

SENATE BILL 235

C2

11r0461

By: **Chair, Education, Health, and Environmental Affairs Committee**

Introduced and read first time: January 27, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2011

CHAPTER _____

1 AN ACT concerning

2 ~~Department of Labor, Licensing, and Regulation~~ **State Board of Master**
3 ~~Electricians – Sunset Extension, Revision, and Report~~ **and Revision**

4 FOR the purpose of continuing the State Board of Master Electricians in accordance
5 with the provisions of the Maryland Program Evaluation Act (sunset law) by
6 extending to a certain date the termination provisions relating to the statutory
7 and regulatory authority of the State Board; requiring the State Board to adopt
8 regulations to establish continuing education requirements; conditioning the
9 ability to renew a certain license on compliance with certain continuing
10 education requirements; requiring that an evaluation of the State Board and
11 the statutes and regulations that relate to the State Board be performed on or
12 before a certain date; requiring the State Board, in conjunction with the
13 Department of Labor, Licensing, and Regulation, to submit a certain report on
14 or before a certain date; ~~requiring the Department to convene a certain group of~~
15 ~~interested and affected parties to make certain recommendations regarding the~~
16 ~~establishment of a State Board of Electricians; establishing the membership of~~
17 ~~the group; requiring the Secretary of Labor, Licensing, and Regulation to~~
18 ~~submit a certain report and draft legislation to the Senate Education, Health,~~
19 ~~and Environmental Affairs Committee and the House Economic Matters~~
20 ~~Committee on or before a certain date; requiring the Division to investigate the~~
21 ~~feasibility of certain special funding authority for a State Board of Electricians~~
22 ~~under certain circumstances; requiring the Division to investigate certain~~
23 ~~fee setting authority for a State Board of Electricians under certain~~
24 ~~circumstances; requiring the Division to study certain methods of funding; and~~
25 generally relating to the State Board of Master Electricians.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY repealing and reenacting, with amendments,
 2 Article – Business Occupations and Professions
 3 Section 6–205, 6–310(c), and 6–702
 4 Annotated Code of Maryland
 5 (2010 Replacement Volume)

6 BY repealing and reenacting, without amendments,
 7 Article – State Government
 8 Section 8–403(a)
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2010 Supplement)

11 BY repealing and reenacting, with amendments,
 12 Article – State Government
 13 Section 8–403(b)(18)
 14 Annotated Code of Maryland
 15 (2009 Replacement Volume and 2010 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Business Occupations and Professions**

19 6–205.

20 In addition to any powers and duties set forth elsewhere, the State Board shall:

21 (1) twice a year hold a seminar and invite members from each local
 22 licensing jurisdiction to discuss any industry or licensing problems; and

23 (2) adopt regulations to establish:

24 (i) application and examination fees; [and]

25 **(II) CONTINUING EDUCATION REQUIREMENTS; AND**

26 **[(ii)] (III) application deadlines.**

27 6–310.

28 (c) Before a State license expires, the State licensee periodically may renew
 29 it for an additional 2–year term, if the State licensee:

30 (1) otherwise is entitled to be licensed;

31 (2) pays to the State Board a renewal fee of \$25; [and]

1 **(3) COMPLIES WITH CONTINUING EDUCATION REQUIREMENTS**
2 **ESTABLISHED BY THE STATE BOARD IN REGULATION; AND**

3 **[(3)] (4)** submits to the State Board a renewal application on the
4 form that the State Board provides.

5 6–702.

6 Subject to the evaluation and reestablishment provisions of the Maryland
7 Program Evaluation Act, this title and all regulations adopted under this title shall
8 terminate and be of no effect after July 1, **[2013] ~~2017~~ 2023.**

9 **Article – State Government**

10 8–403.

11 (a) On or before December 15 of the 2nd year before the evaluation date of a
12 governmental activity or unit, the Legislative Policy Committee, based on a
13 preliminary evaluation, may waive as unnecessary the evaluation required under this
14 section.

15 (b) Except as otherwise provided in subsection (a) of this section, on or before
16 the evaluation date for the following governmental activities or units, an evaluation
17 shall be made of the following governmental activities or units and the statutes and
18 regulations that relate to the governmental activities or units:

19 (18) Electricians, State Board of Master (§ 6–201 of the Business
20 Occupations and Professions Article: July 1, **[2012] ~~2016~~ 2022**);

21 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
22 2012, the State Board of Master Electricians, in conjunction with the Department of
23 Labor, Licensing, and Regulation, shall submit a report to the Senate Education,
24 Health, and Environmental Affairs Committee and the House Economic Matters
25 Committee, in accordance with § 2–1246 of the State Government Article, on the
26 status of nonstatutory alternative recommendations contained in the Sunset Review:
27 Evaluation of the State Board of Master Electricians conducted by the Department of
28 Legislative Services, specifically:

29 (1) the enforcement of the reporting requirements established under
30 Chapter 163 of the Acts of 2002;

31 (2) the implementation of continuing education requirements for
32 master electricians;

1 (3) the findings of the Division of Occupational and Professional
 2 Licensing on appropriate membership of the State Board of Master Electricians,
 3 including whether it remains feasible to have three consumer member positions; and

4 (4) whether to limit the number of employees that may work under a
 5 qualified license.

6 ~~SECTION 3. AND BE IT FURTHER ENACTED, That:~~

7 ~~(a) (1) The Division of Occupational and Professional Licensing of the~~
 8 ~~Department of Labor, Licensing, and Regulation shall convene a group of~~
 9 ~~stakeholders, both public and private, and representatives of interested and affected~~
 10 ~~parties to make recommendations regarding the establishment of a State Board of~~
 11 ~~Electricians that:~~

12 ~~(i) is subject to the Maryland Program Evaluation Act (sunset~~
 13 ~~law);~~

14 ~~(ii) has statewide regulatory authority;~~

15 ~~(iii) has an effective date of July 1, 2013, to coincide with the~~
 16 ~~termination of the State Board of Master Electricians; and~~

17 ~~(iv) has a termination date of July 1, 2021.~~

18 ~~(2) The group convened under paragraph (1) of this subsection shall~~
 19 ~~include:~~

20 ~~(i) affected county and municipal officials;~~

21 ~~(ii) affected State agencies;~~

22 ~~(iii) master, journeyman, qualified agent, and apprentice~~
 23 ~~electricians;~~

24 ~~(iv) union and nonunion industry representatives;~~

25 ~~(v) representatives of the State Board of Master Electricians;~~
 26 ~~and~~

27 ~~(vi) consumers.~~

28 ~~(3) The recommendations developed under this subsection for the~~
 29 ~~establishment of a State Board of Electricians shall provide for multiple licensing~~
 30 ~~levels, and shall include:~~

1 ~~(i) the types of statewide licenses to establish, including~~
2 ~~State-administered master, master inactive, qualified agent, journeyman, restricted,~~
3 ~~limited, apprentice, and other licenses;~~

4 ~~(ii) continuing education requirements for renewal of licenses;~~

5 ~~(iii) appropriate membership for the new State Board;~~

6 ~~(iv) whether to limit the number of employees that may work~~
7 ~~under a qualified agent or successor license;~~

8 ~~(v) steps necessary to preempt the right of a county or~~
9 ~~municipality to maintain local boards and to license electricians, including a process to~~
10 ~~eliminate local boards and electrician licensing systems; and~~

11 ~~(vi) how to grandfather certain local licenses for a limited period~~
12 ~~after the establishment of the new State Board until State licensing can be fully~~
13 ~~implemented.~~

14 ~~(b) On or before October 1, 2012, the Secretary of Labor, Licensing, and~~
15 ~~Regulation shall submit to the Senate Education, Health, and Environmental Affairs~~
16 ~~Committee and the House Economic Matters Committee:~~

17 ~~(1) a report, in accordance with § 2-1246 of the State Government~~
18 ~~Article, on the plans of the Division of Occupational and Professional Licensing to~~
19 ~~create and operate a new program for the statewide regulation of electricians under a~~
20 ~~State Board of Electricians; and~~

21 ~~(2) legislation drafted for approval by the General Assembly that~~
22 ~~would enact the consensus recommendations developed under this section and~~
23 ~~facilitate preparations for the State Board of Electricians.~~

24 ~~(c) The Division of Occupational and Professional Licensing shall:~~

25 ~~(1) (i) investigate the feasibility of establishing special funding~~
26 ~~authority for the State Board of Electricians in order to maintain more control over its~~
27 ~~enhanced regulatory activities; or~~

28 ~~(ii) if special funding is not feasible, investigate the feasibility of~~
29 ~~establishing fee setting authority to more adequately recoup funding for the~~
30 ~~operations of the State Board of Electricians; and~~

31 ~~(2) study methods of tying the cost of licensing fees to the cost of~~
32 ~~regulating electricians.~~

33 SECTION 4. ~~3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
34 effect July 1, 2011.