

Board of Electricity

Meeting Minutes

Tuesday, April 14, 2015 @ 9:00 a.m.

Minnesota Room, Department of Labor & Industry

443 Lafayette Road, St. Paul, MN 55155

Members Present:

Andy Toft (Chair)
Kim Huxford
John McConnell
Jim Freichels
Scott Novotny
Dan Westberg – via teleconference
Sam Sampson
Dan Klein
Joe Vespa

Members Absent:

Doug Fingerson
Willy Hoskins
Laura Karow

DLI Staff & Visitors:

Bill Bierman (DLI)
Scott McLellan (DLI)
Charlie Durenberger (DLI)
John Williamson (DLI)
Lyndy Lutz (DLI)
Todd Green (DLI)
Dean Hunter (DLI)
John Dunlor (RESMINN)
David Fisch (MNESTA)
Thomas Johnson (Tromco)
Andy Snope (IBEW)
Bill Heaney (IBEW)
Brian Winkelaar (IBEW)
Jack Kluempke (Dept. of Commerce)
Stacy Miller (Dept. of Commerce)
Phil Raines (ABC)
Gary Thaden (NECA)

I. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Toft. Roll call was taken by Secretary Huxford and a quorum was declared.

II. Approval of Meeting Agenda

A motion was made by Sampson, seconded by McConnell, to approve the agenda as presented. The roll call vote was unanimous; the motion carried.

III. Approval of Previous Meeting Minutes

A motion was made by Klein, seconded by Novotny, to approve the January 13, 2015 meeting minutes. The roll call vote was unanimous; the motion carried.

IV. Regular Business

- a. Expense Approval – Toft reviewed and approved the per diem and expenses. A motion was made by Freichels, seconded by Huxford, to approve per diem and expenses. The roll call vote was unanimous; the motion carried.

- b. Enforcement** – Charlie Durenberger, Assistant Director for the Construction Codes and Licensing Division, DLI, gave an update on enforcement stats – see Attachment A1 and A2. He discussed continuing education (CE) issues and the enforcement process.
- c. E-Licensing update by Charlie Durenberger**
Durenberger continues to look for a vendor to provide plastic license cards.
- d. E-Trakit update by John Williamson**
Version 3 rolled out smoothly on February 5, 2015. He noted that contractors new to e-trakit were impressed and the department received very positive feedback. Currently, 93% of licensed contractors are using e-trakit with 81% of all electrical permits being filed online. Robin Geiger, the electrical department’s program administrator, met with area reps and contract inspectors prior to launching e-trakit 3 and is largely responsible for the department’s success on the roll-out.

IV. Special Business

a. Update on Reciprocal Agreements

Wisconsin reciprocal licensing - Sam Sampson said the Board made a motion to pursue reciprocal licensing with the State of Wisconsin at the July 8, 2014 meeting. On March 31, 2015, the Board received a letter from the chief legal counsel from the Department of Safety and Professional Services of Wisconsin (see Attachment B) presenting a formal request to enter into a reciprocal agreement. Bill Bierman, the Board’s counsel, drafted Reciprocal Licensing Agreements for both Master and Journeyman Electricians and if the Board decides to proceed then the Commissioner (DLI) would enter into a reciprocal license with the State of Wisconsin.

Andy Snope, IBEW State Council, addressed the Board and noted that he would be opposed to signing an agreement with the State of Wisconsin at this time. He noted that Wisconsin has state licensing and no longer offers municipal licensing. He asked the Board to wait before making a decision. He added that there are 5 different types of licenses (in Wisconsin) including a beginning electrician’s license that does not appear to be an apprentice license. The licenses are also divided as follows: Master Electrician, Residential Master Electrician, Journeyman Electrician, Industrial Journeyman and Residential Journeyman and are 4 year terms requiring CE. He believes a 4 year cycle is too long and urged the Board not to rush to vote on signing an agreement.

VI. Committee Reports

Nothing to report.

VII. Complaints

No complaints brought forth.

VIII. Open Forum

Tom Johnson, owner of Tromco Electric in Chisholm addressed the Board to dispute a citation from a Ron Beldo, DLI contract electrical inspector concerning the support of wiring methods above a non-fire-rated ceiling assembly. Beldo cited the provision in NEC section 310.11 requiring independent support (not using the ceiling assembly support wires) of wiring methods above the ceiling, unless listed to do so. Independent support of wiring methods is required and if wires are used, they must be identified.

Johnson's argument was that all the Code requires is that the ceiling support system be listed and then wiring methods could be attached to the ceiling support wires.

Sam Sampson stated that the department's research verified that the ceiling support system and the specific wiring method need to be listed in combination and that no ceiling grid manufacturer has had their ceiling tested to the numerous available wiring methods. He said general rule is that ceiling support wires cannot be used but the exception, which first appeared in the 1996 NEC, is an allowance that permits those wires to be used should any manufacturer of the ceiling systems have their product tested with a specific wiring method and approved by the listing agency.

John Williamson, chief electrical inspector, said he has never seen ceiling manufacturer's instructions that said it was ok to support any type of wiring system from their support wires. Manufacturers haven't submitted this to the testing laboratories because there are too many variables. It should be assumed that it is not permitted - not that it is permitted.

Johnson said that he has a letter from the ceiling manufacturer said they would approve this installation. He read from an email from an engineer at USG Building Systems, the manufacturer. Vespa noted that the email from USG referenced weights and distribution and he referred to Sampson's handout (see Attachment D).

Williamson stated that the building code section referenced in the email applies to the earthquake restrictions for ceiling support and that the engineer was correct that the system could probably support the distributed weight; however, in this case, the wiring method installation did not meet the electrical code.

Johnson said he had just received the email supporting his position which is why the department hadn't seen it. He agreed to send it. Toft asked if the department would review the professional engineer's email and make the decision based on their investigation/review. Sampson said he had spoken with the manufacturer regarding the issue and they indicated they would not put anything regarding ceiling support wires used for wiring methods in writing. He agreed to check into the question further and said Board members would be copied on the decision.

IX. Board Discussion

When Sampson said he spoke with the manufacturer they indicated they would not put anything in writing. Sampson said he will copy Board members the email. The exception should be removed. It leaves a lot open and Sampson said there has never been a clarification to change or remove this exception.

X. Announcements

Next Regularly Scheduled Meetings (subject to change) – Minnesota Room, DLI

- Tuesday, July 14, 2015 @ 9:00 a.m. (Annual meeting / Election of Officers)
- Tuesday, October 13, 2015 @ 9:00 a.m.

XI. Adjournment

A motion was made by McConnell, seconded by Novotny, to adjourn at 10:34 a.m. The roll call vote was unanimous; the motion carried.

Respectfully Submitted,

Kim Huxford

Kim Huxford
Secretary

CCLD ENFORCEMENT STATS

(through March 31, 2015)

RESIDENTIAL BUILDING CONTRACTOR

	CASES OPENED	CASES CLOSED	ACTIVE CASES	ORDERS
2015	209	310	531	69
2014	774	714	657	252
2013	793	868	629	263
2012	790	735	702	202
2011	828	1,013	713	251
2010	851	770	869	326

ELECTRICAL

	CASES OPENED	CASES CLOSED	ACTIVE CASES	ORDERS
2015	175	143	226	54
2014	250	238	220	171
2013	284	286	177	112
2012	282	380	194	131
2011	243	321	333	91
2010	129	N/A	427	47

PLUMBING

	CASES OPENED	CASES CLOSED	ACTIVE CASES	ORDERS
2015	59	43	117	20
2014	149	157	102	51
2013	166	178	108	42
2012	177	173	115	45
2011	149	160	113	75
2010	114	N/A	112	101

MISCLASSIFICATION

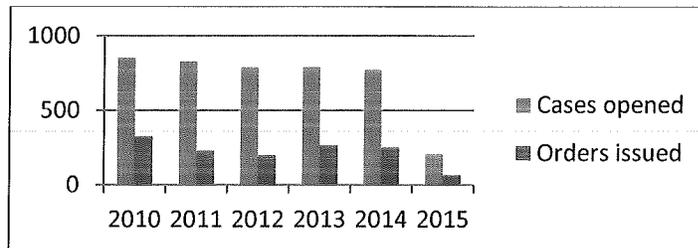
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2015	133	104	167	42
2014	289	260	148	178
2013	210	171	162	113
2012	186	274	128	154
2011	340	370	214	255
2010	255	N/A	196	214



CCLD ENFORCEMENT STATS 2010-2015

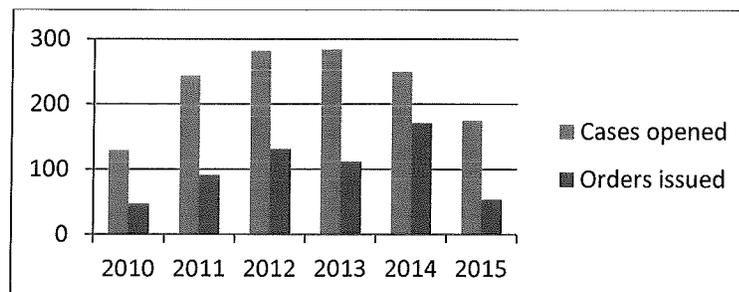
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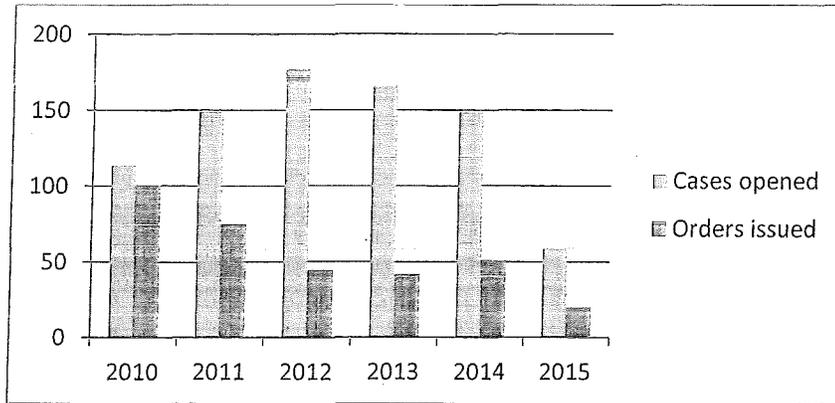
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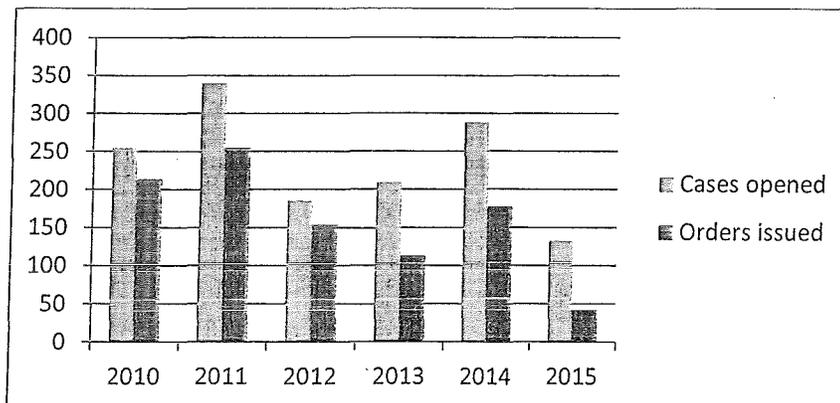
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WORKER MISCLASSIFICATION

	CASES OPENED	CASES CLOSED	ACTIVE CASES	ORDERS
2015	133	104	167	42
2014	289	260	148	178
2013	210	171	162	113
2012	186	274	128	154
2011	340	370	214	255
2010	255	N/A	196	214





STATE OF WISCONSIN

Department of Safety and Professional Services
1400 E Washington Ave.
Madison WI 53703

Governor Scott Walker

Secretary Dave Ross

Attachment B

Mail to:
PO Box 8935
Madison WI 53708-8935

Email: dsps@wisconsin.gov
Web: <http://dsps.wi.gov>
Phone: 608-266-2112

March 31, 2015

Minnesota Board of Electricity
Andy Toft, President
c/o Lyndy Lutz, CCLD
Minnesota Department of Labor & Industry
443 Lafayette Road North
Saint Paul, MN 55155

RE: Reciprocity with Wisconsin

Dear Mr. Toft:

The Wisconsin Department of Safety and Professional Services regulates the licensing and the practice of electricians in Wisconsin. The Department requests to enter into a reciprocity agreement with the Minnesota Board of Electricity regarding the licensing of electricians.

Recent changes in Wisconsin law now allow for a reciprocity agreement and have made the Wisconsin licensing standards compatible with Minnesota's licensing standards. The Wisconsin law authorizing reciprocity is Wis. Stat. sec. 101.874.

Under the revised laws, Wisconsin master electrician requirements are now comparable to the Minnesota Class A master electrician requirements and the Wisconsin journeyman electrician requirements are now comparable to the Minnesota Class A journeyman electrician requirements. The Wisconsin master electrician requirements are set out in Wis. Stat. sec. 101.868 and the Wisconsin journeyman electrician requirements are set out in Wis. Stat. sec. 101.87. The Department seeks to enter into reciprocity agreements for those specific types of licenses.

I look forward to your response and hope that I can work with a representative for your Board to prepare agreements for formal approval.

Sincerely,

Michael Berndt, Chief Legal Counsel
Department of Safety and Professional Services
608-267-2914
Michael.Bemdt@Wisconsin.Gov

April 10, 2015

Dear Minnesota State Board of Electricity Representative,

I'm requesting a clarification of the interpretation and intent of the 2014 National Electrical Code (NEC) because of a dispute I'm having with State Area Representative Chip Jespersen as it relates to installation of ceiling support systems and lighting. We have a difference of opinion of the Exception sentence in 300.11 (A) (2) where it states, "**The ceiling support system shall be permitted to support branch-circuit wiring and associated equipment where installed in accordance with the ceiling system manufacturer's instructions.**"

Mr. Jespersen has indicated that the manufacturer's instructions need to be provided for the prepositional phrase of, "to support branch-circuit wiring and associated equipment" which would never be provided by a manufacturer and irrelevant to ceiling system installation. I am interpreting the sentence by focusing on the fact that the ceiling system is being installed in accordance with the ceiling system manufacturer's instructions, as confirmed by Eric Rhame, Architectural Representative from DSGW Architects. To surmise that this exception in the NEC should be interpreted to say that the manufacturer would provide instructions on the specific branch-circuit wiring is to improperly understand the structure of the sentence by applying the requirement to a *prepositional phrase* rather than the *subject* and *verb (predicate)* of the Exception sentence. My interpretation of this sentence is based on proper grammar of the English language. This Exception sentence clearly interpreted says that I am permitted to install branch-circuit wiring where (when) the ceiling system is installed in accordance with the ceiling system manufacturer's instructions. It should not be interpreted to mean that the branch-circuit and associated equipment must be installed in accordance to the manufacturer's ceiling system instructions, which they would NEVER provide, nor would they believe they have the expertise to produce. The bottom line is that the ceiling system is being installed according to manufacturer's instructions, and that's what the code calls for.

From a practical standpoint, the manufacturer allows for 24 square feet of lighting per 100 square feet of ceiling (24%). On this Ulland Brothers project in Virginia, Minnesota, the amount of square footage of lighting does not even exceed 11%, which is less than half allowed by the manufacturer. From a logical point of view, there is no excessive weight on any part of the ceiling system, which is the purpose of the Securing and Supporting article (300.11) of the NEC. I would never abuse a ceiling system by adding excessive weight.

To hang 15 feet of additional support wire for every support of the branch-circuit (mc cabling), as required by Mr. Jespersen is excessive. And, it is further inconsistent with practical safeguarding of persons and property from hazards arising from the use of electricity, which is the stated purpose of the NEC.

Sincerely yours,



Dan Sertich, Foreman – Tromco Electric, Chisholm, MN 55719

Journeyman Wireman Lic. #AJ007460

1990 NEC Specifically permits the ceiling support wires to be used to support branch circuit wiring for equipment located within, supported by or below a suspended ceiling

1993 NEC Specifically prohibits the ceiling support wires to be used to support branch circuit wiring for equipment located within, supported by or secured to a fire-rated floor or roof/ceiling assembly.

Specifically permits the ceiling support wires to be used to support branch circuit wiring for equipment located within, supported by or secured to a non-fire-rated floor or roof/ceiling assembly.

1996 NEC Wiring above a fire-rated floor or roof/ceiling assembly shall not be secured to or supported by the ceiling assembly including the support wires. An independent means of secure support shall be provided.

Exception: The ceiling support system shall be permitted to support wiring and equipment that have been tested as part of the fire-rated assembly.

- Wiring above a non-fire-rated floor or roof/ceiling assembly shall not be secured to or supported by the ceiling assembly including the support wires. An independent means of secure support shall be provided.

Exception: The ceiling support system shall be permitted to support branch circuit wiring and associated equipment where installed in accordance with the manufacturer's instructions. Cables and raceways shall not be permitted to be supported by ceiling grids.

1999 NEC Exception unchanged

2002 NEC Exception unchanged

2005 NEC Exception unchanged – added distinguishable color or tagging to non-support wires

2008 NEC Exception unchanged – support wires permitted to be attached to the ceiling assembly (fire-rated assemblies only.) Clarified the prohibition of ceiling support wires for electrical wiring.

2011 NEC Exception unchanged – support wires permitted to be attached to the ceiling assembly (adds non-fire-rated)

2014 NEC Exception unchanged –

Proposals for **2017 NEC** No changes to Exception for non-fire-rated assemblies

300.11 Securing and Supporting.

A Secured in Place. Raceways, cable assemblies, boxes, cabinets, and fittings shall be securely fastened in place. Support wires that do not provide secure support shall not be permitted as the sole support.

Support wires and associated fittings that provide secure support and that are installed in addition to the ceiling grid support wires shall be permitted as the sole support.

Where independent support wires are used, they shall be secured at both ends. Cables and raceways shall not be supported by ceiling grids.

1 Fire-Rated Assemblies.

2 Non-Fire-Rated Assemblies. Wiring located within the cavity of a non-fire-rated floor-ceiling or roof-ceiling assembly shall not be secured to, or supported by, the ceiling assembly, including the ceiling support wires.

An independent means of secure support shall be provided and shall be permitted to be attached to the assembly.

Where independent support wires are used, they shall be distinguishable by color, tagging, or other effective means.

Exception: *The ceiling support system shall be permitted to support branch-circuit wiring and associated equipment where installed in accordance with the ceiling system manufacturer's instructions.*