

**Board of Electricity  
Meeting Minutes  
July 08, 2008  
Minnesota Room – Department of Labor and Industry  
443 Lafayette Road North, Saint Paul 55155  
[DLI.CCLDBOARDS@State.MN.US](mailto:DLI.CCLDBOARDS@State.MN.US)**

**Members Present:**

Douglas Fingerson  
James Freichels  
Willie Hoskins  
Kim Huxford  
Timothy Malooly  
John McConnell  
Dick Owen  
John Schultz (DLI Commissioner's Designee)  
Tom Seanger  
Anthony Toft  
Joe Vespa

**Members Available by Teleconference:**

None

**Members Absent:**

Daniel Klein

**Staff Present:**

Patricia Munkel-Olson  
Annette Trnka  
Kevin Wilkins

**Visitors:**

Gerry DeLaVega  
Russ Ernst  
Bill Braun  
Gary Thaden  
Russ Barnes  
John Quarnstrom  
Tony Maghrak  
Bob Fach  
Jeff Latterell  
David Fisch  
Bill Heaney  
Judi Rubin  
Ed Lethert  
Mike Buck

**I. Call To Order**

The meeting was called to order by Chair Freichels at 10:03 a.m. and role was taken.

**II. Approval of Meeting Agenda**

A motion was made by Owen and seconded by Seanger 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 and seconded by Owen to accept the previous Meeting Minutes. All voted in favor and the motion passed.

## **IV. Regular Business**

### A. Expense Approval

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

### B. Minnesota Electrical Code

- i. Rulemaking Update – Schultz spoke on Judge Luis’s decision being due tomorrow and the possible outcomes the Judge may rule on. Seanger asked if there was action the Board would have to take after the Judge’s decision. Schultz stated action could be necessary, depending on the Judge’s recommendation. If he recommends any amendments, the Board would need to meet and discuss those recommended amendments. Schultz also spoke on the rest of the process, with the 21 days that the Governor has to approve or veto and the publication that needs to be done. Munkel-Olson spoke regarding the different possible outcomes of the Judge’s report.

### C. Electrical Licensing

- i. Discuss Preliminary Language – Schultz stated that from the previous drafts, there are no substantial changes that deal with licensing. There are some minor technical wordsmithing that have no impact on the original draft. Bill Heaney (visitor) asked if the striking of the lineman language has any effect. Schultz said that it was being removed from Rule because it was moved to Statute. Schultz went on to state that it was the same with all the special electrician licenses, that they are repealed from Rule because the language is now in Statute. Freichels stated that the minimum age has changed from “before age 12” to “before age 17,” because it correlates with Labor Law.

### D. Continuing Education

- i. Discuss Preliminary Language – Members of the public were allowed to speak, rather than wait for Open Forum. Russ Ernst passed out a letter for the members of the Board and public. Mr. Ernst, of the MN Electronic Security and Technology Association, feels that the increased CEU requirement is unreasonable and excessive, because the work they do is product intensive and the training received is product intensive and it’s a financial burden on those who don’t need it.

Bob Fitch, Executive Director of the MNLA (Minnesota Nursery and Landscape Association.) MNLA strongly opposes the CUE requirements for unlicensed workers. He feels that excessive requirements will drive more companies underground. He stated that unlicensed individuals who work in the proximity of anything of potential electrocution danger, or other life safety hazard, are already required by law to be constantly supervised. They also feel that the requirements are excessive for Power Limited Technicians. He states that the Landscape, Irrigation and Lighting industries are highly seasonal, having many employees on the payroll for 7-8 months per year and year-to-year turnover is very high, making it necessary to continually ensure new employees have their CEUs. MNLA believes that the Board of Electricity and the Department of Labor and Industry should focus time and energy on enforcement, rather than give additional burden to law abiding companies when there are so many contractors working outside the law.

Gerry DeLaVega, President and owner of Terradek Lighting, stated that in his opinion, compliance is key, and if DLI and the Board create a higher burden by adding more required CEU hours to the licenses, it will increase the difficulty of enforcement. He believes the registration of employees is a good thing and that the area of enforcement should be a primary focus. He sees that in order to get compliance, compliance needs to be made easier.

Bill Braun then spoke regarding the CEU requirements for unlicensed workers. He feels these requirements will drive more workers underground and will have unintended consequences. He stated that licensed contractors get thousands of hours of training, and should unlicensed workers get six or eight hours of education, they will feel that they've been "trained" and can do more than they are legally able to.

Ed Lethert then spoke regarding the letter he sent to the Board back in March. He feels that the added expense of requiring unlicensed workers to receive continuing education is not only unreasonable, but that if a worker is required to get continuing education, how much will they actually learn? He feels that the employers should be given a chance to see that their workers are trained correctly, and not required to send unlicensed workers to classes.

Schultz stated that one of the challenges is the unlicensed individuals. The proposed continuing education credit requirements are proposed so they can cross over all of the disciplines so it would be applicable to those that are in the Class A disciplines and those that are in the TS discipline. Class A requires a minimum of 12 hours of the electrical code. The proposed CEU requirements correlates to that in that it's an annual registration and is half of that requirement. He states there is a very clear need for education, no matter if the worker is licensed to do the work or not. They need to have the basic understanding regarding the electrical code, electrical theory and the technical side of the installation.

Malooly then spoke stating he feels it's up to employers to make sure that workers are not working outside their scope of training and outside what the law states they can be doing, at the risk of the employer's own license.

Seanger stated that North Dakota doesn't recognize Power Limited Technicians, however, they have a minimum requirements of 576 hours of related training before you can take your electrical license, be it an accredited electrical two year program, or a total of 576 hours of related training during the course of your unlicensed registration before you can take the test. He feels that the Board's requirements are such a minimum it doesn't even start to cover what's needed.

Freichels asked if the speakers' intent was to reduce the PLT hours from 6 to 4 hours and was answered yes. Freichels asked what the desire was for unlicensed individuals. The response was 2 hours (from 4.) Workers (especially unlicensed) need to be taught what they can legally do and not do. MNLA is absolutely opposed to any continuing education due to the highly seasonality of the industry.

Toft asked what the number of unlicensed registration is. Kevin Wilkins stated that there are in excess of 8,000 unlicensed registered individuals.

John Quarnstrom spoke regarding sheet metal contractors. Their workers are mainly involved in the PLT side of electrical. They are asking that the continuing education requirement for unlicensed individuals be more in line with the work of an unlicensed worker. He feels that the licensed workers should have a greater CEU requirement than the unlicensed.

Judy Rubin with the Minnesota Electrical Association then spoke. The MEA does support 8 hours of CEUs. They would like to make sure that the continuing education classes that are available are of value. They don't have a formal position on Power Limited Technicians.

Kevin Wilkins checked on the numbers and said that unlicensed is 8,918. He stated his department is adding approximately 360 registrations every month. The applications for exams are uniformly rejected for any applicants that are not registered. The registered workers are more than 80% electrical, compared to maintenance, PLT and other license categories.

Chair opened up discussion to the Board regarding the testimony they heard regarding the educational requirements. Owen spoke stating because the number of inspectors has fallen so greatly, that the educational requirements need to be greater, to encourage that the installations are done properly. He also stated that there is nothing that states that the company has to pay for the training or the lost time, it should be up to the employee to make sure they are in compliance.

Schultz stated that New Mexico is the only state that is a part of the Multi-state reciprocal agreement, that doesn't require registration of unlicensed workers.

Seanger made a motion to proceed with language as written, seconded by Toft. Seanger, McConnell, Toft, Owen and Hoskins voted Aye. Freichels, Fingerson, Vespa, Malooly and Schultz voted Nay. The vote did not receive a majority and the motion failed.

Fingerson made a motion to change the CEU requirements on the licensed PLT from a minimum of six hours to four hours on the NEC and for registered unlicensed individuals in Subpart 4 and 5, change to four hours total, with 2 hours of education being on the NEC, seconded by McConnell. Freichels made a motion to amend the motion to require unlicensed individuals to have a minimum of two hours on the NEC and a minimum of one hour on Statutes and Rules, seconded by Vespa.

Tony Maghrak spoke, making a suggestion regarding the hours of CEUs be made to 2 hours on the NEC and 2 hours on Statutes and Rules.

The vote was Freichels, Fingerson, McConnell, Vespa, Huxford and Owen voted Aye. Seanger, Schultz, Toft and Malooly voted Nay. The majority ruled and the

motion passed on the amendment. The vote was taken on the amended motion. Fingerson was the only vote Aye, and the motion failed.

The meeting took a break at 12:25 p.m. until 1:00 p.m. The meeting resumed at 1:04 p.m.

Schultz made a motion that under 3800.3602, Subp. 3, for license type (10), at least 4 hours must be on the National Electrical Code, and under Subp. 4, at least two hours of instruction must be on the National Electrical Code with the remainder on the Statutes and Rules governing installation, etc., seconded by Seanger.

Gary Thaden of Mechanical Contractors Association, and Electrical Contractors Association, stated he was involved in this Legislation at the Capitol, and there was never any discussion of different classifications, styles or types of unlicensed individual. He feels the most important thing is who is the supervisor and what type of work they were doing when the worker was unlicensed that determines whether they are a PLT credit or a Class A credit.

After discussion, the vote was Schultz, Seanger, McConnell, Toft, Vespa, Huxford, Owen and Hoskins voted Aye. Freichels, Fingerson & Malooly voted Nay. The majority ruled and the motion carried.

E. Enforcement

- i. Updates – No discussion, although it was noted this is an important issue and should be discussed at a future meeting.

**V. Special Business**

A. Election of Officers (Meeting turned over to John Schultz, Commissioner's Designee)

- i. Chair – Malooly nominated Jim Freichels. There were no other nominations and the nominations were closed. The vote was unanimous and Freichels was re-elected Chair.
- ii. Vice-Chair – Seanger nominated Willie Hoskins. There were no other nominations and the nominations were closed. The vote was unanimous and Hoskins was voted as Vice-Chair.
- iii. Secretary – Freichels nominated Doug Fingerson. There were no other nominations and the nominations were closed. The vote was unanimous and Fingerson was re-elected as Secretary.

B. Reciprocal agreement(s) (Meeting turned back over to re-elected Chair, Freichels)

- i. Update on South Dakota's ICC exam - Schultz discussed the revised Master Electrician/Electrical Contractor Reciprocal Agreement drafted for North Dakota, South Dakota, and Nebraska and the differences in license types. ND does not allow an electrical engineer to qualify for a Master License. Subsequently, North Dakota will not recognize or grant a license to an applicant from Minnesota who does not have practical experience and only met the qualification through an electrical engineer degree. That is consistent with MN's reciprocal language, which states an individual must meet Minnesota's requirements in order to qualify under the Reciprocal agreement.

South Dakota doesn't use the term Master Electrician, they use Electrical Contractor. They don't have an allowance for an electrical engineer to qualify, however, they require two years of experience for a Class A Journeyman in order to qualify for their master examination. Another difference in SD is that they have an electrical inspector category, which is recognized as an equivalent license in the proposed agreement. The main difference is that an electrical contractor in SD has a bonding requirement, where the electrical inspector doesn't.

In order to get a reciprocal license in Minnesota, at a minimum applicants have to pass the state license examination in the other state; meet Minnesota's requirements; and have a valid license when they make application and held it continuously for at least one year. If an applicant has failed the test in Minnesota, they can't get a license through the agreement. The agreement also doesn't allow an applicant to obtain the license through the agreement if their license was revoked here. Schultz suggested that the issue be set aside until the next meeting to allow further review and further discussion. Huxford asked if a person has a reciprocal license in Minnesota, and they get their license revoked in their qualifying state, would the license automatically be revoked in Minnesota. Schultz stated that would not necessarily be the case.

Issue set aside by the Chair until the next meeting, but asked that the members review the draft agreement, as it will be added to the next meeting's agenda.

- ii. Other States in the Multi State Agreement using ICC exam – Schultz stated that the annual multi-state meeting will be held the first Monday and Tuesday in August, in Sitka, Alaska, where this issue will be discussed. Schultz indicated that no one from Minnesota will be attending the meeting, but that the agenda is being reviewed and comments forwarded.

## **VI. Committee Reports - None**

## **VII. Complaints - None**

## **VIII. Open Forum**

Bill Heaney asked if at the next meeting, the Board is going to discuss the actual agreement with the other States in the Multi-state Reciprocal Agreement. Schultz stated that the Commissioner is actually the party to enter into the Multi-State Reciprocal Agreement, at the advice of the Board. The point of the draft agreement is to get it into a form that is acceptable to the Board, and then recommend that the Department of Labor and Industry enter into the agreement with the various states. Heaney asked if the Board has to actually approve the agreement, before the Commissioner can consider it, and was told yes. However, the Board may approve the agreement, but the Commissioner does not have to enter into the agreement.

## **IX. Board Discussion - None**

## **X. Announcements**

### A. Next Regularly Scheduled Meetings

- i. Tuesday, August 12, 2008, 9:00 a.m. – Minnesota Room, DLI
- ii. Thursday, September 11, 2008, 9:00 a.m. – Minnesota Room, DLI (This is changed from September 9, due to Primary Elections being held on September 9, 2008.)

## **XI. Adjournment**

A motion was made by McConnell, seconded by Seanger, to adjourn the meeting of the Board of Electricity, the vote was unanimous and the motion passed. Board adjourned at 1:57 p.m.

Respectfully Submitted,

*Douglas Fingerson*

Douglas Fingerson