient for candidates in northern New Mexico.

Commissioner Crespín asked if PSI is prepared to administer all aspects of mechanical tests from journeyman through contractors. Mr. Greenwood replied, stating that he did not have the list of every exam that is in production. Commissioner Crespín then asked if the journeyman gas, journeyman plumbing, pipefitting, the MM 1 through 4, and the MM98 exams are available. Mr. Greenwood replied that those tests are operating.

Mr. Greenwood stated that he will cover the licensing management part of the contract which PSI was awarded the first week of October, with a November 1 starting date. Mr. Greenwood stated that the licensing management component has been much more challenging for PSI, and that he would be the first to acknowledge that PSI is not satisfied with the level of customer service that has been provided to the constituents of New Mexico at this point. However, it is improving dramatically and everything will be running at the standards PSI is known for and expects of itself by the end of January. Mr. Greenwood continued, stating that in November, PSI opened with a tiny, temporary space and four staff members; however, PSI is on the path to drastically improve.

Mr. Greenwood acknowledged that there are, and will be, people who are not happy because of things that have happened in the past. PSI is handling every complaint that comes in on a one-to-one basis by contacting the person and resolving their complaints immediately. PSI received the paperwork from the previous vendor in early November, and had three weeks to train employees, get the phones set up, while contending many infrastructure issues. PSI had a very crude phone system running right away but it certainly was not a phone system that could handle a commercial business. Finally, in mid-November, PSI did get the phone architecture up, which is close to where it needs to be. Mr. Greenwood stated that there have been some phone glitches identified that caused candidates to sit on hold, not due to lack of manpower, but due to dead ports. People would think they were on hold, but they would basically be in dead air. PSI is working on resolutions and the phone issues are disappearing. There are still some outstanding issues they will continue to look into.

Mr. Greenwood continued, stating that in November, PSI created 306 applications, 109 certificates, 80 contractor licenses, and renewed 518 Journeyman certifications and 84 contractor licenses. In December they created 782 applications, 90 Qualifying Party certificates, 114 contractor licenses, 9 journeyman certificates, 531 journeyman renewals, and 561 contractor license renewals. PSI now has 10 staff members and the numbers are improving. He stated that although there is a delay in training, and there is still work to be done in conjunction with CID to get input on the more difficult applications; he is proud of how far PSI has come in two months. In conclusion, Mr. Greenwood stated that given the complexity, short ramp-up time, and the sorting PSI went through with the previous vendor, that the staff has done a good job

Commissioner Brodgon asked if PSI is handling the Crane or Hoisting Operators licensing. Mr. Greenwood responded, indicating that the exam is not ready at this time, but PSI is expecting to have it in place by the end of February. Commissioner Brodgon added that his company has quite a few people that have been trained in-house, registered with the state, and have not received their license. Kate Baca, Deputy Director and general counsel to the Division, responded to Commissioner Brodgon, stating that she would check on the status of any applications they have received. She added that the policy pertaining to the grace period if a test

is not available extends to hoisting operators as well. Commissioner Brodgon further stated that these operators are grandfathered in, testing is not required, and they just have to be registered with the state. Ms. Baca replied that she would follow up on those operators and report back to Commissioner Brodgon.

Mr. Greenwood offered to speak on the process that PSI has put in place in conjunction with the CID. PSI posts a list of available exams on their website. Additionally, a letter has gone out to interested parties listing exams available. It issues a reminder to keep checking the website for when a particular exam becomes available. Eligible candidates will have one month to take the exam once it becomes available. He stated that PSI will do another mailing to educate everyone on the process.

Kate Baca provided a follow up to Commissioner Brodgon's question, stating that the hoisting licenses are not issued by PSI. Ms. Baca stated that she will check with Carmen Gomez, the administrator for the Hoisting Program. If these are non-testing applications, Ms. Gomez is the person who can provide the information.

Chairman Montano stated he has received a lot of calls and questions regarding journeyman renewals, and asked if there is still a backlog on them. Mr. Greenwood referred the question to Alon Schwartz of PSI, who has been at the PSI Albuquerque offices this past week. Mr. Schwartz stated there is a backlog due to some software constraints. However, those constraints have been resolved. He stated that PSI should be able to clear the backlog for both journeymen and contractors' renewals within a week or less. Ms. Baca added that it is her understanding that all the renewals are up to date, and what is backlogged is the printing of the cards. Now that the software is up and running, the next priority from PSI is to get the cards printed and distributed as quickly as possible. Mr. Greenwood stated that PSI has not had the ability to do batch printing. The software was put on the servers Wednesday night, employees started training on it yesterday, and the goal is to have the backlog cleared and all cards printed by the end of this week.

Jack Milarch of the New Mexico Home Builders Association (NMHBA) stated he appreciated PSI meeting with them, but this continues to be a very rough start. Several contractors, who are on the NMHBA Board of Directors, have had terrible problems getting registered. Mr. Milarch stated that there are going to be problems if e-mail addresses are required, and the on-line registration system will not let contractors register their journeymen. He stated that NMHBA members do not see this to be an improvement, and this continues to be a very black eye for CID. He asked CID to continue to monitor the situation because there have been a lot of problems, apparently due to various technical issues that need to be worked out. Ms. Baca responded, stating that she is willing to meet with any members of the NMHBA staff to take any information they have in respect to the user perspective on this process so CID and PSI can continue to improve and address any problems that they are not aware of. Ms. Baca stated that this should be an on-going work relationship, so CID and PSI can continue to monitor what the needs are and how CID is responding to them to the extent of any formal changes that may be needed.

Commissioner Crespín asked if journeymen are required to have an e-mail address to renew their certificates. Mr. Greenwood replied that they are not required to have an e-mail address to schedule and pay for an exam on-line. Mr. Greenwood stated that PSI's policy is if a person wants to go onto the website and schedule and pay for a test, they must open an account, a

practice similar to other sites on the internet, which provides PSI a way to identify the applicant. PSI's system is not designed for batch registration and payments. He would like to change the process to accommodate this. However, until then, PSI has a staff member who can accommodate those companies who wish to register multiple employees. There is a technical solution, but the program is not available overnight, and it is going to take some time to get it up. There is a manual process in place so if anyone is interested in batching their workers, PSI can certainly take care of them. Chairman Montano clarified, stating if a person comes into the office to register and pay for an examination, they are not required to have an e-mail address. Mr. Greenwood affirmed, further adding that PSI uses the e-mail address as an identifier for those registering on-line. Commissioner Crespino provided an example, stating that if you live in Roswell, it is hard to come in and do it yourself. Mr. Greenwood replied, stating that anyone who wishes to do multiple, or batch, registrations, without going to Albuquerque, can call Cathy with PSI. Commissioner Brodgon asked if the phone number will be available to all contractors. Mr. Greenwood replied that it is.

Chairman Montano noted that the former licensing vendor was not a willing participant in the transition.

MOTION: No action required

###

ITEM NO. 4 - REQUEST APPROVAL OF ELECTRICAL CONTINUING EDUCATION COURSES AND INSTRUCTORS

Rem Pacheco, Electrical Bureau Chief, requested the approval of the Electrical Continuing Education Courses and Instructors. His request was made on behalf of the division and the bureau with a recommendation from the Electrical Technical Advisory Council. He stated the courses and instructor applicants comply with applicable State regulation requirements for electrical continuing education. Mr. Pacheco informed the Commission that 7 additional courses and instructors were being presented for approval. The information herein described as **Attachment B** was provided by Mr. Pacheco for approval.

MOTION: Commissioner Dallago moved that the requested courses and instructors be approved. Commissioner Brodgon seconded the Motion.

VOTE: All voted in favor of the Motion.

###

ITEM NO. 5 - APPROVAL OF AMENDMENT OF RECIPROCALITY AGREEMENT

Rem Pacheco, Electrical Bureau Chief, requested approval for the Division to enter into an amended reciprocal agreement, which includes the state of Idaho, into the Multi-State Reciprocal Group (MSRG). This group allows journeymen electricians to obtain certification in participating states without having to take an examination in that state. He stated that the State of Idaho meets or exceeds the minimum qualifications for membership in the Multi-State Reciprocal Group. The request is made on behalf of the Electrical Bureau and the Division with the advice and recommendation of the Electrical Technical Advisory Committee.

Commissioner Dallago asked how many states are now involved with this reciprocity agreement. Mr. Pacheco replied that there are currently 14 states that participate, and the inclusion of Idaho brings it up to 15 states.

Commissioner Crespín asked if one of the requirements for reciprocity is continuing education. Mr. Pacheco replied that according to the agreement, it is not a prerequisite. It is strongly recommended and the majority of the states that participate do have continuing education. The MSRSG considers that as part of the vote for acceptance. Mr. Crespín stated that reciprocity is a great idea for states such as New Mexico that have so much construction going on. New Mexico can tap other states for people coming in, and this agreement will lure skilled workers to New Mexico.

It was further asked if the 14 states involved in the reciprocity agreement have the same building codes. Chairman Montano stated that for electrical, everyone is using the National Electrical Code. Mr. Pacheco stated that one of the prerequisites is that the participating states have adopted the latest edition of the National Electrical Code in their state. Chairman Montano asked if New Mexico requires 16 hours of continuing education, if a journeyman coming from a participating state is required to have 16 hours also. Mr. Pacheco replied, stating that the group is currently considering continuing education reciprocity. That has not been achieved yet, but approximately half of the states recognize their continuing education across the borders. Full continuing education reciprocity will be considered at the next meeting. Ms. Baca clarified, stating that the continuing education requirement applies only to the journeyman certification renewals. There is no issue about someone coming in to be licensed for the first time, with respect to continuing education. Commissioner Crespín commended Mr. Pacheco and his good work on reciprocity. **See Attachment C.**

MOTION: Commissioner Dallago moved to approve the amendment, accepting Idaho into the Multi-State Reciprocity Group. Commissioner Brodgon seconded the Motion.

VOTE: All voted in favor of the Motion.

###

ITEM NO. 6 - Water Conservation Sub-Committee Update

Commissioner Crespín introduced Harry Dempsey, Plumbing/Mechanical Director for the City of Albuquerque, and Tom Sanchez, CID Chief Inspector, who is filling in for Jerome Baca, Construction Industries Division Plumbing/Mechanical Bureau Chief. Commissioner Crespín stated that Mr. Dempsey is the chairman of the Water Conservation sub-committee and commended him on his work.

Mr. Dempsey provided an update on the work of the water conservation sub-committee. He stated that the sub-committee has developed ideas and philosophies pertaining to protecting and reusing water, and they have a list of ideas for water conversation. The first meeting was held in December 2006, and since then, the 10 members of the sub-committee have been in contact with many people throughout the state to identify the varying needs specific to various geographical areas of New Mexico.

Mr. Dempsey stated that the sub-committee has a significant amount of work ahead such as writing standards and codes which will be created and implemented through the proper authorities and procedures. The sub-committee is approaching water conservation by considering three main uses: greywater for single-family dwellings; reclaimed water for non-residential buildings; and rainwater collection for commercial and residential applications. Mr. Dempsey stated that alternative plumbing systems will consider a dual-plumbing system in every residence consisting of the regular sanitary system and a greywater or recirculating system. Disposal or irrigation fields relating to the dual-plumbing system are all underground, and need special consideration as none of the greywater is supposed to break the ground area or be exposed to the atmosphere. He stated that plans, drawings, permits and inspections will be required on these installations, and various alternate materials used as well as manufacturer specifications will be researched. The inspections will ensure that the greywater systems are identified with the color purple and labeled so an individual will know that the system contains contaminated water.

Mr. Dempsey stated that the sub-committee is also considering including items such as residential swimming pools; approximately 250 gallons a day goes down the drain when pool water is filtered to comply with health requirements.

Mr. Dempsey added that the sub-committee recognizes the need for incentives to offset the cost to an individual or contractor to install water conserving or greywater systems. He stated that many people in Albuquerque have questions concerning using greywater, and often shy away from installing systems because of the expense. Rebates from the state, or cities or counties would be necessary to enhance utilization of greywater systems.

Mr. Dempsey closed, stating the sub-committee is considering amending Appendix G of the Uniform Plumbing Code (UPC) 2003, which currently limits the capacity of storage tanks to no larger than a 250 gallons. A 1500 gallon tank is preferable to create adequate storage and a reservoir. He stated that staff from the Environment Department has been invited to the next sub-committee meeting to discuss what is involved in saving the water that would otherwise be discharged as overflow from a 250 gallon storage tank.

Commissioner Crespin asked if the sub-committee is including state, county and city environmental agencies in the water conservation discussions. Mr. Dempsey replied that environmental agencies have been invited to the sub-committee meetings, but have not attended as of this time. Commissioner Crespin added that the subcommittee is fulfilling part of the Governor's green building initiative: He would like to be informed if the Environment Department is not attending meetings and getting involved. Mr. Dempsey stated he will keep Commissioner Crespin advised.

Commissioner Shed asked if these systems can now be installed in houses. Mr. Dempsey stated that the systems are currently accepted by the code, and the sub-committee is trying to determine the most effective, as well as the most economical systems available. If systems are not easy to install, people will not use them.

A member of the audience asked when and where the next meeting of the sub-committee will be held. Mr. Dempsey stated it will be held at the CID offices on Oakland, in Albuquerque.

Lisa Martinez, Director of CID, stated that a lot of the work this subcommittee is doing is directly in line with trying to meet the Governor's executive orders on green building and climate change. CID has been directed to be at the forefront of a number of these initiatives, and as a result of these executive orders, a Climate Change Action Council (CCAC) has been created of which CID is a member. The CCAC will be working directly with the Environment Department and a number of other state agencies to move this initiative forward. Timetables have been set with deadlines throughout this year. We will be meeting as a group to propose various ideas and move them forward. CID will be working very closely with the rest of the state to ensure we meet the requirements that are specified the Governor's green building and climate change initiatives.

Chairman Montano added that he has just been appointed by the Mayor of Albuquerque to sit on his green building task force, and requested that this information be shared. Ms. Martinez stated that she will provide regular updates.

MOTION: No action required.

**ITEM NO. 7 - PRESENTATION OF DISTRICT COURT ORDER SETTING ASIDE
HORSESHOE MECHANICAL REVOCATION.**

Kate Baca, Deputy Director and General Counsel to CID stated that behind Tab 7 in the commission packets is an Order issued out of the 2nd Judicial District by Judge Theresa Baca ordering the commission to set aside it's Order, issued in January 2005, revoking the licenses of Horseshoe Mechanical, and to set aside the portion of the order assessing administrative penalties as well, and to provide the licensee a hearing on the merits. She stated the Order was issued last October, and presented it to the commission for consideration. **See attachment D.**

Chairman Montano stated that Horseshoe Mechanical has been included on the Construction Industries Commission's (CIC) agenda approximately four times in the past year and a half. He stated that he believes the commission would be better suited and better informed if this issue were to be tabled until the CIC's counsel, who was provided with the Order today, can provide an opinion.

MOTION: Commissioner Crespín moved that this item be tabled until the Commission hears from its counsel. Commissioner Shed seconded the motion.

VOTE: All voted in favor of the Motion.

ITEM NO. 8-STIPULATED AGREEMENTS

Jose Arguello, Compliance Officer for CID presented the stipulated agreements on behalf of CID and Director Martinez for approval, stating that there are 15 stipulated agreements, totaling \$41,591.53. He added that if the commission approves these agreements, this would close the books on 2006, with 165 stipulated agreements approved, totaling a little more than \$313,000.00.

Mr. Argulleo recognized the investigators responsible for these totals: Dean Cooper, who covers the northeast portion of the state; Bill Heineken, who covers the southeast portion; Jaime Guzman, who covers southwest portion of the state, including the Las Cruces area, and Tammy Gonzales, who covers the Albuquerque metro area as well as the northwest portion of the state.

Mr. Arguello stated that Ms. Gonzales has done an outstanding job this past year. In addition to handling a full case load, probably the highest case load of the investigators, she inherited a full case load that was left behind by Orlando Gurule, who retired in early 2006. Ms. Gonzales has managed both case loads and did a great job making sure nothing fell through the cracks. **See Attachment E.**

Commissioner Crespin asked if the totals pertain to unlicensed contracting. Mr. Arguello stated that the administrative penalties collected are the stipulated agreements for unlicensed activity. However, these penalties do not represent everything the investigation unit does, such as criminal cases that have been settled or prosecuted, resulting in guilty pleas.

Commissioner Crespin commended the Investigation Unit, and thanked them on behalf of the licensed contractors who play by the rules.

MOTION: Commissioner Dallago moved to accept the stipulated agreements. He thanked the unit on behalf of the licensed contractors, and also on behalf of the citizens of New Mexico. Commissioner Brodgon seconded the motion.

VOTE: All voted in favor of the Motion.

###

ITEM NO. 9 - DIRECTOR'S REPORT

Director Martinez provided the information herein described as **Attachment F.** She provided a summary of her report and briefly described the issues the division will be working on over the next few months and during the legislative session.

Ms. Martinez reported that the Governor's office asked CID to outline the top ten accomplishments from 2003 through 2006. This was a very difficult task as there is so much work that has been done over the last 4 years. It was hard to pick out the top ten; however, a few of the accomplishments should be noted for the record.

Ms. Martinez reported that CID has significantly streamlined the investigations and compliance sections in the past four years and is in the process of streamlining even more. The investigations staff has been amazingly successful in prosecuting 100% of the criminal complaints filed, resulting in either the assessment and collection of administrative penalties or in some cases, individuals have been faced with incarceration. Going back to 1992, which is the first year CID began maintaining statistics for investigations, the investigations section handled some 38 cases; ten years later, in 2003 alone, that number went up to 141. In 2004, the investigative and enforcement activities more than doubled the fines and penalties assessed against unlicensed contractors in the state. A record-breaking \$528,000.00 was collected in 2004, clearly representing a significant increase in the number of cases handled and the penalties collected for the last four years.

Ms. Martinez stated that the Sunset statute for CID has been repealed and CID will no longer have to participate in the Legislative Sunset Review process which normally happens every seven to eight years. By repealing that statute, the legislature has confirmed that CID's operations are critical in state government.

- Ms Martinez stated that in 2003, staff put in a great deal of work on code adoption. The Division continues to update codes to provide the most current and critical code requirements available for use by contractors.
- In October 2003, CID implemented the Kiva Permit Tracking System, and very recently had a subsequent upgrade which improves the process of tracking permits and inspections, and also provides an on-line system for contractors to pull permits directly from their homes instead of having to purchase permits from CID's offices. Ms. Martinez stated that the most noteworthy aspect of this project is that New Mexico is the first state in the country to have implemented an on-line permit system on a state-wide level. CID was recognized nationally with the "Innovation in Regulation" award for this particular system and for the innovations and efficiencies it has created for the state. Ms. Martinez reported that the system continues to have problems from time to time, but there are a number of staff assisting with its maintenance. Ms. Martinez recognized Land Clark, and thanked him for his numerous contributions to the system, for working sometimes day and night to keep it running and performing the functions CID requires.
- Ms. Martinez reported that CID has streamlined its rules and regulations in the last 4 years by removing the duplicating provisions and streamlining the format of the published document, ultimately reducing it by 50%.
- She also reported during the upcoming legislative session CID will be promoting the concept of continuing education for mechanical and plumbing journeymen, and possibly for some general construction work. Ms. Martinez stated that the Division will continue to promote the concept of continuing education. This may ultimately lead the Division towards reciprocity that other states for all trades. This is very important in terms of establishing an adequate workforce to keep up with increased construction work in New Mexico.
- Ms. Martinez reported that the Division has re-implemented the temporary 60-day journeyman certificate in an effort to allow other qualified individuals to work in New Mexico in case of emergency workloads or for very specialized projects.
- She reported that the Division has also spent the last year working on a long term business plan with input from the industry, commission, and the Homebuilders Association. She thanked Jack Milarch and Randy Traynor for their assistance in developing that plan.
- Ms. Martinez reported that CID has hired a new exam and licensing vendor, Psychological Services, Incorporated. She commended Andy Dalmy and Kate Baca for the two years they spent developing the Request For Proposal, selecting a vendor, and working on the transition.
- Ms. Martinez further extended thanks to the individuals who helped CID with lobbying efforts during the legislative sessions. She reported the Division has been able to grow its inspections, compliance and investigations staff: adding 24 new staff positions to the Division in the last four years.

- Ms. Martinez added the State Personnel Board approved an inspector salary increase. CID continues to work on its budget to implement the increase, and is very hopeful the Division will acquire some of those funds during this current legislative session.

Ms. Martinez stated that the accomplishments report provided to the Governor contains a list of some of the Division's top policy objectives for this coming year, including: fulfilling all of the business plan goals; establishing the Kiva support center, which the Division hopes to have up and running in the next few weeks; implementing the Bureau Chiefs' administrative support position, which will allow the chief inspectors and the Bureau Chiefs to spend more time in the field providing assistance to contractors; continuing to develop and standardize procedures for the compliance and investigator sections, revising and updating the rules regarding licensing and fees; standardizing a number of Human Resources policies and procedures; and working with the Information Technology Consolidation Plan in order to have dedicated staff for Kiva maintenance.

Ms. Martinez stated that in terms of the work done recently with the Public School Capitol Outlay Council (PSCOC) and the Division's efforts to seek reimbursement for permit and inspection work on public schools. To date, the Division has received nearly \$500,000 in PSCOC money. The most recent funds acquired - \$240,000-will be specifically used to open the Kiva Support center and provide the necessary resources to begin operating that program. Opening the center will provide a new level of accountability from our inspectors. The Division will know when inspection requests come in and when they're completed The Division will now have the ability to track all work performed in all bureaus.

Ms. Martinez stated that even as CID continues to add more inspection staff, local municipalities continue to need assistance in running their building programs. To address this issue, the Division continues to focus its efforts on the multiple inspector program. The Division is taking a very active stance with the Cities of Rio Rancho and Santa Fe to increase the efficiencies of their inspection programs by evaluating their management structures and their programs as a whole. In conjunction, CID will revisit the policies and procedures the commission adopted on multiple inspection procedures and assist the two cities with certifying qualified inspectors.

Ms. Martinez stated that copies of the five pieces of legislation that CID is proposing during the upcoming 2007 legislative session is included in the commission packets along with some draft bill analyses that provide a description of the Division's intent with the legislation. She stated that two pieces of legislation merit particular attention: continuing education and contractors' financial responsibility. The continuing education bill has already been discussed with regard to the proposed contractor financial responsibility bill, the Division would like to replace the current form of financial responsibility - a bond, financial statement or cash collateral with a type of permit or code bond that specifically addresses issues tied to code compliance, and would speak directly to the resolution of code violations identified by the Division.

Ms. Martinez reported that both the Executive recommendations and the Legislative Finance Committee's (LFC) recommendations pertaining to the Division's budget have been released. The executive recommendation includes an overall increase of nearly specifically to fund the replacement of computer equipment for field inspectors. The Division originally requested \$490,000.00 to replace existing PC's with laptops. The LFC recommendation is an overall increase of \$35,000.00 to CID's current operating budget. A detailed outline of both the Executive and LFC recommendations are provided in Attachment C of the director's report.

Ms. Martinez reported that the Division is actively working to fill all vacant positions. Currently the Division has 15 vacancies, including customer service representative positions for the Kiva support center, 7 inspector positions, and various others. Most positions have either been advertised or interviews are being conducted. Ms. Martinez added that the reason these positions have been held vacant this length of time is because the Division has needed a sufficient amount of vacancy savings to be able to offer salaries at the levels approved through the State Personnel Board's wage study. Ms. Martinez gave an example, stating that new inspector positions are budgeted at the absolute lowest salary, approximately \$13.30/hour. The new alternative pay band approved by the SPO increased those positions to about \$18.48/hour. In order to provide the necessary salary level, the Division has had to maintain vacancy savings to be able to hire qualified inspectors at a more suitable level.

Ms. Martinez stated that Attachment D of the director's report is a copy of Governor Richardson's December 28, 2006 executive order on clean energy. It outlines the requirements and the work expected by CID in terms of code and policy adoption; the Commission will be very actively involved in that work in the coming year.

Ms. Martinez stated there are a number of additional accomplishments the division has achieved over the past four years that she has not reported on at this time. These accomplishments are included in the individual Bureau reports provided as Attachment E of the director's report. The Bureau reports define the important projects completed in each Bureau, and contain specifics pertaining to those projects.

Ms. Martinez thanked Lori Zuniga and Lonnie Hudson of CID and Kathy Ytuarte from the Manufactured Housing Division for setting up today's commission meeting, stating that they did a fantastic job on short notice.

Director Martinez concluded, requesting approval of the new contractor licenses that were issued for November and December 2006.

Commissioner Crespín stated that the economy in New Mexico is not slowing down, although homebuilding has dropped a minimum amount. Between the prison in Clayton, the Space Port, the Uranium Enrichment plant in Eunice, and the movie studios, it is anticipated that 1700 plumbers and pipefitters will be needed next year.

Commissioner Brodgon added that the Bureau of Indian Affairs and the Corp of Engineers has a half billion dollars to spend on schools in New Mexico and Eastern Arizona.

MOTION: Commissioner Crespín moved to approve the new licenses issued for November and December 2006. Commissioner Shed seconded the Motion.

VOTE: All voted in favor of the Motion.

###

ITEM NO. 10 – PUBLIC COMMENT

Jack Milarch stated that CID and the Commission need to work on every efficiency to ensure code compliance, and that the Multiple Certified Inspector Program is a step in the right direction.

Commissioner Crespin stated that the starting salary in the joint apprentice program is \$12.81/hour, and it is difficult for the state to compete with the private sector salaries and be able to attract qualified people.

Marcus Argenta, President of New Mexico Landscape Maintenance Professionals (NMLMP) stated that the inspectors have a demanding job, and made suggestions on the process that may ease their workload. He thanked the Commission for the investment they all have put into the industry. Additionally, he thanked the Division for the increased number of inspectors and for addressing the process to change how testing is done in New Mexico.

Mr. Argenta asked that the Commission and CID consider implementation of a landscape license in New Mexico, stating that most of the landscaping industry feels it is important, and that there are a number of reasons why licenses should be required. Currently, a landscaper must obtain 6 different licenses to be properly licensed, creating substantial hardship for companies, and individuals doing this type of work. Instead, many choose to just disregard the codes, laws and regulations, rather than comply with the requirements. He stated that for someone to be properly licensed, they must have electrical, framing, concrete, irrigation, and fencing licenses, plus two licenses through the New Mexico Department of Agriculture. He stated that landscaping is an industry that requires knowledge, skill, and expertise that can only be gained through education, professional training, and hands-on experience, and that basic standards need to be implemented and practiced across the board. He stated that toilets, swamp coolers, faucets and showerheads are great places to conserve water. Additionally, exterior landscaping also has great potential for water savings. Mr. Argenta added that the codes protect consumers, legal and legitimate companies that are operating, and create accountability. Finally, companies that currently don't pay gross receipts or taxes, or perform necessary standards will be in a system that will be unable to hold them accountable for their actions.

Mr. Argenta reported that the New Mexico Landscape Maintenance Professionals (NMLMP) has developed a list of standards and crucial information for testing, and the task of transferring current companies into a license structure can be accomplished by developing a greater landscape license and a lesser lawn maintenance license. NMLMP is working with Central New Mexico Community College (CNMCC) and the New Mexico Department of Agriculture (NMDA) and have developed a program for licensing owner-operators and assisting them with obtaining their applicators' license for local building to Department of Agriculture requirements. He concluded, thanking the Commission for its time, and stating that any help to implement a landscape license would be appreciated.

Andy Dalmy, Licensing Manager for CID, stated that it is necessary for landscapers to have all kinds of licenses, and the Division is trying to consolidate the requirements into one license.

Mr. Argenta stated that there is also a low voltage issue that a lot of the electricians are looking at. An individual must be licensed to perform low voltage work. There are many types of low voltage work in landscaping, and at some point, a landscaper will be working electricity. A

landscaper also does framing work such as attachments to houses and patio covers, as well as sidewalks, flagstone, concrete slabs, foundations, fencing, block work, and brickwork. The only license required now is an MS06 for irrigation. Mr. Argenta concluded, stating that the NMDA requires a plant protection license for planting and an applicator's license for spraying pesticides.

A member of the audience stated that one of the issues brought up years ago was the fact that the current licensing system does not address the trades that involve convergence of technology, such as mechanical, water, and electricity, very well. A study was submitted to the Division years ago with some very radical ideas for changing the licensing structure to take this into account. He encouraged CID and the Commission to spend time addressing the licensing structure for this work.

Commissioner Montano added that along the lines of other trades requiring multiple licensures, a service technician needs a plumbing, gasfitter, pipefitter, sheetmetal, refrigeration and electrical license.

###

ITEM NO. 11 – OTHER BUSINESS

The next regular meeting for the Commission will be on March 23, 2007, at the New Mexico Regulation and Licensing Department, 2550 Cerrillos Road, New Mexico.

With no further business, Chairman Montano adjourned the meeting at 11:15 a.m..

Thomas A. Montano, Chairman

Attest:

Lisa Martinez, Secretary