

Meeting Minutes: Board of Electricity

Date: November 1, 2022
Time: 9:00 a.m.
Location: MN Room, DLI, 443 Lafayette Rd. No., St. Paul, MN 55155

Members Present

1. Alfreda Daniels – via phone
2. Cole Funseth
3. Sarah Gudmunson
4. Duane Hendricks – Chair
5. Steve Haiby
6. Jeff Heimerl
7. Todd Huttner
8. Peter Lindahl – Vice-Chair
9. Travis Thul
10. Desiree Weigel – Secretary

DLI Staff & Visitors

Jeff Lebowski (Board Counsel, DLI)
Lyndy Logan (DLI)
Steve Dudley (DLI)
John McNamara (DLI)
Ania Dimants (Electrical Assoc.) – phone
Michelle Dreier (Electrical Assn.)
Don Iverson (Schneider)
Nick Erickson (Housing First)
Gary Thaden (NECA/MMCA/SMACNA)

Members Absent

Mike Hanson
Dean Hunter – CO's Designee

1. Call to Order

- A. **Roll Call:** Chair Hendricks called the meeting to order at 9:01 a.m. Roll call was taken by Secretary Weigel and a quorum was declared resulting in 10 of 12 voting members present in person or via phone. Daniels departed the meeting at 9:06 a.m. resulting in 9 voting members present in person.
- 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 Lindahl, seconded by Heimerl, to approve the agenda as presented. The roll call vote was unanimous with 10 votes in favor of the motion; the motion carried.

Daniels departed the meeting at 9:06 a.m. resulting in 9 voting members present in person.

3. **Approval of Previous Meeting Minutes**

A motion was made by Heimerl, seconded by Weigel, to approve the July 12, 2022, regular meeting minutes as presented. The vote was unanimous with 9 votes in favor of the motion; 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** – no update.

5. **Special Business**

- A. 2023 NEC update – Jeff Lebowski
Lebowski reviewed the Request for Comments handout – see **Attachment A**.
A motion was made by Lindahl, seconded by Haiby, to approve the Request for Comments to move forward with rulemaking. The roll call vote was unanimous with 9 votes in favor of the motion; the motion carried.
- B. NERA meeting – Steve Dudley provided an update – see **Attachment B**.

6. **Committee Reports**

Construction Codes Advisory Council (CCAC)

The CCAC met on Sept. 29, 2022 – view the presentation [here](#).

7. **Complaints**

No complaints

8. **Open Forum**

Gary Thaden, NECA, addressed the board and described how the Construction Careers Foundation (CCF) helps young people become more aware about the value of construction careers. CCF provides year-round educational and experiential learning opportunities for Minnesota’s emerging workforce as they consider, navigate, and prepare for a possible career in the construction industry. For more information, please visit <https://constructioncareers.org/>

9. **Board Discussion**

- Lindahl thanked the NEC 2023 Committee and Hunter for their work.
- Heimerl said the Housing First concerns were addressed.

10. **Announcements**

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

- January 12, 2023

11. Adjournment

A motion was made by Heimerl, seconded by Lindahl, to adjourn the meeting at 9:49 a.m. The roll call vote was unanimous with 9 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.

Minnesota Board of Electricity

REQUEST FOR COMMENTS

Possible Amendment to Rules Governing the Minnesota Electrical Code, *Minnesota Rules, Chapter 1315*

Subject of Rules. The Minnesota Board of Electricity (“Board”) requests comments on its possible amendment to rules governing the Minnesota Electrical Code contained in Minnesota Rules Chapter 1315. The Board is considering rule amendments that incorporate by reference and adopt the 2023 National Electrical Code (*a/k/a* “NFPA 70”), with any Minnesota amendments.

Persons Affected. The amendment to the rules would likely affect electrical contractors, master and journeymen electricians; electrical installers, maintenance electricians, electrical equipment suppliers; elevator contractors and constructors; power limited technicians; code enforcement authorities; employers of persons who perform electrical work; persons who wish to perform electrical work; engineers; residential and commercial building contractors; and building/homeowners, in Minnesota.

Statutory Authority. Minnesota Statutes, section 326B.32, establishes the Minnesota Board of Electricity and the powers and duties of the board, among other things. Specifically, Minnesota Statutes, section 326B.32, subdivision 2(a)(3) (2022), provides the power and authority for the Board to adopt the Minnesota Electrical Code, which must be the most current edition of the National Electrical Code (“NEC”), and any amendments thereto.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until further notice is published in the *State Register* that the Board intends to adopt or to withdraw the rules. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this Request for Comments.

Interested persons or groups may view a free online draft of the 2023 National Electrical Code/NFPA 70® at the NFPA website. The website address is www.nfpa.org.

The link to all the proposals considered by the NFPA Electrical Code Committees and the actions taken with respect to those proposals, including the latest version of the draft of the 2023 National Electrical Code/NFPA 70®, can be found at: <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/List-of-Codes-and-Standards>. To access the latest 2023 NEC draft, click on this link and select “NFPA 70®” from the list on the left-hand margin. Once the NFPA 70® page loads, select “Current Edition.” You will then be asked to either sign-in or create a free profile for access to the copyrighted draft version. It is expected that these online resources will be updated and remain accessible during the comment period. For assistance with accessing the latest draft or final versions of the 2023 NEC/NFPA 70®, please contact the Agency Contact Person listed below.

The Board has appointed an advisory subcommittee to review the updated 2023 NEC and comment on any possible amendments to the full Board, including a final recommendation. Meeting dates and times of the advisory committee will be posted on the Board’s website at:

<https://www.dli.mn.gov/about-department/boards-and-councils/nec-2023-adoption-review-committee>. The public is invited to participate. Public participation is welcomed and encouraged.

Rule Drafts. A draft of the rule adopting the 2023 NEC, including possible amendments, is being compiled. When the Board has approved a near-final draft version of the proposed rule, the draft and other information about the rulemaking will be posted on the Board of Electricity rulemaking docket at: <http://www.dli.mn.gov/about-department/boards-and-councils/board-electricity>.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155, **Phone:** (651) 284-5361, or **Email:** amanda.spuckler@state.mn.us, **fax:** (651) 284-5725.

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: November 01, 2022

/s/ Duane Hendricks
Duane Hendricks, Chair
Minnesota Board of Electricity

2022 NERA Meeting

The National Electrical Reciprocal Alliance (NERA) meeting was held in person for the first time in three years. The meeting was hosted by Texas and held in Bandera Texas on September 27 and 28, with Jerry Daniels as the Chair. NERA consists of 17 member States with a mission to encourage similar regulations, without lessening the regulations of each member State, but trying to maintain some level of consistency in order to promote reciprocal agreements with States that have similar requirements.

10 States were represented at this meeting:

1. Alaska
2. Arkansas
3. Iowa
4. Minnesota
5. Montana
6. Nebraska
7. North Dakota
8. Texas
9. Wisconsin
10. Wyoming

Topics discussed consisted of:

- NERA exam bank of questions and the difficulties with maintaining it for all States. This was discussion only, there are no plans to implement this any time soon.
 - Not all States adopt the same edition of the NEC at the same time
 - Many States have amendments to the NEC which could pose difficulties with creating questions that would pertain to all member States without compromising the integrity of the exam
 - Who would maintain ownership of the questions, possibly a professional proctor, and who would it be? This could be an issue with States that proctor their own exams.
 - How to make sure the exams are not compromised in any member state
- The average age of an electrician in the US is now approximately 58 yrs. with only 13% under the age of 35. Some States are entertaining more outreach to High Schools, and possibly working with schools to start a course that could be recognized as some of the education requirements for States that have the education component as a requirement to examine for a license.
- All attending States have a 70% pass rate for the journeyworkers exam, except Nebraska which is 75%
- 5 of the 10 States require the successful completion of an approved 2-year electrical course, or 576 hours of education along with the 8000 hours of experience to qualify to examine for the journeyworkers license
- Red Tape Relief update. Certain States are entertaining licensing compacts (Minnesota has been looking into a Nursing compact with other States) for open reciprocity with many, or all other States. One way some States are pushing this is through the Red Tape Relief Initiative. From the States involved, they are required by legislation to go through all Laws, Statutes, Rules and

2022 NERA Meeting

compare them with other States. They must be able to justify them, or they must be removed. According to those involved with this, or have gone through this, by removing more restrictive regulations makes it easier to justify reciprocity with any State license.

- NERA is working on bringing more States into the alliance that comply with the NERA bylaws in order to strengthen the alliance and help prevent open reciprocity with anyone, or national licensing which could eliminate States from independently regulating their States according to the needs of those who live and work in there. By bringing in more States into NERA does not mean we need to reciprocate with them. Reciprocity is completely in the hands of the Board. (See map for States NERA is looking to reach out to)

Once again it was my pleasure to proudly represent Minnesota at this year's NERA meeting.