



March 12, 2020

Legislative Reference Library
sonars@lrl.leg.mn

Re: In the Matter of the Proposed Rules of the Minnesota Board of Electricity Governing Adoption of the 2020 National Electrical Code, Minnesota Rules, Part 1315.0200; Revisor's ID Number R-04632

Dear Librarian:

The Board of Electricity ("Board") intends to adopt amendments to rules governing the adoption of the National Electrical Code, Minnesota Rules, part 1315.0200. The Board plans to publish a Dual Notice in the March 16, 2020, *State Register*.

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

If you have questions, please email me at amanda.spuckler@state.mn.us or call me at (651) 284-5361.

Very truly yours,



Amanda Spuckler
Rules Specialist

Email: amanda.spuckler@state.mn.us

Phone: (651) 284-5361

Attachment: 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-04632.

INTRODUCTION AND BACKGROUND

The Minnesota 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 State Building Code. See Minnesota Rules, part 1300.0050 (J) (2016).

Minnesota Statutes, Section 326B.32, subdivision 2 (a)(3) (2018), requires the Board to adopt the Minnesota Electrical Code, which must be the most current version of the National Electrical Code ("NEC") and any Minnesota amendments thereto.

The proposed amendments to Minnesota Rules, chapter 1315 incorporate by reference the most current edition of the National Electrical Code. Specifically, the Board proposes to incorporate the 2020 NEC which was developed and published by the National Fire Protection Association, Inc. ("NFPA") and approved by the American National Standards Institute ("ANSI").¹

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 the NEC are made at national code hearings conducted by the NFPA. 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 a national code committee, discussed, and voted on. The accepted revisions are published as a first draft report by the committee. 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 of Labor and Industry staff were actively involved in the national code development process and are well acquainted with the revisions in the 2020 edition of the NEC.

¹ The NEC is also known as "ANSI/NFPA 70" copyrighted in 2019 by the NFPA, One Batterymarch Park, Quincy, Massachusetts 02169-7471.

² See Minn. Stat. § 326B.399 (2018).

The 2020 edition of the NEC was prepared by the National Electrical Code Committee of the NFPA and acted on by their membership at their annual meeting held June 17-20, 2019, in San Antonio, Texas. The NFPA Standards Council subsequently reviewed the edition and issued the same on August 05, 2019, with an effective date of August 25, 2019. The official 2020 NEC code book was made available to the public in August of 2019 and has been available online and free-of-charge at the NFPA website since its issuance.

Links to NFPA documents and reports which contain the final version of the 2020 edition of the NEC and all the proposed changes made thereto in accordance with the committee's rule development process may be viewed at: <http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70>.

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

- The Construction Codes and Licensing Division of the Department of Labor and Industry ("CCLD") has held and will continue to hold multiple training sessions on the changes to the 2020 NEC for municipal building officials, statewide electrical inspectors, electrical contractors, and licensed electricians.
- The National Electrical Contractors Association ("NECA") in Minnesota with over 160 trade members has held and will continue to hold training sessions on the changes in the 2020 NEC for electrical contractors, journeyworkers, and apprentices.
- The International Brotherhood of Electrical Workers ("IBEW") with over 6500 electrician members through their Journeyworkers and Apprentice Training Committees has held and will continue to hold training sessions on the changes to the 2020 NEC.
- The Minnesota Electrical Association ("MEA"), which includes almost 700 electrical contractors has held and will continue to hold training sessions on the changes to the 2020 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, April 22, 2019 (43 SR 1261). The Department provides all legal and administrative support to the Board, including for rulemaking.³ An advisory rule committee was established and used in this rulemaking at the direction of the Board Chair. The rules subcommittee met to review and discuss changes made in the 2020 edition of the NEC on September 12, 2019, and again on October 08, 2019. The subcommittee provided a final recommendation to the Board at a public meeting on October 08, 2019, to adopt the 2020 NEC without any Minnesota Amendments. The Board voted unanimously at its October 08, 2019 meeting to adopt the rule subcommittee's recommendation, including a designated effective date of July 01, 2020.

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

³ See Minn. Stat. § 326B.32, subd. 2(c) (2018).

Amanda Spuckler, at the Department of Labor and Industry, Construction Codes and Licensing Division, 443 Lafayette Road North, Saint Paul, MN 55155-4342, or by telephone 651-284-5361, 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) (2018):

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)...

Id. (emphasis added).

This rulemaking is an amendment of existing rules so Minnesota Statutes, section 14.125 (2018), does not apply. The proposed rule does affect farming operations, so separate notice and a copy of the proposed rule were provided to the Minnesota Commissioner of Agriculture on January 07, 2020, as required by Minnesota Statutes, section 14.111 (2018).⁴

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.

⁴ A copy of the Board's §14.111 Notice to the Commissioner of Agriculture, dated January 7, 2020, is attached hereto as Exhibit # 1.

“(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 2020 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.⁵

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

The Board has determined that there are no less costly or 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 the 2020 NEC by reference is the least costly method for adopting a national model code and is in accordance with Minnesota Statutes, section 326B.32, subdivision 2 (a)(3) (2018) which directs that adoption. Historically, the state of Minnesota has adopted the NEC by reference without any state amendments. The Board of Electricity is proposing adoption of the 2020 NEC without amendment in this rulemaking, consistent with past code adoptions. Unlike other building codes that may need to be amended at the local level due to specific conditions such as earthquakes, snow loads, wind loads, prevalence of hurricanes, extreme temperatures and so on, the NEC is universally applicable in all jurisdictions.

“(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 requirements. The NEC is the only electrical code that is accepted and in use throughout the

⁵ See Minn. Stat. §326B.04, *et. seq.* (2018).

United States. Most importantly, the Board is required by the Legislature to adopt the “most current edition of the National Electrical Code” in accordance with Minnesota Statutes, section 326B.32, subdivision 2 (a)(3) (2018).

“(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 in Minnesota that has adopted the 2017 version of the NEC. The differences between the 2017 NEC and the 2020 NEC are not anticipated to result in a significant change in costs for any stakeholders. 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 any existing electrical work may affect any cost differential between complying with the existing electrical code and the 2020 NEC. Revisions, updates and clarifications reflected in the 2020 NEC can result in lower costs in some instances or higher costs in others. Of course, costs for any particular project may also remain the same under either the 2017 NEC or the 2020 NEC. Therefore, revisions, updates and clarifications reflected in the 2020 NEC may result in lower costs in some instances or higher costs in others.

Nevertheless, the Board has identified five notable changes in the 2020 NEC related to dwellings which may result in increased costs for some new building projects: 1) expanded ground-fault circuit-interrupter (“GFCI”) requirements for basement areas and 240-volt receptacle outlets such as electric ranges and electric dryers (*See* 2020 NEC, Article 210, section 210.8 (A)); 2) expanded GFCI requirements for 240-volt outdoor circuits such as air-conditioning equipment (*See Id.*, at section 210.8 (F)); 3) additional receptacle outlets required for kitchen islands and kitchen peninsulas (*See Id.*, at section 210.52 (C)); 4) surge-protective devices required for service panelboards (*See* 2020 NEC, Article 230, section 230.67); and 5) outdoor emergency disconnects required for first responders’ emergency access (*See Id.*, at section 230.85). Importantly, the additional costs associated with these changes are generally limited to material costs and are not expected to exceed more than \$600 per new building project or new home in the event that all five changes are applicable to the same.⁶

The Board has also identified another notable change in the 2020 NEC related to agricultural buildings which will result in decreased costs for some farm and agricultural building owners. Specifically, the 2020 NEC was revised to eliminate existing GFCI protection requirements for receptacles rated above 125-volt, single phase, 20-ampere in areas of agricultural buildings that are included within the scope of Article 547, such as areas of equipotential plane, dirt confinement areas, wet and damp locations, and the outdoors (*See* 2020 NEC, Article 547,

⁶ The cost estimates discussed above were arrived at by the Board’s review of the 2020 NEC adoption process at the national level and surveys of various Minnesota licensed electrical contractors and Department staff. Neither labor nor material cost estimates varied significantly from contractor to contractor, all of who emphasized that the reported values were merely estimates and that those estimates could vary depending on factors such as the type of work being done, the size of the project, the condition of any existing electrical work, and other factors. For example, a new home may be built with all gas appliances and contain no kitchen islands or peninsulas; because no expanded GFCI requirements for 240-volt receptacles or kitchen islands/peninsulas are necessary for this structure under the 2020 NEC, the cost increase for materials and labor would be less than the estimated \$600 increase mentioned above.

section 547.5(G)). This revision is expected to result in cost savings for both material and labor expenses.

Finally, affected parties include contractors, inspection departments and designers, who will need to purchase copies of the 2020 NEC. Training curriculum will also need to be updated to incorporate any new or changed provisions in the code. However, it should be noted that continuing education is a requirement for all licensed electricians in Minnesota, so training is necessary regardless of which code version is adopted. Finally, training providers will incur minimal expenses including purchasing of the 2020 NEC code book and updating their existing training materials.

“(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 2017 NEC. This would cause the industry in Minnesota to use an electrical code that does not incorporate all the latest methods and technologies, which is the purpose of updating the national model codes. Minnesota would therefore fall behind in electrical standards to the detriment of all stakeholders. Failure to adopt the proposed rule would also have a negative effect on electrical licensing reciprocity with other states. Minnesota has electrical licensing reciprocity agreements with Alaska, Arkansas, Colorado, Iowa, Montana, Nebraska, North Dakota, South Dakota and Wyoming, all of which are in the process of reviewing and adopting the 2020 NEC as well. Finally, failure to adopt the proposed rule could be considered a statutory violation since Minnesota Statutes, section 326B.32, subdivision 2(a)(3) (2018), requires the incorporation of the most recently published edition of the NEC into Minnesota’s electrical code.

“(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 or 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 2020 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 February 24, 2020 Order on Review of Additional Notice Plan and Dual Notice by Administrative Law Judge Barbara Case.

Our notice plan includes giving all notices 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 and other associations involved in electrical and building construction. Those associations are as follows:

- a. Associated Builders and Contractors
- b. Associated General Contractors of Minnesota
- c. Association of Minnesota Counties
- d. Builders Association of Minnesota (“BAM”)
- e. Housing First Minnesota
- f. Building Owners and Managers Association (“BOMA”) – Minnesota chapters (St. Paul, Duluth, Greater Minneapolis)
- g. Communication, Control, Alarm, Remote, Signaling Association (“CCARSA”)
- h. Contract Electrical Inspector Association of Minnesota (“CEIAMN”)
- i. IBEW Minnesota State Council
- j. League of Minnesota Cities
- k. Local chapters of the Association of Minnesota Building Officials (“AMBO”) (Arrowhead, Southeast, 10,000 Lakes, Southwest and Northwest)
- l. Local chapters of the International Brotherhood of Electrical Workers (“IBEW” Local 23, 110, 160, 242, 292, 294, 343, 731, 949, and 1999)
- m. Minnesota chapter of the International Association of Electrical Inspectors (“IAEI”)
- n. Minnesota Electrical Association (“MEA”)
- o. Minnesota Electronic Security and Technology Association
- p. Minnesota Farm Bureau
- q. Minnesota Farmers Union
- r. Minnesota Mechanical Contractors Association
- s. Minnesota Municipal Utilities Association
- t. Minnesota Nursery & Landscape Association
- u. Minnesota Rural Electric Association (MREA)
- v. Minnesota Solar Energy Industries Association (MnSEIA)
- w. Minnesota State Fire Chiefs Association
- x. Minnesota Utility Contractors Association
- y. National Electrical Contractors Association (“NECA”) – Minnesota Chapters (St. Paul, Minneapolis, Twin Ports)
- z. Sustainable Farming Association of Minnesota

Additionally, 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. Finally, the proposed rules will be published in the *State Register*.

CONSULTATION 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 January 14, 2020. The documents included: the Governor's Office Proposed Rule and SONAR Form; draft rules; and near-final SONAR. MMB Executive Budget Officer Kwesi Pasley reviewed the matter and responded by correspondence dated January 27, 2020, wherein he concluded that: "The Department's findings regarding the fiscal impact of this proposal to local governments are sound and agreed to."⁷

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

Pursuant to Minn. Stat. § 14.128, the Board has determined that a local government will not be required to adopt or amend an ordinance or other regulation to comply with these proposed rules. The Minnesota Electrical Code is part of the Minnesota State Building Code. *See* Minnesota Rules, part 1300.0050 (J) (2016). The State Building Code is the standard that applies statewide. Minnesota Statutes, section 326B.121, subdivision 1, mandates compliance with the State Building Code whether or not a local government adopts or amends an ordinance. As a result, an ordinance or other regulation is not required for compliance. If a city wishes that its ordinances accurately reflect legal requirements in a situation in which the Code has superseded the ordinances, then the city may want to amend or update its ordinances.

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.⁸ In development of this rule and at its January 14, 2020 board meeting, the Board discussed compliance costs 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. Some small cities or small businesses in the industry might purchase new code books, but the cost would be approximately a few hundred dollars, depending on how many books were purchased. The difference between complying with the current electrical code, the 2017 NEC, and the proposed rule, the 2020 NEC, is not anticipated to cost more than \$25,000. Some small businesses in the industry might also spend

⁷ A complete copy of EBO Pasley's January 27, 2020 correspondence is attached hereto as Exhibit #2.

⁸ 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. *See* Minn. Stat. § 14.127 (2018).

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several hundred dollars on training, but this training is otherwise 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 cities 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 2020 edition of the NEC is available from a wide range of outlets at a cost of \$110. An analysis of changes between code versions is also available for approximately \$79. Municipal electrical inspectors are required to be licensed. Conditions of license renewal include 16 hours of continuing education every two years for every license renewal. Although there will be a cost to train to the new code, the training is already required as a condition of licensure. Therefore, the proposed rule does not add any additional costs for training of municipal staff.

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:

1. Mr. Tim McClintock, NEMA Midwest Field Representative and Regional Code specialist, will testify about the technical merit and development of the electrical code, if necessary;
2. Mr. John Williamson, Supervisor of Electrical Inspections, Construction Codes and Licensing Division, Minnesota Department of Labor and Industry, will testify about the impact of the 2020 NEC on the state electrical inspection program, if necessary; and
3. Mr. Daniel Westberg, Chairperson, Minnesota Board of Electricity, will testify about the Board's interest and actions taken to adopt the 2020 National Electrical Code, if necessary.

RULE-BY-RULE ANALYSIS

1315.0200 SCOPE

Subpart 1a. **Electrical Code.**

This subpart incorporates by reference the 2020 National Electrical Code 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 2017 NEC are replaced with references to the 2020 NEC. This change is both necessary and reasonable because Minnesota Statutes, section 326B.32, subdivision 2(a)(3) (2018), 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 provided for by Minnesota Statutes, section 326B.13, subdivision 8 (2018), which states as follows:

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.

Id. (emphasis added). The effective date of July 01, 2020, was selected by the Board at its October 08, 2019 board meeting after consideration of the following information that was presented:

- (1) The latest edition of the National Electrical Code has routinely been adopted in Minnesota and made effective July 1st of the code edition year. The electrical industry in this state strongly supports and is anticipating another July 1st effective date for the revised NEC and is already in the process of updating and implementing necessary business changes, protocol, and practices;
- (2) Industry and enforcement training on the 2020 NEC have already been developed and are scheduled in anticipation of a July 01, 2020 effective date. Training for the 2020 NEC began in the 2019 fall and winter training programs and continues today; and
- (3) A July 1st effective date would lessen confusion in the industry, expedite installations and increase public and workplace health and safety. A July 1st effective date will also promote uniformity among and between states with Minnesota licensing reciprocity and will result in a freer flow of commerce and employees across state lines.

Based on these considerations, the Board has determined that an effective date of July 01, 2020, or five days after the Notice of Adoption is published in the *State Register*, whichever is later, is the most effective way of meeting industry expectations and protecting public health and safety.

CONCLUSION

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

March 09, 2020

Date



Daniel Westberg, Chair
Minnesota Board of Electricity



Minnesota Board of Electricity
c/o Minnesota Department of Labor & Industry
443 Lafayette Road North
St Paul, MN 55155-4344
dli.cclboards@state.mn.us

January 07, 2020

Commissioner Thom Petersen
Minnesota Department of Agriculture
625 Robert Street North
Saint Paul, MN 55155-2538

Re: §14.111 Rulemaking Notice/Adoption of the 2020 National Electrical Code

Dear Commissioner Petersen,

Pursuant to Minn. Stat. §14.111 (2018), please accept this correspondence as official notice of the fact that the Minnesota Board of Electricity is in the process of adopting the 2020 National Electrical Code ("NEC") for use in this state as part of Minnesota Rules, Chapter 1315, the Minnesota Electrical Code. You are being provided this notice because the Board has determined that adoption of the 2020 NEC as incorporated by the Minnesota Electrical Code will affect farming operations in the State of Minnesota.

Specifically, Article 547, §547.5(G) of the 2020 NEC was revised by the National Fire Protection Association ("NFPA") to eliminate Ground Fault Circuit Interrupter ("GFCI") protection for receptacles rated above 125-volt, single phase, 20-ampere (*240-volt and 3-phase receptacles*) at agricultural buildings. A revision in the 2017 NEC resulted in the expansion of GFCI protection for non-dwelling unit receptacles to include all single-phase receptacles rated 150 volts to ground or less, 50 amperes or less, and three-phase receptacles rated 150 volts to ground or less, 100 amperes or less. This change had unforeseen and wide-ranging consequences to other sections of the NEC, in particular to code sections addressing agricultural buildings, which resulted in frequent unintended and unwanted tripping of GFCI protective devices in those buildings. The additional 2017 NEC GFCI protection requirements of above 125-volt, single phase, 15- and 20-ampere applications have also created unintentional financial hardship for farm and agricultural building owners. Therefore, §547.5(G) of the 2020 NEC was revised to eliminate GFCI protection requirements for agricultural building receptacles rated above 125-volt, single phase, 20-ampere (*240-volt and 3-phase receptacles*).

Thank you for your attention to this matter. If you have any questions or concerns

Exhibit 1

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relative to the change in the 2020 NEC described above, please feel free to contact me directly at (651) 284-5172 or jeffrey.f.lebowski@state.mn.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Lebowski".

Jeffrey F. Lebowski
General Counsel
Minnesota Board of Electricity
Minnesota Department of Labor & Industry

CC: Daniel Westberg, Chair
Minnesota Board of Electricity



Office Memorandum

Date: January 27, 2020

To: Jeffrey F. Lebowski, General Counsel,
Department of Labor and Industry

From: Kwesi Pasley, Executive Budget Officer,
Minnesota Management and Budget

Subject: M.S. 14.131 – Review of Proposed Amendment to the Minnesota Electrical Code, Minnesota Rules,
Chapter 1315, Revisor’s ID Number R-04632

Background

The Department of Labor and Industry (DLI) is proposing amendments to the rules relating to the Minnesota Electrical Code, in Minnesota Rules, Chapter 1315. Pursuant to M.S. 14.131, the Commissioner of Minnesota Management and Budget has been asked to help evaluate the fiscal impacts and benefits these changes may have on local units of government.

As identified in the Statement of Need and Reasonableness (SONAR), pursuant to M.S. 326B.106, the Commissioner of the Department of Labor and Industry (DLI) must review model building codes every six years for potential adoption, with amendments, for use in Minnesota beginning with the 2018 editions of the model codes. DLI is proposing to adopt and incorporate the 2020 version of the National Electrical Code, without any Minnesota specific amendments.

Evaluation

On behalf of the Commissioner of Minnesota Management and Budget, I have reviewed the proposed changes and the draft of the SONAR to explore the potential fiscal impact these changes may have on local governments.

The adoption of the 2020 version of the National Electrical Code is not anticipated to have a substantial cost to local units of government. Local governments may incur costs associated with purchasing new code books (\$110 per person maximum) and any educational expenses (\$170 per person maximum) necessary for the training of enforcement officials.

The Department’s findings regarding the fiscal impact of this proposal to local governments are sound and agreed to.

cc: Ahna Minge, Executive Budget Coordinator, Minnesota Management and Budget

Exhibit 2