

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

In the matter of the amendment of)
ARM 24.141.507 military training or)
experience, 24.141.2301)
unprofessional conduct, and)
24.141.2401 screening panel, and the)
repeal of ARM 24.141.401 board)
meetings, 24.141.402 apprentice)
registration, 24.141.2101 renewals,)
and 24.141.2402 complaint procedure)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
REPEAL

TO: All Concerned Persons

1. On November 3, 2017, at 10:30 a.m., a public hearing will be held in Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and repeal 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 October 27, 2017, 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) 841-2305; or dlibsdele@mt.gov (board's e-mail).

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

24.141.507 MILITARY TRAINING OR EXPERIENCE (1) and (2) remain the same.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as an electrician. ~~At a minimum, satisfactory~~ Satisfactory evidence ~~shall include~~ includes:

(a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);

(b) through (4) remain the same.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: Since adopting this rule, the board has become aware that certain military personnel (reservists and national guardsmen who have never been activated) in fact do not receive a DD 214 form upon discharge from the military. Because the current rule may be interpreted to require a DD 214 from all applicants who submit evidence of relevant military training, service, or education as part of the licensure process, the board is amending the rule to allow consideration of other evidence of military discharge in addition to or in lieu of a DD 214 form.

24.141.2301 UNPROFESSIONAL CONDUCT (1) and (1)(a) remain the same.

(b) being adjudicated under Title 39, MCA, by the court or agency having jurisdiction, as having violated any workers' compensation, unemployment insurance, or independent contractor law in Montana while engaged in the electrical trade; ~~and~~

(c) failure to comply with continuing education requirements set forth in ARM 24.141.2102; and

(d) failing or refusing to provide the board verification of an employee's hours worked in the employ of the licensee when the request for verification is made for purposes of licensure.

(2) remains the same.

AUTH: 37-1-131, 37-1-136, 37-1-319, ~~37-68-201~~, MCA

IMP: 37-1-307, 37-1-316, 37-1-319, ~~50-60-601, 50-60-603, 50-60-604~~,

MCA

REASON: Obtaining a license to practice as a journeyman, residential, or master electrician requires that applicants show proof of a certain number of hours worked. Recently, the board learned that former employers have failed or even refused to provide such proof. Therefore, the board determined it is reasonably necessary to amend this rule by adding this failure to those actions the board considers as unprofessional conduct. The board concluded that such conduct impedes otherwise qualified individuals from obtaining a license, and obstructs the board from licensing otherwise qualified individuals. The board notes that nothing in the amended rule will require an employer to endorse or recommend an individual's competence or skill to practice.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.141.2401 SCREENING PANEL (1) remains the same.

(2) The screening panel will not consider anonymous complaints.

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

IMP: 37-1-307, MCA

REASON: The language in new (2) is being relocated to this rule from ARM 24.141.2402 which is proposed to be repealed in this notice. The board determined

it is reasonably necessary to retain this prohibition on anonymous complaints to ensure that the public uses the board's compliance process to resolve legitimate health and safety issues, rather than be misused for illegitimate business competition or harassment purposes.

Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority.

4. The board proposes to repeal the following rules:

24.141.401 BOARD MEETINGS

AUTH: 37-68-201, MCA

IMP: 37-68-201, MCA

REASON: The board is repealing this unnecessary rule because the department now administers standardized processes regarding board meetings, minutes, and agendas, that apply to all professional and occupational licensing boards.

24.141.402 APPRENTICE REGISTRATION

AUTH: 37-68-201, MCA

IMP: 37-68-303, MCA

REASON: The board determined it is reasonably necessary to repeal this rule because the implemented statute, 37-68-303, MCA, was repealed by the 2015 Montana Legislature. Since then, the Montana Registered Apprenticeship and Training Program, rather than the board, has provided complete oversight of electrical apprentices.

24.141.2101 RENEWALS

AUTH: 37-1-131, 37-1-141, 37-68-201, MCA

IMP: 37-1-141, 37-68-310, MCA

REASON: The board is repealing this unnecessary rule because the department now administers a standardized renewal process for all professional and occupational licensure boards, and this rule merely references the department rules on renewals.

24.141.2402 COMPLAINT PROCEDURE

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

IMP: 37-1-101, 37-1-131, 37-1-307, 37-1-308, 37-1-309, MCA

REASON: The board determined it is reasonably necessary to repeal this unnecessary rule because the department now administers a standardized complaint procedure for all professional and occupational licensure boards.

5. 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) 841-2305, or e-mail to dlibsdele@mt.gov, and must be received no later than 5:00 p.m., November 13, 2017.

6. An electronic copy of this notice of public hearing is available at www.electrician.mt.gov (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

7. 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 that 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) 841-2305; e-mailed to dlibsdele@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

9. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.141.507, 24.141.2301, and 24.141.2401 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.141.401, 24.141.402, 24.141.2101, and 24.141.2402 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the State Electrical Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2329; facsimile (406) 841-2305; or to dlibsdele@mt.gov.

10. Jason Steffins, Executive Officer, has been designated to preside over and conduct this hearing.

STATE ELECTRICAL BOARD
MEL MEDHUS III, PRESIDENT

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

/s/ GALEN HOLLENBAUGH
Galen Hollenbaugh, Acting Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 2, 2017.