

2019 GENERAL AFFAIRS OCCUPATIONAL LICENSING REPORT

Electrician License

One Hundred Sixth Legislature, First Session

General Affairs Committee

Committee Members:

Senator Tom Briese, Chairperson

Senator John Lowe, Vice Chair

Senator John Arch

Senator Carol Blood

Senator Tom Brandt

Senator Megan Hunt

Senator Mike Moser

Senator Justin Wayne

Report Authored by: Senator Tom Briese, Chairperson
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Memorandum

To: Clerk of the Legislature
From: Senator Tom Briese, Chairperson General Affairs
Date: December, 2019
Subject: Occupational Licensing Report required by Neb. Rev. Statute 84-948

Occupational Licensing Update: Committee Action

Nebraska Revised Statute 84-948 requires each committee to annually review and analyze approximately twenty percent of the occupational regulations within the jurisdiction of the committee and submit an annual report. Each committee shall complete this process for all regulations within its jurisdiction within five years and every five years after.

The General Affairs Committee completed reviews of the following occupational licenses within its jurisdiction in 2019: Electrician and Mixed Martial Artist. This report is compiled in accordance with Nebraska Revised Statute 84-948 by committee staff and personnel through research into each occupational license, surveys completed by the occupational board, related committee hearings, and meetings. No formal hearings were held on the specific occupational licenses.

The following report details the background and legislative history behind each studied occupational license, relevant information about the license and its occupational board, and the current recommendation by the committee regarding the license at this time.

Sincerely,

Senator Tom Briese, District 41
Chairperson, General Affairs Committee

**ELECTRICIAN
OCCUPATIONAL LICENSE**

Background/Legislative History

The Nebraska Electrical Division was established by the Legislature with LB765 in 1969 within the office of the State Fire Marshal. In 1975 the Nebraska State Electrical Act was created and can be found in Nebraska Revised Stat. 81-571 to 81-5, 114. The State Electrical Act provides laws regarding electrical licensing and inspection in the State. In 1981, LB490 established the State Electrical Division as a separate state agency. The statutes were renumbered 81-2101 to 81-2145. Electrician occupational licenses are regulated by the Electrical Board. The board adopted rules necessary to enable and carry into effect the State Electrical Act.

The Electrical Act was created to protect the public from hazardous electrical installations by enforcing the electrical licensing and inspection laws created by the Legislature.

About the Board/License

The Electrical Board is responsible for regulation and enforcement of electrical licensing and inspection laws. The board consists of seven members appointed by the Governor and approved by the Legislature. The board shall contain the following members: a journeyman electrician, an electrical contractor or master electrician, a certified electrical inspector, a licensed professional engineer, a municipal electric system representative, a rural electric system representative and one additional member of any such groups.¹ Board members serve for five years.

The State Electrical Division is under the administrative and operative control of the executive director of the division. The Board directs the efforts of the executive director and sets the policy of the division.

Spending authority for the State Electrical Board can be found in Nebraska Rev. Stat. 81-2105.

An electrician must be licensed by the state to work in Nebraska. The Electrical Board licenses individuals who meet the necessary requirements to plan, lay out, supervise and install electrical equipment, wiring apparatus, and equipment for heating, power and electrical light as allowed by the Electrical Board. The electrical board licenses electricians. There are various classes of electrician licenses with varying degrees of authority for electrical work based on regulations and qualifications set by the Electrical Board. Such licenses include: electrical contract, class b electrical contractor, class b master electrician, journeyman electrician, residential journeyman electrician, installer, fire alarm installer, special electrician and apprentice. The Electrical Board adopts and utilizes aspects of the National Electrical Code in its own licensing and regulation.

Regulation and licensing of electricians is necessary to ensure public safety as the dangerous involved if electrical work is not completed properly can be extremely dangerous and deadly.

¹ Nebraska Rev. Stat. 81-2103

Ensuring proper knowledge, expertise and care are taken when planning, installing and repairing electrical.

Board Explanation of Effectiveness:

I feel that the current regulations are needed to assure a safe place for the citizens of Nebraska to live and work, we follow up on hundreds of complaints every year where the wiring is not safe or where someone has been injured or killed.

Board State Comparison:

Nebraska is currently the easiest place to get a state issued journeyman electrical license of the surrounding states, Kansas has no state program, South Dakota require 4 years/ 8000 hours, Iowa and Wyoming require 4 years/ 8000 hours and completion of a department of labor classroom program (576 Hours of class time). Nebraska is 4 years/ 8000 hours however; we give credit of one year for completing an approved college program that allows them to test one year sooner.

State Comparisons

All except seven states in the United States have some form of state licensing and regulation for electricians.² Of the seven states which do not have a state electrical license there are requirements and regulations that must be met at the municipal and local levels. Nebraska has a similar regulatory scheme to many other states with state licensed electricians. Many states also incorporate aspects of the National Electric Code into state regulation and licensing requirements. The Nebraska Electrical Boards specific requirements for each license including license categories, education, hour, testing and supervision requirements are in line with what many other states require for electrician licensing. Nebraska also has reciprocal licensing agreements with many states.³ This helps to make it as easy as possible for those who want to work in the electrical field to do so while still ensuring public safety.

OBRA Policy Analysis

The Occupational Board Reform Act (“OBRA”) makes several statements of policy which committees are instructed to apply as part of the regular OBRA review process.⁴

- 1. Does the occupational regulation protect the fundamental right of an individual to pursue a lawful occupation?***

² <https://www.next-insurance.com/blog/electrician-licensing-requirements/>

³ <https://electrical.nebraska.gov/reciprocal-information>

⁴ See Neb. Rev Stat. §§84-946 and 84-948(7)

Analysis:

Yes. Though to perform electrical work in Nebraska you must have a state license to do so by the Electrical Board there are detailed and simple ways to begin work in the trade such as working as an apprentice electrician or completing relevant education requirements. An apprentice can register with the Board, pay a fee and begin learning and working on electrical work under the direct supervision of a licensed electrician, allowing an individual to start the process to becoming a licensed electrician themselves while still maintaining safeguards for public safety⁵

- 2. Does the occupational regulation use the least restrictive regulation necessary to protect consumers from undue risk of present, significant, and substantiated harms that clearly threaten or endanger the health, safety, or welfare of the public when competition alone is not sufficient and which is consistent with the public interest?***

Analysis:

Committees completing their regular review of occupational regulations under OBRA shall determine whether an occupational regulation is the least restrictive regulation necessary to mitigate the risk of harms that might otherwise result from the practice of the occupation.⁶

Based on the legislative record, survey response answers by the Electrical Board and research in this area it is clear that the concerns of the Legislature in developing occupation regulations for electricians are necessary to mitigate the risk of harm from unsafe installations and not wiring to code including: hirer insurance rates and injury or death to the electrician or the public. Competition alone is not necessarily sufficient in this are to properly protect the public interest in the health, safety and welfare of the people of Nebraska. While there are many aspects to Nebraska's electrician occupational licensing that could be examined, generally, Nebraska has some of the least restrictive requirements to get a state issued license.⁷

- 3. Is the occupational regulation enforced only against individuals selling goods or services explicitly included in the governing statutes?***

Analysis:

Occupational regulations for the specific electrician licenses are laid out and detailed in Nebraska Revised Statutes 81-2101 to 81-2143.

⁵ Neb. Rev. Stat. 81-2113

⁶ Neb. Rev. Stat. §§84-937 and 84-948(4)

⁷ State Electrical Board Occupational Licensing Survey (Regulation Comparison)

4. Is the occupational regulation construed and applied to increase opportunities, promote competition, and encourage innovation?

Analysis:

Overall electrician licensing in Nebraska is not itself a significant barrier to occupational opportunities. Currently there are 13, 157 electrician licensing certificates issued in Nebraska by the Electrical Board. The Board has only had to revoke one certificate for the purpose of public safety after that individual had numerous code violations including leaving electrical in an unsafe manner.⁸ The Board has only denied 25 certificates for licensure due to that individual being short the required experience for the level at which they were applying. While these regulations do hinder the ability for some individuals to obtain a particular electrical license, there are other opportunities for such individuals to work in the electrical field under other electrical license categories.

Conclusion/Recommendation

The Committee recommends that electricians continue to be licensed in Nebraska. The Committee does not recommend any specific immediate changes to the regulation and licensing of electricians in this State. However, the Committee recommends that the committee and legislature continue to further examine and study electrical licensing requirements as technology and electrical standards continue to change in order to ensure that Nebraska is using the least restrictive means necessary to regulate the electrical profession while protecting public health and safety.

⁸ Electrical Board Occupational Licensing Survey pg. 4

Survey Submitted 2019-11-26 12:16:59

General Information

Committee of Jurisdiction:

General Affairs

Occupation Regulated:

Electrical

Occupational Board:

Electrical Board

Contact:

Kevin Booker

Purpose:

The mission of the Nebraska State Electrical Division is to protect the public from hazardous electrical installations by enforcing the electrical licensing and inspection laws created by the Nebraska Legislature. The Agency operates with principles th

Regulated Professionals:

1

Year Created:

1969

Year Active:

1969

Sunset Date:

N/A

Authorization

Statutory Authorization:

LB765

Parent Agency:

N/A

Memberships

Number of Members:

7

Who Appoints:

Governor

Legislative Approval:

Yes

Qualifications of Members:

One of such members shall be a journeyman electrician, one shall be an electrical contractor or master electrician, one shall be a certified electrical inspector, one shall be a licensed professional electrical engineer, one shall be a representative of a

Per Diem:

Yes

Expense Reimbursement:

Yes

Term Length:

5 Years

Terms Rotate or Expire at Once:

Terms Rotate

Meetings

Required FY 2018-2019:

0

Held FY 2018-2019:

7

Required FY 2017-2018:

0

Held FY 2017-2018:

7

Required FY 2016-2017:

0

Held FY 2016-2017:

5

Required FY 2015-2016:

0

Held FY 2015-2016:

5

Required FY 2014-2015:

0

Held FY 2014-2015:

8

Operations**Support Staff:**

19

Shared or Separate:

Shared

FY 2018-2019 Budget:

1777585

FY 2017-2018 Budget:

1757889

FY 2016-2017 Budget:

1736213

FY 2015-2016 Budget:

1749168

FY 2014-2015 Budget:

1633246

Other Funding Sources:

N/A

Spending Authority:

81-2105

Other**Government Certificates Issued:**

13157

Issued Certificate Descriptions:

Apprentice, Journeyman Electrician Class B Journeyman Electrician, Electrical Contractor, Class B Electrical Contractor Fire Alarm Installer, Installer, Class A Master Class B Master, Residential Wireman Heating & Air Conditioning, Irrigation & Sign

Government Certificates Revoked:

1

Revoked Certificate Descriptions:

Numberous code violation, leave electrical in unsafe manner, failing to make required correction in a timely manner.

Government Certificates Denied:

25

Denied Certificate Descriptions:

Short required experience.

Government Certificates Penalties Against:

831

Penalty Certificate Descriptions:

Failing to pull permits, failing to make corrections, failing to renew license by expiration date.

Explanation of Effectiveness:

[Explanation PDF](#)

Potential Harm"

Unsafe installations, not wiring to code, injury or death, higher insurance rates.

Regulation Comparison:

[Comparison PDF](#)

Subject to Regulations of Act(LB407):

No

Explanation

I feel that the current regulations are needed to assure a safe place for the citizens of Nebraska to live and work, we follow up on hundreds of complaints every year where the wiring is not safe or where someone has been injured or killed.

Comparison

Nebraska is currently the easiest place to get a state issued journeyman electrical license of the surrounding states, Kansas has no state program, South Dakota require 4 years/ 8000 hours, Iowa and Wyoming require 4 years/ 8000 hours and completion of a department of labor classroom program (576 Hours of class time). Nebraska is 4 years/ 8000 hours however; we give credit of one year for completing an approved college program that allows them to test one year sooner.

