

**FORTY-NINTH LEGISLATURE  
FIRST SESSION, 2009**

February 26, 2009

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred  
**HOUSE BILL 768**

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

1. On page 3, line 25, after "time", insert "within the past three years".

2. On page 4, line 21, after "time", insert "within the past three years".

3. On page 6, line 3, after "time", insert "within the past three years".

4. On page 11, before line 1, insert the following new subsection:

"D. The department may deny, suspend or revoke a license for violations of the rules and regulations adopted by the department pursuant to the Hoisting Operators Safety Act or for a violation of the provisions of that act."

5. Reletter the succeeding subsections accordingly.

6. On page 13, lines 7 through 21, strike Subsection A in its entirety and insert in lieu thereof a new subsection to read:

"A. The "hoisting operators licensure examining council" is created. Members of the council are entitled to per diem and mileage as provided for nonsalaried public employees pursuant to the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance. The members of the council shall serve at the pleasure of the superintendent. The superintendent shall appoint at least five members to the council with consideration given to geographical representation and proportional representation of operator, contractor, labor and public members. The members of the council shall include at least:

(1) one class I hoisting operator;

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(2) one contractor, as defined by Section 60-13-3 NMSA 1978, who employs at least one hoisting operator;

(3) one representative of organized labor; and

(4) two members from the public at large who are not licensed hoisting operators.".

Respectfully submitted,

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Al Park, Chairman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 12 For 0 Against

Yes: 12

No: 0

Excused: Bandy, Cervantes

Absent: None

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