

Subd. 5. CONTESTED CASE HEARING. Notwithstanding chapter 14, after an answer has been timely filed the case must be heard as a contested case except that the report of the administrative law judge is the final decision of the department of agriculture.

**Sec. 8. [17A.151] DUTY TO PROSECUTE.**

It is the duty of each county attorney or city attorney to whom the commissioner reports a violation of this chapter to cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner required by law. Before a violation of this chapter is reported to a county attorney or city attorney for the institution of a criminal proceeding, the person against whom the proceeding is contemplated must be given appropriate notice and an opportunity to present views before the commissioner or the commissioner's designated agent, either orally or in writing, in person, or by attorney, with regard to the contemplated proceeding.

Presented to the governor May 29, 1991

Signed by the governor June 1, 1991, 4:04 p.m.

**CHAPTER 289—H.F.No. 871**

*An act relating to employment; board of electricity; clarifying definitions; providing for a complaint committee; clarifying and adding duties of the board; providing penalties; amending Minnesota Statutes 1990, sections 326.01, subdivisions 2, 3, 4, 5, 6, 6a, and by adding subdivisions; 326.241, subdivision 2; 326.242, subdivisions 1, 2, 3, 4, 5, 6, 9, 12, and by adding subdivisions; 326.244, subdivisions 4, 5, and by adding a subdivision; 326.245; and 326.246.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1990, section 326.01, subdivision 2, is amended to read:

**Subd. 2. CLASS A MASTER ELECTRICIAN.** The term "Class A master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to install and, alter, repair and to properly, plan, lay out, and supervise the installation installing, altering, and repairing of electrical wiring, apparatus, and equipment for electric light, heat, power, and other purposes who is licensed as such by the state board of electricity.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 2. Minnesota Statutes 1990, section 326.01, subdivision 3, is amended to read:

Subd. 3. **CLASS A JOURNEYMAN ELECTRICIAN.** The term "Class A journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to ~~wire for, install, and alter,~~ repair, and supervise the installing, altering, or repairing of electrical wiring, apparatus, and equipment for light, heat, power, and other purposes who is licensed as such by the state board of electricity.

Sec. 3. Minnesota Statutes 1990, section 326.01, subdivision 4, is amended to read:

Subd. 4. **SPECIAL ELECTRICIAN.** The term "special electrician" means a person having the necessary qualification, training, ~~and experience in wiring for, installing, or repairing,~~ and technical knowledge to install, alter, repair, and supervise the installing, altering, or repairing of special classes of electrical wiring, apparatus, or equipment for light, heat, power, and other purposes or for special classes of electrical ~~wiring installations work~~ who is licensed as such by the state board of electricity. The scope of any special electrician license created by the board under section 326.242, subdivision 4, shall be limited to that provided for by the rules adopted by the board.

Sec. 4. Minnesota Statutes 1990, section 326.01, subdivision 5, is amended to read:

Subd. 5. **ELECTRICAL CONTRACTOR.** The term "electrical contractor" means a person, ~~firm~~ partnership, or corporation operating a business that undertakes or offers to undertake to plan for, lay out, ~~supervise,~~ or install or to make additions, alterations, or repairs in the installation of electrical wiring, apparatus, or equipment for ~~electric~~ light, heat, ~~or~~ power, and other purposes with or without compensation ~~and~~ who is licensed as such by the state board of electricity. An electrical contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's license.

Sec. 5. Minnesota Statutes 1990, section 326.01, subdivision 6, is amended to read:

Subd. 6. **CLASS B MASTER ELECTRICIAN.** The term "Class B master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to ~~properly install, alter, repair,~~ plan, lay out, and supervise the installation installing, altering, and repairing of electrical wiring, apparatus, and equipment for single phase systems of not over 200 ampere capacity for light, heat, power, and other purposes on any farm or in any single family dwelling located in any town or municipality which has a population of less than 2500 inhabitants; who is licensed as such by the state board of electricity.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 6. Minnesota Statutes 1990, section 326.01, subdivision 6a, is amended to read:

Subd. 6a. **CLASS B JOURNEYMAN ELECTRICIAN.** The term "Class B journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to ~~wire for~~, install ~~and~~, alter, repair, and supervise the installing, altering, or repairing of electrical wiring, apparatus, and equipment for single phase systems of not ~~over~~ more than 200 ampere capacity for light, heat, power, and other purposes on any farm or in any single family dwelling located in any town or municipality which has a population of less than 2500 inhabitants; who is licensed as such by the state board of electricity.

Sec. 7. Minnesota Statutes 1990, section 326.01, is amended by adding a subdivision to read:

Subd. 6f. ELECTRICAL WORK. The term "electrical work" means the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for light, heat, power, or other purposes. The installing, alteration, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for light, heat, power, or other purposes includes, but is not limited to, the performance of any work governed by the standards referred to in section 326.243.

Sec. 8. Minnesota Statutes 1990, section 326.01, is amended by adding a subdivision to read:

Subd. 6g. PERSONAL SUPERVISION. The term "personal supervision" means that a licensed electrician oversees and directs the electrical work performed by an unlicensed person such that:

(1) the licensed electrician actually reviews the electrical work performed by the unlicensed person;

(2) the licensed electrician is immediately available to the unlicensed person at all times for assistance and direction; and

(3) the licensed electrician is able to and does determine that all electrical work performed by the unlicensed person is performed in compliance with section 326.243.

The licensed electrician is responsible for the compliance with section 326.243 of all electrical work performed by the unlicensed person.

Sec. 9. Minnesota Statutes 1990, section 326.01, is amended by adding a subdivision to read:

Subd. 6h. COMPLAINT COMMITTEE. The term "complaint committee" means a committee of the board which is authorized by the board or other provisions of chapter 214 or sections 326.241 to 324.248 to investigate, mediate, or initiate administrative or legal proceedings on behalf of the board with respect

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to complaints filed with or information received by the board alleging or indicating violations of sections 326.241 to 326.248. The complaint committee shall consist of at least one board member, the board's executive secretary, its assistant executive secretary, and the attorney general staff member assigned to provide legal services to the board.

Sec. 10. Minnesota Statutes 1990, section 326.241, subdivision 2, is amended to read:

Subd. 2. **POWERS.** The board, or the complaint committee on behalf of the board where authorized by law, shall have power to:

(1) Elect its own officers.

(2) Engage and fix the compensation of inspectors, and hire employees. The salary of the executive secretary shall be established pursuant to chapter 43A. All agents and employees other than contract inspectors shall be in the classified service and shall be compensated pursuant to chapter 43A. All inspectors shall hold licenses as master or journeyman electricians under section 326.242, subdivision 1(1) or 2(1), and shall give bond in an amount fixed by the board, conditioned upon the faithful performance of their duties.

(3) Pay such other expenses as it may deem necessary in the performance of its duties, including rent, supplies, and such like.

(4) Enforce the provisions of sections 326.241 to 326.248, and provide, upon request, such additional voluntary inspections and reviews as it may deem appropriate.

(5) Issue, renew, refuse to renew, suspend, temporarily suspend, and revoke licenses ~~provided for in sections 326.241 to 326.248~~, censure licensees, assess civil penalties, issue cease and desist orders, and seek injunctive relief and civil penalties in court as authorized by section 326.242 and other provisions of Minnesota law.

(6) Adopt reasonable rules to carry out its duties under sections 326.241 to 326.248 and to provide for the amount and collection of fees for inspection and other services. All rules shall be adopted in accordance with chapter 14.

Sec. 11. Minnesota Statutes 1990, section 326.242, subdivision 1, is amended to read:

Subdivision 1. **MASTER ELECTRICIAN.** Except as otherwise provided by law, no person shall ~~plan~~, install, alter, repair, plan, lay out, or supervise the ~~installation~~ installing, altering, or repairing of electrical wiring, apparatus, or equipment for ~~electrical~~ light, heat, power, or other purposes unless the person is: (a) licensed by the board as a master electrician and (b)(i) the electrical work is for a licensed electrical contractor and the person is an employee, partner, or officer of, or is the licensed electrical contractor, or (ii) the electrical work is performed for the person's employer on ~~electrical~~ electric wiring, apparatus, equip-

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ment, ~~apparatus~~, or facilities owned or leased by the employer which is located within the limits of property which is owned or leased and operated and maintained by the employer.

(1) An applicant for a Class A master electrician's license shall (a) be a graduate of a four-year electrical course in an accredited college or university; or (b) shall have had at least one year's experience, acceptable to the board, as a licensed journeyman; or (c) shall have had at least five years' experience, acceptable to the board, in planning for, laying out, supervising and installing wiring, apparatus, or equipment for electrical light, heat and power.

(2) As of August 1, 1985, no new Class B master electrician's licenses shall be issued. An individual who has a Class B master electrician's license as of August 1, 1985 may retain the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not over 200 amperes in capacity, on farmsteads or single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Sec. 12. Minnesota Statutes 1990, section 326.242, subdivision 2, is amended to read:

Subd. 2. **JOURNEYMAN ELECTRICIAN.** (a) Except as otherwise provided by law, no person shall ~~wire for~~, install, ~~or~~ alter, repair, or supervise the installing, altering, or repairing of electrical wiring, apparatus, or equipment; for light, heat, power, or other purposes unless:

(1) the person is licensed by the board as a journeyman electrician employed by; and

(2) the electrical work is:

(i) for a licensed an electrical contractor and the person is an employee, partner, or officer of the licensed electrical contractor; or

(ii) performed under the supervision of a master electrician also employed by the person's employer on electrical wiring, apparatus, equipment, or facilities owned or leased by the employer that is located within the limits of property owned or leased, operated, and maintained by the employer.

(2) (b) An applicant for a Class A journeyman electrician's license shall have had at least four years of experience, acceptable to the board, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment, provided however, that the board may by rule provide for the allowance of one year of experience credit for successful completion of a two-year post high school electrical course approved by the board.

(2) (c) As of August 1, 1985, no new Class B journeyman electrician's licenses shall be issued. An individual who holds a Class B journeyman electrician's license as of August 1, 1985 may retain the license and exercise the privileges it grants, which include electrical work limited to single phase systems, not

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over 200 amperes in capacity, on farmsteads or on single-family dwellings located in towns or municipalities with fewer than 2,500 inhabitants.

Sec. 13. Minnesota Statutes 1990, section 326.242, subdivision 3, is amended to read:

Subd. 3. **CLASS A INSTALLER.** Notwithstanding the provisions of subdivisions 1, 2, and 6, any person holding a class A installer license may lay out and install and supervise the laying out and installing of electrical wiring, apparatus ~~and,~~ or equipment for major electrical home appliances on the load side of the main service on farmsteads and in any town or municipality with fewer than 1,500 inhabitants, which is not contiguous to a city of the first class and does not contain an established business of a ~~master electrician~~ an electrical contractor.

Sec. 14. Minnesota Statutes 1990, section 326.242, subdivision 4, is amended to read:

Subd. 4. **SPECIAL ELECTRICIAN.** Notwithstanding the provisions of subdivisions 1, 2, 6, and 7, the board shall may by rule provide for the issuance of special electrician licenses empowering the licensee to engage in a limited class or classes of electrical work, which class or classes shall be specified on the license certificate. Each licensee shall have had at least two years of experience, acceptable to the board, in each such limited class of work for which the licensee is licensed.

Sec. 15. Minnesota Statutes 1990, section 326.242, subdivision 5, is amended to read:

Subd. 5. **APPRENTICES UNLICENSED PERSONS.** ~~Any person may work as an apprentice to a licensed electrician, but shall do no electrical wiring except under the personal on-the-job supervision of such licensed electrician. (a) An unlicensed person shall not perform electrical work unless the work is performed under the personal supervision of an electrician actually licensed to perform such work and the licensed electrician and unlicensed person are employed by the same employer. Licensed electricians shall not permit unlicensed persons to perform electrical work except under the personal supervision of an electrician actually licensed to perform such work. Unlicensed persons shall not supervise the performance of electrical work or make assignments of electrical work to unlicensed persons. Licensed electricians shall supervise no more than two unlicensed persons.~~

(b) Notwithstanding any other provision of this section, no person other than a master electrician shall plan or lay out electrical wiring, apparatus, or equipment for light, heat, power, or other purposes.

(c) Electrical contractors employing unlicensed persons performing electrical work shall maintain records establishing compliance with this subdivision, which shall designate all unlicensed persons performing electrical work and shall permit the board to examine and copy all such records as provided for in section 326.244, subdivision 6.

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Sec. 16. Minnesota Statutes 1990, section 326.242, subdivision 6, is amended to read:

**Subd. 6. CONTRACTORS ELECTRICAL CONTRACTOR'S LICENSE REQUIRED.** Except as otherwise provided by law, no person other than an employee, partner, or officer of a licensed electrical contractor, as defined by section 326.01, subdivision 5, shall undertake or offer to undertake to plan for, lay out, supervise or install or to make additions, alterations, or repairs in the installation of electrical wiring, apparatus, and equipment for electrical light, heat, or power, and other purposes with or without compensation ~~without obtaining unless the person obtains~~ an electrical contractor's license. Such license An electrical contractor's license does not of itself qualify its holder to perform or supervise the electrical work authorized by holding any class of electrician's license.

**Subd. 6a. BOND REQUIRED.** ~~Each~~ electrical contractor shall ~~be issued by the board upon the contractor's giving give and maintain~~ bond to the state in the penal sum of \$5,000 conditioned upon the faithful and lawful performance of all work entered upon by the contractor within the state of Minnesota and such bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of such performance. The bond shall be filed with the board and shall be in lieu of all other license bonds to any political subdivision. Such bond shall be written by a corporate surety licensed to do business in the state of Minnesota.

**Subd. 6b. INSURANCE REQUIRED.** ~~Each licensed~~ electrical contractor shall have and maintain in effect general liability insurance, which includes premises and operations insurance and products and completed operations insurance, with limits of at least \$100,000 per occurrence, \$300,000 aggregate limit for bodily injury, and property damage insurance with limits of at least \$25,000 or a policy with a single limit for bodily injury and property damage of \$300,000 per occurrence and \$300,000 aggregate limits. Such insurance shall be written by an insurer licensed to do business in the state of Minnesota and each ~~licensed~~ electrical contractor shall maintain on file with the board a certificate evidencing such insurance which provides that such insurance shall not be canceled without the insurer first giving 15 days written notice to the board of such cancellation.

**Subd. 6c. EMPLOYMENT OF MASTER ELECTRICIAN.** (a) No electrical contractor shall engage in business of electrical contracting unless the electrical contractor ~~is or~~ employs a licensed Class A master or Class B master electrician, who shall be responsible for the performance of all electrical work in accordance with the requirements of ~~this act, and~~ sections 326.241 to 326.248 or any rule or order adopted or issued under these sections. The classes of work for which the licensed electrical contractor is authorized shall be limited to those for which such Class A master, or Class B master employed by the electrical contractor is licensed.

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(b) When an electrical contractor's license is held by an individual, partnership, or corporation and the individual, one of the partners, or an officer of the corporation, respectively, is not the responsible master electrician of record, all requests for inspection shall be signed by the responsible master electrician of record. ~~The application for an electrical contractor's license must include a verified statement that~~ The designated responsible master electrician is a full-time employee of record shall be employed by the individual, partnership, or corporation which is applying for an electrical contractor's license. ~~For purposes of this subdivision, a full-time employee of a licensed electrical contractor is an individual who is and shall not be employed in any capacity as a licensed electrician by any other electrical contractor or employer designated in subdivision 12.~~

(c) All applications for electrical contractor's licenses and all renewals shall include a verified statement that the applicant or licensee has complied with this subdivision.

Sec. 17. Minnesota Statutes 1990, section 326.242, subdivision 9, is amended to read:

Subd. 9. **DENIAL, SUSPENSION, AND REVOCATION OF LICENSES.** The board of ~~electricity~~ may by order deny, suspend, revoke, or refuse to renew a license, or may censure a licensee if the board finds (1) in its discretion that the order is in the public interest and (2) that, based upon a preponderance of the evidence presented, the applicant or licensee:

(a) has filed an application for a license which is incomplete in any material respect or contains any statement which, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) has engaged in any fraudulent, deceptive, or dishonest act or practice;

(c) has been convicted within the past five years of a misdemeanor involving a violation of the ~~Minnesota electrical act sections 326.241 to 326.248;~~ or

(d) has violated or failed to comply with sections 326.241 to 326.248 or any rule or order adopted or issued under these sections: ~~A violation need not be willful; or~~

(e) has, in the conduct of the applicant's or licensee's affairs, including, but not limited to, the performance of electrical work, been shown to be incompetent or untrustworthy.

If a licensee engages in conduct that is proven by a preponderance of the evidence to be a basis for discipline pursuant to paragraphs (a) to (e), the conduct shall constitute a violation of this subdivision. The board may take action under this subdivision or any other law authorizing action against a licensee regardless of whether the underlying conduct was willful.

The board of ~~electricity~~ may adopt rules further specifying and defining actions, conduct, and omissions that constitute fraudulent, deceptive, or dishon-

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est, or prohibited practices, and establishing standards of conduct for applicants and licensees.

Sec. 18. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9a. CIVIL PENALTIES. Whenever a preponderance of the evidence presented proves that a person has violated or failed to comply with sections 326.241 to 326.248 or any rule or order adopted or issued under these sections, the board may impose a civil penalty upon the person in an amount not to exceed \$10,000 per violation.

Sec. 19. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9b. ORDERS FOR HEARING. The complaint committee may, on behalf of the board, issue an order requiring a licensee or an applicant for a license to appear at a hearing on the issue of whether the license should be revoked or suspended, the licensee censured, the application denied, or a civil penalty imposed. The order shall be calculated to give reasonable notice of the time and place for hearing, and shall state the reasons for the entry of the order. All hearings shall be conducted in accordance with chapter 14. After the hearing, the board shall enter an order making a disposition of the matter as the facts require. If the licensee or applicant fails to appear at a hearing of which that person has been duly notified, the person is in default and the proceeding may be determined against that person upon consideration of the order for hearing, the allegations of which may be deemed to be true.

Sec. 20. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9c. TEMPORARY SUSPENSION. (a) The complaint committee may, on behalf of the board and in the public interest, temporarily suspend a license pending final determination of an order for hearing. The complaint committee shall not issue a temporary suspension order until an investigation of the facts has been conducted pursuant to section 214.10 by the attorney general. The complaint committee shall issue a temporary suspension order only when the safety of life or property is threatened or to prevent the commission of fraudulent, deceptive, or dishonest acts against the public. Service of the temporary suspension order is effective if the order is served on the licensee or counsel of record personally or by first class mail to the most recent address provided to the board for the licensee or the counsel of record.

(b) If a license is suspended pending final determination of an order for hearing, a hearing on the merits shall be held within 45 days of the issuance of the order of temporary suspension. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The board shall issue a final order within 30 days after receipt of that report and any exceptions.

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(c) If the licensee requests a hearing in writing within ten days of service of the order, the board shall hold a hearing before its own members on the sole issue of whether there is a reasonable basis to continue, modify, or vacate the temporary suspension. The board shall hold the hearing within five working days of the licensee's request for hearing. Evidence presented by the complaint committee or licensee shall be in affidavit form only. The licensee or counsel of record for the licensee may appear for oral argument. Within five working days after the hearing, the board shall issue its order either continuing or vacating the temporary suspension.

Sec. 21. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9d. CEASE AND DESIST ORDER. (a) Whenever it appears to the complaint committee that any person has engaged or is about to engage in any act or practice constituting a violation of sections 326.241 to 326.248, any other law authorizing the issuance of a cease and desist order, or any rule or order adopted or issued under these sections, the complaint committee may, on behalf of the board, issue and cause to be served upon the person an order requiring the person to cease and desist from violating sections 326.241 to 326.248 or any rule or order adopted or issued under these sections. The complaint committee shall not issue a cease and desist order until an investigation of the facts has been conducted pursuant to section 214.10 by the attorney general. The order shall be calculated to give reasonable notice of the right of the person to request a hearing and shall state the reasons for the entry of the order. If no hearing is requested of the board within 15 days of service of the order, the order shall become final and shall remain in effect until it is modified or vacated by the board and shall not be reviewable by a court.

(b) A hearing shall be held not later than 30 days from the date of the board's receipt of a written hearing request, unless otherwise agreed by the person requesting the hearing and the complaint committee. Within 30 days of receipt of the administrative law judge's report and any exceptions, the board shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the board.

Sec. 22. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9e. COSTS OF PROCEEDING. The board may impose a fee to reimburse the board for all or part of the cost of the proceedings resulting in disciplinary action or the imposition of civil penalties or the issuance of a cease and desist order. Such fees include, but are not limited to, the amount paid by the board for services from the office of administrative hearings, attorney fees, court reporters, witnesses, reproduction of records, board members' per diem compensation, board staff time, and expense incurred by board members and staff.

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Sec. 23. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9f. DISTRICT COURT ACTION; INJUNCTIVE RELIEF AND CIVIL PENALTIES. (a) Whenever it appears to the board, or the complaint committee if authorized by the board, that any person has engaged or is about to engage in any act or practice constituting a violation of sections 326.241 to 326.248 or any rule or order adopted or issued under these sections, the board, or the complaint committee if authorized by the board, may bring an action in the name of the board in the Ramsey county district court or the district court of any other county in which venue is proper.

(b) The action may be brought to enjoin the acts or practices and to enforce compliance with sections 326.241 to 326.248, any other law authorizing a civil or injunctive action, or any rule or order adopted or issued under these sections and for a civil penalty not to exceed \$10,000 for each separate violation of sections 326.241 to 326.248, any other law authorizing a civil or injunctive action, or any rule or order adopted or issued under these sections.

(c) A temporary restraining order and other temporary injunctive relief shall be granted in the proceeding whenever it appears that any person has engaged in or is about to engage in any act, conduct, or practice constituting violation of sections 326.241 to 326.248, any other law authorizing a civil or injunctive action, or any rule or order adopted or issued under these sections. The board shall not be required to show irreparable harm.

Sec. 24. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9g. OTHER REMEDIES. The issuance of a cease and desist order or injunctive relief under this section does not relieve a person from criminal prosecution by any competent authority or from disciplinary action by the board and does not prevent the board from exercising any other authority granted to it.

Sec. 25. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9h. POWERS ADDITIONAL. The powers contained in subdivisions 9 to 9g are in addition to all other powers of the board.

Sec. 26. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9i. COOPERATION REQUIRED. A person who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the board or its complaint committee shall cooperate fully with the investigation. Cooperation includes, but is not limited to:

(1) responding fully and promptly to questions raised by or on behalf of the board or its complaint committee relating to the subject of the investigation;

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(2) providing copies of records in the person's possession related to the matter under investigation as requested by the board, its complaint committee, or the attorney general within the time limit set by the board, its complaint committee, or the attorney general;

(3) assisting the board, its complaint committee, or the attorney general in its investigation; and

(4) appearing at conferences or hearings scheduled by the board or its complaint committee.

Sec. 27. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9j. DISCIPLINARY PROCEEDINGS CLOSED. Proceedings held before the board or its complaint committee under chapter 214 or subdivisions 9 to 9d are exempt from the requirements of section 471.705, subdivision 1.

Sec. 28. Minnesota Statutes 1990, section 326.242, is amended by adding a subdivision to read:

Subd. 9k. CONFLICTS OF LAW. If there is a conflict between sections 326.241 to 326.248 and chapter 214, sections 326.241 to 326.248 shall control.

Sec. 29. Minnesota Statutes 1990, section 326.242, subdivision 12, is amended to read:

Subd. 12. **EXEMPTIONS FROM LICENSING.** (a) A maintenance electrician who is supervised by the responsible master electrician for an electrical contractor who has contracted with the maintenance electrician's employer to provide services for which an electrical contractor's license is required or by a master electrician or an electrical engineer registered with the board and who is an employee of an employer and is engaged in the maintenance, and repair of electrical equipment, apparatus, and facilities owned or leased by the employer, and performed within the limits of property which is owned or leased and operated and maintained by said employer, shall not be required to hold or obtain a license under sections 326.241 to 326.248; or

(b) Employees of a licensed alarm and communication contractor are not required to hold a license under sections 326.241 to 326.248 while performing work authorized to be conducted by an alarm and communication contractor; or

(c) Employees of any electric, communications, or railway utility, or a telephone company as defined under section 237.01 or its employees, or of any independent contractor performing work on behalf of any such utility or telephone company, shall not be required to hold a license under sections 326.241 to 326.248:

1. While performing work on installations, materials, or equipment which are owned or leased, and operated and maintained by such utility or telephone company in the exercise of its utility or telephone function, and which

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(i) are used exclusively for the generation, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility or telephone company, and

(ii) are generally accessible only to employees of such utility or telephone company or persons acting under its control or direction, and

(iii) are not on the load side of the meter; or

2. While performing work on installations, materials, or equipment which are a part of the street lighting operations of such utility; or

3. While installing or performing work on outdoor area lights which are directly connected to a utility's distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction; or

(d) An owner shall not be required to hold or obtain a license under sections 326.241 to 326.248.

Sec. 30. Minnesota Statutes 1990, section 326.244, subdivision 4, is amended to read:

Subd. 4. **POWERS OF POLITICAL SUBDIVISIONS.** Any political subdivision or the University of Minnesota may make provision for inspection of electrical installations within its jurisdiction, in which case it shall keep on file with the board copies of its current inspection ordinances and codes. No political subdivision or the University of Minnesota shall require any individual, partnership, corporation or other business association holding a license from the ~~state board of electricity~~ under sections 326.241 to 326.248 to pay any license or registration fee, provided however, that any such political subdivision or the University of Minnesota may provide by ordinance a requirement that each individual, partnership, corporation or other business association doing electrical work within the jurisdiction of such political subdivision or the University of Minnesota have on file with said political subdivision a copy of the current license issued by the ~~state board of electricity~~ or such other evidence of such license as may be provided by the ~~state board of electricity~~.

Each electrical inspector of any political subdivision ~~must~~ or the University of Minnesota shall be a licensed master or journeyman electrician under section 326.242, subdivision 1(1) or 2(1) and ~~may~~ shall not otherwise engage or be employed in the sale ~~or installation, installing, altering, or repairing~~ of electrical wiring, ~~devices, appliances apparatus,~~ or equipment, for light, heat, power, and other purposes and shall have no financial interest in any concern engaged in any such business.

Sec. 31. Minnesota Statutes 1990, section 326.244, subdivision 5, is amended to read:

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Subd. 5. **EXEMPTIONS FROM INSPECTIONS.** Installations, materials, or equipment shall not be subject to inspection under sections 326.241 to 326.248:

1. When owned or leased, operated and maintained by any employer whose maintenance electricians are exempt from licensing under sections 326.241 to 326.248, while performing electrical maintenance work only as defined by board rule; or

2. When owned or leased, and operated and maintained by any electric, communications or railway utility or telephone company in the exercise of its utility or telephone function; and

(i) are used exclusively for the generations, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence, and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than such utility or telephone company; and

(ii) are generally accessible only to employees of such utility or telephone company or persons acting under its control or direction; and

(iii) are not on the load side of the meter; or

3. When used in the street lighting operations of an electric utility; or

4. When used as outdoor area lights which are owned and operated by an electric utility and which are connected directly to its distribution system and located upon the utility's distribution poles, and which are generally accessible only to employees of such utility or persons acting under its control or direction; or

5. When the installation, material, and equipment are alarm or communication systems laid out, installed, or maintained within residential units not larger than a duplex; or

6. When the installation, material, and equipment are in facilities subject to the jurisdiction of the federal Mine Safety and Health Act.

Sec. 32. Minnesota Statutes 1990, section 326.244, is amended by adding a subdivision to read:

Subd. 6. SITE INSPECTIONS. The board may, without advance notice, inspect any site at which electrical work is being performed or has been performed or where records concerning the performance of electrical work are kept for purposes of ensuring compliance with sections 326.241 to 326.248 or any rule or order adopted or issued under these sections. With respect to electrical work performed at or records kept in an occupied private dwelling, all inspections permitted by this subdivision shall occur during normal business hours and shall be preceded by advance notice, which need not be in writing. The board shall have the authority to examine and copy all records concerning the

New language is indicated by underline, deletions by ~~strikeout~~.

performance of electrical work and to question in private all persons employed by an electrical contractor or on the site. No person shall retaliate in any manner against any employee or person who is questioned by, cooperates with, or provides information to the board, its complaint committee, or the attorney general.

Sec. 33. Minnesota Statutes 1990, section 326.245, is amended to read:

**326.245 MANUFACTURING, INSTALLATION, ALTERATION, OR REPAIR OF ELECTRICAL APPARATUS; EXEMPT.**

Electrical components, apparatus or appliances being manufactured within the limits of property which is owned or leased by a manufacturer and such manufacturer's production employees shall not be covered by sections 326.241 to 326.248. Installation, alteration, or repair of electrical appliance units, except (a) electrical wiring to the unit, or (b) original wiring in or on the unit installed outside the limits of property which is owned or leased by a manufacturer shall not be covered by ~~sections 326.241, 326.242, and 326.244 to 326.248~~ this chapter. For purposes of this section, "electrical appliance units" means all electrical and natural gas appliances that use electricity including, but not limited to, furnaces, water heaters, stoves, clothes washers, dryers, air conditioners, dishwashers, and humidifiers.

Sec. 34. Minnesota Statutes 1990, section 326.246, is amended to read:

**326.246 CRIMES.**

It is a misdemeanor knowingly and willfully to commit, or to order, instruct, or direct another to commit, any of the following acts:

(1) to make a false statement in any license application, request for inspection, certificate or other lawfully authorized or required form or statement provided by sections 326.241 to 326.248;

(2) to perform electrical work without a proper license for such work unless the work is exempt from licensing;

(3) to fail to file a request for inspection when required;

(4) to interfere with; or refuse entry to; an inspector lawfully engaged in the performance of the inspector's duties; and

(5) to violate any lawful statute, rule, or order of the board, or any city ordinance which pertains to powers given to political subdivisions under section 326.244, subdivision 4.

Presented to the governor May 29, 1991

Became law without the governor's signature June 2, 1991

**[Revisor's Note: While the governor attempted to veto this chapter, the Ramsey County District Court found the attempted veto to be invalid.]**

New language is indicated by underline, deletions by ~~strikeout~~.