

**Board of Electricity
Meeting Minutes
December 11, 2007**

**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)

Members Available by Teleconference:

None

Members Absent:

Timothy Malooly
Dick Owen
Daniel Klein
Jay Lewis

Staff Present:

Wendy Legge
Annette Trnka
Toni Harvey
Kevin Wilkins

Visitors:

Judi Rubin
Bill Heaney
Tony Maghrak
Ron Beldo
Gary Thaden
Fred Lemke
John Ploetz
Dan McConnell
Russ Ernst
Phil Raines

I. Call To Order – James D. Freichels

The meeting was called to order by James Freichels at 10:08 a.m.

II. Approval of Meeting Agenda

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

III. Approval of Previous Meeting Minutes

There were some amendments pointed out to the November 5, 2007 Meeting Minutes regarding staff, and the spelling of a Visitor's name. A motion was made to accept the previous Meeting Minutes, as amended, and the motion was seconded. All voted in favor and the motion passed.

IV. Regular Business

a. Expense Approval

- i. The motion was made and seconded to approve Expense Reports. The vote was unanimous, and the motion passed.

b. Minnesota Electrical Code

- i. Review the status of Rulemaking
- ii. Identify the effective date of the 2008 National Electrical Code

Wendy Legge identified that the intent to amend Minnesota Rule 1315.0200 related to the National Electrical Code was approved by the Board in the November 5, 2007 Board Meeting, however, no effective date was included in the motion. Minnesota Statue, section 16b.64(Subd. 8) was amended effective December 1st, requiring any amendment to the State Building Code not to become effective until at least 180 days after the adoption date, unless an earlier effective date is necessary to protect public health and safety. During discussion, it was identified that the latest edition of the National Electrical Code has typically been adopted July 1 of the code edition year and that industry training is developed and scheduled in anticipation of this date. A motion was made by Seanger and seconded by Toft to adopt July 1st as the effective date. The discussion then revolved around why it would be a matter of Public Health and Safety to amend the effective date. Gary Thaden, Government Affairs Director for the National Electrical Contractor's Association, then spoke, stating that July 1st has been the traditional date to make additions of the National Electrical Code and state that he felt there would be confusion in the industry and could have people installing things in the wrong way if a date was chosen other than July 1st, making it a safety issue. In addition, Mr. Thaden stated that the NECA has started training people for the 2008 edition of the National Electrical Code. It was decided that the most effective way of protecting public health and safety would be to make the new effective date of the amendment to Minnesota Rule 1315.0200 July 1, 2008. A motion was made by Fingerson and seconded by John McConnell to amend the original motion to make the effective date July 1, 2008 or five days after the Notice of Adoption in the State Register, whichever is later. The vote on the amendment to the original motion was unanimous and the motion passed. The vote on the original motion was unanimous and the motion passed.

c. Electrical Licensing

- i. Review the status of Rulemaking
- ii. Review License Qualification Rules

Wendy Legge stated that in order to amend a rule, that rule has to be listed in the Request For Comments. One rule that wasn't listed in the November 5, 2007 Board Meeting was Rule 3800.3500, regarding Definitions Affecting License Requirements and Registration of Unlicensed Workers. A motion was made by Toft and seconded by Seanger to include the definitions to Rule 3800.3500 in the Request For Comments. The vote was unanimous and the motion was passed.

Toft brought up including Rule 3800.3510 in the Request For Comments. Schultz stated that changes to section 326B.33 includes relocating the definitions of master elevator constructor, elevator constructor, maintenance electrician and lineman from rule to statute. Rule 3800.3510 identifies the work permitted to be performed by these license types. The provisions of Rule 3800.3510 didn't get moved when the definitions of the licensed types were moved into statute and that the provisions of Rule 3800.3510 should be moved to statute as part of a "clean up" bill in the next legislative session.

Toft made a motion to include Rules 3800.3820 through 3800.3870 in the Request For Comments and McConnell seconded. After further discussion Toft made an amended motion to include Rules 3800.3820 through 3800.3885 and Vespa seconded. The vote was unanimous and the motion passed.

d. Continuing Education

- i. Review the status of Rulemaking
- ii. Review continuing education rules

Discussion was held regarding the existing and new Rules pertaining to continuing education. A motion was made by Schultz that 3800.36xx for unlicensed workers be included in the Continuing Education Request for Comments and seconded by Toft. The vote was unanimous and the motion was passed.

V. Special Business

a. Discuss additional By-Law Amendments, such as "End Debate."

An amendment was discussed regarding adding "End Debate" in the By-Laws under Article VII (F). Also discussed was a definition of "Two-Thirds Voting Majority," and including the word "e-mailed" under Article V (E)(1)(b). A motion was made by Schultz to make these changes and seconded by Huxford. The vote was unanimous and the motion passed.

b. Reciprocal agreements

- i. Reciprocal agreements with North Dakota, South Dakota and Nebraska at the Master Level

A motion was made by Schultz and seconded by Seanger to approve the agreements with ND, SD and NE. After discussion, there was an amendment to that motion by Seanger and seconded by Vespa to have Schultz review Reciprocity Agreement language with each State of NE, ND and SD. The vote was unanimous and the motion passed.

Schultz asked the Board to consider whether Minnesota wants to retain its membership in the Multi-State Reciprocal Agreement, not whether other states should be members. Huxford made a motion to retain the Reciprocity Agreement with the existing States, Seanger seconded. Discussion ensued.

A vote was taken and the motion passed. Toft and McConnell voted nay.

- ii. Revisit approval of Texas as a member of the Multi-State Reciprocal License Agreement.

A motion was made by Seanger to approve Texas and seconded by Fingerson. Discussion included Dan McConnell asking if the action regarding NE, ND, and SD would also be similar for Texas and review of the Multi-State Reciprocity Agreement. Not all of the states have approved Texas as part of the Multi-State Reciprocity Agreement. Seanger then rescinded his Motion. A motion was made by Toft and seconded by McConnell to deny adding TX to the Reciprocity Agreement. Discussion was held. A vote was taken and the motion failed. Toft and McConnell voted aye.

Motion made by McConnell and seconded by Toft to table the discussion of adding TX to the Multi-State Reciprocity Agreement. The vote was unanimous and the motion passed. A motion was made by McConnell and seconded by Toft to gather information on points 2 and 3 of the April 25, 2007 Jeffrey Hill letter and also information on how the current TX licensing requirements correlate with the MN Reciprocity Statutes and also information on the pass/fail ratio of TX exams. The vote was unanimous and the motion passed.

VI. Committee Reports - None

VII. Complaints – None

VIII. Open Forum

Bill Heaney addressed the Board regarding the Board website and his concern that it be kept up-to-date with documents on Board activities. He would like to see on the Agenda the Board list action intent is. He would also like to see all the documents given to the interested parties; either by e-mail or posting to the website, instead of just the Minutes from the previous meeting and the current Agenda.

Tony Maghrak then stated that in the last meeting he had asked about the review of the approved programs and in the draft copy of the Minutes of the last meeting it appeared that Mike Godfrey from CCLD was the person he should talk to, whom he left a message for. Mr. Godfrey referred Mr. Maghrak to Schultz regarding those questions. His concerns is from some of the technical advisory committees – they've been sending information over with some pressure from the MNSCU (?) system for them to make changes in their program, believing that as long as they're notifying on an annual basis, that the programs would remain approved. Mr. Maghrak is trying to ensure that there is a review process put in place. Mr. Maghrak stated there is a push to reduce those credits back down to 60, which he believes would create problems under the current language. Mr. Maghrak then volunteered to assist in the process of reviews. Schultz responded, stating there had been discussions regarding staffing that resides in Mike Godfrey's unit that now appears will be moving to the Electrical Inspection Unit, however the focus of that FTE will be on education – including approval of education programs and continuing education programs and other education related activities. The reason for transferring the position to the Electrical Inspection Unit was primarily to have that individual involved with the primary electrical work, rather than on the education side where there is less

opportunity to be involved with day-to-day issues. The position is expected to be posted within the next month or so, so that these issues can be addressed.

It was decided at 12:20 to take a 10 minute break until 12:30. The Board reconvened at 12:30.

IX. Board Discussion

a. Open Meeting Law

- i. Additional information from Wendy Legge
A PowerPoint presentation on Open Meeting Law was given by Wendy Legge.
Further Board discussion included identifying the Board Website address.

X. Announcements

a. Next Regularly Scheduled Meetings

- i. Tuesday, January 8, 2008, 10:00 a.m. – Minnesota Room, DLI
- ii. Tuesday, February 12, 2008, 10:00 a.m. – Minnesota Room, DLI

XI. Adjournment

A motion was made and seconded to adjourn the meeting of the Board of Electricity, the vote was unanimous and the motion passed. Board adjourned at 1:18 p.m.

Respectfully Submitted,

Douglas Fingerson

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