

STATE BOARD OF ELECTRICITY

Proposed Rule Amending Supervision Requirements For Unlicensed Persons

Statement of Need and Reasonableness

MINNESOTA RULE PART 3800.0900

The Minnesota Electrical Act requires that electricians be licensed and that electrical installations be inspected for compliance with acceptable standards for safety to life and property. Minn. Stat. §§ 326.242-.243 (1986). It also makes provision for unlicensed persons to perform electrical work under the supervision of a licensed electrician. Neither the Act nor existing rules of the Board of Electricity define the level of supervision which the Act requires. Minn. Stat. § 326.242, subd. 5 (1986). Minn. Rules pt. 3800.0900 (1987).

The Board has learned from numerous electrical contractors that they have had difficulty competing with or are unable to bid competitively against other electrical contractors because they employ fewer licensed electricians and more unlicensed individuals. The Board is concerned that those unlicensed individuals are performing electrical work without the level of supervision contemplated by the Act or the Board's rules. Minn. Stat. § 326.242, subd. 5 (1986). Minn. Rules pt. 3800.0900 (1987). This raises concerns as to the quality of the electrical work being performed by unlicensed individuals and the safety hazards such work may present to the public.

SMALL BUSINESS CONSIDERATIONS IN RULEMAKING.

Most of the businesses regulated by the Board of Electricity are small businesses and the Board has framed all of these regulations considering the needs of small business because the Board estimates that 80 percent of all licensed electrical contractors are small business as defined in Minn. Stat. § 14.115 (1986).

- a) The compliance and reporting requirements under Minn. Rules pt. 3800.0900 (1987) were framed for the needs of small business in mind.
- b) The compliance and reporting requirements contained in amendments to this rule were drafted with the needs of small business in mind. The Board will notify all contractors concerning the amended rule so that small businesses will not have to monitor the laws or research the requirements.
- c) The language was condensed in the rule to be easily understood.
- d) This requirement is inapplicable to these requirements.
- e) It is not possible to exempt small business from this rule since it would compromise safety standards.