

ND STATE ELECTRICAL BOARD MINUTES

Wednesday, November 17, 2010

The North Dakota State Electrical Board meeting was called to order at 8:34 a.m. by President James Schmidt at the office of the State Electrical Board, 1929 N. Washington Street, Bismarck, ND. Members present: Earl Scherer, Karen Karls, Rodney Mayer, and Ben Koppelman. Also present was Donald Offerdahl, Executive Director and Brad Steier, Director of Inspections. Guests present: Brent Michelsen, Ed Christian, Doreen Riedman, Bill Kalanek and Dave Schlomer.

President Schmidt asked for further Agenda items to appear at this meeting. Representatives from the National Electrical Contractors Association were present and provided the Board with a letter. Other items included the adoption process of the 2011 code, and update on Home Builders Association meetings that were held. There being no further Agenda items, it was motioned by Rodney Mayer and seconded by Earl Scherer that the Agenda, as amended, be approved. Motion carried.

Minutes were presented from the September 15, 2010 and November 3, 2010 Board Meetings. Motioned by Karen Karls and seconded by Earl Scherer that the Minutes of these meetings be approved. Motion carried.

The Board reviewed the monthly vouchers and financial reports. Don reviewed with the Board the September and October, 2010 financial reports. Motioned by Earl Scherer and seconded by Karen Karls that the monthly vouchers and financial reports be approved as presented. Motion carried.

Board meeting dates for 2011 were presented. Motioned by Ben Koppelman and seconded by Earl Scherer that the proposed dates be approved as presented. Motion carried.

Don presented the inspector district reports. Don indicated that the policy of having certificates over a year is very limited and all districts are in good standing.

Discussion was held on an inspector's position. After some discussion, it was motioned by Earl Scherer and seconded by Rodney Mayer that the Board advertises for another inspector position in the Williston area. Motion carried.

Don presented the dates, locations and prices for state-sponsored continuing education classes. It was also discussed what the dress code should be for inspectors. After much discussion, it was decided that inspectors could wear slacks, not jeans, with a polo shirt. Brad Steier is to check with inspectors on how they feel about wearing a shirt with the North Dakota State Electrical Board logo on it for such events.

Don informed the Board of the \$73.75 reordering price for 2011 NEC books. Don also informed the Board that there are approximately 120 Analysis of Changes books left over from the North Dakota Chapter IAEI convention. Retail price is \$58.50 for members. They could be purchased from the Chapter for \$47.00 and be offered to attendees at the state-sponsored CEU classes for \$55.00, which is cheaper than what attendees would pay if ordered from the IAEI.

At 9:20 a.m., Scott Porsborg, Special Assistant Attorney General, entered the meeting.

Cease and desist letters were presented to the Board concerning: Greg Bartch, Minot, ND; Jim Sherry, Eagle River, WI; Donny Bonner, Williston, ND; Shane Harmon, Rock Springs, WY; and Jeremy Cole, Coeur D'Alene, ID. Having received no communication, it was motioned by Ben Koppelman and seconded by Earl Scherer that cease and desist orders be sent to these individuals. Motion carried.

A letter received from Eric Boren was presented. Mr. Porsborg reviewed what had happened with prior inspections and court proceedings. Motioned by Rodney Mayer and seconded by Ben Koppelman that Mr. Porsborg take action to issue a warrant to inspect Mr. Boren's property. Motion carried.

A letter sent to Eric Moritz addressing concerns at Marina Bay was presented. Motioned by Rodney Mayer and seconded by Karen Karls to send a letter to Mr. Moritz to obtain documentation of what procedures he is going to follow so that power will not be allowed on the docks. If this information is not received, then a letter should be sent indicating power will be disconnected.

Information on the City of Jamestown was presented to the Board. Don showed the Board that on March 5, 2008 a letter was sent along with responsibilities of cities when they have their own inspectors. The requirements indicate the individual needs to be full-time and hold a journeyman or master's license. After discussion, Don was instructed to send a letter to the City of Jamestown to indicate the Board's policy. If Jamestown wants to discuss it further, they are welcomed to attend the next meeting.

Jurisdiction of Indian reservations was discussed. Where there is taxable land, it is in the State Electrical Board's jurisdiction. Other areas, such as churches or schools, are in a grey area and cannot be defined. Mr. Porsborg indicated that there needs to be some follow-up on this issue.

As part of administrative rules update, Don presented the district map that will be used in the 2011 Laws, Rules and Wiring Standards book. Also, Don informed the Board that the inspectors want their cell phone numbers published in the Wiring Standards and that this will be their only number to call.

Ed Christian from National Electrical Contractors Association presented a letter to the Board about the arc fault unwanted tripping problem that their members have experienced. Information was also provided from the IBEW 1426, and Doreen Reidman of the Home Builders Association. They also addressed their members having the same issues. When asked, all of

them indicated that they have not submitted any or a few reports on unwanted tripping of AFCIs, and felt it was time-consuming to provide those reports. Motioned by Rodney Mayer and seconded by Earl Scherer that the policy of enforcement of Article 210.12 Arc Fault Circuit Interrupters protection be reverted back to the 2005 NEC exception of combination types, which states that "the branch/feeder type AFCIs shall be permitted to comply with Article 210.12(b)." Don is to check to see if the administrative rules for the 2011 code can reflect the same policy. Motion carried.

At 12:10 p.m. the Board recessed for a short lunch break.

At 12:30 p.m., the meeting resumed.

Kathy Ibach of Kathy Ibach Strategies entered the meeting.

Ben Koppelman reviewed a proposed draft of his HR action plan with the Board's mission. Karen Karls reviewed the positive work areas with the organization. Don reviewed his report on how an inspector can become a confident inspector. Other Board members reported the status of their assignments. The draft copy of Kathy Ibach's strategy report was presented. Motioned by Ben Koppelman and seconded by Earl Scherer to accept the report. Motion carried.

Discussion was held on the next meeting with Kathy Ibach. The meeting will be on December 15, 2010 from 9:00 a.m. to 3:00 p.m. at the State Electrical Board's office.

Paula Glass entered the meeting. The bill received from Kathy Ibach was presented and discussed.

Paula Glass left the meeting.

Proposed bills for the 2011 legislature were presented. Motioned by Ben Koppelman and seconded by Karen Karls to support the Secretary of State's proposed Bill concerning contractors licensed in the State of North Dakota. Motion carried.

Proposed language for a bill that covers 43-09-04 was presented. Motioned by Earl Scherer and seconded by Rodney Mayer to move forward with the proposed bill. Proposed language concerning 43-09-05 was presented. Don gave a report from the inspectors on areas that would not be covered if the job cost went up to about \$500.00. Don indicated that it may be in jeopardy of the amount being changed by the legislature and if that would require our fee schedule to be adjusted. Motioned by Rodney Mayer and seconded by Earl Scherer to not include any language on this bill. Motion carried. Proposed language concerning 43-09-20 was presented. After discussion of liability issues increasing, it was motioned by Rodney Mayer and seconded by Ben Koppelman to change the language in this proposed section. Motion carried.

Don presented a letter asking for exceptions in the North Dakota Wiring Standards from ATCO Corporation that concerned an inspection on a temporary housing project that was wired for

Canada standards. There were several state and national code violations reported. Motioned by Ben Koppelman and seconded by Earl Scherer that an electrical engineer evaluate the structures. The Board will allow an NM wiring method for three years. The NM cable will need to be protected by an arc-fault circuit interrupter type breaker. Vote was 3 to 1. Motion carried.

Discussion was held on the adoption of the 2011 National Electrical Code, which becomes effective April 1, 2011. Don reported that the effective date could be changed at this time before the legislative administrative rules hearing. Ed Christian reported that extending it to a later date will give more time for the apprentices and journeyman to learn the new rules for the 2011 NEC. Motioned by Rodney Mayer and seconded by Karen Karls that the effective date shall be changed to September 1, 2011. Motion carried.

Motioned by Rodney Mayer and seconded by Earl Scherer that we do not accept 210.12(b) concerning AFCI protection in an existing dwelling. Also, in 406.4(d)(4) replacement of receptacles, Don explained that under 210.12(b) since we have been enforcing arc fault protection little problems have been reported if you extend the circuit in that room or area covered by 210.12, which is protected by arc fault. Don also explained that 406.4(d)(4) will not be in effect until 2014, which individuals can give proposals and comments through the National Electrical Code process. The branch circuit/feeder AFCIs would still be allowed to be used under the adoption of the 2011 code. Verbal voting was done as follows: Ben Koppelman - yes; Karen Karls - no; Earl Scherer - no; and Rodney Mayer - no. Motion failed.

At 3:40 p.m. the Board recessed for a short break.

At 3:45 p.m., the meeting resumed. Mr. Porsborg left the meeting.

Don presented the documentation from the State of Colorado on the questions they were asked. After review, it was motioned by Ben Koppelman and seconded by Earl Scherer to approve the reciprocal agreement concerning journeyman electricians with the State of Colorado. Motion carried. Don presented the reciprocal agreement that South Dakota had returned. Discussion was held that if South Dakota feels more comfortable with the language presented to approve it. Motioned by Earl Scherer and seconded by Karen Karls to approve the reciprocal agreement concerning journeyman electricians with South Dakota. Motion carried.

Ashley Windhorst entered the meeting at 4:00 p.m. Don presented a list of reciprocal and exam applications to the Board. Motioned by Earl Scherer and seconded by Karen Karls that these applications as presented be approved, with the exception of further discussion of other pending applications. Motion carried.

William Spencer, Jr.'s Application for an Electrical License was presented. Motioned by Ben Koppelman and seconded by Karen Karls to approve Mr. Spencer's application. Motion carried.

Matthew Brown's Application for an Electrical License was presented. Motioned by Ben Koppelman and seconded by Karen Karls to approve Mr. Brown's application. Motion carried.

Tim Beauregard's Application for an Electrical License was presented. Motioned by Ben Koppelman and seconded by Earl Scherer to approve Mr. Beauregard's application. Motion carried.

Jeff Henry's Application for an Electrical License was presented. Motioned by Ben Koppelman and seconded by Karen Karls to approve Mr. Henry's application. Motion carried.

Michael Maderazzo's Application for an Electrical License was presented. Motioned by Earl Scherer and seconded by Ben Koppelman to approve Mr. Maderazzo's application. Motion carried.

Russell Xander's Application for an Electrical License was presented. Motioned by Rodney Mayer and seconded by Earl Scherer to deny Mr. Xander's application based on experience not consisting of 10,000 hours of electrical construction work under the supervision of a contracting Master or Class B in jurisdictions regulating similar rules of North Dakota. Motion carried.

Lowell Reith's Application for an Electrical License was presented. Motioned by Rodney Mayer and seconded by Earl Scherer to deny Mr. Reith's application based on experience not consisting of 10,000 hours of electrical construction work under the supervision of a contracting Master or Class B in jurisdictions regulating similar rules of North Dakota. Motion carried.

Brian Bordelon's Application for an Electrical License was presented. Motioned by Ben Koppelman and seconded by Rodney Mayer to deny Mr. Bordelon's application based on experience not consisting of 10,000 hours of electrical construction work under the supervision of a contracting Master or Class B in jurisdictions regulating similar rules of North Dakota. Motion carried.

Kenneth Tudda's Application for an Electrical License was presented. Motioned by Ben Koppelman and seconded by Earl Scherer to deny Mr. Tudda's application based on experience not consisting of 10,000 hours of electrical construction work under the supervision of a contracting Master or Class B in jurisdictions regulating similar rules of North Dakota. Motion carried.

Josh Gillespie's Application for an Electrical License was presented. Motioned by Rodney Mayer and seconded by Earl Scherer to deny Mr. Gillespie's application based on experience not consisting of 10,000 hours of electrical construction work under the supervision of a contracting Master or Class B in jurisdictions regulating similar rules of North Dakota. Motion carried.

Glenn Dubuc's Application for an Electrical License was presented. Motioned by Karen Karls and seconded by Earl Scherer to deny Mr. Dubuc's application based on experience not

consisting of 10,000 hours of electrical construction work under the supervision of a contracting Master or Class B in jurisdictions regulating similar rules of North Dakota. Motion carried.

Rafael Rivera's Application for an Electrical License was presented. Motioned by Earl Scherer and seconded by Karen Karls to deny Mr. Rivera's application based on experience not consisting of 10,000 hours of electrical construction work under the supervision of a contracting Master or Class B in jurisdictions regulating similar rules of North Dakota. Motion carried.

Robert McKinney's Application for an Electrical License was presented. Motioned by Rodney Mayer and seconded by Earl Scherer to deny Mr. McKinney's application based on experience not consisting of 10,000 hours of electrical construction work under the supervision of a contracting Master or Class B in jurisdictions regulating similar rules of North Dakota. Motion carried.

Ken Maynard's Application for an Electrical License was presented. Motioned by Rodney Mayer and seconded by Ben Koppelman to approve Mr. Maynard's application upon obtaining additional information on jurisdictions worked. Motion carried.

Terry Hoenke's Application for an Electrical License was presented. Motioned by Rodney Mayer and seconded by Earl Scherer to approve Mr. Hoenke's application once his one year probation is over. Motion carried.

The following items were tabled for the January, 2011 meeting. Review of staff's involvement in NFPA, IAEE and UL committee meetings, code adoption process, report system software update and employee non-exempt status.

There being no further business, it was motioned by Earl Scherer and seconded by Karen Karls that the meeting be adjourned. The meeting adjourned at 4:45 p.m.

James Schmidt, PRESIDENT

Karen Karls, SECRETARY