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OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

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Testimony of the Department of Commerce and Consumer Affairs

WRITTEN TESTIMONY ONLY

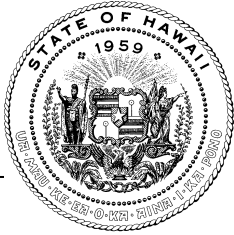
Before the
Senate Committee on Public Safety and Intergovernmental and Military Affairs
Monday, March 11, 2024
3:35 p.m.
Conference Room 225 and Videoconference

On the following measure:
H.B. 2523, H.D.1, RELATING TO ELECTRIC UTILITY LINEMAN

Chair Wakai and Members of the Committee:

My name is Nadine Ando and I am the Director of the Department of Commerce and Consumer Affairs (Department). The Department supports the intent of the bill to establish minimum standards and qualifications, and licensing requirements for an employee performing electric utility lineman work while employed by a third-party contractor which would protect the safety and welfare of the public as well as the individual performing the work and we also appreciate the bill's intent to promote and develop a local, qualified work force through workforce development efforts.

Thank you for the opportunity to testify on this bill.



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Testimony of
MARK B. GLICK, Chief Energy Officer

before the
**SENATE COMMITTEE ON PUBLIC SAFETY AND
INTERGOVERNMENTAL AND MILITARY AFFAIRS**

Monday, March 11, 2024
3:45 PM
State Capitol, Conference Room 225 and Videoconference

In Support Of
HB 2523, HD1

RELATING TO ELECTRIC UTILITY LINEMAN.

Chair Wakai, Vice Chair Elefante, and members of the Committee, the Hawai'i State Energy Office (HSEO) is supportive of HB 2523, HD1, for the purpose of establishing state licensing requirements for journey worker electric utility line workers who work on Hawai'i's active, high-voltage utility transmission and distribution systems. A second objective of this measure is to build and retain a local workforce in this critical and dangerous vocation through Hawai'i's Registered Apprenticeship program and place two (2) utility line worker industry representatives on the Board of Electricians and Plumbers.

HSEO's judgment is that safety and local workforce development outcomes to be achieved upon passage of this measure outweigh legitimate concerns about the demand for and availability of licensed journey worker electric utility line workers in Hawai'i. Such programs would be expected to benefit from greater demand for journey worker electric utility line workers as Hawai'i rebuilds, modernizes, and maintains transmission and distribution electric grid infrastructure post-Maui wildfires. HSEO also encourages and supports continued dialogue and cooperation on optimal ways to achieve local workforce objectives for critical electricity sector infrastructure.

Thank you for the opportunity to testify.

TESTIMONY OF
LEODOLOFF R. ASUNCION, JR.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
SENATE COMMITTEE ON
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

March 11, 2024
3:45 p.m.

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

MEASURE: H.B. No. 2523, HD1

TITLE: RELATING TO ELECTRIC UTILITY LINEMAN.

DESCRIPTION: Beginning 1/1/2027, establishes licensing requirements, including minimum standards and qualifications, for licensure as a journey worker electric utility lineman and expands the Board of Electricians and Plumbers to include members engaged in electric utility work. Repeals an existing exception to the impending sunset of the limited exemption from electrician licensing requirements that was originally enacted by Act 65, SLH 2013, and extended pursuant to Act 60, SLH 2018, and Act 68, SLH 2022. Effective 7/1/3000. (HD1).

POSITION:

The Public Utilities Commission (“Commission”) offers the following comments for consideration.

COMMENTS:

The Commission appreciates the intent of this measure to develop a local workforce of qualified workers to ensure public health and safety for electrical utility work.

The Commission agrees that having a robust certification framework would create a clear path to grow a local workforce of electricians to support and work on electric utility transmission and distribution line infrastructure. The Commission also agrees that these workers face inherent dangers in performing their everyday job functions. For that reason, and while the Commission generally defers to the Board of Electricians and Plumbers as

to the implementation, requirements, and timeline of such a framework, the Commission offers the following comments for consideration, relevant to page 8, sections (A), (B), and (C):

- The Committee may consider specifying a minimum number of years of experience in electrical utility lineworker work to align with how requirements of other job classifications are set;
- The Committee may consider adding a requirement for some training specifically with an electrical utility, whether prior to or as part of work with an electrical utility, to ensure alignment with utility-specific practices, which may sometimes be more stringent than the National Electrical Safety Code (“NEESC”).

On Page 13, the Committee may consider also including a requirement to section (b) for a training and safety course provided by the electric utility to ensure education is specific to electric utility infrastructure and lines.

The Commission believes that the hard-working journey electrical workers essentially keep the lights on and given the dangerous and critical nature of the work, would encourage careful consideration of any deviation from requisite time frames for training for similar job classifications. The Commission is cognizant of the pending lapse of the limited exemption by June 30, 2027, and suggests that perhaps the Committee could consider a tiered approach to licensure requirements for requisite training time, with workers that enroll within the program until June 30, 2027, being allowed a faster path to journey worker status i.e. three and a half years, while future enrollees after that date could face longer paths to journey worker status, up to the other cited time frames of five years.

The Commission would also encourage consideration of use of the term “lineworker” instead of “lineman” to promote gender equity in the field.

Lastly, the Commission encourages removal of the defective effective date to make this measure effective upon approval.

Thank you for the opportunity to testify on this measure.

Testimony of the Board of Electricians and Plumbers

**Before the
Senate Committee on Public Safety and Intergovernmental and Military Affairs
Monday, March 11, 2024
3:45 p.m.
Conference Room 225 and Videoconference**

**On the following measure:
H.B. 2523, H.D. 1, RELATING TO ELECTRIC UTILITY LINEMAN**

Chair Wakai and Members of the Committee:

My name is Phillip Lucero, and I am an Electrician Industry Member of the Board of Electricians and Plumbers (Board). The Board offers comments on this bill.

The purposes of this bill are to: (1) beginning January 1, 2027, establish licensing requirements, including minimum standards and qualifications, for journey worker electric utility linemen and expand the board of electricians and plumbers to include members engaged in electric utility work; and (2) repeal an existing exception to the impending sunset of the limited exemption from electrician licensing requirements that was originally enacted by Act 65, SLH 2013, and extended pursuant to Act 60, SLH 2018, and Act 68, SLH 2022.

For the Committee's information, the Board is scheduled to meet on March 12, 2024, to discuss this measure with industry stakeholders as it has many unanswered questions. The Board requests that this Committee allow it additional time to consider and recommend options that could help meet the measure's goal of creating a local workforce of trained and qualified lineman.

The Board seeks clarification on issues including, but not limited to: (1) the scope of work of the journey worker electric utility lineman, (2) the access to hands-on electric lineman training on electrical lines in the State, (3) the license requirements, and (4) the necessity of changing the Board's composition.

(1) The proposed description of the journey worker electric utility lineman's scope of work appears too broad and contains descriptions of work that are not specific to the scope of electric lineman work. The scope of work of a journey worker electric utility lineman should include above ground electrical line work involving the maintenance and operation of equipment associated with the above ground transmission and distribution

of electricity from the electricity's original source to a substation for further distribution and it should not include installation, which is currently performed by a journey worker electrician (EJ).

(2) It is unclear if this proposed measure would accomplish its goal of creating a local workforce of qualified linemen. Act 65, SLH 2013, Act 60, SLH 2018, and Act 68, SLH 2022, were enacted by the Legislature to address the need for individuals who were qualified to work with high voltage power lines. In order to develop a quality workforce in Hawaii, all qualified candidates must have equitable access to hands-on electric utility linework that is required for appropriate training, not just the academic coursework offered through various providers. It is the Board's understanding that currently only members of International Brotherhood of Electrical Workers (IBEW) Local 1260 may have access to and gain experience with the lineman work that the public utilities perform in the State. Thus, non-union industry workers must travel out-of-state for experience. There has not been sufficient lineman work outside of the public utility for individuals to meet the proposed three and a half years of full-time experience requirement.

The Board feels that the State can efficiently and sustainably develop a local workforce of properly qualified and trained linemen, as well as protect the health and safety of the public and utility workers and improve and maintain Hawaii's electrical infrastructure. A licensed EJ or journey worker industrial electrician (EJI) already possess core skills and theories of working with electricity. The Board suggests that current training programs in the State consider opening their programs to all qualified individuals, whether the individuals are a member of a union or not and include in their programs for training and certification of the licensed EJ and EJI, as a means of shortening the length of the program to become certified.

It is understood that the amount of lineman work fluctuates, often in response to weather events or other catastrophes. Career linemen typically travel frequently to where the jobs are and, for individuals in Hawaii who are qualified to perform only lineman work and no other electrical work, that could require they travel for extended periods, possibly leaving Hawaii to pursue their career. Licensed electricians in the

State who are also certified to perform lineman work can adapt to market demands. If the amount of lineman work decreases, licensed electricians are authorized to perform other electrical work in the State. This may help ensure a more stable industry to serve the market.

(3) The Board has the following concerns regarding the proposed license requirements:

- There should be a qualifying pathway for licensed EJIs and licensed EJs in the State to become trained, certified, and licensed to perform electric lineman work.
- As the National Safety Electric Code (NESC), adopted by the Public Utility Commission, is recognized as the code and standard for training electric utility linemen, the Board believes that requiring candidates to also have experience in “other codes and standards as adopted pursuant to chapter 269,” will disqualify individuals who attained acceptable lineman training out-of-state.
- The proposed license requirement for public utility employees and individuals actively performing journey worker electric utility lineman work in Hawaii is a minimum of six calendar months prior to January 1, 2027, whereas all others are required to have 3.5 years field of experience, 432 hours of course work, and successfully pass an examination.
- It is unclear if there are enough individuals in the State that possess the proposed field experience and education requirement to qualify to take the examination and could supervise other individuals to gain the proposed experience requirement.
- The requirement to show that the applicant has been actively performing journey worker electric utility lineman work in Hawaii needs clarification.
- The requirement for “satisfactory evidence of experience within the scope and practice of the NESC and other codes and standards adopted pursuant to chapter 269” needs to be clarified.
- The University of Hawaii must be consulted to determine and confirm the cost of the educational classes, availability of the classes across the State, number

of instructors qualified to teach the classes, locations of the classes, and accessibility of the classes. Thus, it is also unclear if the January 1, 2027, effective date provides enough time to allow for design, staffing, and implementation of the required education courses, in addition to providing enough time for applicants to meet the requirements of 432 coursework hours prior to January 1, 2027.

- An appropriate exam would need to be developed for the proposed journey worker electric utility lineman license.

(4) The Board has concerns with proposed changes in section 3 of the bill, which amends the Board's composition and may adversely impact the equity of Board decisions. Currently, the Board consists of seven (7) members: two (2) electricians, two (2) plumbers, and three (3) public members. The current composition is balanced and has worked well for many years, as industry and consumer interests are all represented. Additionally, the Board believes that an EJ is qualified to evaluate applications for all electrician licenses. This bill proposes to alter the Board's composition by requiring two (2) electric utility linemen, two (2) electricians, two (2) plumbers, and three (3) public members. This change will clearly create an imbalance on the Board in favor of electricians and the Board is concerned it may lead to one-sided decisions and may result in inequitable decisions for appropriate administration of the law.

Thank you for the opportunity to testify on this bill.



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

HEARING DATE: Monday, March 11, 2024
TIME: 3:45 p.m.
PLACE: State Capitol
Conference Room 225

RE: Testimony in **Strong Support** of House Bill 2523 HD1

Aloha Honorable Chair Wakai, Vice Chair Elefante, and Members of the Committee;

The International Brotherhood of Electrical Workers Local Union No. 1260 (IBEW 1260) would like to respectfully offer the following testimony in **Strong Support** of House Bill 2523 HD1.

IBEW 1260 is comprised of approximately 3,000 members representing Hawai'i's electric utility companies, including electric utility linemen, as well as government service contracts and media personnel throughout Hawai'i, Guam, and Wake Island. Our members include a diverse local workforce of dedicated, highly skilled, and trained individuals working 24 hours a day, 7 days a week, to generate, transmit, and distribute electricity throughout Hawai'i and to ensure the reliability and resiliency of this precious resource.

IBEW 1260 strongly supports House Bill 2523 HD1 which establishes licensing requirements, including minimum standards and qualifications for journey worker electric utility linemen, and expands the board of electricians and plumbers to include members engaged in electric utility work; as well as sunsets the original limited exemption from licensing requirements that was originally established by Act 65, SLH 2013, and extended pursuant to Act 60, SLH 2018.

Act 65 (2013) extended a limited exemption from licensing requirements to electric utility lineman performing electric utility work while employed by a third-party contractor contracted by a utility. Employees of a utility are exempt from licensing under 448E (HRS), and are regulated by the Public Utilities Commission where standards for the Installation, Operation, and Maintenance of Overhead and Underground Electrical Supply in accordance with the purpose and scope of the National Electrical Safety Code are administered.

House Bill 2523 seeks to address concerns raised by the Legislature in 2013, when Act 65 was first adopted. ***Concerns included licensing requirements, public safety and welfare, and the development of a qualified and trained local workforce.***¹ In addition, and at the time Act 65 was being discussed, industry

¹ See Senate Bill 512 Senate Draft 1, Senate Standing Committee Report No. 538, "The sunset provision will allow an electric utility to contract with qualified out-of-state high voltage workers in emergency situations *until in-state workers are appropriately trained through a high voltage apprenticeship program*".



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stakeholders also stated in written testimony, “*...local training to develop a quality Hawaiian workforce would be the best long- term goal for securing a safe and reliable electrical grid for our community*”.²

In response to the concerns raised by the legislature and comments made by industry stakeholders, IBEW 1260 who represents electric utility linemen throughout the state, established a state-approved apprenticeship program and has been actively developing such a qualified and properly trained local workforce to perform this work.

By establishing minimum standards and qualifications, and licensing requirements for an employee performing electric utility lineman work while employed by a third-party contractor, House Bill 2523 *HD1 protects the safety and welfare of the public as well as the individual performing the work*, as it would establish a process similar to that of a licensed inside journeyman electrician or a licensed journeyman plumber, whereby an individual’s qualifications, training, and practical experience would be reviewed and assessed prior to being cleared to sit for a qualifying exam and/or perform such work.

The legislature, in response to industry concerns, provided a limited exemption from 448E (HRS) through Act 65 (2013), but as evidenced by its sunset clause, also tasked the industry with finding a long-term solution to the underlying issue of performing unlicensed electrical work, improving public safety and welfare, and developing a local workforce. House Bill 2523 HD1 intends to address these concerns and more.

At a time when electric utilities and its infrastructure are facing significant review and scrutiny, IBEW1260 believes House Bill 2523 HD1 is not only timely, but prudent in its intent to ensure that Hawai`i’s electric utility linemen workforce is of the highest quality and caliber, and to provide the administering agency and industry stakeholders with ample lead time to implement its provisions.

In response to some concerns raised in the previously held hearings on this measure, IBEW 1260 would like to offer the following comments.

To be clear, the primary intent of HB2523 HD1 is *to improve public and workplace safety and welfare in the electric utility industry*. Second to this primary objective, is to support the development of a locally trained workforce through a locally administered apprenticeship program. One such program has been established and is being developed by IBEW 1260. Regardless of the success and/or failure of such efforts, it does not minimize or detract from HB2523 HD1’s primary objective to *improve the safety and welfare of the public and of the workplace and individuals performing the work*. A successful apprenticeship program is not the driving factor behind this measure, but can surely be a benefactor of it.

Regarding concerns that such licensing requirements might restrict a utility’s ability to respond to unexpected events that may fall short of a disaster, IBEW 1260 believes that state and county executive privilege provided in HRS 127 A-14 allows for appropriate action by state and/or local officials on a case-by-case basis and as the

² See written testimony submitted by IBEW Local Union No. 1186 (D.Kim) in support of SB512 SD1, House Committee on Labor and Public Employment and House Committee on Energy and Environmental Protection, March 15, 2013.



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situation at the time might dictate. In addition, labor loans from other electric utility contractors and utilities within the state might be another possible resource in such unexpected situations.

Lastly, we would like to address concerns raised by the E&P Board concerns as follows:

- 1) “The description of the journey worker electric utility lineman’s scope of work appears too broad and contains description of work that are not specific to the scope of lineman work”.

Response: IBEW 1260 respectfully disagrees and notes the scope in question and proposed in HB2523 HD1 relative to the journey worker electric utility lineman³ is much more specific in scope than the existing journey worker electrician found in HRS 448E-1 which simply states that a “*journey worker electrician means any person who has been licensed by the board as a journey worker electrician to perform electrical work*”

The scope of a journey worker electrical utility lineman referenced in HB2523 HD1 is consistent with and specifically references the National Electrical Safety Code (NESC), which is the electrical industry standard for this type of work and is also adopted as the standard by the Public Utilities Commission (PUC) (*See PUC Administrative Rules Chapter 16-73-11*) as it applies to such work performed by utilities.

- 2) “It is unclear if this measure expands the Board jurisdiction to all work performed under the scope and purpose of the NESC as well as other codes and standards adopted pursuant to HRS 269”.

Response: The short answer is “Yes” HB2523 HD1 expands the jurisdiction of the E&P Board to all work performed under the scope and purpose of the NESC as well as other codes and standards adopted pursuant to HRS 269, *as it relates to the work performed by a journey worker electric utility lineman.*

Additionally, although currently the PUC only recognizes the NESC as an industry standard pursuant to HAR 16-73-11, HB2523 HD1 is written to accommodate any future codes and standards that the PUC might adopt, with the general understanding that the PUC is the ultimate regulator of Hawai’i’s utilities and work performed on its facilities and infrastructure. If in the future, the PUC adopted additional codes and/or standards, it would be prudent that work performed by employees of third-party contractors contracted by the utility to perform such work is consistent with the codes and standards that are placed upon the utilities and required by PUC. In such an instance, should this measure be adopted, the E&P Board should be required to adopt such codes and standards to maintain consistency with the PUC.

- 3) a. “There has not been sufficient lineman work outside of the public utility for individuals to gain the proposed three and a half years of full-time experience requirement”.

³ “Journey worker electric utility lineman” means any person who has been licensed by the board in accordance with the National Electrical Safety Code as a journey worker electric utility lineman to perform all electric utility work involving the installation, maintenance, and operation of energized and de-energized equipment and appurtenances associated with the transmission and distribution of electricity from the electricity’s original source to the point of service.



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Response: IBEW 1260 respectfully disagrees. As the labor-union that represents this segment of the electrical industry, we work closely and intimately with the utilities/contractors and their workforce needs. As an electric utility industry partner representing individuals performing this work, we regularly discuss short-term, mid-term, and long-term manpower needs with the utilities and believe a local apprenticeship program can support and stabilize such needs in addition to promoting and growing a local workforce with livable wage careers.

This segment of the industry is no different than any other apprenticeable construction trade program in that labor and manpower needs adjust to the ebbs of flows of the industry. All apprenticeable construction trades experience downtimes where members may be required to “sit on the bench” pending future work opportunities. Often times, these members take on other employment to fill these gaps and downturns in the construction industry. *However, in light of the recent wildfires, recent federal funding initiatives such as the **Infrastructure Investment and Jobs Act (IIJA)**, the **Inflation Reduction Act (IRA)**, as well as on-going efforts by the utilities and the PUC to harden Hawai`i’s electrical grid and improve its reliability and resiliency, we believe there will be adequate work to support our efforts.*

b. The proposed license requirement for public utility employees and individuals actively performing journey worker electric utility lineman work in Hawai`i is a minimum of six calendar months prior to January 1, 2027, whereas all others are required to have three and half years of field experience, 432 hours of course work, and successfully pass an examination”.

Response: The six-month provision acts as a grandfather clause and is specifically intended to allow the industry to pre-license its current employees prior to the licensing requirement taking effect. This provision is completely voluntary for employees of utilities as they are exempt from licensure while employed by a utility.

c. “It is unclear if there are enough individuals in the State that possess the proposed field experience and education requirement to qualify to take the examination and could supervise other individuals to gain the proposed experience requirement”.

Response: Please refer to our response to concern 3a. That is the intent of the grandfather clause that qualifies all existing employees of contractors and/or utilities should they voluntarily decide to take the exam, duly qualified to take the exam, provided that receipt of the license is contingent on passing the examination. Additionally, a licensing requirement will *NOT* restrict the continued temporary import of journeyman to satisfy the one to one ratio, and to supervise apprentice electric utility linemen working towards receiving journeymen status.

d. “The requirement to show that the applicant has been actively performing journey worker electric utility work in Hawai`i needs clarification”.

Response: This would work no different than it currently does for an out of state journey worker electrician or plumber seeking licensure in Hawai`i from the E&P Board. A signed affidavit from a contractor licensed to perform the work in Hawai`i attesting to the journey worker status and work performed in the industry could be discussed and accepted by the E&P Board as satisfactory evidence of such.



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e. “The requirement for “satisfactory evidence of experience within the scope and practice of the NESC and other codes and standards adopted pursuant to chapter 269” needs to be clarified.

Response: This stated requirement is no different than the stated requirement for the journey worker electrician or the journey worker plumber pursuant to HRS 448E-5 (1) and (5). Furthermore, if the E&P Board feels there still should be more clarity, such can be contemplated in the applicable administrative rules that will implement the statute if adopted.

f. “It is unclear if the January 1, 2027, effective date provides enough time to allow for design, staffing, and implementation of the required education courses, in addition to providing enough time for applicants to meet the requirements of 432 coursework hours prior to January 1, 2027”.

Response: Please refer in part to our response to concern 3 a. Nationally accepted practical on the job training as well as classroom curriculum, and applicable exams already exists in the industry and can be readily considered and adopted by the E&P Board should this measure be adopted. Two years is a general standard to implement statute and adopt rules.

The concern raised here speaks to the core reason why adopting these requirements sooner than later are critical to meet industry needs come June 2027 when Act 65 sunsets and why we are pursuing adoption of this Bill at this point as opposed to waiting another session or even longer, when we may be ultimately faced with a situation where a segment of the electric utility industry will have no clear standards or industry oversight.

One thing is certain, if we do nothing, this concern will be exacerbated exponentially.

g. “An appropriate exam would need to be developed for the proposed journey worker electric utility lineman license”.

Response: Please refer to our response to the previous concern 3 f. Nationally accepted industry exams already exist and can be readily considered and adopted.

h. “The Board has concerns that the proposed change to the Board’s composition may adversely impact the equity of Board decisions”.

Response: IBEW 1260 respectfully disagrees. It is clear that the “energized” work performed by a journey worker electric utility lineman pursuant to the National Electrical Safety Code (NESC) on the “supply” side of the point of service versus the “de-energized” work performed by a journey worker electrician pursuant to the National Electrical Code (NEC) on the “demand” side of the point of service is distinctly unique and entirely separate from the other.

It is absolutely vital should this measure be adopted into law, that the E&P Board be expanded to include individuals who possess the professional knowledge, expertise and understanding of the electrical utility industry and how it operates in comparison to the inside electrician’s trade. These are two vastly different



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sectors within the electrical industry that answer to two entirely separate codes and standards, and that require two entirely separate tracks of training, knowledge, and expertise beyond the basic concepts of electricity.

Currently the E&P Board administers a total of (9) nine licenses, of which (7) seven are for the inside electrician's trade, and (2) are for the plumber's trade. The licenses administered for the inside electrician's trade represents 78% of the total licenses administered by the E&P Board yet the inside electrician's membership on the Board maintains only 50% representation.

To re-emphasize, if HB2523 HD1 is adopted and becomes law, it is imperative that the Board be increased to include an equal number of representatives from the electrical utility lineman trade to ensure that the Board maintains the requisite expertise and knowledge necessary to properly consider as well as make sound and defensible decisions on behalf of the industry and its stakeholders.

In summary and although unintended, this measure could not have been more timely. On the heels of the recent tragic events on Maui and elsewhere, ongoing efforts to harden the electrical grid and improve the integrity and reliability of Hawai'i's electrical infrastructure, as well as the commitment by the federal government pursuant to the IJA and IRA funding initiatives to invest in our electrical infrastructure and our local workforce, the standards and policies of the electrical utility industry and those that perform such work is of utmost importance and concern. The assurance, especially once Act 65 sunsets, that the work being performed on Hawai'i's electrical infrastructure is being performed by properly-trained and qualified individuals to ensure the safety and well-being of the public and of the individual performing the work itself, cannot be stressed enough.

Mahalo for the opportunity to testify on this very important matter.



Founded 1889

PLUMBERS AND FITTERS LOCAL 675 UNITED ASSOCIATION



COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

HEARING DATE: Monday, March 11, 2024
TIME: 3:45 p.m.
PLACE: State Capitol; Conference Room 225

RE: Testimony In Support of House Bill 2523 HD1 Relating To Electric Utility Lineman

Aloha Honorable Chair Wakai, Vice Chair Elefante, and Members of the Committee;

Chartered in 1919, the Plumbers and Fitters UA, Local 675 is one of the oldest organized labor unions in Hawai'i and one of three 'licensed' skilled-construction trades, steeped in a rich history as one of Hawai'i's construction-industry pioneers.

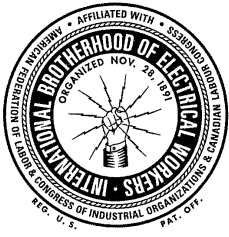
Local 675 **supports** House Bill 2523 HD1 that establishes licensing requirements, including minimum standards and qualifications, for journey worker electric utility linemen and expands the board of electricians and plumbers to include members engaged in electric utility work, and sunsets the original limited exemption from licensing requirements for qualified electricians originally enacted by Act 65, SLH 2013, and extended pursuant to Act 60, SLH 2018 as of January 1, 2027.

As one of three licensed trades in Hawai'i and one of two administered by the Electricians & Plumbers Board, we understand and recognize positive benefits to the state by requiring licensure of a trade or craft that performs work in an area that may pose a safety and welfare risk to the public, or to the individual performing the work.

Local 675 understands the intent of HB2523 HD1 is to promote the development of a local workforce and establish a process by which individuals performing certain work in a regulated industry, that may otherwise be unregulated should HB2523 HD1 not pass, would be vetted to ensure that they meet minimum standards of qualifications and training as a pre-condition of performing such work in the state. In light of the dangerous nature of the work being considered in HB2523 HD1, Local 675 believes such licensing requirements would be appropriate and an overall benefit to the public and to the state.

Mahaalo for the opportunity to testify in support of this measure.





International Brotherhood of Electrical Workers

LOCAL UNION NO. 1186 • Affiliated with AFL-CIO

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TO: SENATE COMMITTEE ON PUBLIC SAFETY AND
INTERGOVERNMENTAL AND MILITARY AFFAIRS
Hearing on Monday, March 11, 2024 at 3:45p.m., Conference Room 225

RE: TESTIMONY **OPPOSED** TO HB 2523 HD1

Honorable Chair Glenn Wakai, Vice Chair Brandon J.C. Elefante, and Members of the Committee on Public Safety and Intergovernmental and Military Affairs:

The International Brotherhood of Electrical Workers Local Union 1186 (IBEW 1186), is comprised of over 3,000 men and women working in electrical construction, telecommunications, civil service employees, and educator and faculty associations.

IBEW 1186 **OPPOSES** this bill in its effort to establish a license for electric utility linemen. We believe that adding this regulation will have several unintended consequences and may actually have the reverse effect of the bill's intention to build-up a local workforce of electric utility linemen.

IBEW 1186 does not dispute the extremely dangerous nature of this work. There are often no second chances when mistakes are made while working with high voltage electricity. Training and experience are essential to the safety of the worker and the public. This cannot be questioned nor compromised.

What this bill fails to recognize is the unique nature of the work of a utility lineman, specifically when the utility company hires contractors to do excess work beyond the capacity of its existing staff of linemen. This outside contracted work often ebbs and flows to the point where it can be extremely busy and then suddenly it could be almost non-existent, and the excess lineman will leave the State and travel to locations throughout the United States to meet the demands wherever they are.

IBEW 1186 experienced this unpredictability of the amount of work while establishing our own Lineman Apprenticeship Program, which is still available, however it is inactive with no apprentices. Much effort was put into establishing this apprenticeship program, and local residents were brought in to be trained; however, the work quickly dried up and the utility company was handling the work with their own staff and not contracting out the work to private contractors. Apprentices must have a sufficient amount of work to complete their programs.

In the case of the IBEW 1186 Lineman Apprenticeship Program, every apprentice was forced to leave the State in order to complete their training, due to the lack of available work being offered to private contractors by the utility company.

The IBEW 1186 Lineman Apprentice Program is still currently available, but still depends on the amount of available work the utility company contracts out. Even if the apprentices in the program were able to complete the program locally, their future existence of gainful employment would rely on the same conditions of available contracted work by the utility company. Without it, this same local resident, trained and qualified as a lineman, will have to leave the State to find the steady work if he is not an employee of the utility company.

The unintended consequence, and reverse effect, of this bill seeking to now require a license, would be that when the work amounts get busy, will all these locally trained linemen that left the State because of the lack of work, now just come home to Hawaii at the very moment? In addition, it would now require previously qualified linemen who come into the State when the workloads are high, to go through the complicated and often slow licensing process. It may be actually harder to get linemen to come here, and then there would certainly be a need to exempt this licensing requirement to address priority work. The peaks and valleys nature of line work cannot be disregarded in this discussion.

An easier fix to increasing a local workforce would be to have the utility company hire and train more linemen and keep them on staff. Employees of the utility company are already exempted per existing licensing laws. However, it is probably a business decision to limit the hirings due to the peaks and valleys nature of the work.

Lastly, an additional unintended consequence of this license bill is that it creates many confusing and complicated jurisdictional questions of which license is required, or which electrician license is acceptable for various types of electrical work. One of the most time consuming and often strongly contested subjects before the licensing boards is scope of license determinations. This proposed bill has already led to a question of jurisdiction between two locals of the same international union. IBEW 1186 and IBEW 1260 need to be given the time to resolve this conflict prior to any proposed legislation being passed.

IBEW 1186 believes that the current requirements the utility company already demands from any outside contractor, and their workers, is sufficient to ensure that qualified linemen are doing the work. The highest standards of safety precautions are already in place under the current system. While accidents may still happen, we don't see this license requirement as having an impact on whether those accidents happen or not. All of those doing linemen work now are still trained and qualified through the IBEW and its nationally recognized training programs.

For these reasons, **IBEW 1186 OPPOSES HB 2523 HD1.**

Sincerely,



Damien T.K. Kim
Business Manager/
Financial Secretary



Testimony Before the Senate Committee on
Public Safety and Intergovernmental and Military Affairs

By David Bissell
President and Chief Executive Officer
Kaua'i Island Utility Cooperative
4463 Pahe'e Street, Suite 1, Lihu'e, Hawai'i, 96766-2000

Monday, March 11, 2024; 3:45 pm
Conference Room #225 & Videoconference

House Bill No. 2523 HD1 - RELATING TO ELECTRIC UTILITY LINEMAN

To the Honorable Glenn Wakai, Chair, Honorable Brandon J.C. Elefante, Vice Chair and Members of the Committee:

Kaua'i Island Utility Cooperative (KIUC) is a not-for-profit utility providing electrical service to more than 34,000 commercial and residential members. KIUC appreciates the intent of this bill, which is to ensure the health and safety of the public and electric utility workers.

KIUC offers comments on this measure.

The labor shortage in the State of Hawai'i is having a significant impact on recruitment efforts for businesses of every type, including utilities. As of December 2023, Kaua'i had the lowest unemployment rate in the state at 2.3%.

Recruitment becomes even more difficult for positions requiring specialized skills, such as journeyman linemen. These positions are critical to ensuring KIUC can provide safe and reliable power to its members. Despite continued collaboration with schools, community colleges and other organizations committed to economic and workforce development, KIUC struggles to fill open lineman positions. In order to sustain a schedule for necessary system repairs, maintenance and upgrades, KIUC occasionally utilizes the services of contract linemen.

Additionally, special projects and unexpected events often require KIUC to use contract linemen. Oftentimes these projects are necessary to ensure the health and safety of employees and the general public.

Currently, KIUC verifies contracted journeyman lineman credentials prior to allowing work on KIUC facilities. Required credentials may include an active Journeyman Lineman card, IBEW Journeyman Lineman ticket, or Journeyman Lineman Certificate.

We do have concerns that requiring contracted electrical utility workers to comply with the examination requirements outlined in §448E-8.5 (b)(2) could impede an electric utility's ability to address urgent repair and maintenance needs in a timely manner. An alternative approach could be to allow a contractor to submit journeyman lineman credentials to initiate the state licensing process, allowing them to work until such time as the state license is obtained. This, along with the creation of a licensing process that would require days or weeks, rather than months, to complete would significantly alleviate KIUC's concerns.

We offer the following amendment to Section 5 (a)(2), beginning on Page 7, line 11:

(2) Journey worker electric utility lineman: To be eligible for work as an electric utility lineman pending successful completion of the journey worker electric utility lineman examination, an applicant shall be at least eighteen years of age and shall provide satisfactory evidence of:

- (A) Experience in electric utility lineman work within the purpose and scope of the National Electrical Safety Code and other codes and standards adopted pursuant to chapter 269;
- (B) At least three and a half years full-time or its equivalent, but no less than seven thousand hours, performing the electric utility lineman work under the supervision of a journey worker electric utility lineman; ~~and~~
- (C) Satisfactory completion, accepted by a university of Hawaii community college or its equivalent offering an appropriate program of study, of four hundred thirty-two hours of electrical academic coursework; and
- (D) Registration for the journey worker electric utility lineman examination;

KIUC also believes that public utility employees indentured under a utility apprenticeship program should be clarified as remaining exempt from licensing provisions of this bill.

Mahalo for the opportunity to comment.



**TESTIMONY BEFORE THE SENATE COMMITTEE ON
PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**HB 2523, HD1
Relating to Electric Utility Lineman**

March 11, 2024
3:45 PM
State Capitol, Conference Room 225

Michael B. Ryder
Acting Director, Transmission & Distribution Operations
Hawaiian Electric

Dear Chair Wakai, Vice Chair Elefante, and Members of the Committee,

My name is Michael B. Ryder and I am testifying on behalf of Hawaiian Electric in support of HB 2523, HD1, Relating to Electric Utility Lineman.

Hawaiian Electric supports the intent of HB 2523, HD1, which aims at promoting the creation of a trained local workforce that supports the safe and efficient construction of electrical transmission and distribution systems. Safety is Hawaiian Electric's number one priority. Adding "journey worker electric utility lineman" as a class of workers that require specific training under the National Electrical Safety Code and a license established under HRS 448E will promote the safe and efficient construction of utility systems.

Hawaiian Electric itself already provides training in accordance with the National Electrical Safety Code to its utility linemen that satisfies the requirements of HRS 448E, through various programs and through direct work experience. That is why Hawaiian Electric's employees, and the employees of other franchised electric utility companies in Hawaii, are exempt from the licensing requirements of HRS 448E, as expressly stated under HRS 448E-13(a)(1).

Thank you for this opportunity to testify in support of HB 2523, HD1.