

**Board of Electricity
Meeting Minutes
June 10, 2008**

**Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, Saint Paul 55155
DLI.CCLDBOARDS@State.MN.US**

Members Present:

James Freichels
Douglas Fingerson
Tom Seanger
Kim Huxford
John McConnell
John Schultz (DLI Commissioner's Designee)
Timothy Malooly
Daniel Klein
Dick Owen

Staff Present:

Wendy Legge
Annette Trnka

Visitors:

Gary Thaden
John Ploetz
Tony Maghrak
Dan McConnell
Bill Heaney

Members Available by Teleconference:

None

Members Absent:

Anthony Toft
Joe Vespa

I. Call To Order

The meeting was called to order by Chair Freichels at 10:04 a.m. and role was taken. Freichels made the announcement that the July meeting is the annual meeting, in which the election of officers of the Board takes place and asked that the members be sure to attend.

II. Approval of Meeting Agenda

A motion was made by Owen and seconded by McConnell to approve the meeting agenda. All voted in favor and the motion passed.

III. Approval of Previous Meeting Minutes

A motion was made by Seanger, seconded by Klein to accept the previous Meeting Minutes of May 22, 2008. All voted in favor and the motion passed.

A motion was made by Klein and seconded by Huxford to accept the previous Meeting Minutes of June 6, 2008. All voted in favor and the motion passed.

IV. Regular Business

A. Expense Approval

- i. A motion was made by Fingerson and seconded by Owen to approve Expense Reports and Per Diems. The vote was unanimous, and the motion passed.

B. Minnesota Electrical Code

- i. Chapter 1315 – Adoption of the 2008 NEC update. Wendy Legge stated that the Board had submitted its rebuttal to Judge Luis on the June 9th deadline. BAM had also submitted a letter to the Judge on June 9th, which Legge forwarded to the Board Members. The deadline for submitting responses ended on June 9, 2008 at 4:30 p.m. and the matter is now under advisement by the Judge. Legge anticipates that the Board will receive his report in approximately 1 month. McConnell asked if the Judge normally takes the full month, and the response by Legge was yes. Freichels then again thanked DLI staff for their efforts and the Board members for taking time out of their schedules for all the special meetings and input on the response.
- ii. Rule Making Update – Chapter 3800. Schultz went over the proposed changes to the preliminary draft of Chapter 3800 presented at the April 8, 2008 meeting. He stated that some additional changes had been made since that draft due to changes in the electrical act as part of this legislative session and reviewed them.
 1. 3800.3500 Definitions, Subp. 2, Elevator Constructor, has been deleted;
 2. 3800.3500 Definitions, Subp. 6, Lineman, has been deleted;
 3. 3800.3500 Definitions, Subp. 7, Maintenance electrician, has been deleted;
 4. 3800.3500 Definitions, Subp. 9, Master Elevator Constructor, has been deleted;
 5. 3800.3500 Definitions, Subp. 11, (A) & (B), Personal on-the-job supervision and job, were deleted. The preceding deletions (1-5) were made because the definitions of those license types are now in Statute.
 6. 3800.3510 Permitted Work, Subparts 1, 2, 3, & 4, were deleted as they are now in Statute.
 7. 3800.35XX, Subp. 2, remove the word “Applicants” and insert the words “All unlicensed individuals applying.”
 8. 3800.35XX, Subp. 2 (E) & (F), add the words “if exists.”
 9. 3800.35XX, Subp. 3, strike through “~~this~~” and insert “2” after the word subpart.
 10. 3800.35XX, Subp. 5, new insertion of the paragraph, “Continuing education required. Registered unlicensed individuals are required to earn 8 hours of continuing education credits as a condition of renewal of the registration. Registrants that do not renew the registration prior to 12 months after expiration are required to submit an initial registration application in accordance with subpart 2.
 11. 3800.35XX, Subp. 5. Re-number to Subp. 6.

C. Electrical Licensing

- i. Discuss Preliminary Language – (See IV(B) and IV(D).)

D. Continuing Education

Discuss Preliminary Language – Chair Freichels stated that he had been contacted by three different groups that oppose the eight hours of continuing education requirement as excessive. The argument is that these employees have to work

under direct supervision and that 8 hours is the same as a licensed employee. Schultz said he understood the objection, however, using the example of the satellite antenna installers where none of their workers were required to be licensed; these workers didn't know the code and the company had to go back and make corrections on almost 7,000 installations. Schultz suggested that if industry groups had concerns with the proposed requirements, they should bring them before the Board at its next meeting.

Wendy Legge explained the initial rulemaking process, stating that this is a draft for Board discussion. Once a consensus has been reached on the content, Legge will do a review and may do some editing. Then the draft will be sent to the Revisor of Statutes. The draft would come back for final approval by the Board. Legge stated that the Board needs to decide on whether to proceed with a rule that would require continuing education for renewal.

Freichels gave the reminder that all proposed language has to be justified on the SONAR and that it needs to be explained why it's necessary, reasonable and cost justified.

Schultz states that the way the registration and the verification is set up is intended to have the experience verified for an individual over time, so that at the point that the individual wants to make application for a license, the Department and the applicant don't have to go back and re-create their qualification experience.

Tony Maghrak (public) stated the Board should take into consideration that they are representing all of Minnesota, and that the Board needs to protect the safety for all residents. Not all employers are requiring education or even properly training their employees and the continuing education hours are a safety requirement on behalf of MN residents.

Freichels proposed that there be two different registrations, one to do technology work and one to do Class A. He would like to see drafted language to be voted on at the July meeting. Malooly states that staff should investigate whether the Board would lose the right to create rules, to be discussed at the next meeting. Legge will not be at the next meeting. Freichels will put this issue on the next agenda.

Gary Thaden asked about subpart two on the requirement for social security number being private data. Thaden states that many people are hesitant to give out their social security number. Schultz said that it's a general requirement of state law. Legge added that if you're delinquent on your income taxes, your license may be revoked and that is the reason the S.S. # is required.

The meeting took at break at 11:27. The meeting reconvened at 11:40.

E. Enforcement

- i. Updates – Tim Malooly gave an update on the complaint form found on the website http://www.electricity.state.mn.us/pdf/complaint_unlicensed.pdf.

This form can be completed on line, but must be printed, signed and mailed to the Department of Labor and Industry.

V. Special Business

- A. Reciprocal agreement(s)
 - i. Update on South Dakota's ICC exam - Schultz spoke with Mr. Nagle. Based on comments, it appears that SD does not believe it's an issue for them, they believe it's a Minnesota issue.
 - ii. Other States in the Multi State Agreement using ICC exam. Wyoming is the only other state in the Multi State Agreement that uses the ICC examination. Schultz suggested that DLI staff develop Reciprocal Agreements for ND, SD and NE and then have the Board review. After a short discussion, Schultz made a motion to have DLI staff develop reciprocal agreement language, seconded by Seanger. The vote was unanimous and the motion passed.
- B. Data Practices, including for the Board
 - i. Responsibilities of the Board – Wendy Legge gave a presentation on the Data Practices Act.
 - ii. Appointment of a Data Practices Official for the Board – Seanger made a motion, seconded by Klein, to nominate John Schultz as the Data Practices Responsible Authority. The vote was unanimous and the motion passed.

VI. Committee Reports

No Committees met.

VII. Complaints

There were no complaints filed with the Board.

VIII. Open Forum

There were no requests for Open Forum.

IX. Board Discussion

Construction Codes Advisory Council. This Council was re-codified in the last Legislative session. It was decided to appoint a representative from the Board at the July meeting during elections.

X. Announcements

- A. Next Regularly Scheduled Meetings
 - i. Tuesday, July 8, 2008, 10:00 a.m. – Minnesota Room, DLI
 - ii. Tuesday, August 12, 2008, 10:00 a.m. – Minnesota Room, DLI

XI. Adjournment

A motion was made by Fingerson, seconded by Malooly, to adjourn the meeting of the Board of Electricity, the vote was unanimous and the motion passed. Board adjourned at 12:22 p.m.

Respectfully Submitted,

Douglas Fingerson

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