

State of Iowa Electrical Examining Board Meeting Minutes
December 17, 2020
Approved

Board Members Present

Marg Stoldorf, Chairperson
Todd Cash, Vice Chair
Tim Gerald
Dan Wood
Bob Hendricks

Board Members Present by Conference Call

TJ Meiners
John Claeys
Colby Black

Board Members Not Present

Kathleen Stoppelmoor
Tammy Cooper
Penny Clark

Staff Members Present

Brian Young, Executive Secretary
Cindi Hayes, Secretary II

Staff Member Present by Conference Call

John Lundquist, Assistant Attorney General's Office

Public Present by Conference Call

Patrick Wells, Tom Townsend, Theresa Harms – Iowa Brotherhood of Electrical Workers - IBEW
Tim McClintock – National Electrical Manufacturers Association - NEMA
Justin Hufford – National Electrical Contractors Association - NECA
David Smith – Eaton
Brian Bishop, Terry Benningsdorf, Jeff Duehlmeyer – City of Des Moines
April Beauford - Citizen

Public Present

Jay Iverson – Home Builders Association of Iowa - HBAI
Don Iverson – Schneider Electric, Square D

Chair Stoldorf called the meeting to order at 10:02 a.m.

CP Stoldorf asked the board members to introduce themselves.

CP Stoldorf asked persons calling in to introduce themselves.

CP Stoldorf requested to re-arrange the agenda to the discussion on draft rules for HF 2627, to accommodate those calling in and in-person. CP Stoldorf requested AAG Lundquist give a summary of HF 2627. The first item AAG Lundquist brought to the Board's attention, was the List of Potentially

Disqualifying Criminal Convictions; he told the Board the list can be posted on the State Fire Marshal's web site. CP Stoldorf called for a motion. Gerald made a **motion to accept this list as written**. VC Cash **seconded** the motion. All in favor, motion carried unanimously.

The next item AAG Lundquist discussed was the proposed rulemaking process for HF2627 and the use of criminal history to determine qualifications to approve or deny an electrical license, updating definitions, and why to implement the issues as they relate to addressing criminal histories. Presently, Iowa Code 103, has detailed provisions relating to criminal history that will need to be updated to reflect HF2627, to now be able to disqualify an applicant if the criminal history is directly related to the practice of the profession. Further provisions to this rule will need to be submitted by the applicant for determining qualifications regarding criminal history relative to eligibility for a license, and processing by the Board staff. The next item AAG Lundquist explained regarding HF2627, is alternative means of obtaining licensing. The intention of the Legislation was to provide easier portability of electrical licenses from out-of-state jurisdictions. This does not provide for universal reciprocity, and reciprocal agreements will remain in force. This now allows applicants additional methods to receive Iowa licenses who have either been licensed by out-of-state jurisdictions, or if the applicant provides verification of their work experience for out-of-state jurisdictions without licensure requirements and has established residency in Iowa. Additional verification forms relative to the applicant must be provided by the previous out-of-state jurisdiction directly to the Board staff. Proof of Iowa residency will be required. AAG Lundquist went on to explain the rulemaking process will continue after the law takes effect on January 1, 2021.

Rules Subcommittee Chair Meiners asked AAG Lundquist to explain the rulemaking process. Rulemaking provides more specific context, establishing procedures and guidance for office staff when these applications are submitted.

Rulemaking process is initiated by forming the substance of the rule and what the Rules Subcommittee intends to include through the publishing of an initial draft of a "Notice of Intended Action", followed by a period for public comment which can be obtained in writing, along with the potential for a public hearing to be scheduled so interested stakeholders can comment. As part of the public comment period within the public hearing, the Legislature's Administrative Rules Review Committee (ARRC) reviews the rule and the ARRC can (1) place a session hold on it and cause a delay while they work through the comments, (2) object to it if they feel it is beyond their authority, or (3) allow it to go forward. Once the public comment period expires, the rule goes back to the Board, at which time the Board reviews the collected information and decides whether or not to adopt the rule and publish the rule in final format after which the rule goes into effect 35 days after the second publication. The rule can still be modified by the Rules Subcommittee, or objections can be made by other elected state officials.

AAG Lundquist continued discussion regarding the last parts of rulemaking, which involves the license by verification from out-of-state jurisdictions without licensure requirements, where residency can be established in Iowa, and applicants will need to pass an examination for Iowa licensure.

AAG Lundquist also explained the modification of Iowa Code chapters 103 and 272C to allow individuals, who are married to an active duty member of the military forces and is accompanying the member on an official permanent change of station, to receive a license through the verification process.

AAG Lundquist concluded his explanation and deferred to ES Young regarding another potential change to the rule that allows an examination passing score of any test to be 70% instead of 75%. ES Young explained that several out-of-state jurisdictions have a 70% passing score, and he wanted to bring this to the Board attention for possible discussion to consider lowering the passing score to 70%. If that were done, Iowa electricians would have a comparable scoring requirement to other out-of-state jurisdictions

and not be required to achieve a higher score. ES Young asked the Board for guidance regarding the time frame to accept passing at 70%. The Board had discussion. Hendricks asked when the Board would begin to accept the lower 70% on tests taken previously where the applicant did not achieve the then required 75%, but did receive a score of 70-74.9%. Gerald stated that he would agree to a passing score of 70% if the Board is now having to accept test scores of 70% from some out-of-state jurisdictions. CP Stoldorf called for a motion. Claeys made a **motion for Board staff to use the draft rules for HF 2627 as guidance until rules are formally adopted.** Motion died due to lack of a second. Due to this result, ES Young stated he would set up a Rules subcommittee meeting for further discussion.

CP Stoldorf moved to the next item on the agenda, which was the approval of Minutes from the meeting on October 15, 2020. Meiners made a **motion to approve the Minutes as written.** Gerald **seconded** the motion. All in favor, motion carried unanimously.

The next item on the agenda was the report of the Executive Secretary.

ES Young reviewed the financial report, which was previously provided to the Board for their review, and directed the Board's attention to revenue and expense items.

The next item on ES Young's report was an update regarding the adoption of the 2020 NEC. There was an Administrative Rules Review Committee (ARRC) hearing held at the Capital on December 8, 2020 to discuss the adoption. ES Young took ARC 5287C to seek approval and there was public input received from Schneider Electric, and National Electrical Manufacturers Association (NEMA). These companies expressed concern regarding the two proposed amendments on the GFCI protection on ranges and ovens and GFCI protection on air conditioning condenser units. Due to this concern, the Legislative ARRC tabled adopting the 2020 NEC for seventy (70) days. The ARRC directed ES Young to return the Code adoption back to the Board and ask if the Board would entertain the adoption of the 2020 NEC without amendments. Rules Subcommittee Chair Meiners, stated he would not change the subcommittee's stance and wanted to keep the amendments as written in the Notice of Intended Action. Meiners stated that the subcommittee was adamant about the amendments being proposed, as there has no solid proof provided by any stakeholder regarding specific incidents in Iowa regarding electrocutions due to anything other than improper installations. Meiners also offered to meet with ARRC to explain the Board's position. CP Stoldorf asked for public comment. Jay Iverson with the Homebuilders Association of Iowa stated his association with inclusion of the proposed amendments to the 2020 NEC. Don Iverson with Schneider Electric, stated he does not approve of the 2020 NEC with the proposed amendments. Tim McClintock with NEMA, stated he does not approve of the 2020 NEC with amendments. Dave Smith with Eaton, stated he does not approve of the 2020 NEC with amendments. Meiners made a **motion to send the original Notice of Intended Action back to the ARRC.** Gerald **seconded** the motion. 6 In Favor, 1 Opposed (Cash), 1 Abstained (Wood). Motion carries.

ES Young stated that he would contact Legislative Services Agency (LSA) to learn what needs to be done.

ES Young asked the Board if they wished to issue exams over the 2020 NEC effective on January 1, 2021 or continue with testing over the 2017 NEC. VC Cash made a **motion to issue examinations over the 2020 NEC.** Hendricks **seconded** the motion. All in favor, motion carried unanimously.

The next item on ES Young's report were civil penalty letters for electricians working without licenses. Those individuals receiving civil penalty letters were *Drew Fangman, Tyler Lo, Terry Sporrer, Joshua Woodyard, Kylie Ayala, Darek Markley, Malik Charles, Ronald Mueller, Robert Snow, Nathan Glander, Patrick McVeigh, Tanner Johnson, Zach Caldwell, Keith Mele, Luke Daniels, Brandon Kuehl, Adam Scharfenkamp, Daniel Solorio-Oldenburg, Logan Broghammer, Zachary Selby, Marcus McCreight, Andrew Jedlicka, Brian Rivera, Colten Parsons, Cole McNeal, Conor Schneider, Austin Fishbaugh, Daniel Thompson, Luis Quitanar,*

and Clayton Kiefer. VC Cash made a **motion** to **approve the letters**, and Gerald **seconded** the motion. All in favor, motion carried unanimously.

CP Stoldorf called for public comment, of which there was none.

CP Stoldorf moved to the next agenda item, which was Other Board Business. Hendricks asked for discussion regarding the listing of NEC changes and how they may affect the cost of construction on the Electrical Examining Board's web site. The consensus was, since there are educational institutions that provide continuing education on the changes that took place (in the Code), that electricians should seek out one of these institutions for this guidance.

Next Board meeting will be January 21, 2021.

Gerald made a **motion** to **adjourn**. Hendricks **seconded** the motion. All in favor, motion carried unanimously. Meeting adjourned at 12:03 p.m.

Respectfully submitted,

Cindi Hayes, Secretary II