

## **Open Work Session**

### **Senate Bill 762 – Maryland Electricians Act – Master Electricians**

**July 20, 2021**

Mr. Paul Wilber, County Attorney, Mr. Rob Simmons, Chairman of the Electrical Board, and Mr. Donald Tribeck, Electrical Board Member, came before Council. Mr. Wilber said Mr. Simmons and Mr. Tribeck are both licensed master electricians in Wicomico County, and he will give an overview of the reason they are here.

Mr. Wilber said the State of Maryland passed Legislation this last Session that essentially takes over licensing of electricians in the entire State. He explained, since 1967 their County Code has a local Electrical Board that issues local Wicomico County licenses to electricians, but what has resulted from this is that, once the dust clears and settles on what this State Legislation means, they are going to have to rewrite their local electrical code, and he will try to hit on some of the situations that have arisen.

Mr. Wilber said he gathers that the State law was developed over a number of years by a small workgroup, and their local Electrical Board tried to find out about it and give input, but they were largely just not communicated with. He said a State electrical licensing law was passed and Governor Hogan did not sign it, but he did not veto it, so it became the law on June 1, 2021 effective for July 1, 2021, which resulted in what he can only call a major scramble on the local electricians.

Mr. Wilber explained, in the State law there are three licenses they can get - a State Master, a State Journeyman, or a State Apprentice. He said, under the Wicomico County Code that has been in effect since 1967 they have a Wicomico Master, a Wicomico General, or a Wicomico Limited, so they have two pieces of Legislation that do not match up.

Mr. Wilber said there has really been a major lift by the Electrical Board and their staff person, Amanda Rodriguez, who have really worked hard on trying to keep their local electricians licensed and operating. He said they have had some Zoom calls with the State Electrical Board to try to get some clarification on the transition between this new State law and their current County situation because they do not want to have their local electricians put in a position where they cannot work or bid because they are not properly licensed. He said the State law has some transition provisions in it, but not nearly enough, so it is just a lot of gray area right now. He said the Counties that have local Electrical Boards are Wicomico, Somerset, Worcester, and Dorchester, and they have a lot of questions about how to transition their local electricians. He said most of their local electricians are general, so they tried to have their general electricians apply before July 1 to become State masters, so that was a big paperwork push to get the information to the State to try to move them into that category.

Mr. Wilber said another issue is that the State law requires a certain amount of experience and testing, so someone who has been a general in Wicomico for 25 years and is very experienced and a very good electrician may have to take a test, and not everybody is good at taking written tests, so that is an issue.

Mr. Wilber said another facet of this State law is that they want all disciplinary actions reported to the State, and if there are going to be suspensions or revocations, they will be handled at the State level, so they will not be able to handle them locally.

Mr. Wilber said one of the problems they see is that the State Board currently has vacant positions, so there are actually positions at the State level to process all of the electricians' licenses for the whole State. He said they have really been working hard on trying to figure this all out, but ultimately, they will be back to the Council when the smoke clears. He said they have been in contact with the Lower Shore Delegation and they are trying to get them to bring amendments to the next Legislative Session so they can answer some of these questions that are in place. He said Mr. Simmons has worked extensively on this, so he is sure he will have some things to add.

Mr. Simmons said one of the first things to touch on is that this Bill was passed with really zero input from the local Boards, the people in the field, and they pushed it through under the guise of COVID and also through virtual meetings where nobody was able to attend to object, and the State recognizes that there would have been major pushback. He said he has been talking to Senator Carozza, Delegate Mautz, Senator Eckardt, and Delegate Anderton and one thing they came to the Board with was to make a list of what is wrong with the Bill and narrow it down to three things and see if they can get it passed. He clarified, they are not going to get it repealed because it passed unanimously in the Senate, so that is out the window, even though they would like for it to be repealed.

Mr. Simmons said, in this County between general and limited electricians they have 120 individual businesses and employers, so multiply that by employees who are being supported doing work. He said, if they do nothing, this Bill will essentially put them out of business because they would no longer be able to operate. He said, when they brought that up to the State, they actually said that the State does not revolve around the Southern Counties on the Lower Shore, and that came out of a State Delegate's mouth. He said they were told it was up to them to fix what they called the County's problem, and it was their fault because they gave these people these licenses.

Mr. Holloway asked if this passed unanimously, to which Mr. Simmons responded, yes, in the Senate. Mr. Holloway said, so their local Delegation passed this, to which Mr. Simmons responded, it is his belief that they did not know everything that went with this Bill and they were sold.

Mr. Simmons said, with major reluctance, they did the only thing they saw fit to keep these people in business and operating. He explained, they made criteria where, if they had seven years in the trade, that would actually make them eligible to test for a master because at this point they had no choice, so as long as they had seven years they made them a master electrician and they kept them in business. He clarified, none of them are really happy with that because they put in their time to become master electricians and they all took the exams and passed to show that they were competent in their abilities.

Mr. Simmons said they have developed a pretty good partnership through all of this with the three Lower Counties, which he does not think they have ever had since he has been on the Board. He said they have communication with Worcester and Somerset, and they have been attending their meetings so they can all be on the same page and try to move forward.

Mr. Simmons said the State made the regulations about the three State licenses they are referring to – journeyman, master and apprentice. He said the State pretty much said they are not going to be showing up on their job sites, so they put it back in the County's lap and said they would rely on County inspectors. He said he informed the State that they do not have County inspectors, they have third-party electrical inspectors.

Mr. Simmons said one issue regarding the journeyman that he actually brought up on a Zoom meeting is that he thought there was a provision in there so they could waive the time waiver. He clarified, if they have what would be equivalent to 8,000 hours, which basically is four years, they should not have to sit for an exam. He said people have been in this trade for ten or more years, so they should not have to test to continue doing what they are doing because he thinks they are competent. He said the workforce is hard enough as it is right now where they cannot find help. He explained, there are jobs, but nobody is applying, so now they are going to take the workforce they have and require them to test to keep their job, and he thinks that is absurd. He said that is one of the top things that the Delegates and Senators he has spoken to are going to work on so that when they get back to Session they can try to pass that through.

Mr. Simmons said, regarding permits, the current language written in this Bill says that a person does not have to have a County registration to pull a permit, so they cannot give County licenses, but they can give County registrations. He said the State denied that and said they are not trying to take any County registrations and they are not trying to take money from anybody. He said, when he brought that point up, the State did not listen to him. He said, when Worcester County's Attorney spoke up, the State listened to him when he told them they were wrong and the language in there says "or," so basically someone from wherever can come here and say they have to have a Wicomico County registration, but he can say, no, they do not. He said, by this law, they have to give them a permit. He said the State said that was not the intention, but the language is there, so they want to change that. He said he does not know how far that will go because the whole purpose of this Bill is to have Statewide licensure so someone cannot be denied a registration.

Mr. McCain said, given that this is a State law, that is going to be a challenge, to which Mr. Simmons responded, they are going to bring it up for discussion to find out.

Mr. Simmons said their permits are \$25 and their licenses are \$100, so now all the money from people who have County licenses is gone, so they have talked about having to raise permit fees. He clarified, they are trying to figure out what to do.

Mr. Dodd asked where the money for the licensing goes, to which Mr. Simmons responded, it comes back to the general fund.

Mrs. Acle asked if it is possible to get enabling Legislation for Wicomico to be exempt from this, to which Mr. Wilber responded, he does not think that would fly since the State wants to take over the licensing of all electricians in the State.

Mrs. Acle asked if they have tried to call the State, to which Mr. Wilber responded, yes, they have all tried to call there, and communication is not great. Mr. Simmons said the only time he gets communication is when he makes a request through a State Senator or State Delegate, and they will actually set up a meeting because their hand is then forced, but if he calls, he does not get a return call. He said he sent an email to Ms. Bailey on April 28 and is still waiting for that response.

Mr. Holloway said he thinks the issue is that they want these folks to be able to work, so they passed many of the generals to master. He then asked how many electricians there are who do not have seven years in, to which Mr. Simmons responded, he believes it is only two. Mr. Holloway asked if they can pull a permit through a master, to which Mr. Simmons responded, that is a touchy subject. He clarified, the

way he views it, the consensus is, if a master pulls a permit, he takes the responsibility. He said it does kind of skirt some things, but the short answer is yes, a master can if they so desire.

Mrs. Acle asked what the difference is between a master and a general, to which Mr. Simmons responded, a master electrician can do pretty much everything and anything that has to do with electricity, whether it is high voltage or low voltage in buildings such as schools or plants. He said it is actually easier to describe what the general cannot do. He explained, when general electricians were established, it was limited to homes and is more affordable because they do not have to charge as much. He said the general license holder can do any residential work and can do single phase commercial work up to 200 amps.

Mr. Dodd said Mr. Simmons stated that there are about 120 generals in Wicomico County. He then asked if there are people working under them who do not have a license who are electricians, to which Mr. Simmons responded, yes, but they want every person licensed, and Delaware does the same thing where they have to have a journeyman or apprentice card. He said he kind of likes it because it makes for a level playing field where they cannot just hire laborers to do the job, but there are catches with that. He said Mr. Tribeck can probably speak on that more because his company is larger and he has employees in Delaware who have the journeyman and apprentice.

Mr. Tribeck said his company right now has approximately 20 electricians, but he does not have enough people to do all of his work and he is so far behind on everything because they are struggling with manpower. He explained, they cannot become an apprentice unless they are signed up for a class, but they cannot sign up for a class until July 1 and then classes start in September. He said they cannot sign up for another class until July 1 again for the next year, so if he hires somebody new, he has to do one of two things - either not work them or have them sweep because that is the only thing they are allowed to do on his jobs. He said then he has to decide whether or not they are going to be a good employee for him to pay the money for the classes. He said, if they are not through the State, because he can only have so many through the State depending on how many journeymen and master electricians he has and he can only take so many, but he pays \$100 if he can do them through the State. He said otherwise going through Delaware and taking them to Sussex Tech he pays between \$700 to \$800 a year. He said, if he does it through Maryland, he has to join a group to get a discount and pay \$2,400 a year, or if he does not join the group, he pays \$3,600 per year for every employee he decides to hire whether they are good or not. He said obviously he has to make them sign contracts, and if they become not good and he has to let them go, or if they decide to quit, they have to pay him back the \$3,600, which he is never going to get.

Mr. Dodd asked where they get the training, to which Mr. Tribeck responded, right now there is none in Wicomico County. Mr. Dodd asked where the training is that they sign up for on July 1, to which Mr. Tribeck responded, right now all of his people go through Sussex Tech, and as long as Maryland will still do that, he will pay the \$700 for his guys to be able to do that.

Mr. McCain asked if all the classes are in person or is there anything online, to which Mr. Tribeck responded, last year everything was online, but hopefully they will be back this year. He said most of his guys say they learn more on the job than they do in the class, so he kind of feels like he is throwing his money in the trashcan by sending them there, but he has to do what he has to do. He said it is a big money thing, and for smaller companies that do not have many employees, their customers will have to eat that cost because they cannot eat it themselves, so it is just going to be a big thing on smaller

companies and it is going to hurt them. He said, with companies like his they can put it back to the customers without much trouble because they do a lot more business per year. He said they do millions of dollars per year. He clarified, they do not make millions, but they do millions.

Mr. Dodd asked if they are getting electricians through the CTE program, to which Mr. Simmons responded, it is interesting that Mr. Dodd brings that up. He said their Vice President, Mr. McIntyre, whose daughter Tara is the principal at Parkside, is running the CTE program, and Mr. McIntyre asked him to specifically address the Council to see what they need to do to have that funding, or whether it is to establish a program at Wor-Wic because they need something here on the Shore. He said people will come to Salisbury because they come to Salisbury for everything else, so it would be good to establish something like that at Wor-Wic that meets the State standards and the State testing. He said there is an organization that writes the tests and approves the tests, so they are the ones they would probably ask for the curriculum. He clarified, what they do not want is a union school set up here, not because they do not like the union, but because he wants a fair shot. He explained, if a union school is set up here, it is going to be union influenced, and this Bill was pushed by the union and all of those licenses are different union levels. He clarified, the union is great in other areas, but on the Lower Shore they cannot afford to pay union pay to their employees because they would have to charge enormous rates and it just would not work.

Mr. Tribeck said, before they even found out about the Bill they were struggling and trying to go in every direction, so he actually talked to Wor-Wic and they have a union class there right now, but they said it will take three years to set up a non-union class. He said they are in the process of building a new CTE building. He said he thinks Chesapeake has something, but he is not positive about that. Mr. Holloway clarified, Wor-Wic has a union electrician class, to which Mr. Tribeck responded, yes. Mr. Dodd said he did not know that. Mr. Tribeck said he was told that they have to set one up through the union at Wor-Wic.

Mr. Holloway said the Board of Education has nothing to do with what they are talking about today, but they actually dropped the plumbing classes at CTE, so they are not even teaching plumbers anymore because they did not have participation. Mr. McCain added, there was a lack of interest.

Mr. Tribeck said every year in the summertime they do a lot of work with the Board of Education and try to hire kids out of CTE. He said the first year they did it they had ten kids, and last year he thinks they were down to four, but this year he only got one. Mr. Holloway clarified, they have an electrical class at Parkside, to which Mr. Tribeck responded, they do, and he tries to hire them and keep them. He said he has one kid from there who is the greatest employee he has. He said he is a hard worker and shows up seven days a week, and calls and asks when he needs time off. He said he just cannot get them from Parkside anymore.

Mr. Hastings asked if there are only four Counties that have a Board, to which Mr. Simmons responded, that is on the Shore. He said he thinks Garrett does, but he believes Montgomery just dropped their Board and said they would let the State handle it. Mr. Hastings asked if MACo supported this Bill, to which Mr. Simmons responded, he does not know. Mr. Dodd asked Mrs. Hurley if she knows, to which Mrs. Hurley responded, she does not remember it being discussed. Mr. Dodd said MACo met during the Session on Zoom, and there are so many Bills, but they only pick and choose certain ones that they ask if the Counties want to support or oppose, and he does not remember this one coming in front of them.

Mr. Hastings said it sounds like they have some ideas to take to the State to make some potential Legislative fixes. He then asked what they need to do internally, to which Mr. Wilber responded, they are giving Council a briefing on the situation, but this is mainly a push to the Lower Shore Delegation about this State law. He said ultimately, once the dust settles they will be back with a new Code section for the County. He said one option is not to have an Electrical Board here, but if they have an Electrical Board, it is going to be fit within that State law, which will be a big change.

Mr. Holloway said he is glad to see they got the people back working, to which Mr. Wilber responded, that was their number one push. Mr. Holloway asked if the other two are not interested, or do they have to put in more hours, to which Mr. Simmons responded, they have to put in more hours.

Mr. Holloway said, as far as having a local Electrical Board, he thinks it would help to have some kind of representation for their group. He said he knows people always have questions and something could come up where they need organization, so he thinks having a Board would be advantageous.

Mr. Tribeck said one of the other concerns he has with the Bill is that he feels like even though the State is going to the point of doing master, journeyman, and general and they are trying to get the County on the same page, they actually have not worried about the limited license HVAC people. He said they can still do electrical work and the State does not even care about them. Mr. Simmons added, that was concerning. He said, looking at the workgroup created to study this Bill, the low voltage and solo contractors got in on it and actually largely outnumbered the actual high voltage or regular electricians in the workgroup. He said they are talking about members from Verizon, Comcast, and Hewlett Packard, so it is a lot of low voltage big companies that came in and pushed their influence, and the State is not going to touch low voltage guys and said they are going to leave them alone until 2024 he believes. He said, when the State said they were not going to touch the low voltage contractors, he raised a question and asked it three or four times. He said he asked what the State's definition of low voltage is, and they told him they do not have one, so they could just say they are low voltage contractors. He clarified, the issue they have with low voltage is when they have the system integrators like home theater and alarm companies, they are still performing electrical work, they are still tying into the systems, and they are still doing work that needs to be inspected, and it seems like they are running around with no governance at all. Mrs. Acle asked if that is where the majority of electrical fires are with alarms and low voltage, to which Mr. Simmons responded, he cannot speak on that because he does not know.

Mr. Wilber said, in their current Legislation they have a limited license which covers low voltage, so they were regulating in Wicomico, but the State did not touch them. Mrs. Acle asked if the Board will still be regulating them, to which Mr. Simmons responded, they are going to try. Mr. Wilber added, that is to be determined.

Mr. Hastings said the State obviously supersedes, but if they did not intentionally write it out, then theoretically whatever the County put on there should be good. Mr. Tribeck said one of the questions is whether they can or cannot because they really want to, but they do not like the way it is set up because they do not feel like it is being governed properly. He said, when they pushed this through, they pushed it through just to get it through. He said there are no details, and he cannot even go online right now and register any of his employees as a journeyman or apprentice because it is not available, and he does not know when it will be available. He said it is law and he is supposed to be doing it, but he cannot, so it is just really upsetting that the State is doing this but had no layout before they made it a law.

Mr. Dodd asked what happens if the local Electrical Board decides to dissolve, to which Mr. Wilber responded, then all the licenses are State licenses and the State Electrical Board would have disciplinary control, testing control, everything. Mr. Dodd asked if everything would go through the State, to which Mr. Wilber responded, yes, which is what the State wants. Mr. Simmons said he does not think the State wants to dissolve the local Boards because they want them to do the legwork. He said, when it comes to the complaints, the State wants them to investigate it. He said they are supposed to be the police, but they are not going to be the prosecutors when a complaint is brought before them. He said, if they find a complaint to be valid, they will just send it up to the State. He said they have total control over their permits, so one thing he suggested was that, if someone has a complaint, they do not get their final inspection until that complaint is handled, which will then put the ball back on the State so when the contractors come and say they need a final inspection so they can get paid, they can tell them it is at the State and they need to call them. He said he does not know if they can do that, but it will be the only thing they can do. Mr. Holloway asked what would happen with a customer with a home who is waiting to move in and then it is held up in limbo between the State and the County, to which Mr. Wilber responded, they would be waiting for a disciplinary result out of the State and they are dealing with the whole State of Maryland, so good luck.

Mrs. Hurley said, on MACo's website it says they supported Senate Bill 762 and their testimony indicates that it is to close a multiyear effort to modernize and streamline the licensure, registration and oversight of professional electricians in Maryland.

Mr. McCain said the State has been doing this for years in other industries. He said he is in a different industry, but he has lived and breathed the same exact thing. He said theirs sort of came from federal to State, but they have four levels of licensure and the federal government established four nationwide, but every State did their own thing. He said then every State had to put themselves into the box of federal and it took years. He said they operated in an environment for years where every State was doing something different, but federal was trying to get everyone to do the same thing. He said the Licensing Commission's goal is always consistency. He said he understands the challenge, but hopefully they can get the State to clean up this Legislation in the next Session.

Mr. Tribeck clarified, it is not that he does not totally support the Bill, he just does not support the way the Bill went through and the fact that there is no background to it and there is no actual layout of how things are going to work, and the fact that they want the Counties to get all the money but the State does not want to do any of the actual work of taking care of getting electricians set up. He said the State actually wants them to send them everybody they have and their qualifications and do all the paperwork for them, and then they just say yes or no, but there is nothing for the County to go off of, and he is worried about every business not being able to pull permits and do work the way they need to.

Mr. Holloway asked if an individual can go through classes at Wor-Wic or a high school and test and become a master electrician without on-the-job training or working under a master, to which Mr. Tribeck responded, no, they have to be under a master for seven years. Mr. Dodd said that is a long time. Mr. Wilber added, it is a long process.

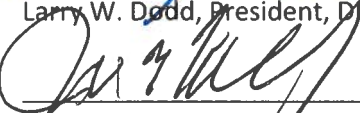
Mr. Holloway said they have trouble getting people to be EMTs or fire fighters, and plumbers are not coming along, and are they seeing a decline in young people wanting to be electricians.

Mr. Dodd asked where they go from here, to which Mr. Wilber responded, this has been a briefing, and once they figure out the State law they will be back to Council with revisions to the County Code, but he does not know exactly what that will look like at this point. Mr. Dodd said hopefully they can get more out of CTE and Wor-Wic to get more electricians because those are good programs.

There was no further discussion.



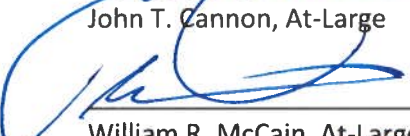
Larry W. Dodd, President, District 3



Joe Holloway, Vice President, District 5



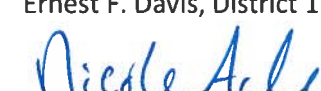
John T. Cannon, At-Large



William R. McCain, At-Large



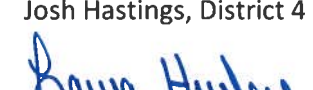
Ernest F. Davis, District 1



Nicole Acle, District 2



Josh Hastings, District 4



Laura Hurley, Council Administrator