

# Board of Electricity

## Meeting Minutes

**Tuesday, April 8, 2014, 2014 @ 9:00 a.m.**

**Minnesota Room, Department of Labor & Industry**

**443 Lafayette Road, St. Paul, MN 55155**

### Members Present:

Andy Toft (Chair)  
John McConnell  
Kim Huxford  
Joe Vespa  
Willy Hoskins  
Dan Westberg  
Scott Novotny  
Jim Freichels  
Doug Fingerson  
John Schultz

### DLI Staff & Visitors:

Bill Bierman – (DLI)  
Lyndy Lutz – (DLI)  
John Williamson (DLI)  
Sam Sampson (DLI)  
Jim Lungstrom (DLI)  
Scott McLellan (DLI)  
Gary Thaden (NECA)  
Scott Nutting (CEIA)  
Judi Rubin (MEA)  
Jim Nimlos (Mpls. Electrical JATC)  
Bill Heaney (IBEW)

### Members Absent:

Laura Karow  
Dan Klein

## **I. Call to Order**

The meeting was called to order at 9:00 a.m. by Chair Toft. Roll call was taken by Secretary Huxford; a quorum was declared.

John Schultz made an announcement that the Governor reappointed the following incumbents to the next term: James Freichels, William Hoskins, Kim Huxford, John McConnell and Andy Toft.

Schultz noted that this was his last Board meeting; he is retiring. The department reassigned his duties to Jim Lungstrom, Todd Green and Sam Sampson. Lungstrom, an assistant director for the Construction Codes & Licensing Division, will take over administrative duties; Todd Green, the chief high pressure piping inspector for CCLD, will take on an additional, new managerial position supervising all of the inspection units (boiler, electrical, elevator, plumbing & high pressure piping); and the Commissioner's Designee will be Sam Sampson. All three individuals are very capable and have worked for the department for a number of years.

## **II. Approval of Meeting Agenda**

A motion was made by Fingerson, seconded by Freichels, to approve the agenda. The vote was taken aloud and unanimous; the motion carried.

### III. Approval of Previous Meeting Minutes

A motion to approve the minutes was made by Freichels, seconded by Novotny. The vote was taken aloud and unanimous; the motion carried.

### IV. Regular Business

- a. **Expense Approval** – Toft reviewed and approved the per diem and expenses. A motion was made by McConnell, seconded by Vespa, to approve per diem and expenses. The vote was taken aloud and unanimous; the motion carried.
- b. **Enforcement** – Schultz provided an update. There were 27 calendar year-to-date enforcement actions that were resolved. These can be viewed on the department’s website at: <http://www.dli.mn.gov/CCLD/Enforcement.asp>
- c. **E-Licensing and e-TRAKiT** – Schultz provided updates  
**E-Licensing:** To date, electrical contractor license renewals were nearly complete – they expired at the end of February 2014. Through the end of March 2014, there were 2,315 contractor license applications (new/renewals) that were completed with 79 in a pending status due to outstanding issues. There were more renewals than in recent years and a significant portion of license renewals for both individuals and contractors were done online with this trend carrying over to permitting as well. The fiscal year to date, which began July 1, 2013, had 72% of electrical permits filed online and 76% for year-to-date. These numbers continued to increase and (for April) 85% were filed online. Electrical permits / inspection fees were approximately \$6.3 million (fiscal year to date), which equates to approximately 71,000 permits from July to July – a slight increase from the previous year.

### IV. Special Business

- a. **Update on Reciprocal Agreements**
  - i. **Review of amendments to National Electrical Reciprocal Alliance (NERA) Bylaws** – Schultz provided an overview of the changes as shown in Attachment A. The annual meeting will be held in Austin, Texas, the first week in August and Sam Sampson will represent the Board.
  - ii. **Update on Wisconsin licensing law changes.** Schultz provided an update and stated that Wisconsin’s licensing laws regarding journeyman and master electricians don’t line up with Minnesota’s or other NERA member states. The electrical industry in Wisconsin amended their rules / statutes to enable reciprocal agreements and Act 143 goes into effect August 2014. Wisconsin understands Minnesota’s requirements and they have amended their laws to be consistent with Minnesota’s experience requirements for both journeyman and master. Schultz anticipated that Minnesota and Wisconsin would enter into a reciprocal agreement. To date, Wisconsin was not reciprocal with any other states. Reciprocal agreements enable an individual to become licensed in the state they are making an application in without having to pass that state’s license examination. For example, North Dakota’s electrical license is not valid in Minnesota; however, an individual can obtain

a Minnesota license based on the license they acquired through exams in North Dakota. In addition, once someone becomes licensed through this process, then they are treated no differently than an individual that becomes licensed through the normal process in Minnesota. They need to maintain the license the same as any other license holder in Minnesota. If the license has been expired for more than 2 years without renewal, the only way to get the license back is through examination. If someone fails a license class in Minnesota, they cannot acquire that same license through a reciprocal agreement.

**b. Update on satellite system installer continuing education and certification program rule adoption**

Bill Bierman gave an update – the rules have been published and in the comment period through April 9, 2014. To date, no comments or requests for a hearing were received.

**c. Update on adoption of the 2014 National Electrical Code**

Bierman gave an update – NEC was published February 18, 2014 in the State Register and the comment period ended March 21, 2014 with no comments for a hearing received. To date, another approval is needed from the Governor’s Office, a copy of the adopted rules from the Revisor, and an Order adopting rules to be signed by Chair Toft. Judge Lipman reviews these documents and determines if adoption is in order. The Order to adopt would then be filed and published in the State Register with an effective date of July 1, 2014.

**d. Board appointments**

Chair Toft congratulated members that were re-appointed.

**VI. Committee Reports**

Schultz gave a short report. There wasn’t any legislation that impacted any of the electrical licensing or inspections – only one minor correction on the permitting/fee section. John McConnell stated there were no Construction Codes Advisory Council (CCAC) meetings to report on.

**VII. Complaints**

No complaints brought forth.

**VIII. Open Forum**

Judi Rubin thanked John Schultz for his many years of service, adding that Schultz made a significant contribution to the electrical industry.

**IX. Board Discussion**

Schultz thanked the Board of Electricity and all the other boards he worked with for more than 20+ years both as an assistant executive secretary and subsequently, as an assistant director for the department (CCLD). The Board made good and fair decisions; he was happy

to have been involved. Board members thanked Schultz for his many years of service to the Board and noted that his leadership and expertise were appreciated.

**X. Announcements**

Next Regularly Scheduled Meeting (subject to change)

- **Tuesday, July 8, 2014 @ 9:00 a.m. – Minnesota Room, DLI (Election of officers)**

**XI. Adjournment**

A motion was made by McConnell, seconded by Vespa, to adjourn at 9:30 a.m. The vote was taken aloud and unanimous; the motion carried.

Respectfully Submitted,

*Kim Huxford*

Kim Huxford  
Secretary

# National Electrical Reciprocal Alliance (NERA)

## BYLAWS

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# National Electrical Reciprocal Alliance (NERA)

## BYLAWS

### ARTICLE I: NAME

The name of this Alliance will be the National Electrical Reciprocal Alliance (NERA) formally known at the Multi-state Reciprocal Electrical Licensing Group.

### ARTICLE II: MISSION

Encourage similar electrical regulations, nationwide.

### ARTICLE III: GOALS

The member states ~~recognize that~~ promote reciprocity based on similar, complimentary, and interchangeable requirements without major exception to further the following goals:

- To improve the electrical industry by raising the level of professionalism of the electrical industry and safety for the general public;
- To improve the member states' ability to respond to changing economies and the management of their available resources;
- To provide an efficient response to issues and concerns within the electrical industry and the Alliance;
- To have member state's have similar continuing education requirements and examinations; and
- To recognize equal and fair treatment and respect for the quality of electrical workers licensed by each member state.

### ARTICLE IV: PURPOSE

The Alliance is organized to:

- Allow qualified electrical workers to easily become qualified for work in the member states without encountering significant licensing difficulties;
- Allow the member states to respond quickly to emergencies, natural disasters, and construction booms where the demand for skilled labor cannot be met locally;
- Encourage the development, approval, and oversight of electrical education in a manner that is similar and acceptable to member states;
- Encourage the development and use of electrical examination questions, structure, and delivery methods that are common and acceptable to member states;
- Share best practices regarding electrician and electrical contractor licensing and certification, inspection techniques, regulatory language, etc.;
- Encourage support and networking among member states to improve the standardization for all regulatory aspects of the electrical industry;
- Encourage the membership of other states who have similar electrical regulatory requirements, practices, and oversight of electricians and electrical contractors and are willing to reciprocate on a similar basis with the member states; and
- Create a strong alliance where member states focus on the many similarities of their training systems, inspection techniques, and regulatory oversight with the belief that each member state holds the inspection, training, licensing, and certification of electricians and electrical contractors as the key to protecting the general public and workers;

## ARTICLE V: DEFINITIONS

The following definitions apply to the bylaws:

- “Applicant” is an individual seeking certification, by reciprocity, from a member state.
- “Certificate” means a journeyman electrician certificate of competency or license issued by a licensing state.
- “Journeyman electrician” means a person who has:
  - Qualified for a journeyman electrician certificate by passing a mandatory examination administered by the licensing state; and
  - Completed either:
    - A journeyman four-year electrical construction apprenticeship approved by the licensing state; or
    - Four years (8,000 hours) of equivalent electrical construction experience, legally obtained as qualification for journeyman electrician, as determined by the licensing state.
- “License” means a journeyman electrician certificate of competency or license issued by a licensing state.
- “Licensing state” means the member state that the applicant is using as a basis of certification to apply for reciprocity to a reciprocal state.
- “Member state” means a state that has jurisdiction over the certification of journeyman electricians and has signed and agreed to uphold these bylaws.
- “Reciprocal state” means the member state where the applicant is making application for reciprocity for a journeyman electrician certificate from a licensing state.
- “Voting member” is the individual authorized by a member state to vote on actionable items at the Alliance’s general or other scheduled meetings.

## ARTICLE VI: MEMBERSHIP

Members will:

- Support the Mission, Goals, and Purpose of the Alliance;
- Appoint one voting member to represent the member state in a voting capacity at all meetings;
  - The appointment will be made in writing by the member state to the Secretary;
  - If the member state chooses to terminate the appointment, the member state will notify the Secretary, in writing, of the termination and who is being appointed as a replacement within thirty (30) days after termination;
- Maintain permanent records, for a period corresponding to each state’s record retention schedule, of journeyman applicants that document their:
  - Qualifications;
  - Experience;
  - Education;
  - Examinations;
  - Examination scores; and
  - Respond promptly to requests from member states for reciprocity applicant information.

## ARTICLE VII: MEMBERSHIP APPLICATION

Any state’s electrical licensing or certification authority may make application to join the Alliance. [The state making application must have a reciprocal agreement with at least one member state to be eligible for membership.](#) Written request for membership may be made to the Secretary at any time on the application provided by the Alliance ~~providing the requesting state is sponsored by a member state.~~ The request should demonstrate to the member states that the applicant state’s:

- Regulatory system is in place and effective in ensuring the state’s laws are enforced; and
- Standards for journeyman electrician qualification, certification, and inspection practices are equivalent to those described in the bylaws and used by the member states.

The Secretary will provide all voting members with a copy of the request for membership within thirty (30) days after receiving the request and at least 30 days prior to a regularly scheduled meeting.

After the Secretary has distributed the request, approval for the membership request may come up for a vote, at a regularly scheduled meeting, by a motion and second from any voting member in attendance. The vote for membership will be by voice ballot and requires a 4/5 vote of the voting members present and by absentee ballot by voting members not in attendance. Approval for membership requires a simple majority of the voting members.

If the vote fails, the dissenting voting member(s) will furnish the Secretary with a written reason(s) for denying membership within fifteen (15) days of the vote. The Secretary will provide the reason(s) to all voting members and the applicant state within thirty (30) days of the vote.

If the vote passes, membership is immediately effective upon signature by the Chair. Within fifteen (15) days, the Secretary will forward a copy of the membership application to notify all voting members of the Alliance of the new member(s).

### ARTICLE VIII: VOTING MEMBERS

Voting members will:

- Be appointed by the member state.
  - Appointment will be made in writing by the member state to the Secretary;
  - If the member state chooses to terminate the appointment, the member state will notify the Secretary, in writing, of the termination and who is being appointed as a replacement within thirty (30) days after termination;
- Attend regularly scheduled meetings;
- Have a thorough knowledge of all matters scheduled to be presented before the Alliance;
- Be prepared to represent the member state by being prepared and ready to vote on actions scheduled before the Alliance;
- Represent their state in a professional manner;
- Ninety (90) days before each annual meeting, provide the Secretary with their member state's current electrical certification laws and rules;
- Assist the Secretary in comparing the member states' journeyman requirements.

### ARTICLE IX: OFFICERS

The Officers will be: Chair, Vice-Chair, and Secretary. Their- The term of Chair and Vice-Chair appointment may not exceed four consecutive years. The length of the initial appointment will be determined by the motion to appoint. The terms of the officers begins and ends 30 days after the annual meeting.

The Officers will be determined as follows:

- Must be a voting representative of a member state; and
- Must be selected by a simple majority of the voting member representatives present at either a general or special the annual meeting;

The Chair, Vice-Chair, or Secretary positions are held by the member state and filled by the member state's voting representative. may come up for a vote, at a regularly scheduled general or special meeting, by a motion and second from any voting member representative in attendance. Any office that becomes vacant will be filled at or before the next scheduled meeting.—The vote for appointment will be by voice ballot and requires a simple majority of voting member representatives present.

The Chair, Vice-Chair, or Secretary may come up for a vote to be removed from office, at a regularly scheduled general or special meeting. The vote for removal will be by voice ballot and requires a simple majority of voting member representatives present at the meeting. If voted out of office, he/she the officer

will immediately relinquish ~~their~~ ~~the~~ position and a replacement will be elected. The replacement will immediately take the elected position and continue with the meeting if appropriate.

## ARTICLE X: DUTIES OF OFFICERS

The Chair will:

- Preside at all meetings, functions, and affairs of the Alliance ~~and act as spokesperson for the Alliance outside of meetings;~~
- Develop the agenda for the regular and special meetings based upon input from the members' voting representatives;
- Appoint all standing and special committee members and designate the committee Chair for same;
- Appoint a member to act as secretary for the meeting in the Secretary's absence;
- Serve as Ex-officio member to all committees; and
- Exercise supervision over all affairs of the Alliance.

The Vice-Chair will:

- Be present at all meetings;
- Have a working knowledge of all responsibilities of the Chair; and
- In the event of the Chairs' absence, be able to assume all responsibilities and functions of the Chair.

The Secretary will:

- Be present at all meetings;
- Keep a record of the Bylaws and any Alliance agreements or actions;
- Keep a record of the minutes of all meetings and provide each member's voting representative with a draft copy of the minutes within thirty (30) days after a meeting;
- Submit all information to the members' voting representatives one hundred twenty (120) days prior to the regular meeting for all business to be reviewed or acted on by the Alliance at a regular or special meeting. Business information received after the prescribed on hundred twenty (120) day period may be considered, ~~if time permits,~~ or scheduled for the next regular or special meeting; and
- In the event of the Chairs' and Vice-Chair's absence, be able to assume all responsibilities and functions of the Chair.

## ARTICLE XI: MEETINGS

Meeting location:

- The annual ~~or quarterly~~ meeting location may come up for a vote, at a regularly scheduled meeting, by a motion and second from any voting member in attendance. The vote for meeting location will be by voice ballot and requires a simple majority vote of the voting members present.
- Teleconferences or other appropriate meeting methods are allowed in lieu of a central meeting location for annual, ~~quarterly~~ and special meetings.

A quorum for a meeting will be a simple majority of the voting members.

The annual meeting will be held in August each year. The annual meeting will be held in a member state. If the state, selected to host the annual meeting, is unable to perform that duty, the meeting location will be selected by a simple majority of the Officers and concurrence of the selected member state's voting member.

~~Quarterly meetings will be held in February, May, and November of each year.~~

Special meetings may be called, by the Chair, or Vice Chair if the Chair is unavailable, ~~from time to time~~ as the situation warrants. The Chair or Vice Chair, as appropriate, will determine the meeting location.

## ARTICLE XII: PARLIAMENTARY AUTHORITY

The Rules contained in Robert's Rules of Order Newly Revised, shall govern this Alliance in all cases to which they are applicable and in which they are not inconsistent with these Bylaws.

Except for votes regarding Alliance membership, Aall votes will be by voice ballot of the voting members present. When a voice ballot is questionable, the Chairman shall request a vote by the show of hands. Any voting member may request a roll call vote. Votes regarding Alliance membership may be by either voice or absentee ballot

## ARTICLE XIII: AMENDMENTS

The Bylaws may be amended by a 2/3 majority of the voting members provided the amendment has been read at the previous meeting or mailed to the voting members one hundred twenty (120) days prior to the meeting at which the voting will occur.

## ARTICLE XIV: TERMINATION OF MEMBERSHIP

The Alliance may terminate a member state's membership in the event the member state fails to:

- Appropriately participate in Alliance activities. Appropriate participation means attending meetings, submission of a report to the group, or other active participation, etc.;
- Maintain a reciprocal agreement with one or more member states; or
- Otherwise fulfill the requirements of the Bylaws.

A motion to terminate membership may only be made at a regularly scheduled meeting. The Secretary will notify the state's voting member, in writing, of the motion and the reason for termination, including possible solutions, within fifteen (15) days after the motion. The vote for termination will be at the next regularly scheduled meeting following the motion. The vote for termination will be by voice ballot of the voting members present and by absentee ballot by voting members not in attendance. Termination of membership requires a simple majority of the voting members.

~~Termination is effective immediately upon a 4/5 vote of the voting members present.~~ The state named in the motion has no vote.

A member state can terminate membership by providing thirty (30) days written notification to the Secretary. The notification must include the reason for withdrawal from participation and any possible alternate solutions. The Secretary will notify all voting members within fifteen (15) days of receipt of the member state's notice.

If terminated, the terminated state will be responsible only for performance in accordance with the terms of the bylaws rendered prior to the effective date of termination.

## ARTICLE XV: COMPENSATION

In no event will either party attempt to seek from another party any form of reimbursement, compensation, or payment, for any costs, fees, or charges incurred which relate to performance of these Bylaws.

## ARTICLE XVI: NONDISCRIMINATION & CIVIL RIGHTS

During the performance of these Bylaws, the member states will comply with all federal and state nondiscrimination laws, regulations, and policies. In the event of any member state's noncompliance or

refusal to comply with any nondiscrimination law, regulation, or policy, the member state's membership may be terminated by the Alliance.

#### **ARTICLE XVII: RECORDS MAINTENANCE**

Each member state will maintain ~~permanent~~ records of journeyman electricians which will document the applicant's qualifications, experience, education, examinations and scores, for a period corresponding to licensing state's record retention schedule.

Records and other documents, in any medium furnished by one party to these bylaws to another party, will remain the property of the furnishing party, unless otherwise agreed. Unless required by its public information act or similar open records statute the receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

#### **ARTICLE XVIII: INDEPENDENT CAPACITY**

The employees or agents of the member states who are engaged in the performance of these Bylaws will continue to be employees or agents of the member state and will not be considered for any purpose to be employees or agents of the Alliance or another member state.

#### **ARTICLE XIX: GOVERNANCE**

The member states agree that all activity performed as a result of these Bylaws will be in accordance with all applicable current or future federal, state and local laws, rules and regulations.

#### **ARTICLE XX: ASSIGNMENT**

The work to be provided under these Bylaws, and any claim arising thereunder, is not assignable or delegable by any member state in whole or in part, without the prior written consent of the other member states, which consent shall not be unreasonably withheld..

#### **ARTICLE XXI: SEVERABILITY**

If any provision of these Bylaws or any provision of any document incorporated by reference is held to be invalid, such invalidity will not affect the other provisions of these Bylaws which can be effective without the invalid provision.

#### **ARTICLE XXII: CONDITIONS FOR JOURNEYMAN RECIPROCITY**

These Bylaws comprise the standards for membership in NERA and shall not be construed as a reciprocity agreement between any of the member states. Actual reciprocity agreements between member states shall be memorialized by a separate written agreement between said states.

All members will, at a minimum, maintain the requirements for journeyman electrician certification.

Applicants must:

- Hold, from the licensing state, a journeyman certificate or a master electrician certificate, that allows the individual to work as a journeyman electrician, that is current, active, and in good standing;

- Have held that certificate continuously during the one (1) year period prior to requesting reciprocity;
- Have gained that certificate through a state administered examination with a passing score from the licensing state;
- Provide the reciprocal state with any information necessary to demonstrate that the licensing state's requirements for journeyman electrician certification have been met;
- When required by the reciprocal state, provide documentation of disciplinary action, education, training and/or experience meeting the requirements of the reciprocal state; and
- Make appropriate application and pay all appropriate fees to the reciprocal state.

The reciprocal state will issue a certificate without written examination when an applicant for reciprocity has:

- Met the above requirements in Section XXII of these Bylaws; and
- Paid the appropriate fees.

Applicants will not be granted a reciprocal certificate where the certificate in the licensing state was granted by grandfathering without having passed a state administered examination as stated above.

#### **ARTICLE XXIII: PERIOD OF PERFORMANCE**

These Bylaws begin upon the date of execution and continue in force until terminated or amended under the provisions of these Bylaws.

#### **ARTICLE XXIV: ALL WRITINGS CONTAINED HEREIN**

These Bylaws contain all the terms and conditions agreed upon by the member states. No other understanding, oral or otherwise, regarding the subject matter of these Bylaws will be deemed to exist or to bind any of the members hereto.