

**Board of Electricity
Meeting Minutes
May 22, 2008
Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, Saint Paul 55155
DLI.CCLDBOARDS@State.MN.US**

Members Present:

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

Staff Present:

Wendy Legge
Annette Trnka
John Williamson
Kevin Wilkins

Visitors:

Judi Ruben
Tony Maghrak
Fred Lemke

Members Absent:

Douglas Fingerson
Daniel Klein

I. Call To Order

The meeting was called to order by Chair Freichels at 10:02 a.m. and role was taken.

II. Approval of Meeting Agenda

A motion was made by Seanger and seconded by Owen to approve the meeting agenda. All voted in favor and the motion passed.

III. Approval of Previous Meeting Minutes

A motion was made by Owen and seconded by Vespa to accept the April 8, 2008 meeting Minutes. The vote was unanimous and the motion passed. A motion was made by Vespa and seconded by Huxford to accept the April 25, 2008 meeting Minutes. The vote was unanimous and the motion passed.

IV. Regular Business

- A. Expense Approval
 - i. The Chair found the Expenses in order and declared them approved.
- B. Minnesota Electrical Code
 - i. Item XI – Closed portion of meeting to be held at the end of the meeting.
 - ii. Chair Freichels thanked Annette Trnka, Wendy Legge, John Schultz and John Williamson for all their efforts in putting together the Board’s response and to all Board Members and the public for their testimony at the Hearing on the adoption of the 2008 NEC.
- C. Electrical Licensing
 - i. None this meeting
- D. Continuing Education
 - i. None this meeting
- E. Enforcement
 - i. Updates – Malooly gave an update on the unlicensed activity complaint form. According to Schultz, Charlie Durenberger indicated that it has been posted now and can be found on the Department of Labor and Industry’s web site under Electrical Licensing and Inspection, Complaints.
 - ii. DLI 1st Quarter Reports – Freichels went over the Quarterly Report and memo from Toni Harvey.

V. Special Business

- A. Reciprocal agreement(s) –
 - i. Update on South Dakota’s ICC exam – Schultz had a conference call with Ron Nagle, Executive Director with the South Dakota Electrical Commission and Doug Hatch of ICC. The ICC doesn’t believe that being able to take the Texas test and subsequently take the South Dakota test is a problem. The ICC test item bank includes 1500 items, and even if an applicant took the test twice in succession, the test would be different. ICC acknowledged that there are not 1500 items on different knowledge areas, rather many of the items are variations of the same knowledge area. ICC did some research and found no instances where an applicant took the exam in Texas and then in another state which uses the same exam. ICC will notify the second state if they find an instance where an applicant does take the exam in Texas and then another state. From Schultz’s research, Texas is the only state using the ICC exam that doesn’t require prior approval. The South Dakota Electrical Commission is scheduled to meet before the end of the month and further discuss this issue. Schultz will communicate with Nagle prior to the next Board meeting and report to the Board.
 - ii. Other States in the Multi State Agreement using ICC exam – Freichels asked if there are any feelings regarding review of agreements with other states. (ND, SD, NE) All three states have expressed interest in continuing these agreements. The agreements are not consistent with current law. Schultz said that the agreements need to be reworded and brought current. The Board needs to determine which of

the agreements it wants to continue. Legge stated the Board needs to decide if they want to have a state continue with the agreement, and then have that state sign a contract under the current law. Schultz pointed out that unless Minnesota wants to continue with all the states that are a part of the Multi-state agreement, they could withdraw from the Multi-state Agreement and have individual agreements with the states they do want to continue with. Schultz said that updating the agreements isn't time critical, but it is something that needs to be done. Toft stated that he feels that if a state doesn't meet the same level of qualification criteria that Minnesota does, that state shouldn't be included in the reciprocal agreement. It was decided to table this discussion until the next BOE meeting, as the Board of Electricity for the South Dakota Electrical Commission is going to meet this week, and the Board would like to see what the South Dakota Electrical Commission does regarding this issue.

B. Exam Application Process – DOLI Representative

- i. Excessive Time to Process – Kevin Wilkins spoke regarding the application process and the examination scheduling. Kevin distributed a flow chart that shows the Electrical License Exam Application process. The Applicant completes the application. It arrives in the DLI mailroom and Financial Services process the application, which takes 24-48 hours. When it's received by CCLD Licensing, it's in a bundle, which includes not only exam, renewal and contractor applications, but the electrical receipts. This could take several days (depending on volume) to process and balance. Because of recurring license renewals, the volume was abnormally high in December, January, February and March. As part of the process, the data gets entered into the Accounting Database. CCLD Licensing creates an Application File and enters the data in the exam database. Then if it's determined that the applicant is taking a retest, the existing file is pulled from storage. If it's a new applicant, a verification form is mailed to schools/employers to complete. At this point, the process time is dependent upon the time it takes the employer/school to complete and return the verification form, which could be a week to several months. Applicants that do not provide a complete address for the employer may also add to the processing time. When received back, it's processed with the rest of the file for review and approval. If the applicant meets the required months of experience, CCLD notifies the applicant of approval. The applicant can then go online and request an exam date, which will be scheduled and a confirmation letter will be sent to the applicant. Otherwise, a letter of disapproval is sent out, letting the applicant know why.

The exams are held here at DLI, on Wednesday and Thursdays and have a total of 64 seats per week. In mid-August, new exam space should be available and there will be 104 seats per week. Typically the entire time from beginning to end on taking the exam is approximately 60 – 90 days.

Boiler license, Electrical license and electrical exams take priority so as not to get behind. Master exams are the easiest and quickest to process, because for a master license, you only have to prove 12 months as a journeyman. Kevin then gave an illustration of an example application received in December, the lack of employer addresses, the delay in the employers responding, etc.

The typical timeframe for renewals is 60 days in advance of the renewal.

The Board could adopt a rule stating that for applicants, certain information has to be provided or the application will be returned or denied. That rulemaking is coming up in the next month or so. Legge suggested that the Board could also put in rule that the application must be received a certain amount of time before expiration, or it may not be processed in time.

Judi Rubin (MEA) asked when the examinations will be based on the 2008 NEC.

Schultz stated that it's an open book examination, and for the 2008 NEC, there's one new article added for this code and because of its limited scope, it's unlikely that any examination questions related to this article will be included in the first examination editions.. The rest of the knowledge areas are all in the 2005 code. The current plan is to begin basing the examinations on the 2008 NEC on the effective date of the 2008 NEC. There's a six month waiting period for anyone who fails the examination before they can retake it and is updated at least every six months, therefore anyone who fails an exam will be taking a different exam when they are eligible to retake the test.

- ii. Contact Person – Freichels asked if there's a contact person to find the status. Kevin stated that the quickest way to degrade the operation is to have a flood of phone calls asking to get a status, which takes away from the actual processing of the applications. If inquires are deemed absolutely necessary, applicants can send an e-mail to dli.license@state.mn.us.

C. Legislative Bills

- i. Status of DOLI Cleanup Bill – Schultz stated that Chapter 337 of the 2008 Session Laws doesn't include anything that has any significant impact on the BOE. There are only some technical changes to the Electrical Act.
- ii. Others – Affect the Electrical Act and Board – Schultz is not aware of any other legislation from this Session that has any impact.

VI. Committee Reports - None

VII. Complaints - None

VIII. Open Forum

There were no requests for Open Forum.

IX. Board Discussion

Owen thanked Schultz, Freichels and Legge for their performance during the ALJ Hearing. There was no further Board discussion. Freichels acknowledged John Williamson for his assistance for the technical side.

X. Announcements

A. Next Regularly Scheduled Meetings

- i. Tuesday, June 10, 2008, 10:00 a.m. – Minnesota Room, DLI (Left for 10:00 after discussion.)
- ii. Tuesday, July 8, 2008, 10:00 a.m. – Minnesota Room, DLI (Reserved)

XI. *Closed Board Session on Chapter 1315 Rulemaking: The Attorney-Client Privilege authorizes the closing of this session*****

The Board closed the meeting at 11:55 a.m. and took a break. Meeting resumed at 12:03.

- i. Discuss Board's comments to be filed by June 2, 2008 with Administrative Judge Richard Luis. Seanger stated that the Board has decided on three different occasions to adopt the 2008 NEC, and it should stand as is.
- ii. Process for preparing and filing rebuttal, if necessary, due on June 9, 2008. Attorney/client privileged discussion followed.

XI. Adjournment

A motion was made by Schultz, seconded by Seanger, to adjourn the meeting of the Board of Electricity, the vote was unanimous and the motion passed. Board adjourned at 1:02 p.m.

Respectfully Submitted,

Jim Freichels

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