

**Board of Electricity
Meeting Minutes
November 5, 2007**

**Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, Saint Paul**
dli.cclboards@state.mn.us

Members Present:

Joe Vespa
Jay Lewis
Douglas Fingerson
James Freichels
Kim Huxford
Anthony Toft
John McConnell
Tom Seanger
Timothy Malooly
Daniel Klein
John Schultz (DLI Commissioner's designee)

Members Available by Teleconference:

Dick Owen

Members Absent:

None

Staff Present:

Wendy Legge
Tom Anderson
Tom Joachim
Julie Klejewski
Toni Harvey
Charlie Durenberger
Kevin Wilkins
Peggi White
John Rajkowski

Visitors:

John Ploetz
Joel Ortman
Martha Henrickson
Ron Beldo
Judi Rubin
Dan McConnell
Bill Heaney
Tony Maghrak
Gary Novak
Russ Ernst

I. Call To Order – John Schultz

The meeting was called to order by John Schultz at 10:08 a.m., who stated that he would be conducting the meeting until the Officers are elected.

John Schultz then turned the meeting over to Tom Joachim, who welcomed everyone on behalf of Governor Pawlenty and Commissioner Steve Sviggum.

II. Approval of Meeting Agenda

John Schultz resumed and a motion was made and seconded to approve the meeting agenda. All voted in favor and the motion was passed.

III. Approval of Previous Meeting Minutes

There are no previous Minutes to approve.

This information can be provided to you in alternative formats (Braille, large print or audio tape).

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IV. Regular Business – John Schultz

a. Presentation of Board Information, Responsibilities, Authorities

John Schultz reviewed the following information with members:

- i.** Overview of Rulemaking Process
- ii.** Review of Board Powers, Authority, and Responsibilities
 - 1.** elect its chair, vice-chair, and secretary
 - 2.** adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing such other provisions as may be useful and necessary for the efficient conduct of the business of the board
 - 3.** adopt the National Electrical Code and amendments thereto
 - 4.** review requests for final interpretations and issue final interpretations of the Minnesota Electrical Code *See Section 16B.63 (326B.127)*
 - 5.** adopt rules that regulate the licensure or registration of electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work
 - 6.** adopt rules that regulate continuing education for individuals licensed or registered as electrical businesses, electrical contractors, master electricians, journeyman electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work
 - 7.** advise the commissioner regarding educational requirements for electrical inspectors
 - 8.** refer complaints or other communications to the commissioner, whether oral or in writing, as provided in subdivision 8 that alleges or implies a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, registration, or an offering to perform or performance of unlicensed electrical services
 - 9.** approve per diem and expenses deemed necessary for its members

The meeting was recessed at 11:47 a.m. for a lunch break, and was reconvened at 1:05 p.m. There was review of the 4 enforcement tools the department can use effective December 1, 2007: Notice of Violation, Stop Order, Administrative Order and Licensing Order.

- 10.** approve license reciprocity agreements
- 11.** select from its members individuals to serve on any other state advisory council, board, or committee
- 12.** recommend the fees for licenses and certifications

V. Regular Business – John Schultz

a. Election of Officers

- i. Chair – Dan Klein, Anthony Toft and James Freichels were nominated for Chair. James Freichels received the majority vote and was elected Chair.
- ii. Vice-Chair – Anthony Toft and Jay Lewis were nominated for Vice-Chair. Jay Lewis received the majority vote and was elected Vice-Chair.
- iii. Secretary – Douglas Fingerson was nominated for Secretary. Douglas Fingerson received unanimous vote and was elected Secretary.

b. Adoption of Bylaws

Discussions were held on Bylaws with the following friendly amendments.

A motion was made by Klein; seconded by Huxford, to amend the Bylaws Article V, D Regular meetings by adding 1 b. to send out the meeting agenda 7 calendar days before the meeting.

Vote: All voted in favor, motion passed unanimous.

A motion was made by McConnell; seconded by Fingerson, to amend the bylaws Article VIII, Internal Standards related to “day spent on board business”, by striking out the word ~~held~~, and replace with or perform other duties.

Vote: All voted in favor, motion passed unanimous.

A motion was made by Malooly; seconded by Klein, to adopt the Bylaws as amended.

Vote: All voted in favor, motion passed unanimous.

c. Amendment of Minnesota Rule 1315.0200, Subpart 1. Electrical Code by adopting the 2008 National Electrical Code

A motion was made by Toft; seconded by Seanger, to proceed with rulemaking on adoption of the 2008 NEC without amendments.

Discussions were held.

Vote: All voted in favor, motion passed unanimous.

A motion was made by Seanger; seconded by Toft, to adopt the following resolution authorizing the Chair to sign and give notice of the board’s intent to adopt rules:

1. James Freichels, Chair of the Board of Electricity, is authorized and directed to sign and to give the Notice of the Board's Intent To Adopt Rules using Alternate Notices of whether a hearing will be held governing the amendment of Minnesota Rule 1315.0200 on adoption of the National Electrical Code. He must give this notice to all persons who have registered their names with the Board or with the Department of Labor and Industry for that purpose. He must also publish the Notice and rules in the State Register. Furthermore, he is authorized and directed to do anything else needed to be done, both before and after the Notice is signed, in order to complete this Notice. This includes, specifically but not exclusively, authorization to sign a Statement of Need and Reasonableness as required by Minnesota Statutes section 14.131.

2. If there are fewer than 25 outstanding hearing requests, James Freichels, Chair of the Board of Electricity, is authorized and directed to sign the Order Adopting Rules and to do anything else needed to adopt these rules without a hearing.
3. If there are 25 or more outstanding hearing requests, James Freichels, Chair of the Board of Electricity, is authorized and directed to act as the Board's representative at the hearing and do anything else needed to adopt these rules with a hearing.

Vote: All voted in favor, motion passed unanimous.

A motion was made and seconded to publish a dual notice and the chair volunteered to write the SONAR (Statement of Need and Reasonableness.)

Vote: All voted in favor, motion passed unanimous.

- d. Publish Request for Comments regarding possible amendment to Minnesota Rules 3800.3520, 3800.3530, 3800.3540, 3800.3550 pertaining to license requirements and 3800.35xx registration of unlicensed workers

A motion was made by Klein; seconded by Lewis, to authorize the Chair to sign off on a publication of a Request for Comments regarding possible amendment to Minnesota Rules 3800.3520, 3800.3530, 3800.3540, 3800.3550 pertaining to license requirements and 3800.35xx pertaining to registration of unlicensed workers.

Vote: All voted in favor, motion passed unanimous.

- e. Publish Request for Comments regarding possible amendment to Minnesota Rules 3800.3600, 3800.3601, 3800.3602 and 3800.3603 pertaining to continuing education

A motion was made by Malooly; seconded by McConnell, to authorize the Chair to publish Request for Comments regarding possible amendment to Minnesota Rules 3800.3600, 3800.3601, 3800.3602 and 3800.3603 pertaining to continuing education.

Vote: All voted in favor, motion passed unanimous.

- f. Reciprocal agreement(s)

A motion was made by Lewis; seconded by Toft, to table this item until the next regularly scheduled meeting.

Vote: All voted in favor, motion passed unanimous.

- g. Appointment of CCAC member

Nominated were Seanger, McConnell and Owen. Seanger received the majority votes and appointed to the Construction Codes Advisory Committee.

VI. Committee Reports - None

VII. Complaints – None

VIII. Open Forum

A question was raised regarding the annual report that approved technical colleges are required to file and how are those reports being handled by the department. Schultz stated that this board doesn't have any authority over that. It appears in the way the work is being divided at the department, that this will be handled by the education unit. The education unit has not reviewed any reports since the consolidation. The previous board technical committee had looked at some of the new applications but did not look at any of these annual reports. This is an area that needs to be worked on within the department. Schultz will check to see if the approved technical colleges are posted on the Website. The DLI contact person in the education unit is Mike Godfrey.

IX. Board Discussion

X. Announcements

h. Next Regularly Scheduled Meeting

A motion was made by Seanger; seconded by Klein, to schedule out for the next 6 months, the 2nd Tuesday of each month at 10:00 a.m. for regular board meetings, with the next board meeting being held on Tuesday, December 11, 2007 beginning at 10:00 a.m.

Vote: All voted in favor, motion passed unanimous.

XI. Adjournment

A motion was made by Klein; seconded by Lewis, to adjourn the meeting of the Board of Electricity at 3:17 p.m.

Vote: All voted in favor, motion passed unanimous.

Respectfully Submitted,

Douglas Fingerson

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