

House Bill 168

In The House

January 12, 1981	Introduced and referred to Committee on State Administration.
January 13, 1981	Rereferred to Committee on Business and Industry.
January 20, 1981	Fiscal note requested.
January 26, 1981	Fiscal note returned.
February 2, 1981	Committee recommend bill do not pass.

¹ KARP
 HOUSE BILL NO. 168
 INTRODUCED BY Manuel - David - Newman - SPILKER
 Bob Brown Carl Witt Thomas Healy

2 A BILL FOR AN ACT ENTITLED: "AN ACT TO COMBINE THE
 3 FUNCTIONS OF ELECTRICAL INSPECTION AND LICENSING OF
 4 ELECTRICIANS UNDER THE STATE ELECTRICAL BOARD IN THE
 5 DEPARTMENT OF ADMINISTRATION; TO PROVIDE FOR ENFORCEMENT BY
 6 STATE ELECTRICAL WARDENS; TO LIMIT THE EXEMPTION FOR WORK ON
 7 RESIDENCES; TO REQUIRE APPRENTICES TO BE REGISTERED; TO
 8 PROVIDE FOR LICENSE FORFEITURE; AMENDING SECTIONS 37-68-102,
 9 37-68-103, 37-68-201, 37-68-303, 37-68-305, 37-68-309,
 10 37-68-322, AND 50-60-603, MCA; AND RENUMBERING AND AMENDING
 11 SECTION 2-15-1654, MCA."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 2-15-1654, MCA, is to be renumbered
 14 to be codified as an integral part of Title 2, chapter 15,
 15 part 10, and is amended to read:
 16 "2-15-1654. State electrical board. (1) There is a
 17 state electrical board.
 18 (2) The board consists of five members appointed by
 19 the governor with the consent of the senate, who shall be
 20 residents of this state. Two members of the board shall
 21 represent the public. Two members of the board shall be
 22 licensed electricians. One member shall be a master licensed

1 electrical contractor.
 2 (3) The members of the board shall serve for a term of
 3 5 years with their terms of office so arranged that one term
 4 expires on July 1 of each year.
 5 (4) The board is allocated to the department of
 6 administration for administrative purposes only as
 7 prescribed in 2-15-121."
 8 Section 2. Section 37-68-102, MCA, is amended to read:
 9 "37-68-102. Definitions. Unless the context requires
 10 otherwise, in this chapter and Title 50, chapter 60, part 6,
 11 the following definitions apply:
 12 (1) "Board" means the state electrical board provided
 13 for in [2-15-1654].
 14 (2) "Department" means the department of ~~professional~~
 15 ~~and occupational licensing~~ administration provided for in
 16 Title 2, chapter 15, part ~~16~~ 10.
 17 (3) ~~"Electrical and electricians licensing laws and~~
 18 ~~rules" includes the provisions of this chapter and Title 50,~~
 19 ~~chapter 60, part 6, and the rules adopted by the board and~~
 20 ~~the department pursuant to those laws.~~
 21 (3)(4) "Electrical contractor" means a person, firm,
 22 partnership, corporation, association, or combination of
 23 these who undertakes or offers to undertake for another the
 24 planning, laying out, supervising, and installing or the
 25 making of additions, alterations, and repairs in the

1 installation of wiring apparatus and equipment for electric
2 light, heat, and power. A registered electrical engineer who
3 plans or designs electrical installations is not an
4 electrical contractor.

5 ~~(4)~~(5) "Journeyman electrician" means a person having
6 the necessary qualifications, training, experience, and
7 technical knowledge to wire for, install, and repair
8 electrical apparatus and equipment for light, heat, power,
9 and other purposes under the rules governing this work.

10 ~~(5)~~(6) "Master electrician" means a person having the
11 necessary qualifications, training, experience, and
12 technical knowledge to properly plan, lay out, and supervise
13 the installation and repair of wiring apparatus and
14 equipment for electric light, heat, power, and other
15 purposes under the rules governing this work.

16 ~~(6)~~(7) "Residential electrician" means a person having
17 the necessary qualifications, training, experience, and
18 technical knowledge to wire for, install, and repair
19 electrical apparatus and equipment for light, heat, power,
20 and other purposes in residential construction consisting of
21 less than five living units in a single structure under the
22 rules governing this work.

23 (8) "State electrical warden" is a person authorized
24 by the board to supervise and enforce the electrical and
25 electricians licensing laws and rules."

1 Section 3. Section 37-68-103, MCA, is amended to read:

2 "37-68-103. Exemptions. (1) Nothing in this chapter
3 ~~shall~~ may be deemed to apply to the installation,
4 alteration, or repair of electrical signal or communications
5 equipment owned or operated by a public utility or a city.

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

13 (3) Nothing in this chapter ~~shall~~ may be construed to
14 require an individual to hold a license while or for doing
15 electrical work on his own property or residence provided
16 that ~~said~~ the property or residence is maintained for his
17 own use. However, an individual performing in the capacity
18 of a residential electrician on more than one residential
19 structure in the period of 1 year must be licensed.

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

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

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

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

13 Section 4. Section 37-68-201, MCA, is amended to read:

14 "37-68-201. Organization -- meetings -- quorum --
15 rulemaking power -- seal. (1) Each July the board shall
16 elect from its membership a president, vice-president, and
17 secretary-treasurer.

18 (2) The board shall meet quarterly and at such other
19 times it considers necessary.

20 (3) A majority of the members of the board shall
21 constitute a quorum for transaction of business.

22 (4) The board may:

23 (a) adopt rules for the administration and enforcement
24 of this chapter ~~and Title 50, chapter 60, part 6,~~ for
25 the licensing of electrical contractors and for the

1 examination and licensing of master and journeymen
2 electricians;

3 (b) adopt a seal;

4 (c) cause the prosecution and enjoinder of persons
5 violating this chapter or Title 50, chapter 60, part 6."

6 Section 5. Section 37-68-303, MCA, is amended to read:

7 "37-68-303. Apprentice may work under licensed
8 electrician -- record of apprentices. This chapter does not
9 prohibit a person from working as an apprentice in the trade
10 of electrician with an electrician licensed under this
11 chapter and under rules made by the board. An apprentice
12 must be registered with the department of labor and
13 industry. The name and residence of each apprentice and the
14 name and residence of his employer shall be filed with the
15 department, and a record shall be kept by the department
16 showing the name and residence of each apprentice."

17 Section 6. Section 37-68-305, MCA, is amended to read:

18 "37-68-305. Journeyman and residential electricians --
19 application -- qualifications -- contents of examination.

20 (1) An applicant for a journeyman electrician's license
21 shall furnish written evidence that he has had at least 4
22 years' apprenticeship in the electrical trade or 4 years'
23 practical experience in the wiring for, installing, and
24 repairing of electrical apparatus and equipment for light,
25 heat, and power. Experience as a maintenance electrician

1 ~~under 37-68-103(2) may not be applied to such apprenticeship~~
 2 ~~or experience requirement.~~ Applications for license and
 3 notice to the applicant shall be made and given as in the
 4 case of master electricians' licenses. The written
 5 examination for a journeyman's license shall consist of at
 6 least 30 questions designed to fairly test the applicant's
 7 knowledge and the technical application thereof in the
 8 following subjects:

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

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

1 subjects:

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

7 Section 7. Section 37-68-309, MCA, is amended to read:
 8 "37-68-309. Electricians licensed by other states --
 9 reciprocity. To the extent that other states which provide
 10 for the licensing of electricians provide for similar
 11 action, the board may authorize the department to grant
 12 licenses to electricians licensed by other states on payment
 13 by the applicant of the required fee and on furnishing proof
 14 to the ~~board~~ department that the applicant has
 15 qualifications at least equal to those provided herein for
 16 applicants for written examinations. Applicants who qualify
 17 for a license under this section are not required to take a
 18 written examination."

19 Section 8. Section 37-68-322, MCA, is amended to read:
 20 "37-68-322. Penalty. (1) ~~for~~ any A person or
 21 corporation violating any provision of this chapter or Title
 22 50, chapter 60, part 6, shall upon conviction thereof:

23 ~~(a) if~~ if a person, be punished by a fine not more
 24 than \$500 or by imprisonment for a term not to exceed 6
 25 months or by revocation of his license or by such fine,

1 imprisonment, and revocation, in the discretion of the
2 court; and

3 ~~(b)(iii)~~ if a corporation, be punished by a fine of not
4 more than \$1,000.

5 ~~(b) In addition, the person or corporation shall be~~
6 ~~subject to forfeiture of his or its license to work as an~~
7 ~~electrician or electrical contractor within this state for a~~
8 ~~period of not less than 24 months from the date of~~
9 ~~conviction.~~

10 ~~(2) A person or corporation convicted of working as an~~
11 ~~electrician or electrical contractor while his or its~~
12 ~~license is forfeited shall be imprisoned in the county jail~~
13 ~~for not less than 5 days or more than 6 months. In addition,~~
14 ~~that person or corporation may be fined not less than \$500~~
15 ~~or more than \$1,000.~~

16 ~~(2)(3)~~ Any officer or agent of a corporation or member
17 or agent of a partnership or association who shall
18 personally participate in or be accessory to any violation
19 of this chapter by such partnership, association,
20 corporation shall be subject to the penalties herein
21 prescribed for individuals."

22 NEW SECTION. Section 9. Qualification, selection, and
23 duties of electrical wardens. (1) Each state electrical
24 warden shall be selected by the department from applicants
25 who have passed such an examination as may be required

1 according to the rules adopted and promulgated by the board.
2 No person may be appointed or perform the official duties of
3 a warden until a certificate has been issued to him by the
4 department to the effect that he has passed the required
5 examination and is a fit and proper person to perform the
6 duties of the office.

7 (2) A warden shall be qualified by his experience,
8 training, and skill in the installation and inspection of
9 electrical apparatus and be familiar with the electrical and
10 electricians licensing laws and rules.

11 (3) Before entering upon their official duties, each
12 state electrical warden shall take and subscribe the
13 constitutional oath of office and shall in addition thereto
14 swear or affirm that he holds no other position or office or
15 any position under any political committee or party. Such
16 oath or affirmation shall be filed in the office of the
17 secretary of state.

18 (4) A warden shall enforce the electrical and
19 electricians licensing laws and rules.

20 NEW SECTION. Section 10. Enforcement powers of state
21 electrical wardens. (1) A state electrical warden may:

22 (a) serve a subpoena issued by a court for the trial
23 of a violation of the electrical and electricians licensing
24 laws and rules;

25 (b) require an individual engaged as an electrician or

1 electrical contractor to show proof that he is licensed by
2 the board;

3 (c) arrest, in accordance with Title 46, chapter 6, a
4 violator of an electrical or electricians licensing law or
5 rule, violation of which is a misdemeanor;

6 (d) exercise the other powers of peace officers in the
7 enforcement of the electrical and electricians licensing
8 laws and rules and judgments obtained for violation of those
9 laws or rules.

10 (2) A state electrical warden may not compromise or
11 settle violations of the electrical and electricians
12 licensing laws and rules out of court.

13 Section 11. Section 50-60-603, MCA, is amended to
14 read:

15 "50-60-603. Electrical installations to comply with
16 building codes adopted by department. (1) All installations
17 in this state of wires and equipment to convey electric
18 current and installations of apparatus to be operated by
19 current, except as provided in 50-60-602, shall be made
20 substantially in accord with ~~building codes adopted by the~~
21 ~~department of administration~~ electrical codes adopted by the
22 board.

23 (2) ~~Rules and standards relating to buildings and~~
24 ~~equipment shall be promulgated by the department. The board~~
25 shall adopt by reference as minimum approved methods of

1 construction the national electrical code, as approved by
2 the American national standards institute, and amendments to
3 that code. The board may adopt more stringent rules than
4 those contained in the code."

5 Section 12. Codification instruction. Sections 9 and
6 10 are intended to be codified as an integral part of Title
7 37, chapter 68, and the provisions of Title 37, chapter 68,
8 apply to those sections.

-End-

STATE OF MONTANA

REQUEST NO. 166-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 21, 19 81, there is hereby submitted a Fiscal Note for HB 168 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.

ASSUMPTIONS USED IN OBTAINING ESTIMATES (Continued)

9. Salaries are based on 198081 matrix for both FY 82 and 83. Adjustments will be needed for the new matrix.
10. Budget is based on Building Codes Division's FY 82 and FY 83 request.

DERIVATION OF ESTIMATES:

	FY 82	FY 83
Personal Services		
Inspector Grade 14	\$ 17,500	\$ 17,500
Secretary Grade 8	10,500	10,500
Total Salaries	<u>28,000</u>	<u>28,000</u>
Benefits (18%)	5,040	5,040
Total Salaries and Benefits	<u>33,040</u>	<u>33,040</u>
Other Compensation (Board salaries)	1,000	1,000
Total Personal Services	<u>34,040</u>	<u>34,040</u>
Operating Expenses		
Contracted Services (Board costs and legal fees)	13,000	13,300
Supplies and Materials	1,100	1,200
Communications	2,000	2,100
Travel - Inspector	5,000	5,700
- Board	3,056	3,478
Other Expenses	15	15
Equipment (Typewriter, desks, chairs)	2,000	0
Total Operating Expenses	<u>26,171</u>	<u>25,793</u>
Total Program Costs	<u>\$ 60,211</u>	<u>\$ 59,833</u>

REVENUE AND EXPENDITURE IMPACT:

	FY 82	FY 83
Revenue		
Earmarked Revenue		
Permit Fees	\$1,171,661	\$1,221,855
License Fees	61,581	62,760
Total	<u>\$1,233,242</u>	<u>\$1,284,615</u>

Under the current law, the Department of Administration collects the permit fee and the Department of Professional and Occupational Licensing collects the license fees.

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

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DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 168 combines the functions of electrical inspections and licensing of electricians under the State Electrical Board in the Department of Administration; provides for enforcement by state electrical wardens; limits the exemption for work on residences; requires apprentices to be registered; provides for license forfeiture.

ASSUMPTIONS USED IN OBTAINING ESTIMATES:

1. Based on the 1978/1979 Master and Journeyman Electricians' lists, there are approximately 945 master's licenses and 970 journeyman licenses.
2. The 1982-1983 budget request of the Electrical Board shows 1.74 employees required to perform the licensing function. Since the proposed bill does not change the duties, it can be assumed the same number of employees will be needed if the function is transferred to the Department of Administration. Further, the current staff performing inspections and clerical work are operating at or above capacity and no further work can be added without increasing staff. The staff requested would be one additional Grade 14 inspector and one additional Grade 8 secretary. The additional .26 FTE shown can be easily used to assist the clerical staff during peak construction periods. The additional inspector along with all existing electrical inspectors will be performing electrical inspections, licensing inspections, and license investigation on those cases requiring prosecution.
3. The current cost per electrical inspector for travel is \$5,742.
4. Assume license complaints needing investigation will average 100 per year and they will need 3 hours legal time at \$30 per hour.
5. The Board is required to meet quarterly. Assume the meetings will last 2 days.
6. As per the Electrical Board's FY 82-83 budget request, assume an income of \$61,581 in FY 82 and \$62,905 in FY 83.
7. Budget items based on FY 80 expenditures of the Electrical Board and current expenditures experienced by the Electrical Safety Bureau.
8. The cost of legal procedures is proportionate to the violations found in any one year. Therefore, without the benefit of previous experience, it can only be assumed and may require adjustment at a later date. This cost will be reflected in contracted services.

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: _____

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REVENUE AND EXPENDITURE IMPACT (Continued):

Expenditures	FY 82			FY 83		
	Amount Under Existing Law	Amount Under Proposd Law	Increase	Amount Under Existing Law	Amount Under Proposd Law	Increase
Personal Services	\$ 815,890	\$ 849,930	\$34,040	\$ 816,080	\$ 850,120	\$34,040
Operating Expenses	352,347	376,518	24,171	402,351	428,144	25,793
Capital Outlay	3,424	5,424	2,000	3,424	3,424	0
TOTAL	<u>\$1,171,661</u>	<u>\$1,231,872</u>	<u>\$60,211</u>	<u>\$1,221,855</u>	<u>\$1,281,688</u>	<u>\$59,833</u>

COMMENTS:

Since the bill merely transfers the enforcement from one agency to another, there will be very little change from the current situation.

David M Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-26-81