

BEFORE THE STATE ELECTRICAL BOARD
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.141.301 definitions,)
24.141.405 fee schedule, and)
24.141.2102 continuing education)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On February 18, 2010, at 1:00 p.m., a public hearing will be held in room 430, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the State Electrical Board (board) no later than 5:00 p.m., on February 12, 2010, to advise us of the nature of the accommodation that you need. Please contact Jason Steffins, State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2329; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdele@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.141.301 DEFINITIONS ~~For purposes of this sub-chapter, the following definitions apply:~~

(1) "Full-time employment" means employment wherein the Montana-licensed responsible electrician is available to procure, perform, administer, and supervise all electrical work being performed by the Montana-licensed electrical contractor.

(2) and (3) remain the same.

(4) "Limited electrical contractor" means a Montana-licensed electrical contractor limited to residential construction consisting of less than five living units in a single structure.

(5) and (6) remain the same.

(7) "Responsible electrician" means the ~~person~~ Montana-licensed electrician engaged in a full-time capacity, who is responsible for all licensed electrical work performed by the electrical contractor.

(8) "Unlimited electrical contractor" means a Montana-licensed electrical contractor that is licensed to perform electrical work on commercial, residential, industrial, and institutional electrical installations as covered by the national electrical code.

AUTH: 37-1-131, 37-68-201, MCA

IMP: 37-68-102, 37-68-201, 37-68-304, 37-68-305, 37-68-312, MCA

REASON: The board is amending this rule to address questions and confusion regarding out-of-state electricians entering Montana for work. Out-of-state electricians have argued that their out-of-state licenses meet the board's licensing requirements and therefore allow them to work here as electricians, without obtaining Montana licensure. This position has created legal difficulties for the board and the out-of-state electricians. The board determined it is reasonably necessary to amend this rule to clarify that a Montana license is required for work in Montana. The rule is also being amended for consistency in terminology used and to comply with formatting requirements of the Secretary of State.

24.141.405 FEE SCHEDULE (1) remains the same.

(2) Application fee for a license by examination (includes original license fee)	120 <u>240</u>
(3) Contractor - original license fee	250 <u>300</u>
(4) Renewal fee (two years)	
(a) Contractor	165 <u>300</u>
(b) Master	70 <u>140</u>
(c) Journeyman	70 <u>140</u>
(d) Residential	70 <u>140</u>
(5) Application by endorsement or reciprocity (includes original license fee)	125 <u>250</u>
(6) <u>(9)</u> Temporary permit	50
<u>(6)</u> CE Provider application fee	<u>25</u>
(7) <u>(10)</u> Fees are nonrefundable.	
<u>(7)</u> CE Provider course fee	<u>10</u>
(8) <u>(11)</u> Additional standardized fees are specified in ARM 24.101.403.	
<u>(8)</u> Apprentice registration fee	<u>10</u>

AUTH: 37-1-134, 37-68-201, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-68-304, 37-68-310, 37-68-311, 37-68-312, 37-68-313, MCA

REASON: The board has determined it is reasonably necessary to make the proposed fee changes to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with associated costs. The department, in providing administrative services to the board, has determined that unless the licensure fees are increased as proposed, the board will have a shortage of operating funds by August 2010. The board has not raised fees for seven years and following the proposed increases, the board and department do not anticipate having to consider another fee increase for several more years.

The board is also adding new fees for CE providers, CE provider courses, and apprentice registration. CE providers are now utilizing the online reporting system more frequently, and the system requires board staff to process data, input changes, and to track each provider and the associated courses. The new

apprentice registration fee will cover the costs associated with producing new plastic registration cards that are more durable and costly than the paper cards previously issued. The board is proposing these new fees to comply with 37-1-134, MCA, and set these fees commensurate with current costs. The proposed fee increases will affect approximately 2722 licensees, applicants, CE providers, and apprentices and will result in approximately \$137,780 in additional annual revenue.

24.141.2102 CONTINUING EDUCATION (1) and (2) remain the same.

(3) An applicant for continuing education provider approval shall submit:

(a) a completed board-approved provider application with the required fees;

(b) a completed board-approved application for each course with the required

fees;

(c) a sample completion certificate as outlined in (4)(d);

(d) documented proof from the provider that instructors are credentialed as outlined in (4)(c); and

(e) a syllabus of each course.

(3) through (6) remain the same but are renumbered (4) through (7).

AUTH: 37-1-131, 37-1-319, 37-68-201, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, MCA

REASON: The board is amending this rule to set forth the particular requirements for the CE provider and course applications, including specifying the documents needed to facilitate the application process. This change will affect approximately 55 CE Providers that have 200 courses in Montana and is being proposed in conjunction with the establishment of appropriate fees in ARM 24.141.405.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdele@mt.gov, and must be received no later than 5:00 p.m., February 26, 2010.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.electrician.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have

their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdele@mt.gov, or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

STATE ELECTRICAL BOARD
JACK FISHER, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State January 19, 2010