

NORTH DAKOTA STATE ELECTRICAL BOARD SPECIAL MEETING MINUTES

Tuesday, April 2, 2019

The North Dakota State Electrical Board special 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; Paula Glass, Office Manager; Scott Porsborg, Special Assistant Attorney General; Andrew Lafferty, Special Assistant Attorney General. Others present: Ben Koppelman and Bradley Sanford.

James Schmidt reviewed the process involved in accomplishing a compromised HB 1157, which was in conjunction with the Board's SB 2359 version (which is currently in legislative study). Version 2009 of HB 1157 was distributed at the meeting, which resembled a final version of the amendments. Mr. Schmidt indicated there have been a lot of time, discussions and amendments going back and forth between Ben Koppelman, the sponsor of HB 1157, and himself, to get to this final version before the Senate Industry, Business & Labor Committee hearing at 10:00 a.m. on April 2, 2019.

Mr. Schmidt indicated that are pros and cons of Version 2009 of HB 1157, however, it is workable. The pros will benefit parties involved, and a con may be making reference to particular sections of the National Electrical Code in law due to changes that may happen in the National Electrical Code. The Board, however, would be able to emphasize this law by having the ability to expand definitions by rule when it comes to non-electrical and power limited systems. Also, another con may be that interested parties did not have sufficient opportunity to know about and/or review the latest amendments to HB 1157, which items may have been previously implied, but will now be in law.

The Board debated as to whether HB 1157 should not go forward and to pursue a do not pass, which would involve re-pursuing it again in two years, or let the workable HB 1157 happen and pursue any changes down the road, if needed. If HB 1157 passed, the Board would have nine (9) months from the effective law date (August 1) to promulgate rules, which should give the Board ample time to process.

Mr. Mayer inquired of each Board member their opinion on Version 2009 of HB 1157. Tom Paulson felt more time was needed to review this bill, and questioned performance bonding.

Further discussion took place on class II or class III control circuit systems and special occupancies in order to capture areas of public safety, and the designation of the specific code articles stated in the proposed amendments.

Mark Christopher indicated it was a good thing. Concerns were expressed that the National Electrical Code is always changing and adopted by the Board, so putting specific NEC articles in law may mean revising the law, as well as lack of public opportunity to respond. Mr. Christopher stated the Board is moving forward and in the right direction.

Paul Durbin questioned and further discussion commenced on 43-09-16(6) as to when a license is not required: An individual who is installing a power limited system that is installed within a residential dwelling or is factory cord connected to an existing receptacle.

Mr. Schmidt indicated that the maintenance personnel section that was initially proposed in law has been removed and will be amended by rule.

Christina Roemmich indicated that the process was fast and felt something may get missed.

Mr. Mayer called on Ben Koppelman to address the Board to summarize the goals and outcomes of Version 2009 of HB 1157. Mr. Koppelman believed it was also a reasonable compromise of SB 2359 and HB 1157.

Mr. Mayer then called on Bradley Sanford to attest his experience through this whole process. Mr. Sanford indicated he has been involved from development through compromise and even supported SB 2359, which in turn he will support Version 2009 of HB 1157.

Mr. Schmidt reiterated that there needs to be a trust factor in this process with no further changes. He needs to be aware of any and all further legislative committee hearings in light of the possibility of any further changes to HB 1157.

Motioned by Mark Christopher and seconded by Paul Durbin to collectively endorse Version 2009 of HB 1157. A roll call was taken: Christina Roemmich, Paul Durbin and Mark Christopher voted aye. Tom Paulson and Rodney Mayer voted nay. Motion carried 3-2.

The next regular meeting of the Board will be May 22, 2019.

There being no further business, it was motioned by Tom Paulson and seconded by Mark Christopher to adjourn the meeting. The meeting was adjourned at 9:10 a.m. to proceed to the State Capitol for the Senate Industry, Business & Labor Committee Hearing at 10:00 a.m.

HB 1157 SENATE IBL HEARING – 10:00 A.M. (Roosevelt Park Room)

Members present: Rodney Mayer, Tom Paulson, Mark Christopher, Paul Durbin and Christina Roemmich. Also present: James Schmidt, Executive Director; Paula Glass, Office Manager; Scott Porsborg, Special Assistant Attorney General; Andrew Lafferty, Special Assistant Attorney General.

Highlights:

- Ben Koppelman, sponsor of HB 1157, went through Version 2009 and its amendments to the IBL committee members.
- Brad Sanford testified in support of Version 2009 of HB 1157.
- James Schmidt, Executive Director, testified in support of Version 2009 of HB 1157 as a compromise as well as indicated a 3-2 vote by the Board in support.
- Committee Chairman Klein withheld voting until Wednesday, April 3, 2019 at 9:00 a.m. to allow interested parties more time to review, comment and discuss the amendments.
- Tom Paulson testified that Version 2009 of HB 1157 is a good compromise although he voted nay at the 4/2/19 Special Board Meeting due to time constraint, and indicated it is time to move forward.
- Rodney Mayer testified in support as well, although he voted nay at the 4/2/19 Special Board Meeting due to time constraints.
- Scott Porsborg, Special Assistant Attorney General, reviewed with the committee Board authority and compliance by law, and how the Board is limited by statute.
- Other parties testified on clarification of provision exemptions, holding neutral positions, etc.
- Senate IBL Committee adjourned at 11:25 a.m.

Date

Date

Rodney Mayer, PRESIDENT

Tom Paulson, SECRETARY