

Meeting Minutes
ELECTRICAL COMMISSION
308 S. Pierre St. Pierre, SD
May 27, 2020 at 8:30 A.M. CDT

President Lyons called the meeting to order at 8:30 a.m. JJ Linn, Executive Director called the roll.

Members Present via conference call: Sean Lyons, Rick Cronin, Dave Eide, Doug Fuerst, John Hoffman, Duane Mergen, and Russ Vanderwerff.

Others Present via conference call: JJ Linn – Executive Director, Roxie Mobley – Office Secretary, Graham Oey – Legal Counsel, Mike Harsma – South Dakota Housing Development Authority, Cesar Lujan – National Association of Home Builders, Todd Boots – South Dakota Home Builders Association, Tony Jockheck – South Dakota Home Builders Association, Tim McClintock – NEMA, Don Iverson - Schneider Electric/Square D, David Smith – Eaton, and Larry Kippes – City of Sioux Falls.

The meeting agenda was presented. President Lyons requested additions or comments on the agenda. Director Linn requested item F be noted as 20:44:14:01 (12). President Lyons declared the agenda correct as amended.

The April 21, 2020 Commission minutes were presented. President Lyons declared the minutes correct as presented as no comments were received from members.

President Lyons opened the floor to public input.

Mike Harsma – South Dakota Development Authority – The Authority agrees with the SDHBA request for exemptions as the rules as written will have a negative effect on affordable housing.

Tim McClintock – NEMA – Supports the NEC 2020 as written. States the Commission has already ruled on the NEC on 4/21/20 after consideration of opponent and proponent testimony. Applauds the Commission and urges the Commission to maintain its original position of adopting the code without amendments as the record speaks for itself showing communities accept a level of public safety while supporting the latest technological advances.

Cesar Lujan – National Association of Home Builders – Speaking in support of the proposed amendments and will continue to support as written those amendments that were supported and submitted by the SDHBA.

Tony Jockheck – South Dakota Home Builders Association – In support of the reverted rules with the amendments which were provided.

Don Iverson – Square D – Stands in opposition to making amendments to the South Dakota electrical code as many of these amendments serve a great public safety and stands in support of the original direction of the Commission to adopt the 2020 code without amendments.

David Smith – Eaton – Commends the Commission for adopting the NEC 2020 unamended.

Old Business:

- President Lyons stated there is no old business on the agenda.

New Business:

President Lyons requested Director Linn to review the reverted rule 20:44:14:01 (12).

Director Linn presented the reverted rule 20:44:14:01 (12) "**National Electrical Code**," the **National Electrical Code**, published by the National Fire Protection Association (~~2017~~ 2020 edition) with the following exceptions:

(a) Sections 210.8(F), 230.67, and 230.85;

(b) Article 100 – definitions - remove the new word "machinery" from the definition of "equipment";

(c) The words "through 250-volt" are changed to ", single-phase, 15- and 20-ampere" in section 210.8(A);

(d) The word "Basements" is changed to "Unfinished portions or areas of the basement not intended as habitable rooms" in section 210.8(A)(5);

~~(b)~~ (e) Eliminate GFCI and AFCI requirement for life support equipment and like/similar equipment as determined by Authority Having Jurisdiction;

~~(c)~~ (f) Clarify section 334.10. Uses permitted. Type NM, Type NMC, and Type NMS cables may be used in the following structures:

(i) One- and two-family dwellings and accessory structures;

(ii) Multifamily dwellings, farmsteads, and accessory structures of Types III, IV, and V construction except as prohibited in 334.12; ~~and~~

(iii) Other structures permitted to be of Types III, IV, and V construction except as prohibited in 334.12. Cables shall be concealed within walls, floors, or ceiling that provide a thermal barrier of material that has at least a 15-minute thermal finish rating as identified in listing of fire-rated assemblies; and

(g) The words "a zone measured 900 mm (3 ft) horizontally and 2.5 m (8 ft) vertically from the top of the bathtub rim or shower stall threshold. The identified zone is all-encompassing and shall include the space" are changed to "or" and the words "the tub" are changed to "a bathtub" in section 406.9(C);

President Lyons requested a motion to approve the reverted rule, with the following change. In subdivision 12, sub (a), remove "and 230.85" and place an "and" between 210.8(F) and 230.67. John Hoffman made the motion. Russ Vanderwerff seconded the motion. Commission conducted discussion.

John Hoffman made a motion to amend the original motion by striking: ", with the following change. In subdivision 12, sub (a), remove "and 230.85" and place an "and" between 210.8(F) and 230.67". Motion to amend died for a lack of a second.

Commission continued discussion on the original motion.

Rick Cronin made a motion to remove item (d) from the list of exceptions. Duane Mergen seconded the motion. Commission conducted discussion on the amendment. A roll call vote was held on the motion to amend. **AMENDMENT PASSED.** (Cronin-aye, Eide-aye, Fuerst-aye, Hoffman-nay, Mergen-aye, Vanderwerff-aye, Lyons-aye).

Commission continued discussion on the original motion as amended.

John Hoffman called the question on the original motion as amended. A roll call vote was held on the original motion as amended. **MOTION AS AMENDED PASSED.** (Cronin-aye, Eide-aye, Fuerst-aye, Hoffman-aye, Mergen-aye, Vanderwerff-aye, Lyons-aye).

President Lyons requested Director Linn to review the reverted rule 20:44:15:07.

Director Linn stated the reverted rule previously had the language “waive any continuing education requirements or” in the second line. Those words were removed, and the word “temporarily” was added before “extend any deadline”. Director Linn noted we were attempting to provide room in rule which would allow the Commission latitude on deadlines. The previous language was not acceptable to IRRC as in their opinion it was over and above the Authority we had in statute.

Duane Mergen made a motion to approve the reverted rule as presented. Dave Eide seconded the motion. Commission conducted discussion. **MOTION PASSED.** (Cronin-aye, Eide-aye, Fuerst-aye, Hoffman-aye, Mergen-aye, Vanderwerff-aye, Lyons-aye).

President’s Report: No pending items at this time.

Executive Director’s Report:

- Director Linn noted the per diem for the 3 previous meetings in FY-20 have been submitted and should be remitted to the members in the short-term. In addition, Director Linn will submit the per diem for today’s meeting this week for processing.
- Director Linn requested the members return Form 11 as soon as possible following the rules hearing.
- Director Linn thanked the members their participation and the time they spent in the last couple months. I appreciate it immensely.
- Director Linn thanked Duane Mergen for his time on the Commission and the service to his industry.

President Lyons noted the next Commission meeting is tentatively scheduled for July 16, 2020 in person in Pierre pending CDC guidelines (COVID-19) regarding in person meetings.

President Lyons requested comments from the members. Russ Vanderwerff informed the Commission of his concerns regarding the process utilized to adopt the code and recommends the Commission review the process during upcoming meetings.

President Lyons made a motion to adjourn the Commission Meeting. Duane Mergen seconded the motion. A roll call vote was held. **MOTION PASSED.** (Cronin-aye, Eide-aye, Fuerst-aye, Hoffman-aye, Mergen-aye, Vanderwerff-aye, Lyons-aye).

Meeting adjourned at 9:38 a.m.