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SENATE BILL 397

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

John C. Ryan

AN ACT

RELATING TO CONSTRUCTION INDUSTRIES; EXPANDING DUTIES OF THE
CONSTRUCTION INDUSTRIES DIVISION OF THE REGULATION AND
LICENSING DEPARTMENT; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-13-9 NMSA 1978 (being Laws 1978,
Chapter 73, Section 1, as amended) is amended to read:

"60-13-9. DIVISION--DUTIES.--The division shall:

A. approve and adopt examinations on codes and
standards, business knowledge, division rules and regulations
and on the Construction Industries Licensing Act recommended by
the commission for all classifications of contractor's
licenses;

B. issue, under the director's signature,
contractor's licenses and certificates of qualification in

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1 accordance with the provisions of the Construction Industries
2 Licensing Act;

3 C. submit a list of all contractor's licenses and
4 certificates of qualification issued by the division to the
5 commission for review and approval;

6 D. resolve jurisdictional conflicts by assigning
7 specific responsibility to the appropriate bureau for preparing
8 examinations and for certifying and inspecting each occupation,
9 trade or activity covered by the Construction Industries
10 Licensing Act;

11 E. establish and collect fees authorized to be
12 collected by the division pursuant to the Construction
13 Industries Licensing Act;

14 F. adopt all building codes and minimum standards
15 as recommended by the trade bureaus and approved by the
16 commission so that the public welfare is protected, uniformity
17 is promoted and conflicting provisions are avoided;

18 G. with approval of the superintendent of
19 regulation and licensing, employ such personnel as the division
20 deems necessary for the exclusive purpose of investigating
21 violations of the Construction Industries Licensing Act,
22 enforcing Sections 60-13-12 and 60-13-38 NMSA 1978 and
23 instituting legal action in the name of the division to
24 accomplish the provisions of Section 60-13-52 NMSA 1978;

25 H. approve, disapprove or revise the recommended

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1 budget of each trade bureau and submit the budgets of those
2 bureaus, along with its own budget, to the regulation and
3 licensing department;

4 I. approve, disapprove or revise and submit to the
5 regulation and licensing department all requests of the trade
6 bureaus for emergency budget transfers;

7 J. make an annual report to the superintendent of
8 regulation and licensing and develop a policy manual concerning
9 the operations of the division and the trade bureaus. The
10 report shall also contain the division's recommendations for
11 legislation it deems necessary to improve the licensing and
12 technical practices of the construction and LP gas industries
13 and to protect persons, property and agencies of the state and
14 its political subdivisions;

15 K. adopt, subject to commission approval, rules and
16 regulations necessary to carry out the provisions of the
17 Construction Industries Licensing Act and the LPG and CNG Act;

18 L. maintain a complete record of all applications;
19 all licenses issued, renewed, canceled, revoked and suspended;
20 and all fines and penalties imposed by the division or
21 commission and may make that information available to certified
22 code jurisdictions;

23 M. furnish, upon payment of a reasonable fee
24 established by the division, a certified copy of any license
25 issued or of the record of the official revocation or

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1 suspension thereof. Such certified copy shall be prima facie
2 evidence of the facts stated therein; ~~and~~

3 N. publish a list of contractors, with their
4 addresses and classifications, licensed by the division. The
5 list shall be furnished without charge to such public
6 officials, public bodies or public works and building
7 departments as the division deems advisable. The list shall be
8 published annually, and supplements shall be provided as the
9 division deems necessary. Copies of the list and supplements
10 shall be furnished to any person upon request and payment of a
11 reasonable fee established by the division; and

12 O. adopt rules establishing minimum standards for:

13 (1) inspector certification for simultaneous
14 employment jurisdictions;

15 (2) multiple inspector certification; and

16 (3) a pool of inspectors available for use by
17 the state jurisdictions as needed."

18 Section 2. APPROPRIATION.--

19 A. One million six hundred thousand dollars
20 (\$1,600,000) is appropriated from the general fund to the
21 construction industries division of the regulation and
22 licensing department for expenditure in fiscal years 2007
23 through 2009 as follows:

24 (1) one million two hundred thousand dollars
25 (\$1,200,000) to hire inspection service staff to meet the

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1 increased demand for building inspection services within the
2 state; and

3 (2) four hundred thousand dollars (\$400,000)
4 for a compensation package to recruit and retain inspectors
5 throughout the state.

6 B. Any unexpended or unencumbered balance remaining
7 at the end of fiscal year 2009 shall revert to the general
8 fund.

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