

Meeting Minutes: Board of Electricity

Date: July 9, 2019
Time: 9:00 a.m.
Location: Minnesota Room, Department of Labor and Industry
443 Lafayette Road North, St. Paul, MN 55155

Members Present:

David Curtis
Alfreda Daniels
Cole Funseth
Derrick Givens
Michael Hanson (via tele)
Duane Hendricks – Vice-Chair
Chad Kurdi
Peter Lindahl – Secretary
Daniel Westberg – Chair
John Williamson

Members Absent:

Scott Novotny
Weston Wilson

DLI Staff & Visitors:

Jeff Lebowski (DLI)
Lyndy Logan (DLI)
Neil Furman (DLI)
Dean Hunter (DLI)
Marty Kumm (DLI)
Steve Dudley (DLI)
Todd Green (DLI)
Charlie Durenberger (DLI)
John McNamara (DLI)
Adam Hanson (ABC)
Gary Thaden (NECA)
Ray Zeran (IBEW)
Daivd Fisch (MNESTA)

1. Call to Order

The meeting was called to order at 9:05 a.m. by Chair Westberg. Roll call was taken by Secretary Hendricks and a quorum was declared with 10 of 12 voting members present in person or via teleconference.

2. Approval of Meeting Agenda

A motion was made by Givens, seconded by Lindahl, to approve the agenda as presented. The roll call vote was unanimous with 10 votes in favor of the motion; the motion carried.

3. Approval of Previous Meeting Minutes

A motion was made by Curtis, seconded by Lindahl, to approve the April 9, 2019, meeting minutes as presented. The roll call vote was unanimous with 10 votes in favor of the motion; the motion carried.

4. Regular Business

- a. **Expense Approval** – reviewed and approved the per diem and expenses.
- b. **Enforcement & licensing update** – Charlie Durenberger gave an update on the number of electrical enforcement actions/orders.

c. **Inspections update**

Williamson said for the previous fiscal year there were 108,180 electrical permits filed and 148,088 inspections – the same trend as previous years.

5. **Special Business**

a. Reciprocity

Steve Dudley referred to **Attachment A**, Electrical License Reciprocity Comparison of Minnesota, Wisconsin, and Texas, **Attachment B**, Minnesota Statute 326B.33 regarding reciprocity, and **Attachment C**, National Electrical Reciprocal Alliance Bylaws.

Westberg asked if Wisconsin and Texas wished to address the Board and Dudley said Wisconsin does but Texas needs to obtain funding to address the Board in person but they may do so via teleconference. Westberg asked Dudley if other states need to meet the same requirements as Minnesota and Dudley said other states need to meet requirements per statute. Present reciprocity agreements with other states do not meet everything; therefore, if every requirement needs to be met exactly the same as Minnesota, then there are many states that would not be reciprocal because those states are over and above on certain requirements. The Board should review how far off a state is from meeting Minnesota's requirements and determine if it is justifiable to deny reciprocity. If the Board denies reciprocity then that state needs to understand why they were denied and Lebowski agreed. Lebowski added that the Board can ask specific questions of a state addressing the Board regarding reciprocity and all states have a right to be heard. Dudley added that, at this time, journeyworkers, not masters, are being discussed. Dudley said Wisconsin and Texas are pursuing Minnesota because Wisconsin has made a lot of changes in their statutory language and they have brought the bar closer to Minnesota's requirements and Texas has similar requirements to Minnesota, does not have a state ratio; however, Texas is primarily municipally inspected in which case municipalities have ratios and those are 1 to 3 or 1 to 5. South Dakota has no ratio and Minnesota is reciprocal with them.

Williamson said that Minnesota's statutory language is broad based. Dudley's matrix, Attachment A, is merely an illustration of similarities, not requirements per statute. It is not written anywhere that all 19 categories in Attachment A need to be an exact match. There is a lot of room for interpretation. Dudley said the chart he created is not all inclusive – the chart only provides an idea of where Minnesota and other states might match up. Westberg said the board's decision is based on requirements and if the Board does not vote for reciprocity then there would need to be a statement of why. Lebowski said this is correct. Kurdi asked Dudley if Wisconsin and Texas meet Minnesota's requirements and Dudley said yes, in his opinion, if reviewing other states that Minnesota is already reciprocal with then yes, both Texas and Wisconsin we are in line in similarities and differences. There are zero states with reciprocity agreements that are identical to Minnesota. Lindahl said perhaps these other states that do not meet all of Minnesota's requirements should be removed rather than add more states. Dudley asked how this could be done according to statutory language? Lindahl said

states can remove reciprocal agreements. Lebowski said if a state changes their program there is nothing forcing Minnesota to continue with reciprocity but this would have to be a decision on the record with an opportunity to address the Board to explain why reciprocity should continue.

Kurdi asked if the Board has written criteria of requirements before granting a state reciprocity. Westberg said Attachment A would be the criteria to review requirements in place for Wisconsin and Texas. Westberg asked if there could be a subcommittee to analyze Attachment A and bring a decision back to the Board. Lebowski said legally this can be done. He hasn't seen the current reciprocity agreement but there should be language that explains what happens if a state drops below the standard requirements.

Funseth asked who would draft reciprocal agreements and Westberg said that at the October meeting a sub-committee could be formed to review all of the facts and draft an agreement.

Lebowski asked if the board would welcome Texas to appear via teleconference and Lindahl said if it is that important then they should send a representative, in person, and Westberg, Hendricks, and Hanson agreed.

Further discussion on reciprocity was then tabled until the October meeting.

b. NEC Adoption

Lebowski said the Request for Comments was published in the State Register on April 22, 2019 and no comments have been received yet. The Board's target date for implementation is July 2020. The board needs to make a decision if they want to adopt the code with or without Minnesota amendments. If the Board adopts without any MN amendments then the rulemaking process would go forward as it has in past years but this decision would be up to the board. The NEC is not final yet at the national level.

Kurdi said he prefers adopting the national code, without MN amendments, and made a motion, seconded by Givens [motion later withdrawn]. Lebowski said the Board would go forward with rulemaking based on this motion. There is an opportunity for public input and a public hearing. If 25 or more persons request a public hearing then they would try to convince an Administrative Law Judge that the Board should be making Minnesota amendments as opposed to simply adopting as is. Lebowski isn't saying this would happen but there is the potential that it could.

Gary Thaden, Government Affairs Director for the National Electrical Association, said he believes the safest course would be to either call a special meeting after the NFPA decides on final language or delegate to a sub-committee to review. The Board needs to know the final language before adopting otherwise he believes this puts the Board at risk. Hendricks agreed with Thaden – there is no urgency to adopt before the NEC is finalized. Thaden said their association is a strong supporter of the Board and of adopting without MN amendments but he doesn't want to see the process put at risk by

trying to achieve an arbitrary date. Lindahl agreed and asked if Kurdi would like to withdraw his motion to adopt without MN amendments and Kurdi replied yes, and his motion was withdrawn. The Board agreed instead to appoint a sub-committee to review the final NEC and bring a recommendation back to the Board on whether to adopt with or without MN amendments.

A motion was made by Lindahl, seconded by Kurdi, to authorize and appoint a sub-committee to review the finalized NEC at a special meeting and bring their recommendation to the full Board on whether to adopt the NEC with or without MN amendments. The roll call vote was unanimous with 10 votes in favor of the motion; the motion carried.

The NEC 2020 Adoption Review Committee was formed with Lindahl, Kurdi, Funseth, Hendricks, Hanson and Westberg. The sub-committee meeting would be scheduled after August 5.

- c. **Election of Officers** – Meeting was turned over to John Williamson, Commissioner’s Designee, for the election of officers.

Chair – Duane Hendricks nominated Dan Westberg. No other nominations were given. The roll call vote was unanimous with 10 votes in favor; the nomination passed. Westberg was re-elected as Chair.

Vice Chair – Dan Westberg nominated Duane Hendricks as Vice Chair. No other nominations were given. The roll call vote was unanimous with 10 votes in favor; the nomination passed. Hendricks was elected as Vice-Chair.

Secretary – Derrick Givens nominated Alfreda Daniels as Secretary and Duane Hendricks nominated Peter Lindahl. No other nominations were given. The majority roll call vote ruled with 6 votes in favor of Lindahl; the nomination passed. Lindahl was elected as Secretary.

Duane Hendricks was assigned as the representative to the CCAC and Alfreda Daniels will serve as the alternate.

6. **Committee Reports**

Construction Codes Advisory Council (CCAC) – has not met.

7. **Complaints**

No complaints brought forth

8. **Open Forum**

Nothing

9. **Board Discussion**

None

10. Announcements

Next regularly scheduled meetings – 9:00 a.m. Minnesota Room, DLI

- a. July 9, 2019 (annual meeting)
- b. October 8, 2019

11. Adjournment

A motion was made by Lindahl, seconded by Givens, to adjourn the meeting at 10:03 a.m. The vote was unanimous with 10 votes in favor of the motion; the motion carried.

Respectfully Submitted,

Peter Lindahl

Peter Lindahl
Secretary

**Electrical License Reciprocity Comparison
Minnesota/Wisconsin/Texas**

Attachment A

| JOURNEYWORKER | | | | | | | | |
|---------------|---|--|---|--|---|--|---|---|
| Sort | Subject | Reciprocity Similarities | Minnesota | | Wisconsin | | Texas | |
| | | | | Citation | | Citation | | Citation |
| 1 | Statewide licensing | MN Statute 326B.33 Subd. 20 | Yes | MN Statute 326B.33 | Yes. | WI statute 101.862, with exceptions. | Yes | Texas Occupations Code 51.4041(c) allows reciprocity agreements (subject to approval by the governor) |
| 2 | Electrical inspections covered statewide | NERA | Yes. State and municipal | MN Statute 326B.36 | Yes. State and municipal. | New one and two family dwellings in SPS 320.10. Farms, public buildings places of employment, etc. in SPS 316.012 and 316.013. Exception for existing industrial and manufacturing facilities in state statute 101.875(2). | Inspections are not mandatory by law, but are required by city and county ordinance. | |
| 3 | State administered exam | MN Rule 3800.3520, MN Statute 326B.33 Subd. 20, & NERA | Yes, Minnesota writes and proctors our own exams | MN Rule 3800.3520, MN Statute 326B.33 Subd. 18 | Yes. Wisconsin writes and administers its own exams. | SPS 305.09 | Yes, Texas creates its own exam, which is administered by a third-party vendor. | Texas Occupations Code 1305.162 |
| 4 | Number of questions | MN Statute 326B.33 Subd. 20, & NERA | | 80 Policy | | Set by policy and not an Administrative rule. | 80 | Candidate information bulletin located at https://urlz.com/UzdVt |
| 5 | Time allowed | MN Statute 326B.33 Subd. 20, & NERA | 5.5 hours | Policy | 4 hours | Set by policy and not an Administrative rule. | 4 hours | Candidate information bulletin located at https://urlz.com/UzdVt |
| 6 | Open book/memory | MN Statute 326B.33 Subd. 20, & NERA | Open book | Policy | Open book | SPS 305.09(4)(b) Set by policy and not an Administrative rule. | Open book | Candidate information bulletin located at https://urlz.com/UzdVt |
| 7 | Minimum score | MN Statute 326B.33 Subd. 20, & NERA | | 70% Policy | | 70% SPS 305.09(6)(a) | 70% | 16 Texas Administrative Code 73.21 ("An individual applicant must achieve a passing score on an examination approved by the executive director of the Texas Department of Licensing and Regulation.") |
| 8 | Qualifying experience to qualify to examine | MN Statute 326B.33 Subd. 20, & NERA, & MN Rule 3800.3520, NM statute 326B.33 Subd. 2 | All hours can be obtained in new installation of light, heat, power in any occupancy type | MN Rule 3800.3520, MN Statute 326B.33 | Experience in installing, maintaining, or repairing electrical wiring. Completion of a construction electrician apprenticeship program in installing, repairing, and maintaining electrical wiring | WI statute 101.87(1) | Hours may be gained if under the supervision of a master electrician; must be performing "electrical work" as defined by statute and rule | Texas Occupations Code 1305.002(11); Texas Occupations Code 1305.155(1); 16 Texas Administrative Code 73.10(21) |
| 9 | Qualifying experience to qualify to examine (years/hours) | MN Statute 326B.33 Subd. 20, & NERA, & MN Rule 3800.3520, NM statute 326B.33 Subd. 2 | 8000/4 years OJT | MN Rule 3800.3520, MN Statute 326B.33 | 8000 hrs. and 4 years OJT or Completion of a construction electrician apprenticeship program in installing, repairing, and maintaining electrical wiring that has a duration of at least 3 years and that is approved by the U.S. department of labor or by the department of workforce development | WI statute 101.87(1) | 8,000 hours of on-the-job training under the supervision of a master electrician | Texas Occupations Code 1305.155 |

**Electrical License Reciprocity Comparison
Minnesota/Wisconsin/Texas**

| JOURNEYWORKER | | | | | | | | |
|---------------|---|--|---|---------------------------------------|---|-----------------------------------|---|---|
| Sort | Subject | Reciprocity Similarities | Minnesota | | Wisconsin | | Texas | |
| | | | | Citation | | Citation | Citation | |
| 10 | Hours granted for the successful completion of a 2 year technical college electrical course | MN Statute 326B.33 Subd. 20, & NERA, & MN Rule 3800.3520, MN statute 326B.33 Subd. 2 | | MN Rule 3800.3520, MN Statute 326B.33 | 2000 | WI statute 101.87(2m) | n/a | n/a |
| 11 | Out of state experience accepted | MN Statute 326B.33 Subd. 20, & NERA, & MN Rule 3800.3520 | Yes, as long as it is comparable to experience gained in Minnesota | MN Rule 3800.3520 | Yes. | WI statute 101.87(1) | Yes, as long as it is comparable to experience gained in Texas | Texas Occupations Code 1305.164; Texas Occupations Code 51.4041(b) |
| 12 | Minimum education requirements to qualify to examine | MN Statute 326B.33 Subd. 20, & NERA, & MN Rule 3800.3520 | 2 hours CE per year for Minnesota registered unlicensed electricians. No apprenticeship education required. No education requirements for individuals who gained experience in other states | MN Rule 3800.3520, MN Statute 326B.33 | None. | | No education or apprenticeship is required to take the examination; however, electrical apprentices are required to take 12 hours per year of CE. | 16 Texas Administrative Code 73.25 |
| 13 | Military experience accepted | MN Rule 3800.3520 | Yes. Must provide DD214 and MOS must be for electrical | MN Rule 3800.3520 | Yes, if the experience is in installing, maintaining, or repairing electrical wiring. | WI statute 101.87(1) | Yes. Must provide DD214 and MOS must be for electrical work. | Texas Occupations Code 1305.1645 |
| 14 | Duration of journeyworker license | Policy | 2 years | Policy | 4 years | SPS 305.06 | 1 year | 16 Texas Administrative Code 73.22 |
| 15 | Continuing education content required to renew journeyworker license | MN Rule 3800.3602 | 12 hours code 4 hours statute, rules, technical | MN Rule 3800.3602 | Content not specified, but has to relate to the skills and knowledge of the license category. Classes must be state approved. | SPS 305.08(1)(a) and (d) | 12 hours annually - 4 hours NEC, 4 hours statute and rules, and 4 hours safety (NFPA 70E) | 16 Texas Administrative Code 73.25 |
| 16 | Continuing education hours required to renew journeyworker license | MN Rule 3800.3602 | 16 hours prior to renewal - 2 year cycle | MN Rule 3800.3602 | 24 hours. Classes must be state approved. | SPS 305.44(6)(b) and 305.08(1)(a) | 12 hours annually - 4 hours NEC, 4 hours statute and rules, and 4 hours safety (NFPA 70E) | 16 Texas Administrative Code 73.25 |
| 17 | NERA Member | | Yes | | Yes | | Yes | |
| 18 | Reciprocal States | | Alaska, Arkansas, Colorado, Iowa, Montana, Nebraska, North Dakota, South Dakota, Wyoming | | New Hampshire, Iowa | | Alaska (pending), Arkansas, Idaho, Iowa (pending) Louisiana (master only), Montana, Nebraska, New Mexico, North Carolina, Oklahoma (pending), South Dakota, Wyoming | |
| 19 | Code Cycle | MN Rule 1315.0200 | | 2017 MN Rule 1315.0200 | 1 and 2 family dwellings are on 2011 until January 1, 2020 when they go to 2017. Everything else is on 2017 | | | 2017 Texas Occupations Code 1305.101; 16 Texas Administrative Code 73.100 |

2018 Minnesota Statutes

326B.33 LICENSES.

Subd. 20. Reciprocity.

The commissioner may enter into reciprocity agreements for personal licenses with another state if approved by the board. Once approved by the board, the commissioner may issue a personal license without requiring the applicant to pass an examination provided the applicant:

- (a) submits an application under this section;
- (b) pays the application and examination fee and license fee required under section [326B.092](#); and
- (c) holds a valid comparable license in the state participating in the agreement.

Agreements are subject to the following:

- (1) The parties to the agreement must administer a statewide licensing program that includes examination and qualifying experience or training comparable to Minnesota's.
- (2) The experience and training requirements under which an individual applicant qualified for examination in the qualifying state must be deemed equal to or greater than required for an applicant making application in Minnesota at the time the applicant acquired the license in the qualifying state.
- (3) The applicant must have acquired the license in the qualifying state through an examination deemed equivalent to the same class of license examination in Minnesota. A lesser class of license may be granted where the applicant has acquired a greater class of license in the qualifying state and the applicant otherwise meets the conditions of this subdivision.
- (4) At the time of application, the applicant must hold a valid license in the qualifying state and have held the license continuously for at least one year before making application in Minnesota.
- (5) An applicant is not eligible for a license under this subdivision if the applicant has failed the same or greater class of license examination in Minnesota, or if the applicant's license of the same or greater class has been revoked or suspended.
- (6) An applicant who has failed to renew a personal license for two years or more after its expiration is not eligible for a license under this subdivision.

National Electrical Reciprocal Alliance (NERA)

BYLAWS

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National Electrical Reciprocal Alliance (NERA)

BYLAWS

ARTICLE I: NAME

The name of this Alliance will be the National Electrical Reciprocal Alliance (NERA) formally known at the Multi-state Reciprocal Electrical Licensing Group.

ARTICLE II: MISSION

Encourage similar electrical regulations, nationwide.

ARTICLE III: GOALS

The member states promote reciprocity based on similar, complimentary, and interchangeable requirements without major exception to further the following goals:

- To improve the electrical industry by raising the level of professionalism of the electrical industry and safety for the general public;
- To improve the member states' ability to respond to changing economies and the management of their available resources;
- To provide an efficient response to issues and concerns within the electrical industry and the Alliance;
- To have member state's have similar continuing education requirements and examinations; and
- To recognize equal and fair treatment and respect for the quality of electrical workers licensed by each member state.

ARTICLE IV: PURPOSE

The Alliance is organized to:

- Allow qualified electrical workers to easily become qualified for work in the member states without encountering significant licensing difficulties;
- Allow the member states to respond quickly to emergencies, natural disasters, and construction booms where the demand for skilled labor cannot be met locally;
- Encourage the development, approval, and oversight of electrical education in a manner that is similar and acceptable to member states;
- Encourage the development and use of electrical examination questions, structure, and delivery methods that are common and acceptable to member states;
- Share best practices regarding electrician and electrical contractor licensing and certification, inspection techniques, regulatory language, etc.;
- Encourage support and networking among member states to improve the standardization for all regulatory aspects of the electrical industry;
- Encourage the membership of other states who have similar electrical regulatory requirements, practices, and oversight of electricians and electrical contractors and are willing to reciprocate on a similar basis with the member states; and
- Create a strong alliance where member states focus on the many similarities of their training systems, inspection techniques, and regulatory oversight with the belief that each member state holds the inspection, training, licensing, and certification of electricians and electrical contractors as the key to protecting the general public and workers;

ARTICLE V: DEFINITIONS

The following definitions apply to the bylaws:

- "Applicant" is an individual seeking certification, by reciprocity, from a member state.
- "Certificate" means a journeyman electrician certificate of competency or license issued by a licensing state.
- "Journeyman electrician" means a person who has:
 - Qualified for a journeyman electrician certificate by passing a mandatory examination administered by the licensing state; and
 - Completed either:
 - A journeyman four-year electrical construction apprenticeship approved by the licensing state; or
 - Four years (8,000 hours) of equivalent electrical construction experience, legally obtained as qualification for journeyman electrician, as determined by the licensing state.
- "License" means a journeyman electrician certificate of competency or license issued by a licensing state.
- "Licensing state" means the member state that the applicant is using as a basis of certification to apply for reciprocity to a reciprocal state.
- "Member state" means a state that has jurisdiction over the certification of journeyman electricians and has signed and agreed to uphold these bylaws.
- "Reciprocal state" means the member state where the applicant is making application for reciprocity for a journeyman electrician certificate from a licensing state.
- "Voting member" is the individual authorized by a member state to vote on actionable items at the Alliance's general or other scheduled meetings.

ARTICLE VI: MEMBERSHIP

Members will:

- Support the Mission, Goals, and Purpose of the Alliance;
- Appoint one voting member to represent the member state in a voting capacity at all meetings;
 - The appointment will be made in writing by the member state to the Secretary;
 - If the member state chooses to terminate the appointment, the member state will notify the Secretary, in writing, of the termination and who is being appointed as a replacement;
 - If the voting member cannot attend, the member may provide a written, signed proxy authorization on member state letterhead to the Secretary at the Annual Meeting or other called meetings, allowing an alternate representative of the voting member's state to carry out all duties of the actual voting member.
- Maintain permanent records, for a period corresponding to each state's record retention schedule, of journeyman applicants that document their:
 - Qualifications;
 - Experience;
 - Education;
 - Examinations;
 - Examination scores; and
 - Respond promptly to requests from member states for reciprocity applicant information.

ARTICLE VII: MEMBERSHIP APPLICATION

Any state's electrical licensing or certification authority may make application to join the Alliance. The state making application must have a reciprocal agreement with at least one member state to be eligible for membership. Written request for membership may be made to the Secretary at any time on the application provided by the Alliance. The request should demonstrate to the member states that the applicant states:

- Regulatory system is in place and effective in ensuring the state's laws are enforced; and

- Standards for journeyman electrician qualification, certification, and inspection practices are equivalent to those described in the bylaws and used by the member states.

The Secretary will provide all voting members with a copy of the request for membership within thirty (30) days after receiving the request and at least 30 days prior to a regularly scheduled meeting.

After the Secretary has distributed the request, approval for the membership request may come up for a vote, at a regularly scheduled meeting, by a motion and second from any voting member in attendance. The vote for membership will be by voice ballot of the voting members present and by absentee ballot by voting members not in attendance. Approval for membership requires a simple majority of the voting members.

If the vote fails, the dissenting voting member(s) will furnish the Secretary with a written reason(s) for denying membership within fifteen (15) days of the vote. The Secretary will provide the reason(s) to all voting members and the applicant state within thirty (30) days of the vote.

If the vote passes, membership is immediately effective upon signature by the Chair. Within fifteen (15) days, the Secretary will notify all voting members of the Alliance of the new member(s).

ARTICLE VIII: VOTING MEMBERS

Voting members will:

- Be appointed by the member state.
 - Appointment will be made in writing by the member state to the Secretary;
 - If the member state chooses to terminate the appointment, the member state will notify the Secretary, in writing, of the termination and who is being appointed as a replacement within thirty (30) days after termination;
- Attend regularly scheduled meetings;
- Have a thorough knowledge of all matters scheduled to be presented before the Alliance;
- Be prepared to represent the member state by being prepared and ready to vote on actions scheduled before the Alliance;
- Represent their state in a professional manner;
- Ninety (90) days before each annual meeting, provide the Secretary with their member state's current electrical certification laws and rules;
- Assist the Secretary in comparing the member states' journeyman requirements.

ARTICLE IX: OFFICERS

The Officers will be: Chair, Vice-Chair, and Secretary. The term of Chair and Vice-Chair appointment may not exceed four consecutive years. The terms of the officers begins and ends 30 days after the annual meeting.

The Officers will be determined as follows:

- Must be a voting representative of a member state; and
- Must be selected by a simple majority of the voting member representatives present at the annual meeting;

The Chair, Vice-Chair, or Secretary positions are held by the member state and filled by the member state's voting representative. The vote for appointment will be by voice ballot and requires a simple majority of voting member representatives present.

The Chair, Vice-Chair, or Secretary may come up for a vote to be removed from office at a regularly scheduled general or special meeting. The vote for removal will be by voice ballot and requires a simple majority of voting member representatives present at the meeting. If voted out of office, the officer will immediately relinquish the position and a replacement will be elected. The replacement will immediately take the elected position and continue with the meeting if appropriate.

ARTICLE X: DUTIES OF OFFICERS

The Chair will:

- Preside at all meetings, functions, and affairs of the Alliance;
- Develop the agenda for the regular and special meetings based upon input from the members' voting representatives;
- Appoint all standing and special committee members and designate the committee Chair for same;
- Appoint a member to act as secretary for the meeting in the Secretary's absence;
- Serve as Ex-officio member to all committees; and
- Exercise supervision over all affairs of the Alliance.

The Vice-Chair will:

- Have a working knowledge of all responsibilities of the Chair; and
- In the event of the Chairs' absence, be able to assume all responsibilities and functions of the Chair.

The Secretary will:

- Keep a record of the Bylaws and any Alliance agreements or actions;
- Keep a record of the minutes of all meetings and provide each member's voting representative with a draft copy of the minutes within thirty (30) days after a meeting;
- Submit all information to the members' voting representatives one hundred twenty (120) days prior to the regular meeting for all business to be reviewed or acted on by the Alliance at a regular or special meeting. Business information received after the prescribed on hundred twenty (120) day period may be considered or scheduled for the next regular or special meeting; and
- In the event of the Chairs' and Vice-Chair's absence, be able to assume all responsibilities and functions of the Chair.

ARTICLE XI: MEETINGS

Meeting location:

- The annual meeting location may come up for a vote at a regularly scheduled meeting by a motion and second from any voting member in attendance. The vote for meeting location will be by voice ballot and requires a simple majority vote of the voting members present.
- Teleconferences or other appropriate meeting methods are allowed in lieu of a central meeting location for annual and special meetings.

A quorum for a meeting will be a simple majority of the voting members.

The annual meeting will be held between the months of August to October of each year. The annual meeting will be held in a member state. If the state, selected to host the annual meeting, is unable to perform that duty, the meeting location will be selected by a simple majority of the Officers and concurrence of the selected member state's voting member.

Special meetings may be called by the Chair or Vice Chair if the Chair is unavailable as the situation warrants. The Chair or Vice Chair, as appropriate, will determine the meeting location.

ARTICLE XII: PARLIAMENTARY AUTHORITY

The Rules contained in Robert's Rules of Order Newly Revised, shall govern this Alliance in all cases to which they are applicable and in which they are not inconsistent with these Bylaws.

Except for votes regarding Alliance membership, all votes will be by voice ballot of the voting members present. When a voice ballot is questionable, the Chairman shall request a vote by the show of hands.

Any voting member may request a roll call vote. Votes regarding Alliance membership may be by either voice or absentee ballot.

ARTICLE XIII: AMENDMENTS

The Bylaws may be amended by a 2/3 majority of the voting members provided the amendment has been read at the previous meeting or has been submitted by mail or electronic ballot to the voting members one hundred twenty (120) days prior to the meeting at which the voting will occur.

ARTICLE XIV: TERMINATION OF MEMBERSHIP

The Alliance may terminate a member state's membership in the event the member state fails to:

- Appropriately participate in Alliance activities. Appropriate participation means attending meetings, submission of a report to the group, or other active participation, etc.;
- Maintain a reciprocal agreement with one or more member states; or
- Otherwise fulfill the requirements of the Bylaws.

A motion to terminate membership may only be made at a regularly scheduled meeting. The Secretary will notify the state's voting member in writing of the motion and the reason for termination, including possible solutions, within fifteen (15) days after the motion. The vote for termination will be at the next regularly scheduled meeting following the motion. The vote for termination will be by voice ballot of the voting members present and by absentee ballot by voting members not in attendance. Termination of membership requires a simple majority of the voting members. The state named in the motion has no vote.

A member state can terminate membership by providing thirty (30) days written notification to the Secretary. The notification must include the reason for withdrawal from participation and any possible alternate solutions. The Secretary will notify all voting members within fifteen (15) days of receipt of the member state's notice.

If terminated, the terminated state will be responsible only for performance in accordance with the terms of the bylaws rendered prior to the effective date of termination.

ARTICLE XV: COMPENSATION

In no event will either party attempt to seek from another party any form of reimbursement, compensation, or payment, for any costs, fees, or charges incurred which relate to performance of these Bylaws.

ARTICLE XVI: NONDISCRIMINATION & CIVIL RIGHTS

During the performance of these Bylaws, the member states will comply with all federal and state nondiscrimination laws, regulations, and policies. In the event of any member state's noncompliance or refusal to comply with any nondiscrimination law, regulation, or policy, the member state's membership may be terminated by the Alliance.

ARTICLE XVII: RECORDS MAINTENANCE

Each member state will maintain records of journeyman electricians which will document the applicant's qualifications, experience, education, examinations and scores, for a period corresponding to licensing state's record retention schedule.

Records and other documents, in any medium furnished by one party to these bylaws to another party, will remain the property of the furnishing party, unless otherwise agreed. Unless required by its public

information act or similar open records statute the receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

ARTICLE XVIII: INDEPENDENT CAPACITY

The employees or agents of the member states who are engaged in the performance of these Bylaws will continue to be employees or agents of the member state and will not be considered for any purpose to be employees or agents of the Alliance or another member state.

ARTICLE XIX: GOVERNANCE

The member states agree that all activity performed as a result of these Bylaws will be in accordance with all applicable current or future federal, state and local laws, rules and regulations.

ARTICLE XX: ASSIGNMENT

The work to be provided under these Bylaws, and any claim arising thereunder, is not assignable or delegable by any member state in whole or in part, without the prior written consent of the other member states, which consent shall not be unreasonably withheld..

ARTICLE XXI: SEVERABILITY

If any provision of these Bylaws or any provision of any document incorporated by reference is held to be invalid, such invalidity will not affect the other provisions of these Bylaws which can be effective without the invalid provision.

ARTICLE XXII: CONDITIONS FOR JOURNEYMAN RECIPROCITY

These Bylaws comprise the standards for membership in NERA and shall not be construed as a reciprocity agreement between any of the member states. Actual reciprocity agreements between member states shall be memorialized by a separate written agreement between said states.

All members will, at a minimum, maintain the requirements for journeyman electrician certification.

Applicants must:

- Hold, from the licensing state, a journeyman certificate or a master electrician certificate, that allows the individual to work as a journeyman electrician, that is current, active, and in good standing;
- Have held that certificate continuously during the one (1) year period prior to requesting reciprocity;
- Have gained that certificate through a state administered examination with a passing score from the licensing state;
- Provide the reciprocal state with any information necessary to demonstrate that the licensing state's requirements for journeyman electrician certification have been met;
- When required by the reciprocal state, provide documentation of disciplinary action, education, training and/or experience meeting the requirements of the reciprocal state; and
- Make appropriate application and pay all appropriate fees to the reciprocal state.

August 9, 2010; Rev August 6, 2014; February 17, 2016

The reciprocal state will issue a certificate without written examination when an applicant for reciprocity has:

- Met the above requirements in Section XXII of these Bylaws; and
- Paid the appropriate fees.

Applicants will not be granted a reciprocal certificate where the certificate in the licensing state was granted by grandfathering without having passed a state administered examination as stated above.

ARTICLE XXIII: PERIOD OF PERFORMANCE

These Bylaws begin upon the date of execution and continue in force until terminated or amended under the provisions of these Bylaws.

ARTICLE XXIV: ALL WRITINGS CONTAINED HEREIN

These Bylaws contain all the terms and conditions agreed upon by the member states. No other understanding, oral or otherwise, regarding the subject matter of these Bylaws will be deemed to exist or to bind any of the members hereto.