

Meeting Minutes
ELECTRICAL COMMISSION
308 S. Pierre St. Pierre, SD
April 21, 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, John Hoffman, Dave Eide, Rick Cronin, Duane Mergen, Doug Fuerst and Russ Vanderwerff.

Others Present via conference call: JJ Linn – Executive Director, Roxie Mobley – Office Secretary, Graham Oey – Legal Counsel, Tim McClintock – NEMA, David Smith – Eaton, Tony Jockheck – South Dakota Home Builders Association.

The meeting agenda was presented. President Lyons requested additions or comments on the agenda.

JJ Linn requested two items be removed from the agenda as the items were addressed in South Dakota Executive Order 2020-16 executed by Governor Noem:

- L. Waive in person continuing education requirement – Renewal 2020
- M. Waive expiration of exam window

President Lyons declared the agenda correct as amended.

The October 22, 2019 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. No comments were received.

President Lyons requested Director Linn to review the Inspectors report.

- Director Linn reviewed the January 29 – 31, 2020 inspector meeting minutes.
- Director Linn noted the minutes were reorganized for timeliness and documentation purposes.
- Director Linn also noted the 3 sections to address the code adoption and review procedure: Code – approved to add to toolbox, approved for toolbox once NEC 2020 has been adopted, and pending additional review for clarification once the NEC 2020 has been adopted.
- Director Linn informed the Members Ron Lunder is scheduled to retire May 8, 2020. The Commission will allocate the permits in said district to other surrounding districts as the position will not be filled at this time.

Old Business:

- Director Linn stated there is no old business on the agenda.

New Business:

President Lyons requested Director Linn to review the fee summary and proposed rule changes.

President Lyons requested Director Linn to confirm the request by Troy D. Vareberg, P.E. – Vareberg Engineering to be approved as a South Dakota 3rd party labeler. Hoffman made a motion to confirm Troy Vareberg as 3rd party labeler for the state of South Dakota. Cronin 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).

President Lyons requested Director Linn to review the Agreed-Upon Procedures Report noting the findings. Eide made a motion to accept report as presented. 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).

Reports:

- The reports for October 2019 to April 2020 were reviewed.

Code Committee Report: No pending items at this time.

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

Executive Director's Report:

- Director Linn noted the concern communicated by a utility regarding the utilization of the disconnect order. Director Linn noted the concern and informed the individual of the diligence conducted prior to issuing the disconnect order.
- Director Linn requested the members return Form 11 as soon as possible following the rules hearing.
- Director Linn informed the members payment for the 3 meetings in fiscal year 2020 will be conducted prior to fiscal year end.
- Director Linn noted the process of replacing an electrical contractor upon retirement or death.

President Lyons recessed the meeting at 9:45 a.m. for a break and to allow the Public Rules Hearing scheduled for 10:00 a.m.

President Lyons reconvened the meeting at 11:36 a.m.

Mergen made the motion for the fee increase to go into effect June 1, 2020 and the 2020 NEC to go into effect July 1, 2020. Fuerst 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).

Executive Director's Report (Continued)

- Director Linn noted the renewal date is set in statute. At this time the South Dakota Electrical Commission plans to move forward with renewal and the continuing education requirement the same as any other renewal cycle. Licensees are required to attain 16 hours of continuing education (a minimum of 8 code hours) due by the time you send in your renewal or by June 30 whichever is sooner. Please note the Commission is allowing all continuing education hours to be gained online for the 2020 renewal.
- Director Linn noted the Commission is not conducting virtual inspections at this time. Inspectors have been directed to alert Director Linn if a situation arises in which a virtual inspection has been requested by an installer.

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. None noted.

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

Meeting adjourned at 11:45 a.m.

20:44:14:01. General definitions. Terms defined in SDCL [36-16-2](#) have the same meaning when used in this article. In addition, terms used in this article mean:

(1) "Commission," the State Electrical Commission;

(2) "Inspector's report procedure," a procedure that requires the installer to notify the inspector regarding the status of the corrections required, as listed on an inspector's report by the day specified;

(3) "Correction order," a notice written by an inspector to the person responsible for the electrical installation, listing the violations of this article and stating the time allowed for correction;

(4) "Electrical lineman," a person with a minimum of four years of experience with electrical power distribution systems;

(5) "Electrical school," as referred to in SDCL [36-16-2\(4\)](#), a four-year educational institution which grants an electrical engineering degree (BSEE) and which is accredited by a nationally recognized accreditation agency;

(6) "Electrical wiring apprenticeship program," a classroom program supplemented by a minimum of 144 hours a year of electrical wiring instruction in conjunction with the normal 2,000 hours a year of actual electrical wiring on-the-job work experience of an apprentice electrician;

(7) "Final subject," the act of closing out a non-compliant residential installation after all inspections have been performed and the residence owner of the installation acknowledges acceptance of the report of non-compliance;

(8) "Final void," the act of closing out a non-compliant installation prior to the full inspection being completed;

(9) "License," a license issued to a person who qualifies under one of the classes defined in SDCL [36-16-2](#) or is granted reciprocity from another state;

(10) "Local inspection system," a municipal government or power supplier that has complied with commission requirements and which provides local electrical inspections under the rules and direction of the commission and SDCL chapter [36-16](#);

(11) "Modular home" or "modular structure," a home or other structure built on a factory assembly line or other construction site to International Building Code specifications and transported to its destination in sections or as a complete assembly, which has no permanent steel chassis attached and is not a manufactured home as defined in SDCL [32-7A-1](#) or a recreational vehicle;

(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;

(e) (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);

(13) "Owner's exemption," an exemption from licensure requirements in SDCL [36-16-13](#) for an individual owner who is personally wiring an electrical installation on a residence or farmstead;

(14) "Point of service attachment," as referred to in SDCL [36-16-16\(1\)](#), that point where the power supplier's conductors connect to the consumer's conductors;

(15) "Wiring permit," a form notifying the commission that a described electrical installation will be made in accordance with the requirements of this article at a described location;

(16) "Wiring permit--Form B," a wiring permit to be used in an area where the commission has approved local inspection systems;

(17) "Wiring school," a postsecondary school that teaches one or more courses in electrical wiring which covers the topics listed in § 20:44:16:12 and includes at least 576 hours of instruction on those topics.

Source: SL 1975, ch 16, § 1; 4 SDR 37, effective January 1, 1978; 5 SDR 1, effective July 20, 1978; 7 SDR 60, effective January 1, 1981; 10 SDR 62, effective January 1, 1984; 10 SDR 131, effective June 3, 1984; 12 SDR 92, effective January 1, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 75, 13 SDR 95, effective January 1, 1987; 16 SDR 153, effective March 29, 1990; 19 SDR 155, effective April 14, 1993; 20 SDR 222, effective July 6, 1994; transferred from § 20:44:01:01, August 12, 1994; 23 SDR 2, effective July 16, 1996; 25 SDR 157, effective July 1, 1999; 28 SDR 83, effective December 19, 2001; 28 SDR 178, effective July 1, 2002; 32 SDR 37, effective September 1, 2005; 34 SDR 322, effective July 1, 2008; 35 SDR 305, effective July 1, 2009; 37 SDR 236, effective June 29, 2011; 40 SDR 198, effective May 28, 2014; 43 SDR 181, effective July 10, 2017.

General Authority: SDCL [36-16-12](#).

Law Implemented: SDCL [36-16-12](#).

References: The **National Electrical Code**, 2017-2020 Edition. National Fire Protection Association, Inc., One Batterymarch Park, Quincy, MA 02169-7471. Cost: ~~\$98~~ **\$108**. (Price

subject to change). Available for at no cost at <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>

International Building Code, 2018 Edition, pages numbered numerically, International Code Council. Copies may be obtained from the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5771. Cost: \$136. Available at no cost at <https://codes.iccsafe.org/content/IBC2018P4>

CHAPTER 20:44:15

GENERAL ADMINISTRATION

Section

- 20:44:15:01 Duties of president.
- 20:44:15:02 Duties of secretary/treasurer.
- 20:44:15:03 Agency action on request.
- 20:44:15:04 Petition for declaratory ruling.
- 20:44:15:05 Commission action on petition.
- 20:44:15:06 Commission meetings on petition for new rules.
- 20:44:15:07 Discretion to extend deadlines.

20:44:15:07. Discretion to extend deadlines. Upon good cause shown the Commission may temporarily extend any deadline set in this article. For the purpose of this section, good cause includes any personal emergency, act of God, administrative error made by the Commission or the Commission of another state, military deployment, or substantial compliance with SDCL chapter 36-16 or article 20:44.

Source:

General Authority: SDCL 36-16-12.

Law Implemented: SDCL 36-16-12.