

Veto

HOUSE BILL 428

42ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1995

INTRODUCED BY

Edmund Sanchez
Richard T. Knowlton
Jeannette Wallace

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO THE PHYSICALLY CHALLENGED; REQUIRING THAT ONE
MEMBER OF BOTH THE BOARD OF EXAMINERS FOR ARCHITECTS AND THE
CONSTRUCTION INDUSTRIES COMMISSION BE A PHYSICALLY CHALLENGED
PERSON; REQUIRING CERTIFICATION THAT ARCHITECTURAL PLANS
COMPLY WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT OF
1990; DECLARING AN EMERGENCY.

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

Section 1. Section 60-13-6 NMSA 1978 (being Laws 1977,
Chapter 245, Section 168, as amended) is amended to read:

"60-13-6. CONSTRUCTION INDUSTRIES COMMISSION CREATED--
MEMBERSHIP--DUTIES.--

A. There is created within the division the
"construction industries commission". The commission shall be
composed of nine voting members who shall serve at the

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pleasure of the governor. Members shall be appointed by the governor, with the advice and consent of the senate as follows:

(1) one member who is a representative of the residential construction industry of this state;

(2) one member who is a licensed electrical contractor;

(3) one member who is a licensed mechanical contractor;

(4) one member who is a licensed and practicing architect;

(5) one member who is a practicing general contractor;

(6) one member who is a representative of the liquefied petroleum gas industry;

(7) one physically challenged resident of the state who is not a licensed contractor or certified journeyman who shall represent the people of New Mexico and who shall have no financial interest, direct or indirect, in a profession regulated by the commission;

(8) one member who is a representative of the subcontracting industry of the state; and

(9) one member who is a representative of organized labor.

Members shall be appointed to provide adequate

underscores = new
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1 representation of all geographic areas of the state. Any
2 member failing to attend, after proper notice, three
3 consecutive meetings shall automatically be removed as a board
4 member.

5 B. Each member of the commission shall receive per
6 diem and mileage as provided in the Per Diem and Mileage Act
7 and shall receive no other compensation, perquisite or
8 allowance.

9 C. The commission shall annually elect a chairman
10 and vice chairman from its membership. The director shall
11 serve as the executive secretary of the commission.

12 D. The commission shall meet bimonthly or at the
13 call of the chairman.

14 E. The commission shall establish policy for the
15 division. It shall advise on, review, coordinate and approve
16 or disapprove all rules, regulations, standards, codes and
17 licensing requirements [~~which~~] that are subject to the
18 approval of the commission under the provisions of the
19 Construction Industries Licensing Act or the LPG and CNG Act
20 so as to [~~insure~~] ensure that uniform codes and standards are
21 promulgated and conflicting provisions are avoided. The
22 commission shall:

23 (1) revoke or suspend, for cause, any license
24 or certificate of qualification issued under the provisions of
25 the Construction Industries Licensing Act or the LPG and CNG

Act; and

(2) define and establish all license classifications. The licensee shall be limited in his bidding and contracting as provided in Subsection B of Section 60-13-12 NMSA 1978. Any licensee, subsequent to the issuance of a license, may make application for additional classification and be licensed in more than one classification if he meets the prescribed qualification for the additional classification."

Section 2. Section 61-15-3 NMSA 1978 (being Laws 1979, Chapter 362, Section 3, as amended) is amended to read:

"61-15-3. BOARD OF EXAMINERS FOR ARCHITECTS CREATED--TERMS--QUALIFICATIONS.--

A. There is created a "board of examiners for architects" consisting of seven members appointed by the governor for staggered terms of three years each. Six of the members shall be architects having ten years or more experience in the profession, five years of which shall have been in responsible charge of architectural projects, and shall have been registered as architects in New Mexico for at least five years. One of these six architects shall be in architectural education in an accredited college of architecture. The seventh member shall be a public member who is a physically challenged person and a voting member. The public member of the board shall not have been licensed as an

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1 = new
+] = delete

1 architect, nor [~~shall the public member~~] have any significant
2 financial interest, whether direct or indirect, in the
3 occupation regulated.

4 B. Each member of the board shall be at least
5 thirty years of age, a citizen of the United States and a
6 resident of New Mexico for at least five years prior to the
7 date of appointment.

8 C. Members of the board shall be appointed for
9 staggered terms of three years each made in such a manner that
10 the terms of not more than two members expire on June 30 of
11 each year. Each member shall serve until his successor has
12 been appointed and qualified. A vacancy shall be filled for
13 the unexpired term by appointment by the governor of a person
14 having similar qualifications as the member that he replaces.
15 Each member of the board whose term has not expired on the
16 effective date of this section shall serve out his unexpired
17 term.

18 D. Each member of the board shall receive a
19 certificate of appointment from the governor and, before
20 beginning his term of office, shall file with the secretary of
21 state the constitutional oath of office. The governor may
22 remove any member from the board for the neglect of any duty
23 required by law, for incompetence or, if the member is a
24 licensed architect, for any improper or unprofessional conduct
25 as defined by regulations of the board. Any member failing to

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attend after proper notice, three consecutive meetings shall
automatically be removed as a board member.

E. The board shall elect a chairman, a vice
chairman and a secretary and any other officers it deems
necessary."

Section 3. A new section of the Architectural Act is
enacted to read:

"[NEW MATERIAL] ARCHITECTURAL PLANS REQUIRED TO BE
CERTIFIED AS IN COMPLIANCE WITH FEDERAL AMERICANS WITH
DISABILITIES ACT OF 1990.--All final drawings, plans and
specifications prepared by or under the direct supervision of
an architect shall contain a certification by the architect
that the drawings, plans or specifications are in compliance
with the federal Americans with Disabilities Act of 1990 and
its subsequent amendments."

Section 4. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect
immediately.

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State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
FIRST SESSION, 1995

February 22, 1995

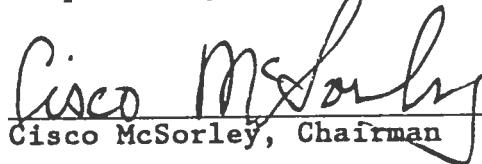
Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred
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has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 14, after the semicolon strike the remainder of the line.
2. On page 1, strike all of line 15 and on line 16, strike through the semicolon.
3. On page 3, line 2, after "member" insert "without excuse".
4. On page 5, line 25, after "member" insert "without excuse".
5. On page 6, lines 6 through 15, strike "Section 3" in its entirety.
6. Renumber the succeeding section accordingly.,

Respectfully submitted,


Cisco McSorley, Chairman

Adopted 
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date 2/23/95

The roll call vote was 8 For 1 Against
Yes: 8
No: Alwin
Excused: King, Larranaga, Luna, Sanchez, RG