

CHAPTER NO. 546

SENATE BILL NO. 390

INTRODUCED BY LOCKREM, HIMSL

IN THE SENATE

February 6, 1979	Introduced and referred to Committee on State Administration.
February 7, 1979	Fiscal note requested.
February 13, 1979	Fiscal note returned.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 21, 1979	Rules suspended so that Statement of Intent allowed to be attached prior to second reading. Printed and placed on members' desks.
February 22, 1979	Second reading, do pass as amended.
February 23, 1979	Correctly engrossed. On motion rules suspended. Bill placed on calendar for third reading this day. Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on Business and Industry.
March 7, 1979	Committee recommend bill be concurred in as amended. Report adopted.

March 8, 1979 Second reading, pass consideration.
March 9, 1979 Second reading, concurred in.
March 13, 1979 Third reading, concurred in as amended.

IN THE SENATE

March 14, 1979 Returned from second house. Concurred in as amended.
March 15, 1979 Second reading, pass consideration.
March 16, 1979 Second reading, amendments rejected.
March 17, 1979 On motion Joint Conference Committee requested.
Joint Conference Committee appointed.
March 23, 1979 Joint Conference Committee reported.
March 24, 1979 Second reading, pass consideration.
March 26, 1979 Second reading, adopted.
March 27, 1979 Third reading, adopted.
March 29, 1979 Adopted by second house.
March 30, 1979 Sent to enrolling.
Reported correctly enrolled.

1 Senate BILL NO. 390
 2 INTRODUCED BY LOCKREM, Hinnel
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 6 REGULATION OF THE ELECTRICAL PROFESSION BY A BOARD OF PUBLIC
 7 SAFETY IN THE DEPARTMENT OF ADMINISTRATION; TERMINATING
 8 OPERATION OF THE STATE ELECTRICAL BOARD ON JULY 1, 1979;
 9 ELIMINATING REFERENCES TO THE STATE ELECTRICAL BOARD;
 10 CREATING A CLASS OF RESIDENTIAL ELECTRICIANS; AMENDING
 11 SECTIONS 2-8-121, 37-68-102, 37-68-103, 37-68-301,
 12 37-68-302, 37-68-305 THROUGH 37-68-308, 37-68-310 THROUGH
 13 37-68-313, 37-68-321, AND 50-60-204, MCA; AND REPEALING
 14 SECTIONS 2-15-1654, 37-68-201, AND 37-68-202, MCA."
 15

16 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 17 will terminate the state electrical board and require a
 18 performance evaluation of the board by the legislative audit
 19 committee; and

20 WHEREAS, as a result of the performance evaluation, the
 21 legislative audit committee recommends that the state
 22 electrical board be abolished and regulation of electrical
 23 work be transferred to the board of public safety in the
 24 department of administration and that certain statutory
 25 provisions be amended or repealed.

1
 2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

3 Section 1. Section 2-8-121, MCA, is amended to read:
 4 "2-8-121. Effect of termination. ~~Upon~~ Unless otherwise
 5 provided, upon termination, each agency or unit shall
 6 continue in existence until July 1 of the next succeeding
 7 year for the purpose of winding up its affairs. During the
 8 windup period, termination does not reduce or otherwise
 9 limit the powers or authority of each respective agency
 10 except that no action may be taken which would continue in
 11 effect beyond the 1-year windup period. Upon the expiration
 12 of the 1 year after termination, each agency not modified or
 13 reestablished shall be abolished and all unexpended balances
 14 of appropriations, allocations, or other funds shall revert
 15 to the fund from which they were appropriated or, if that
 16 fund is abolished, to the general fund."

17 Section 2. Section 37-68-102, MCA, is amended to read:
 18 "37-68-102. Definitions. Unless the context requires
 19 otherwise, in this chapter the following definitions apply:

20 (1) "Board" means the ~~state electrical board~~ provided
 21 for in 2-15-1654 board of public safety provided for in
 22 [section 1 of Senate Bill 247].

23 (2) "Department" means the department of professional
 24 and occupational licensing ~~provided for in Title 2, chapter~~
 25 15, part 16 administration provided for in Title 2, chapter

1 15, part 10.

2 (3) "Electrical contractor" means a person, firm,
3 partnership, corporation, association, or combination of
4 these who undertakes or offers to undertake for another the
5 planning, laying out, supervising, and installing or the
6 making of additions, alterations, and repairs in the
7 installation of wiring apparatus and equipment for electric
8 light, heat, and power. A registered electrical engineer who
9 plans or designs electrical installations is not an
10 electrical contractor.

11 (4) "Journeyman electrician" means a person having the
12 necessary qualifications, training, experience, and
13 technical knowledge to wire for, install, and repair
14 electrical apparatus and equipment for light, heat, power,
15 and other purposes under the rules governing this work.

16 (5) "Master electrician" means a person having the
17 necessary qualifications, training, experience, and
18 technical knowledge to properly plan, lay out, and supervise
19 the installation and repair of wiring apparatus and
20 equipment for electric light, heat, power, and other
21 purposes under the rules governing this work.

22 ~~(6) "Residential electrician" means a person having~~
23 ~~the necessary qualifications, training, experience, and~~
24 ~~technical knowledge to wire for, install, and repair~~
25 ~~electrical apparatus and equipment for light, heat, power,~~

1 ~~and other purposes in residential construction consisting of~~
2 ~~less than five living units in a single structure under the~~
3 ~~rules governing this work."~~

4 Section 3. Section 37-68-103, MCA, is amended to read:
5 "37-68-103. Exemptions. (1) Nothing in this chapter
6 shall be deemed to apply to the installation, alteration, or
7 repair of electrical signal or communications equipment
8 owned or operated by a public utility or a city.

9 (2) The licensing or inspection provisions of this
10 chapter do not apply to regularly employed maintenance
11 electricians doing maintenance work on the business premises
12 of their employer, nor do they apply to line work on the
13 business premises of the employer or to ordinary and
14 customary in-plant or on-site installations, modifications,
15 additions, or repairs.

16 (3) Nothing in this chapter shall be construed to
17 require an individual to hold a license while or for doing
18 electrical work on his own property or residence provided
19 that said property or residence is maintained for his own
20 use.

21 (4) An individual, firm, partnership, or corporation
22 may engage in business as an electrical contractor without
23 an electrician's license if all electrical work performed by
24 such individual, firm, partnership, or corporation is under
25 the direction, control, and supervision of a licensed master

1 ~~electrician or under the direction, control, and supervision~~
 2 ~~of a journeyman electrician for residential construction~~
 3 ~~consisting of less than five living units in a single~~
 4 ~~structure.~~

5 (5) Any person who plugs in an electrical appliance
 6 where an approved electrical outlet is already installed
 7 shall not be considered as an installer.

8 (6) No provisions of this chapter shall in any manner
 9 interfere with, hamper, preclude, or prohibit any vendor of
 10 any electrical appliance from selling, delivering, and
 11 connecting any electrical appliance if the connection does
 12 not necessitate the installation of electrical wiring of the
 13 structure where the appliance is to be connected."

14 NEW SECTION. Section 4. Rulemaking power. The board
 15 may adopt rules necessary to protect the public health,
 16 safety, and welfare in regulating electrical work.

17 NEW SECTION. Section 5. Duties of the department. (1)
 18 The department shall:

19 (a) assist the board in the transaction of its
 20 business and keep a record of the board's official action;

21 (b) charge the board for the reasonable costs of the
 22 department incurred in assisting the board.

23 (2) In conjunction with carrying out inspections of
 24 electrical installations for code compliance as set forth in
 25 Title 50, chapter 60, part 6, the department shall inspect

1 licenses to insure compliance with this part and advise the
 2 board in writing of any license violations. Any electrical
 3 code or licensing violation discovered by state or local
 4 building inspectors shall be reported to the board in
 5 writing.

6 Section 6. Section 37-68-301, MCA, is amended to read:
 7 "37-68-301. License required to engage in electrical
 8 work. A person may not engage in or work at the business,
 9 trade, or calling of electrical contractor, residential
 10 electrician, journeyman electrician, or master electrician
 11 in this state until he has received from the department a
 12 license or permit to work as an electrical contractor,
 13 residential electrician, journeyman electrician, or master
 14 electrician."

15 Section 7. Section 37-68-302, MCA, is amended to read:
 16 "37-68-302. Unauthorized use of title. No person,
 17 firm, partnership, corporation, or association shall assume
 18 or use the title or designation of licensed master
 19 electrician, or licensed journeyman electrician, or
 20 residential electrician unless qualified and licensed under
 21 this chapter."

22 Section 8. Section 37-68-305, MCA, is amended to read:
 23 "37-68-305. Journeyman and residential electricians --
 24 application -- qualifications -- contents of examination.
 25 (1) An applicant for a journeyman electrician's license

1 shall furnish written evidence that he has had at least 4
 2 years' apprenticeship in the electrical trade or 4 years'
 3 practical experience in the wiring for, installing, and
 4 repairing of electrical apparatus and equipment for light,
 5 heat, and power. Applications for license and notice to the
 6 applicant shall be made and given as in the case of master
 7 electricians' licenses.

8 ~~(2)~~--The written examination for a journeyman's license
 9 shall consist of at least 30 questions designed to fairly
 10 test the applicant's knowledge and the technical application
 11 thereof in the following subjects:

- 12 (a) the Ohm's law;
- 13 (b) the national electrical code;
- 14 (c) layout and practical installation of electrical
 15 circuits.

16 (2) An applicant for a residential electrician's
 17 license shall furnish written evidence that he has had at
 18 least 2 years' apprenticeship in the electrical trade or 2
 19 years' practical experience in the wiring for, installing,
 20 and repairing of electrical apparatus and equipment for
 21 light, heat, and power in residential construction
 22 consisting of less than five living units in a single
 23 structure. Application for license and notice to the
 24 applicant is made and given as in the case of master
 25 electricians' licenses. The written examination for a

1 residential electrician's license consists of at least 30
 2 questions designed to fairly test the applicant's knowledge
 3 and the technical application thereof in the following
 4 subjects:

- 5 (a) the Ohm's law;
- 6 (b) the national electrical code;
- 7 (c) layout and practical installation of electrical
 8 circuits in residential construction consisting of less than
 9 five living units in a single structure."

10 Section 9. Section 37-68-306, MCA, is amended to read:
 11 "37-68-306. Temporary permits pending examination. The
 12 board may authorize the department to issue a temporary
 13 permit to engage in the work of a master electrician₂ or
 14 journeyman electrician₂ or residential electrician to an
 15 applicant who furnishes evidence satisfactory to the board
 16 that he has the required experience to qualify for the
 17 examination and who pays the fee. A temporary permit
 18 continues in effect only until the next examination is given
 19 and may be revoked by the board at any time. If the
 20 applicant is granted a license, a fee paid for the temporary
 21 permit shall be applied to the fee required for a license."

22 Section 10. Section 37-68-307, MCA, is amended to
 23 read:

24 "37-68-307. Examination procedure -- issuance of
 25 master₁ or journeyman₂ or residential electrician's license

1 -- expiration. (1) To insure impartiality, the examination
 2 for either the master's or journeyman's license shall be by
 3 numbers drawn by lot. A paper may not be marked with the
 4 name of an applicant, but shall be anonymously graded by the
 5 department--subject--to--37-1-101. The examination passing
 6 grade is 75%.

7 (2) If it is determined that the applicant has passed
 8 the examination, the department, on payment by the applicant
 9 of the fee, shall issue to the applicant a license which
 10 authorizes him to engage in the business, trade, or calling
 11 of a residential electrician, journeyman electrician, or
 12 master electrician.

13 (3) Each original license expires on the July 15 which
 14 is at least 1 year but not more than 2 years subsequent to
 15 the date of issuance."

16 Section 11. Section 37-68-308, MCA, is amended to
 17 read:

18 "37-68-308. Licensure without examination of persons
 19 licensed locally. The board may authorize the department to
 20 issue a license as a master electrician, or journeyman
 21 electrician, or residential electrician to an applicant
 22 without written examination on satisfactory proof that the
 23 applicant has the qualifications to apply for a license
 24 under this chapter and is the holder of a valid license
 25 issued by a city or other political subdivision of this

1 state which provides for the examination and licensing of
 2 electricians."

3 Section 12. Section 37-68-310, MCA, is amended to
 4 read:

5 "37-68-310. Annual renewal. Licenses of residential
 6 electricians, journeyman electricians, or master
 7 electricians, unless they have been suspended or revoked by
 8 the board, shall be renewed for a period of 1 year by the
 9 department on application for renewal made to the department
 10 prior to July 15 of the year in which the prior license
 11 expired and on the payment of an annual renewal fee. If
 12 application for renewal is not made prior to July 15, an
 13 additional fee of \$5 shall be paid on account of the
 14 delinquency in renewal. All applications for renewal must be
 15 made prior to August 15 of that year, otherwise the license
 16 is forfeited and the applicant is required to pass the
 17 examination and pay the fees required of applicants for
 18 original licenses."

19 Section 13. Section 37-68-311, MCA, is amended to
 20 read:

21 "37-68-311. Examination fee -- annual fee -- specific
 22 exemption for apprentices. (1) Master electricians who are
 23 not electrical contractors and journeyman or residential
 24 electricians installing or intending to install for hire
 25 electric wiring or equipment to convey electric current or

1 apparatus to be operated by this current shall make
 2 application for a license to the department. The application
 3 shall be on a form furnished by the department and
 4 accompanied by an examination fee of ~~\$10~~ set by the board.
 5 The forms shall state the applicant's full name, his
 6 address, the extent of his experience, and other information
 7 required by the board. If the applicant has complied with
 8 the rules adopted by the board and, being qualified, has
 9 successfully completed the examination, he shall pay to the
 10 department an annual license fee of ~~\$25~~ set by the board for
 11 a master electrician's license or ~~\$10~~ for a journeyman or a
 12 residential electrician's license, and upon receipt of
 13 either ~~the~~ fee the department shall issue the proper license
 14 to the applicant.

15 (2) A person serving a 4-year electrician
 16 apprenticeship under the supervision of a licensed
 17 electrician is exempt from the licensing provision of this
 18 section during training. Credit for the time spent in an
 19 electrical school shall be given to the master electrician,
 20 journeyman electrician, residential electrician, or
 21 apprentice, up to a total of 2 years, on the 4-year
 22 requirement."

23 Section 14. Section 37-68-312, MCA, is amended to
 24 read:

25 "37-68-312. Electrical contractor's license --

1 application -- issuance -- fees -- renewal. Each electrical
 2 contractor shall, before July 1 of each year, file with the
 3 department an application in writing for each firm operated
 4 by him in this state to obtain a license. A license may not
 5 be issued until the applicant meets the requirements and has
 6 paid to the department a license fee of ~~\$75~~ set by the board
 7 for each firm operated by him. Licenses shall bear the date
 8 of issue and expire on July 1 following the date of issue.
 9 An electrical contractor licensed under this chapter is
 10 entitled to have his license renewed for the ensuing year by
 11 payment to the department of ~~a~~ the license fee of ~~\$75~~ before
 12 the date of expiration of the license."

13 Section 15. Section 37-68-313, MCA, is amended to
 14 read:

15 "37-68-313. ~~Deposit~~ Reasonable fees -- deposit of
 16 money collected. All fees established by the board under
 17 this chapter must be reasonably related to the respective
 18 program costs. Money collected by the department under this
 19 chapter shall be deposited in the earmarked revenue fund for
 20 the use of the board, ~~subject to 37-1-101(6).~~"

21 Section 16. Section 37-68-321, MCA, is amended to
 22 read:

23 "37-68-321. Suspension or revocation of license. The
 24 board may suspend or revoke a license granted under this
 25 chapter for any of the following reasons:

1 (1) violation of this chapter, the national electrical
2 code, or the rules of the board;

3 (2) any cause for which issuance of the license could
4 have been denied had it existed and been known to the board;

5 (3) commission of any act of gross negligence,
6 incompetency, or misconduct as may be determined by the
7 board in the practice of a master, or journeyman, or
8 residential electrician or the business of an electrical
9 contractor; or

10 (4) making a material misstatement, misrepresentation,
11 or fraud in obtaining a license."

12 Section 17. Section 50-60-204, MCA, is amended to
13 read:

14 "50-60-204. Public hearing required. (1) Except as
15 provided in subsection (2) of this section, no rule,
16 amendment, or repeal of the state building code may take
17 effect until after a public hearing by the department.

18 (2) If a hearing has been held by the state fire
19 marshal with respect to his duties contained in chapter 3 of
20 this title or by the board of plumbers, the department of
21 health and environmental sciences, the board of warm air
22 heating, ventilation, and air conditioning, or the state
23 ~~electrician~~ board of public safety on a proposed rule
24 relating to building and equipment standards in their
25 respective fields, a public hearing by the department is not

1 required."

2 Section 18. Transfer of funds. All unexpended balances
3 of appropriations, allocations, or other funds of the state
4 electrical board shall be transferred to the board of public
5 safety on the effective date of this act to be used for the
6 purpose of regulating electrical work.

7 Section 19. Transition. All orders and rules relating
8 to the regulation of electrical work made by the state
9 electrical board remain in full force and effect until
10 revoked or modified in accordance with law by the board of
11 public safety. The records and documents of the state
12 electrical board are transferred to the board of public
13 safety. Licenses, permits, and certificates issued prior to
14 July 1, 1979, remain valid under the same terms and
15 conditions as when issued and are subject to the provisions
16 of Title 37, chapter 68.

17 Section 20. Effect of termination. The provisions of
18 2-8-121 do not apply to the state electrical board.

19 Section 21. Codification. Sections 4 and 5 are
20 intended to be codified as an integral part of Title 37,
21 chapter 68, and the provisions of Title 37, chapter 68,
22 apply to sections 4 and 5.

23 Section 22. Repealer. Sections 2-15-1654, 37-68-201,
24 and 37-68-202, MCA, are repealed.

-End-

SB 390

FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 1979, there is hereby submitted a Fiscal Note for Senate Bill 390 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

SB 390 transfers the functions for the Board of Electricians to the Board of Public Safety to be created under the Department of Administration. In addition, it lays out the duties of the Board as they relate to the plumbing field as well as laying out the licensing guidelines.

ASSUMPTIONS:

1. The duties of the Board of Electricians will be assumed by the Board of Public Safety on July 1, 1979.
2. The work load after the transfer will remain the same.
3. The budget and staff needs will remain the same.
4. The Montana Executive Budget 1980-1981 for the Board of Electricians will, therefore, remain legitimate for the Board of Public Safety.

FISCAL IMPACT:

None.

COMMENT:

This board, currently under the Department of Professional and Occupational Licensing, contributes to the Centralized Services Program for services performed for the Department. The elimination of these funds could increase the amount contributed by the remaining boards not scheduled for sunset at this time.

Richard L. Drury for
BUDGET DIRECTOR
Office of Budget and Program Planning
Date: 2/12/79

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3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
6 REGULATION OF THE ELECTRICAL PROFESSION BY A BOARD OF PUBLIC
7 SAFETY IN THE DEPARTMENT OF ADMINISTRATION; TERMINATING
8 OPERATION OF THE STATE ELECTRICAL BOARD ON JULY 1, 1979;
9 ELIMINATING REFERENCES TO THE STATE ELECTRICAL BOARD;
10 REESTABLISHING THE STATE ELECTRICAL BOARD IN THE DEPARTMENT
11 OF PROFESSIONAL AND OCCUPATIONAL LICENSING UNDER EXISTING
12 STATUTORY AUTHORITY AND RULES; REVISING THE LICENSURE
13 PROVISIONS; PERMITTING THE BOARD TO SET FEES; CREATING A
14 CLASS OF RESIDENTIAL ELECTRICIANS; AMENDING SECTIONS 2-8-121
15 2-8-103, 2-15-1654, 37-68-102, 37-68-103, 37-68-301,
16 37-68-302, 37-68-305 THROUGH 37-68-308, 37-68-310 THROUGH
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18 SECTIONS 2-15-1654, 37-68-201, AND 37-68-202, MCA AND
19 PROVIDING AN EFFECTIVE DATE."

20
21 WHEREAS, the sunset law sections 2-8-103 and 2-8-112
22 will terminate the state electrical board and require a
23 performance evaluation of the board by the legislative audit
24 committee and

25 WHEREAS, as a result of the performance evaluation, the

1 legislative audit committee recommends that the state
2 electrical board be abolished and regulation of electrical
3 work be transferred to the board of public safety in the
4 department of administration and that certain statutory
5 provisions be amended or repealed

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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 2-8-121, MCA, is amended to read
9 "2-8-121. Effect of terminations. Upon unit
10 otherwise provided, upon termination, each agency or unit
11 shall continue in existence until duty is of the next
12 succeeding year for the purpose of winding up its affairs.
13 During the windup period, termination does not reduce or
14 otherwise limit the powers or authority of each respective
15 agency except that no action may be taken which would
16 continue in effect beyond the 1-year windup period. Upon the
17 expiration of the 1-year after termination, each agency not
18 modified or reestablished shall be abolished and all
19 unexpended balances of appropriations, allocations, or other
20 funds shall revert to the fund from which they were
21 appropriated or, if that fund is abolished, to the general
22 funds."

23 BOARD REESTABLISHMENT. THE STATE ELECTRICAL BOARD CREATED
24 BY 2-15-1654 IS REESTABLISHED FOR A PERIOD OF 6 YEARS
25 PURSUANT TO 2-8-122.

1 ~~SECTION 2. SECTION 2-8-103, MCA, IS AMENDED TO READ:~~

2 "2-8-103. Agencies to terminate. (1) The following
3 agencies shall terminate on July 1, 1979:

4 (a) board of abstracters, department of professional
5 and occupational licensing, created by 2-15-1643;

6 (b) board of public accountants, department of
7 professional and occupational licensing, created by
8 2-15-1641;

9 (c) board of architects, department of professional
10 and occupational licensing, created by 2-15-1651;

11 (d) state banking board, department of business
12 regulation, created by 2-15-1803;

13 ~~{f}--state-electrical-board--department-of-professional
14 and-occupational-licensing--created-by-2-15-1654;~~

15 {f}{g} board of professional engineers and land
16 surveyors, department of professional and occupational
17 licensing, created by 2-15-1653;

18 {g}{f} office of commissioner of insurance and the
19 insurance department, state auditor's office, created by
20 2-15-1902 and 2-15-1903;

21 {h}{g} office of the investment commissioner, state
22 auditor's office, created by 2-15-1901;

23 {i}{h} board of landscape architects, department of
24 professional and occupational licensing, created by
25 2-15-1652;

1 {j}{i} board of county printing, department of
2 community affairs, created by 2-15-1102;

3 {k}{j} board of plumbers, department of professional
4 and occupational licensing, created by 2-15-1655;

5 {l}{k} board of real estate, department of
6 professional and occupational licensing, created by
7 2-15-1642;

8 {m}{l} state board of warm air heating, ventilation,
9 and air conditioning, department of professional and
10 occupational licensing, created by 2-15-1656;

11 {n}{m} board of institutions, department of
12 institutions, created by 2-15-2303.

13 (2) The following agencies shall terminate on July 1,
14 1981:

15 (a) commission for human rights, department of labor
16 and industry, created by 2-15-1706;

17 (b) board of athletics, department of professional and
18 occupational licensing, created by 2-15-1661;

19 (c) board of barbers, department of professional and
20 occupational licensing, created by 2-15-1625;

21 (d) board of chiropractors, department of professional
22 and occupational licensing, created by 2-15-1613;

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

1 (f) board of dentists, department of professional and
2 occupational licensing, created by 2-15-1606;

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

9 (i) Montana state board of medical examiners,
10 department of professional and occupational licensing,
11 created by 2-15-1605;

12 (j) board of morticians, department of professional
13 and occupational licensing, created by 2-15-1619;

14 (k) board of nursing, department of professional and
15 occupational licensing, created by 2-15-1610;

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

19 (m) board of optometrists, department of professional
20 and occupational licensing, created by 2-15-1612;

21 (n) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
23 2-15-1607;

24 (o) board of pharmacists, department of professional
25 and occupational licensing, created by 2-15-1609;

1 (p) board of podiatry examiners, department of
2 professional and occupational licensing, created by
3 2-15-1608;

4 (q) board of psychologists, department of professional
5 and occupational licensing, created by 2-15-1617;

6 (r) board of radiologic technologists, department of
7 professional and occupational licensing, created by
8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
10 department of professional and occupational licensing,
11 created by 2-15-1615;

12 (t) board of veterinarians, department of professional
13 and occupational licensing, created by 2-15-1618;

14 (u) board of veterans' affairs, department of social
15 and rehabilitation services, created by 2-15-2202.

16 (3) The following units of state government shall
17 terminate on July 1, 1983:

18 (a) board of aeronautics, department of community
19 affairs, created by 2-15-1103;

20 (b) state board of hail insurance, department of
21 agriculture, created by 2-15-3003;

22 (c) board of horseracing, department of professional
23 and occupational licensing, created by 2-15-1662;

24 (d) board of livestock, department of livestock,
25 created by 2-15-3102;

1 (e) board of milk control, department of business
2 regulation, created by 2-15-1802;

3 (f) board of oil and gas conservation, department of
4 natural resources and conservation, created by 2-15-3303;

5 (g) Montana outfitters council, department of fish and
6 game, created by 2-15-3403;

7 (h) public service commission, department of public
8 service regulation, created by 69-1-102;

9 (i) board of sanitarians, department of professional
10 and occupational licensing, created by 2-15-1631;

11 (j) board of water and wastewater operators,
12 department of health and environmental sciences, created by
13 2-15-2105;

14 (k) board of water well contractors, department of
15 professional and occupational licensing, created by
16 2-15-1632.

17 ~~(4) The following agency terminates on July 1, 1985:~~
18 ~~the state electrical board created by 2-15-1654.~~

19 SECTION 3. SECTION 2-15-1654, MCA, IS AMENDED TO READ:

20 "2-15-1654. State electrical board. (1) There is a
21 state electrical board.

22 (2) The board consists of five members appointed by
23 the governor with the consent of the senate, who shall be
24 residents of this state. ~~One member~~ Two members of the
25 board shall represent the public. ~~Two members of the board~~

1 ~~shall be licensed electricians. One member shall be a master~~
2 ~~licensed electrical contractor. One member of the board~~
3 ~~shall be selected from each of the following four groups~~
4 ~~from three names submitted by each group:~~

5 ~~(a) consumer members of rural electric cooperatives~~

6 ~~(b) master licensed electrical contractors~~

7 ~~(c) licensed journeyman electricians and~~

8 ~~(d) investor-owned electric utilities.~~

9 (3) The members of the board shall serve for a term of
10 5 years with their terms of office so arranged that one term
11 expires on July 1 of each year.

12 (4) The board is allocated to the department for
13 administrative purposes only as prescribed in 2-15-121."

14 Section 4. Section 37-68-102, MCA, is amended to read:
15 "37-68-102. Definitions. Unless the context requires
16 otherwise, in this chapter the following definitions apply:

17 (1) "Board" means the state electrical board provided
18 ~~for in 2-15-1654 board of public safety provided for in~~
19 ~~[section 1 of Senate Bill 247]~~ STATE ELECTRICAL BOARD
20 PROVIDED FOR IN 2-15-1654.

21 (2) "Department" means the department of professional
22 ~~and occupational licensing provided for in title 2, chapter~~
23 ~~15, part 16 administration provided for in title 2, chapter~~
24 ~~15, part 18.~~ PROFESSIONAL AND OCCUPATIONAL LICENSING
25 PROVIDED FOR IN TITLE 2, CHAPTER 15, PART 16.

1 (3) "Electrical contractor" means a person, firm,
2 partnership, corporation, association, or combination of
3 these who undertakes or offers to undertake for another the
4 planning, laying out, supervising, and installing or the
5 making of additions, alterations, and repairs in the
6 installation of wiring apparatus and equipment for electric
7 light, heat, and power. A registered electrical engineer who
8 plans or designs electrical installations is not an
9 electrical contractor.

10 (4) "Journeyman electrician" means a person having the
11 necessary qualifications, training, experience, and
12 technical knowledge to wire for, install, and repair
13 electrical apparatus and equipment for light, heat, power,
14 and other purposes under the rules governing this work.

15 (5) "Master electrician" means a person having the
16 necessary qualifications, training, experience, and
17 technical knowledge to properly plan, lay out, and supervise
18 the installation and repair of wiring apparatus and
19 equipment for electric light, heat, power, and other
20 purposes under the rules governing this work.

21 ~~(6) "Residential electrician" means a person having~~
22 ~~the necessary qualifications, training, experience, and~~
23 ~~technical knowledge to wire for, install, and repair~~
24 ~~electrical apparatus and equipment for light, heat, power,~~
25 ~~and other purposes in residential construction consisting of~~

1 ~~less than five living units in a single structure under the~~
2 ~~rules governing this work."~~

3 Section 5. Section 37-68-103, MCA, is amended to read:
4 "37-68-103. Exemptions. (1) Nothing in this chapter
5 shall be deemed to apply to the installation, alteration, or
6 repair of electrical signal or communications equipment
7 owned or operated by a public utility or a city.

8 (2) The licensing or inspection provisions of this
9 chapter do not apply to regularly employed maintenance
10 electricians doing maintenance work on the business premises
11 of their employer, nor do they apply to line work on the
12 business premises of the employer or to ordinary and
13 customary in-plant or on-site installations, modifications,
14 additions, or repairs.

15 (3) Nothing in this chapter shall be construed to
16 require an individual to hold a license while or for doing
17 electrical work on his own property or residence provided
18 that said property or residence is maintained for his own
19 use.

20 (4) An individual, firm, partnership, or corporation
21 may engage in business as an electrical contractor without
22 an electrician's license if all electrical work performed by
23 such individual, firm, partnership, or corporation is under
24 the direction, control, and supervision of a licensed master
25 electrician ~~or under the direction, control, and supervision~~

1 ~~of a journeyman electrician for residential construction~~
 2 ~~consisting of less than five living units in a single~~
 3 ~~structure.~~

4 (5) Any person who plugs in an electrical appliance
 5 where an approved electrical outlet is already installed
 6 shall not be considered as an installer.

7 (6) No provisions of this chapter shall in any manner
 8 interfere with, hamper, preclude, or prohibit any vendor of
 9 any electrical appliance from selling, delivering, and
 10 connecting any electrical appliance if the connection does
 11 not necessitate the installation of electrical wiring of the
 12 structure where the appliance is to be connected."

13 ~~NEW SECTION. Section 4. Rulemaking. power. The board~~
 14 ~~may adopt rules necessary to protect the public health,~~
 15 ~~safety, and welfare in regulating electrical work.~~

16 ~~NEW SECTION. Section 5. Duties of the department.~~
 17 ~~(1) The department shall:~~

18 ~~(a) assist the board in the transaction of its~~
 19 ~~business and keep a record of the board's official actions;~~

20 ~~(b) charge the board for the reasonable costs of the~~
 21 ~~department incurred in assisting the board;~~

22 ~~(2) In conjunction with carrying out inspections of~~
 23 ~~electrical installations for code compliance as set forth in~~
 24 ~~Title 50, chapter 60, part 6, the department shall inspect~~
 25 ~~licenses to insure compliance with this part and advise the~~

1 board in writing of any license violations. Any electrical
 2 code or licensing violation discovered by state or local
 3 building inspectors shall be reported to the board in
 4 writing.

5 Section 6. Section 37-68-301, MCA, is amended to read:

6 "37-68-301. License required to engage in electrical
 7 work. A person may not engage in or work at the business,
 8 trade, or calling of electrical contractor, residential
 9 electrician, journeyman electrician, or master electrician
 10 in this state until he has received from the department a
 11 license or permit to work as an electrical contractor,
 12 residential electrician, journeyman electrician, or master
 13 electrician."

14 Section 7. Section 37-68-302, MCA, is amended to read:

15 "37-68-302. Unauthorized use of title. No person,
 16 firm, partnership, corporation, or association shall assume
 17 or use the title or designation of licensed master
 18 electrician, or licensed journeyman electrician, or
 19 residential electrician unless qualified and licensed under
 20 this chapter."

21 Section 8. Section 37-68-305, MCA, is amended to read:

22 "37-68-305. Journeyman and residential electricians --
 23 application -- qualifications -- contents of examination.
 24 (1) An applicant for a journeyman electrician's license
 25 shall furnish written evidence that he has had at least 4

1 years' apprenticeship in the electrical trade or 4 years'
 2 practical experience in the wiring for, installing, and
 3 repairing of electrical apparatus and equipment for light,
 4 heat, and power. Applications for license and notice to the
 5 applicant shall be made and given as in the case of master
 6 electricians' licenses.

7 ~~(2)~~--The written examination for a journeyman's license
 8 shall consist of at least 30 questions designed to fairly
 9 test the applicant's knowledge and the technical application
 10 thereof in the following subjects:

11 (a) the Ohm's law;
 12 (b) the national electrical code;
 13 (c) layout and practical installation of electrical
 14 circuits.

15 ~~(2) An applicant for a residential electrician's~~
 16 ~~license shall furnish written evidence that he has had at~~
 17 ~~least 2 years' apprenticeship in the electrical trade or 2~~
 18 ~~years' practical experience in the wiring for, installing,~~
 19 ~~and repairing of electrical apparatus and equipment for~~
 20 ~~light, heat, and power in residential construction~~
 21 ~~consisting of less than five living units in a single~~
 22 ~~structure. Application for license and notice to the~~
 23 ~~applicant is made and given as in the case of master~~
 24 ~~electricians' licenses. The written examination for a~~
 25 ~~residential electrician's license consists of at least 30~~

1 ~~questions designed to fairly test the applicant's knowledge~~
 2 ~~and the technical application thereof in the following~~
 3 ~~subjects:~~

4 ~~(a) the Ohm's law;~~
 5 ~~(b) the national electrical code;~~
 6 ~~(c) layout and practical installation of electrical~~
 7 ~~circuits in residential construction consisting of less than~~
 8 ~~five living units in a single structure."~~

9 Section 9. Section 37-68-306, MCA, is amended to read:
 10 "37-68-306. Temporary permits pending examination. The
 11 board may authorize the department to issue a temporary
 12 permit to engage in the work of a master electrician, or
 13 journeyman electrician, or residential electrician to an
 14 applicant who furnishes evidence satisfactory to the board
 15 that he has the required experience to qualify for the
 16 examination and who pays the fee. A temporary permit
 17 continues in effect only until the next examination is given
 18 and may be revoked by the board at any time. If the
 19 applicant is granted a license, a fee paid for the temporary
 20 permit shall be applied to the fee required for a license."

21 Section 10. Section 37-68-307, MCA, is amended to
 22 read:

23 "37-68-307. Examination procedure -- issuance of
 24 master, or journeyman, or residential electrician's license
 25 -- expiration. (1) To insure impartiality, the examination

1 for either the master's or journeyman's license shall be by
 2 numbers drawn by lot. A paper may not be marked with the
 3 name of an applicant, but shall be anonymously graded by the
 4 department--subject--to--37-1-101. The examination passing
 5 grade is 75%.

6 (2) If it is determined that the applicant has passed
 7 the examination, the department, on payment by the applicant
 8 of the fee, shall issue to the applicant a license which
 9 authorizes him to engage in the business, trade, or calling
 10 of a residential electrician, journeyman electrician, or
 11 master electrician.

12 (3) Each original license expires on the July 15 which
 13 is at least 1 year but not more than 2 years subsequent to
 14 the date of issuance."

15 Section 11. Section 37-68-308, MCA, is amended to
 16 read:

17 "37-68-308. Licensure without examination of persons
 18 licensed locally. The board may authorize the department to
 19 issue a license as a master electrician, or journeyman
 20 electrician, or residential electrician to an applicant
 21 without written examination on satisfactory proof that the
 22 applicant has the qualifications to, apply for a license
 23 under this chapter and is the holder of a valid license
 24 issued by a city or other political subdivision of this
 25 state which provides for the examination and licensing of

1 electricians."

2 Section 12. Section 37-68-310, MCA, is amended to
 3 read:

4 "37-68-310. Annual renewal. Licenses of residential
 5 electricians, journeyman electricians, or master
 6 electricians, unless they have been suspended or revoked by
 7 the board, shall be renewed for a period of 1 year by the
 8 department on application for renewal made to the department
 9 prior to July 15 of the year in which the prior license
 10 expired and on the payment of an annual renewal fee. If
 11 application for renewal is not made prior to July 15, an
 12 additional fee of \$5 shall be paid on account of the
 13 delinquency in renewal. All applications for renewal must be
 14 made prior to August 15 of that year, otherwise the license
 15 is forfeited and the applicant is required to pass the
 16 examination and pay the fees required of applicants for
 17 original licenses."

18 Section 13. Section 37-68-311, MCA, is amended to
 19 read:

20 "37-68-311. Examination fee -- annual fee -- specific
 21 exemption for apprentices. (1) Master electricians who are
 22 not electrical contractors and journeyman or residential
 23 electricians installing or intending to install for hire
 24 electric wiring or equipment to convey electric current or
 25 apparatus to be operated by this current shall make

1 application for a license to the department. The application
 2 shall be on a form furnished by the department and
 3 accompanied by an examination fee of ~~10~~ set by the board.
 4 The forms shall state the applicant's full name, his
 5 address, the extent of his experience, and other information
 6 required by the board. If the applicant has complied with
 7 the rules adopted by the board and, being qualified, has
 8 successfully completed the examination, he shall pay to the
 9 department an annual license fee of ~~25~~ set by the board for
 10 a master electrician's license or ~~10~~ for a journeyman or a
 11 residential electrician's license, and upon receipt of
 12 either ~~the~~ fee the department shall issue the proper license
 13 to the applicant.

14 (2) A person serving a 4-year electrician
 15 apprenticeship under the supervision of a licensed
 16 electrician is exempt from the licensing provision of this
 17 section during training. Credit for the time spent in an
 18 electrical school shall be given to the master electrician,
 19 journeyman electrician, residential electrician, or
 20 apprentice, up to a total of 2 years, on the 4-year
 21 requirement."

22 Section 14. Section 37-68-312, MCA, is amended to
 23 read:

24 "37-68-312. Electrical contractor's license --
 25 application -- issuance -- fees -- renewal. Each electrical

1 contractor shall, before July 1 of each year, file with the
 2 department an application in writing for each firm operated
 3 by him in this state to obtain a license. A license may not
 4 be issued until the applicant meets the requirements and has
 5 paid to the department a license fee of ~~75~~ set by the board
 6 for each firm operated by him. Licenses shall bear the date
 7 of issue and expire on July 1 following the date of issue.
 8 An electrical contractor licensed under this chapter is
 9 entitled to have his license renewed for the ensuing year by
 10 payment to the department of a the license fee of ~~75~~ before
 11 the date of expiration of the license."

12 Section 15. Section 37-68-313, MCA, is amended to
 13 read:

14 "37-68-313. Deposit Reasonable fees -- deposit of
 15 money collected. All fees established by the board under
 16 this chapter must be reasonably related to the respective
 17 program costs. Money collected by the department under this
 18 chapter shall be deposited in the earmarked revenue fund for
 19 the use of the board, ~~subject to 37-1-101(6).~~"

20 Section 16. Section 37-68-321, MCA, is amended to
 21 read:

22 "37-68-321. Suspension or revocation of license. The
 23 board may suspend or revoke a license granted under this
 24 chapter for any of the following reasons:

25 (1) violation of this chapter, the national electrical

1 code, or the rules of the board;

2 (2) any cause for which issuance of the license could
3 have been denied had it existed and been known to the board;

4 (3) commission of any act of gross negligence,
5 incompetency, or misconduct as may be determined by the
6 board in the practice of a master, or journeyman, or
7 residential electrician or the business of an electrical
8 contractor; or

9 (4) making a material misstatement, misrepresentation,
10 or fraud in obtaining a license."

11 Section 17. Section 50-60-204, MCA, is amended to
12 read:

13 "50-60-204. Public hearing required. (1) Except as
14 provided in subsection (2) of this section, no rule,
15 amendment, or repeal of the state building code may take
16 effect until after a public hearing by the department.

17 (2) If a hearing has been held by the state fire
18 marshal with respect to his duties contained in chapter 3 of
19 this title or by the board of plumbers, the department of
20 health and environmental sciences, the board of warm air
21 heating, ventilation, and air conditioning, or the state
22 electrical board ~~of public safety~~ STATE ELECTRICAL BOARD on
23 a proposed rule relating to building and equipment standards
24 in their respective fields, a public hearing by the
25 department is not required."

1 Section 18. ~~Transfer of funds. All unexpended~~
2 ~~balances of appropriations, allocations, or other funds of~~
3 ~~the state electrical board shall be transferred to the board~~
4 ~~of public safety on the effective date of this act to be~~
5 ~~used for the purpose of regulating electrical work.~~

6 Section 19. ~~Transitions. All orders and rules relating~~
7 ~~to the regulation of electrical work made by the state~~
8 ~~electrical board remain in full force and effect until~~
9 ~~revoked or modified in accordance with law by the board of~~
10 ~~public safety. The records and documents of the state~~
11 ~~electrical board are transferred to the board of public~~
12 ~~safety. Licenses, permits, and certificates issued prior to~~
13 ~~duty in 1979, remain valid under the same terms and~~
14 ~~conditions as when issued and are subject to the provisions~~
15 ~~of title 37, chapter 68.~~

16 Section 20. ~~Effect of termination. The provisions of~~
17 ~~2-8-121 do not apply to the state electrical board.~~

18 Section 21. ~~Codification. Sections 4 and 5 are~~
19 ~~intended to be codified as an integral part of title 37,~~
20 ~~chapter 68, and the provisions of title 37, chapter 68,~~
21 ~~apply to sections 4 and 5.~~

22 Section 22. ~~Repealer. Sections 2-15-1654, 37-68-201,~~
23 ~~and 37-68-202, MCA, are repealed.~~

24 SECTION 18. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON
25 PASSAGE AND APPROVAL.

1 STATEMENT OF INTENT RE: SB 390

2
3
4 A statement of intent is required for SB 390 in that it
5 delegates rulemaking authority to the state electrical board
6 in Sections 4, 13, and 14.

7 1. Section 3 defines and, together with other
8 sections, provides for regulation of a new classification of
9 license, the residential electrician's license. Rules
10 relating to the residential license should cover all areas
11 now covered by board rules for journeyman and master
12 electricians. The rules should set forth the basic content
13 and the procedures and passing examination for the
14 residential license. The examination should be tailored to
15 meet the requirements for work as a residential electrician.

16 When appropriate and in conformance with law, the board
17 may amend existing rules to make them applicable to the
18 residential license.

19 2. Sections 13 and 14 give the board authority to
20 prescribe various fees. This must be done by rule. It is
21 intended that each fee not exceed the amount necessary to
22 meet the cost of administering the program to which it
23 relates.

24 First adopted by the SENATE STATE ADMINISTRATION
25 COMMITTEE on February 21, 1979.

STATEMENT OF INTENT RE: SB 390

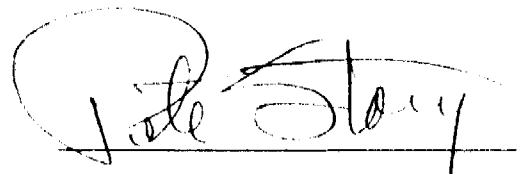
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1. Section 3 defines and, together with other sections, provides for regulation of a new classification of license, the residential electrician's license. Rules relating to the residential license should cover all areas now covered by board rules for journeyman and master electricians. The rules should set forth the basic content and the procedures and passing examination for the residential license. The examination should be tailored to meet the requirements for work as a residential electrician.

When appropriate and in conformance with law, the board may amend existing rules to make them applicable to the residential license.

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Adopted by the Senate State Administration Committee on the 21st day of February, 1979.



Pete Story, Chairman

1 SENATE BILL NO. 390
 2 INTRODUCED BY LOCKREM, HIMSL
 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 6 REGULATION OF THE ELECTRICAL PROFESSION BY A BOARD OF PUBLIC
 7 SAFETY IN THE DEPARTMENT OF ADMINISTRATION; TERMINATING
 8 OPERATION OF THE STATE ELECTRICAL BOARD ON JULY 1, 1979;
 9 ELIMINATING REFERENCES TO THE STATE ELECTRICAL BOARD;
 10 REESTABLISHING THE STATE ELECTRICAL BOARD IN THE DEPARTMENT
 11 OF PROFESSIONAL AND OCCUPATIONAL LICENSING UNDER EXISTING
 12 STATUTORY AUTHORITY AND RULES; REVISING THE LICENSURE
 13 PROVISIONS; PERMITTING THE BOARD TO SET FEES; CREATING A
 14 CLASS OF RESIDENTIAL ELECTRICIANS; AMENDING SECTIONS 2-8-121
 15 2-8-103, 2-15-1654, 37-68-102, 37-68-103, 37-68-301,
 16 37-68-302, 37-68-305 THROUGH 37-68-308, 37-68-310 THROUGH
 17 37-68-313, 37-68-321, AND 50-60-204, MCA; AND REPEATING
 18 SECTIONS 2-15-1654, 37-68-201, AND 37-68-202, MCA AND
 19 PROVIDING AN EFFECTIVE DATE."

20
 21 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,
 22 will terminate the state electrical board and require a
 23 performance evaluation of the board by the legislative audit
 24 committee; and

25 WHEREAS, as a result of the performance evaluation, the

The change in SB 390 is in the Title.
 Refer to Blue Copy.

1 legislative audit committee recommends that the state
 2 electrical board be abolished and regulation of electrical
 3 work be transferred to the board of public safety in the
 4 department of administration and that certain statutory
 5 provisions be amended or repealed
 6

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 2-8-121, MCA, is amended to read
 9 "2-8-121. Effect of termination. Upon its
 10 otherwise provided upon termination, each agency or unit
 11 shall continue in existence until July 1 of the next
 12 succeeding year for the purpose of winding up its affairs.
 13 During the windup period, termination does not reduce or
 14 otherwise limit the powers or authority of each respective
 15 agency except that no action may be taken which would
 16 continue in effect beyond the 1-year windup period. Upon the
 17 expiration of the 1-year after termination, each agency not
 18 modified or reestablished shall be abolished and all
 19 unexpended balances of appropriations, allocations, or other
 20 funds shall revert to the fund from which they were
 21 appropriated or, if that fund is abolished, to the general
 22 funds."

23 BOARD REESTABLISHMENT. THE STATE ELECTRICAL BOARD CREATED
 24 BY 2-15-1654 IS REESTABLISHED FOR A PERIOD OF 6 YEARS
 25 PURSUANT TO 2-8-122.

1 SECTION 2. SECTION 2-8-103, MCA, IS AMENDED TO READ:

2 "2-8-103. Agencies to terminate. (1) The following
3 agencies shall terminate on July 1, 1979:

4 (a) board of abstractors, department of professional
5 and occupational licensing, created by 2-15-1643;

6 (b) board of public accountants, department of
7 professional and occupational licensing, created by
8 2-15-1641;

9 (c) board of architects, department of professional
10 and occupational licensing, created by 2-15-1651;

11 (d) state banking board, department of business
12 regulation, created by 2-15-1803;

13 ~~(e) state electrical board, department of professional~~
14 ~~and occupational licensing, created by 2-15-1654;~~

15 ~~(f) board of professional engineers and land~~
16 ~~surveyors, department of professional and occupational~~
17 ~~licensing, created by 2-15-1653;~~

18 ~~(g) office of commissioner of insurance and the~~
19 ~~insurance department, state auditor's office, created by~~
20 ~~2-15-1902 and 2-15-1903;~~

21 ~~(h) office of the investment commissioner, state~~
22 ~~auditor's office, created by 2-15-1901;~~

23 ~~(i) board of landscape architects, department of~~
24 ~~professional and occupational licensing, created by~~
25 ~~2-15-1652;~~

1 ~~(j) board of county printing, department of~~
2 ~~community affairs, created by 2-15-1102;~~

3 ~~(k) board of plumbers, department of professional~~
4 ~~and occupational licensing, created by 2-15-1655;~~

5 ~~(l) board of real estate, department of~~
6 ~~professional and occupational licensing, created by~~
7 ~~2-15-1642;~~

8 ~~(m) state board of warm air heating, ventilation,~~
9 ~~and air conditioning, department of professional and~~
10 ~~occupational licensing, created by 2-15-1656;~~

11 ~~(n) board of institutions, department of~~
12 ~~institutions, created by 2-15-2303.~~

13 (2) The following agencies shall terminate on July 1,
14 1981:

15 (a) commission for human rights, department of labor
16 and industry, created by 2-15-1706;

17 (b) board of athletics, department of professional and
18 occupational licensing, created by 2-15-1661;

19 (c) board of barbers, department of professional and
20 occupational licensing, created by 2-15-1625;

21 (d) board of chiropractors, department of professional
22 and occupational licensing, created by 2-15-1613;

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

1 STATEMENT OF INTENT RE: SB 390

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4 A statement of intent is required for SB 390 in that it
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6 in Sections 4, 13, and 14.

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15 meet the requirements for work as a residential electrician.

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18 residential license.

19 2. Sections 13 and 14 give the board authority to
20 prescribe various fees. This must be done by rule. It is
21 intended that each fee not exceed the amount necessary to
22 meet the cost of administering the program to which it
23 relates.

24 First adopted by the SENATE STATE ADMINISTRATION
25 COMMITTEE on February 21, 1979.

SB 390

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 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE
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 7 SAFETY IN THE DEPARTMENT OF ADMINISTRATION; TERMINATING
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 21 WHEREAS the sunset law sections 2-8-103 and 2-8-112
 22 will terminate the state electrical board and require a
 23 performance evaluation of the board by the legislative audit
 24 committee; and
 25 WHEREAS as a result of the performance evaluation, the

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 2 electrical board be abolished and regulation of electrical
 3 work be transferred to the board of public safety in the
 4 department of administration and that certain statutory
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 15 agency except that no action may be taken which would
 16 continue in effect beyond the 1-year windup period. Upon the
 17 expiration of the 1-year after termination, each agency not
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4 (a) board of abstracters, department of professional
5 and occupational licensing, created by 2-15-1643;

6 (b) board of public accountants, department of
7 professional and occupational licensing, created by
8 2-15-1641;

9 (c) board of architects, department of professional
10 and occupational licensing, created by 2-15-1651;

11 (d) state banking board, department of business
12 regulation, created by 2-15-1803;

13 ~~{e}--state-electrical-board--department-of-professional~~
14 ~~and-occupational--licensing--created-by-2-15-1654~~

15 {f}{a} board of professional engineers and land
16 surveyors, department of professional and occupational
17 licensing, created by 2-15-1653;

18 {g}{f} office of commissioner of insurance and the
19 insurance department, state auditor's office, created by
20 2-15-1902 and 2-15-1903;

21 {h}{g} office of the investment commissioner, state
22 auditor's office, created by 2-15-1901;

23 {i}{h} board of landscape architects, department of
24 professional and occupational licensing, created by
25 2-15-1652;

1 {j}{i} board of county printing, department of
2 community affairs, created by 2-15-1102;

3 {k}{j} board of plumbers, department of professional
4 and occupational licensing, created by 2-15-1655;

5 {l}{k} board of real estate, department of
6 professional and occupational licensing, created by
7 2-15-1642;

8 {m}{l} state board of warm air heating, ventilation,
9 and air conditioning, department of professional and
10 occupational licensing, created by 2-15-1656;

11 {n}{m} board of institutions, department of
12 institutions, created by 2-15-2303.

13 (2) The following agencies shall terminate on July 1,
14 1981:

15 (a) commission for human rights, department of labor
16 and industry, created by 2-15-1706;

17 (b) board of athletics, department of professional and
18 occupational licensing, created by 2-15-1661;

19 (c) board of barbers, department of professional and
20 occupational licensing, created by 2-15-1625;

21 (d) board of chiropractors, department of professional
22 and occupational licensing, created by 2-15-1613;

23 (e) board of cosmetologists, department of
24 professional and occupational licensing, created by
25 2-15-1626;

1 (f) board of dentists, department of professional and
2 occupational licensing, created by 2-15-1606;

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

9 (i) Montana state board of medical examiners,
10 department of professional and occupational licensing,
11 created by 2-15-1605;

12 (j) board of morticians, department of professional
13 and occupational licensing, created by 2-15-1619;

14 (k) board of nursing, department of professional and
15 occupational licensing, created by 2-15-1610;

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

19 (m) board of optometrists, department of professional
20 and occupational licensing, created by 2-15-1612;

21 (n) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
23 2-15-1607;

24 (o) board of pharmacists, department of professional
25 and occupational licensing, created by 2-15-1609;

1 (p) board of podiatry examiners, department of
2 professional and occupational licensing, created by
3 2-15-1608;

4 (q) board of psychologists, department of professional
5 and occupational licensing, created by 2-15-1617;

6 (r) board of radiologic technologists, department of
7 professional and occupational licensing, created by
8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
10 department of professional and occupational licensing,
11 created by 2-15-1615;

12 (t) board of veterinarians, department of professional
13 and occupational licensing, created by 2-15-1618;

14 (u) board of veterans' affairs, department of social
15 and rehabilitation services, created by 2-15-2202.

16 (3) The following units of state government shall
17 terminate on July 1, 1983:

18 (a) board of aeronautics, department of community
19 affairs, created by 2-15-1103;

20 (b) state board of hail insurance, department of
21 agriculture, created by 2-15-3003;

22 (c) board of horseracing, department of professional
23 and occupational licensing, created by 2-15-1662;

24 (d) board of livestock, department of livestock,
25 created by 2-15-3102;

1 (e) board of milk control, department of business
2 regulation, created by 2-15-1802;

3 (f) board of oil and gas conservation, department of
4 natural resources and conservation, created by 2-15-3303;

5 (g) Montana outfitters council, department of fish and
6 game, created by 2-15-3403;

7 (h) public service commission, department of public
8 service regulation, created by 69-1-102;

9 (i) board of sanitarians, department of professional
10 and occupational licensing, created by 2-15-1631;

11 (j) board of water and wastewater operators,
12 department of health and environmental sciences, created by
13 2-15-2105;

14 (k) board of water well contractors, department of
15 professional and occupational licensing, created by
16 2-15-1632.

17 ~~the following agency terminates on duty in 1985
18 the state electrical board created by 2-15-1654.~~

19 SECTION 3. SECTION 2-15-1654, MCA, IS AMENDED TO READ:

20 "2-15-1654. State electrical board. (1) There is a
21 state electrical board.

22 (2) The board consists of five members appointed by
23 the governor with the consent of the senate, who shall be
24 residents of this state. One member two members of the
25 board shall represent the public. Two members of the board

1 ~~shall be licensed electricians. One member shall be a master
2 licensed electrical contractor. One member of the board
3 shall be selected from each of the following four groups
4 from three names submitted by each group:~~

- 5 ~~(a) consumer members of rural electric cooperatives~~
- 6 ~~(b) master licensed electrical contractors~~
- 7 ~~(c) licensed journeyman electricians and~~
- 8 ~~(d) investor owned electric utilities~~

9 (3) The members of the board shall serve for a term of
10 5 years with their terms of office so arranged that one term
11 expires on July 1 of each year.

12 (4) The board is allocated to the department for
13 administrative purposes only as prescribed in 2-15-121."

14 Section 4. Section 37-68-102, MCA, is amended to read:

15 "37-68-102. Definitions. Unless the context requires
16 otherwise, in this chapter the following definitions apply:

17 (1) "Board" means the state electrical board provided
18 for in 2-15-1654 ~~board of public safety provided for in~~
19 ~~section 1 of Senate Bill 247;~~ STATE ELECTRICAL BOARD
20 PROVIDED FOR IN 2-15-1654.

21 (2) "Department" means the department of professional
22 and occupational licensing provided for in title 27 chapter
23 15 ~~part 16 administration provided for in title 27 chapter~~
24 ~~15 part 18~~ PROFESSIONAL AND OCCUPATIONAL LICENSING
25 PROVIDED FOR IN TITLE 27, CHAPTER 15, PART 16.

1 (3) "Electrical contractor" means a person, firm,
 2 partnership, corporation, association, or combination of
 3 these who undertakes or offers to undertake for another the
 4 planning, laying out, supervising, and installing or the
 5 making of additions, alterations, and repairs in the
 6 installation of wiring apparatus and equipment for electric
 7 light, heat, and power. A registered electrical engineer who
 8 plans or designs electrical installations is not an
 9 electrical contractor.

10 (4) "Journeyman electrician" means a person having the
 11 necessary qualifications, training, experience, and
 12 technical knowledge to wire for, install, and repair
 13 electrical apparatus and equipment for light, heat, power,
 14 and other purposes under the rules governing this work.

15 (5) "Master electrician" means a person having the
 16 necessary qualifications, training, experience, and
 17 technical knowledge to properly plan, lay out, and supervise
 18 the installation and repair of wiring apparatus and
 19 equipment for electric light, heat, power, and other
 20 purposes under the rules governing this work.

21 (6) "Residential electrician" means a person having
 22 the necessary qualifications, training, experience, and
 23 technical knowledge to wire for, install, and repair
 24 electrical apparatus and equipment for light, heat, power,
 25 and other purposes in residential construction consisting of

1 less than five living units in a single structure under the
 2 rules governing this work."

3 Section 5. Section 37-68-103, MCA, is amended to read:
 4 "37-68-103. Exemptions. (1) Nothing in this chapter
 5 shall be deemed to apply to the installation, alteration, or
 6 repair of electrical signal or communications equipment
 7 owned or operated by a public utility or a city.

8 (2) The licensing or inspection provisions of this
 9 chapter do not apply to regularly employed maintenance
 10 electricians doing maintenance work on the business premises
 11 of their employer, nor do they apply to line work on the
 12 business premises of the employer or to ordinary and
 13 customary in-plant or on-site installations, modifications,
 14 additions, or repairs.

15 (3) Nothing in this chapter shall be construed to
 16 require an individual to hold a license while or for doing
 17 electrical work on his own property or residence provided
 18 that said property or residence is maintained for his own
 19 use.

20 (4) An individual, firm, partnership, or corporation
 21 may engage in business as an electrical contractor without
 22 an electrician's license if all electrical work performed by
 23 such individual, firm, partnership, or corporation is under
 24 the direction, control, and supervision of a licensed master
 25 electrician or under the direction, control, and supervision

1 of a journeyman electrician for residential construction
 2 consisting of less than five living units in a single
 3 structure.

4 (5) Any person who plugs in an electrical appliance
 5 where an approved electrical outlet is already installed
 6 shall not be considered as an installer.

7 (6) No provisions of this chapter shall in any manner
 8 interfere with, hamper, preclude, or prohibit any vendor of
 9 any electrical appliance from selling, delivering, and
 10 connecting any electrical appliance if the connection does
 11 not necessitate the installation of electrical wiring of the
 12 structure where the appliance is to be connected."

13 ~~NEW SECTION - Section 4 - Rulemaking powers - The board~~
 14 ~~may adopt rules necessary to protect the public health~~
 15 ~~safety and welfare in regulating electrical work~~

16 ~~NEW SECTION - Section 5 - Duties - of the department~~
 17 ~~(1) - The department shall~~

18 ~~(a) - assist the board in the transaction of its~~
 19 ~~business and keep a record of the board's official actions~~

20 ~~(b) - charge the board for the reasonable costs of the~~
 21 ~~department incurred in assisting the board~~

22 ~~(2) - in conjunction with carrying out inspections of~~
 23 ~~electrical installations for code compliance as set forth in~~
 24 ~~Title 58 - chapter 60 - part 6 - the department shall inspect~~
 25 ~~licenses to insure compliance with this part and advise the~~

1 ~~board in writing of any license violations. Any electrical~~
 2 ~~code or licensing violation discovered by state or local~~
 3 ~~building inspectors shall be reported to the board in~~
 4 ~~writing~~

5 Section 6. Section 37-68-301, MCA, is amended to read:

6 "37-68-301. License required to engage in electrical
 7 work. A person may not engage in or work at the business,
 8 trade, or calling of electrical contractor, residential
 9 electrician, journeyman electrician, or master electrician
 10 in this state until he has received from the department a
 11 license or permit to work as an electrical contractor,
 12 residential electrician, journeyman electrician, or master
 13 electrician."

14 Section 7. Section 37-68-302, MCA, is amended to read:

15 "37-68-302. Unauthorized use of title. No person,
 16 firm, partnership, corporation, or association shall assume
 17 or use the title or designation of licensed master
 18 electrician, or licensed journeyman electrician, or
 19 residential electrician unless qualified and licensed under
 20 this chapter."

21 Section 8. Section 37-68-305, MCA, is amended to read:

22 "37-68-305. Journeyman and residential electricians --
 23 application -- qualifications -- contents of examination.
 24 (1) An applicant for a journeyman electrician's license
 25 shall furnish written evidence that he has had at least 4

1 years' apprenticeship in the electrical trade or 4 years'
 2 practical experience in the wiring for, installing, and
 3 repairing of electrical apparatus and equipment for light,
 4 heat, and power. Applications for license and notice to the
 5 applicant shall be made and given as in the case of master
 6 electricians' licenses.

7 ~~(2)~~--The written examination for a journeyman's license
 8 shall consist of at least 30 questions designed to fairly
 9 test the applicant's knowledge and the technical application
 10 thereof in the following subjects:

- 11 (a) the Ohm's law;
- 12 (b) the national electrical code;
- 13 (c) layout and practical installation of electrical
 14 circuits.

15 ~~(2) An applicant for a residential electrician's~~
 16 ~~license shall furnish written evidence that he has had at~~
 17 ~~least 2 years' apprenticeship in the electrical trade or 2~~
 18 ~~years' practical experience in the wiring for, installing,~~
 19 ~~and repairing of electrical apparatus and equipment for~~
 20 ~~light, heat, and power in residential construction~~
 21 ~~consisting of less than five living units in a single~~
 22 ~~structure. Application for license and notice to the~~
 23 ~~applicant is made and given as in the case of master~~
 24 ~~electricians' licenses. The written examination for a~~
 25 ~~residential electrician's license consists of at least 30~~

1 ~~questions designed to fairly test the applicant's knowledge~~
 2 ~~and the technical application thereof in the following~~
 3 ~~subjects:~~

- 4 ~~(a) the Ohm's law;~~
- 5 ~~(b) the national electrical code;~~
- 6 ~~(c) layout and practical installation of electrical~~
 7 ~~circuits in residential construction consisting of less than~~
 8 ~~five living units in a single structure."~~

9 Section 9. Section 37-68-306, MCA, is amended to read:

10 "37-68-306. Temporary permits pending examination. The
 11 board may authorize the department to issue a temporary
 12 permit to engage in the work of a master electrician, or
 13 journeyman electrician, or residential electrician to an
 14 applicant who furnishes evidence satisfactory to the board
 15 that he has the required experience to qualify for the
 16 examination and who pays the fee. A temporary permit
 17 continues in effect only until the next examination is given
 18 and may be revoked by the board at any time. If the
 19 applicant is granted a license, a fee paid for the temporary
 20 permit shall be applied to the fee required for a license."

21 Section 10. Section 37-68-307, MCA, is amended to
 22 read:

23 "37-68-307. Examination procedure -- issuance of
 24 master, or journeyman, or residential electrician's license
 25 -- expiration. (1) To insure impartiality, the examination

1 for either the master's or journeyman's license shall be by
 2 numbers drawn by lot. A paper may not be marked with the
 3 name of an applicant, but shall be anonymously graded by the
 4 department--subject--to--37-1-101. The examination passing
 5 grade is 75%.

6 (2) If it is determined that the applicant has passed
 7 the examination, the department, on payment by the applicant
 8 of the fee, shall issue to the applicant a license which
 9 authorizes him to engage in the business, trade, or calling
 10 of a residential electrician, journeyman electrician, or
 11 master electrician.

12 (3) Each original license expires on the July 15 which
 13 is at least 1 year but not more than 2 years subsequent to
 14 the date of issuance."

15 Section 11. Section 37-68-308, MCA, is amended to
 16 read:

17 "37-68-308. Licensure without examination of persons
 18 licensed locally. The board may authorize the department to
 19 issue a license as a master electrician, or journeyman
 20 electrician, or residential electrician to an applicant
 21 without written examination on satisfactory proof that the
 22 applicant has the qualifications to apply for a license
 23 under this chapter and is the holder of a valid license
 24 issued by a city or other political subdivision of this
 25 state which provides for the examination and licensing of

1 electricians."

2 Section 12. Section 37-68-310, MCA, is amended to
 3 read:

4 "37-68-310. Annual renewal. Licenses of residential
 5 electricians, journeyman electricians, or master
 6 electricians, unless they have been suspended or revoked by
 7 the board, shall be renewed for a period of 1 year by the
 8 department on application for renewal made to the department
 9 prior to July 15 of the year in which the prior license
 10 expired and on the payment of an annual renewal fee. If
 11 application for renewal is not made prior to July 15, an
 12 additional fee of \$5 shall be paid on account of the
 13 delinquency in renewal. All applications for renewal must be
 14 made prior to August 15 of that year, otherwise the license
 15 is forfeited and the applicant is required to pass the
 16 examination and pay the fees required of applicants for
 17 original licenses."

18 Section 13. Section 37-68-311, MCA, is amended to
 19 read:

20 "37-68-311. Examination fee -- annual fee -- specific
 21 exemption for apprentices. (1) Master electricians who are
 22 not electrical contractors and journeyman or residential
 23 electricians installing or intending to install for hire
 24 electric wiring or equipment to convey electric current or
 25 apparatus to be operated by this current shall make

1 application for a license to the department. The application
 2 shall be on a form furnished by the department and
 3 accompanied by an examination fee of ~~\$10~~ set by the board.
 4 The forms shall state the applicant's full name, his
 5 address, the extent of his experience, and other information
 6 required by the board. If the applicant has complied with
 7 the rules adopted by the board and, being qualified, has
 8 successfully completed the examination, he shall pay to the
 9 department an annual license fee of ~~\$25~~ set by the board for
 10 a master electrician's license or ~~\$10~~ for a journeyman or a
 11 residential electrician's license, and upon receipt of
 12 either ~~the~~ fee the department shall issue the proper license
 13 to the applicant.

14 (2) A person serving a 4-year electrician
 15 apprenticeship under the supervision of a licensed
 16 electrician is exempt from the licensing provision of this
 17 section during training. Credit for the time spent in an
 18 electrical school shall be given to the master electrician,
 19 journeyman electrician, residential electrician, or
 20 apprentice, up to a total of 2 years, on the 4-year
 21 requirement."

22 Section 14. Section 37-68-312, MCA, is amended to
 23 read:

24 "37-68-312. Electrical contractor's license --
 25 application -- issuance -- fees -- renewal. Each electrical

1 contractor shall, before July 1 of each year, file with the
 2 department an application in writing for each firm operated
 3 by him in this state to obtain a license. A license may not
 4 be issued until the applicant meets the requirements and has
 5 paid to the department a license fee of ~~\$75~~ set by the board
 6 for each firm operated by him. Licenses shall bear the date
 7 of issue and expire on July 1 following the date of issue.
 8 An electrical contractor licensed under this chapter is
 9 entitled to have his license renewed for the ensuing year by
 10 payment to the department of a ~~the license~~ fee of ~~\$75~~ before
 11 the date of expiration of the license."

12 Section 15. Section 37-68-313, MCA, is amended to
 13 read:

14 "37-68-313. Deposit Reasonable fees -- deposit of
 15 money collected. All fees established by the board under
 16 this chapter must be reasonably related to the respective
 17 program costs. Money collected by the department under this
 18 chapter shall be deposited in the earmarked revenue fund for
 19 the use of the board, ~~subject to 37-1-101(6).~~"

20 Section 16. Section 37-68-321, MCA, is amended to
 21 read:

22 "37-68-321. Suspension or revocation of license. The
 23 board may suspend or revoke a license granted under this
 24 chapter for any of the following reasons:

25 (1) violation of this chapter, the national electrical

1 code, or the rules of the board;

2 (2) any cause for which issuance of the license could

3 have been denied had it existed and been known to the board;

4 (3) commission of any act of gross negligence,

5 incompetency, or misconduct as may be determined by the

6 board in the practice of a master, or journeyman, or

7 residential electrician or the business of an electrical

8 contractor; or

9 (4) making a material misstatement, misrepresentation,

10 or fraud in obtaining a license."

11 Section 17. Section 50-60-204, MCA, is amended to

12 read:

13 "50-60-204. Public hearing required. (1) Except as

14 provided in subsection (2) of this section, no rule,

15 amendment, or repeal of the state building code may take

16 effect until after a public hearing by the department.

17 (2) If a hearing has been held by the state fire

18 marshal with respect to his duties contained in chapter 3 of

19 this title or by the board of plumbers, the department of

20 health and environmental sciences, the board of warm air

21 heating, ventilation, and air conditioning, or the state

22 electrical board ~~of public safety~~ STATE ELECTRICAL BOARD on

23 a proposed rule relating to building and equipment standards

24 in their respective fields, a public hearing by the

25 department is not required."

1 ~~Section 18. Transfer of funds. All unexpended~~

2 ~~balances of appropriations, allocations, or other funds of~~

3 ~~the state electrical board shall be transferred to the board~~

4 ~~of public safety on the effective date of this act to be~~

5 ~~used for the purpose of regulating electrical work.~~

6 ~~Section 19. Transitions. All orders and rules relating~~

7 ~~to the regulation of electrical work made by the state~~

8 ~~electrical board remain in full force and effect until~~

9 ~~revoked or modified in accordance with law by the board of~~

10 ~~public safety. The records and documents of the state~~

11 ~~electrical board are transferred to the board of public~~

12 ~~safety, licenses, permits, and certificates issued prior to~~

13 ~~duty by 1979, remain valid under the same terms and~~

14 ~~conditions as when issued and are subject to the provisions~~

15 ~~of title 37, chapter 60.~~

16 ~~Section 20. Effect of termination. The provisions of~~

17 ~~2-8-121 do not apply to the state electrical boards.~~

18 ~~Section 21. Codifications. Sections 4 and 5 are~~

19 ~~intended to be codified as an integral part of title 37,~~

20 ~~chapter 60, and the provisions of title 37, chapter 60,~~

21 ~~apply to sections 4 and 5.~~

22 ~~Section 22. Repeaters. Sections 2-15-1654, 37-60-201,~~

23 ~~and 37-60-202, MCA, are repealed.~~

24 SECTION 10. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON

25 PASSAGE AND APPROVAL.

1 STATEMENT OF INTENT RE: SB 390

2
3

4 A statement of intent is required for SB 390 in that it
5 delegates rulemaking authority to the state electrical board
6 in Sections 4, 13, and 14.

7 1. Section 3 defines and, together with other
8 sections, provides for regulation of a new classification of
9 license, the residential electrician's license. Rules
10 relating to the residential license should cover all areas
11 now covered by board rules for journeyman and master
12 electricians. The rules should set forth the basic content
13 and the procedures and passing examination for the
14 residential license. The examination should be tailored to
15 meet the requirements for work as a residential electrician.

16 When appropriate and in conformance with law, the board
17 may amend existing rules to make them applicable to the
18 residential license.

19 2. Sections 13 and 14 give the board authority to
20 prescribe various fees. This must be done by rule. It is
21 intended that each fee not exceed the amount necessary to
22 meet the cost of administering the program to which it
23 relates.

24 First adopted by the SENATE STATE ADMINISTRATION
25 COMMITTEE on February 21, 1979.

SB 390

1 SENATE BILL NO. 390

2 INTRODUCED BY LOCKREM, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
6 REGULATION OF THE ELECTRICAL PROFESSION BY A BOARD OF PUBLIC
7 SAFETY IN THE DEPARTMENT OF ADMINISTRATION; TERMINATING
8 OPERATION OF THE STATE ELECTRICAL BOARD ON JULY 1, 1999;
9 ELIMINATING REFERENCES TO THE STATE ELECTRICAL BOARD;
10 REESTABLISHING THE STATE ELECTRICAL BOARD IN THE DEPARTMENT
11 OF PROFESSIONAL AND OCCUPATIONAL LICENSING UNDER EXISTING
12 STATUTORY AUTHORITY AND RULES; REVISING THE LICENSURE
13 PROVISIONS; PERMITTING THE BOARD TO SET FEES; CREATING A
14 CLASS OF RESIDENTIAL ELECTRICIANS; AMENDING SECTIONS 2-8-121
15 2-8-103, 2-15-1654, 37-68-102, 37-68-103, 37-68-301,
16 37-68-302, 37-68-305 THROUGH 37-68-308, 37-68-310 THROUGH
17 37-68-313, 37-68-321, AND 50-60-204, MCA; AND REPEALING
18 SECTIONS 2-15-1654, 37-68-201, AND 37-68-202, MCA AND
19 PROVIDING AN EFFECTIVE DATE."

20
21 WHEREAS, the sunset law sections 2-8-103 and 2-8-121
22 will terminate the state electrical board and require a
23 performance evaluation of the board by the legislative audit
24 committee; and

25 WHEREAS, as a result of the performance evaluation, the

1 legislative audit committee recommends that the state
2 electrical board be abolished and regulation of electrical
3 work be transferred to the board of public safety in the
4 department of administration and that certain statutory
5 provisions be amended or repealed.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 2-8-121, MCA, is amended to read:

9 "2-8-121. Effect of terminations. Upon unless
10 otherwise provided, upon termination, each agency or unit
11 shall continue in existence until duty is of the next
12 succeeding year for the purpose of winding up its affairs.
13 During the windup period, termination does not reduce or
14 otherwise limit the powers or authority of each respective
15 agency except that no action may be taken which would
16 continue in effect beyond the 1-year windup period. Upon the
17 expiration of the 1-year after termination, each agency not
18 modified or reestablished shall be abolished and all
19 unexpended balances of appropriations, allocations, or other
20 funds shall revert to the fund from which they were
21 appropriated or, if that fund is abolished, to the general
22 funds."

23 BOARD REESTABLISHMENT, THE STATE ELECTRICAL BOARD CREATED
24 BY 2-15-1654 IS REESTABLISHED FOR A PERIOD OF 6 YEARS
25 PURSUANT TO 2-8-122.

REFERENCE BILL; INCLUDES JOINT -2-
CONFERENCE COMMITTEE REPORT.
DATED 3/21/99

SB 390

1 ~~SECTION 2. SECTION 2-8-103, HCA, IS AMENDED TO READ:~~
 2 "2-8-103. Agencies to terminate. (1) The following
 3 agencies shall terminate on July 1, 1979:
 4 (a) board of abstracters, department of professional
 5 and occupational licensing, created by 2-15-1643;
 6 (b) board of public accountants, department of
 7 professional and occupational licensing, created by
 8 2-15-1641;
 9 (c) board of architects, department of professional
 10 and occupational licensing, created by 2-15-1651;
 11 (d) state banking board, department of business
 12 regulation, created by 2-15-1803;
 13 ~~(e) state electrical board, department of professional~~
 14 ~~and occupational licensing, created by 2-15-1654;~~
 15 ~~(f) board of professional engineers and land~~
 16 ~~surveyors, department of professional and occupational~~
 17 ~~licensing, created by 2-15-1653;~~
 18 ~~(g) office of commissioner of insurance and the~~
 19 ~~insurance department, state auditor's office, created by~~
 20 ~~2-15-1902 and 2-15-1903;~~
 21 ~~(h) office of the investment commissioner, state~~
 22 ~~auditor's office, created by 2-15-1901;~~
 23 ~~(i) board of landscape architects, department of~~
 24 ~~professional and occupational licensing, created by~~
 25 ~~2-15-1652;~~

1 ~~(j) board of county printing, department of~~
 2 ~~community affairs, created by 2-15-1102;~~
 3 ~~(k) board of plumbers, department of professional~~
 4 ~~and occupational licensing, created by 2-15-1655;~~
 5 ~~(l) board of real estate, department of~~
 6 ~~professional and occupational licensing, created by~~
 7 ~~2-15-1642;~~
 8 ~~(m) state board of warm air heating, ventilation,~~
 9 ~~and air conditioning, department of professional and~~
 10 ~~occupational licensing, created by 2-15-1656;~~
 11 ~~(n) board of institutions, department of~~
 12 ~~institutions, created by 2-15-2303.~~
 13 (2) The following agencies shall terminate on July 1,
 14 1981:
 15 (a) commission for human rights, department of labor
 16 and industry, created by 2-15-1706;
 17 (b) board of athletics, department of professional and
 18 occupational licensing, created by 2-15-1661;
 19 (c) board of barbers, department of professional and
 20 occupational licensing, created by 2-15-1625;
 21 (d) board of chiropractors, department of professional
 22 and occupational licensing, created by 2-15-1613;
 23 (e) board of cosmetologists, department of
 24 professional and occupational licensing, created by
 25 2-15-1626;

1 (f) board of dentists, department of professional and
2 occupational licensing, created by 2-15-1606;

3 (g) board of hearing aid dispensers, department of
4 professional and occupational licensing, created by
5 2-15-1616;

6 (h) board of massage therapists, department of
7 professional and occupational licensing, created by
8 2-15-1627;

9 (i) Montana state board of medical examiners,
10 department of professional and occupational licensing,
11 created by 2-15-1605;

12 (j) board of morticians, department of professional
13 and occupational licensing, created by 2-15-1619;

14 (k) board of nursing, department of professional and
15 occupational licensing, created by 2-15-1610;

16 (l) board of nursing home administrators, department
17 of professional and occupational licensing, created by
18 2-15-1611;

19 (m) board of optometrists, department of professional
20 and occupational licensing, created by 2-15-1612;

21 (n) board of osteopathic physicians, department of
22 professional and occupational licensing, created by
23 2-15-1607;

24 (o) board of pharmacists, department of professional
25 and occupational licensing, created by 2-15-1609;

1 (p) board of podiatry examiners, department of
2 professional and occupational licensing, created by
3 2-15-1608;

4 (q) board of psychologists, department of professional
5 and occupational licensing, created by 2-15-1617;

6 (r) board of radiologic technologists, department of
7 professional and occupational licensing, created by
8 2-15-1614;

9 (s) board of speech pathologists and audiologists,
10 department of professional and occupational licensing,
11 created by 2-15-1615;

12 (t) board of veterinarians, department of professional
13 and occupational licensing, created by 2-15-1618;

14 (u) board of veterans' affairs, department of social
15 and rehabilitation services, created by 2-15-2202.

16 (3) The following units of state government shall
17 terminate on July 1, 1983:

18 (a) board of aeronautics, department of community
19 affairs, created by 2-15-1103;

20 (b) state board of hail insurance, department of
21 agriculture, created by 2-15-3003;

22 (c) board of horseracing, department of professional
23 and occupational licensing, created by 2-15-1662;

24 (d) board of livestock, department of livestock,
25 created by 2-15-3102;

1 (e) board of milk control, department of business
2 regulation, created by 2-15-1802;

3 (f) board of oil and gas conservation, department of
4 natural resources and conservation, created by 2-15-3303;

5 (g) Montana outfitters council, department of fish and
6 game, created by 2-15-3403;

7 (h) public service commission, department of public
8 service regulation, created by 69-1-102;

9 (i) board of sanitarians, department of professional
10 and occupational licensing, created by 2-15-1631;

11 (j) board of water and wastewater operators,
12 department of health and environmental sciences, created by
13 2-15-2105;

14 (k) board of water well contractors, department of
15 professional and occupational licensing, created by
16 2-15-1632.

17 ~~(l) The following agency terminates on July 1, 1985:~~
18 ~~the state electrical board created by 2-15-1654.~~

19 (l) THE FOLLOWING AGENCY TERMINATES ON JULY 1, 1985:
20 THE STATE ELECTRICAL BOARD CREATED BY 2-15-1654.

21 SECTION 3. SECTION 2-15-1654, MCA, IS AMENDED TO READ:
22 "2-15-1654. State electrical board. (1) There is a
23 state electrical board.

24 (2) The board consists of five members appointed by
25 the governor with the consent of the senate, who shall be

1 residents of this state. ~~One member~~ Two members of the
2 board shall represent the public. ~~Two members of the board~~
3 ~~shall be licensed electricians. One member shall be a master~~
4 ~~licensed electrical contractor. One member of the board~~
5 ~~shall be selected from each of the following four groups:~~
6 ~~from three names submitted by each group:~~

- 7 ~~(a) consumer members of rural electric cooperatives~~
8 ~~(b) master licensed electrical contractors~~
9 ~~(c) licensed journeyman electricians and~~
10 ~~(d) investor-owned electric utilities.~~

11 (3) The members of the board shall serve for a term of
12 5 years with their terms of office so arranged that one term
13 expires on July 1 of each year.

14 (4) The board is allocated to the department for
15 administrative purposes only as prescribed in 2-15-121."

16 Section 4. Section 37-68-102, MCA, is amended to read:
17 "37-68-102. Definitions. Unless the context requires
18 otherwise, in this chapter the following definitions apply:

19 (1) "Board" means the state electrical board provided
20 for in 2-15-1654 ~~board of public safety provided for in~~
21 ~~section 1 of Senate Bill 247.~~ STATE ELECTRICAL BOARD
22 PROVIDED FOR IN 2-15-1654.

23 (2) "Department" means the department of professional
24 and occupational licensing provided for in title 2, chapter
25 ~~15, part 16 administration provided for in title 2, chapter~~

~~15~~ ~~part~~ ~~10~~ PROFESSIONAL AND OCCUPATIONAL LICENSING
 PROVIDED FOR IN TITLE 2, CHAPTER 15, PART 16.

(3) "Electrical contractor" means a person, firm, partnership, corporation, association, or combination of these who undertakes or offers to undertake for another the planning, laying out, supervising, and installing or the making of additions, alterations, and repairs in the installation of wiring apparatus and equipment for electric light, heat, and power. A registered electrical engineer who plans or designs electrical installations is not an electrical contractor.

(4) "Journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install, and repair electrical apparatus and equipment for light, heat, power, and other purposes under the rules governing this work.

(5) "Master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise the installation and repair of wiring apparatus and equipment for electric light, heat, power, and other purposes under the rules governing this work.

~~(6) "Residential electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install, and repair~~

~~electrical apparatus and equipment for light, heat, power, and other purposes in residential construction consisting of less than five living units in a single structure under the rules governing this work."~~

Section 5. Section 37-68-103, MCA, is amended to read:

"37-68-103. Exemptions. (1) Nothing in this chapter shall be deemed to apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or a city.

(2) The licensing or inspection provisions of this chapter do not apply to regularly employed maintenance electricians doing maintenance work on the business premises of their employer, nor do they apply to line work on the business premises of the employer or to ordinary and customary in-plant or on-site installations, modifications, additions, or repairs.

(3) Nothing in this chapter shall be construed to require an individual to hold a license while or for doing electrical work on his own property or residence provided that said property or residence is maintained for his own use.

(4) An individual, firm, partnership, or corporation may engage in business as an electrical contractor without an electrician's license if all electrical work performed by such individual, firm, partnership, or corporation is under

1 the direction, control, and supervision of a licensed master
 2 electrician or under the direction, control, and supervision
 3 of a journeyman electrician for residential construction
 4 consisting of less than five living units in a single
 5 structure.

6 (5) Any person who plugs in an electrical appliance
 7 where an approved electrical outlet is already installed
 8 shall not be considered as an installer.

9 (b) No provisions of this chapter shall in any manner
 10 interfere with, hamper, preclude, or prohibit any vendor of
 11 any electrical appliance from selling, delivering, and
 12 connecting any electrical appliance if the connection does
 13 not necessitate the installation of electrical wiring of the
 14 structure where the appliance is to be connected."

15 ~~NEW SECTION--Section 4--Rulemaking powers--The board~~
 16 ~~may adopt rules necessary to protect the public health,~~
 17 ~~safety and welfare in regulating electrical work.~~

18 ~~NEW SECTION--Section 5--Duties of the department,~~
 19 ~~(1) The department shall:~~

20 ~~(a) assist the board in the transaction of its~~
 21 ~~business and keep a record of the board's official actions;~~

22 ~~(b) charge the board for the reasonable costs of the~~
 23 ~~department incurred in assisting the board;~~

24 ~~(2) in conjunction with carrying out inspections of~~
 25 ~~electrical installations for code compliance as set forth in~~

1 ~~Title 54--chapter 68--part 6--the department shall inspect~~
 2 ~~licenses to insure compliance with this part and advise the~~
 3 ~~board in writing of any license violations. Any electrical~~
 4 ~~code or licensing violation discovered by state or local~~
 5 ~~building inspectors shall be reported to the board in~~
 6 ~~writing.~~

7 Section 6. Section 37-68-301, MCA, is amended to read:

8 "37-68-301. License required to engage in electrical
 9 work. A person may not engage in or work at the business,
 10 trade, or calling of electrical contractor, residential
 11 electrician, journeyman electrician, or master electrician
 12 in this state until he has received from the department a
 13 license or permit to work as an electrical contractor,
 14 residential electrician, journeyman electrician, or master
 15 electrician."

16 Section 7. Section 37-68-302, MCA, is amended to read:

17 "37-68-302. Unauthorized use of title. No person,
 18 firm, partnership, corporation, or association shall assume
 19 or use the title or designation of licensed master
 20 electrician, or licensed journeyman electrician, or
 21 residential electrician unless qualified and licensed under
 22 this chapter."

23 Section 8. Section 37-68-305, MCA, is amended to read:

24 "37-68-305. Journeyman and residential electricians --
 25 application -- qualifications -- contents of examination.

1 (1) An applicant for a journeyman electrician's license
 2 shall furnish written evidence that he has had at least 4
 3 years' apprenticeship in the electrical trade or 4 years'
 4 practical experience in the wiring for, installing, and
 5 repairing of electrical apparatus and equipment for light,
 6 heat, and power. Applications for license and notice to the
 7 applicant shall be made and given as in the case of master
 8 electricians' licenses.

9 (2) The written examination for a journeyman's license
 10 shall consist of at least 30 questions designed to fairly
 11 test the applicant's knowledge and the technical application
 12 thereof in the following subjects:

- 13 (a) the Ohm's law;
 14 (b) the national electrical code;
 15 (c) layout and practical installation of electrical
 16 circuits.

17 (2) An applicant for a residential electrician's
 18 license shall furnish written evidence that he has had at
 19 least 2 years' apprenticeship in the electrical trade or 2
 20 years' practical experience in the wiring for, installing,
 21 and repairing of electrical apparatus and equipment for
 22 light, heat, and power in residential construction
 23 consisting of less than five living units in a single
 24 structure. Application for license and notice to the
 25 applicant is made and given as in the case of master

1 electricians' licenses. The written examination for a
 2 residential electrician's license consists of at least 30
 3 questions designed to fairly test the applicant's knowledge
 4 and the technical application thereof in the following
 5 subjects:

- 6 (a) the Ohm's law;
 7 (b) the national electrical code;
 8 (c) layout and practical installation of electrical
 9 circuits in residential construction consisting of less than
 10 five living units in a single structure."

11 Section 9. Section 37-68-306, MCA, is amended to read:

12 "37-68-306. Temporary permits pending examination. The
 13 board may authorize the department to issue a temporary
 14 permit to engage in the work of a master electrician, or
 15 journeyman electrician, or residential electrician to an
 16 applicant who furnishes evidence satisfactory to the board
 17 that he has the required experience to qualify for the
 18 examination and who pays the fee. A temporary permit
 19 continues in effect only until the next examination is given
 20 and may be revoked by the board at any time. If the
 21 applicant is granted a license, a fee paid for the temporary
 22 permit shall be applied to the fee required for a license."

23 Section 10. Section 37-68-307, MCA, is amended to
 24 read:

25 "37-68-307. Examination procedure -- issuance of

1 master₂ or journeyman₂ or residential electrician's license
 2 -- expiration. (1) To insure impartiality, the examination
 3 for either the master's or journeyman's license shall be by
 4 numbers drawn by lot. A paper may not be marked with the
 5 name of an applicant, but shall be anonymously graded by the
 6 department-subject--to--37-1-101. The examination passing
 7 grade is 75%.

8 (2) If it is determined that the applicant has passed
 9 the examination, the department, on payment by the applicant
 10 of the fee, shall issue to the applicant a license which
 11 authorizes him to engage in the business, trade, or calling
 12 of a residential electrician₂ journeyman electrician₂ or
 13 master electrician.

14 (3) Each original license expires on the July 15 which
 15 is at least 1 year but not more than 2 years subsequent to
 16 the date of issuance."

17 Section 11. Section 37-68-308, MCA, is amended to
 18 read:

19 "37-68-308. Licensure without examination of persons
 20 licensed locally. The board may authorize the department to
 21 issue a license as a master electrician₂ or journeyman
 22 electrician₂ or residential electrician to an applicant
 23 without written examination on satisfactory proof that the
 24 applicant has the qualifications to apply for a license
 25 under this chapter and is the holder of a valid license

1 issued by a city or other political subdivision of this
 2 state which provides for the examination and licensing of
 3 electricians."

4 Section 12. Section 37-68-310, MCA, is amended to
 5 read:

6 "37-68-310. Annual renewal. Licenses of residential
 7 electricians₂ journeyman electrician₂ or master
 8 electricians, unless they have been suspended or revoked by
 9 the board, shall be renewed for a period of 1 year by the
 10 department on application for renewal made to the department
 11 prior to July 15 of the year in which the prior license
 12 expired and on the payment of an annual renewal fee. If
 13 application for renewal is not made prior to July 15, an
 14 additional fee of \$5 shall be paid on account of the
 15 delinquency in renewal. All applications for renewal must be
 16 made prior to August 15 of that year, otherwise the license
 17 is forfeited and the applicant is required to pass the
 18 examination and pay the fees required of applicants for
 19 original licenses."

20 Section 13. Section 37-68-311, MCA, is amended to
 21 read:

22 "37-68-311. Examination fee -- annual fee -- specific
 23 exemption for apprentices. (1) Master electricians who are
 24 not electrical contractors and journeyman or residential
 25 electricians installing or intending to install for hire

1 electric wiring or equipment to convey electric current or
 2 apparatus to be operated by this current shall make
 3 application for a license to the department. The application
 4 shall be on a form furnished by the department and
 5 accompanied by an examination fee of ~~\$10~~ set by the board.
 6 The forms shall state the applicant's full name, his
 7 address, the extent of his experience, and other information
 8 required by the board. If the applicant has complied with
 9 the rules adopted by the board and, being qualified, has
 10 successfully completed the examination, he shall pay to the
 11 department an annual license fee of ~~\$25~~ set by the board for
 12 a master electrician's license or ~~\$10~~ for a journeyman or a
 13 residential electrician's license, and upon receipt of
 14 either the fee the department shall issue the proper license
 15 to the applicant.

16 (2) A person serving a 4-year electrician
 17 apprenticeship under the supervision of a licensed
 18 electrician is exempt from the licensing provision of this
 19 section during training. Credit for the time spent in an
 20 electrical school shall be given to the master electrician,
 21 journeyman electrician, residential electrician or
 22 apprentice, up to a total of 2 years, on the 4-year
 23 requirement."

24 Section 14. Section 37-68-312, MCA, is amended to
 25 read:

1 "37-68-312. Electrical contractor's license --
 2 application -- issuance -- fees -- renewal. Each electrical
 3 contractor shall, before July 1 of each year, file with the
 4 department an application in writing for each firm operated
 5 by him in this state to obtain a license. A license may not
 6 be issued until the applicant meets the requirements and has
 7 paid to the department a license fee of ~~\$75~~ set by the board
 8 for each firm operated by him. Licenses shall bear the date
 9 of issue and expire on July 1 following the date of issue.
 10 An electrical contractor licensed under this chapter is
 11 entitled to have his license renewed for the ensuing year by
 12 payment to the department of a the license fee of ~~\$75~~ before
 13 the date of expiration of the license."

14 Section 15. Section 37-68-313, MCA, is amended to
 15 read:

16 "~~37-68-313. Deposit Reasonable fees -- deposit of~~
 17 ~~money collected. All fees established by the board under~~
 18 ~~this chapter must be reasonably related to the respective~~
 19 ~~program costs.~~ Money collected by the department under this
 20 chapter shall be deposited in the earmarked revenue fund for
 21 the use of the board, ~~subject to 37-1-101(6).~~"

22 Section 16. Section 37-68-321, MCA, is amended to
 23 read:

24 "37-68-321. Suspension or revocation of license. The
 25 board may suspend or revoke a license granted under this

1 chapter for any of the following reasons:

2 (1) violation of this chapter, the national electrical
3 code, or the rules of the board;

4 (2) any cause for which issuance of the license could
5 have been denied had it existed and been known to the board;

6 (3) commission of any act of gross negligence,
7 incompetency, or misconduct as may be determined by the
8 board in the practice of a master₁ or journeyman₁ or
9 residential electrician or the business of an electrical
10 contractor; or

11 (4) making a material misstatement, misrepresentation,
12 or fraud in obtaining a license."

13 Section 17. Section 50-60-204, MCA, is amended to
14 read:

15 "50-60-204. Public hearing required. (1) Except as
16 provided in subsection (2) of this section, no rule,
17 amendment, or repeal of the state building code may take
18 effect until after a public hearing by the department.

19 (2) If a hearing has been held by the state fire
20 marshal with respect to his duties contained in chapter 3 of
21 this title or by the board of plumbers, the department of
22 health and environmental sciences, the board of warm air
23 heating, ventilation, and air conditioning, or the state
24 electrical board of public safety STATE ELECTRICAL BOARD on
25 a proposed rule relating to building and equipment standards

1 in their respective fields, a public hearing by the
2 department is not required."

3 Section 18. Transfer of funds. All unexpended
4 balances of appropriations, allocations, or other funds of
5 the state electrical board shall be transferred to the board
6 of public safety on the effective date of this act to be
7 used for the purpose of regulating electrical works.

8 Section 19. Transition. All orders and rules relating
9 to the regulation of electrical work made by the state
10 electrical board remain in full force and effect until
11 revoked or modified in accordance with law by the board of
12 public safety. The records and documents of the state
13 electrical board are transferred to the board of public
14 safety. Licenses, permits, and certificates issued prior to
15 July 1, 1979, remain valid under the same terms and
16 conditions as when issued and are subject to the provisions
17 of Title 37, chapter 68.

18 Section 20. Effect of termination. The provisions of
19 2-8-121 do not apply to the state electrical board.

20 Section 21. Codification. Sections 4 and 5 are
21 intended to be codified as an integral part of Title 37,
22 chapter 68, and the provisions of Title 37, chapter 68
23 apply to sections 4 and 5.

24 Section 22. Repealer. Sections 2-15-1654, 37-68-201,
25 and 37-68-202, MCA, are repealed.

1 ~~SECTION 18. EFFECTIVE DATE. THIS ACT IS EFFECTIVE ON~~

2 ~~PASSAGE AND APPROVAL.~~

3 ~~-End-~~

HOUSE OF REPRESENTATIVES
MARCH 7, 1979

BUSINESS & INDUSTRY COMMITTEE OF THE HOUSE, AMENDMENTS FOR SENATE
BILL NO. 390, THIRD READING COPY, AS FOLLOWS:

1. Page 7, lines 17 and 18.
Following: line 16
Strike: subsection (4) in its entirety

AND AS AMENDED
BE CONCURRED IN