

**Board of Electricity
Meeting Minutes
April 8, 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
Joe Vespa
Tom Seanger
Kim Huxford
Anthony Toft
John McConnell
John Schultz (DLI Commissioner's Designee)
Timothy Malooly
Jay Lewis
Dan Klein
Dick Owen

Members Available by Teleconference:

None

Members Absent:

None

Staff Present:

Andrea Livingston
Annette Trnka
Wendy Legge
Charlie Durenberger

Visitors:

Marty Kumm
Jeff Fecteau
Dan McConnell
Tony Maghrak
Bill Heaney
Mark Melander
Mark McGary
Karen Linner
Gaylen Livingston
Tom Anderson
Russ Ernst
Sam Sampson
Tom Tobias
Jim Vanderberg

I. Call To Order – James D. Freichels

The meeting was called to order by James Freichels at 10:01 a.m. and role was taken.

II. Approval of Meeting Agenda

A motion was made by Seanger, seconded by Owen, to approve the meeting agenda. The vote was unanimous and the motion passed.

III. Approval of Previous Meeting Minutes

A motion was made by Klein and seconded by Huxford to accept the Minutes. Wendy Legge stated that there were some corrections that needed to be made. On the bottom of page 3 and top of page 4, "Board of Architect Engineers" should be amended to "Board of Architects, Engineers, etc." The vote was unanimous and the motion passed. A

motion to amend the Minutes was made by Klein, seconded by Huxford. The vote was unanimous and the motion passed.

IV. Regular Business

- A. Expense Approval
 - i. Approve per diem and expenses. Owen made a motion to accept the submitted expenses, seconded by McConnell. The vote was unanimous and the motion passed.

- B. Chapter 3800 Rulemaking
 - i. Review and discuss preliminary language - Schultz submitted a proposed draft and reviewed the changes with the Board. Owen asked about the minimum age issues and Schultz said DLI staff would research that. Fingerson asked about the items that will be deleted. Schultz explained they were following the changes that had been made in Statute.

Wendy Legge reviewed with the Board what the Board of High Pressure Piping Systems was considering for rules on Registration of Unlicensed Individuals that the Board of Electricity may want to consider similar language. Wendy Legge offered to submit a draft of language for the Board's review. After discussion, Freichels requested DLI staff revise the necessary language. Everyone was in agreement.

Regarding 3800.3603, Subp. 8, Owen noted that there are a number of providers that offer several 1 to 2 hour classes and asked if the proposed language would eliminate approval of these types of classes. Schultz explained that there was no intention to restrict these types of classes. Schultz also added that there are situations where people have allowed their licenses to lapse because they haven't completed the continuing education that is needed and the department's policy has been to carry forward any unused hours to the next renewal. For example, if they had 10 hours that they've earned and they need an additional 6 hours and the individual takes a 12 hour course, they can carry over the extra 6 hours.

Tony Maghrak, a visitor, commented about 3800.3603, subpart 7. Mr. Maghrak asked about the program identification number that is issued to the department, asking if that shouldn't state "by the department." Schultz agreed and said it should read, "Should be provided by the department." Schultz said that would be amended.

Fingerson stated, under 3800.3520, subpart 2, at the bottom, it says "acceptable to the board," and asked if it shouldn't be "the department." Schultz said it should be "department," and it will be amended.

Toft stated for 3800.3603, allowing Interactive Education programs, inquired the Department of Labor and Industry has any programs that have been approved at this point. Schultz explained that there have been a number of providers, however, none of them have been approved.

Freichels tabled the issue and asked DLI staff to make the amendments as discussed.

Russ Ernst, a visitor, had a question on page 12, 3800.3602 Subp. 3, relating to the requirement for PLT and 6 hours required to be completed on the NEC, however for Subp. 4, he asked if six hours shouldn't be three hours. Freichels stated that the Journeyman have 12 on the NEC code, and to encompass everyone, it is six for others. Schultz explained they get their code training on the front end in the first 3 years, then they go back to the other ratio that applies to the PLT's.

Wendy Legge declared that she has a conflict of interest regarding the Board's Request For Comments that included Rules 3800.3820 to 3800.3885. The Department believes that these rules are not within the authority of the Board and therefore they have not been included in the rule amendment draft presented today.

Ms. Legge declared that she cannot give the Board advice on this issue, and that if the Board would like to seek legal council on this issue, or seeks to pursue amendment of those Rules, the Board would need to retain separate Council and Ms. Legge could facilitate getting an Assistant Attorney General to represent the Board.

Schultz stated that the Department of Labor and Industry had reviewed Statutory provisions related to the authority of the Board and determined that the authority is very specific, and the Department believes that the Rules on Technical Program Approval are outside the Board's authority.

Wendy Legge declared the Department's position is that these rules are not a licensure requirement, but rather a pre-licensure requirement. The Board determines the experience requirements for applicants, including any credit for completion of an approved technical college program. The approval of a technical college program is not an applicant qualification and therefore not in the authority of the Board.

Tony Maghrak then asked if the Technical Program Authority belongs to the Department, who has expertise in the electrical area to help determine criteria, or determine if criteria is being met. McConnell made a motion, seconded by Toft to have DLI staff find out the status of training program approvals. Toft pointed out that a contact person

should be included for future updates. McConnell then amended his motion to include a contact person whom could be contacted for updates, seconded by Toft. The vote was unanimous and the motion passed.

Wendy Legge proposed regarding Chapter 3800 Rulemaking, that the Board give the Department of Labor and Industry the direction to do language drafting and send to the Revisor of Statutes and also assign someone on the Board who would write the SONAR. Freichels stated he would write the SONAR.

A motion to move the rulemaking forward for revising was made by Klein, seconded by Fingerson. The vote was unanimous and the motion passed.

The Board took a recess at 11:23 a.m. and resumed at 11:40a.m.

C. Enforcement

- i. Updates – Charlie Durenberger reviewed the Complainant Form. If a party suspects that unlicensed activity is taking place, they should submit the Complainant Form for investigation.

Malooly stated that a “Tennessee Warning” will need to be added to the form. Wendy Legge said the form will be revised to include the statement that the complaint will be private and pointed out that these complaints are directed to the Department of Labor and Industry, and not the Board of Electricity.

Bill Heaney, a visitor, asked if the complainant could be notified about the outcome. Wendy Legge explained that the Department can’t make any promises, as there are some situations where details can’t be shared. After Board discussion, other suggestions for additions were made and the form will be revised. Charlie Durenberger stated that a overview of complaints could be provided to the Board, but would not include specific details on who the complaints are against.

V. Special Business

a. Reciprocal agreements

- i. Update on South Dakota’s ICC exam
 - Schultz stated he hasn’t had any additional contact with South Dakota, however he has had contact with North Dakota, who is expressing more concern over the Texas ICC exam. Schultz hasn’t received any comments from any other State at this time.
- ii. Other States in the Multi State Agreement using ICC exam

b. Legislature Bills-

- i. Status of DOLI Cleanup Bill

House file 3034, Senate file 2926-Schultz stated that this Bill is in the process of moving through the legislative process. There isn't anything in the Bill which has any significant impact on the electrical act.

- ii. Others- Affect the Electrical Act and BOE – Regarding Chapter 1315, Wendy Legge gave a status update of the publishing of the Dual Notice on March 31st. There have not been any requests for Hearing received at this time. The deadline for a Request For Hearing is April 30, 2008. Ms. Legge also pointed out that with the Hearing date scheduled for May 13, 2008, the Board does not yet have a meeting date scheduled for May.

VI. Committee Reports - None

VII. Complaints - None

VIII. Open Forum

Karen Linner, of the Builder's Association of Minnesota (BAM) spoke. She stated BAM's concerns regarding the adoption of the NEC adoption. The concerns they have about the 2008 NEC is the balance between safety verses costs verses unintended consequences of code changes has been tipped. She stated BAM's concerns of unintended consequences especially when it comes to durability and practicality of some of the code changes. Ms. Linner stated that the BAM would like to be able to address their concerns with the Board and see if compromises could be obtained without having to go through the Administrative Law Judge process. The BAM's concerns include Ground Fault Interrupters (GFIs) being "tripped," Arc Fault Circuit Interrupters, receptacles on any balcony, deck or porch greater than 20 square feet, passive radon systems in new construction, and tamper-resistant receptacles.

Freichels recommended having a special meeting to discuss these issues. A motion was made by Owen, seconded by Lewis to have a meeting on Friday, April 25th at 9 a.m. The vote was unanimous and the motion passed.

IX. Board Discussion

Additional meetings (including scheduling a meeting for May) will be discussed at the April 25, 2008 meeting.

X. Announcements

a. Next Regularly Scheduled Meetings

- i. Friday, April 25, 2008, 9:00 a.m.

- ii. Tuesday, May 13, 2008, 9:30 a.m. – Administrative Hearing – OR if Hearing is cancelled - BOE Meeting 10:00 a.m. – Minnesota Room, DLI
- iii. Tuesday, June 10, 2008, 10:00 a.m. – Minnesota Room, DLI

XI. Adjournment

A motion was made by Lewis, seconded by Vespa, to adjourn the meeting of the Board of Electricity. The vote was unanimous and the motion passed. Board adjourned at 12:59 p.m.

Respectfully Submitted,

Douglas Fingerson

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