

<b>LFC Requester:</b>	<b>Clint Elkins</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date February 3, 2015  
**Original**     **Amendment**        **Bill No:** SB 405  
**Correction**     **Substitute**   

**Sponsor:** Sen. Phil A. Griego    **Agency Code:** Attorney General's Office  
**Short**    ELEVATOR SAFETY ACT    **Person Writing**    Joshua R. Granata, AAG  
**Title:** \_\_\_\_\_    **Phone:** 827-6088    **Email**    jgranata@nmag.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis:

Senate Bill 405 is an act, entitled the Elevator Safety Act, which provides for professional licensure of elevator mechanics, contractors and inspectors. The act provides for fees for licensure and permitting as well as penalties for violation of the act. The act creates a non-reverting fund, the Elevator Safety Fund, consisting of permit, license and certificate fees, income from investment, and money otherwise accruing to the fund. Money from the fund is to be used to administer provisions of the Elevator Safety Act.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

Section 4(C) requires the Construction Industries Commission (CIC) to hold an appeal hearing and issue a decision on appeal. This section seems to conflict with Section 18(C) which allows for a licensee to appeal the director’s determination. Section 18(C) requires the director to hear appeals and then issue a “final decision”. As drafted, is unclear what role the CIC will hold regarding appeals of the director’s determinations.

Additionally, Section 18(B) discusses suspension, revocation or penalization of licensees who violate the act. The last sentence requires the director to suspend or revoke the license or certificate, or dismiss the proceeding; however, it seems that the director may also impose a civil penalty on a licensee or certificate holder if found to have violated the act. By inserting the words “and or impose a civil penalty pursuant to this act” after the word “certificate” on line 16 of page 20 this concern would be alleviated.

Finally, Section 6(D) provides for the licensure of elevator mechanics. Subsections (1) and (3) appear to be duplicative and contradictory. Subsection (1) requires an acceptable combination of work experience and education in addition to passing an examination in order to obtain a mechanic's license, while subsection (3) appears to only require passing a national examination in order to obtain the same license.

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**Status quo**

**AMENDMENTS**

N/A