

Bill as Introduced

SB 68 - AS INTRODUCED

2011 SESSION

11-0985

10/05

SENATE BILL **68**

AN ACT relative to records of disciplinary actions taken by the electricians' board.

SPONSORS: Sen. Gallus, Dist 1; Rep. Gimas, Hills 12

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be retained or considered after 5 years.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to records of disciplinary actions taken by the electricians' board.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Electricians' Board; Disciplinary Actions; Records. Amend RSA 319-C:12 by
2 inserting after paragraph III the following new paragraph:

3 IV. The board shall not retain any record of an action taken in a disciplinary proceeding
4 under this section for longer than 5 years from the date of final decision of the action and shall not
5 consider such disciplinary action more than 5 years after the final decision in any future disciplinary
6 proceeding concerning the same licensee.

7 2 Effective Date. This act shall take effect 60 days after its passage.

SB 68 - AS AMENDED BY THE HOUSE

25May2011... 1844h

2011 SESSION

11-0985

10/05

SENATE BILL

68

AN ACT

relative to records of disciplinary actions taken by the electricians' board.

SPONSORS:

Sen. Gallus, Dist 1; Rep. Gimas, Hills 12

COMMITTEE:

Executive Departments and Administration

AMENDED ANALYSIS

This bill requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be considered after 10 years.

.....

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 68 – AS AMENDED BY THE HOUSE

25May2011... 1844h

11-0985
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to records of disciplinary actions taken by the electricians' board.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Electricians' Board; Disciplinary Actions; Records. Amend RSA 319-C:12 by
2 inserting after paragraph III the following new paragraph:

3 IV. The board shall retain the record of an action taken in a disciplinary proceeding under
4 this section for 10 years from the date of final decision of the action and shall not consider such
5 disciplinary action more than 10 years after the final decision in any future disciplinary proceeding
6 concerning the same licensee.

7 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 246
SB 68 - FINAL VERSION

25May2011... 1844h
06/22/11 2395CofC

2011 SESSION

11-0985
10/05

SENATE BILL **68**

AN ACT relative to records of disciplinary actions taken by the electricians' board.

SPONSORS: Sen. Gallus, Dist 1; Rep. Gimas, Hills 12

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be considered after 7 years.

.....

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 246
SB 68 - FINAL VERSION

25May2011... 1844h
06/22/11 2395CofC

11-0985
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to records of disciplinary actions taken by the electricians' board.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 246:1 New Paragraph; Electricians' Board; Disciplinary Actions; Records. Amend RSA 319-C:12
2 by inserting after paragraph III the following new paragraph:

3 IV. The board shall retain the record of an action taken in a disciplinary proceeding under
4 this section for 7 years from the date of final decision of the action and shall not consider such
5 disciplinary action more than 7 years after the final decision in any future disciplinary proceeding
6 concerning the same licensee.

7 246:2 Effective Date. This act shall take effect 60 days after its passage.

8 Approved: July 13, 2011

9 Effective Date: September 11, 2011

Committee Minutes

**SENATE CALENDAR NOTICE
EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

Senator Sharon Carson Chairman
 Senator Fenton Groen V Chairman
 Senator Sylvia Larsen
 Senator Jim Luther
 Senator Raymond White

9:17

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/> Bill Status	
<input type="checkbox"/> Docket	
<input type="checkbox"/> Calendar	
Proof: <input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: January 27, 2011

HEARINGS

Thursday

2/3/2011

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM SB25

relative to the Connecticut River Valley resource commission.

9:15 AM SB68

relative to records of disciplinary actions taken by the electricians' board.

9:30 AM SB33-FN

relative to retired state employee contributions for medical benefits costs.

Sponsors:

SB25

Sen. Bob Odell
Rep. Robert Foose
Rep. Steven Cunningham

Sen. John Gallus
Rep. Charlene Lovett

Sen. Molly Kelly
Rep. Robert Moore

Sen. Matthew Houde
Rep. Thomas Laware

SB68

Sen. John Gallus

Rep. John Gimás

SB33-FN

Sen. Lou D'Allesandro
Sen. Amanda Merrill

Sen. John Gallus

Sen. Bob Odell

Sen. Sylvia Larsen

Executive Dept. and Administration Committee

Hearing Report

TO: Members of the Senate

FROM: Deb Chroniak, Legislative Aide

RE: Hearing report on SB 68 – relative to records of disciplinary actions taken by the electricians' board.

HEARING DATE: February 3, 2011

MEMBERS OF THE COMMITTEE PRESENT: Senator Sharon Carson (Senate District 14), Senator Fenton Groen (Senate District 6), Senator Raymond White (Senate District 9), Senator Sylvia Larsen (Senate District 15) and Senator Jim Luther (Senate District 12)

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Senator Gallus (District 1), Representative Gimas (Hillsborough 12)

What the bill does: This bill requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be retained or considered after 5 years.

Who supports the bill: Senator Gallus (District 1), John Raymond, Assistant Director, State Fire Marshal's Office, Steven Rancourt, ECBA.

Who opposes the bill: No one.

Summary of testimony received: The public hearing on SB 68 was opened at 9:17 a.m. The Chair, Senator Sharon Carson called on the prime sponsor of the bill, Senator John Gallus to provide testimony.

◦ Good morning, Madam Chair. I am Senator John Gallus, Senate District 1, which entails 57 communities in the northern corner of New Hampshire.

Senate Bill 68 basically requires that records of actions taken in disciplinary proceedings by the electricians' board shall not be retained or considered after five years.

Basically, what this legislation is asking for is that only the offenses longer than five years, from the date of final decision of the action, be completely removed from the record.

- Senator White asked if the Senator had a personal experience with a constituent where this was an issue.
- Senator Gallus indicted no.
- Senator Luther then asked, what is the genesis of this bill?
- Senator Gallus said that this information stays on record far too long to be considered.
- Senator Luther then asked, how does the process work – the disciplinary action work?
- Senator Gallus said that he was not familiar with the process, but that someone behind him could answer this question.
- Senator Carson then called on Mr. John Raymond from the State Fire Marshal's Office.
- Good morning. John Raymond, Assistant Director, State Fire Marshal's Office, who supports this legislation and also the State Fire Marshal's Office, also supports this legislation. (Written testimony provided.)
- The reason that Assistant Director Raymond supports this bill, as written, is that if a licensed electrician has not received a disciplinary action for the same violation within the five year period it should be removed from the licensee file and destroyed.
- As they have seen, it only takes one time to get their attention after a proceeding on discipline. It is very costly to attend a discipline hearing, which is why one discipline hearing normally takes care of the issue.
- He recommends that SB 68 should be voted, Ought to Pass.
- Senator Luther then asked Mr. Raymond to explain how that process works.
- Mr. Raymond stated that with an offense, the first offense remains in effect for three years. Let's say you are called before the Electricians' Board

due to a particular violation, i.e., maybe you have too many apprentices on the job. This being the first offense stays on your record for three years.

• Now, let's say you have a second offense. This offense now remains in effect for five years. This documentation of violation stays in the licensee's records. I have seen this quite often.

• Senator Larsen then asked, what would be considered a major offense; repeated errors, not following code on a particular situation. What process would you take?

• Mr. Raymond indicated that this type of an offense would be handled through the municipal court or through a Department of Safety hearing.

• Senator Larsen asked about a repeated violator of an installation process, for example. How does a consumer ask about disciplinary action, and how would a consumer know of disciplinary actions if there were no records?

• Mr. Raymond indicated that violators in disciplinary actions are tracked very well, and that after a violator's first or second violation, they learn their lesson. Normally, they do not deal with a lot of violators; there is your normal one or two that just have minor things, but not in major construction because they will lose their license.

• The Chair then called on Mr. Steven Rancourt, owner of Rancourt Enterprise and Executive Director of the Electrical Contractors Business Association (ECBA) to speak to the bill.

• Steven Rancourt, owner of Rancourt Enterprise, and Executive Director of the ECBA, in favor of the bill.

• The bill was put forth because they came across circumstances over the last year to year and one-half through some rule changes, where they have had some rule changes with this. A reputable contractor does not violate over and over again. He has been in business for 25 years. Ten years ago, he had a ratio violation that he still receives penalties for. So, that is the main reason for putting forth this bill.

• Senator Larsen then stated that Mr. Rancourt made a reference to further penalties. What penalties, if you had a violation, what penalties are you experiencing?

• Mr. Rancourt said, as far as if it goes beyond the five years, because it is on the record and the Electricians' Board takes that into consideration

even when it was made clear to us that it is not counted as a second offense, and is weighed into their decision when they take a look at it, and they do on occasion go beyond the first and second offense. Say years ago you did this; they can then place you on probation for a year or a year and a half. You pay your restitution, and it is reported to the Board, and they do keep track of these violations.

- Senator Groen then asked, when something that is previous to five years, that is currently taken into account, is that regarding only the same offense or a different offense that they were taking into account?
- Mr. Rancourt said that at any time any offense can be taken into account, prior to the five year period. After three years, the offense expires; then after five years the second offense expires. So, if within a three year period you had a second offense, obviously, they count it.
- Senator Luther then asked if Mr. Rancourt had any idea how many contractors in total have had a first offense.
- Mr. Rancourt stated that as far as contractors involved with the Association, it could be about 10 percent, he thought, but that he was not 100% sure.
- One of the biggest things is, because of your licensing requirements; say that a person has to go home sick. Now you are out of ratio for this particular job and that could be an offense. I know; I did this ten years ago. I was not trying to harm anybody or do anything dangerous.
- Senator Carson then asked if there was anyone else who would like to speak to the bill.

The hearing closed at 9:32 a.m.

Funding: None

Future Action: Senator Groen motioned OTP, which and was seconded by Senator White. The vote was unanimous at 5-0 in favor. Senator Groen will report SB 68 out of Committee.

Speakers

Testimony



STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY

John J. Barthelmes, Commissioner

Division of Fire Safety
Office of the State Fire Marshal
J. William Degnan, State Fire Marshal

#1



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TDD Access: Relay NH 1-800-735-2964 ARSON HOTLINE 1-800-400-3526

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SENEATE BILL 68

AN ACT relative to records of disciplinary actions taken by the electricians' board

Good morning Madam Chairman Carson and honorable members of the committee. For the record my name is John Raymond, Assistant Director for the State Fire Marshal's Office. I support this bill as written for the following reason.

If a licensed electrician has not received a disciplinary action for the same violation within the five year period it should be removed from the licensee file and destroyed. As we see in the other trades it usually takes one time to get their attention after a discipline proceeding. The considerable amount of time and money lost on a job when a licensee has to attend a discipline proceeding can be costly. It has also shown that the licensee will do the job as required by code after one discipline proceeding.

I request the bill should be voted OTP to pass.

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: February 3, 2011

THE COMMITTEE ON Executive Departments and Administration

to which was referred Senate Bill 68

AN ACT relative to records of disciplinary actions taken by the
 electricians' board.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 5-0

AMENDMENT # s

Senator Fenton Groen
For the Committee

Deb Chroniak 271-1403

New Hampshire General Court - Bill Status System

Docket of SB68

Docket Abbreviations

Bill Title: relative to records of disciplinary actions taken by the electricians' board.**Official Docket of SB68:**

Date	Body	Description
1/19/2011	S	Introduced and Referred to Executive Departments and Administration, SJ 3 , Pg.34
1/27/2011	S	Hearing: 2/3/11, Room 100 State House, 9:15 a.m.; SC9
2/8/2011	S	Committee Report: Ought to Pass, 2/16/2011; SC11
2/16/2011	S	Ought to Pass, MA, VV; OT3rdg, SJ 5 , Pg.56
2/16/2011	S	Passed by Third Reading Resolution, SJ 6 , Pg.61
2/16/2011	H	Introduced and Referred to Executive Departments and Administration; HJ 19 , Pg.439
3/15/2011	H	Public Hearing: 3/22/2011 10:45 AM LOB 306
4/5/2011	H	==CANCELLED== Executive Session: 4/19/2011 1:15 PM LOB 306
4/20/2011	H	==CANCELLED== Executive Session: 4/26/2011 1:15 PM LOB 307
5/6/2011	H	Executive Session: 5/17/2011 10:30 AM LOB 306
5/19/2011	H	Committee Report: Ought to Pass with Amendment #1844h for May 25 (Vote 14-0; CC); HC 41 , PG.1391
5/19/2011	H	Proposed Committee Amendment #2011-1844h ; HC 41 , PG.1408
5/25/2011	H	Amendment #1844h Adopted, VV; HJ 46 , PG.1580
5/25/2011	H	Ought to Pass with Amendment #1844h: MA VV; HJ 46 , PG.1580
6/8/2011	S	Sen. Carson Moved Nonconcur with House Amendment 1844h; Requests C of C, MA, VV; SJ 20
6/8/2011	S	President Appoints: Senators Gallus, Luther and Larsen
6/8/2011	H	House Accedes to Senate Request for C of C (Rep McGuire): MA VV; HJ 51 , PG.1723
6/8/2011	H	Speaker Appoints: Reps Hawkins, Sytek, Hansen, and Bowers; HJ 51 , PG.1723
6/9/2011	S	Committee of Conference Meeting: 6/14/2011, 11:00 a.m., Room 100, State House
6/16/2011	H	Conference Committee Report #2011-2395c , House AM + New AM, Filed; HC 49 , PG.1674
6/22/2011	H	Conference Committee Report #2395c Adopted, VV
6/22/2011	S	Conference Committee Report 2395c; Adopted, VV
6/22/2011	H	Enrolled
6/22/2011	S	Enrolled
7/13/2011	S	Signed by the Governor on 07/13/2011; Effective 09/11/2011; Chapter 0246

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB68 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- HANDOUTS FROM THE PUBLIC HEARING
- PREPARED TESTIMONY AND OTHER SUBMISSIONS
- SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION ____ AS AMENDED BY THE SENATE

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

7-27-11


BY COMMITTEE AIDE