

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB921

Hearing Date: Monday January 22, 2018
Committee On: General Affairs
Introducer: Lowe
One Liner: Create a licensing exception under the State Electrical Act for certain farm building construction

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Brasch, Larson, Riepe, Thibodeau, Wayne
Nay:	3	Senators Blood, Krist, Quick
Absent:		
Present Not Voting:		

Verbal Testimony:

Proponents:

Senator John Lowe
Jason Luster
Matthew Krenk
Jessica Kolterman

Representing:

Introducer
QC Supply
himself
Lincoln Premium Poultry

Opponents:

Steve Anderson
Thomas Emerson

Representing:

himself
IBEW #265

Neutral:

Kevin Booker

Representing:

State Electrical

Written Testimony:

Proponents:

Ansley Mick
Matt Rasmussen

Representing:

Nebraska Farm Bureau
Lincoln Premium Poultry

Opponents:

Susan Martin
Barry Mayfield Jr.

Representing:

Nebraska State AFL-CIO
IBEW #22

Neutral:

Representing:

Summary of purpose and/or changes:

The current State Electrical Act states:

"81-2121 Nothing in the State Electrical Act shall be construed to:

(5) Prohibit an owner of property from performing work on his or her principal residence, if such residence is not larger than a single-family dwelling, or farm property, excluding commercial or industrial installations or installations in public-use buildings or facilities, or require such owner to be licensed under the act."

In responding to the question of whether farm properties, specifically large poultry operations, were subject to electrical inspections, Attorney General Don Stenberg offered Attorney General Opinion #99024 (1999), which states that the Legislature appears to contemplate that some farm installations may also be commercial or industrial in nature as to trigger regulatory oversight. The Opinion concludes that poultry feeder buildings of substantial size fall within the State Electrical Acts definition of industrial installation.

While the Opinion focuses on whether inspections would be required for such farm installations, it references licensing provisions of the Act and would therefore require employees to be licensed if involved in anyway with the electrical installation of a substantial size feeding operation.

LB 921 would lessen this licensing requirement by not requiring employees who are constructing a farm building but are only handling the electrical wiring and wiring components to be licensed. Employees who are doing the actual installation would also not need to be licensed if under direct supervision of someone with the appropriate license. Direct supervision means that the licensed supervisor is at the same project location as the unlicensed employee but not necessarily within line of sight at all times.

LB 921 defines the term farm building as (a) Not open to the general public or used for purposes of education and research; and (b) Used primarily for a bona fide farm purpose, including, but not limited to, the production or storage of agricultural products or commodities, including crops, fruits, vegetables, ornamental or flowering plants, dairy, timber, livestock, poultry, and all other forms of agricultural products.

Explanation of amendments:

LB 921 includes a definition for farm building (page 3, line 26 page 4, line 2). The Committee Amendment strikes the term farm building and inserts the term farm installation, but the definition in LB 921 remains the same.

The Committee Amendment creates an exception to the requirement that an apprentice electrician shall do no electrical wiring except under the direct personal on-the-job supervision and control in the immediate presence of a licensee under the State Electrical Act. That exception allows a licensee to employ or supervise apprentice electricians at the ratio permissible under subsection (2) of this section [three apprentice electricians to one licensee], except that a licensee may employ or supervise apprentice electricians at a ratio not to exceed five apprentice electricians to one licensee when such apprentice electricians are engaged in installing conduit runs or pulling wire.(page 5, line 29 page 6, line 4).

The Committee Amendment strikes language in LB 921 regarding general laborers and inserts a new subsection (8) that states that the Nebraska Electrical Act does not require a license for a person engaged in general labor, including, but

not limited to, digging trenches or unloading, hauling, or moving electrical wiring or wiring components.(page 7, lines 9-11).

Tyson Larson, Chairperson