

NOTICE OF PROPOSED RULEMAKING

The New Mexico Public Regulation Commission (Commission) gives notice that it will repeal and replace the emergency rules with permanent rules in Parts 1, 3, 5, and 6 of Title 10, Chapter 25 of the New Mexico Administrative Code (10.25.1, 10.25.3, 10.25.5, and 10.25.5 NMAC, respectively) of the State Fire Marshal Rules.

Rulemaking Legal Authority:

The Commission has the legal authority to promulgate rules in general by the New Mexico Constitution, Article XI, Section 2. The State Fire Marshal is a division of the Commission pursuant to Subsection F of Section 8-8-6 NMSA 1978 of the Public Regulation Commission Act, and the Commission is authorized to adopt the State Fire Marshal Rules pursuant to Paragraph (10) of Subsection B of Section 8-8-4 NMSA 1978, and by Section 8-8-15 NMSA 1978 of the Public Regulation Commission Act. In addition to having the authority to adopt reasonable rules necessary or appropriate to carry out its powers and duties, the authority to promulgate rules as to the subject matter of the affected parts of Title 10, Chapter 25 of the New Mexico Administrative Code are the State Fire Marshal statutes, Sections 59A-52-1 through 59A-52-26 NMSA 1978, which authorize revisions to Parts 1, 3, 5, and 6; the Parental Responsibility Act, Sections 40-5A-1 through 40-5A-13 NMSA 1978, which authorizes revisions to Part 3; and the Fireworks Licensing and Safety Act, Sections 60-2C-1 through 60-2C-26 NMSA 1978, authorizes revisions to Parts 1, 3 and 6 of the State Fire Marshal Rules.

Proposed Rule Summary and Explanation of Purpose:

The purposes of the proposed rulemaking revisions to Title 10, Chapter 25 of the New Mexico Administrative Code are: to amend Part 1 to update language to accurately show "New Mexico State Fire Marshal Division" as being the current name of the division; to repeal and replace Part 3 to update language to accurately show the "Public Regulation Commission" as being the current name of the commission; to substantially rewrite, repeal and replace Part 5 to update the language and to repeal the currently adopted 2003 International Fire Code standards to be replaced with the 2015 International Fire Code standards; and to amend Part 6 to make minor language changes. Copies of the Order Reopening Rulemaking Docket and Issuing Notice of Proposed Rulemaking containing the full text of the proposed rules as an Exhibit thereto, as well as additional information and filing instructions, may be downloaded from the Rulemaking Proceedings section of the Commission's website at <http://www.nmprc.state.nm.us> under Case No. 18-00323-FM or may be otherwise obtained by calling the Commission's Records Management Bureau at (505) 827-6968.

Technical Information:

Proposed revisions to Part 5 of Title 10, Chapter 25 of the New Mexico Administrative Code make reference to various codes. These code references are identified and may be viewed or accessed online as follows:

- 2015 International Building Code at <https://codes.iccsafe.org/content/IBC2015>
- 2015 International Existing Building Code at <https://codes.iccsafe.org/content/IEBC2015>
- 2015 International Fire Code at <https://codes.iccsafe.org/content/IFC2015>
- NFPA 1 at <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>
- NFPA 101 at <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>
- 2012 Uniform Mechanical Code at <http://epubs.iapmo.org/2012/UMC>
- 2012 Uniform Plumbing Code at <http://epubs.iapmo.org/2012/UPC>

Comments/Deadlines:

Written initial comments and written response comments must be filed with the Commission's Records Management Bureau at P.O. Box 1269, Santa Fe, NM 87504-1269 or by hand delivery to the Commission Records Management Bureau at 1120 Paseo de Peralta, Room 406, Santa Fe, NM 87501 by these deadlines: Written initial comments must be filed by **Tuesday, July 30, 2019**, and written response comments must be filed by **Tuesday, August 13, 2019** at 5:00 p.m. Filed written comments must refer to Case No. 18-00323-FM. All written comments will be posted on the Rulemaking Proceedings section of the Commission's website at <http://www.nmprc.state.nm.us> under Case No. 18-00323-FM and also are available for public inspection at the Commission's offices at 1120 Paseo de Peralta, Room 406, Santa Fe, NM 87501.

Rulemaking Public Hearing:

The rulemaking public hearing will be held on **Friday, August 16, 2019** beginning at 10:30 a.m. at the Commission's 4th Floor Hearing Room at 1120 Paseo de Peralta in Santa Fe. The purpose of the rulemaking public hearing is to receive oral comments about the proposed rule revisions. Because commenters are afforded the opportunity to submit written comments and written responses to the Commission, the time duration for any individual delivering oral comments may be limited by the hearing's Presiding Officer to a set number of minutes, subject to the Presiding Officer's discretion. The Presiding Officer may also determine that a spokesperson be designated to speak on behalf of an organization, a group, or a group of individuals that share(s) the same message or seek(s) the same goals, in order to maximize the efficiency of the rulemaking public comment hearing. Because this case is a rulemaking proceeding, no testimony or other evidence will be taken at the rulemaking public comment hearing. The record of this case will close on **Monday, August 19, 2019** at 5:00 p.m.

This official Notice of Proposed Rulemaking contains official dates and deadlines and is published in the New Mexico Register and in two newspapers of general circulation. A copy of this Notice of Proposed Rulemaking will be posted on the Rulemaking Proceedings section of the Commission's website at <http://www.nmprc.state.nm.us> under Case No. 18-00323-FM and on the New Mexico Sunshine portal at <https://www.sunshineportalnm.com>. Because rulemaking public comment hearing dates, times, or locations are occasionally rescheduled, due to inclement weather conditions or other conditions outside of the control of the Commission, interested persons should access the Rulemaking Proceedings section of the Commission's website at <http://www.nmprc.state.nm.us> under Case No. 18-00323-FM, or should contact the Commission through Mr. Isaac Sullivan-Leshin at (505) 827-4501, to confirm the date, time, and place of the hearing. If you are an individual with a disability that requires assistance or an auxiliary aid (such as a sign language interpreter) to participate in any aspect of this process, please contact Mr. Sullivan-Leshin at least 48 hours prior to the commencement of the rulemaking public comment hearing.