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HOUSE MEMORIAL 18

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
Rhonda S.King

A MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO DIRECT AN
EXISTING INTERIM LEGISLATIVE COMMITTEE TO STUDY THE LAWS AND
RULES GOVERNING THE REGULATION OF THE CONSTRUCTION INDUSTRY
TO DETERMINE IF EXISTING PROVISIONS PROVIDE ADEQUATE
PROTECTION FOR THE PUBLIC.

WHEREAS, the express purpose of the Construction
Industries Licensing Act is ". . . to promote the general
welfare of the people of New Mexico by providing for the
protection of life and property by adopting and enforcing
codes and standards for construction alteration,
installation, connection, demolition and repair work. . . .";
and

WHEREAS, in the referenced law the legislature makes
clear its intent that " . . . examination, licensing and
certification of the occupations and trades within the

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1 jurisdiction of the Construction Industries Licensing Act be
2 such as to ensure or encourage the highest quality of
3 performance and to require compliance with approved codes and
4 standards and be, to the maximum extent possible, uniform in
5 application, procedure and enforcement . . ." and that ". .
6 . contractors be required to furnish and maintain evidence
7 of responsibility."; and

8 WHEREAS, pursuant to the Construction Industries
9 Licensing Act the construction industries commission of the
10 regulation and licensing department has responsibility for
11 and authority to " . . . establish policy for the division
12 . . . and approve or disapprove of all rules, regulations,
13 standards, codes and licensing requirements . . . which are
14 subject to [its] approval. . . ."; and

15 WHEREAS, the construction industries division of the
16 regulation and licensing department has the duty to adopt
17 rules and regulations, subject to approval of the
18 construction industries commission and the duty to carry out
19 the provisions of the Construction Industries Licensing Act;
20 and

21 WHEREAS, there have been and continue to be far too many
22 instances in which a member of the consuming public has
23 suffered financial and other damages because of violations of
24 the Construction Industries Licensing Act and rules and codes
25 adopted pursuant to that act; and

WHEREAS, the existing law provisions for assurances of
financial responsibility required from a licensee benefit and

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1 run in favor of the government and do not benefit or protect
2 the consumer; and

3 WHEREAS, the sanctions for violations of laws, rules and
4 codes by licensees and by persons required to be licensed but
5 who perform work without licensing do not appear to deter
6 repeated violations by some persons and do not afford any
7 effective remedy to the consumer;

8 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
9 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New
10 Mexico legislative council direct an existing interim
11 legislative committee to study the laws and rules governing
12 the regulation of the construction industry to determine if
13 existing provisions provide adequate protection for the
14 public; and

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the governor, the superintendent of regulation
17 and licensing, the construction industries commission and the
18 constructions industries division of the regulation and
19 licensing department.