

A Bill for an Act Relating to Electrical Contractors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that Hawaii has an aging electrical infrastructure. According to the American Society of Civil Engineers' 2019 Hawaii Infrastructure Report Card, outages in Hawaii are mainly caused by equipment deterioration, cable faults, automobile accidents, or vegetation. Although significant capital investments have been made to upgrade and strengthen utility poles, lines, and equipment against the increasingly frequent severe storms in recent years, over half of the existing infrastructure is more than forty years old and soon will be approaching the end of its expected life cycle. The security and resilience of Hawaii's critical electrical infrastructure are fundamental to the health and welfare of the State's residents, visitors, and employees. Recent weather events have further highlighted the importance of a resilient electrical grid and the restoration of electricity in a safe and efficient manner.

The legislature further finds that the construction and maintenance of overhead high voltage power lines with distribution and transmission voltages require the specialized skills of electrical workers, such as journeymen linemen, foremen, and general foremen, each of whom is a trained and certified journeyman lineman. To address the need for individuals qualified to work with high voltage power lines, the legislature enacted Act 65, Session Laws of Hawaii 2013, which provided a limited exemption from electrician licensing requirements for individuals employed by electrical contractors who are retained by a public utility within the State to perform high voltage work for the public utility and who are deemed qualified by the public utility. Although the legislature later extended the law for five more years through Act 60, Session Laws of Hawaii 2018 (Act 60), Act 60 sunsets on June 30, 2023. Continued maintenance of the aging electrical infrastructure is needed to keep Hawaii's grid resilient. The legislature also finds that as Hawaii continues to experience a shortage of electricians, splicers, and linemen in the State who are experienced and qualified to work with high voltage, it is necessary to further extend the limited exemption from licensing requirements for qualified electricians.

The purpose of this Act is to:

- (1) Extend until June 30, 2027, the limited exemption from licensing requirements for qualified electricians that was originally enacted by Act 65, Session Laws of Hawaii 2013, and extended pursuant to Act 60, Session Laws of Hawaii 2018; and
- (2) Require public utilities to submit to the board of electricians and plumbers annual reports relating to high voltage work.

SECTION 2. Section 448E-13, Hawaii Revised Statutes, is amended to read as follows:

“§448E-13 Exemption of public utility and community antennae television company personnel[-]; annual reports. (a) The following persons shall be exempt from this chapter:

- (1) All employees of a public utility within the State under a franchise or charter granted by the State ~~[which]~~ that is regulated by the public utilities commission and community antennae television company, while so employed; and
- (2) Employees of an electrical contractor duly licensed under chapter 444; provided that:

- (A) ~~[Such]~~ The contractor is retained by a public utility within the State under a franchise or charter granted by the State ~~[which]~~ that is regulated by the public utilities commission to perform high voltage ~~[(six hundred volts or higher)]~~ electrical work for the public utility; ~~[and]~~
- (B) After solicitation of a request for proposal to licensed contractors specifying the high voltage work requested, the public utility certifies to the board that no electricians, including electricians employed by C-62 pole and line or C-63 high voltage electrical contractors, responded to the request for proposal who were:
- (i) Sufficiently qualified and licensed in the State; and
 - (ii) Available and able to perform or timely complete the high voltage electrical work or task,
before the contractor hired by the public utility recruited qualified electricians outside the State; provided further that the public utility shall make its request for proposals available through its website in an electronic format to C-62 pole and line and C-63 high voltage electrical contractors;
- (C) The public utility submits an annual report to the board covering the preceding calendar year that identifies, at a minimum:
- (i) The number of qualified contractors the public utility employed to perform high voltage electrical work; and
 - (ii) The number of requests for proposals solicited for high voltage work;
- ~~[(B) Such]~~ (D) The employees are deemed qualified by the public utility to perform ~~[such]~~ high voltage electrical work; and
- (E) The exemption is limited to the use by a public utility for high voltage electrical workers who perform electric transmission and distribution line construction, maintenance, and connection to substation work;
provided further that in no circumstance shall ~~[such]~~ the persons be less qualified than the public utility's own employees ~~[that]~~ who perform ~~[such]~~ high voltage electrical work.
- (b) Persons retained by a public utility pursuant to ~~[[~~subsection~~]]~~ (a)(2) shall be exempt from the provisions of section 444-9.5.
- (c) For purposes of this section, "high voltage" means six hundred volts or higher."

SECTION 3. Act 65, Session Laws of Hawaii 2013, section 4, as amended by Act 60, Session Laws of Hawaii 2018, section 2, is amended to read as follows:

"SECTION 4. This Act shall take effect upon its approval; provided that on June 30, ~~[2023,]~~ 2027, this Act shall be repealed and section 448E-13, Hawaii Revised Statutes, shall be reenacted in the form in which it read on the day before the effective date of this Act."

SECTION 4. Act 60, Session Laws of Hawaii 2018, is amended by amending section 3 to read as follows:

"SECTION 3. The board of electricians and plumbers shall submit reports to the legislature no later than twenty days prior to the convening of the

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regular sessions of 2019, 2020, 2021, 2022, [~~and~~] 2023[-], 2024, 2025, 2026, and 2027. The reports shall include but not be limited to the following:

- (1) Any programs in the State that offer vocational training for licensed electricians to perform high voltage electrical work;
- (2) Availability of continuing education, training, or both, necessary for licensed electricians to acquire or keep current those skills related to performing high voltage work;
- (3) The number of licensed electricians in the State qualified to perform high voltage electrical work; and
- (4) Opportunities for growth in the high voltage work subspecialty.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2022; provided that, notwithstanding the repeal and reenactment provision in section 4 of Act 65, Session Laws of Hawaii 2013, as amended by section 2 of Act 60, Session Laws of Hawaii 2018, and this Act, subsection (c) of section 448E-13, Hawaii Revised Statutes, as added by section 2 of this Act, shall not be repealed when that section is reenacted on June 30, 2027, pursuant to section 4 of Act 65, Session Laws of Hawaii 2013, as amended by this Act.

(Approved June 17, 2022.)