

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

LEGAL NOTICE

July 20, 2024

The Board of Electrical Examiners of the State of Arkansas will hold a public hearing on **Monday August 19, 2024 at 1:00 p.m. at the Arkansas Department of Labor and Licensing, 900 West Capitol Avenue, suite 400, Little Rock, Arkansas 72201.** The public hearing will be conducted for the purpose of accepting public comment on proposed amendments to the administrative rules of the Board of Electrical Examiners of the State of Arkansas. Rule 010.13-008 of the Administrative Rules of the Board of Electrical Examiners is amended to update the state electrical code from the 2020 edition of the National Electrical Code to the 2023 edition of the National Code.

Written comment will be accepted through Monday August 19, 2024 at 1:00 p.m. by the Arkansas Department of Labor and Licensing at the above address or by email at Lindsay.Moore@arkansas.gov. A copy of the proposed amendments may be obtained by calling the Code Enforcement Section at (501)-682-4547. A copy of the proposed amendments can also be accessed on the Department of Labor and Licensing's website at:

<https://www.labor.arkansas.gov/news/proposed-rule-making/>

or the Secretary of State's website at:

http://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new

Lindsay Moore, Director
Code Enforcement Section
Division of Labor
Department of Labor and
Licensing

010.13-008 The National Electrical Code

A. ~~The~~Except as provided in subsection B of this Rule 010.13-008, the Board hereby adopts and incorporates herein the National Electrical Code, ~~2020~~2023-edition of the National Fire Protection Association.

B. The National Electrical Code, ~~2020~~2023, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work~~-, except as follows:~~

1. The provisions of Section 210.8(F) of the 2020 National Electrical Code, dealing with the GFCI requirements for Heating, Ventilation, and Air Conditioning, ~~are~~remain excluded from the adoption of the 2023 National Electrical Code and the former adoption of the 2020 National Electrical Code.

2. Article 210 of the National Electrical Code, 2023, is excluded from the adoption of the National Electrical Code, 2023. With the exception of Section 210.8(F), Article 210 of the National Electrical Code, 2020, shall be the standard for the construction, installation, repair, and maintenance of electrical facilities and the performance of electrical work governed by Article 210 unless and until modified by subsequent rule of the Board.

C. In the event there are updates and new editions to the National Electrical Code, the Board shall, after notice and public hearing, adopt such changes and editions which it determines are necessary to insure the public health and safety.

D. The statewide standards shall guarantee a uniform minimum standard for the construction, installation, and maintenance of electrical facilities and for the performance of electrical work.

E. The Board hereby adopts and incorporates herein the Standard Practices for Good Workmanship in Electrical Contracting, American National Standards Institute/National Electrical Contractors Association 1-2006, as the guide for the quality and the standard of workmanship in the installation of electrical equipment.

F. This rule does not include any later amendments or editions of the standards incorporated by reference.

G. Copies of these standards incorporated by reference can be viewed in the offices of the Electrical Division or can be obtained by contacting the following:

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471
1-800-344-3555
www.nfpa.org

010.13-008 The National Electrical Code – Rule Summary

The proposed amendment to the Board of Electrical Examiners Rule 010.13-008 is to update the rule with the 2023 National Electrical Code with an exemption for Article 210 to remain the 2020 standard. Arkansas Code §20-31-104(c) requires the board to update the adoption of the national code when updates and new additions have been made available.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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 _____

Next Fiscal Year

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

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

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

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

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.