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HOUSE JOINT MEMORIAL 50
46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY
Rhonda S. King

A JOINT MEMORIAL

**REQUESTING THE CONSTRUCTION INDUSTRIES DIVISION OF THE
REGULATION AND LICENSING DEPARTMENT AND THE ATTORNEY GENERAL 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 jurisdiction of the**

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

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

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

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

25 WHEREAS, the existing law provisions for assurances of

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1 financial responsibility required from a licensee benefit and
2 run in favor of the government and do not benefit or protect
3 the consumer; and

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

9 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
10 STATE OF NEW MEXICO that the construction industries division
11 of the regulation and licensing department, in consultation
12 with the attorney general, be requested to study the laws and
13 rules governing the regulation of the construction industry to
14 determine if existing provisions provide adequate protection
15 for the public; and

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