

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.301.401 incorporation by) PROPOSED AMENDMENT
reference of national electrical code,)
and 24.301.461 electrical inspections)
fees)

TO: All Concerned Persons

1. On August 28, 2014, at 9:00 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on August 22, 2014, to advise us of the nature of the accommodation that you need. Please contact Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2009; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; e-mail dlibsdbcb@mt.gov.

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

24.301.401 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL CODE (1) The department, by and through the Building Codes Bureau, adopts and incorporates by reference the National Fire Protection Association Standard NFPA 70, National Electrical Code, ~~2011~~ 2014 edition referred to as the National Electrical Code, unless another edition date is specifically stated. The National Electrical Code is a nationally recognized model code setting forth minimum standards and requirements for electrical installations. A copy of the National Electrical Code may be obtained from the Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517 or the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

AUTH: 50-60-203, 50-60-603, MCA

IMP: 50-60-201, 50-60-203, 50-60-601, 50-60-603, MCA

REASON: The department determined it is reasonably necessary to amend this rule to adopt and incorporate by reference the new 2014 edition of the National Fire Protection Association Standard NFPA 70, National Electrical Code, referred to as the National Electrical Code (NEC).

24.301.461 ELECTRICAL INSPECTIONS FEES (1) through (1)(n) remain the same.

(o) Renewable energy system: net metering system or off-grid electrical generating system (photovoltaic (PV) system, wind generator, hydro turbine, etc.)

(i) Commercial or residential installations 65

(o) and (p) remain the same but are renumbered (p) and (q).

(2) remains the same.

AUTH: 50-60-104, 50-60-203, 50-60-603, 50-60-604, MCA

IMP: 50-60-104, 50-60-203, 50-60-603, 50-60-604, MCA

REASON: The department is amending this rule to reflect the department's movement to include the consideration of public safety relating to the regulation of the sources of alternative energy systems, specifically identified herein with examples such as (photovoltaic (PV) systems, wind generator, hydro turbine, etc.) for commercial or residential installations. It is reasonably necessary to establish a new fee of \$65 to maintain the statutory requirement that fees must be commensurate with costs related to regulatory purposes. The department estimates that the new fee will affect 25 people and result in a \$1,625 increase to annual revenue.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to dlibsdbcb@mt.gov, and must be received no later than 5:00 p.m., on September 5, 2014.

5. An electronic copy of this notice of public hearing is available at www.buildingcodes.mt.gov (program's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written requests may be sent or

delivered to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2050; e-mailed to dlibsdbcb@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.301.401 and 24.301.461 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to Dave White, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2050, or by e-mail to dlibsdbcb@mt.gov.

9. Colleen White, attorney, has been designated to preside over and conduct this hearing.

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 28, 2014