

# **NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES**

Wednesday, May 19, 2021

The North Dakota State Electrical Board meeting was called to order at 8:30 a.m. by President Rodney Mayer at the office of the North Dakota State Electrical Board, 1929 N. Washington Street, Suite A-1, Bismarck, N.D. Members present: Tom Paulson, Mark Christopher, Paul Durbin, and Christina Roemmich. Also present: James Schmidt, Executive Director; Ashley Windhorst, Assistant to Executive Director; Scott Porsborg, Special Assistant Attorney General; Austin Lafferty, Special Assistant Attorney General; Zach Paetz, District 11 inspector; and 14 guests.

President Mayer asked the Board to introduce themselves to the audience.

President Mayer asked for further Agenda items to appear at this meeting. Mr. Schmidt added MHA Tribal Trust Lane (Three Affiliated Tribes), HA Thompson, and inspector districts. It was motioned by Paul Durbin and seconded by Christina Roemmich to approve the agenda and consent agenda. Motion carried.

President Mayer asked the audience to introduce themselves to the Board and turned the meeting over to Mr. Schmidt.

Mr. Schmidt indicated District 11 inspector, Zach Paetz, had stopped at the hospital in Elgin and found HA Thompson and Sons doing electrical work. Mr. Schmidt left messages for Mark Thompson to discuss the issues; however, his calls were not returned. Mr. Schmidt consulted Special Assistant Attorney General Scott Porsborg and received a summary from inspector Zach Paetz.

Travis Greff, President of the North Dakota Association of Plumbing, Heating, & Mechanical Contractors asked how HVAC technicians can become licensed as they deal with low voltage daily.

Special Assistant Attorney General, Scott Porsborg, indicated there has not been a rule or law change regarding HVAC. Only electricians can wire controls and that's been in effect since 1998. Power limited electrician licensing went into effect in 2019. PLE license is required for articles 500 – 517 of the National Electrical Code. The Elgin hospital was not a close call by the electrical inspector as the requirement for a licensed electrician for light, heat, power, and the control thereof, has been around since 1998 and was changed to light, heat, power, and power limited systems in 2019. Mr. Porsborg would encourage the HVAC individuals to apply for a PLE license. The license went into effect August 2019; however, only one application has been received to date and no one has taken the exam.

Senator Jerry Klein, Chairman of the Industry, Business and Labor Committee, indicated his understanding was that the Board would grandfather in individuals who were already doing PLE work. He is still looking for the minutes/record to confirm; however, he recalls legislators being told nothing would change for those who have always been doing PLE wiring. Mr. Klein indicated he came to the meeting today to explain the legislative position

and to note that it looks bad that this issue came up and happened two weeks after the legislators left town.

Special Assistant Attorney General, Scott Porsborg, indicated that prior to the PLE bill a Master electrician license was required to install light, heat, and power – the PLE bill expanded this. The State Electrical Board has not changed anything they've been doing, perhaps no one has gotten caught until now, which is unfortunate.

Discussion continued. Tom Paulson asked if HA Thompson & Sons can perform the wiring they were at a hospital if they obtain a ND Power Limited Electrician license. Yes, if they have a PLE license they can wire at a hospital as it falls under 500-517 of the NEC. Christina Roemmich indicated she's happy to see all the interest and support from the industry today. Paul Durbin indicated he's concerned about the work performed by HA Thompson & Sons at the Elgin hospital that involved 480-volt 3-phase power.

A member of the audience asked if HVAC technicians can continue installing low voltage wiring such as mounting a thermostat in a residential house.

Mr. Schmidt explained again that a PLE license is only needed to install low voltage wiring in articles 500-517 of the National Electrical Code which is hazardous (classified) locations and healthcare. Mr. Schmidt also indicated that it's important for those performing this work to understand pipe fill and grounding and bonding. Discussion was had about having Scott Halle provide a code overview for PLE/HVAC installers.

A member of the audience indicated they are all in attendance today to get details and understand what they can and cannot do. They want to know their boundaries which is hard to figure out from looking at the law and code.

Another member of the audience indicated that the HVAC contractors should have been more informed regarding the PLE licensure. Two master electricians were hired at the Elgin hospital project; however, they never told the HVAC technicians they wouldn't do the work they were doing. It was also indicated that HA Thompson & Sons technicians haven't been approached on a job from a NDSEB Inspector prior to now.

Mark Thompson with HA Thompson & Sons indicated they are all about safety and welcome any information or assistance. For example, they provided arc flash training to all employees two years ago and provided all new uniforms for the technicians. He also indicated he was not happy with the treatment of the technician at the Elgin hospital and will be following up with a letter.

Another member of the audience indicated the HVAC industry is huge and its impossible to know everything. They do not have enough electrical knowledge but its hard to get that when they can't even obtain all the knowledge of their own industry.

Mr. Schmidt indicated he will send information about PLE licensing to Travis Greff.

Mr. Schmidt asked inspector Zachary Paetz to meet with two representatives from HA Thompson & Sons and Doug Grinde regarding the Elgin hospital.

At 9:15 a.m., the Board recessed for a short break. 12 audience members left the meeting.

At 9:30 a.m., the Board reconvened. Andrew Kollbaum and Jon Maristuen entered the meeting.

Mr. Schmidt indicated the Three Affiliated Tribes had requested NDSEB to perform electrical inspections on MHA Tribal Trust Land. Trust land is tribal owned land. If a request to inspect was received on tribal letterhead, inspections were completed by NDSEB. The Three Affiliated Tribes now want to start their own inspection department. After meeting with Mr. Schmidt, it was decided to create District 17 which will be like the other cities that have their own inspection departments. By adding them to our system, contractors will receive correction reports and licensing can be monitored as well.

Andrew Kollbaum appeared to appeal his denied reciprocal Journeyman application. At the March meeting, the Board had asked Mr. Schmidt and Scott Halle to review the training Mr. Kollbaum completed through AE Tech in South Dakota. Mr. Schmidt reported that the education content is good; however, the timeframe for delivery is not. Mr. Schmidt also reported that AE Tech has been told in the past that their training is not approved and does not meet the training requirements for North Dakota apprentices. Mr. Kollbaum admitted to having the hours to test but needed the education requirement and went to AE Tech as he didn't feel NDSCS Outreach program was for him. The Board indicated that the purpose of the apprenticeship training is to get the related study while working on the job. Motioned by Tom Paulson and seconded by Christi Roemmich to deny Andrew Kollbaum's appeal to reciprocate his South Dakota Journeyman license as his experience is all in North Dakota and he has not completed an approved apprenticeship training program (AE Tech). Discussion was had that Andrew should take this AE Tech training to an approved provider to determine what else he needs to complete to earn a completion certificate. Motion approved.

At 10:05 a.m., Andrew Kollbaum and Jon Maristuen left the meeting.

President Mayer called Darin Hultberg who wanted to appear by phone regarding his request to contract for Warrior Energy. Mr. Hultberg's request was denied at the June 2020 meeting as enough information was not provided and the Board felt like he was not actively engaged in the company. Mr. Hultberg has provided additional information and reviewed what he does for Warrior Energy versus Northern Valley Electrical Service. Motioned by Mark Christopher and seconded by Tom Paulson to allow Darin Hultberg to contract for Warrior Energy. Discussion – Christina Roemmich indicated the additional information was helpful for the approval. Paul Durbin indicated he would like the office to monitor that Darin is actively engaged in Warrior Energy. Tom Paulson wants to ensure Darin is actively engaged as well and that he understands he can only Master for one company. Motion carried.

Mr. Schmidt indicated a HVAC contractor had contacted him regarding NEC 210.8(F) which requires a/c units to be GFCI protected. The HVAC contractor indicated the GFCI breakers

have been tripping. Mr. Schmidt talked to an a/c manufacturer who confirmed the issue. NFPA was reviewing a Tentative Interim Amendment (TIA); however, it failed. NDSEB created a form for contractors to report non-gfci protected equipment. This is for mini-split and a/c units with DC invertors only. Fifteen (15) forms have been received to date. The information will be forwarded to the breaker and a/c manufacturers as well.

Mr. Schmidt indicated there is nothing further on coal mines at this time. The individual has not sent in an application as requested.

Mr. Schmidt indicated the education committee met and has set minimum core class requirements for related training. The committee would now like the Board to adopt the minimum requirements. The goal is to have the application, requirements, and policy all in place for this Fall. Motioned by Paul Durbin and seconded by Christina Roemmich to approve the education matrix as approved by the education committee. Motion carried.

Mr. Schmidt indicated at the January Board meeting he presented an email from a HVAC controls contractor. At that meeting, the Board had indicated class 2 or 3 commercial control wiring for HVAC equipment needed to be done by a licensed electrician. 43-09-16(6) indicates a license is not required to install power limited system installed in residential dwellings. 43-09-01(7) defines “nonelectrical system” and states the term does not include a circuit or system that is installed: within an area of special occupancies, as defined under articles 500-517 of the national electrical code; for heat, light, power; for the control of heat, light, or power, unless the circuit or system employs digital communications. Therefore, according to 43-09-01(7)(c), the Board has jurisdiction for heat, light, power unless its digital. The Board also has no jurisdiction of low voltage wiring in residential according to 43-09-16(6). President Mayer asked for the definition of digital. Mr. Schmidt will work with Special Assistant Attorney General, Scott Porsborg, to amend the January decision and policy.

At 11:25 a.m., the Board recessed for a short break.

At 11:40 a.m., the Board reconvened.

Mr. Schmidt indicated the NDSCS Alumni Foundation sent the Board a Thank You for the scholarship funds received.

Mr. Schmidt indicated Kendrick Kjorsvik has re-applied to be on a code making panel. It was determined that if selected, the Board will support.

Mr. Schmidt indicated the Board wanted to review the wage process at its last meeting. Beings the Board only meets six (6) times a year, he’s wondering what the intent is so requested changes can be made. Tom Paulson indicated a possible compensation review be completed by an outside source. President Mayer indicated he will explore that option and report back at the July meeting. Paul Durbin indicated he had a hard time finding similar wages for other states and that Brady Martz’s webpage indicates they complete compensation reviews.

Mr. Schmidt presented the NDSEB Employee Handbook which was inquired about at the last meeting. Two changes have been made due to statutory changes. The handbook was originally adopted in 2012 and reviewed in 2017. Motioned by Tom Paulson and seconded by Mark Christopher to approve the employee handbook as amended. Motion carried.

Mr. Schmidt shared a letter received from Midcontinent Communications regarding the Public Service announcement for NDSEB. The letter had an invoice attached showing what the cost would have been; however, they currently do not charge of public service announcements and consider them a donation.

Mr. Schmidt indicated he received an email from Goldmark regarding the awning out front. They chose a vendor and the construction should be completed by the end of summer.

Mr. Schmidt indicated the education committee is working on a related training policy. Once they are done editing and reviewing it will go to our attorney for review and then the Board.

Mr. Schmidt presented an email from Troy Taylor who wants to renew his ND Journeyman license; however, he is past the 3-year timeframe so according to law he would have to apply to take the exam. Motioned by Paul Durbin and seconded by Mark Christopher to deny Mr. Taylors request. Motion carried.

Mr. Schmidt presented two applications reviewed for the PLE members of the education committee. Motioned by Christina Roemmich and seconded by Paul Durbin to appoint Robert Arson and Vance Vesey to represent PLE on the education committee.

Mr. Schmidt discussed inspector districts. An inspector has indicated they will be retiring January 1, 2022 and another has an interest in retiring summer 2022 if the Board would offer health insurance. Mr. Schmidt indicated there are also additional skid issues and that he would like to start having inspections audited. If the Board approves, Mr. Schmidt, would like to amend the budget and advertise to hire an additional person who would meet with contractors, utilities, the public, audit inspections, and have some possible supervisory duties as well. The Board discussed necessary qualifications for this position and determined they would like to see a job description. Mr. Schmidt will draft a job description for the new position and send it to the Board members for review. A special meeting could be scheduled to approve if its ready prior to the July meeting. The Board indicated they would also like to see the Director of Inspections job description and the inspector job description.

At 12:45 p.m., Doug Grinde and Scott Halle entered the meeting.

Doug Grinde reviewed rough-in inspections. Currently, 70% of new homes are having rough-in inspections completed. Doug reviewed current certificate numbers including incoming and active certificates. Doug reviewed and discussed riding with inspectors and the good communication and thorough inspections he's seen.

Scott Halle indicated the registration is open for the NDSEB CEU classes. The first classes are in June in Bismarck and Fargo. There will be two classes this year, one with a residential

wiring emphasis and another with a commercial wiring emphasis. The Marketplace for Kids events were all virtual this year. NDSEB is currently registered to attend the ND FFA career fair in June in Fargo, and the Minot Area Career Expo in November. Scott continues to review CEU classes, and answer questions from inspectors and contractors.

At 1:00 p.m., Doug Grinde and Scott Halle left the meeting.

The next regular meeting of the Board will be July 21, 2021.

There being no further business, it was motioned by Christina Roemmich and seconded by Mark Christopher to adjourn the meeting. The meeting was adjourned at 1:05 p.m.

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Rodney Mayer, PRESIDENT

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Christina Roemmich, SECRETARY