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## FISCAL IMPACT REPORT

SPONSOR: Ruiz DATE TYPED: 3/21/03 HB 279/aHBIC/aSPAC/aSFI#1

SHORT TITLE: Electric Certificates of Competence SB

ANALYST: Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI		NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department

Energy and Natural Resources Department

### SUMMARY

#### Synopsis of SFI Amendment #1

The Senate Floor has amended House Bill 279 to provide that persons enrolled in a electrical trade program approved by the vocational education division of the state department of public education are exempted from certain journeyman licensing experience requirements.

#### Technical Issue

Should the vocational education division of the state department of public education be the entity to determine whether the program is sufficient to exempt a soon-to-be electrical journeymen from these requirements? Would the Construction Industries Division be a better entity to determine whether the program content was sufficient to establish competency?

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee has amended HB 279 as follows:

1. Adding a new category of education and work experience that permits an individual to sit for the journeyman examination.

2. Adding a new category of education and work experience that permits an individual to sit for the residential wireman's certification examination.

#### Synopsis of HBIC Amendment

The House Business and Industries Committee has made a minor substantive change to HB 279. The committee has stricken language in the bill relating to the submission of proof of continuing education with an application for renewal wherein it states that a "failure to submit the proof of completion shall constitute grounds for suspension of the certificate of competence until proof has been submitted.

The amendment strikes the suspension penalty for failure to submit proof of continuing education. The amendment adds languages stating that a failure to submit proof of continuing education will result in the application of renewal not being processed.

Finally, the amendment clarifies the journeymen to whom the continuing education requirement will apply. The original bill simply stated that the continuing education requirements did not apply to "specialty electricians." The amendment reverses the statement and makes it affirmative by identify expressly to whom the requirements do apply.

#### Significant Issue with HBIC Amendment

The amendment does not state whether the applicant who fails to include the proper proof of continuing education will be sent notice that his application for renewal is not being processed, and informing him of the reason.

#### Synopsis of Original Bill

House Bill 279 proposes to amend the work experience requirements for certification as a journeyman electrician doing commercial work from 2 to 4 years, and would required certain journeymen electricians to satisfy certain continuing education requirements in order to renew certification.

Enactment of this legislation would enable New Mexico to engage in reciprocity with a number of other states (currently 13) for commercial journeyman electricians.

This legislation also contains language intended to clean-up existing statute.

#### Significant Issues

The legislation requires that an applicant take an examination approved by the Construction Industries Division rather than pass an examination. This language may draw concerns within the industry relating to the actual score on the examination.

According to the Regulation and Licensing Department, the provision establishing the continuing education requirement provides that the certificate of a journeyman electrician will be suspended by CID if the continuing education requirements are not met. Suspension is problematic for three reasons: (1) before the certificate could be suspended there would have to be an administrative hearing pursuant to the Uniform Licensing Act; (2) if not renewed, certificates automatically

expire after 90 days; and (3) the statute provides that a suspension can not be imposed for longer than 90 days.

Another concern of the Regulation and Licensing Department is that if suspension language remains in the bill, the division would be required to conduct an administrative hearing on each suspension, which is costly in time and labor. Once the hearing was held, the Commission would have to issue an order suspending the certificate. The Commission can only act in public meeting, which typically occur once every two months. Suspensions can not exceed 90 days. According to the existing statutes (NMSA 1978, Section 60-13-28 C.), at the end of the suspension, the Commission is to review the status and decide whether to revoke or reinstate the certificate. It is unclear whether the suspension language in the proposed bill would preclude the Commission from revoking and, if not, what other action could be taken to ensure compliance.

SJM/yr:njw