

# Board of Electricity

## Meeting Minutes

**Tuesday, April 12, 2016 @ 9:00 a.m.**

Minnesota Room, Department of Labor & Industry  
443 Lafayette Road, St. Paul, MN 55155

### **Members Present:**

David Curtis via teleconference  
Jim Freichels  
Willy Hoskins  
Kim Huxford (Secretary)  
Laura Karow  
John McConnell  
Scott Novotny  
Sam Sampson  
Andy Toft (Chair)  
Joe Vespa (Vice Chair)  
Dan Westberg  
Weston Wilson

### **Members Absent:**

None

### **DLI Staff & Visitors:**

Jeff Lebowski (DLI)  
Lyndy Lutz (DLI)  
Lori Herzog (DLI)  
Todd Green (DLI)  
Dean Hunter (DLI)  
Gary Thaden (NECA)  
Sophie Thaden (NECA)  
Pete Lindahl (IBEW 292)  
Ray Zeran (IBEW 292)  
Tony Maghrak (IBEW)  
Andy Snope (IBEW)  
Russ Ernst (MNESTA)  
Scott Nutting (CEIA)  
Adam Hanson (ABC)  
John Kearney (MnSEIA)

#### **I. Call to Order**

The meeting was called to order at 8:58 a.m. by Chair Toft. Roll call was taken by Secretary Huxford and a quorum was declared. Jeff Lebowski introduced himself as the interim attorney for the Board while Bill Bierman is on leave.

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

A motion was made by Freichels, seconded by Westberg, to approve the agenda as presented. Roll call vote was unanimous; the motion carried.

#### **III. Approval of Previous Meeting Minutes**

A motion was made by Wilson, seconded by Sampson, to approve the January 12, 2016, meeting minutes. Roll call vote was 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 Novotny, to approve per diem and expenses. Roll call vote was unanimous; the motion carried.

**b. Enforcement**  
Nothing to report.

- c. **E Licensing (Attachment A)**  
Sampson referred to a handout titled “2016 Electrical Contractor License Renewal Status Update.”

**V. Special Business**

- a. **House File 2995 – Update**

Sampson referred specifically to Sec. 4, Subd. 8, which states:

*Sec. 4. Minnesota Statutes 2015 Supplement, section 326B.13, subdivision 8, is amended to read:*

*Subd. 8.*

*Effective date of rules.*

*A rule to adopt or amend the State Building Code is effective 270 days after publication of the rule's notice of adoption in the State Register. The rule may provide for a later effective date. The rule may provide for an earlier effective date if the commissioner or board proposing the rule finds that an earlier effective date is necessary to protect public health and safety after considering, among other things, the need for time for training of individuals to comply with and enforce the rule. The commissioner must publish an electronic version of the entire adopted rule chapter on the department's Web site within ten days of receipt from the revisor of statutes. The commissioner shall clearly indicate the effective date of the rule on the department's Web site.*

The department does not anticipate any challenges to HF2995.

- b. **Adoption of the 2017 National Electrical Code (Attachment B & C)**

Sampson stated that in recent years the Board adopted the NEC using the rule permitting the effective date to be 180-days following adoption. Should the 270 day requirement in MN Stat. 326B.13, Sec. 4, Subd. 8 remain effective (shown above) the Board would need to adopt the code under an emergency nature and the process should be started as soon as possible, as 270 days before July 1, 2017 would be October 4, 2016

**A motion was made by Huxford, seconded by Freichels, to authorize Board Chair Toft to initiate the rulemaking process to adopt the 2017 National Electrical Code by publishing a Request for Comments. Roll call vote was unanimous; the motion carried.**

**VI. Committee Reports (Construction Codes Advisory Council – CCAC)**

McConnell said the CCAC presented the new book “Understanding Amendments to the State Building Code” and he noted it is available on the department’s website at: [http://www.dli.mn.gov/CCLD/PDF/sbc\\_amend.pdf](http://www.dli.mn.gov/CCLD/PDF/sbc_amend.pdf)

He added that the effective date of the Commercial Energy Code became effective on June 2, 2015 and the Residential Energy Code became effective February 14, 2015.

**VII. Complaints**

No complaints brought forth.

**VIII. Open Forum**

Nothing brought forward.

**IX. Board Discussion**

Toft noted that Board elections will take place at the next meeting, July 12, 2016.

**X. Announcements**

a. Next Regularly Scheduled Meetings – 9:00 a.m., Minnesota Room, DLI

i. Tuesday, July 12, 2016

ii. Tuesday, October 12, 2016

**XI. Adjournment**

A motion was made by McConnell, seconded by Hoskins, to adjourn at 9:21 a.m. Roll call vote was unanimous; the motion carried.

Respectfully Submitted,

*Kim Huxford*

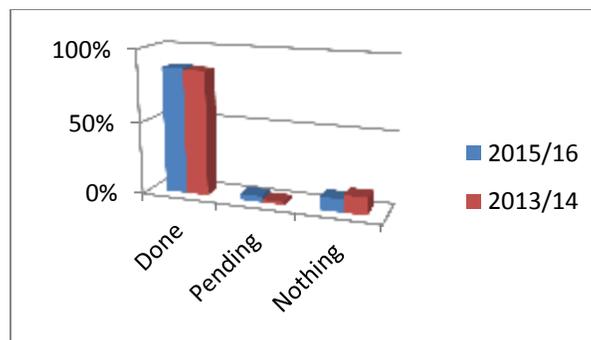
Kim Huxford

Secretary

# 2016 ELECTRICAL CONTRACTOR LICENSE RENEWAL STATUS UPDATE

(Percentages in **RED** reflect status on same date last renewal cycle - 2014)

DATE	DONE	PENDING	NOTHING
3/09/2016	1,771 (69%) <b>(78%)</b>	515 (20%) <b>(8%)</b>	289 (11%) <b>(14%)</b>
3/31/2016	2,071 (80%) <b>(86%)</b>	262 (10%) <b>(3%)</b>	254 (10%) <b>(12%)</b>
4/11/2016	2,258 (87%) <b>(86%)</b>	104 (4%) <b>(2%)</b>	231 (9%) <b>(12%)</b>



**DONE:** License renewal completed

**PENDING:** Renewal received – either under review or waiting for deficiency to be cured

**NOTHING:** Licensee has not yet submitted renewal

- All initial renewals submitted prior to April 8, 2016 have been reviewed
- All deficiency corrections submitted prior to April 1, 2016 have been reviewed
- Most deficiencies relate to bonds
  - This goes away for future renewals due to continuous bond
- 1,300 RBC renewals pending review (March 31 expiration)
  - 3,900 RBC renewals processed through 3/31/16
- Etrakit now closed for all expired licensees
  - Etrakit had been left open to expired licensees until 4/11/16 to enable them to pull permits while renewal was under DLI review

## Minnesota Board of Electricity

### REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the Minnesota Electrical Code, Minnesota Rules, Chapter 1315

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**Subject of Rules.** The Minnesota Board of Electricity requests comments on its possible amendment to rules governing the Minnesota Electrical Code. The Board is considering rule amendments that adopt the *2017 National Electrical Code*.

**Persons Affected.** The amendment to the rules would likely affect electrical contractors, master and journeymen electricians; electrical installers, maintenance electricians, electrical equipment suppliers; elevator contractors and constructors; power limited technicians; code enforcement authorities; employers of persons who perform electrical work; persons who wish to perform electrical work; engineers; residential and commercial building contractors; and building owners.

**Statutory Authority.** *Minnesota Statutes*, section 326B.32 establishes the Board of Electricity and the powers and duties of the Board, among other things. Specifically, *Minnesota Statutes*, section 326B.32, subdivision 2, subitem (3) provides powers to the Board to adopt the most current edition of the National Electrical Code and any amendments thereto, pursuant to *Minnesota Statutes*, chapter 14. *Minnesota Statutes*, Section 326B.32, subdivision 6, clauses (b) and (c) provide procedures for the Board to consider and pass amendments to be included in the next Electrical Code.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules.

The National Electrical Code is adopted from time to time, generally every three years, by the National Fire Prevention Association (NFPA). NFPA has adopted the 2017 National Electrical Code and the Board intends to adopt it by reference as the Minnesota Electrical Code.

Interested persons or groups may view a draft of the 2014 National Electrical Code at the NFPA website. The website address is [www.nfpa.org](http://www.nfpa.org). The link to the Draft of the proposed NFPA 70, 2014 Edition, National Electrical Code is:

<http://www.nfpa.org/Assets/files/AboutTheCodes/70/70-A2013-ROPDraft.pdf>

The link to all the proposals considered by the NFPA Electrical code committees, and the actions taken with respect to those proposals is:

<http://www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=70&docnum=70&tab=nextedition> .It is expected that these online resources will be available during the comment period.

A possible amendment to the Minnesota Electrical Code may require a local unit of government to adopt or amend an ordinance or other regulation. If you believe that the possible amendment

of the Minnesota Electrical Code would require your local unit of government to adopt or amend an ordinance or other regulation, the Board requests that you provide information about the ordinance or regulation to the Agency Contact person listed below.

**Rules Drafts,** A draft of the rule amendments is being compiled. When the Board has approved a draft, the draft and other information about the rulemaking will be posted on the Board of Electricity rulemaking docket at: <http://www.dli.mn.gov/Boe.asp>

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Kelli Peters at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, **Phone:** (651) 284-5006, **fax:** (651) 284-5725. **TTY** users may call the Department at (651) 297-4198.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: 12 April 2016

Anthony C. Toft, Chair  
Board of Electricity

# Overview of Minnesota Formal Rulemaking Process

