

# Meeting Minutes: Board of Electricity

Date: July 12, 2022  
Time: 9:00 a.m.  
Location: DLI

## Members Present

1. Alfreda Daniels – via phone
2. Cole Funseth
3. Sarah Gudmunson
4. Duane Hendricks – Chair
5. Steve Haiby
6. Mike Hanson – via phone
7. Jeff Heimerl
8. Dean Hunter – CO’s Designee
9. Todd Huttner
10. Peter Lindahl – Vice-Chair
11. Travis Thul – via phone
12. Desiree Weigel – Secretary

## DLI Staff & Visitors

Jeff Lebowski (Board Counsel, DLI)  
Brittany Wysokinski (Board Counsel, DLI)  
Lyndy Logan (DLI)  
Steve Dudley (DLI)  
John McNamara (DLI)  
Megan Hennen (ABC)  
Michelle Dreier (Electrical Assn.)  
Nick Erickson (Housing First)  
Andy Snope (IBEW 292)  
Gary Thaden (NECA/MMCA/SMACNA)  
Trevor Turek (Mpls Electrical JATC)

## Members Absent

None

### 1. **Call to Order**

- A. **Roll Call:** Chair Hendricks called the meeting to order at 9:02 a.m. Roll call was taken by Secretary Weigel and a quorum was declared; Daniel joined the meeting at 9:19 a.m. resulting in 12 of 12 voting members present in person or via phone.
- B. **Announcements/Introductions – Chair Hendricks**
- All handouts discussed are posted on the Board’s website at: <https://www.dli.mn.gov/about-department/boards-and-councils/board-electricity>
  - Everyone present in person or by phone can hear all discussions.
  - All votes will be taken by roll call.

### 2. **Approval of Meeting Agenda**

A motion was made by Heimerl, seconded by Huttner, to approve the agenda as presented. The roll call vote was unanimous with 11 votes in favor of the motion; the motion carried.

### 3. **Approval of Previous Meeting Minutes**

A motion was made by Lindahl, seconded by Heimerl, to approve the April 12, 2022, regular meeting minutes as presented. The vote was unanimous with 11 votes in favor of the motion, one abstention (Gudmunson); the motion carried.

### 4. **Regular Business**

- A. **Expense Approval** – Expense reports will be forwarded to Financial Services for payment.

- B. **Enforcement & licensing update** – Electrical Enforcement Actions can be found on the department’s website at: <http://www.dli.mn.gov/business/electrical-contractors/electrical-enforcement-actions>
- C. **Inspection update** – Hunter summarized **Attachment A**.

## 5. **Special Business**

- **Officer nominations**

Meeting was turned over to Dean Hunter, DLI Commissioner’s Designee

### **Chair**

- Lindahl nominated Duane Hendricks. The roll call vote was unanimous with 10 votes, and one abstention (Hunter); Hendricks was nominated Chair.

### **Vice-Chair**

- Hendricks nominated Peter Lindahl. The roll call vote was unanimous with 10 votes, and one abstention (Hunter); Lindahl was nominated as Vice-Chair.

*Alfreda Daniels joined the meeting at 9:19 a.m. resulting in 12 of 12 voting members.*

### **Secretary**

- Hendricks nominated Desiree Weigel. The roll call vote was unanimous with 11 votes, and one abstention (Hunter); Weigel was nominated as Secretary.

Meeting was turned over to Chair Hendricks.

- **2023 NEC Update – Dean Hunter**

- Hunter said he attended the annual conference in Boston two weeks ago and a lot of the notices to amend motions were brought forth to the entire conference body; therefore, this week and next, they will continue working on the amending ballots. Currently going through the system right now between the technical committees and also the correlating committees. This should be wrapped up by in the next few weeks. There will then be a Standards Council meeting the second week of August with all of the results from the amending motions for the final vote. The document then will be moved forward then for complete adoption through the NFPA. We are expecting that we'll see an electronic version of the publication right around the last week of August or 1st week of September with the book following at the end of September, first part of October.
- Hunter said Chair Hendricks has compiled a NEC 2023 Code Adoption Review Committee and this Committee will hold public meetings where Hunter will give an informal presentation of the changes – minor (editorial) and substantial, at the first meeting. Questions will be addressed and open for discussion at the second public Committee meeting.
- Hendricks encouraged all Board of Electricity members to attend the NEC 2023 Code Review Committee meetings. The Committee will bring forward a recommendation to the full Board and then the Board will decide to approve. It is important that the Board fully understands the changes and follow the process to ensure that what is important, and applies to Minnesota, is adopted. He wants everybody to take this responsibility very seriously because it will be a lengthy process. Hendricks said that what is going to be, or not going to be, available for the Board to adopt is not finalized yet – this is an ongoing process that Dean is part of, and he will keep all of us informed.

- Hendricks said the Board received a letter from Nick Erickson, Housing First, included in today's hand-outs – **see Attachment B1**. During the last code cycle Housing First presented their argument or their case as to why they felt that the Board shouldn't have adopted the code. Their letter outlines how the Board should proceed with analyzing and adopting with or without amendments and provides five recommendations. Their conclusion is that the Board should not just rubber stamp and accept changes – the Board should be analyzing the cost impact for the building industry. If you look at the letter there's certainly some things on here that the Board has a different perspective on than Housing First. For example, recommendation 1 says in person technical review. He said he believes their concern is that our board meetings have been all remote (WebEx) and that should no longer be a concern because now we are able to meet in person again. The NEC 2023 Committee meetings will be in person with a call-in option.
- Hanson said that when the Board held previous code cycle meetings they were all held in person.
- Lindahl said perhaps it would be appropriate to authorize Chair Hendricks to formulate a response to the Housing First letter.

**A motion was made by Lindahl, seconded by Hunter, to authorize the Chair to respond to Housing First's July 7, 2022, letter – see Attachment B2. The roll call vote was unanimous with 12 votes in favor of the motion; the motion carried.**

- Thul said page one of the Housing First letter seems to be making the implication that the work of this board, and the publication adoption of the National Electrical Code, has impacted construction costs, saying Minnesota is the most expensive state. The fact that Minnesota home prices are more expensive than Wisconsin's home prices doesn't mean the Board had anything to do with this. There are a lot of factors that go into the prices of a home, including labor and access to materials.
- Lebowski said Nick Erickson is present at today's meeting, perhaps he can answer this question for us. The letter states, "in 2019, the Board of Electricity's cost analysis was simply a survey of its members" and this is all it says. Lebowski said he would respectfully disagree at this statement wholeheartedly – through the hearing, we explained to the administrative law judge exactly what steps the Board took to review the cost analysis. It wasn't just a survey of the members. In fact, John Williamson did a market survey where he physically priced out all of the additional expenses in supplies and equipment that were necessary to meet the new code with the changes. He also included an estimation of labor costs and then put all of this into a presentation given to the full board for discussion. John actually updated the cost analysis a few months prior to the hearing, and this was hands on cost. John also spoke to members of the industry as well as people on the Board about it and he looked at the National Home Builders Association cost analysis sheet. The interesting part was if you took the National Associations Home Builders cost analysis back then in 2020, and you subtracted out the overhead and the profit that was built into their analysis, it came out to be almost identical as what John came up with. I think that's what swayed the administrative law judge in this particular instance; therefore, to say that it was merely a survey of its members is incorrect.

- Nick Erickson, Housing First said my apologies on the survey remark. Lebowski asked if he had any recommendations on what other type of cost analysis the Board could do. Erickson said labor rates vary by state, Twin Cities labor vs. Greater Minnesota – this is part of it, looking at labor rates across the state, understanding the complete cost input, talk to builders, talk to more contractors, see what else does go into play. We looked at the process that CCAC uses for the other codes, it is very thorough and across the board in every aspect, and what we would like to see. We always tell other state agencies that CCAC sets the gold standard when they do their reviews – from the entire process, the day it starts to the day it ends. The process is as thorough as can be; therefore, doing what CCAC does would provide much more of a statewide flavor on labor. Someone did raise the point that Housing First was implying that the electrical code is the reason for cost disparities among states – we are not saying this, we are merely pointing out that by every measure, Minnesota does cost more here to build. It's not one single thing, it's not just the electrical code, it's not just the storm water permit, or the energy code. It is about three dozen housing regulations at the local, regional, and state level. Every regulatory body takes a look at only the cost implications of their one change and says it's not our problem, we have nothing to do with it. Well, that type of mentality has led to the \$105,400 disparity between Minnesota and Wisconsin and the \$91,000 disparity between Minnesota and Illinois. I mean, when you can build a home more affordably in Chicago than you can here, it really does speak to the depths of our problem. What we're looking for is nearly a rethinking or restructuring of how we are approaching housing in the state. It's not just about weighing single changes; it is weighing them against the broader housing crisis. Minnesota is short 60,000 homes, our housing crisis has gotten worse, and cost disparities have risen. They started tracking this in 2019. What they're looking for from everyone, not just the Board, is for every housing regulator to talk about it with cities, with watershed districts, with Med Council to focus on the affordability gap. It is our entire state's economic competitiveness that is at risk and that is why we are seeking and putting a challenge on every housing regulator in the state to be taking a much more affordably centric view of housing.
- Lindahl asked if it is really cheaper to build a house in Chicago than Minnesota and is this using the same lot size? Erickson said yes, comparing the same size lot. They used production home builders from multiple states.
- Erickson said the Department of Labor and Industry (DLI) is doing what they can, holding a line on the Energy Code. They've gone after cities that have violated the State Building Code, superseding the building code with their own construction regulation. So, it's not just the Board, there are steps that DLI is taking that are helping and they're just asking everyone to think in a more forward centric viewpoint.
- Hendricks said he is the representative on the CCAC and is familiar with how technical advisory groups are formed. One of the things that's different about the Board of Electricity is we have a board to oversee our electrical code where some of the other entities do not have a board. This is why a technical advisory group (TAG) is used to help with that. Our Board has a good cross section of members, including a public member, and we look to define a good cross section for our subcommittee to review; therefore, to Nick's point, we know we get a good review, much like what would be expected of a TAG.

- Lebowski said our reviews are conducted publicly, relying on the public and trades groups to attend committee meetings to give their two cents worth on regulation, costs, etc. The Board hopes there will be participation from Housing First this time around for the NEC 2023 Committee meetings. Although called a subcommittee, it's basically the same thing as a TAG. The CCAC has to use TAG's because they don't have technical experts, this Board on the other hand is made of up members representing the public, industry members from in/outstate Minnesota – the Board has a good cross section of members. DLI does utilize the tag process, not only at the CCAC, but they utilize it for the other codes when they do their code cycle review every six years. They reach out and invite industry members to sit on the TAG. In his opinion, there is more public participation that occurs with boards and their rule subcommittees when reviewing standards and codes, than at TAG meetings. Both use a rigorous process, reviewing every single change, but for some reason members of the public don't participate as much and rely on the TAG to bring their points forward. We could argue all day long as to which one's more effective, but at the end of the day, they're doing the same function. It's just a matter of who are the people that are engaged at those meetings to review the standards. There is no statute or rule that says it must be done one way or the other. I think they're similar enough that the differences don't really amount to much. In fact, I do believe that the subcommittee process encourages more public participation and there will be more than one meeting by the way. Dean is going to spend the first meeting doing a review of the changes and in subsequent meetings the subcommittee will review each and every substantive change. They won't go through comma's and renumbering unless someone wants to. It's basically going to be policy directed – whether we should accept the change, should we do a Minnesota amendment, and what are the costs associated with each one of the changes.

- **Ad Hoc Adoption Review Committee appointments**

Chair Hendricks said the below members reached out to him regarding serving on the NEC Committee and the following members were appointed to serve:

1. Daniels
2. Haiby
3. Hanson
4. Heimerl
5. Hunter (Chair)
6. Weigel (Secretary)

- **CCAC representative/alternate appointments**

Chair Hendricks will continue to represent the board at CCAC meetings and Daniels will continue to serve as Hendrick's alternate.

## 6. **Committee Reports**

### **Construction Codes Advisory Council (CCAC)**

The CCAC has not met since Jan. 20, 2022 – [View the presentation here.](#)

**7. Complaints**

No complaints

**8. Open Forum**

None

**9. Board Discussion**

Board officers were thanked for serving. Lindahl and Hendricks encouraged members to attend all future meetings in person.

**10. Announcements**

Next regularly scheduled meetings – 9:00 a.m., Tuesday – DLI / Remote option – TBD

- November 1, 2022 – rescheduled October 11<sup>th</sup> meeting

**11. Adjournment**

A motion was made by Lindahl, seconded by Heimerl, to adjourn the meeting at 10:00 a.m. The roll call vote was unanimous with 12 votes in favor of the motion; the motion carried.

Respectfully Submitted,

*Desiree Weigel*

Desiree Weigel

Secretary

**Green meeting practices**

The State of Minnesota is committed to minimizing environmental impacts by following green meeting practices. DLI is minimizing the environmental impact of its events by following green meeting practices. DLI encourages you to use electronic copies of handouts or to print them on 100% post-consumer processed chlorine-free paper, double-sided.

# Electrical Permits Issued Summary

Issued from 1/1/2022 to 7/11/2022

ELE Permit Type	New Structure or Existing and/or Other Assoc. Items	Number of Permits Issued	% of Permit Type	% of Total
Multi-Family Dwelling	Existing Building or Other Items	874	90.85%	1.38%
	New Building	88	9.15%	0.14%
	<b>Total</b>	<b>962</b>		1.52%
Non-Dwelling	<b>Total</b>	<b>13,541</b>		21.41%
One-Family Dwelling	Existing Dwelling or Other Items	32,283	84.73%	51.05%
	New Dwelling	5,818	15.27%	9.20%
	<b>Total</b>	<b>38,101</b>		60.25%
One-Family Home (Homeowner Issued Permit)	Existing Home or Other Items	3,336	83.03%	5.28%
	New Home	682	16.97%	1.08%
	<b>Total</b>	<b>4,018</b>		6.35%
Technology Systems	<b>Total</b>	<b>497</b>		0.79%
Transitory (Carnival, etc.)	<b>Total</b>	<b>645</b>		1.02%
Two-Family Dwelling	Existing Building or Other Items	246	89.13%	0.39%
	New Building	30	10.87%	0.05%
	<b>Total</b>	<b>276</b>		0.44%
Utility Load Management Device	New Device	389	7.48%	0.62%
	Replacement Device	4,809	92.52%	7.60%
	<b>Total</b>	<b>5,198</b>		8.22%
<b>Total</b>		<b>63,238</b>		



## Electrical Permit and Inspection History

### State Inspection Areas

CALENDAR YEAR	Permit Information			Inspection Information		
	Total Permits Issued	Permits Completed	Permits Closed but Not Finaled	Final "Final" Insp.*	All other Insp.**	Total Inspections
2019	110,773	108,905	3,693	108,116	53,932	162,048
2020	126,504	121,089	5,606	107,784	55,651	163,435
2021	130,809	105,277	4,095	117,486	60,886	178,372
2022	63,902	26,515	696	59,792	30,450	90,242

The "**Permit Information**" and the "**Inspection Information**" do not necessarily represent the same permits. The "Permit Information" represents permits issued that Calendar Year. The "Inspection Information" represents the inspections performed that calendar year. The inspections may be for permits that were issued in previous calendar years.

**"Total Permits Issued"** means the permits Issued in the calendar year indicated. Includes permits in status (milestone) 'Abandon', 'Closed', 'Expired', 'Finaled', 'Issued', or 'Hold'. Does not include any other milestone such as "Out of state Inspected Area", "Refunded", etc.

**"Permits Completed"** means the "Total Permits Issued" for the calendar year, this is the number of permits placed into 'Closed', 'Expired', 'Abandon', or 'Finaled' status .

**"Permits Closed but Not Finaled"** means of the "Permits Completed" for the year, this is the number of those permits placed by procedural policy into 'Closed', 'Expired', or 'Abandon' status .

**"Final "Final" Insp."** represents the number of inspections completed that calendar year that caused the permits to be placed into "Finaled" status or milestone. The permits were not necessarily issued that year.

**"All other Insp."** represents the number of inspections completed that calendar year that did not result in a ""Finaled" status or milestone. The permits were not necessarily issued that year.

**"Total Inspections"** represents the total (Finals and Others) number of inspections completed that calendar year. The permits were not necessarily issued that year.



# Issued Electrical Solar Permits Summary

Issued from 1/1/2022 to 7/11/2022

Permit Type Type of Dwelling or Non-Dwelling	Permit Variant New or Existing	Solar Systems Grouped by Size	No of permits	Percentage of Group	Solar Systems Grouped by Size	No of permits	% of Total
Multi-Family Dwelling			6	0.36% Of Total	1 Meg to 5 Meg	1	0.06%
	Existing Building or Other Items		6	100.00% of Type	10K or <	992	60.34%
		10K or <	1	16.67% of Variant	10K to 40K	548	33.33%
		10K to 40K	4	66.67% of Variant	40K to 1 meg	40	2.43%
		40K to 1 meg	1	16.67% of Variant	Not Given	1	0.06%
				Unknown	62	3.77%	
Total					1,644.00		
Non-Dwelling			177	10.77% Of Total	Solar Systems Grouped by Size	Watts	% of Total
	Non-Dwelling		177	100.00% of Type	1 Meg to 5 Meg	5,750,000	12.58%
		1 Meg to 5 Meg	1	0.56% of Variant	10K or <	6,088,136	13.32%
		10K or <	35	19.77% of Variant	10K to 40K	10,435,516	22.83%
		10K to 40K	95	53.67% of Variant	40K to 1 meg	23,438,550	51.27%
		40K to 1 meg	33	18.64% of Variant	Not Given		0.00%
		Unknown	13	7.34% of Variant	Unknown	Unknown	
Total					45,712,202		
Average					28,913		
One-Family Dwelling			1,405	85.46% Of Total			
	Existing Dwelling or Other Items		1,378	98.08% of Type			
		10K or <	909	65.97% of Variant			
		10K to 40K	424	30.77% of Variant			
		40K to 1 meg	5	0.36% of Variant			
		Unknown	40	2.90% of Variant			
	New Dwelling		27	1.92% of Type			
		10K or <	12	44.44% of Variant			
		10K to 40K	12	44.44% of Variant			
		40K to 1 meg	1	3.70% of Variant			
Unknown		2	7.41% of Variant				
One-Family Home (Permit Issued to Homeowners)			45	2.74% Of Total			
	Existing Home or Other Items		36	80.00% of Type			
		10K or <	18	50.00% of Variant			
		10K to 40K	11	30.56% of Variant			
		Not Given	1	2.78% of Variant			
		Unknown	6	16.67% of Variant			
	New Home		9	20.00% of Type			
		10K or <	7	77.78% of Variant			
		10K to 40K	1	11.11% of Variant			
		Unknown	1	11.11% of Variant			

# Issued Electrical Solar Permits Summary

Issued from 1/1/2022 to 7/11/2022

Two-Family Dwelling			11	0.67% Of Total
	Existing Building or Other Items		11	100.00% of Type
		10K or <	10	90.91% of Variant
		10K to 40K	1	9.09% of Variant
Total		1,644		



Thursday, July 7, 2022

Minnesota Board of Electricity  
443 Lafayette Rd  
St. Paul, MN 55155

*Via Electronic Delivery*

Members of the Board of Electricity,

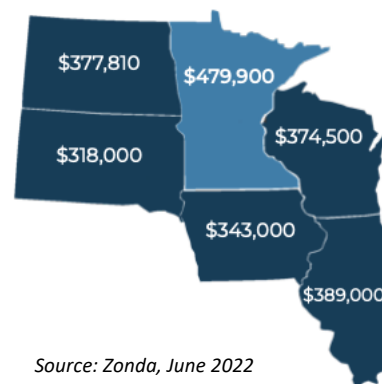
As the 2023 National Electrical Code (NEC) nears final approval from the National Fire Protection Association (NFPA), Housing First Minnesota submits the following recommendations to improve the NEC adoption process in Minnesota.

By way of background, Housing First Minnesota represents more than 900 member firms engaged in all aspects on housing construction, including new home construction and remodeling. Our association and its members believe that all housing regulations must adequately balance safety and durability in addition to housing affordability and access. Our comments are also rooted in recognition of Minnesota's housing challenges.

#### **MINNESOTA'S HOUSING CHALLENGES**

Minnesota faces many of the worst housing challenges in the country. The Twin Cities area ranks last in available inventory and worst in housing equity. Regionally, Minnesota has the highest new home construction costs in the region. The latest Midwest market data shows Minnesota has the highest new home construction costs in the nation, a staggering \$105,400 higher than Wisconsin, and nearly \$91,000 more than Illinois.

Aside from our Minnesota-specific issues, interest rate hikes have greatly diminished purchasing power since the last electrical code adoption. A monthly payment on a \$450,000 home purchased in May 2020 is the same payment as a payment on a \$350,000, a 22% decrease in purchasing power in the past two years.



Source: Zonda, June 2022

Simply, the state's housing affordability and inventory challenges have only worsened since the last Electric Code update, underscoring the need for a technical review that adequately balances safety and affordability.

#### **STRENGTHEN THE TECHNICAL REVIEW**

Given past procedural concerns with the review process, Housing First Minnesota respectfully submits the following five recommendations to strengthen and enhance the Board's technical review of 2023 NEC.

##### **Recommendation 1: In-Person Technical Review**

Having participated in virtual legislative hearings, stakeholder meetings with the Minnesota Department of Health and Technical Advisory Group meetings with the Construction Codes Advisory Council in the past year, there is a noticeable difference in value, engagement, and outcome of meetings held virtually. Holding in-person



technical review meetings would likely result in a more meaningful review process, and one where ideas can be freely exchanged in a professional, collaborative setting.

### **Recommendation 2: In-Depth and Thorough Cost Analysis**

In 2019, the Board of Electricity's cost analysis was simply a survey of its members. Housing First Minnesota recommends the Board of Electricity undertake a more rigorous and transparent cost analysis for this and future electrical codes. A thorough cost analysis would also examine alternative methods of accomplishing the same end-goal at a lower cost to homebuyers. This type of cost analysis better aligns to Minn. State Statute 326B.101 which prescribes the legislative intent of the state's building codes:

“The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern materials, devices, materials, and techniques which will in part tend to lower construction costs. **The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.**” *(Emphasis added)*

### **Recommendation 3: Accept Amendments**

Like all model building codes, the National Electrical Code from the NFPA is simply a roadmap for local jurisdictional adoption. The model code is not a legally binding document, and it is not infallible. By continuing to adopt the National Electrical Code without amendments, the Board is raising questions about its ability to adopt a code that is in line with state statute.

### **Recommendation 4: Respect the 270-Day Waiting Period Statute**

We simply request the Board of Electricity utilize the 270-day waiting period, unless there is an urgent need to enact the 2023 NEC, with amendments, immediately. Bypassing the statutory 270-day waiting period is intended for emergency rulemaking, not routinely schedule code updates. Continued reliance on emergency rulemaking timelines for routine code updates raises questions about the rationale for code changes.

### **Recommendation 5: Appoint Industry Stakeholders To The Technical Review**

Like the review undertaken by CCAC, we respectfully request that the Board of Electricity expand its Ad Hoc technical review to include homebuilders from Greater Minnesota and Twin Cities. Housing First Minnesota would be willing to assist the Board in identifying contractors and homebuilders in Greater Minnesota and the Twin Cities to participate in the technical review.

### **CONCLUSION**

Minnesota's housing crisis continues to worsen, and the status quo process of decades past cannot continue. Regulatory bodies must adapt to address these challenges head-on or see the State Legislature step in and adjust the process so that it works for all parties. Please contact me at [nick@housingfirstmn.org](mailto:nick@housingfirstmn.org) with any questions.

Sincerely,



Nick Erickson  
Director of Research and Regulatory Affairs

CC: Commissioner Roslyn Robertson



**Minnesota Board of Electricity**  
**c/o Minnesota Department of Labor and Industry**  
**443 Lafayette Road North**  
**St Paul, MN 55155-4344**  
[dli.cclboards@state.mn.us](mailto:dli.cclboards@state.mn.us)

July 12, 2022

Nick Erickson  
 Housing First Minnesota  
 2960 Centre Pointe Drive  
 Roseville, MN 55113

**Re: Response to July 7, 2022 correspondence related to 2023 NEC code adoption**

Mr. Erickson:

Thank you for the July 7th, 2022 letter related to our 2023 code adoption process. We have reviewed your letter, please see the bullet points below in response to your recommendations.

1. In-Person Technical Review- HF recommends that any technical review be conducted in person, as opposed to virtually. The Board thanks HF for this recommendation and it would note that it has already been decided that all technical review meetings will follow the Open Meeting Law, including an open meeting public format for its review sessions, as it did during the last 2020 NEC review.
2. More In-Depth and Thorough Cost Review Process- HF recommends that the Board conduct more than “merely a survey of its members” like it did in 2019 to conduct the cost analysis of the 2020 NEC. This is a clear misrepresentation of the facts and how the cost analysis was conducted on the 2020 NEC. It also ignores the fact that the ALJ in 2020 concluded that the Board’s cost analysis conducted by the board’s support staff was thorough, accurate, and more reliable than HF’s cost estimates that provided absolutely no underlying basis in support of their numbers. If you recall, not only did we conduct a member survey, we also went out and got real-time pricing for both equipment and estimated installation costs. Those numbers were further verified and updated in the market by John Williamson as it existed shortly before the hearing. The Board also relied upon the NHBA’s (“National Home Builders Association”) cost estimate fact sheet to support John’s estimation of costs. In so doing, once the NHBA’s added 16% profit margin and overhead was subtracted from their numbers it came out to be almost exactly what John had estimated on behalf of the Board.
3. Accept Amendments: HF recommends that the Board accept Minnesota amendments. The Board has always reviewed any suggested amendments put forward by its members, trades groups, and the public. The subcommittee reviews all substantive changes made by the NFPA and makes independent judgment calls on each change. Moreover, HF and its members were conspicuously absent from the public review process in 2020 and didn’t come forward with any amendments or changes until the 11<sup>th</sup> hour after the rule draft and SONAR were completed and the Notice for Hearing was published. This resulted in a lengthy hearing where the Board was

forced to respond to each amendment put forth before the ALJ at the hearing itself, as opposed to dealing with those suggested amendments during the code development stage and subcommittee review process.

4. Respect the 270-day Effective Date Waiting Period: HF recommends that the Board not waive the 270-day delay in the Codes effective date under Minn. Stat. § 326B.13, subd. 8. First, the waiver of the NEC's effective date has historically been strongly requested by stakeholders in the industry, including the Unions. As we know, final versions of the NEC are available well before the Board adopts the same and on-going training by the Unions and other training providers occur simultaneously with the Board's review of the changes. As a result, there generally is no need for a 270-day effective date waiting period since licensees are already being trained on the changes. Second, it is premature for the Board to make any decisions concerning an effective date now since we currently have no completed version of the 2023 NEC, the review process has not yet begun, and the Board has no way of knowing whether any amendments will be discussed which would require any extra, additional training. Finally, don't forget that the Department expanded the effective date of the 2020 NEC due to supply chain issues; if additional training time is deemed necessary, then the Board/Department will do what is necessary to expand the effective date.
5. Appoint Industry Members to the Technical Review: HF recommends that the Board appoint members of the Industry to its rules subcommittee, similar to TAG groups appointed by the Commissioner to review code changes to the State Building Code during a code cycle. HF ignores the fact that it is the Board that has the rulemaking authority here, not the Department. Unlike DLI during the code process, the Board is already made up of trades members, DLI representatives, and members of the public. Similar to the Plumbing and HPPS Boards, the BOE uses its diverse members to conduct a PUBLIC REVIEW of code changes. Unlike the Department, those appointed members already provide the necessary diversity and expertise necessary to review changes in their particular code areas and they readily accept public/stakeholder participation during their public technical review subcommittee meetings. Nevertheless, we cannot force members of the public or Housing First to show up and engage in the process. That is up to them, not the Board.
6. Conclusion- Your letter represents HF threatens legislative action if the Board does not do exactly what their organization recommends. The Board of Electricity takes pride in proper review and adoption during each code cycle. The review process does allow for public input and appropriate amendments deemed necessary by the BOE during the adoption process. The Board is not appreciative of these threats and welcomes HF to utilize the legislative process as they seem fit. While cost is always a factor it is very important to remember the purpose of the NEC per article 90.1 (A) "is the practical safeguarding of persons and property from hazards arising from the use of electricity".

Sincerely,

*/s/ Duane J. Hendricks*

Duane J. Hendricks  
Board of Electricity Chair  
[djh@eganco.com](mailto:djh@eganco.com)

cc: Mn Board of Electricity

**From:** [Lebowski, Jeffrey F \(DLI\)](#)  
**To:** [Nick Erickson](#)  
**Cc:** [Hunter, Dean \(DLI\)](#)  
**Subject:** RE: Questions on 2023 NEC Adoption Review Committee  
**Date:** Friday, August 26, 2022 1:06:00 PM  
**Attachments:** [image003.png](#)  
[image001.png](#)  
[image004.png](#)  
[image005.png](#)

---

Hello Nick,

In answer to your questions:

1. Will DLI/ Board of Electricity publish the link to the final version 2023 NEC in advance of the review? I know the content was open for comment at the NFPA level until last week (8/19) and they have not published the final free digital version for public viewing yet that we could see. We wanted to be sure our comments accurately reflect the final published version? **A:** The link for free access to the 2023 NEC will be on the NFPA website @ <https://www.nfpa.org/> . I have talked with Jeff Sargent from the NFPA, and the free access should be available around September 1<sup>st</sup>. We will have Lyndy share the link on the BoE webpage once it becomes available. BTW, the meeting is scheduled for September 22<sup>nd</sup>, not the 12<sup>th</sup>;
2. Can you share who has been appointed to the 2023 NEC Adoption Review Committee? **A:** Members of the Rules Subcommittee were announced at the meeting in July. Lyndy has not yet published the minutes and is out of the Office until next week, so I cannot answer that question at this time. Please call me next week to remind me to get that information for you;
3. Is there someone to whom comments can be sent in advance of the meeting, or would you prefer comments are delivered at the meeting? **A:** You can send any comments in advance of the meeting to myself and we will forward those to the Subcommittee. However, we are in the very beginning of the Rule Development stage of the proceedings and it may be too early for your comments to be considered and/or discussed at the first meeting which is simply an introductory meeting for the members to become comfortable with the changes made by the NFPA. It is expected that there will be several meetings of the Subcommittee over the coming months and you may wish to deliver your comments at a later point in the process. Nevertheless, any and all public Comments are welcome and will be shared with the Subcommittee. I simply ask that if you expect discussion with the Subcommittee concerning your comments that they be submitted well in advance of any meeting so that the members have sufficient time to review and think about them. Providing members with materials at the last minute before or for the first-time at a meeting is not only annoying, it is counter-productive.

Hope this helps. Feel free to call me to discuss further and/or to remind me to get Lyndy to pull the draft-minutes of the July meeting. Thanks

Jeff

**Jeffrey F. Lebowski**

General Counsel | Office of General Counsel

**Minnesota Department of Labor and Industry/Board of Electricity**

443 Lafayette Road N., St. Paul, MN 55155

Phone: (651) 284-5005 | Web: [www.dli.mn.gov](http://www.dli.mn.gov)




---

**From:** Nick Erickson <[nick@housingfirstmn.org](mailto:nick@housingfirstmn.org)>

**Sent:** Thursday, August 25, 2022 1:45 PM

**To:** Hunter, Dean (DLI) <[dean.hunter@state.mn.us](mailto:dean.hunter@state.mn.us)>; Lebowski, Jeffrey F (DLI) <[jeffrey.f.lebowski@state.mn.us](mailto:jeffrey.f.lebowski@state.mn.us)>

**Subject:** Questions on 2023 NEC Adoption Review Committee

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

---

Dean and Jeff,

Hope all is well. Housing First and CMBA are collaborating on technical review of the 2023 NEC in advance of the Sept. 12 meeting and we have a few questions:

1. Will DLI/ Board of Electricity publish the link to the final version 2023 NEC in advance of the review? I know the content was open for comment at the NFPA level until last week (8/19) and they have not published the final free digital version for public viewing yet that we could see. We wanted to be sure our comments accurately reflect the final published version.
2. Can you share who has been appointed to the 2023 NEC Adoption Review Committee?
3. Is there someone to whom comments can be sent in advance of the meeting, or would you prefer comments are delivered at the meeting?

Thanks,

**Nick Erickson**

**Director of Research and Regulatory Affairs**

[651.697.7586](tel:651.697.7586) [612.210.8332](tel:612.210.8332)



2960 Centre Pointe Drive, Roseville, MN 55113

[HousingFirstMN.org](http://HousingFirstMN.org)

signature\_301711693

