Minnesota Board of Electricity

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Relating to Electrical Licensing and Training, *Minnesota Rules*, Chapter 3800

INTRODUCTION

The Board of Electricity ("Board") proposes to adopt amendments to Minnesota Rules, Chapter 3800.

Minnesota Statutes, sections 326B.31 to 326B.399 (2008) are known as the Minnesota Electrical Act ("Electrical Act"). The Electrical Act includes requirements related to licensing and registration of individuals, employers and companies that perform electrical wiring. Administrative rules related to these requirements are found in Minnesota Rules, Chapter 3800.

Chapter 3800 was originally adopted by the prior Board. The powers of that prior Board were transferred to the Department of Labor and Industry ("Department"), with the exception of certain powers granted to the newly formed Board. *See* Minnesota Statutes, sections 326B.02, subdivision 1, and 326B.32, subdivision 2 (2008). Although the powers of the new Board include certain rulemaking authority, the Department retains the responsibility for administration and enforcement of the Electrical Act and Chapter 3800.

The proposed amendments relate to licensing, registration, and continuing education requirements. A statute enacted in 2007 requires the registration of unlicensed individuals performing electrical work. (*See* Minnesota Statutes, section 326B.33, subdivisions 5 and 5a (2008)). Before that, no registration of unlicensed persons was required. The proposed rules regarding unlicensed individuals require registered persons to obtain 8 hours per year of continuing education credit in order to renew their registration.

Except for the amendments related to registration of unlicensed individuals who perform electrical work, the proposed amendments modify existing rules to correlate with the separation of duties between the Board and the Department. In addition, technical changes are proposed to correlate terms used in Chapter 3800 with terms used in the Electrical Act.

The present rulemaking process was begun when the Board published a Request for Comments in the *State Register* on Monday, February 25, 2008 (32 SR 1638). No advisory committees were used in this rulemaking.

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Annette Trnka, at the Department of Labor and Industry, Construction Codes and Licensing Division, 443 Lafayette Road North, Saint Paul, MN 55155-4342, telephone 651-284-5860 and fax 651-284-5743. TTY users may call 651-297-4198.

STATUTORY AUTHORITY

The Board's statutory authority to adopt rules related to licensing, registration, and continuing education are set forth in Minnesota Statutes section 326B.32, subdivision 2(a) (5) and (6) (2008):

> **Subd. 2. Powers; duties; administrative support.** (a) The board shall have the power to:
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> ...
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> (5) adopt rules that regulate the licensure or registration of electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);
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> (6) adopt rules that regulate continuing education for individuals licensed or registered as electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);
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> ....

This rulemaking is an amendment of rules adopted by the old Board of Electricity, and so Minnesota Statutes, section 14.125, does not apply. The rulemaking authority in Minnesota Statutes, section 326B.32, is not new rulemaking authority, but is instead a transfer of certain rulemaking authority from the old Board of Electricity to the current Board. The old Board's rulemaking authority (Minnesota Statutes, section 326.241 (2006)) was repealed when Minnesota Statutes, section 326.2415 (renumbered as 326B.32), was enacted. *See* 2007 Minn. Laws, chapter 140, article 5, section 33 (repealing 326.01) and article 5, section 19 (adding 326.2415).

In any event, the Dual Notice in connection with the proposed rule will be published before December 31, 2008. Section 326.2415 (now 326B.32) became effective July 1, 2007. See 2007 Minn. Laws, chapter 140, article 5, section 19. Accordingly, the Dual Notice will be published less than 18 months after the effective date of Minnesota Statutes, section 326B.32.

Under Minnesota Statutes, section 326B.32, the Board has the necessary statutory authority to adopt the proposed rule.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out seven factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (7) below quote these factors and then give the Board's response.

"(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule"

Those who will be affected by the proposed rule, who will bear the costs of the proposed rule, and who will benefit from the proposed rule include: Unlicensed individuals who perform or wish to perform electrical work, individuals who are licensed or plan to become licensed to perform electrical work, and electrical contractors.

"(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues"

Because the Board of Electricity only has authority to adopt these rules and has no administrative authority, the Board will not incur any costs associated with the adoption of the proposed rule.

Additional costs to the Department of Labor and Industry include the costs associated with administering the requirements for registration and the renewal of registration of unlicensed individuals who perform electrical work. The annual registration fee of $15 for unlicensed individuals established in Minnesota Statutes, section 326B.33, subdivision 19(b)(2), will offset the cost of administering the registration of unlicensed individuals.

"(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule"

Because these rules are necessary to administer statutory requirements, no alternatives were considered.

"(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule"

No other methods were considered for achieving the purpose of the proposed rule.

"(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals"

Unlicensed individuals will be required to register annually and obtain 8 hours of continuing education as a condition of renewal of their annual registration. The cost of the annual registration is $15. The cost of obtaining the continuing education varies. In some instances, apprenticeship and other training programs qualify for the continuing education credit and no additional costs are incurred by the unlicensed individual. In other instances, membership in professional organizations includes opportunities to earn qualifying continuing education credits at no additional cost. The Department sponsors training sessions that also qualify for continuing education credits at a cost of $35 for an 8-hour course. Other independent providers of continuing education charge up to $150 for an 8-hour course. Because continuing education is required for all of the electrical license categories, there are a significant number of continuing education providers and subsequently availability of courses will be adequate to enable individuals to meet the requirement.

"(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals"

If the requirement for continuing education for registered unlicensed individuals is not adopted, the necessary knowledge for unlicensed individuals to adequately perform electrical work will not be assured. Adequate technical knowledge is critical to ensure that electrical wiring is installed in compliance with applicable safety standards. An adequately trained workforce results in the efficient installation of electrical wiring, resulting in overall cost savings to the general public.

"(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference"

There are no applicable federal regulations related to these rules.

PERFORMANCE-BASED RULES

The Electrical Act includes requirements related to licensing and registration of individuals, employers and companies that perform electrical wiring. Minnesota Statutes, section 326B.35, requires all electrical wiring, apparatus and equipment for electric light, heat and power, technology circuits or systems to comply with the National Electrical Code and the National Electrical Safety Code. With limited exception, the Electrical Act requires individuals who perform electrical work to either be licensed or registered.

The Board in an effort to meet the Electrical Act requirements and performance-based standards proposes amending Minnesota Rules, chapter 3800. These proposed amendments will help ensure that individuals performing electrical work have the necessary knowledge and

expertise to perform electrical work that is in compliance with the National Electrical Code and the National Electrical Safety Code. The proposed amendments also provide a method of experience verification for registered unlicensed individuals so that the Department can properly identify individuals who qualify to take a license examination. The proposed amendments therefore implement performance-based standards to the extent practicable.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a December 5, 2008, letter by Administrative Law Judge Barbara L. Neilson.

Our notice plan includes giving notice(s) required by statute. The Board will mail the Dual Notice to everyone who has registered to be on the Board of Electricity's and Department of Labor and Industry's rulemaking mailing list for electrical rules under Minnesota Statutes, section 14.14, subdivision 1a.

In addition to the rulemaking mailing list, the Board will mail or e-mail the Dual Notice to trade associations involved in electrical and building construction. Those associations are as follows:

a. Associated Builders and Contractors
b. National Electrical Contractors Association
c. Minnesota Electrical Association
d. Local chapters of the International Brotherhood of Electrical Contractors (IBEW Local 23, 110, 160, 242, 292, 294, 343, 949, and 1999)
e. Local chapter of the Association of Minnesota Building Officials (AMBO)
f. National Association of Elevator Safety Authorities (NAESA)
g. Minnesota Mechanical Contractors Association
h. Association of General Contractors of Minnesota
i. Minnesota Utility Contractors Association
j. Minnesota chapter of the International Association of Electrical Inspectors (IAEI)
k. Contract Electrical Inspector Association (CEIA)
l. Communication, Control, Alarm, Remote, Signaling Association (CCARSA)
m. Minnesota Municipal Utilities Association
n. Minnesota Electronic Security and Technology Association
o. Builders Association of Minnesota (BAM)
p. Builders Association of the Twin Cities
q. Minnesota State Fire Chiefs Association
r. Minnesota Plumbing, Heating and Cooling Contractors Association
s. American Society of Plumbing Engineers – Minnesota Chapter
t. American Society of Civil Engineers – Minnesota Section
u. Association of Minnesota Counties
v. Building Owners and Managers (BOMA)/St. Paul
w. League of Minnesota Cities
x. American Council of Engineering Companies of Minnesota

y. Minnesota Pipe Trades Association
z. Minnesota State Fire Marshal Division
aa. Minnesota Association of Townships
bb. North Central Electrical League
cc. Metropolitan Council
dd. Minnesota Landscapers Association (MNLA)
ee. All approved continuing education providers for electrical licensing, as listed on the Department of Labor and Industry website
ff. All MNSCU technical colleges that administer electrical programs

The Board will publish the proposed rules, the Statement of Need and Reasonableness, and Dual Notice on the Board's webpage on the Department of Labor and Industry's website. The Board will also give notice to the Legislature in accordance with Minnesota Statutes, section 14.116.

CONSULT WITH FINANCE ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department has consulted with the Commissioner of Finance. We did this by sending to the Commissioner of Finance copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Department publishing the Dual Notice. We sent the copies on October 16, 2008. The documents included: the Governor's Office Proposed Rule and SONAR Form; draft rules; and an almost final SONAR. Department of Finance Executive Budget Officer Ryan Baumtrog responded as follows in a letter dated October 27, 2008: "In my opinion, the proposed changes will not impose a significant cost on local governments."

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed $25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed $25,000 for any small business or small city. The costs of complying with the proposed rule amendments are costs to the individuals who register as unlicensed persons, not costs to businesses or cities; small businesses and small cities are not required to reimburse these costs to employees. But even if a small business or city chooses to reimburse costs for their employees who register as unlicensed individuals, and chooses to let their employees use work time to fulfill the continuing education requirements, the costs would not reach $25,000 during the first year after the rules become effective. This determination is based on the costs described in the Regulatory Analysis section above, and the estimated cost of lost wages. Even if all 50 employees of a small business needed to be registered unlicensed persons and take 8 hours of continuing education, the cost of registering 50 employees would be $750 ($15 each), and the

maximum cost of continuing education would be $7,500 ($150 each). The Board estimates that the average cost for 8 hours of wages would be $200. Even if the small business or city pays all of its employees to attend continuing education, the wages would cost at most $10,000 ($200 times 50 employees). The total costs during the first year therefore would not exceed $25,000.

LIST OF WITNESSES

If these rules go to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Mr. James Freichels, Chair, Minnesota Board of Electricity, will testify about the Board's interest in adopting the rules.

2. Mr. John Schultz, Assistant Director, Construction Codes and Licensing Division, Department of Labor and Industry, and Member of the Minnesota Board of Electricity, will testify about the technical information about the proposed rules.

3. Other Department of Labor and Industry staff, if necessary.

RULE-BY-RULE ANALYSIS

GENERAL

There are four proposed amendments that occur repeatedly in the proposed rule. First, many references to "board" have been changed to "department." This is because the rules refer to the prior Board, which was responsible for administering all of the requirements in the Electrical Act and chapter 3800 before 2005. As described in the Introduction above, the Department, not the new Board, is now responsible for administering and enforcing the electrical laws.

Second, there are many places in the proposed rule where "person" is replaced with "individual." This is reasonable because the word "person" is now defined by statute more broadly as including individuals, corporations, partnerships, and other entities. *See* Minnesota Statutes section 326B.01, subdivision 7. Where the rule refers to someone who must be an individual, the term "individual" should therefore be used instead of "person."

Third, there are many changes in statutory references because, effective with the publication of the 2008 Minnesota Statutes, the Electrical Act was moved from chapter 326 to chapter 326B. *See* 2007 Minnesota Laws, chapter 140, article 5, section 32, and article 13, section 4.

Fourth, there are several places where a reference to chapter 3800 and the Electrical Act is modified to include a cross-reference to chapter 1315 and chapter 3801. This is reasonable because the intent of the rule is to refer to all electrical laws that individuals performing electrical work must follow. It is reasonable to add the reference to chapter 1315 because that is the state electrical code, which all electrical work must comply with. It is reasonable to add the reference to chapter 3801 because those are rules of the department related to electrical work. (The Revisor will be putting the department's rules in a separate chapter to minimize confusion.)

Except for these four types of amendments, the need for and reasonableness of each proposed amendment is discussed below.

3800.3500 DEFINITIONS.

Subpart 1. Words, terms, and phrases: These are technical changes to correlate with Electrical Act section numbering changes and also to identify that the definitions in sections 326B.01 and 326B.31 apply to the terms in this chapter. This cross-reference will be helpful to people reading the rules.

Subpart 1a. Acceptable experience: This definition is identical to the existing definition of "experience acceptable to the board" in current rule 3800.3500, subpart 2. It is reasonable to replace "experience acceptable to the board" with "acceptable experience" because "acceptable experience" is shorter and will make the rules less cumbersome.

Subpart 2a. Commissioner: This definition is needed because the term is used in the proposed rules. The definition is reasonable because it is identical to the definition in Minnesota Statutes, section 326B.01, subdivision 3.

Subpart 2b. Department: This definition is needed because the term is used in the proposed rules. The definition is reasonable because it is identical to the definition in Minnesota Statutes, section 326B.01, subdivision 4.

Subpart 3. Employee: It is reasonable to change "personal on-the-job" to "direct" supervision because "personal on-the-job supervision" has been replaced in statute with the term "direct supervision." "Direct supervision" is defined in Minnesota Statutes, section 326B.31, subdivision 16.

Subpart 13. Registered unlicensed individual: This definition is needed because the term is used in the proposed rules, such as proposed rules 3800.3525, subpart 5, and 3800.3602, subpart 4. This definition is reasonable because it is consistent with the new statutory provisions regarding unlicensed individuals. *See* Minnesota Statutes, section 326B.33, subdivisions 12 and 13 (2008).

3800.3520 EXAMINATION; MINIMUM EXPERIENCE REQUIREMENTS FOR LICENSURE; ACCEPTABLE EXPERIENCE.

Subpart 1. Examination requirements: This amendment is needed and reasonable because the term "electrician" is ambiguous; it is unclear whether it includes businesses seeking licensure as electrical contractors. Only individuals must pass examinations.

Subpart 2. Minimum experience requirements: The addition of the exception regarding power limited technicians is needed and reasonable for consistency with Minnesota Statutes, section 326B.33, subdivision 7. The term "electrician" needs to be changed to "electrical" because it is ambiguous which persons are considered to be "electricians."

Subpart 3. Maximum allowable credit under certain conditions: The change in minimum age to age 17 is needed and reasonable for consistency with labor rules. By rule, an individual must be at least 18 to be employed in various occupations, including "[i]n or about construction or building projects" or "[i]n any occupation or activity, or on any site, which is hazardous or dangerous to life, limb, or health." Minn. R. 5200.0910 (S) (2007). Electrical work may be associated with construction or building projects, and, if it involves high voltages, electrical work is hazardous. However, there are several exceptions to the age 18 requirement, including the following: if any individual is 17 and has graduated from high school, then the age 18 minimum does not apply. *See* Minn. R. 5200.0930, subp. 3 (2007). It is therefore reasonable to allow experience credit for individuals age 17 and older.

Subpart 4. Acceptable experience for certain categories in certain situations: The only changes in this subpart are changing "board" to "department," which has been discussed previously.

Subpart 5. Schedule of minimum experience requirements and maximum experience allowances:

C. Master elevator constructor: This amendment would add item (10) allowing a maximum of one year of experience credit for the completion of a two-year, post-high school electrical course. This change is needed for consistency with Minnesota Statutes, section 326B.33, subdivision 11.

D. Elevator constructor: This amendment would add item (10) allowing a maximum of one year of experience credit for the completion of a two-year, post-high school electrical course. This change is needed for consistency with Minnesota Statutes, section 326B.33, subdivision 8.

G (in current rule). Class A installer: This clause should be deleted because, by statute, no new Class A licenses can be issued after December 1, 2007. *See* Minnesota Statutes, section 326B.33, subdivision 3 (2008).

3800.3525 REGISTRATION OF UNLICENSED INDIVIDUAL.

This proposed part is necessary to establish administrative rules for this new category of individuals who perform electrical work as identified in Minnesota Statutes, section 326B.33, subdivisions 12 and 13.

Subpart 1. Unlicensed individual registration requirement: This subpart establishes a minimum age whereby unlicensed individuals performing electrical work are required to be registered. This correlates with the proposed amendments to part 3800.3520, subpart 3.

Subpart 2. Information required on initial registration application: This subpart identifies the information required to be provided by the applicant on their initial application. In addition to basic identification information, contact information is also needed so that the department can communicate important information and can track work experience to qualify registrants for license examination. The applicant's social security number is required under the tax clearance statute, Minnesota Statutes, section 270C.72, subdivision 4.

Subpart 3. Duty to keep information current: This subpart requires the registrant to notify the department of any changes to the required information in subpart 2 of this proposed part within 30 days of the change. This subpart is necessary to ensure that the department's databases are current and accurate.

Subpart 4. Information required to be provided by applicant for registration renewal application: The information required to be provided by this subpart enables the department to track experience the registrant earns over time. When the registrant applies for license examination, this will allow the department to process the examination application efficiently, because it will not be necessary to reconstruct the applicant's experience history.

Subpart 5. Continuing education required: This proposed subpart would require each registrant to earn eight hours of continuing education as a condition of registration renewal. The authority for this provision is Minnesota Statutes, section 326B.32, subdivision 2(a)(6). This requirement is similar to the continuing education requirement for electrical license holders.

The Board is aware that registered unlicensed individuals who take license examinations across all license classifications pass these examinations at a rate of less than 50%. The examinations are based on basic electrical theory and code knowledge that is commensurate with the scope of work allowed by the license which the applicants are seeking. Requiring registered unlicensed individuals to acquire a minimum of 8 hours of continuing education will ensure that they are provided with basic electrical theory and code training and will subsequently result in installations being completed in compliance with required safety standards. Most technology circuit and system work is allowed to be performed by registered unlicensed individuals who are only provided with general supervision and not direct supervision by individuals licensed to perform electrical work. In these instances, it is necessary for registered unlicensed individuals to have electrical theory and code knowledge so that their work complies with applicable safety standards. Requiring continuing education for registered unlicensed individuals increases the base knowledge of individuals performing electrical work and also updates their knowledge as codes are updated.

Subpart 6. Registration card: This subpart requires the registrant to carry their registration card and present it to department representatives or electrical inspection authorities upon request. This is needed and reasonable to allow the authorities to verify that the individual is registered when performing electrical work.

3800.3530 REQUIREMENTS FOR SECURING AND MAINTAINING CONTRACTOR'S LICENSE.

Subpart 1. Information required to be provided by applicants.

Item A. This amendment is needed for clarification because the phrase "contractor's or person's" is ambiguous.

Item C. It is reasonable to remove the word "venturer" because joint ventures are not entities that apply for a contractor's license. The current rule on applications does not include the

possibility of a joint venture applying. *See* current part 3800.3530, subpart 1(B). This portion of the current rule is not proposed for amendment.

Item E. The proposed amendment continues the requirement that applicants provide the Minnesota and federal business identification numbers, to aid the department in tracking information and to comply with the tax clearance statute, Minnesota Statutes, section 270C.72, subpart 4. The exceptions to this requirement in the proposed rule are some of the entities that would not need to have these business identification numbers. Instead of trying to list all of the entities who would not need Minnesota business identification numbers, it is reasonable for other applicants without the Minnesota business identification number to submit proof from the Department of Revenue that no number is needed.

Information about who does and does not need these numbers can be found at the following Web sites:
http://www.taxes.state.mn.us/business_taxpayers/business_registration/help/contents/help_id.shtml
http://www.irs.gov/businesses/small/article/0,,id=97872,00.html

Item F. It is reasonable to change "their" to "the applicant's" because the word "their" is ambiguous.

3800.3540 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN OR POWER LIMITED TECHNICIAN ON CONTRACTOR'S LICENSE APPLICATION.

Subp. 5. This change is reasonable because the word "person" is defined by statute as including partnerships, corporations, and limited liability companies. *See* Minnesota Statutes section 326B.01, subd. 7 (2008).

3800.3550 DESIGNATION OF RESPONSIBLE MASTER ELECTRICIAN, POWER LIMITED TECHNICIAN, LICENSED MAINTENANCE ELECTRICIAN, OR ELECTRICAL ENGINEER BY AN EMPLOYER.

All of the changes to this part are the four general types of changes discussed at the beginning of the rule-by-rule analysis section.

3800.3600 AUTHORITY; PURPOSE.

This amendment is needed and reasonable because proposed part 3800.3602 adds continuing education requirements for "unlicensed electrical worker registration."

3800.3601 DEFINITIONS

Subp. 4. Electrician license. The reference to rule 3800.3500, subpart 6, is proposed to be modified because this definition was repealed in rule and moved to statute. *See* Minnesota Statutes, section 326B.31, subdivision 20 (2008).

Subp. 4a. NEC. This definition is needed because the term is used repeatedly in proposed part 3800.3602, subparts 3 and 4. This definition is reasonable because it is consistent with the state electrical code, chapter 1315.

3800.3602 REQUIREMENTS FOR RENEWAL OF ELECTRICIAN AND POWER LIMITED TECHNICIAN LICENSE AND RENEWAL OF REGISTERED UNLICENSED INDIVIDUAL REGISTRATION.

Subpart 2. Hours of instruction:

Item A. The proposed amendments to this item are needed and reasonable for clarification.

Items B and C. These amendments are needed and reasonable for consistency with Minnesota Statutes, section 326B.33, subdivision 7(c). This statute requires 16 hours of continuing education for the renewal of a power limited technician license.

Subpart 3. Acceptable subjects: Under the proposed rule, as in the current rule, fewer hours of NEC instruction are required by power limited technicians (formerly included in subpart 2, item C, but now included in subpart 2, item B(10)). However, the number of hours of NEC instruction for power limited technicians would double from two to four under the proposed amendment. This is reasonable because the total number of hours of continuing education has doubled from 8 to 16 for power limited technicians under the new statute. *See* Minnesota Statutes, section 326B.33, subdivision 7(c) (2008).

Subpart 4. Registration renewal: This new subpart would require that at least 2 hours of the 8 hours of continuing education required for renewal must be on the NEC with the remainder on statutes and rules governing electrical installations or technical subjects related to electrical installations and equipment. This is reasonable because it is the same as the current requirement that 2 out of 8 hours of continuing education for power limited electricians be on the NEC. *See* current part 3800.3602, subpart 2(C) and 3. Registered unlicensed individuals could be working in any of the areas of electrical work, including technology circuits and systems work, and therefore should not need to take a higher percentage of NEC courses than licensed power limited technicians.

3800.3603 CREDIT FOR INSTRUCTION

Subpart 1. Approval of educational programs: These changes are needed and reasonable because the proposed amendment deletes redundant language.

Subpart 5. Qualifications of instructors:

A. The language proposed for deletion would limit the number of hours of instruction credit allowed if the instructor's license is more limited in scope than the license of the person who attended the educational program. It is reasonable to delete this language because board members have identified this requirement as unduly limiting.

C. This proposed amendment would restrict the topics that could be taught by an instructor who is not licensed and who only possesses practical experience; the instructor could only teach about technical topics related to electrical installations and equipment. This restriction is reasonable because an unlicensed, unregistered person is less likely to have the expertise needed to teach courses on the NEC and other electrical laws. The proposed amendment would delete the limitation in hours of instruction. Under the proposed amendment the instructor cannot teach courses on the NEC. Therefore, the number of hours of credit for

courses taught by the instructor is implicitly limited by the number of NEC course hours required for renewal.

Subpart 6. Credit for teaching. This proposed amendment would reduce the credit for instruction from 3 hours for each hour of instruction to 1 hour. Based on the experience of the department staff members, this provision is not needed and has only created data conflict.

Subpart 7. Report of credits earned. It is reasonable to require the original attendance sign-in document to allow the department to verify attendance.

Subpart 8. Credit for completing an educational program. This proposed subpart would require a participant in an educational program to complete the program in order to receive credit. It is reasonable not to grant partial credit because many educational courses are organized in such a way that an individual skipping a portion of the course will not be able to fully understand the portion attended.

REPEALER

3800.3500 DEFINITIONS

Subpart 2. Elevator constructor: This definition is no longer needed because the definition is now included in statute. *See* Minnesota Statutes, section 326B.31, subdivision 18 (2008).

Subpart 4. Experience acceptable to the board: It is reasonable to repeal this definition because this term has been replaced with "acceptable experience" in proposed rule 3800.3500, subpart 1a.

Subpart 6. Lineman: This definition is no longer needed because the definition is now included in statute. *See* Minnesota Statutes, section 326B.31, subdivision 20 (2008).

Subpart 7. Maintenance electrician: This definition is no longer needed because the definition is now included in statute. *See* Minnesota Statutes, section 326B.31, subdivision 21 (2008).

Subpart 9. Master elevator constructor: This definition is no longer needed because the definition is now included in statute. *See* Minnesota Statutes, section 326B.31, subdivision 22 (2008).

Subpart 11. Personal on-the-job supervision: This definition is no longer needed because it has been replaced in statute with the term "direct supervision," which is defined in Minnesota Statutes, section 326B.31, subdivision 16.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

December 9, 2008

James D. Freichels

James D. Freichels, Chair
Minnesota Board of Electricity