

**Board of Electricity
Meeting Minutes
June 2, 2009**

**Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, Saint Paul 55155
DLI.CCLDBOARDS@State.MN.US**

Members Present:

Douglas Fingerson
Jim Freichels
Willy Hoskins
Kim Huxford
Daniel Klein

Timothy Malooly
John McConnell
Dick Owen
John Schultz (DLI Commissioner's Designee)
Tom Seanger
Andy Toft
Joe Vespa

Members Available by Teleconference:

None

Members Absent:

None

Staff Present:

Wendy Legge
Annette Trnka
Tom Joachim
Kevin Wilkins
John Williamson

Visitors:

John Ploetz
Scott Nutting
Dan McConnell
Judi Rubin
Gary Thaden
Brian Winkebar
David Fisch
Jim Nimlos
Phil Raines
Darrell Thayer

I. Call To Order

The meeting was called to order by Chair Freichels at 9:04 a.m. and role was taken.

II. Approval of Meeting Agenda

The Chair has added a Legislative Update by Wendy Legge to the Agenda. A motion was made by Owen and seconded by Seanger, to approve the meeting agenda as amended. The vote was unanimous and the motion passed. Tim Malooly arrived at 9:12 a.m.

III. Approval of Previous Meeting Minutes

A motion was made by Owen and seconded by Kline to accept the previous Meeting Minutes. The vote was unanimous and the motion passed.

IV. Regular Business

A. Expense Approval

- i. A motion was made by Fingerson, seconded by Hoskins, to approve Expense Reports and Per Diems. The vote was unanimous, and the motion passed.
- B. Enforcement – There were no enforcement updates.

V. Special Business

- A. Tom Joachim – Due to the broad range of duties assigned to the Board Assistant, the Minutes will now be done in a more abbreviated manner instead of the verbatim format they have appeared in to date. The Department is looking into the possibility of posting the recordings of Board meetings either on-line or by burning a CD from the tape recordings and sending to any individual requestors. Joachim then gave a legislative update on the Department of Labor and Industry’s budget cuts and how this affects electrical workers, inspectors and permits. The Department had several bills in the last Legislative session which have either been delayed or cancelled.
- B. Legislative Update – Wendy Legge. Reviewed were changes to the Open Meeting Law; the allowable experience credit prior to becoming registered; and the statewide electronic licensing system.
- C. Reciprocal agreement(s) –
 - i. Update on MN State Master Reciprocity Agreement (with ND, NE, SD) – Schultz stated that the Director from North Dakota has indicated the Reciprocity Agreement has been signed and put in the mail, however, it has not been received yet. Schultz stated there had been communication with Nebraska who indicated they were going to approve the agreement, but Schultz doesn’t believe they’ve had their meeting yet. Schultz stated he hasn’t had any communication with South Dakota since the last Board meeting.
 - ii. Update on South Dakota’s ICC exam – There are no further updates on the exam.
 - iii. Update on Multi State Reciprocity Agreement – The annual meeting is scheduled for August however, a Minnesota representative will not be sent to New Hampshire for this meeting. As a point of interest, Wisconsin is in the process of adopting or implementing state-wide electrical licensing and there will be discussion regarding reciprocity at a high level.
- D. Photovoltaic Installations and Licensing Requirements – Chair Freichels opened the discussion up to members of the public. Dan McConnell, IBEW, addressed the Board and distributed a packet of a roof fire at a Target store in Bakersfield, CA. Toft agreed that this is an issue where he feels that an electrician should wire anything over 50 volts.

Jim Nimlos gave a PowerPoint presentation. Darrell Thayer gave an auditory presentation. Schultz stated he feels the issue isn’t whether the wiring of these panels is electrical work; rather the issue is whether the mounting of these panels is electrical work. There is also an issue of when the panels are shipped, the unpacking of these panels create an immediate danger if an electrician isn’t present to ensure safety. Schultz stated that perhaps it should be determined whether this issue should be addressed legislatively.

Legge stated she is confused as to what is being asked of the Board. McConnell stated his request would be for code interpretation. Legge stated that the Board of Electricity has not adopted a procedure for requests for code interpretation. She then outlined what the Plumbing Board has established for procedure on code interpretation, which

states that first the request for interpretation must be directed to the Department of Labor and Industry prior to being brought forward to the Board.

Freichels directed Dan McConnell to make a request to the Department of Labor and Industry and if the Department's answer is not complete or is disputed, to then bring the request for interpretation to the Board. He went on to state that he feels that without further knowledge of the systems and being there are no representatives of the industry present, he's not qualified to make a determination on code interpretation.

Legge stated that it should be determined what's being requested. If there's a request of interpretation of the licensing laws, the Board does not have the authority to give an interpretation, as the Department has authority over administering electrical licensing. Legge went on to state the Board could, however, propose a rule interpreting a word or term in the licensing laws.

John Ploetz addressed the Board stated that his concern is that there is a sense of urgency to determine what is electrical work as solar power is becoming more widely used as an alternate electrical source and for the safety of the public, the determination needs to be made. Legge stated that once a Request For Final Interpretation has been submitted, the Board must issue that final interpretation within 30 days of the request being received. Freichels asked if Mr. McConnell could submit a request to the Department in a timely manner and then the Board could get an interpretation from the Department before the next meeting for review, to which Schultz answered yes; the clarity of the question will assist in the clarity of the response.

The meeting broke at 10:48 a.m. and reconvened at 11:04 a.m.

VI. Committee Reports

- A. Construction Codes Advisory Council – Tom Seanger. Seanger stated that he will have a report for the Board at the next Board meeting. He also stated that he will be looking to have an alternate named from the Board members at the next Board meeting.

VII. Complaints

There have been no complaints to the Board.

VIII. Discuss Records Retention Schedule for the BOE

Legge stated that the Record Retention Schedule was approved by the Minnesota Historical Society. This is a public document and is available upon request.

IX. Chapter 3800

Legge stated that the rules are under review at the Governor's office for approval, which is needed before we can send the Order Adopting the Rule to the Office of Administrative Hearings. A letter from the MN Telecom Alliance was hand delivered late on June 1st asking the Board to reject the findings of the Administrative Law Judge and asking the Board to make

changes to the rule. This letter and the copy of the testimony will be scanned and distributed to the Board members this week and reviewed at the next meeting.

IX. Open Forum

John Ploetz asked about the 2009 construction codes clean up bill; if there were any electrical issues or was it strictly the building code. Tom Joachim stated that the piece that was added on that caused the bill to not pass was related to a Supreme Court decision in which the Court determined a property maintenance code adopted by the City of Morris, Minnesota was more restrictive than the State Building Code.

X. Board Discussion

Dick Owen has submitted his resignation as of August 31, 2009, as he is retiring from his inspector position for the City of St. Paul. Owen stated that one issue he would like the Board to consider, since he won't be part of the Board for the 2011 adoption of the National Electrical Code, is for the Board to consider an issue regarding health care facilities. Article 517 in the NEC covers health care facilities, however, the NFPA Standards Council has determined to this point that a many of the general requirements for wiring in a health care facility will be removed from the NEC and put in the NFPA 99. As the State of Minnesota does not adopt the NFPA 99 as part of their codes, he wanted to bring it to Board's attention. One of the problems will be that the performance requirements may not be available in the NEC next adoption. Owen stated that it is an ongoing issue and has not been finalized yet.

Gary Thaden stated that if the NFPA takes the health care facilities out of the NEC it would probably require a statutory change in Minnesota.

XI. Announcements

A. Next Regularly Scheduled Meetings

- i. Tuesday, July 7, 2009, 2009, 9:00 a.m. – Minnesota Room, DLI
- ii. Tuesday, August 4, 2009 – 9:00 a.m. – Minnesota Room, DLI
- iii. Tuesday, September 8, 2009 – 9:00 a.m. – Minnesota Room, DLI

XI. Adjournment

A motion was made by Owen, seconded by McConnell, to adjourn the meeting of the Board of Electricity, the vote was unanimous and the motion passed. The Board adjourned at 11:26 a.m.

Respectfully Submitted,

Douglas Fingerson

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