

**STATE OF NEW MEXICO
CONSTRUCTION INDUSTRIES DIVISION**

MINUTES

The Construction Industries Commission held a regular meeting on March 23, 2007. Officially attending the meeting was:

Thomas A. Montañó, Member,
(Representing Organized Labor)
Steve Crespín, Member,
(Representing the Licensed Mechanical Contractors)
David Dallago, Member
Representing Residential Construction
Bryan Stegall, Member
(Representing the LP Gas Industry)
Lisa Martínez, Director, Construction Industries Division
Kate Baca, General Counsel/CID
Fermin Aragon, General Construction Bureau Chief
Jerome Baca, Mechanical/Plumbing Bureau Chief
Rem Pacheco, Electrical Bureau Chief
Andy Dalmy, Licensing Manager, CID

Not Present: Michael Brogdan, Member, Representing General Construction; Bobby McDade, Member, Representing Licensed Electrical Contractors; Dale Dekker, Member, Representing the Registered and Practicing Architects; Larry Shed, Member, Representing the Subcontracting Industry.

Other Attendees: **See Attachment A.**

ITEM NO. 1 - DETERMINATION OF QUORUM AND CALL TO ORDER

Chairman Montano announced that this cannot be considered an official meeting due to the lack of a quorum, and the members cannot take any official action. The Commission members present used the agenda as a guideline since there was some information that needed to be read and distributed. Chairman Montano added that a Special Meeting will be called if there is any action that needs to be taken before the next regularly scheduled Commission Meeting in May.

Commissioner Crespín stated that he read the minutes from the January 2007 Commission meeting and asked for clarification on the first name of Mr. Swartz of Psychological Services, Inc. (PSI). Lisa Martínez, Director of the Construction Industries Division (CID), responded, stating that his name is Alon, not to be confused with Allen. Commissioner Crespín then asked if on page 9, item # 9, third paragraph of the minutes, first line, if the word should be "streamlined" instead of "steamed". Ms. Martínez replied that it should be "streamlined".

Chairman Montano reminded the Commission that they could not take action on Commissioner Crespín's clarifications, due to the lack of a quorum.

NO ACTION TAKEN

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ITEM NO. 2 -REQUEST APPROVAL OF ELECTRICAL CONTINUING EDUCATION COURSES AND INSTRUCTORS

Rem Pacheco, Electrical Bureau Chief, requested approval of one new course, and a name change for an existing course. The name change is necessary due to a conflict with another course provided by the same sponsor. Mr. Pacheco stated that the Technical Advisory Committee (TAC) have reviewed the materials, and the applications comply with the requirements set forth for continuing education.

Chairman Montano asked if there is anything the Commission needs to address right away, or if the addition of the new course and the name change for another can wait until the next meeting. Mr. Pacheco replied that the approval can wait until the next meeting. **See Attachment B.**

NO ACTION TAKEN

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ITEM NO. 3 - REQUEST TO ELIMINATE GS-29 TRADE SUBSTITUTE REQUIREMENT

Andy Dalmy, Licensing Manager for the Construction Industries Division provided the Commissioners a brief summary of a licensing renumbering process that began in 2003, which consolidated 19 general construction specialty classifications under the GS-29 classification. Mr. Dalmy described the effects the reclassifications had on the public, CID, and the previous testing vendor. In conclusion, Mr. Dalmy requested that the Commission approve restoring the 19 original classification numbers that were renumbered to GS-29.

Chairman Montano asked if Mr. Dalmy saw any need for the Commission to take any action before a full quorum is present. Mr. Dalmy responded, stating there is no need to take immediate action on this issue. Chairman Montano stated that this matter will be addressed at another time.

NO ACTION TAKEN

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ITEM NO 4 - REQUEST APPROVAL OF AN AMENDMENT TO 14.9.5.14A NMAC - MEDICAL GAS

Jerome Baca, Mechanical/Plumbing Bureau Chief, reported that on February 5, 2007, a special meeting of the Construction Industries Commission was held, and approval was granted to the Mechanical Bureau to proceed to public hearing for a proposed amendment to 14.9.5.14 of the New Mexico administrative code concerning medical gas installation and certification under applicable codes. He stated that this proposed amendment is based on the National Fire Protection Association's requirement pertaining to non - halogenated nitrous oxide in dental offices. On March 15, 2007, public hearings were held in Albuquerque, Santa Fe, and Las Cruces, and there were no comments posted. Mr. Baca requested the Commission's approval and adoption of the proposed amendment.

Commissioner Crespin stated that he would like this item to be included on the agenda if a special meeting needs to be convened before the regularly scheduled commission meeting in May. Chairman Montano asked Mr. Baca if there is a need to act on this issue right away. Mr. Baca responded, stating that the Bureau would like to move forward with the adoption process as soon as possible.

See Attachment C.

VOTE: NO ACTION TAKEN

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ITEM NO 5 - MASTER METER OUTREACH TRAINING UPDATE

Mr. Baca introduced Cambell McMordie, Public Regulation Commission (PRC) Pipeline Safety Bureau, and provided an update on the public outreach program of the Master Meter Outreach training. He stated that a two-part presentation has been developed and was presented in Farmington, Albuquerque, and Las Cruces. Part one of the presentation consists of a CID mechanical gas code workshop and a question and answer session. Part two of the presentation consists of the PRC Pipeline Safety Bureau requirements related to jurisdictional and non-jurisdictional master meters, operator responsibilities, installer qualifications, cathodic system protection, and the similarities and differences in the Mechanical Code and the applicable Code of Federal Regulations. Mr. Baca stated that the presentation clarifies that one agency enforces a construction code and the other enforces an operation and maintenance code. Mr. McMordie reported on the number of contractors, inspectors, building officials, and others that attended the trainings.

Chairman Montano asked about the type of feedback received from the trainings. Mr. Baca responded, stating that the comments have been very good, and the participants have reported that the material is presented in a way that is easily understood.

Commissioner Crespin asked if either Mr. Baca or Mr. McMordie are tracking who has been notified of the trainings, and who has been in attendance. Mr. McMordie responded, stating that he is taking note of those who have been notified but have not attended the trainings. He added that those who have not been able to attend will be invited to future sessions.

Ms. Martinez stated that during the legislative session she had an opportunity to speak to the chairman of the PRC, Ben Ray Lujan and to PRC Commissioner Marks about the Master Meter Outreach program, and to thank them for allowing Mr. McMordie to participate in this important project. She stated that Chairman Lujan and Commissioner Marks indicated they will consider extending Mr. McMordie's contract in order to continue moving forward with the training program.

NO ACTION TAKEN

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***ITEM NO. 5A - CODE ADOPTION TIMETABLE**

Ms. Martinez stated that she met with members of the Homebuilders Association, particularly Randy Traynor, Jack Milarch and Don Becker, John Horton from Associated General Contractors, and several other members of the industry about moving forward with a new code adoption. She proposed that the Division move forward with a blended code similar to what is currently in place. The Division proposes adopting the 2006 edition of the International Building Code, the 2006 International Residential Code, the 2006 Uniform Plumbing Code, and the 2006 Uniform Mechanical Code. Ms. Martinez stated that the Division anticipates having all the pieces in place for adoption and formal enforcement beginning January 1, 2008. As in the past, the Division would provide a transition period to local governments, providing 6 months in which to move forward with their own code adoption. During that 6 months transition, CID would accept plans based on either code.

Chairman Montano stated this issue will be placed on the agenda if there is a special meeting.

NO ACTION TAKEN

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ITEM NO. 6 - STIPULATED AGREEMENTS

Jose Arguello, Compliance Officer, presented 17 Stipulated Agreements regarding unlicensed contracting. He added that specific information pertaining to each agreement is included in the Commissioners' packets.

Commissioner Steagall questioned stipulated agreement #9 pertaining to John Luna, stating that according to his understanding, most project managers are not licensed. Commissioner Crespín commented, stating that project managers are required to be licensed in New Mexico.

Chairman Montano asked Mr. Arguello if these stipulated agreements should be included on the agenda if a special meeting is called, or if they can wait for the next regularly scheduled meeting. Mr. Arguello responded, stating that they can wait until the next regularly scheduled meeting. Kate Baca added that most of the agreements have a time and date that are imposed on the parties with respect to getting licensed and suggested the Stipulated Agreements be placed on the special meeting agenda.

See Attachment D.

NO ACTION TAKEN

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***ITEM NO. 6A - LEGISLATIVE UPDATE**

Ms. Martinez reported that the division analyzed and followed nearly 50 pieces of proposed legislation, and provided a summary on the most pertinent legislation. She stated that with the signing of House Bill 2, the division secured an additional \$350,000.00. She further added that between 2006 and 2007, CID's budget has increased by 1.6 million dollars. Also on the subject of budget, she discussed the importance of the passage of House Memorial 74 which requests that the Governor create a task force to make recommendations regarding the evaluation of CID's funding in light of the extensive growth and other relevant changes in the construction industry. These recommendations shall be made to the Legislative Finance Committee (LFC) and the Department of Finance Administration (DFA) by August 1, 2007.

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Ms. Martinez stated that House Bill 219 was passed, amending the current statutes that grant the municipalities the authority to enforce a building code and requiring that if a municipality chooses to exercise that authority, they must provide a full-service code enforcement program for all building trades, not just general construction. She added that this is a very significant change in the way business has been conducted in the past.

Ms. Martinez stated that Senate Bill 297 pertaining to continuing education was passed. She stated that the Division will be using their Electrical Bureau's program for continuing education as the model for developing the continuing education requirements for all the other licensees and journeyman certificate holders.

Ms. Martinez stated that Senate Bill 1065 pertaining to employee leasing has passed. The current legislation strengthens the law, allowing the Regulation and Licensing Department to accept an affidavit or certificate from a bonded, independent and qualified assurance organization certifying the qualifications of the employee leasing contractor in lieu of the existing surety requirements. Ms. Martinez added that the legislation establishes the Employee Leasing Act Fund, consisting of fees charged by the Department, thus providing the Division the funding for the Employee Leasing Program.

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Ms. Martinez stated that there are numerous other pieces of legislation relating to green building and other subjects that affect CID that will cause the Division to work on a significant amount of rule making in the coming year to accommodate those legislative changes.

In conclusion, Ms. Martinez stated that behind Attachment A of the director's report, a thank-you letter to all the individuals who assisted CID during the legislative session has been provided. Specifically, she thanked the New Mexico Homebuilders Association, in particular Randy Traynor and Jack Milarch. She stated that in addition to lobbying, they had assisted with providing written reports that were given to legislators to help them clearly understand the intent of CID's bills.

Director Martinez continued, publicly thanking the legislators who sponsored the bills. Additionally, she thanked Speaker of the House, Ben Lujan; Representative John Heaton; Representative Thomas Swisstack, Senator Phil Gregio, Senator Carol Leavell, and members of the Conference Committee, including Senators Lee Rawson, John Arthur Smith, Sisneros, Beffort, and Jennings; Representatives Kiki Saavedra, Lucky Varela, Rick Miera, Jeannette Wallace, and Representative Hall; who were responsible for providing the Division with the extra \$350,000.00 and the 1.25 million appropriated last year. In closing, she thanked the CID staff for their time and efforts during the session, particularly Kate Baca, CID Bureau Chiefs Rem Pacheco, JT Baca, Fermin Aragon, and Marvin Vaughn; Wayne Dotson, Andy Dalmy, Lori Zuniga, Lonnie Hudson, Liddy Padilla and Carmen Gomez.

Commissioner Crespín asked if the 1.6 million additional funding addresses the Division's re-occurring deficit. Director Martinez responded, stating that it makes up for part of the deficit, but not all of it.

Commissioner Dallago asked if the funds contributed by the Public Schools Facilities Authority (PSFA) last year are specifically for PSFA projects. Director Martinez responded, stating that the PSFA money can be used for work relating to public schools such as plan review, permitting or inspections services.

NO ACTION TAKEN

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ITEM NO. 7 - DIRECTOR'S REPORT

Director Martinez reported on the green building work underway by the Division. The CID Green Building Task Force has been meeting regularly to develop its proposed package for green building code adoption, policy approval, and other recommendations that will be placed before the Commission. She stated that one proposed recommendation would be to create the The New Mexico Green Building Code. It will incorporate all green building concepts from the individual codes along with the items that are specific to New Mexico and vary significantly from other parts of the country. These now will be incorporated into one document.

Ms. Martinez stated that the Division continues to work on Kiva, and is rapidly moving toward implementing the pilot program for the use of wireless equipment in the field.

Ms. Martinez reminded the Commission that last year, work with the State Personnel Office (SPO) and the State Personnel Board (SPB) resulted in an approved salary increase for our inspectors. The SPO and the SPB are now reconsidering the study because although a whole new pay band was provided, salaries are still not competitive with the market. She stated that SPO is planning to introduce a second increase to the SPB in May, with the intent of preparing a financial package for the next legislative session that would assist the Division with accommodating not only the past proposed pay increase, but the new one that would be proposed as well.

Ms. Martinez stated that the director's report contains a significant amount of information pertaining to PSI. Although a lot of work remains to be done, the transition is proceeding very well and the number of complaints has been reduced significantly. She further added that the director's report also includes information on the progress of the Uranium Enrichment Plant, a summary of personnel issues, and information pertaining to individual bureau activities.

Ms. Martinez stated that the last piece of information she would like to impart is that James Peterson of the Santa Fe Plan Review Section, has passed his International Code Council (ICC) Plan Review Certification Exam and the ICC Commercial Building Inspector exam. For the first time, all plan reviewers in all three offices have their national certification exams in plan review.

In closing, Ms. Martinez requested approval of the January and February contractor licenses at the next meeting with a quorum.

Commissioner Crespin noted that there appears to be a duplication of information regarding the licenses presented for approval. Ms. Martinez responded, stating that the information provided is duplicative and will provide the correct reports to the commissioners for approval at the next meeting.

See Attachment E.

NO ACTION TAKEN

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ITEM NO. 8 - PUBLIC COMMENT

Randy Traynor, representing the New Mexico Homebuilders Association thanked Director Martinez for all the time she spent working on the bills during the legislative session. He stated that there is a significant PR effort to undertake pertaining to House Memorial 74, and that House Bill 219 was a very difficult bill to get passed.

Mr. Traynor read, for the record, the Homebuilders Associations' opinion regarding Psychological Services Incorporated's operations.

Gail Ryba, Southwest Efficiency Project (SEP), offered the support of SEP in quality and energy efficient construction to the Division, and commended the Division for being involved in these issues.

Julian Padilla, Albuquerque Career Institute, stated that he is receiving a number of complaints from Hispanic tradesmen regarding PSI. He stated that PSI has been in business for 6 months, and it has only been recently that they have they offered multi-lingual examinations. He requested the Commission look into that situation.

Wade Airhart, Construction Seminars, requested to address PSI issues that have been brought to Ms. Martinez's and Mr. Dalmy's attention. He stated that PSI has done a tremendous job from what they were handed and where they are now, but some issues remain unresolved. He stated that he continues to receive complaints relating to the portions of the test pertaining to blueprint reading, in that the information needed to answer the questions is not readily available.

Mr. Airhart added that scheduling examinations continues to be an issue; that he is receiving reports that candidates typically have a three-week wait before they can sit for the exam. He further expressed

concern that the GB-2 examination is a three-hour exam, with an additional 4 hours for the GB 98 exam and that the schedule does not include any lunch or bathroom breaks.

Commissioner Crespin asked to have a representative from PSI at future commission meetings to respond to these questions. Andy Dalmy responded that he will ensure that PSI will have a representative available. Kate Baca stated that PSI has been very responsive, and she is confident that they will be willing to attend the commission meetings.

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ITEM NO. 9 - OTHER BUSINESS

Chairman Montano stated that the only items slated for a special meeting are Items 3, 4, 5A, and 6, on the current agenda. Director Martinez requested adding an item, which would be to update the license reports. Additionally, Ms. Baca suggested that the Commission may wish to amend the Open Meetings Act to provide for telephonic attendance. Chairman Montano responded, stating that this is the first time there has not been a quorum in 7 years. However, telephone attendance is worth considering as an option.

Chairman Montano concluded, stating that the next Construction Industries Commission Regular Meeting is scheduled for May 17, 2006 in Eunice, New Mexico.

ITEM NO. 10 - EXECUTIVE SESSION TO DISCUSS PENDING LEGISLATION

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

Thomas A. Montano, Chairman

Attest:

Lisa Martinez, Secretary