

**Board of Electricity
Special Meeting Minutes
April 25, 2008**

**Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, Saint Paul 55155
DLI.CCLDBOARDS@State.MN.US**

Members Present:

James Freichels
Douglas Fingerson
Joe Vespa
Tom Seanger
Dick Owen
Kim Huxford
Anthony Toft
John McConnell
John Schultz (DLI Commissioner's Designee)
Timothy Malooly

Members Absent:

Dan Klein

Members Available by Teleconference:

None

Staff Present:

Annette Trnka
Wendy Legge
John Williamson
Chris Thompson

Visitors:

Jeff Fecteau
Bill Timmons
Tim Miller
Dan McConnell
Tony Maghrak
Cari Williamette
Mark Gilk
Mike McGinty
Al Hildenbrand
Chuck Schwieler
Ron Beldo
John Ploetz
Karen Linner
John Nozzarega
Mike Wilson
Gary Thaden
Mark Melander
Steve Hultman

I. Call To Order – James D. Freichels

The meeting was called to order by James Freichels at 9:04 a.m. and role was taken.

II. Approval of Meeting Agenda

A motion was made by McConnell, seconded by Owen, to approve the meeting agenda. The vote was unanimous and the motion passed.

III. Regular Business

A. Expense Approval.

- a. Owen moved, seconded by Fingerson to accept Expenses and Per Diems. The vote was unanimous and the motion carried.

IV. Special Business

A. 2008 NEC Rulemaking Public Discussion

John Schultz first spoke on the Department of Labor and Industry's suggested amendments to the 2008 NEC, Section 210.8(A)(2); Section 210.8(A)(3); and Section 210.8(A)(5) – Ground-Fault Circuit-Interrupter Protection for Personnel.

- i. 210.8(A)(2) - Where the interior of a garage is only accessible through the vehicle door, the GFCI protection device for a receptacle outlet for a garage door opener shall be located in a readily accessible location outside the garage.
- ii. 210.8(A)(3) – Exception No. 1 to (3): GFCI protection shall not be required for an accessible receptacle outlet that supplies a sewage lift pump(s) and related equipment where the receptacle outlet is marked “caution, potential electrical shock hazard, receptacle is not GFCI protected” and the receptacle outlet is enclosed by a lockable cover assembly.

Karen Linner of the Builders Association of Minnesota, Al Hildenbrand on behalf of Al's Electric Works, Tim Miller on behalf of IAEEI & the City of Bloomington, John Ploetz on behalf of the Minnesota Electrical Association, Cari Williamette on behalf of MN Chapter IAEEI, Ron Beldo on behalf of the Contract Electrical Inspector's Association, Jeff Fecteau on behalf of NEMA, and Dan McConnell on behalf of the International Brotherhood of Electrical Workers Minnesota State Council then spoke on the Department's proposed amendments.

The Board took a recess at 10:41 a.m. and reconvened at 10:57.

Owen made a motion, seconded by Toft to not amend either 210.8(A)(2) or 210.8(A)(3). Discussion took place. The vote was Fingerson, Seanger, McConnell, Toft, Malooly, Vespa, Owen and Huxford voted Aye. Freichels and Schultz voted Nay. The majority ruled and the motion passed.

- iii. 210.8(A)(5) – Exception No. 1 to (5): GFCI protection shall not be required for a receptacle outlet that supplies a sump pump or sewage ejection pump where the receptacle outlet is marked “caution, potential electrical shock hazard, receptacle is not GFCI protected” and a readily accessible GFCI protected receptacle outlet is provided within 6 feet of the receptacle outlet not provided with GFCI protection.

Owen made a motion, seconded by Toft, not to amend 210.8(A)(5) – Exception No. 1 to (5). The vote was Fingerson, Seanger, McConnell, Toft, Vespa, Owen

and Huxford voted Aye. Freichels, Schultz and Malooly voted Nay. The majority ruled and the motion passed.

Chair then opened the floor for discussion on the arc fault circuit interrupters. Karen Linner, Steve Hultman on behalf of Cutler Hammer, Al Hildenbrand, Jeff Fecteau, and John Schultz on behalf of the Department of Labor and Industry spoke regarding arc fault circuit interrupters. No motions were made. Chair then opened the floor for discussion on required lighting outlet for radon systems. Karen Linner spoke on behalf of BAM. John Schultz spoke on behalf of the Department of Labor and Industry. No motions were made.

B. May Board of Electricity Meeting

- a. Set Date for May Meeting. It was decided the meeting will be held on May 22, 2008 at 10:00 a.m. in the Minnesota Room.

V. Open Forum

There were no additional requests for Open Forum.

VI. Board Discussion

Toft asked about personal, State, and Board liability regarding code amendments. Wendy Legge stated that there is a State Tort Claims Act that limits liability of the State for actions by the Board as long as the members were acting in good faith and within the scope of their employment. The risk of personal liability of Board members is extremely low if they are acting in good faith and within the scope of their employment.

Wendy Legge gave an overview of what to expect should there be a rulemaking hearing on adoption of the 2008 NEC. She stated if there is a hearing, Chair Freichels and John Schultz (who were listed as witnesses in the SONAR) will make a presentation on behalf of the Board regarding the proposed rules. The Administrative Law Judge (ALJ) normally sets out a sign up sheet and the public will be given opportunity to comment. After the hearing, there is a minimum five day comment period (which the ALJ may extend up to 20 days) for submission of written comments. Legge will work with Chair Freichels, as the representative of the Board, to draft any comments the Board would like to make to the ALJ. When the comment period expires, there will be a five day response period, during which no new proposals may be made. After the response period, the ALJ will issue a Report, which will either; approve the rule as proposed, in which case it can be published; or identify defects in the rule, such as language that is not needed or reasonable, in which case the Judge would ordinarily provide suggested language that would cure the defect. If the ALJ approves the rule as finally written, and the rule is published, it will be effective July 1, 2008, OR five working days after publication of the Notice of Adoption in the State Register, whichever is later.

VII. Announcements

A. Next Regularly Scheduled Meetings

- i. Tuesday, May 13, 2008, 9:30 a.m. – Administrative Hearing – Minnesota Room, DLI
- ii. Thursday, May 22, 2008, 10:00 a.m. – Minnesota Room, DLI
- iii. Tuesday, June 10, 2008, 10:00 a.m. – Minnesota Room, DLI

XI. Adjournment

A motion was made by Seanger, seconded by McConnell, to adjourn the meeting of the Board of Electricity. The vote was unanimous and the motion passed. Board adjourned at 12:40 p.m.

Respectfully Submitted,

Douglas Fingerson

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