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FISCAL IMPACT REPORT

SPONSOR Stapleton DATE TYPED 02/10/05 HB 532

SHORT TITLE Revise Construction Industries Licensing SB _____

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	NFI	NFI	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
Regulations and Licensing Department

SUMMARY

Synopsis of Bill

House Bill 532 proposes to amend the Construction Industries Licensing Section of the Business Licenses Chapter of NM statute by removing references to specific building codes (the New Mexico Uniform Building Code, the New Mexico Electrical Code, the New Mexico Plumbing code, Natural Gas Code of New Mexico) and replacing the references with language authorizing “applicable New Mexico building codes adopted pursuant to the Construction Industries Licensing Act and the LPG and CNG Act in effect in the applicable time”

The bill also proposes to amend “the governor’s committee on concerns of the handicapped” to be replaced with the group’s new name: “the governor’s commission on disability.”

Significant Issues

According to the Construction Industries Division (CID), of the Regulations and Licensing Department, the specific building codes being proposed for removal are no longer published, or are no longer adopted by the State.

According to CID, the Division’s adoption of current codes would be consistent with the language of the proposed statute.

CID asserts that the definition of “code,” found in the Construction Industries Licensing Act, 1978 NMSA, 60-13-2, was revised in the 2003 Legislative Session to be “a body or compilation of provisions or standards adopted by the commission that govern contracting or some aspect of contracting; that provide for safety and protection of life and health; and that are published by a nationally recognized standards association.” CID further asserts that due to an oversight that this section, 60-13-44, was not corrected at that time.

PERFORMANCE IMPLICATIONS

This change would provide that CID would be acting in compliance with the statute. The statute would become much more general than previously.

FISCAL IMPLICATIONS

There is no appropriation included in this bill and other factors for impact are not apparent.

TECHNICAL ISSUES

It is not clear what “applicable NM building codes” and “applicable time” mean.

ALTERNATIVES

The explicit names of alternative codes that CID does currently use could be inserted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The statute will continue to have an internal inconsistency and to reference building codes in this one provision that are no longer published.

POSSIBLE QUESTIONS

1. What is the definition of “applicable NM building codes” and “applicable time?”

EM/sb