

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

INTRODUCED BY

Patrick H. Lyons

A JOINT MEMORIAL

REQUESTING THE SUPERINTENDENT OF REGULATION AND LICENSING TO
APPOINT A BOARD TO REVIEW ACTIONS OF THE CONSTRUCTION
INDUSTRIES DIVISION OF THE REGULATION AND LICENSING
DEPARTMENT AND THE ATTORNEY GENERAL TO INVESTIGATE
ADMINISTRATION OF SECTION 60-13-41 NMSA 1978.

WHEREAS, the construction industries division of the
regulation and licensing department has the responsibility
for enforcing the building code in the state of New Mexico,
ensuring dwellings and businesses are safe, and the intent of
this authority is to protect the citizens of New Mexico; and

WHEREAS, the construction industries division has been
given the authority as a trust to protect New Mexico's
citizens by stopping any construction project at any point in
the project and to shut off utilities at that time or any
time after the project has been completed; and

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1 WHEREAS, the construction industries division has been
2 accused of exceeding its authority by issuing citations
3 arbitrarily and shutting down construction, causing great
4 economic hardship and harm to New Mexico residents and
5 businesses; and

6 WHEREAS, gas and electrical cutoffs without warning have
7 made residents' homes unbearable and dangerous in winter and
8 cause dehydration and heat strokes in summer; and

9 WHEREAS, without warning, people have had their water
10 shut off, causing health problems; and

11 WHEREAS, the elderly and poor who are adversely affected
12 by the construction industries division's policies have no
13 practical access to the court system; and

14 WHEREAS, the construction industries division has not
15 been responsive to hardship and consequential damage caused
16 by their action to New Mexico citizens;

17 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
18 STATE OF NEW MEXICO that the regulation and licensing
19 department, in cooperation with county commissions, be
20 requested to establish a citizens review board to review
21 policies and conduct of the construction industries division
22 of the regulation and licensing department in order to
23 protect the rights and welfare of the citizens of New Mexico
24 from inappropriate exercise of its authority; and

25 BE IT FURTHER RESOLVED that the review board be given
the authority to review all enforcement actions by the
construction industries division before action can be taken

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to shut off power or water in homes or businesses or stop construction; and

BE IT FURTHER RESOLVED that the attorney general be requested to investigate promotion practices of the construction division industries pursuant to Section 60-13-41 NMSA 1978 that states "the commission shall also promulgate rules and regulations establishing a re-certification incentive plan which provides for salary increases for state inspectors based on education and training and additional qualification"; and

BE IT FURTHER RESOLVED that the regulation and licensing department and the attorney general be requested to report their findings, actions and recommendations to the legislature by January 2001; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the superintendent of regulation and licensing and the attorney general.