

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

In the matter of the amendment of) AMENDED NOTICE OF PUBLIC
ARM 24.141.405 fee schedule and) HEARING ON PROPOSED
the adoption of NEW RULE I) AMENDMENT AND ADOPTION
nonroutine applications)

TO: All Concerned Persons

1. On July 28, 2011, the Montana State Electrical Board (board) published MAR Notice no. 24-141-35 regarding the public hearing on the proposed amendment and adoption of the above-state rules, at page 1347 of the 2011 Montana Administrative Register, issue no. 14. A public hearing was scheduled and announced in the notice.

2. It was subsequently discovered that an error had occurred and the proposal notice had not been sent to all interested persons as required by the Montana Administrative Procedure Act. Therefore, the board is reissuing this proposal notice and has rescheduled the public hearing as shown below.

3. On September 23, 2011, at 10:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

4. 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 no later than 5:00 p.m., on September 16, 2011, 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.

5. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.141.405 FEE SCHEDULE (1) through (4) remain the same.

- (a) Contractor ~~200~~ 275
- (b) Master ~~400~~ 135
- (c) Journeyman ~~400~~ 135
- (d) Residential ~~400~~ 135
- (5) through (11) remain the same.

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 increase renewal fees to comply with 37-1-134, MCA, and keep the board's fees commensurate with associated costs. In 2009, the board raised fees by just one-half of the amount of increase recommended by the department. In providing administrative services to the board, the department has now determined that unless the renewal fees are increased as proposed, the board will have a shortage of operating funds by November 2011. The board estimates that the proposed fee increases will affect 2,109 licensees and result in approximately \$90,495 in additional annual revenue.

6. The proposed new rule provides as follows:

NEW RULE I NONROUTINE APPLICATIONS (1) Applications for initial licensure or renewal that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued or renewed:

- (a) the applicant's electrician's license was disciplined or the application for an electrician's license was denied in another state or jurisdiction;
 - (b) the applicant has been convicted of a felony for which the applicant is currently on probation or is otherwise under supervision;
 - (c) the applicant has been convicted of any of the following felonies committed within the past five years, regardless of whether the applicant is currently on probation:
 - (i) property crimes including, but not limited to, theft or burglary; or
 - (ii) crimes of violence including, but not limited to, assault or rape.
- (2) For purposes of this rule, any judgment in a criminal case other than acquittal will be deemed a "conviction" for purposes of this rule, without regard to the nature of the plea or whether the applicant received a suspended or deferred sentence.

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

IMP: 37-1-101, 37-68-201, 37-68-311, MCA

REASON: Section 37-1-101, MCA, specifies that the department is responsible for receipt and processing of routine license applications for all boards administratively attached to the department. Because the board meets only quarterly, having the board review all applications containing some type of irregularity has caused unnecessary delays in issuing licenses. The board concluded that with the guidance provided in this new rule, the board's current rules, and in Title 37, chapter 68, MCA, department staff will be able to competently process more electrician applications and issue the licenses and renewals without additional board review.

7. 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., October 3, 2011.

8. 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.

9. 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.

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

11. 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 August 15, 2011