

January 27, 2017

Legislative Reference Library
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Re: In The Matter of the Proposed Rules of the Board of Electricity Governing the Minnesota Electrical Code, *Minnesota Rules*, chapter 1315; Revisor's ID Number R-04402

Dear Librarian:

The Minnesota Board of Electricity intends to adopt rules governing the Minnesota Electrical Code. We plan to publish a Dual Notice in the January 30, 2017, State Register.

The Board has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Board is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Notice of Intent to Adopt Rules.

If you have questions, please contact me at 651.284.5851.

Yours very truly,



Suzanne Todnem
General Counsel

Enclosure: Statement of Need and Reasonableness

Minnesota Board of Electricity

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendment to Rules Governing the Minnesota Electrical Code, *Minnesota Rules*, chapter 1315, Revisor’s ID number R-04402.

INTRODUCTION

The Board of Electricity (“Board”) proposes to adopt amendments to the Minnesota Electrical Code, Minnesota Rules, chapter 1315. The Minnesota Electrical Code is part of the Minnesota Building Code. See Minn. R. 1300.0050(J).

The amendments incorporate by reference the current edition of the National Electrical Code (“NEC”). Specifically, the Board proposes to incorporate the 2017 NEC which was developed and published by the National Fire Protection Association, Inc. (NFPA)¹ and approved by the American National Standards Institute (ANSI).

Minnesota Statutes, sections 326B.31 to 326B.399 are known as the Minnesota Electrical Act.² Minnesota Statutes, section 326B.35 of the Minnesota Electrical Act mandates that all electrical wiring, apparatus and equipment for electrical light, heat and power, technology circuits or systems comply with the rules of the department and the board and be installed in conformity with accepted standards of construction for safety to life and property. The safety standards specifically identified are the most recently published edition of the NEC as adopted by NFPA and approved by ANSI and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute.

The changes to this code are made at national code hearings. The NEC is written by those who use the code book and utilize ANSI processes to provide maximum input from those who use and are impacted by the code. Each suggested change is reviewed by the committee, discussed and voted on. This code cycle, changes for the 2017 edition were streamlined and entered as strikethrough and underlined text directly into the 2014 NEC language to make a single, identifiable revision. The committees voted on completed code language in the correct context. The accepted revisions are published as a first draft report. That draft is open to comments from the public. When the comment period is closed, a second draft is prepared but changes can still be made or removed at the annual membership meeting. If a proposal is unsuccessful at the meeting, an appeal can be made directly to the NFPA Standards Council. Board members and Department staff are actively involved in the national code development process and are well acquainted with the revisions in the 2017 edition.

¹The NEC is also known as “ANSI/NFPA 70-2017,” copyrighted by the NFPA, One Batterymarch Park, Quincy, Massachusetts 02169-7471.

²Minn. Stat. § 326B.399 (<https://www.revisor.mn.gov/statutes/?id=326B.399>).

Links to NFPA documents and reports which contain all of the proposed changes to the NEC in accordance with the new development process:

First Draft Report	http://submittals.nfpa.org/TerraViewWeb/ViewerPage.jsp?id=70-2014.ditamap&pubStatus=FDR
Correlating Committee Task Group Report	http://www.nfpa.org/Assets/files/AboutTheCodes/70/70_A2016_NEC-AAC_PRE-FD_minutes_11_14.pdf
Second Draft Report	http://submittals.nfpa.org/TerraViewWeb/ViewerPage.jsp?id=70-2014.ditamap&pubStatus=SDR
Second Correlating Revisions	http://www.nfpa.org/assets/files/AboutTheCodes/70/70_A2016_NEC_AAC_SCRreport.pdf
Free Access to the 2017 NEC®	http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards?mode=code&code=70&tab=editions

The 2017 edition was prepared by the National Electrical Code Committee of the NFPA and acted on by their membership at the annual meeting, June 16, 2016, in Las Vegas, NV. The 2017 NEC was approved by ANSI on August 24, 2016, and issued by the NFPA Standards Council on August 31, 2016. The 2017 NEC book was available for sale to the public on August 26, 2016, and has been available online free of charge at the NFPA website since August 4, 2016.

Training is already available for individuals and groups that will be most affected by the changes.³ Continuing education on the National Electrical Code is required for the renewal of all personal electrical licenses and registrations.

- the National Electrical Contractors Association (NECA) in Minnesota with over 160 contractor members have held and will continue to hold training sessions on the changes in the 2017 NEC for union electrical contractors, journeymen, and apprentices.
- The IBEW with over 5500 electrician members through their Journeymen and Apprentice Training Committees have held and will continue to hold training sessions
- The Minnesota Electrical Association (MEA), which includes almost 700 union and non-union electrical contractors has held and will continue to hold training sessions on the changes in the 2017 NEC for electrical contractors and licensed electricians.

At the direction of the Board, the Department of Labor and Industry (“Department”) began this rulemaking process by publishing a Request for Comments in the *State Register* on Monday, May 16, 2016 (40 SR 1538). The Department provides administrative support to the Board, including for rulemaking.⁴ No advisory committees were used in this rulemaking.

³ Training on the 2017 NEC began in May 2016.

⁴ See Minn. Stat. § 326B.32, subd. 2(c) (<https://www.revisor.mn.gov/statutes/?id=326B.32>).

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make a request, contact Suzanne Todnem, at the Department of Labor and Industry, Construction Codes and Licensing Division, 443 Lafayette Road North, Saint Paul, MN 55155-4342, or by telephone 651-284-5006, fax 651-284-5725 or email to: dli.rules@state.mn.us.

STATUTORY AUTHORITY

The Board's statutory authority to adopt the NEC is set forth in Minnesota Statutes, section 326B.32, subdivision 2(a)(3):

Subd. 2. **Powers; duties; administrative support.** (a) The board shall have the power to:

(1) elect its chair, vice-chair, and secretary;

(2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing other provisions as may be useful and necessary for the efficient conduct of the business of the board;

(3) adopt the Minnesota Electrical Code, which must be the most current edition of the National Electrical Code and any amendments thereto. The board shall adopt the most current edition of the National Electrical Code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b) and (c);

Because the Minnesota Electrical Code is part of the Building Code, Minnesota Statutes section 326B.101 applies:

326B.101 **POLICY AND PURPOSE.** The State Building Code governs the construction, reconstruction, alteration, repair, and use of buildings and other structures to which the code is applicable. The commissioner shall administer and amend a state code of building construction which will provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs. The construction of buildings should be permitted at the least possible cost consistent with recognized standards of health and safety.

Minnesota Statutes, section 326B.35, Safety Standards of the Minnesota Electrical Act, supports adopting the NEC:

All electrical wiring, apparatus and equipment for electrical light, heat and power, technology circuits or systems shall comply with the rules of the department and the board and be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this chapter, the rules and safety standards stated at the time the work is done in the then most current edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property; provided further, that in the event a Minnesota Building Code is formulated pursuant to section 326B.106, containing approved methods of electrical construction for safety to life and property, compliance with said methods of electrical construction of said Minnesota Building Code shall also constitute compliance with this section, and provided further, that nothing herein contained shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth herein and such requirements shall be complied with by all licensed electricians working within the jurisdiction of such political subdivisions.

Minnesota Statutes, section 326B.37, subd. 14, National Electrical Code used for interpretation of provisions, also supports adoption of the NEC, “For purposes of interpretation of this section and Minnesota Rules, chapter 3800, the most recently adopted edition of the National Electrical Code shall be prima facie evidence of the definitions, interpretations, and scope of words and terms used.”

Minnesota Statutes, sections 326B.35 and 326B.37 support the proposed rule because both require adoption by incorporation of the NEC.

This rulemaking is an amendment of existing rules so Minnesota Statutes, section 14.125, does not apply. The proposed rule does not affect farming operations so no copy of the proposed rule was provided to the commissioner of agriculture.⁵

Under these statutes, the Board has the necessary statutory authority to adopt the proposed rule.

REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, sets out eight factors for a regulatory analysis that must be included in the SONAR. Paragraphs (1) through (8) below quote these factors and then give the agency's response.

⁵ See Minn. Stat. § 14.111 (<https://www.revisor.mn.gov/statutes/?id=326B.32>).

“(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule”

Those who will be affected by the proposed rule, who will bear the costs of the proposed rule, and who will benefit from the proposed rule include: Building owners; equipment suppliers; contractors and code enforcement authorities. Although provisions in the NEC have greater impact on electrical contractors, they also impact technology system contractors and general contractors.

“(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues”

Because the Board only adopts the NEC and does not administer it, the Board will not incur any costs associated with the adoption of the 2017 NEC. The Department provides administrative support to the Board and administers and enforces rules adopted by the Board.

Costs to the Department include the costs of purchasing code books for state employees who address electrical code questions as well as the cost of revising license examinations to reflect the updated code. Adoption of an updated version of the NEC will not affect state revenues because the Department currently enforces the existing Minnesota Electrical Code using electrical licensing and permit fees set by statute that go into a dedicated fund to cover administrative and enforcement costs.⁶

“(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule”

The NEC is recognized throughout the United States and many other countries as the prevailing model electrical code. Incorporating a model code by reference is the least costly method for adopting a national model code and is in accordance with statutory requirements. Historically, the state of Minnesota has adopted the NEC by reference without any state amendments. The Board of Electricity is proposing adoption of the 2017 NEC without amendment in this rulemaking, consistent with past code adoptions. This method eliminates the need to create and provide a separate state amendment document with the new code book.

“(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule”

No other methods were considered for achieving the purpose of the proposed rule. The purpose of the rule is to establish the Minnesota Electrical Code consistent with statutory

⁶ See Minn. Stat. §326B.04

requirements. The NEC is the only electrical code that is generally accepted and in use throughout the United States. Most importantly, the Board is required to adopt the “most current edition of the National Electrical Code” in accordance with Minnesota Statutes, section 326B.32.

“(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals”

The probable costs of complying with the proposed rule are generally anticipated to be minimal because there is already a current electrical code in place. The difference between the 2014 NEC, which is the current electrical code, and the 2017 NEC are not anticipated to result in a significant change in costs. Any change in costs for any given project will vary from project to project because the type of work being done, the size of the project and the condition of the current electrical work will affect any cost differential between complying with the current electrical code and the 2017 NEC.

A notable change in the 2017 NEC was reorganization of some regulated topics that are now reflected in five new articles relating to new technologies. There is no substantial change in cost anticipated for work falling under those five articles versus the 2014 NEC because the regulations are similar but have been reorganized for clarity.

Affected parties include contractors, inspection departments and designers, who will need to purchase copies of the 2017 NEC. Training curriculum will need to be updated to incorporate any new or changed provisions in the code. It should be noted that continuing education is a requirement for all licensed electricians in Minnesota so training is necessary regardless of which code is adopted. Training providers will incur minimal expenses including purchasing the 2017 NEC code book and updating their training materials.

The additional cost, if any, of complying with new requirements in the 2017 NEC will vary and depend on the type and size of the project. Revisions, updates and clarifications reflected in the 2017 NEC can result in lower costs in some instances or higher costs in others. Of course, costs for a particular project could remain the same under the 2014 NEC as the 2017 NEC as well. The overall net cost of complying with the 2014 NEC and the 2017 NEC is anticipated to be approximately the same.

“(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals”

If the new edition of the NEC is not adopted, the state of Minnesota would continue to rely on the 2014 NEC. This would cause the industry in Minnesota to use a code that does not incorporate all the latest methods and technologies, which is the purpose of updating the national model codes. Minnesota would fall behind in electrical standards. Minnesota has

electrical licensing reciprocity agreements with North Dakota, South Dakota and Nebraska, all of which are in the process of adopting the 2017 NEC and anticipate effective dates of July 1, 2017, or earlier.⁷ Lastly, Minnesota Statutes, section 326B.32 requires the incorporation of the most recently published edition of the NEC.

“(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference”

There are no applicable federal regulations that address electrical code issues in the construction of non-federally owned buildings.

“(8) an assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule”

There are no applicable federal regulations that address electrical code issues in the construction of non-federally owned buildings so there is no federal impact on cumulative effect. There are no other state regulations related to the specific purpose of this rule.

PERFORMANCE-BASED RULES

Minnesota Statutes, section 326B.106 provides authority to adopt a state building code that conforms, insofar as practicable, to national model codes. It also requires that the code be “adopted in terms of desired results instead of the means for achieving those results, avoiding wherever possible the incorporation of specifications of particular methods or materials.” The 2017 edition of the NEC implements performance-based standards to the extent practicable.

ADDITIONAL NOTICE

This Additional Notice Plan was reviewed by the Office of Administrative Hearings and approved in a January 9, 2017, Order On Review of Additional Notice Plan and Dual Notice by Administrative Law Judge Schlatter.

Our notice plan includes giving notice(s) required by statute. The Board will mail or email the proposed rule and Dual Notice to everyone who has registered to be on the Department of Labor and Industry’s rulemaking mailing lists for electrical rules under Minnesota Statutes, section 14.14, subdivision 1a. The Board will email the proposed rule and Dual Notice to parties who have signed up to receive information about the Board’s activities.

In addition to the rulemaking mail and email lists, the Board will email the Dual Notice and proposed rule to trade associations involved in electrical and building construction. Those associations are as follows:

⁷ Nebraska anticipates an effective date of May 1, 2017. Minnesota has licensing reciprocity agreements with other states as well including Iowa. Iowa anticipates an effective date of January 1, 2018.

MINNESOTA BOARD OF ELECTRICITY

- a. Associated Builders and Contractors
- b. National Electrical Contractors Association (NECA) – Minnesota Chapters (St. Paul, Minneapolis, Twin Ports)
- c. Minnesota Electrical Association (MEA)
- d. Local chapters of the International Brotherhood of Electrical Workers (IBEW Local 23, 110, 160, 242, 292, 294, 343, 731, 949, and 1999)
- e. IBEW Minnesota State Council
- f. Local chapters of the Association of Minnesota Building Officials (AMBO) (Arrowhead, Southeast, 10,000 Lakes, Southwest and Northwest)
- g. National Association of Elevator Safety Authorities (NAESA)
- h. Minnesota Mechanical Contractors Association
- i. Associated General Contractors of Minnesota
- j. Minnesota Utility Contractors Association
- k. Minnesota chapter of the International Association of Electrical Inspectors (IAEI)
- l. Contract Electrical Inspector Association of Minnesota (CEIAMN)
- m. Communication, Control, Alarm, Remote, Signaling Association (CCARSA)
- n. Minnesota Municipal Utilities Association
- o. Minnesota Electronic Security and Technology Association
- p. Builders Association of Minnesota (BAM)
- q. Builders Association of the Twin Cities
- r. Minnesota State Fire Chiefs Association
- s. Minnesota Plumbing - Heating - Cooling Contractors Association (PHCC)
- t. American Society of Plumbing Engineers – Minnesota Chapter
- u. American Society of Civil Engineers (ASCE) – Minnesota section
- v. Association of Minnesota Counties
- w. Building Owners and Managers Association (BOMA) – Minnesota chapters (St. Paul, Duluth, Greater Minneapolis)
- x. League of Minnesota Cities
- y. American Council of Engineering Companies of Minnesota
- z. Minnesota Pipe Trades Association
- aa. Minnesota State Fire Marshal Division
- bb. Minnesota Association of Townships
- cc. North Central Electrical League
- dd. Metropolitan Council
- ee. Satellite Broadcasting and Communication Association
- ff. Minnesota Nursery & Landscape Association
- gg. Minnesota Rural Electric Association (MREA)
- hh. Minnesota Solar Energy Industries Association (MnSEIA)
- ii. Wind on the Wires

The Board will publish the proposed rules, the Statement of Need and Reasonableness, and the Dual Notice on the Board's rulemaking docket on the Department of Labor and Industry's

website. The Board will also give notice to the Legislature in accordance with Minnesota Statutes, section 14.116. The proposed rules will be published in the *State Register*.

CONSULT WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Board has consulted with the Commissioner of Management and Budget (MMB). The Board did this by sending to the Commissioner of MMB copies of the documents sent to the Governor's Office for review and approval by the Governor's Office prior to the Board's publishing the Dual Notice. Copies were sent on November 9, 2016. The documents included: the Governor's Office Proposed Rule and SONAR Form; draft rules; and almost final SONAR. MMB Executive Budget Officer Marianne Conboy responded, in part, as follows in a letter dated December 19, 2016: "Based on the current information provided to me, the proposed rule amendments will not impose a significant cost on local governments."

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

Minnesota Statutes, section 14.128 requires the agency to determine whether a local government will have to adopt or amend an ordinance or other regulation to comply with a proposed agency rule and submit this determination for ALJ approval. An agency must make this determination before the close of the hearing record or before the agency submits the record to the administrative law judge if there is no hearing. The statute defines "local government" as "a town, county, or home rule charter or statutory city." As the Board has the rulemaking authority here, the Board has made this determination based on discussions and a motion at the October 25, 2016, Board meeting.⁸ The Board included in its Request for Comments a specific request for local units of government to comment if the proposed amendment would require it to adopt or amend an ordinance or other regulation. No comments were received.⁹ Discussion included points that the proposed rule is a statewide rule that does not require local ordinances to enforce it and local governments do not usually have ordinances addressing the proposed rule. Although some local governments have adopted a local electrical inspection ordinance, the proposed rule does not affect inspections; rather, the proposed rule adopts a new code edition. The new code edition regulates the standard for electrical construction but not the inspectors' duties. No local government will have to adopt or amend an ordinance or other regulation to comply with this proposed rule because the scope of local ordinances is outside the scope of the proposed rule.

⁸ A copy of the meeting minutes are available at: <http://www.dli.mn.gov/Boe.asp>.

⁹ The State Register electronic copy of the Request for Comments is available at: http://www.comm.media.state.mn.us/bookstore/stateregister/40_46.pdf.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city.¹⁰ At the October 25, 2016, Board meeting, the Board discussed and determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.¹¹ Specifically, the Board came to this determination because nothing in the proposed rule requires small businesses or small cities to automatically spend money to comply with the proposed rule such as making required purchases. Some small businesses in the industry or small cities might purchase new code books but the cost would be possibly a few hundred dollars, depending on how many books were purchased. The difference between complying with the current electrical code, the 2014 NEC, and the proposed rule, the 2017 NEC, is not anticipated to cost more than \$25,000. Some small businesses in the industry might spend several hundred dollars on training but this training is required in statute and Minnesota Rules, chapter 3800, for licensees. Based on discussion contributions from business owners and board members who work for or with small towns or businesses, the Board determined that no small business or small city will spend \$25,000 in the first year after the rules take effect to comply with the proposed rule.

Costs to small cities that have adopted a local electrical inspection ordinance include the costs of purchasing code books for city employees who work with electrical code inspections. The 2017 edition of the NEC is available from a wide range of outlets at a cost of \$85-95 and an analysis of changes for around \$85. City electrical inspectors are required to be licensed. Conditions of license renewal include 16 hours of continuing education for every license renewal. Although there will be a cost to train to the new code, the training is already required. Therefore, the proposed rule does not add any additional costs for training.

LIST OF WITNESSES

If these rules go to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

¹⁰ A small business is defined as any one business that has less than 50 full-time employees. A small city is defined as any one statutory or home rule charter city that has less than ten full-time employees. Minn. Stat. § 14.127, <https://www.revisor.mn.gov/statutes/?id=14.127>.

¹¹ A copy of the meeting minutes are available at: <http://www.dli.mn.gov/Boe.asp>.

1. Mr. Tim McClintock, NFPA Regional Code specialist, will testify about the technical merit and development of the electrical code.
2. Mr. John Williamson, Supervisor of Electrical Inspections, Construction Codes and Licensing Division, Department of Labor and Industry, will testify about the-impact of the 2017 code on the state electrical inspection program.
3. Ms. Laura Karow, Chair, Minnesota Board of Electricity, will testify about the Board's interest in adopting the 2017 National Electrical Code.

RULE-BY-RULE ANALYSIS

1315.0200 SCOPE

Subpart 1a. Electrical Code.

This subpart incorporates by reference the National Electrical Code (NEC) for all new electrical wiring, apparatus, and equipment for electric light, heat, power, technology circuits and systems, and alarm communications systems. All references to the 2014 NEC are replaced with the 2017 NEC. This change is both necessary and reasonable because Minnesota Statutes, section 326B.32 requires that the most current edition of the NEC be adopted. The NEC is updated and reprinted every three years.

The proposed effective date was added to the rule to set a specific effective date and that date is earlier than the 270-day effective date delay. Minnesota Statutes §326B.13, Subdivision 8, states:

A rule to adopt or amend the State Building Code is effective 270 days after publication of the rule's notice of adoption in the State Register. The rule may provide for a later effective date. The rule may provide for an earlier effective date if the commissioner or board proposing the rule finds that an earlier effective date is necessary to protect public health and safety after considering, among other things, the need for time for training of individuals to comply with and enforce the rule. The commissioner must publish an electronic version of the entire adopted rule chapter on the department's Web site within ten days of receipt from the revisor of statutes. The commissioner shall clearly indicate the effective date of the rule on the department's Web site.

The effective date of July 1, 2017, was selected by the Board at the October 25, 2016, Board meeting after consideration of the following information that was presented at the meeting:

- (1) The latest edition of the National Electrical Code has typically been adopted July 1st of the code edition year.
- (2) Industry training is developed and scheduled in anticipation of this date. Training began in May 2016 and the fall and winter training programs .
- (3) Gary Thaden, Government Affairs Director for the National Electrical Contractors Association (NECA), submitted an October 14, 2016, letter stating that the industry has

been planning on a July 1 effective date, training on the 2017 NEC has already begun, and a July 1 effective date would lessen confusion in the industry, expedite installations and "increase public and workplace health and safety." He further requested that the 2017 NEC be adopted without amendments "for a freer flow of commerce and employees across state lines."

- (4) James McNamara and Andy Snope of IBEW Minnesota State Council submitted an October 14, 2016, letter urging a July 1, 2017, effective date to protect public health and safety of the residents of Minnesota by keeping the industry on the same code. They stated that the newest NEC quickly becomes the industry training standard and an "[e]arly adoption will keep everybody in the industry on the same code, which will lessen confusion, expedite installations and increase public health and safety." They also requested the 2017 NEC be adopted without amendment.
- (5) Jamie M. McNamara of IBEW Local 110 submitted a letter dated October 17, 2016, opining the 2017 NEC should be adopted without amendments and effective on or around July 1, 2017. He stated that postponing implementation of the new code "is not in Minnesota's best interest."
- (6) Chad Katzung of IBEW Local 343 submitted an October 19, 2016, letter requesting adoption of the 2017 NEC without amendment and that it be effective no later than July 1, 2017. He stated that fall and winter classes will train on the 2017 NEC and early adoption will increase public health and safety.
- (7) Tony Enger of the Minnesota Electrical Association submitted a letter dated October 21, 2016, requesting a July 1, 2017, effective date for "consistency and training" because many past code cycles have had July 1 effective dates. He further stated that a July 1 effective date "will keep everybody in the industry on the same code, which will lessen confusion."

The Board determined that an effective date of July 1, 2017, or five days after the Notice of Adoption is published in the State Register, whichever is later, is the most effective way of protecting public health and safety.

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

1-12-2017
Date

Laura Karow
Laura Karow, Chair
Minnesota Board of Electricity

This Statement of Need and Reasonableness was made available for public on January 12, 2017.