

North Dakota State Electrical Board Minutes

January 25, 2023 Meeting

The North Dakota State Electrical Board meeting was called to order at 8:33 a.m. by President Rodney Mayer at the Electrical Board Offices at 1929 N. Washington St., Ste A-1, Bismarck, North Dakota. Members Present: Rodney Mayer, Paul Durbin, Christina Roemmich, James (Jim) Brandenburg, and Gerald “Poke” Buck. Also Present: James Schmidt, Executive Director; Scott Porsborg, Special Assistant Attorney General; Austin Lafferty, Special Assistant Attorney General; Adam Kidwell, JATC; Clay Nagel, IEW; Curt Kasper, NECA.

Mr. Mayer called the meeting to order at 8:31 a.m.

Mr. Mayer asked if there were any additions to the agenda. Mr. Schmidt added two items to the meeting’s agenda: (1) inspector meetings and (2) District 12.

Ms. Roemmich moved, and Mr. Durbin seconded, a motion to approve the consent agenda. The motion carried.

Mr. Schmidt introduced Gerald “Poke” Buck, a new board member to fill out the unexpired term for the consumer member of the Board. Mr. Buck took a few moments to introduce himself to the Board. The Board and the other individuals present introduced themselves to Mr. Buck.

Mr. Schmidt informed the Board about the inspector meetings. The inspectors will occasionally get a call to attend a pre-construction meeting. Mr. Schmidt said the office policy is to have Mr. Schmidt or someone higher up attends those types of meetings (business meetings).

Mr. Schmidt informed the Board about issues with District 12. The District 12 inspector is currently out on leave following a surgery. The leave has been extended due to complications, but the office and other inspectors have been working to cover the area. Mr. Schmidt has also informed the inspectors that beginning next week they will be required to work 45 hours per week.

Mr. Porsborg informed that his office had followed the Board’s instructions and sent letters to those companies in violation (per the previous meeting). C2C has signed the informal probation agreement and returned the signed documents to Mr. Porsborg’s office.

Mr. Schmidt visited with representatives of the MHA Nation recently. The tribe has not yet confirmed they are in favor of the power sharing agreement. The Board is going to continue to move forward as is.

Mr. Schmidt informed the Board on the issue of “code panel” - he has not yet heard if any NDSEB inspectors have been appointed.

Attorney Porsborg spoke to the Board about legislative activity. Various bills moving through the legislature may impact the Board:

- HB 1180 - purported to remove the Board's authority and jurisdiction over city's who use their own inspectors. This bill has been withdrawn.
- HB 1234 - Mr. Schmidt informed the Board this has some connection to the Board's work, and so he is watching this bill.
- HB 1372 - this bill relates to the licensing of foreign practitioners by boards. This bill would require some significant changes in out of state licensure, and may interfere with reciprocity. Mr. Porsborg advised the Board should resist this bill. Mr. Schmidt advised the Board has previous testimony from another bill that could be useful here. Mr. Porsborg advised the Board would ask to be exempted from this bill.
- HB 1486 - relates to the PERS system. Mr. Porsborg advised that the only way this bill may impact the Board is through recruitment.
- SB 2063 - Mr. Schmidt advised he was keeping an eye on this bill based on a recommendation from NECA.
- SB 2124 - meal reimbursement. Mr. Schmidt is keeping an eye on this bill.
- SB 2170 - this bill relates to minor individuals working construction. Mr. Schmidt is keeping an eye on this bill. Mr. Porsborg advised this will be superseded by federal law if it were to pass.
- SB 2184 - this bill would change the Board's terms and term limits, change the Board's compensation, change the Board's discipline procedure and how the Board is audited. Mr. Porsborg advised the Board would ask to be exempted from this bill.
- SB 2249 - this bill calls for a study re: combining all occupational boards under the state labor commissioner. Mr. Porsborg advised the Board would testify on this bill.
- SB 2337 - this bill involves OMB with certain board activities, having OMB supervise licensure, budgeting, Human Resources, and procurement. Mr. Porsborg advised the Board would likely oppose this bill. Mr. Schmidt advised this would cause some issues with licensure, and advised he thought industry should also oppose the bill.

Shane Werner appeared before the Board. Accompanying Mr. Werner was Scott Hartje. Justin Lill (inspector) and Doug Grinde (Director of Inspections) also entered the meeting to provide the Board with additional information as necessary. Mr. Schmidt informed the Board of the situation - a property owner was unhappy with State Side Electric (the company owned by Werner and Hartje). Mr. Schmidt informed the Board that in the last seven years, State Side Electric has had 4 late certs and 2 unsupervised apprentice write-ups. The issue today is Mr. Werner sending out unlicensed individuals to work on a job. Mr. Werner spoke to what happened and provided an explanation to the Board. Mr. Lill spoke to the Board as to his perspective on State Side Electric's issues. Mr. Lill expressed the work was primarily up to code, his main issue was the late pulling of certs. The Board members individually spoke as to their views on the violations.

Mr. Durbin moved the Board enter into executive session to discuss this matter for purposes of attorney consultation. Mr. Brandenburg seconded.

Ms. Roemmich: Aye
Mr. Durbin: Aye
Mr. Brandenburg: Aye
Mr. Buck: Aye
Mr. Mayer: Aye

The Board entered the executive session at 9:30 a.m.

The Board exited the executive session at 9:48 a.m.

The audience re-entered the Board meeting.

Mr. Porsborg explained the Board's decision to Mr. Werner and Mr Hartje:

- The Board is proposing an informal disposition with the following terms:
 - Probation lasting 24 months.
 - Mr. Werner must comply with the laws and rules of the state of North Dakota.
 - All journeymen under your supervision must be up to date on the supervision rules and apprentices supervised.
 - Violation of the agreement will result in expedited action by the Board on Mr. Werner's license.

Mr. Werner agreed to the proposed terms of the informal disposition.

Ms. Roemmich moved to approve the informal disposition agreement as stated. Mr. Brandenburg seconded. The motion passed unanimously.

At 9:53 a.m. the Board took a brief recess.

At 10:01 a.m. the Board reconvened.

Mr. Schmidt updated the Board on the City of Minot, and the Board's role in inspecting projects within the city.

Mr. Schmidt discussed the initial draft of proposed rules presented to the Board at this time. Mr. Schmidt clarified that this is not an exhaustive list of rules, more will be drafted depending on what legislation may be passed this session. Mr. Schmidt proposed having a more final draft for the March meeting, dependent on the legislative actions. Mr. Schmidt proposed a schedule for administrative rules, with a proposed completion date of January 1, 2024. Mr. Schmidt then walked the Board through the proposed rule changes, and answered questions on the proposed changes.

Doug Grinde, Scott Halle, and John Sayler entered the meeting.

Mr. Grinde, Director of Inspections updated the Board. Mr. Grinde has been keeping a close eye on State Side Electric to ensure compliance, and working to make sure District 12's work is covered. Mr. Grinde provided updated statistics on the number of certs and the status of work currently in the state.

Mr. Sayler, Information, Inspection and Compliance administrator updated the Board. He spoke about participating in Marketplace for Kids events and apprenticeship visits. He updated the Board about his in-offices activities, and upcoming courses he will be taking to maintain his licensures. Mr. Sayler updated the Board on Minot Trinity hospital and the status of the electrical work in that project.

Mr. Halle, education and compliance administrator updated the Board as to the status of his projects. The Board just completed the 2022-2023 CEU season in Fargo and Grand Forks. 150 people signed up for the Fargo and 141 people signed up for the Grand Forks session. There were some complaints regarding food, but overall positive reviews. Mr. Halle will visit Williston next week for other purposes, and will check out potential sites for CEU classes. Mr. Halle discussed the difficulties of finding a location for CEU classes, and his plans moving forward.

Mr. Mayer asked the Board for their thoughts on the importance / need for the electrical board and electrical inspectors separate from other professions. The Board discussed the impact of potential legislation and the trends indicated by the proposed bills.

The next meeting is set for March 22, 2023. The Board briefly discussed availability for future meetings.

Mr. Durbin moved to adjourn the meeting. Mr. Brandenburg seconded the motion.

The meeting adjourned at 11:28 a.m.

Date _____

Date: _____

Rodney Mayer, PRESIDENT

Paul Durbin, SECRETARY