

SENATE BILL REPORT

EHB 2053

AS REPORTED BY COMMITTEE ON COMMERCE & LABOR, FEBRUARY 28, 1992

Brief Description: Exempting electrical utilities and contractors from licensing requirements for certain work involving electrical transmission lines.

SPONSORS: Representatives Heavey, Fuhrman, G. Fisher, Grant, D. Sommers, Cooper, Mielke, Wood, Orr, Day, Ludwig and Silver

HOUSE COMMITTEE ON COMMERCE & LABOR

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; Bluechel, McMullen, Moore, and Skratek.

Staff: Forrest Bathurst (786-7429)

Hearing Dates: February 19, 1992; February 28, 1992

BACKGROUND:

It is unlawful for any person or entity to engage in the business of installing or maintaining wires or equipment to convey electric current, or to install or maintain electrical equipment for others for valuable consideration without having a valid electrical contractor's license issued by the Department of Labor and Industries.

No person may engage in the electrical construction trade without having a current journeyman electrician certificate of competency, a current specialty electrician certificate of competency, or an electrical training certificate issued by the department.

No license is required from any utility for work in connection with: 1) the installation and/or maintenance of lines or wires for transmission of electricity from the source of supply to the point of contact at the premises or property to be supplied; 2) work in installing or maintaining or repairing on the premises of customers, service connections and meters, and other apparatus or appliances used in measuring the consumption of electricity by customers; 3) lighting of streets, alleys, ways, public areas or squares; 4) installing, maintaining or repairing wires, apparatus or appliances used by a utility in conducting business; 5) generating or distributing electricity on the property owned or operated and managed by the utility; or 6) installing and repairing ignition or lighting systems on motor vehicles.

SUMMARY:

No license is required from, and no inspection is authorized for, any utility or contractor whose installation, repair or maintenance work on lines, wires, apparatus, or equipment is subject to final approval or acceptance by a utility. This exemption applies only where electrical lines, wires, and each apparatus or piece of equipment is:

1. Owned by or under the control of a utility and used to transmit or distribute electricity from the source of supply to the point of contact at the premises or property;
2. Owned by or under the control of a utility and used to measure a customer's electrical consumption;
3. Owned by a commercial, industrial, or public customer of a utility and situated outside of a building or structure;
4. Owned by a commercial, industrial, or public customer of a utility and used to generate or distribute electricity on the premises used by the customer; or
5. Used to light streets, alleys, ways, or public areas or squares.

Electrical licensing requirements do not apply to: 1) persons making electrical installations on their own property, 2) to employees making electrical installations on the premises of their employer, or 3) to employees of utilities or to contractors working for utilities if they are registered with or graduated from a state or federally approved apprenticeship course designed for the work being performed.

Appropriation: none

Revenue: none

Fiscal Note: requested

SUMMARY OF PROPOSED SENATE AMENDMENTS:

No license is required from any utility because of work in connection with the installation, repair, or maintenance of lines, wires, apparatus, and equipment owned by a commercial, industrial or public customer if the equipment is located outside of a structure and the utility does not initiate the sale of services to perform such work.

No license is required from any utility because of work in connection with the installation, repair, or maintenance of lines and wires, together with ancillary apparatus, and equipment, owned by an independent power producer who has entered into an agreement for the sale of electricity to a utility and used in transmitting electricity from a generating unit to the point of interconnection with the utility system.

All electrical work completed by a utility or a contractor retained by a utility and falling within the National Electric Code is subject to inspection by the Department of Labor and Industries.

No employee of a utility or any employee of a contractor retained by a utility and performing utility type work needs to obtain a journeyman electrician certificate so long as they are registered with or have graduated from a state or federally approved outside lineman apprenticeship course and the Department of Labor and Industries recognizes that the apprenticeship course qualifies a person to perform such work.

TESTIMONY FOR:

The bill clarifies that utilities are authorized to do work that they have traditionally been able to do in Washington State. Recent changes in technology and industry practices require that outdated statutes be updated. The statutes, if not amended consistent with the provisions of this bill, leave the Department of Labor and Industries with no choice but to enforce the law in a manner that limits the customary services provided by utilities.

Utilities, primarily in rural areas, must retain the authority to respond to customer requests because certified electricians and licensed electrical contractors are not always available to complete the kinds of work being requested by customers. The bill also allows a utility, or a contractor working for a utility, to protect their employees from physical danger. Finally, the provisions of this bill help utilities insure that no economic or property loss occurs to their commercial, industrial, or public customers.

TESTIMONY AGAINST:

The bill allows utilities to do work that falls within the licensing requirements of Chapter 18.28 RCW. Persons wishing to provide comparable private sector services are required to obtain an electrical contractor license and have a certified journeyman electrician in direct supervision of the activities. Utilities should not be permitted to compete directly with private electrical contractors. The International Brotherhood of Electrical Workers does not support the enactment of this legislation.

TESTIFIED: Paul Schwendiman, IBEW Local 46 (con); Brian Alvensleben, W.S.E.C.A. (con); Gary Bullock, WBFAA (con); Harry Barnes, IBEW Local Union 73 (con); Joe Brewer, L&I (con); Joe R. Devish, State Electrical Board, Madson Electric (con); Donald W. Close, State Electrical Board (con); David Hutchins, IBEW #77 (pro); Larry Stevens, United Subcontractors (con); Tom Knox, National Elect. Contractors Assn. (con); Steve Washburn, Charles Hanshall, NECA (con); Donald Picatti (con); Jordy Andrew IBEW #46 (con); Isabel Dickens, Coalition of Mobile Home Park Residents (pro); Terry Oxley, Puget Power (pro); Gary Smith, Ind. Bus. Assn. (con); Doug Bohlke, USA Subcontractors (con); Michael Zenk, IBEW #76 (con); Mike

Grunwald, IBEW #76 (con); Michael Baird, IBEW #497 (con); Henry Yates, Seattle City Light (pro); Cart Copenhagen, Longview Fibre Co. (pro); Phyllis McGavick, Snohomish PUD (pro); Michael Watkinson, IBEW #76 (con); Edward Barnes, IBEW #48 (con); Darrell Chapman, IBEW #191 (con); Dick Merlens, Pacific County PUD (pro); Jim Sanders, Clark Public Utilities (pro); Dan Suttner, NECA (con); Vernon Green, Bill Stone, NECA (pro); Steve Gano, Plum Creek Timber (pro); Colins Sprague, WA Water Power Co. (pro); Ron Newbry, Pacificorp (pro); Bill Wilcoxsen, IBEW #112 (con); Daniel Buell, Cowlitz/Wahkiakum JATC (con); Ed Rheaume, IBEW #970 (con); Bill Zenk, IBEW #76; John Murrison, Woodford Electric IEC (con); Rick Martin, R. Martin Electric (con); Wayne Russell, IBEW #46 (con); Don Guillot, Dennis Knipschield, IBEW #77