

**STATE OF NEW MEXICO  
CONSTRUCTION INDUSTRIES DIVISION**

**MINUTES**

The Construction Industries Commission held a special meeting on April 17, 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)  
Michael Brogdan, Member  
(Representing General Construction)  
Dale Dekker, Member  
(Representing the Registered and Practicing Architects)  
Sonny Suazo, Assistant Attorney General  
Lisa Martínez, Director, Construction Industries Division  
Kate Baca, General Counsel, Construction Industries Division  
Fermin Aragon, General Construction Bureau Chief  
Jerome Baca, Mechanical/Plumbing Bureau Chief  
Rem Pacheco, Electrical Bureau Chief  
Andy Dalmy, Licensing Manager, CID

**Not Present:** Bobby McDade, Member, Representing Licensed Electrical Contractors; Larry Shed, Member, Representing the Subcontracting Industry.

Other Attendees: See Attachment A.

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

Chairman Montano requested approval of today's agenda.

**MOTION:** Commissioner Dekker moved to approve the Agenda.  
Commissioner Brodgen seconded the Motion.

**VOTE:** All voted in favor of the Motion.

Commissioner Montano requested approval of the January 19, 2007 Regular Commission Meeting minutes; the February 5, 2007 Special Commission Meeting minutes; and the March 23, 2007 Informal Commission Meeting minutes.

**MOTION:** Commissioner Crespín moved to approve the January 19, 2007 regular meeting minutes.  
Commissioner Brodgen seconded the Motion.

**VOTE:** All voted in favor of the Motion.

**MOTION:** Commissioner Crespin moved to approve the February 5, 2007 special meeting minutes. Commissioner Stegall seconded the Motion.

**VOTE:** All voted in favor of the Motion.

**MOTION:** Commissioner Crespin moved to approve the March 23, 2007 informal meeting minutes. Commissioner Stegall seconded the Motion.

**VOTE:** All voted in favor of the Motion.

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**ITEM NO. 2 - APPROVAL OF REVISED OPEN MEETINGS ACT RESOLUTION**

Kate Baca, Deputy Director of the Construction Industries Division (CID), stated that the proposed amendment to the Open Meeting Act Resolution facilitates the Commission's ability to convene a quorum by allowing commissioners who otherwise could not attend in person to participate telephonically. She further stated that the wording of the amendment is taken directly from the Open Meetings Act. **See Attachment B.**

**MOTION:** Commissioner Dekker moved to approve the Open Meetings Act resolution as presented. Commissioner Brodgen seconded the Motion.

**VOTE:** All voted in favor of the Motion.

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**ITEM NO 3 - REQUEST APPROVAL OF AN AMENDMENT TO 14.9.5.14 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 commended Carmine Raia and the City of Albuquerque for expediting these amendments. He stated that if the legislation that was proposed this past session passed, the Division's code adoption procedures would have been compromised. **See Attachment C.**

**MOTION:** Commissioner Crespin moved to approve adoption of the proposed amendments. Commissioner Stegall seconded the Motion.

**VOTE:** All voted in favor of the Motion.

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#### **ITEM NO. 4 - REQUEST TO ELIMINATE GS-29 TRADE SUBSTITUTE REQUIREMENT**

Andy Dalmy, Licensing Manager for CID, stated that this item should be titled "Request Elimination of the GS-29 Trade Substitute *Exam* Requirement", and referred the Commissioners to the handout distributed at the beginning of the meeting. Mr. Dalmy provided the members of the Commission 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. He further stated that basing the requirement for licensure strictly on experience and passing the Business and Law exam is sufficient. In conclusion, Mr. Dalmy requested that the Commission approve eliminating the GS-29 trade substitute examination, and restoring the 19 original classification numbers that were renumbered to GS-29. **See Attachment D.**

Commissioner Dekker asked for the criteria needed to meet the experience. Mr. Dalmy responded that all the specialties have a two year requirement, or 4,000 hours of hands-on experience, within the ten years preceding the application, and that experience is verified with a notarized affidavit from the previous employer.

Commissioner Crespino asked what work is allowed under the GS-32, pertaining to sheet metal. Mr. Dalmy responded, stating that the GS-32 encompasses work such as flashing, skylights, and gutters, and that the description of the classification in the Division's rules explains that the GS-32 does not cover ductwork.

Commissioner Brodgen voiced concerns that the classification covering caissons, piers and pile driving does not require a trade examination as a condition of licensure. Mr. Dalmy responded, stating that the Division would entertain developing and requiring a trade exam for any of these classifications.

Chairman Montano asked if whether making a motion to eliminate the trade substitution exams, except for the GS-15, would address Commissioner Brodgen's concerns. Mr. Dalmy responded, stating that if the commission chose to pass such a motion, anyone applying for the GS-15 classification would be required to take the current trade substitution exam, which is, essentially, a duplicative Business and Law exam.

**MOTION:** Commissioner Brodgen moved to eliminate the GS 29 trade substitute exam requirement. Commissioner Dekker seconded the Motion.

**VOTE:** All voted in favor of the Motion.

Commissioner Crespino interjected, stating that he wished to thank Harry Dempsey of the City of Albuquerque for his involvement with the medical gas amendment.

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#### **ITEM NO 5 - STIPULATED AGREEMENTS**

Jose Arguello, Compliance Officer, presented 17 Stipulated Agreements regarding unlicensed contracting, totaling \$12, 758.45. He added that specific information pertaining to each agreement is included in the Commissioners' packets. **See Attachment E.**

Chairman Montano commented that the unlicensed contractors did not do too much work before they got caught. Mr. Arguello replied that the penalty amounts are based on a percentage of the total contracted work declared by the unlicensed contractor.

**MOTION:** Commissioner Crespin moved to approve the stipulated agreements.  
Commissioner Stegall seconded the Motion.

**VOTE:** All voted in favor of the Motion.

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#### **ITEM NO. 6 - 2006 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 this past legislative session regarding 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. Additionally, the Division proposes adopting the 2006 International Energy Conservation Code, which relates to a number of the green building concepts the Division is working on to comply with the Governor's Executive Order. Finally, the division proposes adoption of the latest edition of ANSI, adoption of the handicapped accessibility requirements that will also include standards for children's accessibility. Ms. Martinez stated that the Division has a very aggressive schedule for moving forward and the Technical Advisory Committees (TACs) have been working on review of the proposed code and amendments for the past few weeks. The Division anticipates presenting the proposed amendments at the May 18, 2007 regular Commission meeting, requesting approval to conduct public hearings on the proposed amendments, and 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 month transition, CID would accept plans based on either code. She concluded, stating that July 1, 2008 would be the formal effective date of the new codes for the entire state.

Chairman Montano stated he approved of the aggressive time table, and asked if formal action needed to be taken. Ms. Martinez responded, stating that a motion would provide formal notification to the public that the Division is moving forward with the review, amendment, and adoption of the 2006 codes and standards. Ms. Baca stated that the schedule that has been proposed is very time sensitive in terms of publication in the register, and it was developed so Commission approval is obtained in a timely manner to meet those publication dates. She stated that by presenting the schedule today, everyone is on notice that these upcoming meetings are critical to keeping on track with the proposed timetable.

**MOTION:** Commissioner Stegall moved to adopt the timetable as presented.  
Commissioner Brodgen seconded the Motion.

**VOTE:** All voted in favor of the Motion.

Ms. Martinez added that the Bureau Chiefs are in the process of compiling a schedule of meetings that will be held between now and May 18<sup>th</sup> for each of their individual TACs. The schedule will be posted on the CID website by the end of this week. She invited all interested parties to attend.

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### **ITEM NO. 7 - DIRECTOR'S REPORT**

Ms. Martinez stated that she provided details of the entire Director's Report at the March 23, 2007 Commission meeting, and has a couple of small amendments to add. In the Commission packets are the licensing reports for January and February 2007, which replace the incorrectly dated reports in the previous packets. Additionally, she added that behind Attachment A of the Director's Report, four pieces of legislation CID had been working on are listed. She reported that all of the bills, including House Memorial 74, House Bill 219 and Senate Bill 297 have been signed and approved by the Governor's Office, but the fourth piece, Senate Bill 1065, was not signed. **See Attachment F.**

Commissioner Crespín asked for the process CID will implement to comply with House Memorial 74. Ms. Martinez responded, stating that the Division has been asked by the Governor's office to submit a list of proposed members for the task force. Commissioner Crespín recommended David McCoy serve on the task force.

**MOTION:** Commissioner Crespín moved to approve the licenses for January and February 2007. Commissioner Brodgen seconded the Motion.

**VOTE:** All voted in favor of the Motion.

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### **ITEM NO. 8 - PUBLIC COMMENT**

Susie Marbury, of the Energy, Minerals and Natural Resources Department, stated that there is a new sustainable tax credit. The Department will be working on the rulemaking process, with this new tax credit going into effect July 1, 2008 for the 2007 tax year. She concluded by stating that there are several participants for this rule-making from CID, and invited anyone else who is interested to attend.

Randy Traynor, of the New Mexico Homebuilders Association (NMHBA), requested a brief follow-up to the New Mexico Homebuilders concerns about Psychological Services Incorporated, (PSI) that he read into the record at the March 23, 2007 commission meeting. Mr. Dalmy responded, stating that he met with Melinda of NMHBA, and Dawn Ash of PSI, and have resolved the issues surrounding the bonds. He further stated that Fermin Aragon, General Construction Bureau Chief has been provided with the GB-98 exam for review of the blueprint portion of the test.

Commissioner Crespín stated that at the March meeting, he requested that PSI have a representative at future commission meetings to answer questions. Mr. Dalmy responded, stating that he has asked Alon Swartz of PSI to attend the next formal commission meeting.

Commissioner Stegall requested a follow-up on the issue of the 7 hour-long test with no break. Kate Baca responded, stating that there is no requirement for a candidate to take all those pieces of the exam at the same time, and that the test can be easily taken in sections. Those who choose to take all of the pieces at the same time are aware of the restrictions that they are not permitted to leave for security purposes. Mr. Dalmy added that the applicant is allowed to go to the restroom, however, there is not a prescribed 15 minute break. Commissioner Stegall suggested that the policy or restriction be clarified.

Chairman Montano asked if PSI is conducting the hands-on test for journeymen statewide. Mr. Dalmy responded that the practical tests are now available statewide.

Commissioner Crespin requested that the Commission be kept abreast of the events surrounding the May 18, 2007 Commission meeting in Eunice. Ms. Martinez responded, stating that notices will be sent to everyone. The current schedule calls for CID personnel leave for Eunice the afternoon of May 16<sup>th</sup>. A golf game is planned for May 17<sup>th</sup>, and the Mayor of Eunice would like to have a barbeque for everyone. The Division is planning a town hall meeting during the later afternoon or early evening of the 17<sup>th</sup>. The Commission meeting is scheduled for Friday morning, May 18<sup>th</sup>, with CID staff returning to Santa Fe and Albuquerque that afternoon. She stated that a block of 20 rooms have been reserved in Hobbs for the nights of May 16<sup>th</sup> and 17<sup>th</sup>.

Ms. Martinez concluded, stating that the Division is close to opening the Kiva Support Center. She stated that Ms. Baca has been interviewing applicants and the one-eight hundred number is set up. The target date for implementation is May 1, 2007.

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**ITEM NO. 9 - OTHER BUSINESS**

Chairman Montano concluded, stating that the next Construction Industries Commission Regular Meeting is scheduled for May 18, 2007 in Eunice, New Mexico. With no further business, Chairman Montano adjourned the meeting at 9:42 a.m.

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Thomas A. Montano, Chairman

Attest:

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Lisa Martinez, Secretary