

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Labor

Department Arkansas Board of Electrical Examiners

Contact Denise P. Oxley, General Counsel E-mail denise.oxley@arkansas.gov Phone 501-682-4502

Statutory Authority for Promulgating Rules Ark. Code Ann. 20-31-104

Rule Title: Rule 010.13-008, The National Electrical Code

Intended Effective Date
(Check One)

Date

☒ Emergency (ACA 25-15-204)

Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment May 9, 2017

☒ Other June 1, 2017
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council May 10, 2017

Adopted by State Agency May 9, 2017

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Denise P. Oxley

denise.oxley@arkansas.gov

May 11, 2017

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Denise P. Oxley
Signature

501-682-4502

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General Counsel, Arkansas Department of Labor

Title

May 11, 2017

Date

**ADMINISTRATIVE REGULATIONS OF
THE BOARD OF ELECTRICAL EXAMINERS,
STATE OF ARKANSAS**

**010.13 Administrative Regulations of the Board of Electrical Examiners of the State of
Arkansas**

Amendment 1. Amend Rule 010.13-008 (A) and (B), dealing with the National Electrical Code, to read as follows:

010.13-008 The National Electrical Code

A. The Board hereby adopts and incorporates herein the National Electrical Code, 2014 edition of the National Fire Protection Association.

B. The National Electrical Code, 2014, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work.

1. Notwithstanding the provisions of the 2014 National Electrical Code, arc fault circuit interrupters shall not be required in kitchens and laundry rooms.

2. The Board hereby adopts and incorporates herein Article 691, Large-Scale Photovoltaic (PV) Power Production Facility, of the 2017 National Electrical Code.

Amendment 2. Amend Rule 010.13-022 to read as follows:

010.13-023 Effective Date, Repealer and History.

A. Effective June 1, 2008 all previous regulations promulgated by the Board are hereby repealed.

B. The effective date of these regulations is June 1, 2008.

C. History

1. The Board of Electrical Examiners first promulgated regulations effective September 12, 1979. These regulations were amended effective October 15, 1987.

2. All previous rules and regulations of the Board were repealed and new rules and regulations were adopted effective January 1, 1992. These regulations were amended effective January 19, 1993; September 29, 1993; January 15, 1996; June 1, 1999; and July 1, 1999

3. All previous rules and regulations of the Board were repealed and new rules and regulations were adopted effective September 1, 1999. These regulations were amended effective August 20, 2001; January 1, 2002; April 1, 2002; April 1, 2004; November 1, 2004; October 1, 2005; and June 1, 2006.

4. All previous rules and regulations of the Board of Electrical Examiners were repealed and new rules and regulations were adopted effective June 1, 2008. [Note: Rule 010.13-019 was amended effective September 1, 2008 by adding subsection (E)].

5. Regulations 010.13-009, 010.13-011, and 010.13-012 pertaining to Specialist Sign Electricians and examination fees were amended by emergency regulation effective July 31, 2009. These changes were adopted as permanent regulations effective February 1, 2010. Regulation 010.13-012(H)(5) was also added by the permanent regulation.

6. Effective September 15, 2011 the following Rules were amended: Rule 010.13-008(B)(to update the National Electrical Code to the 2011 edition).

7. Regulation 010.13-021 pertaining to the licensure of electrical inspectors, was adopted with an effective date of February 10, 2014.

8. Effective November 21, 2014, Rule 010.13-008 was amended to update the National Electrical Code to the 2014 edition, with certain exceptions (dealing with arc fault circuit interrupters in kitchen and laundry rooms.

9. Effective January 1, 2016, the following Rules were amended: Rule 010.13-002 (Information for public guidance); Rule 010.13-004 (Rule-making); Rule 010.13-005 (Emergency rule-making); Rule 010.13-009 (Definitions); and Rule 010.13-013 (Licenses). A new rule was adopted effective January 1, 2016, Rule 010.13-022 (Active duty service members, returning military veterans, and spouses).

10. Effective June 1, 2017, Rule 010.13-008 was amended to adopt Article 691, Large-Scale Photovoltaic (PV) Power Production Facility, 2017 edition of the National Electrical Code as an emergency rule.

EMERGENCY CLAUSE. It is found by the Board of Electrical Examiners that the 2014 National Electrical Code, which is the current Code adopted by the Board, does not contain the most recent provisions to deal with the new technologies for large-scale photovoltaic (PV) electric power production facilities; that there are currently contracts in place and work has begun on a large-scale photovoltaic (PV) electric power production facility in Arkansas County; that any delay in work would be detrimental to the economic development of the State; and that the adoption of Article 691 of the 2017 National Electrical Code is necessary to protect against that imminent peril to the public welfare.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Labor

DIVISION Board of Electrical Examiners

PERSON COMPLETING THIS STATEMENT Denise P. Oxley, General Counsel

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To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rule 010.13-008 The National Electrical Code

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☒ No ☐
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;

- (b) The reason for adoption of the more costly rule;

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	_____

Next Fiscal Year

General Revenue	_____
Federal Funds	_____
Cash Funds	_____
Special Revenue	_____
Other (Identify)	_____
Total	_____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total -0-

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total -0-

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected. This emergency rule will only apply to large-scale photovoltaic (PV) power production facilities. At present, the only one of which we are aware is the Stuttgart Solar PV Project being constructed by Mortenson Construction. They specifically approached the Board staff regarding this proposed emergency regulation to take advantage of new processes and methods not contained in the 2014 National Electrical Code, which is the current one adopted by the Board. They anticipate economies in terms of the costs of materials and installations.

Current Fiscal Year

\$ -0-

Next Fiscal Year

\$ -0-

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

The costs will be the same for any public sector entity as for a private sector entity.

Current Fiscal Year

\$ -0-

Next Fiscal Year

\$ -0-

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.