CHAPTER NO. 541,

SENATE BILL NO. 390

INTRODUCED BY LOCKREM, HIMSL

IN THE SENATE

February	6, 1979		Introduced and referred to Committee on State Adminis- tration.
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 HOU	SE
February	27, 1979		Introduced and referred to Committee on Business and

March 7, 1979 Committee recommend bill be concurred in as amended. Report adopted.

Industry.

March 8, 1979		Second reading, pass con- sideration.
March 9, 1979		Second reading, concurred in.
March 13, 1979		Third reading, concurred in as amended.
:	IN THE SEN	ATE
March 14, 1979		Returned from second house. Concurred in as amended.
March 15, 1979		Second reading, pass con- sideration.
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 con- sideration.
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.

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Sente BILL NO. 390 1 INTRODUCED BY LOCKREM 2

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE 5 REGULATION OF THE ELECTRICAL PROFESSION BY A BOARD OF PUBLIC 6 SAFETY IN THE DEPARTMENT OF ADMINISTRATION: TERMINATING 7 8 OPERATION OF THE STATE ELECTRICAL BOARD ON JULY 1. 1979; 9 ELIMINATING REFERENCES TO THE STATE ELECTRICAL BOARD; CREATING A CLASS OF RESIDENTIAL ELECTRICIANS; AMENDING 10 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.*

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

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board of public safety in the 23 department of administration and that certain statutory 24 provisions be amended or repealed. 25

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NONTANA: 2

3 Section 1. Section 2-8-121, NCA, is amended to read: #2-8-121. Effect of termination. Upon Unless otherwise 4 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 windup period, termination does not reduce or otherwise A limit the powers or authority of each respective agency Q except that no action may be taken which would continue in 10 effect beyond the 1-year windup period. Upon the expiration 11 12 of the 1 year after termination, each agency not modified or 13 reestablished shall be abolished and all unexpended balances of appropriations, allocations, or other funds shall revert 14 15 to the fund from which they were appropriated or, if that fund is abolished, to the general fund." 16 Section 2. Section 37-68-102, MCA, is apended to read: 17 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 for--in--2-15-1654 board of public safety provided for in 21 22 [section 1 of Senate Bill 247]. (2) "Department" means the department of professional 23 and--occupational-licensing-provided-for-in-fitle-2y-chapter

25 15y-port-16 administration provided for in Title 2. chapter

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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 planning, laying out, supervising, and installing or the 5 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.

15 (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 <u>161</u> "Residential_electrician" means a person baying 23 <u>the necessary gualifications. training. experience. and</u> 24 <u>technical_knowledge_to_wire_for.installs_and_repair</u> 25 <u>electrical_apparatus_and_equipment_for_lights_beats_powers</u>

and other purposes in residential construction consisting of 1 2 less than five living units in a single structure under the rules governing this work." 3 Section 3. Section 37-68-103. NCA. is amended to read: 4 5 #37-68-103. Exemptions. (1) Nothing in this chapter ٨ 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 doin
18 electrical work on his own property or residence provided
19 that said property or residence is maintained for his own
20 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 the direction, control, and supervision of a licensed master

electrician <u>or under the directions controls and supervision</u>
 of a journeyman <u>electrician</u> for <u>residential</u> <u>construction</u>
 consisting of less than five living units in a single
 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."

<u>NEW_SECTIONs</u> Section 4. Rulemaking power. The board
 may adopt rules necessary to protect the public health.
 safety, and welfare in regulating electrical work.

17 <u>NEW SECTION</u> 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

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

Section 6. Section 37-68-301, MCA, is amended to read: 6 7 #37-68-301. License required to engage in electrical 8 work. A person may not engage in or work at the business, Q 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."

Section 7. Section 37-68-302. MCA, is amended to read: "37-68-302. Unauthorized use of title. No person. firm. partnership. corporation. or association shall assume or use the title or designation of licensed master electrician<u>a</u> or licensed journeyman electrician<u>a</u> or <u>residential_electrician</u> unless qualified and licensed under this chapter."

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

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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.

(2) An applicant for a residential electrician's 16 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

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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_structures"
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 electricians or
14	journeyman electrician <u>s or residential electrician</u> 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 permi
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	master <u>s</u> or journeyman <u>e or residential</u> electrician's lin ise

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 <u>residential_electricians</u> journeyman electricians 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:

#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 electriciang or journeyman 20 electrician: or residential electrician to an applicant 21 without written examination on satisfactory proof that the 22 23 applicant has the qualifications to apply for a license under this chapter and is the holder of a valid license 24 issued by a city or other political subdivision of this 25

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:

#37-68-310. Annual renewal. Licenses of residential 5 electricians. journeyman electricianse 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 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 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 delinguency in renewal. All applications for renewal must be 15 made prior to August 15 of that year, otherwise the license is forfeited and the applicant is required to pass the 16 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

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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-sid 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 7 required by the board. If the applicant has complied with 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 14 to the applicant.

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

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

25 #37-68-312. Electrical contractor*s license --

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 7 for each firm operated by him. Licenses shall bear the date of issue and expire on July 1 following the date of issue. 8 An electrical contractor licensed under this chapter is 9 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." Section 15. Section 37-68-313, MCA: is amended to 13 14 read: 15 *37-68-313. Beposit Reasonable fees -- deposit of money collected. All fees established by the board under 16 this chapter must be reasonably related to the respective 17 18 program costs. Money collected by the department under this chapter shall be deposited in the earmarked revenue fund for 19 20 the use of the boardy-subject-to-37-1-101(6)." Section 16. Section 37-68-321. MCA, is amended to 21 22 read: #37-68-321. Suspension or revocation of license. The 23

25 chapter for any of the following reasons:

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board may suspend or revoke a license granted under this

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

(2) any cause for which issuance of the license could
have been denied had it existed and been known to the board;
(3) commission of any act of gross negligence,
incompetency, or misconduct as may be determined by the
board in the practice of a master<u>s</u> or journeyman<u>s</u> or
residential electrician or the business of an electrical
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 marshal with respect to his duties contained in chapter 3 of 19 20 this title or by the board of plumbers, the department of 21 health and environmental sciences, the board of warm air heating, ventilation, and air conditioning, or the state 22 23 electricel board of public safety on a proposed rule relating to building and equipment standards in their 24 respective fields, a public hearing by the department is not 25

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 R 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 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
 2-8-121 do not apply to the state electrical board.

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

23 Section 22. Repeater. Sections 2-15-1654, 37-68-201.

24 and 37-68-202, MCA, are repealed.

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STATE OF MONTANA

Request No.

FISCAL NOTE

Form BD-15

265-79

In compliance with a written request received <u>February 7, 1979</u>, there is hereby submitted a Fiscal Note for <u>Senate Bill 390</u> 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.

BUDGET DIRECTOR / U Office of Budget and Program Planning Date: <u>41.2/7</u>

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SB 0390/02

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2	INTRODUCED BY LOCKREM, HIMSL
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	SAFETYINTHEBEPARTMENTOFXOMINISTRATION+-TERMINATING
8	8PERATION-OF-THE-STATE-ELECTRICAL-BOARD8NJULY1y19791
9	ELIMINATINGREFERENCESTOTHESTATEELECTRICALBOARDI
10	REESIABLISHING_THE_STATE_ELECTRICAL_BOARD_IN_THEDEPARTMENT
11	DEPROFESSIONAL_ANDOCCUPATIONAL_LICENSING_UNDER_EXISTING
12	STATUTORY_AUTHORITY_AND_RULES:_REVISING_THELICENSURE
13	<u>PROVISIONS:_PERMITIING_IHE_BOARD_IQ_SET_EEES:</u> CREATING A
14	CLASS OF RESIDENTIAL ELECTRICIANS; AMENDING SECTIONS 2-8-121
15	<u>2-8-103, 2-15-1654</u> , 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; ANDREPEALING
18	5E6718N52-15-1654+37-60-201+AND37-60-202+NCA AND
19	PROVIDING_AN_EFFECTIVE_DATE.*
20	
21	WHEREASy-the-sunset-lawy-sections-2-8-1103-and2-8-112y
22	willterminatethestate-electricalboard-and-require-s

SENATE BILL NO. 390

performance-evaluation-of-the-board-by-the-legislative-sudit
24 committeet-and

25 WHEREASy-as-a-result-of-the-performance-evaluationy-the

1	iegisiativeauditcommitteerecommendsthatthestate
2	electricalboardbe-abolished-and-regulation-of-electrical
3	work-be-transferred-to-the-board-ofpublicsafetyinthe
4	deportmentofadministrationandthatcertain-statutory
5	provisions-be-amended-or-repeated.
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	Section 1. Section-2-8-121y-MEAv-is-emendedtoread+
9	#2-8-121#Effectoftermination#Upon <u>Unleas</u>
10	<u>otherwise-providedx-upon</u> terminotionv-eachagencyorunit
11	shaiicontinueinexistenceuntiiduiyiofthe-next
12	succeeding-year-for-the-purpose-of-winding-upitsaffairs+
13	Buringthewindupperiodytermination-does-not-reduce-or
14	otherwise-limit-the-powers-or-authority-ofeachrespective
15	agencyaxceptthatnoa ctionmaybetaken-which-woul d
16	continue-in-effect-beyond-the-l-year-windup-pariodUpon-the
17	expiration-of-the-l-year-ofter-termination-each-agencynot
19	modifiedorreestablishedshallbeabolishedandall
19	unexpended-batances-of-appropriations-altocations-or-other
20	fundsshallreverttothefundfromwhichtheywere
21	appropriatedoryif-that-fund-is-abolishedy-to-the-general
22	funde
23	BOARD_REESTABLISHMENTIHE_STATE_ELECTRICALBOARDCREATED
24	BY_2-15-1654_IS_REESTABLISHED_EOR_A_PERIOD_OF_6_YEARS
25	PURSUANI_IO_2=8=122.

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THIRD READING

1 SECTION 2. SECTION 2-8-103. HCA. IS AMENDED TO READ: 2 "2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979: 3 4 (a) board of abstracters, department of professional 5 and occupational licensing, created by 2-15-1643; (b) board of public accountants, department of 6 7 professional and occupational licensing, created by 2-15-1641; 8 • (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 fet--state-stectrical-beerdy-department-of-professional 14 and-pecupational-licensingy-created-by-2-15-1654+ 15 tf<u>iel</u> board of professional engineers and land 16 surveyors, department of professional and occupational 17 licensing, created by 2-15-1653; 18 tetlf) 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 this office of the investment commissioner, state 22 auditor's office, created by 2-15-1901; .

23 <u>title</u> board of landscape architects+ department of 24 professional and occupational licensing+ created by 25 2-15-1652;

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tjtlil boald of county printing, department of
 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 (++)(k) board of real estate, department of 6 professional and occupational licensing, created by 7 2-15-1642;

tm;(1) state board of warm air heating, ventilation,
 and air conditioning, department of professional and
 occupational licensing, created by 2-15-1656;

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;

L7 (b) board of athletics, department of professional and

18 occupational licensing, created by 2-15-1661;

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

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

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

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

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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 (1) 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 (0) board of pharmacists+ department of professional
 25 and occupational licensing+ created by 2-15-1609;

(p) board of podiatry examiners, department of
 professional and occupational licensing, created by
 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 (5) 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;

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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) Hontana outfitters council, department of fish and 6 game, created by 2-15-3403; (h) public service commission, department of public 7 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

(e) board of milk control, department of business

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15 professional and occupational licensing+ created by 16 2-15-1632+

17 <u>(41_The_following_agency_terminates_on_July_1.1985:</u>
 18 <u>the_state_electrical_board_created_by_2-15-1656.</u>"

19SECTION 3a_SECTION 2-15-1654* MCA* IS AMENDED TO READ:20"2-15-1654* State electrical board. (1) There is a21state electrical board.

(2) The board consists of five members appointed by
the governor with the consent of the senate, who shall be
residents of this state. Bne--member Iwo members of the
board shall represent the public. Two members of the board

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1	<u>shall_be_licens(electricians,_One_member_shall_be_a_master</u>
Z	licensed_electrical_contractor. Onememberof-the-board
3	shatt-be-setected-from-each-of-thefollowingfourgroups+
4	from-three-names-subritted-by-each-group+
5	tapconsumermembersof-rural-electric-cooperativest
6	tb}master-licensed-electricol-contractors;
7	tc}}icensed-journeyman-electricianst-and
8	td;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 <u>board-ofpublicsafetyprovidedforin</u>
19	faection==1==of==5enate==Bill==2473v STATE_ELECIRICAL_BOARD
20	PROVIDED_EOR_IN_2-15-1654.
21	(2) "Department" means the department of professional
22	andoccupational-licensing-provided-for-in-Title-2v-chapter
23	±5v-port-16 administration_provided_for_in_Title_2x=_cbopter
24	151
25	PROVIDED_FOR_IN_TITLE_2. CHAPIER_15. PARI_16.

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1 (3) "Electrical contractor" means a persone firme partnership, corporation, association, or combination of 2 these who undertakes or offers to undertake for another the З 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) "Haster 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 <u>(6)_"Residential_electrician" means_a_person_baying</u>
22 the_necessary_qualifications__trainings_experiences_and
23 cscuuical_knowledge_to_wire_fors_installs_and__repair
24 electrical_apparatus_and_equipment_for_lights_heats_powers
25 and_other_purposes_in_residential_construction_consisting_of

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1 less than five living units in a single structure under the

2 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.

6 (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.

(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 the direction, control, and supervision of a licensed master electrician <u>or under_the_directions_controls_and_supervision</u>

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1 of _____ 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 where an approved electrical outlet is already installed 5 6 shall not be considered as an installer. 7 (6) No provisions of this chapter shall in any manner interfere with, hamper, preclude, or prohibit any vendor of A a 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 MEN-SEETERNI--Section-4u--Rulencking--poweru--The-board 14 moy-adapt-rutes-nectossry-to--protect--the--nubit---heatthe 15 sofety--and-walfere-in-requisting-alectrical-worky 16 NEW-SEGIION_--Soction-Su--Buties---of--the--departmenty 17 flt-The-department-shalt+ 18 toj--assist--the--beard--in--the--transaction--of---its business--and--keep-a-record-of-the-boardis-official-actiont 19 20 tbt---charge-the-board-for-the-reasonable-costs--of--the 21 department-incurred-in-assisting-the-boardw 22 121---In--confunction--with--carrying-out-inspections-of 23 electrical-installations-for-code-compliance-as-set-forth-in Fitle-S0v-chapter-60v-part-6v-the-department--shall--inspect 24 25 ticenses--to-insure-compliance-with-this-part-and-advise-the

-11-

<u>د</u>...

. .

board-in-writing of-any-license-violationss--Any--electrical
 code--or--licensing--violation--discovered-by-state-or-local
 building-inspectors--shall--be--reported--to--the--board--in
 writing.

Section 6. Section 37-68-301. MCA. is amended to read: 5 6 "37-68-301. License required to engage in electrical 7 work. A person may not engage in or work at the business, A. trade, or calling of electrical contractor, residential Q 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. residential electrician. journeyman electrician, or master 12 electrician." 13

Section 7. Section 37-68-302, MCA, is amended to read: "37-68-302. Unauthorized use of title. No person, firm. partnership. corporation. or association shall assume or use the title or designation of licensed master electrician<u>r</u> or licensed journeyman electrician<u>r</u> or <u>residential electrician</u> unless qualified and licensed under this chapter."

Section 8. Section 37-68-305, MCA, is amended to read:
 "37-68-305. Journeyman and residential electricians - application -- qualifications -- contents of examination.
 (1) An applicant for a journeyman electrician's license
 shall furnish written evidence that he has had at least 4

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

tet--The written examination for a journeyman's license 7 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 circuits. 14

15 [2] An applicant for a residential electrician's 16 license shall furnish written evidence that be has had at 17 least_2_years' apprenticeship in the electrical trade or 2 years' practical experience in the wiring for: installing. 18 19 and repairing of electrical apparatus and equipment for light, heat, and power in residential construction 20 21 consisting_of_less_than_five_living_units_in_a_single 22 structure, Application for license and notice to the 20 applicant is made and given as in the case of master electricians' licenses. The written examination for a 24 residential electrician's license consists of at least 30 25

guestions designed to fairly test the applicant's knowledge and the technical application thereof in the following subjects:

(a) the Obm's law: 4

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(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."

• 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 electricians or residential electrician to an applicant who furnishes evidence satisfactory to the board 14 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 applicant is granted a license, a fee paid for the temporary 19 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

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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 licensed locally. The board may authorize the department to 18 issue a license as a master electriciant or journeyman 19 20 electriciane 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 state which provides for the examination and licensing of 25

-15-

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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 electricians, unless they have been suspended or revoked by 6 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 expired and on the payment of an annual renewal fee. If 10 application for renewal is not made prior to July 15, an 11 12 additional fee of \$5 shall be paid on account of the delinquency in renewal. All applications for renewal must be 13 made prior to August 15 of that year, otherwise the license 14 is forfeited and the applicant is required to pass the 15 examination and pay the fees required of applicants for 16 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 <u>or residential</u> 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

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Ł application for a license to the department. The application shall be on a form furnished by the department and 2 accompanied by an examination fee of-\$10 set_by the board. ٦ The forms shall state the applicant's full name, his 4 5 address, the extent of his experience, and other information required by the board. If the applicant has complied with 6 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-set set by the board for 10 a master electrician's license or 410 for a journeyman or...a 11 residential electrician's license, and upon receipt of either the fee the department shall issue the proper license 12 13 to the applicant.

. .

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

22 Section 14. Section 37-68-312. NCA, is amended to

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

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1 contractor shall, before July 1 of each year, file with the department an application in writing for each firm operated 2 by him in this state to obtain a license. A license may not 3 be issued until the applicant meets the requirements and has 4 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. R An electrical contractor licensed under this chapter is • entitled to have his license renewed for the ensuing year by payment to the department of a the license fee of-475 before 10 11 the date of expiration of the license." 12 Section 15. Section 37-68-313, MCA, is amended to 13 read: #37-68-313. Beposit Reasonable fees -- deposit of 14 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 the use of the boardy-subject-to-37-1-181(6)." 19 20 Section 16. Section 37-68-321, MCA, is amended to 21 read:

*37-68-321. Suspension or revocation of license. The
board may suspend or revoke a license granted under this
chapter for any of the following reasons:
(1) violation of this chapter, the national electrical

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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<u>a</u> or journeyman<u>a.or</u>
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 emendment, or repeal of the state building code may take 16 effect until after a public hearing by the department.

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

-19-

1	Section-18sFransferoffundss4ffunexaended
2	balanca sofappropriations allocations-or-other-funds-of
3	the-state-electrical-board-shall-be-transferred-to-the-board
4	of-public-safety-on-the-effective-date-ofthisacttobe
5	used-for-the-purpose-of-regulating-electrical-work*
5	Section-19wTransitionwAll-orders-and-rules-relating
7	totheregulationofelectricalworkmade-by-the-state
8	elactrical-board-remaininfullforceandeffectuntil
9	revokedormodified-in-accordance-with-law-by-the-board-of
10	public-safetysTherecordsanddocumentsofthestate
11	electricalboardaretransferredtothe-board-of-public
12	safetys-ticensesy-permitsy-and-certificetes-issued-priorto
13	dut yiyi979yremainvetidunderthe sametermsand
14	conditions-as-when-issued-and-are-subject-to-theprovisions
15	of-fitle-37 chapter-6 8.
16	Section-20sEffectof-terminationsThe-provisions-of
17	2-8-121-do-not-apply-to-the-state-electrical-board *
18	Section-21codificationSections4and5are
19	intendedtobecodifiedos-an-integral-part-of-Title-37.
20	chapter-68 v-and-the-provisionsof Title37vchapter68v
21	appty-to-sections-4-and-5+
22	Section-22+Repeater+Sections-2-15-1654+-37-68-201+
23	and-37-68-202y-M64y-ere-repeated.
24	SECTION_18EFECTIVE_DATETHIS_ACT_IS_EFECTIVE_ON
25	PASSAGE_AND_APPROVAL.
	-End-

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SB 390

2 3 4 A statement of intent is required for \$8,390 in that it 5 delegates rulemaking authority to the state electrical board 6 in Sections 4+ 13+ and 14+

STATEMENT OF INTENT RE:

\$8.390

1

7 Section 3 defines and, 1. together with other Ŗ 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 now covered by board rules for journeyman and master 11 12 electricians. The rules should set forth the basic content 13 and the procedures and passing examination for the residential license. The examination should be tailored to 14 meet the requirements for work as a residential electrician. 15 When appropriate and in conformance with law, the board 16 may amend existing rules to make them applicable to the 17 residential license. 13

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

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

STATEMENT OF INTENT RE: SB 390

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

1. <u>Section 3</u> defines and, together with other sections, provides for regulation of a new classification of license, the residential electrican'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.

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

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 LOCKREN. HIMSL
3	₿¥─REQUES∓─BF─ŦHE~ŁEG ISŁATIVE~AUDI Ŧ ~EOMNIT ŦEE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
6	REGULATION OF THE ELECTRICAL PROFESSION BY A-BBARD-OF-PUBLIC
7	SAFETYINTHEBEPARTHENTBFABHINISTRATION;-TERMINATING
8	8PERATION-OF-THE-STATE-ELEGTRIEAL-BOARDONJULYiyi979\$
9	ELIMINATINGREFERENCESTOTHESTATEELECTRICALBOARD;
10	REESTABLISHING THE STATE ELECTRICAL BOARD IN THE DEPARTMENT
11	QEPROFESSIONALANDOCCUPATIONAL_LICENSING_UNDER_EXISTING
12	STATUTORY_AUTHORITY_AND_RULES:_REVISING_THELICENSURE
13	PROVISIONS: PERMITTING THE BOARD TO SET EEES: CREATING A
14	CLASS OF RESIDENTIAL ELECTRICIANS; AMENDING SECTIONS 2-8-121
15	<u>2-8-103, 2-15-1655, 37-68-102, 37-68-103, 37-68-301,</u>
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; ANDREPEALING
18	\$E6710N\$2-15-1654w37-68-201wAND37-68-202wMCA <u>AND</u>
19	PROVIDING AN EFFECTIVE DATE."
20	
21	WHEREA5y-the-sunset-tawy-sections-2-8-103-and2-0-112+
22	xi]]terminatethestateelectrica]boord -and-require-a
23	performance-evaluation-of-the-boord-by-the-legislative-audit
24	committee;~end

25 WHEREASy-as-a-result-of-the-performance-evaluationy-the

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

1	legisletiveauditcommitteerecommendsthatthestate
2	electricalboardbe-abolished-and-regulation-of-electrical
3	work-be-transferred-t o-the-board-ofpublicsafetyinthe
4	deportmentofedministrationendthatcertain-statutory
5	provision s-be-swended-or-repeated
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	Section 1. Section-2-8-121y-NEAy-is-emendedtoready
9	#2-8-121+Effectofterminstion+Upon <u>Unicıs</u>
10	atherwise-provided_upon terminationy-eachagencyorunit
11	shallcontinueinexistenceuntildulylofthe-next
15	succeeding-year-for-the-purpose-of-winding-upitsaffairs-
13	Buringthewindupperiodvtermination-dees-not-reduce-or
14	atherwise- limit-the-powers-or-authority-ofeschrespective
15	egencyexceptthatnoactionmaybeteken-which-would
16	continue-in-effect-beyond-the-i-year-windup-periodu-Upon-the
17	expiration-of-the-1-year-after-terminations-each-agencynot
18	o odifiedorreastobiishedsheitbeoboiishedandait
19	unexpended-betances-of-appropriationsy-attocstionsy-or-other
20	fundsshattrevorttothefundfromwhichtheywere
21	o ppropriatedor i f-that-fun d-is-abolishedto-the-general
22	funde
23	BOARD_REESTABLISHMENT
24	DY2-15-1654_ISREESTABLISHEDFORAPERIODOF_6_YEARS
25	PURSUANT_TO_2-8-122.

-2- SECOND PRINTING SB 390

THIRD READING

SB 390

1	SECTION 2. SECTION 2-8-103, MCA. IS ANENDED 10 READ:	1	{j}[]] board of county printing, department of
z	"2-8-103. Agencies to terminate. (1) The following	2	community affairs, created by 2-15-1102;
3	agencies shall terminate on July 1. 1979:	3	<pre>fkt(j) board of plumbers, department of professional</pre>
4	(a) board of abstractors, department of professional	4	and occupational licensing, created by 2-15-1655;
5	and occupational licensing, created by 2-15-1643;	5	<code><code><code><code>{++/kl</code> board of real estate, department of</code></code></code>
6	(b) board of public accountants, department of	6	professional and occupational licensing, created by
7	professional and occupational licensing, created by	7	2-15-1642;
8	2-15-1641;	8	<pre>fmfill state board of warm air heating, ventilation;</pre>
9	(c) board of architects, department of professional	9	and air conditioning, department of professional and
10	and occupational licensing, created by 2-15-1651;	10	occupational licensing, created by 2-15-1656;
11	(d) state banking board, department of business	11	<pre>fn)(m) board of institutions, department of</pre>
12	regulation, created by 2~15-1803;	12	institutions, created by 2-15-2303.
13	{e}state-electrical-boardv-deportment-of-professional	13	(2) The following agencies shall terminate on July 1,
14	and-occupational-licensingy-created-by-2-15-1654;	14	1981:
15	(f)(a) board of professional engineers and land	15	(a) commission for human rights, department of labor
16	surveyors, department of professional and occupational	16	and industry, created by 2-15-1706;
17	licensing, created by 2-15-1653;	17	(b) board of athletics, department of professional and
18	tg <u>)[f]</u> office of commissioner of insurance and the	18	occupational licensing, created by 2-15-1661;
19	insurance department, state auditor's office, created by	19	(c) board of barbers, department of professional and
20	2-15-1902 and 2-15-1903;	20	occupational licensing, created by 2-15-1625;
21	th)[g] office of the investment commissioner, state	21	<pre>(d) board of chiropractors, department of professional</pre>
22	auditor's office, created by 2-15-1901;	22	and occupational licensing, created by 2~15-1613;
23	<pre>fit(h) board of landscape architects, department of</pre>	23	(e) board of cosmetologists, department of
24	professional and occupational licensing, created by	24	professional and occupational licensing, created by
25	2-15-1652;	25	2-15-1626;

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-3-

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STATEMENT OF INTENT RE: SB 390

A statement of intent is required for SB 390 in that it delegates rulemaking authority to the state electrical board 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 residential license. The examination should be tailored to 14 meet the requirements for work as a residential electrician. 15 16 When appropriate and in conformance with law, the board 17 may amend existing rules to make them applicable to the 13 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.

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

58 390

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-PUBLIE
7	SAFETYINTHEBEPARTMENTBFABMINISTRATIBN:-TERMINATING
8	8PERATION-OF-THE-STATE-ELEETRICAL-B0ARD0NJULY1y19791
9	ELIMINATINGREFERENCESTOTHESTATEELECTRICALBBARDI
10	REESTABLISHING THE STATE ELECTRICAL BOARD IN THE DEPARTMENT
11	OFPROFESSIONALANDDCCUPATIONAL_LICENSING_UNDER_EXISTING
12	STATUTORYAUTHORITYANGRULES:REVISINGTHELICENSURE
13	PROVISIONS: PERMITING THE BOARD ID SET FEES: CREATING A
14	CLASS OF RESIDENTIAL ELECTRICIANS; AMENDING SECTIONS 2-8-121
15	<u>2-8-103+2-15-1654</u> + 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; ANDREPEALING
18	5EEFION52-15-1654+37-68-201+AND37-68-202+MEA <u>AND</u>
19	PROVIDING_AN_EFFECTIVE_DATE."
20	
21	WHEREASy-the-sunset-lawy-sections-2-8-103-and2-8-112y
22	whickersy the sumset towy sections to is and to intro
23	performance
23	
6.4	committeet-end

25	WHEREASy-as-a-result-of-the-performance-evaluationy-the

legislativeauditcommitteerecommendsthatthestate
etectricalboardbe-abolished-and-regulation-of-etectrical

3	work-be-transferred-to-the-board-ofpublicsafetyinthe
4	departmentofadministrationandthatcertain-statutory
5	provisions-be-amended-or-repeated.
6	
7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
8	Section 1. Section-2-8-121y-MEAy-is-emendedtoread+
9	#2-8-121+Effectofterminetion+Upon <u>Unlean</u>
10	<u>otherwise_provided:_upon</u> terminationy-eachagencyorunit
11	sha llcontinue-inexistenceuntilduly1ofthe- next
12	succeeding-year-for-the-purpose-of-winding-upitsaffairs.
13	Buringthewindupperiodytermination-does-not-reduce-or
14	otherwise-limit-the-powers-or-authority-ofeachrespective
15	agencyexceptthatnoactionmaybataken-which-would
16	continue-in-effect-beyond-the-i-year-windup-periodw-Upon-the
17	expiration-of-the-l-year-ofter-terminationy-each-agencynot
18	modifiedorreestablishedshallbeabolishedandall
19	unexpended-balances-of-appropriationsv-allocationsv-or-other
20	fundsshallreverttothefundfromwhichtheywere
21	appropriatedorvif-that-fund-is-abolishedv-to-the-general
22	fund."
23	BOARD_REESTABLISHMENTTHE_STATE_ELECTRICALBOARDCREATED
24	BY2=15=1654ISREESIABLISHED_EOBAPERIODOF_6_YEARS

25 PURSUANI_I0_2-8-122.

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REFERENCE BILL

1 SECTION 2. SECTION 2-3-103. MCA. IS AMENDED TO READ: 2 "2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979: 3 (a) board of abstracters, department of professional 4 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; (c) board of architects, department of professional 9 and occupational licensing, created by 2-15-1651; 10 (d) state banking board, department of business 11 regulation, created by 2-15-1803; 12 tet--state-electrical-boardy-department-of-professional 13 and-occupational-licensingy-created-by-2-15-16544 14 (ffie) board of professional engineers and land 15 surveyors. department of professional and occupational 16 17 licensing, created by 2-15-1653; totifice of commissioner of insurance and the 18 insurance department, state auditor's office, created by 19 2-15-1902 and 2-15-1903; 20 this office of the investment commissioner, state 21 auditor's office, created by 2-15-1901: 22 fit(h) board of landscape architects, department of 23 professional and occupational licensing, created by 24 2-15-1652; 25

1 fit(i) board of county printing, department of 2 community affairs, created by 2-15-1102; з {kiii board of plumbers+ department of professional and occupational licensing, created by 2-15-1655; 4 t++(k1 board of real estate; 5 department of professional and occupational licensing, created by 6 2-15-1642; 7 8 fm)(l) state board of warm air heating, ventilation, . and air conditioning, department of professional and 10 occupational licensing, created by 2-15-1656; tatim) board of institutions. department of 11 institutions, created by 2-15-2303. 12 (2) The following agencies shall terminate on July 1. 13 1981: 14 15 (a) commission for human rights, department of labor and industry, created by 2-15-1706; 16 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 2-15-1626; 25

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(f) board of dentists, department of professional and 1 2 occupational licensing, created by 2-15-1606; 3 (q) 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: Q, (i) Montana state board of medical examiners, department of professional and occupational licensing, 10 11 created by 2-15-1605; 12 (i) board of morticians, department of professional and occupational licensing, created by 2-15-1619; 13 14 (k) board of nursing, department of professional and 15 occupational licensing, created by 2-15-1610; 16 (1) 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 professional and occupational licensing, created by 22 2-15-1007: 23 (o) board of pharmacists, department of professional

24 25 and occupational licensing, created by 2-15-1609;

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professional and occupational licensing, created by 2 2-15-1608; 3 (g) board of psychologists, department of professional 4 and occupational licensing, created by 2-15-1617; (r) board of radiologic technologists, department of 6 professional and occupational licensing, created by 7

(p) board of podiatry examiners, department of

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

(t) board of veterinarians, department of professional 12

and occupational licensing, created by 2-15-1618; 13

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

(3) The following units of state government shall 16

17 terminate on July 1, 1983:

2-15-1614:

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8

(a) board of aeronautics, department of community 18

19 affairs, created by 2-15-1103;

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

(c) board of horseracing, department of professional 22

and occupational licensing, created by 2-15-1662; 23

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

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1	(e) board of milk control, department of business	1	sha
2	regulation, created by 2-15-1802;	2	lic
3	(f) board of oil and gas conservation, department of	3	sha
4	natural resources and conservation, created by 2-15-3303;	4	fre
5	(g) Montana outfitters council, department of fish and	5	
6	game, created by 2-15-3403;	6	
7	(h) public service commission, department of public	7	
8	service regulation, created by 69-1-102;	8	
9	(i) board of sanitarians, department of professional	9	
10	and occupational licensing, created by 2-15-1631;	10	5,
11	(j) board of water and wastewater operators,	11	exp
12	department of health and environmental sciences, created by	12	
13	2-15-2105;	13	ada
14	(k) board of water well contractors, department of	14	
15	professional and occupational licensing, created by	15	
16	2-15-1632.	16	oth
17	<u>itt:=Ibs==following==egency=tersinetts=co=duly=lx=l285t</u>	17	
18	the_state_sisctricsizboard_created_by_2_i5_1654*"	18	for
19	SECTION_3*SECTION_2-15-1654*_NCA*_IS_AMENDED_ID_READ:	19	£ac
20	#2-15-1654。 State electrical board。 (1) There is a	20	er c
21	state electrical board.	21	
22	(2) The board consists of five members appointed by	22	606
23	the governor with the consent of the senate, who shall be	23	±54
24	residents of this state. Onemember Ivo members of the	24	±53
25	board shall represent the public. <u>Iwo members of the board</u>	25	<u>erc</u>
	-7- SR 390		

1	<pre>shall_be_licensed_electriciansOne_member_shall_be_a_master</pre>
2	<u>licensed_electrical_contractors</u> Onememberof-the-boord
3	shatt-be-setected-from-each-of-thefottowingfourgroupsv
4	from-three-nomes-submitted-by-each-group#
5	ta;consumermembersof-rura;-electric-cooperatives;
6	{b}master-licensed-electricel-contractors;
7	tetticensed-journeyman-electricianst-and
8	fd;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 <u>beard_ofpublicsafetyprovidedfori</u> D
19	<pre>faction:=l:=of:=Senete:=Bill==2673+ STAIE_ELECIRICAL_BOARD</pre>
20	PROVIDED_EOR_IN_2-15-1654.
21	(2) "Department" means the department of professional
22	andaccupational-licensing-provided-for-in-Title-2v-chapter
23	15+-part-16 eduinistration_provided_for_in_Title_2 +chapter
24	15x===part===10+ PROFESSIONAL_AND_OCCUPATIONAL_LICENSING
25	PROVIDED_EDR_IN_IIILE_2+_CHAPIER_15+_PARI_16+

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

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._trainings_experiences_and 23 technicol_knowledge_to_wire_for._installs_and__repair 24 electrical_apparatus_and_equipment_for_lights_beats_powers 25 and_other_purposes_in_residential_construction_consisting_of

-9-

1 less_than_five_living_units_in_a_single_structure_under_the

2 rules_governing_this_works"

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.

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.

(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 the direction, control, and supervision of a licensed master electrician or under the directions controls and supervision

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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 A interfere with, hamper, preclude, or prohibit any yendor 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 <u>NEW-SEETIONs--Section-Av--Rulemaking--powerv--The-board</u> 14 may-adopt-rules-necessary--to--protect--the--public--healthy 15 sofetyy-and-welfare-in-regulating-electrical-worky 16 NEW-SEETION=--Section-St--Buties---of--the--departments 17 {1}-The-department-shall+ 18 +a+--ass+st--the--board--+n--+he--transact+an--of---+te 19 business--and--keep-a-record-of-the-board#s-official-actions 20 tbt--charge-the-board-for-the-reasonable-costs--of--the 21 department-incurred-in-assisting-the-boardw 22 121--in--conjunction--with--corrying-out-inspections-of electricol-installations-for-code-compliance-as-set-forth-in 23 24 Title-58y-chapter-68y-port-6y-the-department--shall--inspect ticenses--to-insure-compliance-with-this-part-and-advise-the 25

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 writinge 4 Section 6. Section 37-68-301, MCA, is amended to read: 5 "37-68-301. License required to engage in electrical 6 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 electrician." 13 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 or use the title or designation of licensed master 17 18 electricians or licensed journeyman electricians__or 19 residential electrician unless qualified and licensed under 20 this chapter." Section 8. Section 37-68-305, MCA, is amended to read: 21 22 #37-68-305. Journeyman and residential electricians --23 application -- gualifications -- contents of examination.

(1) An applicant for a journeyman electrician's license 25 shall furnish written evidence that he has had at least 4

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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	f2) 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	<u>121_Anapplicant_for_a_residential_electrician's</u>
16	<u>license_shall_furnish_written_evidence_that_bebasbadat</u>
17	<u>least_2_years1_apprenticeship_in_the_electrical_trade_or_2</u>
18	<u>years' practical experience in the wiring for. installing.</u>
19	and repairing of electrical apparatus and equipment for
20	light:_heat:_andpowerinresidentialconstruction
21	consisting_of_less_than_five_living_units_in_a_single
22	structure. Application_for_license_and_notice_totbe
23	upplicant is made and given as in the case of master
24	<u>electricians!_licensesIne_written_examination_fora</u>
25	<u>residential_electrician's_license_consists_of_at_least_30</u>

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- 1 questions_designed_to_fairly_test_the_applicant's_knowledge
- 2 and the technical application thereof in the following
- 3 <u>subjects:</u>
- 4 fal_the_Obmis_lawi
- 5 (b)_tbe_national_electrical_code:
- 6 Icl_layout_and_practical_installation_of_electrical
- 7 circuits in residential construction consisting of less than
- B 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 board may authorize the department to issue a temporary 11 12 permit to engage in the work of a master electrician, or 13 journeyman electrician<u>s or residential electrician</u> to an 14 applicant who furnishes evidence satisfactory to the board 15 that he has the required experience to qualify for the examination and who pays the fee. A temporary permit 16 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 licenser a fee paid for the temporary permit shall be applied to the fee required for a license." 20 21 Section 10. Section 37-68-307, HCA, is amended to 22 read:

#37-68-307. Examination procedure -- issuance of
 master_ or journeymanx_or_residential electrician's license
 -- expiration. (1) To insure impartiality, the examination

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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 751.

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 <u>residential_electrician</u> 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 ficensed locally. The board may authorize the department to 19 issue a license as a master electriciant or journeyman 20 electricians or residential electrician to an applicant without written examination on satisfactory proof that the 21 22 applicant has the qualifications to apply for a license 23 under this chapter and is the holder of a valid license issued by a city or other political subdivision of this 24 25 state which provides for the examination and licensing of

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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. iourneyman electricians. master OF. electricians, unless they have been suspended or revoked by 6 the board, shall be renewed for a period of 1 year by the 7 8 department on application for renewal made to the department 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 delinguency 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:

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

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1 application for a license to the department. The application shall be on a form furnished by the department and 2 з 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 required by the board. If the applicant has complied with 6 the rules adopted by the board and, being qualified, has 7 successfully completed the examination, he shall pay to the 8 9 department an annual license fee of-\$25 set_by_the board for a master electrician's license or \$20 for a journeyman or a 10 residential electrician's license, and upon receipt of 11 either the fee the department shall issue the proper license 12 13 to the applicant.

14 (2) A person serving а 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 electrical school shall be given to the master electrician, 18 19 iourneyman electrician, residential electrician, or apprentice, up to a total of 2 years, on the 4-year 20 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

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contractor shall, before July 1 of each year, file with the 1 2 department an application in writing for each firm operated by him in this state to obtain a license. A license may not 3 4 be issued until the applicant meets the requirements and has 5 paid to the department a license fee of-175 set by the board for each fire operated by him. Licenses shall bear the date 6 7 of issue and expire on July 1 following the date of issue. An electrical contractor licensed under this chapter is я entitled to have his license renewed for the ensuing year by 9 10 payment to the department of a the license fee of-675 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 the use of the boardy-subject-to-37-1-101(6)." 19 20 Section 16. Section 37-68-321. MCA. is amended to

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

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

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read:

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 board in the practice of a master, or journeyman, or 6 7 residential electrician or the business of an electrical contractor; or 8 9 (4) making a material misstatement, misrepresentation, 10 or fraud in obtaining a license." Section 17. Section 50-60-204, MCA, is amended to 11 read: 12 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 efectrical-board of public safety STATE_ELECTRICAL_BOARD on 23 a proposed rule relating to building and equipment standards in their respective fields, a public hearing by the Z4 25 department is not required."

1	Section-tour-FranzferoffundsuAllunexpended
2	balances-ofappropristionsv-allocationsv-or-other-funds-of
3	the-state-electrical-board-shall-be-transferred-to-the-board
4	of-public-safety-on-the-effective-date-ofthisacttobe
5	used-for-the-purpose-of-regulating-electrical-works
6	Section-19TransitionAll-orders-and-rules-relating
7	totheregulationofelectricalworkmade-by-the-state
8	electrical-board-remaininfullforceandeffectuntil
9	revokedormodified-in-accordance-with-law-by-the-board-of
10	public-sofetyTherecordsenddocumentsofthestate
11	electricalboardaretransferredtothe-board-of-public
12	safetyw-ticensesw-permitsw-and-certificates-issued-priorto
13	dulylyl979yromainvalidunderthesamet ermsand
14	conditions-as-when-issued-and-are-subject-to-theprovisions
15	of-Title-37+-chapter-68+
16	5ection-28sEffectof-terminationsThe-provisions-of
17	2-8-121-do-not-opply-to-the-state-electrical-boards
18	Section-21sCodificationsSections4andSare
19	intendedtobecodifiedas-an-integral-part-of-Title-37v
20	chapter-68+-and-the-provisionsoffitle37+chapter68+
21	apply-to-sections-4-and-5+
22	5ection-22=RepeaterSections-2-15-1654-37-68-281+
23	and-37-68-282y-MCAy-are-repeatedy
24	SECTION_18EFFECTIVE_DATETHIS_ACT_IS_EFECTIVEON
25	PASSAGE_AND_APPROVAL.
	-End-
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STATEMENT OF INTENT RE: SB 390

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

7 1. Section 3 defines and, together with other sections, provides for regulation of a new classification of 8 license, the residential electrician's license. Rules 9 relating to the residential license should cover all areas 10 now covered by board rules for journeyman and master 11 electricians. The rules should set forth the basic content 12 and the procedures and passing examination for the 13 residential license. The examination should be tailored to 14 15 meet the requirements for work as a residential electrician. 16 When appropriate and in conformance with law, the board may amend existing rules to make them applicable to the 17 13 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.

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SENATE BILL NO. 390
INTRODUCED BY LOCKREM, HIMSL
BY-REQUEST-OF-THE-LEGISLATIVE-AUDIT-COMMITTEE
A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
REGULATION OF THE ELECTRICAL PROFESSION BY A-BOARD-OF-PUBLIC
SAFEFYINTHEBEPARTHENTBFABMINISTRATIONS-TERMINATINE
8PERATION-8F-THE-STATE-ELECTRICAL-884888N8ULY1+19791
ELIMINATINGREFERENCESTOTHESTATEELECTRICALBOARDA
REESIABLISHING THE STATE ELECTRICAL BOARD IN THE DEPARTMENT
OFPROFESSIONALANDOCCUPATIONAL_LICENSING_UNDER_EXISTING
STATUTORYAUTHORITYANDRULES:REVISINGTHELICENSURE
PROVISIONS: PERMITTING THE BOARD TO SET FEES: CREATING A
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 566718N5---2-15-1654y--37-68-281y--AN8--37-68-282y--MEA AND

19 PROVIDING AN EFFECTIVE DATE."

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21 WHEREASy-the-sunset-lawy-sections-2-8-183-and--2-8-112y 22 will--terminste--the--state--electrical--boord-and-require-a 23 performance-evaluation-of-the-board-by-the-leaislative-sudit 24 committeet-and

25 #HEREASy-as-a-result-of-the-performance-evaluationy-the

1 legislativeauditcommitteerecommendsthatthestate 2 electricalboardbe-abolished-and-regulation-of-electrical 3 work-be-transferred-to-the-board-ofpublicsefetyinthe 4 departmentofadministrationandthatcertain-statutory 5 provisions-be-amended-or-repealed* 6
3 work-be-transferred-to-the-board-ofpublicsefetyinthe departmentofadministrationandthatcertain-statutory provisions-be-amended-or-repeatedw 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section-2-0-121y-MEAy-is-amendedtoreade 9 #2-0-121yEffectoftorminationwUpon Unless 10 otherwise-providedx:upon terminationw-eachagencyorunit
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5 provisions-be-amended-or-repeated. 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section-2-0-121y-MEAy-is-amended-toreade 9 #2-0-121yEffectofterminationsUpon Unless 10 otherwise-provided.upon terminations-eachagencyorunit
6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 Section 1. Section-2-8-121y-MEAy-is-amendedtoread(9 #2-8-121yEffectofterminationyUpon Unless 10 <u>otherwise=providedx:upon</u> terminationy-eochagencyorunit
 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section-2-0-121y-MEAy-is-smended-toreade #2-8-121yEffectofterminationyUpon Unless otherwise-providedx:upon terminationy-eachagencyorunit
8 Section 1. Section-2-8-121y-MEAy-is-emendedtoreads 9 #2-8-121yEffectofterminationyUpon Unless 10 <u>otherwise-providedx-upon</u> terminationy-eachagencyorunit
9 #2-8-121*Effectoftermination*Upon Unless 10 otherwise_providedx_upon termination*-eachagencyorunit
10 <u>otherwise-providedx_upon</u> termination+-eachagencyorunit
11 shallcontinueinexistenceuntildulyiofthe-nexi
· - · · ·
12 succeeding-year-for-the-purpose-of-winding-upitsaffairs
13 Buringthewindupperiodytermination-does-not-reduce-of
<pre>14 otherwise-limit-the-powers-or-authority-ofeachrespective</pre>
15 ogencyexceptthetnoactionmaybeteken-which-would
16 continue-in-effect-beyond-the-l-year-windup-periodv-Upon-the
17 expiration-of-the-1-year-ofter-terminationy-each-agencynot
18 modifiedorreestablishedshallbeabolishedandali
19 unexpended-batances-of-appropriations-attacations-or-other
20 fundsshallrevert-tothefundfromwhichtheywere
21 appropriatedorvif-that-fund-is-abolishedv-to-the-general
22 funde"
23 BOARD_REESIABLISHMENI. INE_SIATE_ELECTRICAL_BOARD_CREATED
24 ' BY2-15-1654_ISBEESIABLISHED_FOR_A_PERIOD_OF_6_YEAR:

25 PURSUANT_TO_2-8-122+

REFERENCE BILL: INCLUDES JOINT -2-CONPERENCE COMMITTEE REPORT. DATED 3/21/79

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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 2-15-1641; 8 9 (c) board of architects, department of professional 10 and occupational licensing, created by 2-15-1651; (d) state banking board, 'department of business 11 12 regulation, created by 2-15-1803; 13 tet--state-electrical-boardy-department-of-professional 14 and-occupational-licensingy-created-by-2-15-1654+ 15 ffie) board of professional engineers and land surveyors, department of professional and occupational 16 licensing, created by 2-15-1653; 17 fgf(f) office of commissioner of insurance and the 18 19 insurance department, state auditor's office, created by 20 2-15-1902 and 2-15-1903; 21 thy(a) office of the investment commissioner, state

23 <u>f+1(h1</u> board of landscape architects, department of 24 professional and occupational licensing, created by 25 2-15-1652;

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auditor's office, created by 2-15-1901;

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

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(f) board of dentists, department of professional and occupational licensing, created by 2-15-1606; (g) board of hearing aid dispensers, department of professional and occupational licensing, created by 2-15-1616: (h) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627; (i) Montana state board of medical examiners, department of professional and occupational licensing. created by 2-15-1605; (i) board of morticians, department of professional and occupational licensing, created by 2-15-1619; (k) board of nursing, department of professional and occupational licensing, created by 2-15-1610; (1) board of nursing home administrators, department of professional and occupational licensing, created by 2-15-1611; (m) board of optometrists, department of professional and occupational licensing, created by 2-15-1612; (n) board of osteopathic physicians, department of professional and occupational licensing, created by 2-15-1607; (o) board of pharmacists, department of professional and occupational licensing, created by 2-15-1609;

1 (p) board of podiatry examiners, department of Z professional and occupational licensing, created by 3 2-15-1608: (q) board of psychologists, department of professional 4 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; (t) board of veterinarians, department of professional 12 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 terminate on July 1, 1983: 17 16 (a) board of aeronautics, department of community 19 affairs, created by 2-15-1103; 20 (b) state board of hail insurance, department of 21 adriculture, 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;

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regulation, created by 2-15-1802; (f) board of oil and gas conservation, department of natural resources and conservation, created by 2-15-3303; (q) Montana outfitters council, department of fish and game, created by 2-15-3403: (h) public service commission, department of public service regulation: created by 69-1-102; (i) board of sanitarians, department of professional and occupational licensing, created by 2-15-1631; (j) board of water and wastewater operators. department of health and environmental sciences, created by 2-15-2105; (k) board of water well contractors, department of professional and occupational licensing, created by 2-15-1632. 141-= The==following==agency=terminates=on=duly=1x=1985t the-state-alectrical-board-created-by-2-15-1654x 14) THE FOLLOWING AGENCY TERMINATES ON JULY 14 1985: THE STATE ELECTRICAL BOARD CREATED BY 2-15-1654." SECTION 3. SECTION 2-15-1654. MCA. IS AMENDED TO READ: #2-15-1654. State electrical board. (1) There is a state electrical board.

(e) board of milk control, department of business

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24 (2) The board consists of five members appointed by25 the governor with the consent of the senate, who shall be

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1 residents of this state. One--member Iwo_members of the board shall represent the public. Iwo members of the board Z 3 shall_be_licensed_electricians.One_member_shall_be_a_master licensed_electrical_contractor. Bne--member--of--the--board 4 shall--be--selected--from-each-of-the-following-four-groups+ 5 from-three-neses-submitted-by-each-group+ 6 7 fal--consumer-members-of-rural--electric--cooperativest R tb1--master-licensed-electrical-contractorst a tet-----10 td)--investor-owned-electric-utilities. 11 (3) The members of the board shall serve for a term of 5 years with their terms of office so arranged that one term 12 expires on July 1 of each year. 13 (4) The board is allocated to the department for 14 15 administrative purposes only as prescribed in 2-15-121.** 16 Section 4. Section 37-68-102. MCA. is amended to read: #37-68-102. Definitions. Unless the context requires 17 18 otherwise: in this chapter the following definitions apply: 19 (1) "Board" means the state-electrical-board--provided 20 21 Eastion-1-of--Senete--Bill--2471+ STATE_ELECTRICAL_BDARD 22 PROVIDED FOR IN 2-15-1654. 23 (2) "Department" means the department of professional 24 end-occupational-licensing-provided-for-in-fitle-2---chapter 25

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PROVIDED FOR IN TITLE 2. CHAPTER 15. PART 16. 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 7 making of additions, alterations, and repairs in the 8 installation of wiring apparatus and equipment for electric light, heat, and power. A registered electrical engineer who 9 plans or designs electrical installations is not an 10 11 electrical contractor.

12 (4) "Journeyman electrician" means a person having the 13 necessary qualifications, training, experience, and 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

17 (5) "Master electrician" means a person having the 18 necessary qualifications, training, experience, and technical knowledge to properly plan, lay out, and supervise 19 the installation and repair of wiring apparatus and 20 21 equipment for electric light, heat, power, and other purposes under the rules governing this work. 22

23 16) "Residential electrician" means a person having 24 the necessary qualifications, training, experience, and 25 technical__knowledge_to_wire_for:_install:_and_repair

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1	electrical apparatus and equipment for lights heats powers
2	and_other_purposes_in_residential_construction_consisting_of
3	less_than_five_living_units_in_a_single_structure_under_the
4	rules_governing_this_work."
5	Section 5. Section 37-68-103, MCA, is amended to read:
6	#37-68-103. Exemptions. {1} Nothing in this chapter
7	shall be deemed to apply to the installation, alteration, or
8	repair of electrical signal or communications equipment
9	owned or operated by a public utility or a city.
10	(2) The licensing or inspection provisions of this
11	chapter do not apply to regularly employed maintenance
12	electricians doing maintenance work on the business premises
13	of their employers nor do they apply to line work on the
14	business premises of the employer or to ordinary and
15	customary in-plant or on-site installations+ modifications+
16	additions, or repairs.
17	(3) Nothing in this chapter shall be construed to
16	require an individual to hold a license while or for doing
19	electrical work on his own property or residence provided
20	that said property or residence is maintained for his own
21	U5e•
22	{4} An individual, firm, partnership, or corporation
23	may engage in business as an electrical contractor without
24 '	an electrician's license if all electrical work performed by
25	such individual, firm, partnership, or corporation is under
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electrician or under the direction: control: and supervision of a journeysan electrician for residential construction consisting of less than five living units in a single structure.
6 (5) Any person who plugs in an electrical appliance where an approved electrical outlet is already installed shall not be considered as an installer.

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the direction, control, and supervision of a licensed master

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."

 NEW_SECTIONs--Section-4w--Rulemoking-powers--The--board

 16
 may--adopt--rules--necessary--ta--protect-the-public-healthy

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 safetyy-and-welfare-in-regulating-electrical-worky

18 <u>WEW-SEGIIONy--Soction-Sy--Butics-of--the---departmenty</u> 19 <u>tit-The-department-shail+</u>

20 for-assist---the--board-in--the--transaction--of--its
21 business-and-keep-a-record-of-the-board*s--official--action;
22 tb;--charge--the--board-for-the-reasonable-costs-of-the
23 department-incurred-in-assisting-the-board
24 t2:-in-conjunction-with-carrying--out--inspections--of

24 t2t--in-conjunction-with-carrying--out--inspections--of

25 electrical-installations-for-code-compliance-as-set-forth-in

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Title--58y--chopter-68y-part-6y-the-department-shall-inspect 1 2 licenses-to-insure-compliance-with-this-part-and-advise--the board--in--writing-of-any-license-violationsu-Any-electrical 3 4 code-or-ficensing-violation-discovered--by--state--or--focat 5 building--inspectors--shall--be--reported--to--the--board-in writings 7 Section 6. Section 37-68-301, MCA, is amended to read: "37-68-301. License required to engage in electrical 8 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 electricians journeyman electricians or master 15 electrician." 16 Section 7. Section 37-68-302, MCA, is amended to read:

18 Section 7. Section 31-00-302, 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 electrician₁ or licensed journeyman electrician₂...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 <u>and residential</u> electricians - 25 application -- qualifications -- contents of examination.

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1 (1) An applicant for a journeyman electrician's license 2 shall furnish written evidence that he has had at least 4 years' apprenticeship in the electrical trade or 4 years' З 4 practical experience in the wiring for, installing, and repairing of electrical apparatus and equipment for light, 5 6 heat, and power. Applications for license and notice to the 7 applicant shall be made and given as in the case of master 3 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 electrical16 circuits.

17 121 An applicant for a residential electrician's 18 license_shall_furnish_written_evidence_that_be_bas_bad_at 19 least 2 years' apprenticeship in the electrical_trade_or_2 20 years__practical_experience_in_the_wiring_for.installing. and repairing of electrical apparatus and equipment for 21 22 light, beat, 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

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alectricians* licenses. The written examination for a 1 2 residential electrician's license consists of at least 30 3 questions__designed_to_fairly_test_the_apolicant's_knowledge 4 and the technical application thereof in the following 5 subjects: 6 (a)_the_Obm'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_structures* 11 Section 9. Section 37-68-306, NCA, is amended to read: 12 #37-68-306. Temporary permits pending examination. The board may authorize the department to issue a temporary 13 14 permit to engage in the work of a master electricians or journeyman electrician<u>s or residential electrician</u> to an 15 applicant who furnishes evidence satisfactory to the board 16 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 applicant is granted a license, a fee paid for the temporary 21 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

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1 masters or journeymans 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-te--37-1-101. The examination passing
7 grade is 751.

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 <u>residential_electricians</u> journeyman electricians 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 electrician<u>e</u> or journeyman 22 electrician<u>e or residential electrician</u> 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 issued by a city or other political subdivision of this
 state which provides for the examination and licensing of
 electricians.*

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

#37-68-310. Annual renewal. Licenses of residential 6 7 electricians journeyman electricians. 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 delinguency in renewal. All applications for renewal must be wade prior to August 15 of that year, otherwise the license 16 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 <u>or residential</u>
25 electricians installing or intending to install for hire

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electric wiring or equipment to convey electric current or 1 2 apparatus to be operated by this current shall make 3 application for a license to the department. The application shall be on a form furnished by the department and 4 accompanied by an examination fee of-fit set by the board. 5 The forms shall state the applicant's full name, his 5 7 address, the extent of his experience, and other information required by the board. If the applicant has complied with 8 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 \$20 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 apprenticeship under the supervision of a licensed 17 18 electrician is exempt from the licensing provision of this 19 section during training. Credit for the time spent in an electrical school shall be given to the master electrician, 20 21 journeyman electrician, residential__electrician. OF. 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:

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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 paid to the department a license fee of-\$75 set by the board 7 a 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 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 15 read: 16 #37-68-313. Beposit 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 chapter shall be deposited in the earmarked revenue fund for 20 21 the use of the boardy-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

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chapter for any of the following reasons: L Z (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 masters or journeymans_or residential electrician or the business of an electrical 9 contractor; or 10 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 SIATE ELECIRICAL BUARD 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-IB#Transferoffunds#Allunexpended
4	bałances-of-appropriationsy-allocationsy-or-otherfundsof
5	the-state-electrical-board-shall-be-transferred-to-the-board
6	ofpublicsafetyonthe -affective-date-of-this-act-to-be
7	used-for-the-purpose-of-regulating-electrical-work=
8	Section-19FransitionAll-orders-and-rules-relating
9	to-the-regulation-ofelectricalworkmadebythestate
10	etectricalboardremaininfullforceand-effect-until
11	revoked-or-modified-in-occordance-with-law-by-theboardof
12	publicsafetyTherecordsanddocumentsofthe-state
13	electrical-board-are-transferredtotheboardofpublic
14	<pre>safetywLicensesy-permitsy-and-certificates-issued-prior-to</pre>
15	dulyly1979yremainvolidunderthesometermsand
16	conditionsas-when-issued-and-are-subject-to-the-provisions
17	of-Title-37y-chapter-68y
18	Section-20#Effect-of-termination#The-provisionsof
19	2-8-121-do-not-apply-to-the-state-electrical-boardw
20	Section-21xGodificationxSections4and5are
21	intended-to-be-codified-as-an-integralportofTitle37*
22	chepter68vendtheprovisionsof-Title-37v-chepter-68v
23	opply-to-sections-4-and-5+
24	5ection-22*Repeater*Sections-2-15-1654*37-68-281*
25	and-37-68-282v-MEAv-are-repeated+

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1 SECTION 18. EFFECTIVE_DATE. THIS ACT IS EFFECTIVE ON

2 PASSAGE_AND_APPROVAL

....

3 -End--21-SB 390 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