

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 209

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

JOSEPH A. FIDEL

AN ACT

RELATING TO REGULATION OF THE CONSTRUCTION INDUSTRY; PLACING BUREAU CHIEFS OF THE CONSTRUCTION INDUSTRIES DIVISION OF THE REGULATION AND LICENSING DEPARTMENT UNDER THE PERSONNEL ACT; CHANGING LICENSE ISSUANCE AND QUALIFICATION PROVISIONS; CHANGING CERTAIN FEES; EXTENDING THE PERMITTED PERIOD FOR A CERTIFICATE OF COMPETENCE; CREATING CERTAIN REVOLVING FUNDS; ABOLISHING THE JOURNEYMEN TESTING REVOLVING FUND; REPEALING THE SUNSETTING OF THE CONSTRUCTION INDUSTRIES DIVISION AND COMMISSION; MAKING APPROPRIATIONS.

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

Section 1. Section 9-16-8 NMSA 1978 (being Laws 1983, Chapter 297, Section 24) is amended to read:

"9-16-8. BUREAUS--CHIEFS.--The superintendent shall establish within each division such "bureaus" as he deems

Underscored material = new
[bracketed material] = delete

1 necessary to carry out the provisions of the Regulation and
2 Licensing Department Act. He shall appoint a "chief" to be the
3 administrative head of any such bureau. The positions so
4 appointed [~~are exempt~~] may be exempted from the Personnel Act by
5 action of the superintendent, except for the construction
6 industries division trade bureaus created pursuant to Section
7 60-13-31 NMSA 1978. The chiefs of those bureaus shall be
8 covered positions under the Personnel Act."

9 Section 2. Section 60-13-14 NMSA 1978 (being Laws 1967,
10 Chapter 199, Section 17, as amended) is amended to read:

11 "60-13-14. DIVISION--LICENSE ISSUANCE--REPORTS.--

12 A. No license shall be issued by the division to any
13 applicant unless the director is satisfied that the applicant is
14 or has in his employ a qualifying party who is qualified for the
15 classification for which application is made and the applicant
16 has satisfied the requirements of Subsection B of this section.

17 B. An applicant for a license shall:

18 (1) demonstrate proof of responsibility as
19 provided in the Construction Industries Licensing Act;

20 (2) comply with the provisions of Subsection D
21 of this section if he has engaged illegally in the contracting
22 business in New Mexico within one year prior to making
23 application;

24 (3) demonstrate familiarity with the rules and
25 regulations promulgated by the commission and division

.115127.1

Underscored material = new
[bracketed material] = delete

1 concerning the classification for which application is made;

2 (4) if a corporation, incorporated association,
3 registered limited liability partnership or limited liability
4 company, have complied with the laws of this state requiring
5 qualification to do business in New Mexico [~~or have been~~
6 ~~incorporated in this state and, if a foreign corporation, shall~~
7 ~~have maintained a]~~ and provide the name of its current
8 registered agent and [a] the current address of its registered
9 office in New Mexico [for at least ninety days preceding the
10 issuance of a contractor's license];

11 (5) if [~~an individual or partnership, have~~
12 ~~maintained a residence or street address in New Mexico for at~~
13 ~~least ninety days preceding the making of an application for a~~
14 ~~license]~~ a person other than the persons described in Paragraph
15 (4) of this subsection, provide a current physical location
16 address and mailing address of the applicant's place of
17 business;

18 (6) submit proof of registration with the
19 taxation and revenue department and submit a current
20 identification tax number;

21 (7) comply with any additional procedures,
22 rules and regulations which are established by the commission
23 relating to issuance of licenses; and

24 (8) have had four years, within the ten years
25 immediately prior to application, of practical or related trade

.115127.1

Underscored material = new
[bracketed material] = delete

1 experience dealing specifically with the type of construction or
2 its equivalent for which the applicant is applying for a
3 license, except that the commission may by regulation provide
4 for:

5 (a) reducing this requirement for a
6 particular industry or craft where it is deemed excessive but
7 ~~[at no time shall]~~ the requirement shall not be less than two
8 years ~~[The commission may be regulation provide for];~~ and

9 (b) a waiver of the work experience
10 requirement of this paragraph when the qualifying party has been
11 certified in New Mexico with the same license classification
12 within the ten years immediately prior to application.

13 C. The division, with the consent of the commission,
14 may enter into a reciprocal licensing agreement with any state
15 having equivalent licensing requirements.

16 D. The director may issue a license to an applicant
17 who at any time within one year prior to making application has
18 acted as a contractor in New Mexico without a license as
19 required by the Construction Industries Licensing Act if:

20 (1) the applicant in addition to all other
21 requirements for licensure pays an additional fee ~~[in an amount~~
22 ~~equal to five percent of the value of such nonlicensed~~
23 ~~contracting work]~~ as follows:

24 (a) in an amount up to ten percent of the
25 contract price or the value of the nonlicensed contracted work

Underscored material = new
[bracketed material] = delete

1 in the discretion of the commission; or

2 (b) if the applicant has bid or offered a
3 price on a construction project and was not the successful
4 bidder or offeror, the fee shall be one percent of the total bid
5 amount; and

6 (2) the director is satisfied that no incident
7 of such contracting without a license:

8 (a) caused monetary damage to any person;
9 or

10 (b) resulted in an unresolved consumer
11 complaint being filed against the applicant with the division.

12 E. An unlicensed contractor who has performed
13 unlicensed work may settle the claims against him without
14 becoming licensed if the claims arise from his first offense and
15 he pays an administrative fee calculated pursuant to Paragraph
16 (1) of Subsection D of this section. In addition to the
17 administrative fee, an additional ten percent of the amount of
18 the administrative fee shall be assessed as a service fee.

19 F. If the total fee to be paid by the contractor
20 pursuant to the provisions of Subsection D or E of this section
21 is twenty-five dollars (\$25.00) or less, the fee may be waived.

22 [~~E.~~] G. The director shall report every incident of
23 nonlicensed contracting work to the taxation and revenue
24 department to assure that the contractor complies with tax
25 requirements and pays all taxes due. "

.115127.1

Underscored material = new
[bracketed material] = delete

1 Section 3. Section 60-13-16 NMSA 1978 (being Laws 1967,
2 Chapter 199, Section 18, as amended) is amended to read:

3 "60-13-16. DIVISION--QUALIFYING PARTY--EXAMINATION--
4 CERTIFICATE. --

5 A. Except as otherwise provided in this section, no
6 certificate of qualification shall be issued to ~~[any]~~ an
7 individual desiring to be a qualifying party until he has passed
8 with a satisfactory score an examination approved and adopted by
9 the division.

10 B. The examination shall consist of a test based on
11 general business knowledge, rules and regulations of the
12 division and the provisions of the Construction Industries
13 Licensing Act. In addition, applicants for a GB, MM or EE
14 classification or for any other classification ~~[which]~~ that the
15 commission determines to be appropriate shall take a test based
16 on technical knowledge and familiarity with the prescribed codes
17 and minimum standards of the particular classification for which
18 certification is requested. The division shall provide
19 examinations in both English and Spanish.

20 C. In lieu of the examination to determine knowledge
21 of business and construction industries law provided in
22 Subsection B of this section, an applicant may satisfy the
23 business and law knowledge requirement by receiving a
24 certificate of completion of a business and law course of study
25 ~~[which has been approved and certified under rules and~~

.115127.1

Underscored material = new
[bracketed material] = delete

1 ~~regulations adopted by the division and approved by the~~
2 ~~commission]~~ offered by an accredited education institute
3 approved by the division. The course and any preparation and
4 instruction materials shall be available in both English and
5 Spanish and shall be made available to the division, the
6 commission or the designated agent of the division, upon
7 request, for review.

8 D. If a contractor's license is subject to
9 suspension by the commission and if ~~[it]~~ the suspension is based
10 on the requirement that the licensee employ a qualifying party
11 and the employment of the qualifying party is terminated without
12 fault of the licensee, a member of that trade who is experienced
13 in the classification for which the certificate of qualification
14 was issued and has been employed for five or more years by the
15 licensed contractor shall be issued without examination a
16 temporary certificate of qualification in the classification for
17 which the contractor is licensed. ~~[and]~~ The temporary
18 qualifying party ~~[shall be subject to passing]~~ is required to
19 pass the regular examination as set forth in Subsection B of
20 this section within ninety days of issuance of a temporary
21 certificate of qualification.

22 E. The certificate of qualification is not
23 transferable.

24 F. A qualifying party whose certificate is revoked
25 by the commission shall not reapply for a certificate for one

.115127.1

Underscored material = new
[bracketed material] = delete

1 year. "

2 Section 4. Section 60-13-20 NMSA 1978 (being Laws 1967,
3 Chapter 199, Section 22, as amended) is amended to read:

4 "60-13-20. FEES ESTABLISHED BY THE DIVISION--PAYMENT OF
5 EXAMINATION AND LICENSING SERVICE FEES. --

6 A. The division shall by regulation establish and
7 charge reasonable candidate and applicant fees for each license
8 and certificate classification for initial applications, initial
9 and additional examinations, license issuance and renewals,
10 [~~and~~] certificate of qualification issuance and renewal
11 licensing verification services

12 B. The division by regulation may provide that
13 [~~examination fees, other than examination fees collected by the~~
14 ~~division for examination of journeymen pursuant to Section~~
15 ~~60-13-38 NMSA 1978]~~ fees charged pursuant to Subsection A of
16 this section shall be paid to the agency providing or
17 administering the [~~examination~~] service if the service is
18 provided pursuant to authority of the division "

19 Section 5. Section 60-13-39 NMSA 1978 (being Laws 1967,
20 Chapter 199, Section 42, as amended) is amended to read:

21 "60-13-39. CERTIFICATES AND EXAMINATION. --

22 A. Certificates of competence issued by the division
23 are not transferable and shall expire on the date established by
24 the division, not more than [~~one year~~] three years from the
25 month of issuance.

.115127.1

Underscored material = new
[bracketed material] = delete

1 B. Application shall be made before the expiration
2 date for renewal of a current certificate of competence and
3 shall be accompanied by the fee prescribed for the initial
4 issuance of the certificate.

5 C. Applications for a renewal of a certificate of
6 competence shall be filed with the division prior to the last
7 working day before the certificate expires. An expired
8 certificate shall be renewable within a six-month period without
9 examination and only upon paying a fee in twice the amount of
10 the renewal fee. If the certificate has not been renewed within
11 the six-month period, it shall be canceled."

12 Section 6. A new section of the Construction Industries
13 Licensing Act is enacted to read:

14 "NEW MATERIAL CONSTRUCTION INDUSTRIES DIVISION
15 REGULATORY COMPLIANCE REVOLVING FUND CREATED-- APPROPRIATION. --
16 The "construction industries division regulatory compliance
17 revolving fund" is created. All money collected by the division
18 for plan review, building permits and inspection services
19 pursuant to the Construction Industries Licensing Act shall be
20 deposited with the state treasurer to be credited to the fund.
21 Money in the fund is appropriated to the division. Fees for
22 plan review, building permits and inspection services shall be
23 established by regulations adopted by the division and approved
24 by the commission. Disbursements from the fund shall be made by
25 warrants signed by the secretary of finance and administration,

.115127.1

Underscored material = new
[bracketed material] = delete

1 based upon vouchers signed by the director and only in
2 accordance with a budget approved by the department of finance
3 and administration. Expenditures from the fund shall be used to
4 achieve compliance with the provisions of the Construction
5 Industries Licensing Act. Money in the fund shall not revert at
6 the end of the fiscal year."

7 Section 7. A new section of the Construction Industries
8 Licensing Act is enacted to read:

9 "[NEW MATERIAL] CONSTRUCTION INDUSTRIES DIVISION
10 PUBLICATIONS REVOLVING FUND CREATED-- APPROPRIATION. --The
11 "construction industries division publications revolving fund"
12 is created. All money collected by the division from the sale
13 of publications and information related to the licensing and
14 regulatory provisions of and issues arising under the
15 Construction Industries Licensing Act and regulations adopted
16 pursuant to that act shall be deposited with the state treasurer
17 to be credited to the fund. Money in the fund is appropriated
18 to the division. Money in the fund shall be used only for
19 printing and maintenance of publications and information related
20 to the licensing and regulatory provisions of and issues arising
21 under the Construction Industries Licensing Act and regulations
22 adopted pursuant to that act. Disbursements from the fund
23 shall be made by warrants signed by the secretary of finance and
24 administration, based upon vouchers signed by the director and
25 only in accordance with a budget approved by the department of

.115127.1

Underscored material = new
[bracketed material] = delete

1 finance and administration. Money in the fund shall not revert
2 at the end of the fiscal year. "

3 Section 8. TEMPORARY PROVISION--APPROPRIATION OF BALANCE
4 IN JOURNEYMEN TESTING REVOLVING FUND.--The balance remaining in
5 the journeymen testing revolving fund on June 30, 1997, is
6 appropriated to the construction industries division of the
7 regulation and licensing department for expenditure in fiscal
8 years 1998, 1999, and 2000 in accordance with approved budgets
9 for the division. Any unexpended or unencumbered balance
10 remaining at the end of fiscal year 2000 shall revert to the
11 general fund.

12 Section 9. REPEAL.--Sections 60-13-40.1 and 60-13-58 NMSA
13 1978 (being Laws 1983, Chapter 82, Section 2 and Laws 1978,
14 Chapter 194, Section 1, as amended) are repealed.

15 Section 10. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 1997.

17 - 11 -
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

SB 209/a

February 7, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

SENATE BILL 209

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

- 1. On page 5, line 4, strike "one" and insert "up to five".
- 2. On page 7, line 3, strike "division" and insert "commission".
- 3. On page 8, line 10, after "renewal" insert ", and",

and thence referred to the FINANCE COMMITTEE.

Underscored material = new
[bracketed material] = delete

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

%%%

Page 13

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Ingle, Smith

Absent: None

S0209PA1

. 115902. 1/a

.115127.1

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

%% %

Page 14

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

February 17, 1997

Mr. President:

Your **FINANCE COMMITTEE**, to whom has been referred

SENATE BILL 209, as amended

has had it under consideration and reports same with
recommendation that it **DO PASS**.

Respectfully submitted,

Underscored material = new
[bracketed material] = delete

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

%%%

Page 15

Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 2 Against

Yes: 5

No: Lyons, McKibben

Excused: Aragon, Eisenstadt, Ingle, Romero

Absent: None

S0209/FC1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE SB 209/a
FIRST SESSION, 1997

February 26, 1997

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 209, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 16, strike "CREATING CERTAIN REVOLVING
FUNDS;".

2. On page 1, lines 17 and 18, strike "; REPEALING THE
SUNSETTING OF THE CONSTRUCTION INDUSTRIES DIVISION AND
COMMISSION;".

3. On page 1, line 18, strike "MAKING" and insert in lieu
thereof a period.

Underscored material = new
[bracketed material] = delete

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 17

4. On page 1, strike line 19.

5. On page 2, between lines 8 and 9, insert the following new section:

"Section 2. Section 60-13-3 NMSA 1978 (being Laws 1978, Chapter 66, Section 1, as amended) is amended to read:

"60-13-3. DEFINITION--CONTRACTOR. --As used in the Construction Industries Licensing Act, "contractor":

A. means any person who undertakes, offers to undertake by bid or other means or purports to have the capacity to undertake, by himself or through others, contracting. Contracting includes but is not limited to constructing, altering, repairing, installing or demolishing any:

(1) road, highway, bridge, parking area or related project;

(2) building, stadium or other structure;

(3) airport, subway or similar facility;

.115127.1

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 18

(4) park, trail, bridle path, athletic field, golf course or similar facility;

(5) dam, reservoir, canal, ditch or similar facility;

(6) sewerage or water treatment facility, power generating plant, pump station, natural gas compressing station or similar facility;

(7) sewerage, water, gas or other pipeline;

(8) transmission line;

(9) radio, television or other tower;

(10) water, oil or other storage tank;

(11) shaft, tunnel or mining appurtenance;

(12) leveling or clearing land;

(13) excavating earth;

.115127.1

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 19

(14) air conditioning, conduit, heating or other similar mechanical works;

(15) electrical wiring, plumbing or plumbing fixture, consumers' gas piping, gas appliances or water conditioners; or

(16) similar work, structures or installations which are covered by applicable codes adopted under the provisions of the Construction Industries Licensing Act;

B. includes subcontractor and specialty contractor;

C. includes a construction manager who coordinates and manages the building process; who is a member of the construction team with the owner, architect, engineer and other consultants required for the building project; and who utilizes his skill and knowledge of general contracting to develop schedules, prepare project construction estimates, study labor conditions and advise concerning construction; and

D. does not include:

.115127.1

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 20

(1) any person who merely furnishes materials or supplies at the site without fabricating them into, or consuming them in the performance of, the work of a contractor;

(2) any person who drills, completes, tests, abandons or operates any petroleum, gas or water well; or services equipment and structures used in the production and handling of any product incident to the production of any petroleum, gas or water wells, excluding any person performing duties normally performed by electrical, mechanical or general contractors; or who performs geophysical or similar exploration for oil, gas or water;

(3) a public utility or rural electric cooperative which constructs, reconstructs, operates or maintains its plant or renders authorized service by the installation, alteration or repair of facilities, up to and including the meters, which facilities are an integral part of the operational system of the public utility or rural electric cooperative; provided that the construction of a building by a public utility or rural electric cooperative or the installation or repair of any consumer gas or electrical appliance not an integral part of the operational system makes a public utility or rural electric cooperative a contractor for that purpose;

.115127.1

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 21

(4) a utility department of any municipality or local public body rendering authorized service by the installation, alteration or repair of facilities, up to and including the meters, which facilities are an integral part of the operational system of the utility department of the municipality;

(5) any railroad company;

(6) a telephone or telegraph company or rural electric cooperative which installs, alters or repairs electrical equipment and devices for the operation of signals or the transmission of intelligence where that work is an integral part of the operation of a communication system owned and operated by a telephone or telegraph company or rural electric cooperative in rendering authorized service;

(7) a pipeline company which installs, alters or repairs electrical equipment and devices for the operation of signals or the transmission of intelligence where that service is an integral part of the operation of the communication system of that pipeline company and is not for hire or for the use of the general public, or any pipeline company which installs, alters or repairs plumbing fixtures or gas piping where the work is an

.115127.1

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 22

integral part of installing and operating the system owned or operated by the pipeline company in rendering its authorized service;

(8) any mining company, gas company or oil company which installs, alters or repairs its facilities, including but not limited to plumbing fixtures or gas piping, where the work is an integral part of the installing or operating of a system owned or operated by the mining company, gas company or oil company; provided the construction of a building by a mining company, a gas company or an oil company is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with orders, rules, regulations, standards and codes adopted pursuant to that act;

(9) a radio or television broadcaster who installs, alters or repairs electrical equipment used for radio or television broadcasting;

(10) an individual who, by himself or with the aid of others who are paid wages and who receive no other form of compensation, builds or makes installations, alterations or repairs in or to a single-family dwelling owned and occupied or to

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 23

be occupied by him; provided that the installation, building, alteration or repair is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with the orders, rules, regulations, standards and codes adopted pursuant to that act;

(11) a person who acts on his own account to build or improve a single-family residence for his personal use, including the building or improvement of a free standing storage building located on that residential property, provided that the construction or improvement is required to be done in conformity with all other provisions of the Construction Industries Licensing Act and with the orders, rules, regulations, standards and codes adopted pursuant to that act, and provided further that he does not engage in commercial construction;

(12) a person who, by himself or with the aid of others who are paid wages and receive no other form of compensation, builds or makes installations, repairs or alterations in or to a building or other improvement on a farm or ranch owned, occupied or operated by him, or makes installations of electrical wiring which are not to be connected to electrical energy supplied from a power source outside the premises of the

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 24

farm or ranch owned, occupied or operated by him; provided that the state codes and any local codes adopted pursuant to Subsection F of Section 60-13-44 NMSA 1978 shall not require any permits or inspections for such construction on a farm or ranch except for electrical wiring to be connected to a power source outside the premises;

(13) an individual who works only for wages;

(14) an individual who works on one undertaking or project at a time which, in the aggregate or singly, does not exceed seven thousand two hundred dollars (\$7,200) compensation a year, the work being casual, minor or inconsequential such as, but not limited to, handyman repairs; provided that this exemption shall not apply to any undertaking or project pertaining to the installation, connection or repair of electrical wiring, plumbing or gas fitting as defined in Section 60-13-32 NMSA 1978 and provided:

(a) the work is not part of a larger or major operation undertaken by the same individual or different contractor;

.115127.1

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 25

(b) the individual does not advertise or maintain a sign, card or other device which would indicate to the public that he is qualified to engage in the business of contracting; and

(c) the individual files annually with the division, on a form prescribed by the division, a declaration substantially to the effect that he is not a contractor within the meaning of the Construction Industries Licensing Act, that the work he performs is casual, minor or inconsequential and will not include more than one undertaking or project at one time and that the total amount of such contracts, in the aggregate or singly, will not exceed seven thousand two hundred dollars (\$7,200) compensation a year;

(15) any person, firm or corporation which installs fuel containers, appliances, furnaces and other appurtenant apparatus as an incident to its primary business of distributing liquefied petroleum fuel; ~~[or]~~

(16) a cable television or community antenna television company which constructs, installs, alters or repairs facilities, equipment, cables or lines for the provision of

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 26

television service or the carriage and transmission of television
or radio broadcast signals; or

(17) a person who performs work consisting of
short-term depreciable improvements to commercial property to
provide needed repairs and maintenance such as painting,
carpeting, flooring and similar items if the total amount paid the
person for the work on a single undertaking, including materials,
services and wages of those who work for him does not exceed the
sum of five thousand dollars (\$5,000). "

6. Renumber the succeeding sections accordingly.

7. On page 9, strike lines 12 through 25, on page 10, strike
lines 1 through 25, and on page 11, strike lines 1 through 11, and
insert in lieu thereof:

"Section 7. Section 60-13-58 NMSA 1978 (being Laws 1978,
Chapter 194, Section 1, as amended) is amended to read:

"60-13-58. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --The
construction industries commission and division and its trade
bureaus are terminated on July 1, [1997] 2005 pursuant to the

.115127.1

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 27

Sunset Act. The construction industries commission and division and its trade bureaus shall continue to operate according to the provisions of Chapter 60, Article 13 NMSA 1978 and Chapter 70, Article 5 NMSA 1978 until July 1, ~~[1998]~~ 2006. Effective July 1, ~~[1998]~~ 2006, Chapter 60, Article 13 NMSA 1978 and Chapter 70, Article 5 NMSA 1978 are repealed. "".

8. Renumber the succeeding sections accordingly.

9. On page 11, line 12, strike "Sections" and insert in lieu thereof "Section".

10. On page 11, line 12, strike "and 60-13-58".

11. On page 11, lines 13 and 14, strike "and Laws 1978, Chapter 194, Section 1".

12. On page 11, line 14, strike "are" and insert in lieu thereof "is".

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SFC/SB 209

Page 28

Respectfully submitted,

Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Lyons

Excused: Aragon, Carraro, Ingle, Romero

Absent: None

Underscored material = new
[bracketed material] = delete

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SFC/SB 209

S0209FC2

Page 29

. 117796. 1

. 117748. 1

. 117734. 1

Underscored material = new
~~[bracketed material] = delete~~

.115127.1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 30

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 16, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 209, as amended

AMENDMENT sponsored by SENATOR RAWSON

1. Strike Public Affairs Committee Amendment Item No. 1.
2. On page 5, line 4, after the word "be" insert "at least".
3. On page 5, line 4, after the word "percent" insert "but

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 31

not more than five percent".

Senator Rawson

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 32

S0209FS1

Underscored material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 33

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 16, 1997

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 209, as amended

AMENDMENT sponsored by SENATOR RAWSON

1. Strike Public Affairs Committee Amendment Item No. 1.
2. On page 5, line 4, after the word "be" insert "at least".
3. On page 5, line 4, after the word "percent" insert "but

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 34

not more than five percent".

Senator Rawson

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SFC/SB 209

Page 35

S0209FS1

Underscored material = new
[bracketed material] = delete

State of New Mexico
House of Representatives

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 15, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

SENATE BILL 209, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Underscored material = new
~~[bracketed material] = delete~~

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBI C/SB 209

Page 37

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Respectfully submitted,

Fred Luna, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Alwin, Getty, Gubbels, Hobbs, Rodella, Varela

Absent: None

M \S0209