

## **NOTICE OF PUBLIC HEARING**

Pursuant to *Neb. Rev. Stat.* §84-907, notice is given of a public hearing to be held before the Nebraska State Electrical Division (NSED) on November 18<sup>th</sup>, 2022 at 10:00 am at Country Inn and Suites, 5353 N 27<sup>th</sup> Street Lincoln, NE in the Board Room. NSED will receive testimony and evidence concerning the adoption of proposed amendments to regulations related to the State Act Rules 1-18.

A draft of the Regulations and their Fiscal Impact Statement may be obtained at the office of the Secretary of State, Regulations Division, Room 343, State Capitol, Lincoln, NE 68509, telephone number (402) 471-2385, or by contacting the NSED at (402) 471-3550. Copies will also be available at the public hearing.

Interested persons may attend and testify at the hearing. Written comments may be submitted to NSED at 1220 Lincoln Mall Suite 125, Lincoln, NE 68509 up to three days prior to the date of this hearing.

If auxiliary aids or reasonable accommodations are needed for attendance at this hearing, please call (402) 471-3550.

Craig Thelen  
Executive Director for the State Electrical Division

## DRAFT/FINAL FISCAL IMPACT STATEMENT

Agency: State Electrical Division, Agency 030	
Title: Executive Director	Prepared by: Craig Thelen
Chapter:	Date prepared: 10/12/2022
Subject: State Act rules 1-19 amendments	Telephone: 402-471-3508

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(0)	(0)	(0)
Increased Costs	(0)	(0)	(0)
Decreased Costs	(0)	(0)	(0)
Increased Revenue	(0)	(0)	(0)
Decreased Revenue	(0)	(0)	(0)
Indeterminable	( )	( )	( )

Provide an Estimated Cost **& a Description of Impact:**

State Agency: There is no Fiscal impact to the Agency for the changes in rules.

Political

Subdivision: There is no Fiscal impact to any Political Subdivisions.

Regulated

Public: There is no Fiscal impact to the Regulated public.

If indeterminable, explain why:

# State Electrical Board Rules

## RULE NUMBER 1

### Special Electrical Licenses

Special Electrician licenses issued by the Board prior to September 9, 1993, shall empower the license holder to engage in the following limited classes of electrical work:

Limited to Fire Alarm Systems

Limited to Air Conditioning and Refrigeration Systems

Limited to Irrigation Systems

Limited to Sign Installer

The following Special Electrician licenses may be issued to engage in the limited classes of electrical work:

Irrigation Systems - Limited to electrical installations from the first point of overcurrent.

Sign Installer - Limited to branch circuit conductors and sign apparatus installation only.

Fire Alarm – The special electrician licenses limited to fire alarm or security systems Does not qualify the license holder to install the branch circuit supply conductor to the system.

These Special Electrician licenses cannot do any wiring on the line side of the disconnect. 12 hours of continuing education will be required when renewing these licenses.

## RULE NUMBER 2

### Board Meetings

The members of the State Electrical Board ~~shall convene a minimum of six times annually.~~ The Board may convene at other such times and at such locations as it may deem necessary for proper and efficient conduct of its duties. State Electrical Board meetings ~~shall~~ will be conducted in accordance with Sections 84-1408 through 84-1414 ~~of the public meetings act.~~

## RULE NUMBER 3

### **Promulgation, Amendment, or Repeal of Rules** **Petitioning For Rulemaking**

The State Electrical Board follows the Model Rules adopted by the Attorney General for petitions for rulemaking found in Title 53 NAC Chapter 2.

~~1. Any interested person may petition the Board requesting the promulgation, amendment or repeal of any rule.~~

~~2. Such a petition shall show the venue, and state "Before the Nebraska State Electrical Board" and shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and the subject matter); shall state the precise wording of the proposed rule or amendment, or the present rule to be appealed, plus, in ordinary and concise language, without repetition, the reasons for such promulgation, amendment, or repeal; shall be subscribed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his attorney, in which case the attorney shall also state his address; and shall request a hearing if one is desired.~~

~~3. Each petition for the promulgation, amendment, or repeal of rules must be accompanied by the original and five copies which shall be filed with the Board at its place of official business.~~

~~4. The Board, at its discretion, shall determine whether a formal hearing on such petition would assist it. If it so determines, it will set the matter for hearing and give notice to the petitioner and such other parties as it deems necessary by mail. The Board may, at its discretion, notify the petitioner by mail that such petition will be considered as submitted to the board and no hearing will be held. The Board will notify by mail the petitioner of the hearing disposition. At the time and place set for the hearing, if any, the Board shall then and there afford the petitioner and any intervenor a reasonable time to discuss the petition.~~

#### **RULE NUMBER 4**

##### **License Revocation Hearings**

###### **1. Definitions:**

- (1) The term "Board" ~~shall~~ means the State Electrical Board.
- (2) The term "License Revocation Hearing" ~~shall~~ means a case resulting from a charge filed under Section 81-2104 (6) and ~~shall~~ includes any case resulting by order of the Board on its own motion to show cause why disciplinary action under such section should not be invoked.

###### **2. Setting of hearings:**

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing ~~shall~~ will be served by United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last know address at least 30 days prior to the time of the hearing. Such notice shall include all issues and charges.

###### **3. Pleading:**

Any complaint, ~~responsive~~ or ~~rebuttal~~ pleading shall be headed "Before the Nebraska State Electrical Board" and ~~shall~~ should contain a heading specifying the nature of the pleading, the name and address of the person accused or subject to investigation. Any responsive pleading shall be filed within thirty calendar days from date of service of the complaint or order to show cause; provided that failure to file such a responsive pleading will be considered as a general denial. All pleadings shall be filed with the Board at its official office. In any contested case the Board will cause a copy of such charges to be served on each person accused, either personally or by registered United States mail, return receipt requested, together with a notice of the time and place of the hearing 30 days prior to the date of the hearing. Responsive or rebuttal pleadings filed shall contain a certificate of mailing, postage pre-paid, of a copy thereof to all interested parties.

###### **4. Continuances:**

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing

shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

5. Consolidation:

The Board may order two or more proceedings, which are legally or factually related to be heard and considered together.

6. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board present. Where the case involves a charge filed by a complainant other than the Board, the complainant ~~shall~~ will first put on his or her evidence and then the respondent may put on his or her evidence. If the case is filed by the Board on its own motion requiring the respondent to show cause, the State Electrical Division Executive Director or Attorney for the Board ~~shall~~ will offer for the record the evidence giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal ~~shall be~~ is permitted. The Board ~~shall~~ will rule on motions and objections, and may interrogate any witnesses.

7. Appearances:

Any individual may appear on his own behalf before the Board. An individual may appear on behalf of another in any proceedings before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any state.

8. Briefs:

Submission of briefs may be required by the Board. If required, the time in which briefs shall be filed and the number of copies to be filed ~~shall~~ will be fixed by the Board.

9. Oral Argument:

Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

10. Copy of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the user of the Board may be loaned, at the discretion of the Board, for such period of time as ~~it shall fix.~~ the board establishes.

11. Evidence and Witnesses:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in district court in any formal hearing before it, as provided by Section 84-914, the Board ~~shall~~ will not be bound by technical common law rules of evidence. Any witness who appears under subpoena of the Board is entitled to the same fee as is

paid for like service in the District Courts of Nebraska. A subpoena requiring the attendance of a witness will be issued by the Board on written application of any interested party, provided that such interested party must deposit with the praecipe for subpoena cash or a certified check, payable to the order of the witness, and equal in amount to the fee for one day's attendance at the hearing, plus, if the witness resides outside the corporate limits of the place of the hearing, a fee for travel expense equal to the amount set per mile by the Nebraska Department of Administrative Services for mileage reimbursement.

12. Disposition:

The Board will notify by mail each of the parties to a contested case of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

### **RULE NUMBER 5**

#### **Engineer Exemption**

Registered Professional Electrical Engineers when planning electrical installations for architects or consulting engineers, ~~shall~~ are not be required to be a State electrical license holder, however, their qualifications must be verified and they must be registered with the State of Nebraska.

### **RULE NUMBER 6**

#### **Appeals**

1. Definitions:

(1) The term "Board" ~~shall mean the State Electrical Board.~~

~~\_\_\_\_\_ (2) The term "appeal" shall mean an appeal resulting from the issuance of a condemnation or disconnection order issued under Section 81-2136, 81-2137, 81-2139.~~

2. Institution of appeal:

(1) 81-2141 (1) Any person aggrieved by a condemnation or disconnection order issued may appeal from the order by filing a written notice of appeal with the Board within ten days after the date the order was served upon the owner or within ten days after the order was filed with the Board, whichever is later.

(2) Such an appeal ~~shall~~ will show the venue, and state "Before the Nebraska State Electrical Board" and ~~shall~~ be entitled, "In the Matter of" (specifying the name and address of the petitioner and the subject matter); ~~shall~~ will state the name and location of the project and inspection number, plus, in ordinary and concise language, without repetition, the reasons for such appeal, ~~shall be subscribed~~ signed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his or her attorney, in which case the attorney ~~shall~~ will also state his or her address. Each appeal must be accompanied by the original and five copies, which shall be filed with the Board at its place of official business.

3. Stay of order:

(1) 81-2142 (2) Upon receipt of the notice of appeal from a condemnation or disconnection order because the electrical installation is dangerous to health and property, the order appealed from ~~shall~~ will not be stayed unless countermanded by the Board.

(2) 81-2141 (3) Upon receipt of notice of appeal from condemnation or disconnection order because the electrical installation is not in compliance with accepted standards of construction for safety to health and property, the order appealed from shall be stayed until final decision of the Board and the Board shall notify the property owner and

the licensee making the installation. The power supplier shall also be notified in those instances in which the order has been served.

4. Setting of Hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall will be served by United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last known address at least 14 days prior to the time of the hearing. Such notice shall must include all issues and proposed evidence.

5. Continuances:

A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

6. Consolidation:

The Board may order two or more proceedings, which are legally or factually related to be heard and considered together.

7. Conduct of Hearings:

Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by at least a majority of the Board. The State Electrical Division Executive Director or Attorney for the Board shall offer for the record the evidence-giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections, and may interrogate any witnesses.

8. Appearances:

Any individual may appear on his or her behalf before the Board. An individual may appear on behalf of another in any proceeding before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.

9. Briefs:

Submission of briefs may be required by the Board. If required, the time in which briefs shall be filed and the number of copies to be filed shall be fixed by the Board.

10. Oral Argument:

Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

11. Copy of Record:

A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned, at the discretion of the Board, for such period of time, as it shall fix.

12. Evidence and Witnesses:

Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, and Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence. Any witness who appears under subpoena of the Board is entitled to the same fee as is paid for like service in the District Courts of Nebraska. A subpoena requiring the attendance of a witness will be issued by the Board on written application of any interested party, provided that such interested party must deposit with the praecipe for subpoena cash or a certified check, payable to the order of the witness, and equal in amount to the fee for one day's attendance at the hearing, plus, if the witness resides outside of the corporate limits of the place of the hearing, a fee for travel expense equal to the amount set per mile by the Nebraska Department of Administrative Services for mileage reimbursement. Said fees shall be paid the witness following his or her appearance in compliance with the subpoena, unless otherwise directed by the Board for good cause shown.

13. Disposition:

The Board will notify by mail each of the parties to an appeal of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.

#### **RULE NUMBER 7**

##### **Liability Insurance**

Electrical Contractor, Class A Electrical Contractor, Class B Electrical Contractor, and Class A Master, ~~and Class B Master~~ license holders actively engaged in the ownership and operation of an electrical contracting firm shall maintain in force minimum liability insurance in the amount of \$100,000 for each person, \$300,000 each accident and \$100,000 property damage. (revise dollar amounts?)

Except that when more than one Electrical Contractor, Class A Electrical Contractor, Class B Electrical Contractor, or Class A Master, ~~or Class B Master~~ license holder is engaged in the ownership and operation of an electrical contracting firm, only one license holder shall be required to maintain liability insurance in force.

#### **RULE NUMBER 8**

##### **Journeyman Applicant Qualifications**

The Board ~~shall~~ will grant the allowance of one year's experience credit for successful completion of a two-year post high school electrical course, which is acceptable to the State Electrical Board. A minimum of seven hundred contact hours ~~shall be~~ is the equivalent of one year of instruction.

##### **Electrical Contractor Applicant Qualifications**

An applicant for an electrical contractor license examination shall:

1. Be a graduate of a four-year electrical engineering course in an accredited college or university and have at least one year experience, acceptable to the board, as a journeyman electrician; or
2. Have at least one year experience, acceptable to the board, as a licensed journeyman electrician; ~~or~~
3. ~~Have 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.

#### **RULE NUMBER 9**

##### **Special Electrician Licenses Types**

Special Electrician licenses issued by the Board prior to September 9, 1993, shall empower the license holder to engage in the following limited classes of electrical work:

- \_\_\_\_\_ Limited to Fire Alarm Systems
- \_\_\_\_\_ Limited to Security Systems
- \_\_\_\_\_ Limited to Air Conditioning and Refrigeration Systems
- \_\_\_\_\_ Limited to Irrigation Systems

~~Limited to extending the electrical circuit from a junction point located outside of buildings, to on-premises type electrical signs outside of buildings only.~~

~~The following Special Electrician licenses may be issued to engage in the limited classes of electrical work:~~

~~\_\_\_\_\_ Irrigation Systems Limited to electrical installations from the first point of overcurrent.~~

~~\_\_\_\_\_ Sign Installer Limited to branch circuit conductors and sign apparatus installation only.~~

~~These Special Electrician licenses cannot do any wiring on the line side of the disconnect. 12 hours of continuing education will be required when renewing these licenses.~~

#### **RULE NUMBER 109**

##### **License Examinations**

Licensing Examinations will be administered by:

- A. Computer based testing administered by either the State Electrical Board or a third party administrator.
- B. In person test given by the State Electrical Board at places to be determined across the State.

1. State electrical examinations shall consist of a minimum of 50 questions. The examinations shall consist of National Electrical Code, Basic Electricity, Nebraska State Electrical Act, Blueprint Reading, Emergency Circuits and Fire Alarm Circuits. The minimum grade considered as passing shall be 75 percent. The fee for reexamination will be the same as the original fee. All applicants may use a slide rule or a numerical non-programmable calculator throughout the examination. Applicants shall be allowed a maximum of three hours to complete the examination.

2. Applicants ~~shall~~ will be notified of examination grades within a reasonable period of time.

3. In person examination Applicants shall be are permitted to review failed examinations within 10 days following the examination date. Such review shall be conducted in the presence of the Executive Director, Chief State Electrical Inspector or State Electrical Inspector conducting the exam. Online third party applicants will have to reach out to the third party administrator to request review.

4. Applicants that fail an examination will be required to reapply before taking another exam.

5. Failure of approved applicants to appear at three consecutive examinations or complete the examination within 90 days, will result in forfeiture of the applicant's examination fee, and will have to reapply.

## **RULE NUMBER 410**

### **Contested Cases - General Appeals**

The State Electrical Board follows the Model Rules adopted by the Attorney General for contested cases found in Title 53 NAC Chapter 4.

#### 1. Definitions:

- \_\_\_\_\_ (1) The term "Board" shall mean the State Electrical Board.
- \_\_\_\_\_ (2) The term "Contested Cases - General Appeals" shall mean an appeal resulting from application of the State Electrical Act, excluding Sections 81-2141 and 81-2142.

#### 2. Institution of Appeal:

- \_\_\_\_\_ (1) Any person aggrieved by application of the State Electrical Act, Sections 81-2101 to 81-2140 and 81-2143, may appeal there from by filing a written notice of appeal with the Board within thirty days after the date of initial notification, by the State Electrical Division, of the disposition of the case causing grievance.
- \_\_\_\_\_ (2) Such an appeal shall show the venue, and state "Before the Nebraska State Electrical Board" and shall be entitled, "In the Matter of" (specifying the name and address of the petitioner and subject matter); shall state in ordinary and concise language, without repetition, the reasons for such appeal; shall be subscribed by the petitioner, or a duly authorized officer of the petitioner, if it be a corporation, or for the petitioner by his or her attorney, in which case the attorney shall also state his or her address. Each appeal must be accompanied by the original and five copies, which shall be filed with the Board at its place of official business.

#### 3. Setting of Hearings:

\_\_\_\_\_ The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by the United States mail to all interested parties by mailing a copy of such notice to the interested party at his or her last known address at least 14 days prior to the time of the hearing. Such notice shall include all issues and proposed evidence.

#### 4. Continuances:

\_\_\_\_\_ A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.

#### 5. Appearances:

\_\_\_\_\_ Any individual may appear on his own behalf before the Board. An individual may appear on behalf of another in any proceedings before the Board only if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.

#### 6. Oral Argument:

\_\_\_\_\_ Oral Argument at the commencement or close of a hearing may be permitted by the Board at its discretion.

#### 7. Conduct of Hearings:

\_\_\_\_\_ Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board members present. The Board shall rule on motions and objections, and may interrogate any witnesses.

#### 8. Copy of Record:

~~\_\_\_\_\_ A transcript of the record of any hearing will be furnished to any interested party upon the payment by such interested party of the cost of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned at the discretion of the Board for such period of time as it shall fix.~~

~~\_\_\_\_\_ 9. Evidence:~~

~~\_\_\_\_\_ Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence.~~

~~\_\_\_\_\_ 10. Disposition:~~

~~\_\_\_\_\_ The Board will notify by mail each of the parties to an appeal of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.~~

**RULE NUMBER 1211**

**Municipal Electrical Examinations**

Any person having successfully completed a State Electrical Board approved electrical examination ~~shall~~ will be considered as having submitted satisfactory evidence of qualification to perform work in the trade and shall be issued, upon request and payment of license fee, a State electrical license at the same level of qualification on the basis of having passed an approved municipal examination contingent on the provision contained herein.

1. The applicant shall meet State Electrical Board approved minimum experience requirements for the type of license desired.
2. The applicant shall have achieved a minimum score of 75% on the approved examination.
3. The applicant shall be the holder of a current electrical license issued by the municipality that administered the examination.

**Examination Approval**

Any Nebraska municipality intending to request State Electrical Board approval or retention of an electrical examination program shall submit the examination prior to the first day of January of each year, with correspondence detailing examination procedure and sample examination to the State Electrical Division for consideration by the State Electrical Board. A minimum of 10% of the questions comprising the approved examination shall be changed annually.

**RULE NUMBER 1312**

**Temporary Services**

The installer or electrical contractor ~~shall~~ must submit an application for State electrical inspection for the temporary service.

1. The inspection fee ~~shall~~ will be based on service capacity and number of branch circuits.
2. The application ~~shall~~ must be submitted a minimum of five working days prior to the date energization is required.
3. The State Electrical Inspector may verbally authorize energization following inspection if the installation is in compliance with the provisions of the National Electrical Code referenced in Section 81-2104 (5) of the State Electrical Act.

**RULE NUMBER 1413**

### **Requests for Inspection**

It shall be is the responsibility of the installer or electrical contractor to notify the inspector at such times as the project is ready for inspection.

As used in this rule, "ready for inspection" shall means (1) rough-in inspections necessary prior to the concealment of wiring, and (2) final inspections, and (3) re-inspection required by the issuance of a "correction order". The requirement of timely notification is an ongoing responsibility of the installer or electrical contractor during the entire life of the project.

Notification shall ~~must~~ be made by telephone request, email request, on-line request, or text message ~~or written request~~ to the ~~State Electrical Division or area State Electrical Inspector.~~

The following standardized inspection procedure applies when the inspector is unable to make contact with a property owner installing wiring pursuant to Sections 81-2121(5) and 81-2124(2) of the State Electrical Act.

(a) The inspector shall leave a doorknob notice card announcing the attempt to conduct an inspection. The notice shall contain instructions for the installer to contact the inspector to schedule an inspection appointment within thirty-days.

(b) If there is no response from the first notice, the inspector shall make an additional attempt to inspect. If the inspector is still unable to make an inspection, the inspector shall leave a second doorknob notice card at the residence. The notice shall inform the property owner of the following:

- (i) The installation shall remain subject to inspection by the State Electrical Division;
- (ii) The installation may contain hazards to health and property until an inspection is made.

(c) The inspector shall notify the executive director that a second attempt to inspect was unsuccessful and the original application is to be kept on file to remain subject to inspection.

### **Failure to Request Inspection**

Electrical contractors or installers failing to notify the inspector of such times as the project is ready for inspection shall be considered in violation of Rule 14 and may be guilty of a misdemeanor under §81-2143 of the Nebraska Revised Statutes.

### **Time Limitation; Notification; Extension**

(1) When the electrical work called for on an application for electrical inspection and permit number has not been started within five (5) months after the date of issuance thereof, then such permit shall be void and no installation there under shall be started until a new permit number has been obtained, and proper fees submitted.

(2) When no progress on the electrical work called for on an application for electrical inspection and permit number has been shown for five (5) consecutive months after the installation has been started, then such permit shall be void, and no additional electrical installation shall be made until a new permit has been obtained and proper fees submitted.

(3) Provided however, the area State Electrical Inspector or Executive Director of the State Electrical Board shall have at the time of expiration date as outlined in (1) and (2) above, made written notification to the electrical license holder whose name appears on the application, that such permit will be void after fourteen (14) days of such notification.

(4) Provided however, that if the electrical license holder whose name appears on the application shall have, prior to the time of expiration date as outlined in (1) and (2)

above, made written application to the Area State Electrical Inspector or Executive Director of the State Electrical Board for an extension of time, then the area State Electrical Inspector or Executive Director are hereby authorized to grant extensions of time for wiring installations controlled by electrical permits upon clear and convincing proof of a practical hardship, inadvertent delay in financial arrangements, defect in legal titles, material shortages, or other cogent reasons not due to the fault, negligence or failure to act on the part of the license holder whose name appears on the application.

#### **RULE NUMBER ~~15~~14**

##### **Electrical Installations Subject to State Electrical Inspection**

“Electrical installations subject to State electrical inspection” ~~shall~~ means residential, commercial, industrial, public-use buildings and installations, and State of Nebraska owned buildings and property involving new electrical construction work; and any installation at the request of the owner.

“All new electrical installations for residential applications requiring new electrical service equipment” ~~shall~~ means any building, structure, or pole located on parcels of land either intended for or zoned as single-family residential lots or properties.

The provisions of Section 81-2125 of the State Electrical Act ~~shall~~ do not apply to State of Nebraska owned buildings and property, and public educational facilities. These installations ~~shall~~ remain subject to State electrical inspection regardless of location.

#### **RULE NUMBER ~~16~~15**

##### **Inspection By Political Sub-Divisions**

Political sub-divisions instituting an ordinance or resolution providing standards of wiring and its installation and inspection that are not less than those prescribed by the Board or the State Electrical Act in residential, commercial, industrial, and public-use buildings and installations shall forward the ordinance or resolution to the State Electrical Division for review by the State Electrical Board. The ordinance or resolution shall be reviewed for commensurability and conflict with the State Electrical Act.

##### **Certification of Electrical Inspector**

It shall be the responsibility of the political sub-division to certify all electrical inspectors hired after September 1, 1994, using the Certified State Electrical Inspector qualification guidelines found in Rule 19, and issue to the electrical inspector a certificate of qualification. A copy of the certificate of qualification shall be forwarded to the State Electrical Division with the ordinance or resolution.

##### **State Electrical Board Acknowledgment**

Following review and ordinance or resolution corrections, if any, the State Electrical Board shall acknowledge, by motion, recorded in official Board minutes, the proposed wiring and inspection program. The inspection of residential, commercial, industrial, and public-use buildings shall be subject to inspection by the political sub-division. State of Nebraska owned buildings and property, and public educational facilities shall remain subject to State electrical inspection.

##### **Acknowledgment Termination**

1. The State Electrical Board may, on its own motion, upon receipt of complaints or charges alleging improper administration of the previously "acknowledged" inspection program institute an investigation of the program.
2. The investigation shall be conducted by the area State Electrical Inspector, Chief State Electrical Inspector, State Electrical Division Executive Director or designated State Electrical Board member.
3. The State Electrical Board, at the conclusion of the investigation shall, by motion recorded in official Board minutes, dismiss the allegations or order a recognition termination hearing.

4. Setting of Hearings:

The time and place of any hearing before the Board will be set as directed by the Board. Notice of such hearing shall be served by United States mail to all interested parties by mailing a copy of such notice to the interested party. Such notice shall include all issues and charges.

5. Pleading:

The State Electrical Board follows the model rules established by the Attorney General for contested cases found in Title 53 NAC Chapter 4.

~~Any complaint, responsive or rebuttal pleading shall be headed "Before the Nebraska State Electrical Board", and shall contain a heading specifying the nature of the pleading, the name and address of the complainant, and the name and address of the person accused or subject to investigation. Any responsive pleading shall be filed within thirty calendar days from date of service of the complaint or order to show cause; provided that failure to file such a responsive pleading will be considered as a general denial. All pleadings shall be filed with the Board at its official office. In any contested case the Board will cause a copy of such charges to be served on each person accused, either personally or by registered United States mail, return receipt requested, together with a notice of the time and place of the hearing 30 days prior to the date of the hearing. Responsive or rebuttal pleadings filed shall contain a certificate of mailing, postage prepaid, of a copy thereof to all interested parties.~~

~~6. Continuances:~~

~~A continuance of any hearing may be granted at the discretion of the Board upon application of an interested party for good cause shown. The Board may continue any matter on its own motion. Fourteen days notice of the reset hearing shall be given in the manner prescribed for the original hearing, unless waived by all interested parties.~~

~~7. Conduct of Hearings:~~

~~Hearings will be conducted before not less than four members of the Board, but any ruling of the Board with respect to such matter shall be concurred in by a majority of Board members. Where the case involves a charge filed by a complainant other than the Board, the complainant shall first put on his or her evidence and then the respondent may put on his or her evidence. If the case is filed by the Board on its own motion requiring the respondent to show cause, the State Electrical Division Executive Director or Attorney for the Board shall offer for the record the evidence giving rise to the case and then the respondent may put on his or her evidence. Rebuttal and surrebuttal shall be permitted. The Board shall rule on motions and objections, and may interrogate any witnesses.~~

~~8. Appearance:~~

~~Any individual may appear on his or her own behalf before the Board. An individual may appear on behalf of another in any proceeding before the Board if: (a) he or she is admitted to practice law before the Nebraska Supreme Court, or (b) he or she is admitted to practice law before the Supreme Court of any State.~~

~~9. Oral Argument:~~

~~\_\_\_\_\_ Oral argument at the commencement or close of a hearing may be permitted by the Board at its discretion.~~

~~\_\_\_\_\_ 10. Copy Of Record:~~

~~\_\_\_\_\_ A transcript of the record of any hearing will be furnished to any interested party upon the payment of such interested party of the costs of its preparation. If a copy of any transcribed testimony at any hearing is desired by an interested party it shall be incumbent upon such interested party to make his or her own arrangements for a copy with the reporter. A copy of any such testimony prepared for the use of the Board may be loaned, at the discretion of the Board, for such period of time as it shall fix.~~

~~\_\_\_\_\_ 11. Evidence:~~

~~\_\_\_\_\_ Proceedings with respect to evidence at hearings and related matters are governed by Chapter 84, Article 9, Reissue Revised Statutes of Nebraska. Unless a request is made of the Board that it be bound by the rules of evidence applicable in District Court in any formal hearing before it, as provided by Section 84-914, the Board shall not be bound by technical common law rules of evidence.~~

~~\_\_\_\_\_ 12. Disposition:~~

~~\_\_\_\_\_ The Board will notify by mail each of the parties to a contested case of the disposition of the case at the time the same is filed. The disposition will be conformity with Section 84-915.~~

### **RULE NUMBER 1716**

#### **Declaratory Rulings**

The State Electrical Board follows the Model Rules adopted by the Attorney General for declaratory orders found in Title 53 NAC Chapter 3.

~~\_\_\_\_\_ 1. Adoption of Rule 3. The provisions of Rule 3 shall be applicable to petitions for declaratory rulings.~~

~~\_\_\_\_\_ 2. Discretion of Board. The Board shall have complete discretion as to the issuance of a declaratory ruling. If a declaratory ruling is issued, if issued after argument at a hearing and stated to be binding, the same is binding between the Board and the petitioner on the state of facts alleged unless altered or set aside by a court.~~

### **RULE NUMBER 1817**

#### **Adoption of the National Electrical Code**

The minimum electrical wiring standard shall be the 2017-2023 the most current adopted National Electrical Code as referenced in Statute 81-2104.

National Fire Protection Association Publication Number 70-2017-70-2023, as adopted in whole or amended in part by the State Electrical Board which is incorporated herein by reference and filed with the Secretary of State.

### **RULE NUMBER 1918**

#### **Certified State Electrical Inspector**

The term "Certified State Electrical Inspector" shall mean a person who meets the following minimum requirements set forth by the State Electrical Board:

1. A person licensed as an Electrical Contractor, Class A Electrical Contractor, Class A Master Electrician, Journeyman Electrician or Class A Journeyman Electrician under a program approved by the Board; and
2. A person certified as an electrical inspector by an examination administered through a nationally recognized electrical inspector certification organization.

SUBJECT	STATUTORY AUTHORITY	RULE NUMBER
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Appeals .....	81-2142 .....	Rule 6
Cases, Contested .....	84-913 .....	Rule 11
Electrical Installations Subject to State Electrical Inspection .....	81-2124 .....	Rule 15
Engineer Exemption .....	81-2106 .....	Rule 5
Examinations, License .....	81-2115 .....	Rule 10
Examinations, Municipal Electrical .....	81-2116 .....	Rule 12
Hearings, License Revocation .....	81-2104 (6) .....	Rule 4
Inspector, State Electrical .....	81-2102 (14) .....	Rule 19
Inspection, Requests For .....	81-2134 .....	Rule 14
Insurance, Liability .....	81-2104 (6) (c) .....	Rule 7
License Types, Special Electrician .....	81-2112 .....	Rule 9
Licenses, Special Electrician .....	81-2102 .....	Rule 1
Meetings, Board .....	81-2103 .....	Rule 2
National Electrical Code, Adoption Of .....	81-2104 (5) .....	Rule 18
Political Sub-Divisions, Inspection By .....	81-2130 .....	Rule 16
Qualifications, Journeyman Applicant .....	81-2109 .....	Rule 8
Rules, Promulgation, Amendment or Repeal Of .....	81-2104 (5) .....	Rule 3
Rulings, Declaratory .....	84-912 .....	Rule 17
Services, Temporary .....	81-2129 .....	Rule 13