

## **BILL ANALYSIS**

C.S.H.B. 796  
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Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Electricians in Texas, including journeyman electricians, are required to have a license to do electrical work. Interested parties contend that a journeyman lineman also engages in electrical work of a particular type and needs to be licensed to help ensure that an individual employed as a journeyman lineman has the skill, training, and expertise necessary to ensure safe, reliable, and quality workmanship in the performance of these types of electrical work. C.S.H.B. 796 seeks to address this need by creating a licensing scheme and standards for the individuals performing lineman work in Texas, among other provisions.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive director of the Texas Department of Licensing and Regulation in SECTIONS 3 and 6 of this bill.

### **ANALYSIS**

C.S.H.B. 796 amends the Occupations Code to include a journeyman lineman among the occupations for which the executive director of the Texas Department of Licensing and Regulation is required to adopt rules for licensing as prescribed by the Texas Electrical Safety and Licensing Act. The bill requires an applicant for the license to have at least 7,000 hours of training in an apprenticeship program approved by the U.S. Department of Labor or at least 3-1/2 years of experience as a journeyman lineman for an electric utility or electrical contractor in Texas and to pass a journeyman lineman examination administered under the act. The bill requires a licensed journeyman lineman to complete four hours of continuing education annually to renew the license.

C.S.H.B. 796 revises and expands the exemption from regulation under the Texas Electrical Safety and Licensing Act for the installation, maintenance, alteration, or repair of electrical equipment under the exclusive control of an electric utility, power generation company, electric cooperative, or municipally owned utility at certain locations and used for certain purposes to include the following: work that involves those activities on electrical equipment, including the removal of such equipment, controlled by an electric utility at those locations, as well as activities performed by a contractor on behalf of the utility and activities performed during emergency restoration operations on behalf of the utility; work that involves the operation or performance of work on electrical equipment at those locations for a power generation company, electric cooperative, or municipally owned utility; or work that involves the operation or performance of work on electrical equipment at those locations that is used for communications or metering, or for the generation, control, transformation, transmission, and distribution of electrical energy on behalf of an electric utility.

C.S.H.B. 796 requires the rules regulating the licensing of a journeyman lineman to be adopted no later than January 1, 2014, and establishes that a person is not required to hold a license as a journeyman lineman under the bill's provisions before June 1, 2014.

**EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 796 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1305.002, Occupations Code, is amended by redesignating existing Subdivision (12) as Subdivision (11-a) and adding a new Subdivision (12).

SECTION 1. Same as introduced version.

No equivalent provision.

SECTION 2. Section 1305.003(a), Occupations Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) the installation of electrical equipment in a ship, watercraft other than a floating building, railway rolling stock, aircraft, motor vehicle, or recreational vehicle;

(2) the installation of electrical equipment underground in a mine and in self-propelled mobile surface mining machinery and its attendant electrical trailing cable;

(3) the installation of electrical equipment for generation, transformation, transmission, or distribution of power used exclusively to operate railway rolling stock or exclusively for signaling and communications purposes;

(4) the installation, maintenance, alteration, or repair of communications equipment provided by a telecommunications provider;

(5) work that:

(A) involves:

(i) the installation, maintenance, alteration, removal, or repair of electrical equipment under the exclusive control of an electric utility, including activities performed by a contractor on behalf of the utility and activities performed during emergency restoration operations on behalf of the utility;

(ii) the operation or performance of work on electrical equipment for a power generation company as defined by Sections 31.002(1) and (10), Utilities Code, electric cooperative, or municipally owned utility; or

(iii) the operation or performance of work on electrical equipment [and] used for communications or metering, or for the

generation, control, transformation, transmission, and distribution of electrical energy on behalf of an electric utility; [;] and (B) is on electrical equipment located:

(i) [~~A~~] in a building used exclusively by a utility or power generation company for those purposes;

(ii) [~~B~~] outdoors on property owned or leased by the utility or power generation company;

(iii) [~~C~~] on public highways, streets, roads, or other public rights-of-way; or

(iv) [~~D~~] outdoors by established rights in vaults or on private property;

(6) work not specifically regulated by a municipal ordinance that is performed in or on a dwelling by a person who owns and resides in the dwelling;

(7) work involved in the manufacture of electrical equipment that includes the on-site and off-site manufacturing, commissioning, testing, calibrating, coordinating, troubleshooting, or evaluating of electrical equipment, the repairing or retrofitting of electrical equipment with components of the same ampacity, and the maintenance and servicing of electrical equipment within the equipment's enclosure that is performed by an authorized employee or authorized representative of an electrical equipment manufacturer and limited to the type of products manufactured by the manufacturer;

(8) electrical work if:

(A) the work is performed by a person who does not engage in electrical work for the public;

(B) the work is performed by a person regularly employed as a maintenance person or maintenance electrician for a business; and

(C) the electrical work does not involve the installation of electrical equipment during new construction as defined by rules adopted under Chapter 151, Tax Code;

(9) the installation, maintenance, alteration, or repair of electrical equipment or associated wiring under the exclusive control of a gas utility and used for communications or metering or for the control, transmission, or distribution of natural gas;

(10) thoroughfare lighting, traffic signals, intelligent transportation systems, and telecommunications controlled by a governmental entity;

(11) electrical connections supplying heating, ventilation, and cooling and refrigeration

equipment, including any required disconnect exclusively for the equipment, if the service is performed by a licensed air conditioning and refrigeration contractor under Chapter 1302;

(12) the design, installation, erection, repair, or alteration of Class 1, Class 2, or Class 3 remote control, signaling, or power-limited circuits, fire alarm circuits, optical fiber cables, or communications circuits, including raceways, as defined by the National Electrical Code;

(13) landscape irrigation installers, as necessary to perform the installation and maintenance of irrigation control systems, and landscapers, as necessary to perform the installation and maintenance of low-voltage exterior lighting and holiday lighting excluding any required power source;

(14) electrical work performed at a business that operates:

(A) a chemical plant, petrochemical plant, refinery, natural gas plant, natural gas treating plant, pipeline, or oil and gas exploration and production operation by a person who works solely for and is employed by that business; or

(B) a chemical plant, petrochemical plant, refinery, natural gas plant, or natural gas treatment plant by a person who under a contract of at least 12 months' duration performs electrical work for that plant and:

(i) the electrical work is not performed during new construction as defined by rules adopted under Chapter 151, Tax Code; or

(ii) the person is not working for a contractor that has a principal place of business in another state or territory of the United States or a foreign country;

(15) the installation, maintenance, alteration, or repair of elevators, escalators, or related equipment, excluding any required power source, regulated under Chapter 754, Health and Safety Code;

(16) the installation, maintenance, alteration, or repair of equipment or network facilities provided or utilized by a cable operator, as that term is defined by 47 U.S.C. Section 522, as amended;

(17) the location, design, construction, extension, maintenance, and installation of on-site sewage disposal systems in accordance with Chapter 366, Health and Safety Code, or an on-site sewage facility installer licensed under Chapter 37, Water

Code;

(18) electrical work performed on a building, structure, or equipment in agricultural use as defined by Section 11.002, Water Code, other than the processing of an agricultural commodity;

(19) the installation, maintenance, alteration, or repair of well pumps and equipment in accordance with Chapter 1902;

(20) electrical work required for the construction and assembly of HUD-code manufactured housing or modular housing and building units, other than the installation of service entrance conductors, that is performed by a licensed manufacturer or installer under Chapter 1201 or 1202, as applicable, if work performed is within the scope of the license as defined by applicable statutes and administrative rules;

(21) work performed by a plumber who holds a license or endorsement or is registered under Chapter 1301 that is necessary to install, service, maintain, repair, or replace any type of plumbing fixture or appliance, as described by Section 1301.002(7), including a water heater, food disposer, garbage disposal, water softener, dishwashing machine, and clothes washing machine on existing electrical circuits only;

(22) the maintenance or repair of a residential appliance by a residential appliance dealer or manufacturer or a person authorized by a residential appliance dealer or manufacturer using only components of the same type and ampacity as the original components; and

(23) the maintenance, alteration, or repair of a pool-related electrical device by, or pool-related electrical maintenance performed by, an employee of a municipality on a pool owned or operated by the municipality.

SECTION 2. Section 1305.102(a), Occupations Code, is amended.

SECTION 3. Subchapter D, Chapter 1305, Occupations Code, is amended by adding Section 1305.1605 to read as follows:

Sec. 1305.1605. JOURNEYMAN LINEMAN. An applicant for a license as a journeyman lineman must have:

(1) at least 7,000 hours of training in an apprenticeship program approved by the United States Department of Labor; or

(2) at least 3-1/2 years of experience as a journeyman lineman for an electric utility

SECTION 3. Same as introduced version.

SECTION 4. Subchapter D, Chapter 1305, Occupations Code, is amended by adding Section 1305.1605 to read as follows:

Sec. 1305.1605. JOURNEYMAN LINEMAN. An applicant for a license as a journeyman lineman must:

(1) have at least:

(A) 7,000 hours of training in an apprenticeship program approved by the United States Department of Labor; or

(B) 3-1/2 years of experience as a

or electrical contractor in this state.

SECTION 4. Section 1305.168(a), Occupations Code, is amended.

SECTION 5. (a) Not later than January 1, 2014, the executive director of the Texas Department of Licensing and Regulation shall adopt rules regulating the licensing of a journeyman lineman, as required by Section 1305.102, Occupations Code, as amended by this Act.

(b) The executive director's rules under Subsection (a) of this section must include rules that permit the issuance of a license to an applicant who applies not later than June 1, 2014, and presents evidence to the Texas Department of Licensing and Regulation that the applicant has at least one year of experience as a journeyman lineman for an electric utility or electrical contractor in this state.

(c) A person is not required to hold a license as a journeyman lineman under Chapter 1305, Occupations Code, as amended by this Act, before June 1, 2014.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

journeyman lineman for an electric utility or electrical contractor in this state; and  
(2) pass a journeyman lineman examination administered under this chapter.

SECTION 5. Same as introduced version.

SECTION 6. (a) Not later than January 1, 2014, the executive director of the Texas Department of Licensing and Regulation shall adopt rules regulating the licensing of a journeyman lineman, as required by Section 1305.102, Occupations Code, as amended by this Act.

(b) A person is not required to hold a license as a journeyman lineman under Chapter 1305, Occupations Code, as amended by this Act, before June 1, 2014.

SECTION 7. Same as introduced version.