



**VIRTUAL/TELECONFERENCE
ELECTRICAL CODE ADVISORY COUNCIL
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
APRIL 22, 2024**

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Council.

AGENDA

12:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of the Minutes from the March 18, 2024 (3)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Council Updates
 - 2) Advisory Council Members
 - a. Froemming, Steven
 - b. Janikowski, Ron
 - c. Jarosch, Christopher
 - d. Krueger, Kyle
 - e. Martinez, Christopher
 - f. Neitzel, Bill
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rules Matters – Discussion and Consideration (4-7)**
 - 1) Proposed updates to SPS Rules relating to Electrical Code (5-7)
 - 2) Pending or possible rulemaking items
- H. Discussion and Consideration of Items Added After Preparation of Agenda**
 - 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing Matters

- 8) Legislative and Policy Matters
- 9) Administrative Rule Matters
- 10) Council Liaison Training and Appointment of Mentors
- 11) Informational Items
- 12) Division of Legal Services and Compliance (DLSC) Matters
- 13) Motions
- 14) Petitions
- 15) Appearances from Requests Received or Renewed

I. Public Comments

ADJOURNMENT

NEXT MEETING: MAY 20, 2024

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held virtually unless otherwise indicated. In-person meetings are typically conducted at 4822 Madison Yards Way, Madison, Wisconsin, unless an alternative location is listed on the meeting notice. In order to confirm a meeting or to request a complete copy of the board's agenda, please visit the Department website at <https://dsps.wi.gov>. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer at 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
ELECTRICAL CODE ADVISORY COUNCIL
MEETING MINUTES
MARCH 18, 2024**

PRESENT: Steven Froemming, Ron Janikowski, Christopher Jarosch, Kyle Krueger, Christopher Martinez (*arrived 12:56 p.m.*), Bill Neitzel

STAFF: Brad Wojciechowski, Executive Director; Joseph Ricker, Legal Counsel; Jake Pelegrin, Administrative Rules Coordinator; Dialah Azam, Board Administration Specialist; and other Department Staff

CALL TO ORDER

Kyle Krueger, Chairperson, called the meeting to order at 12:01 p.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Steven Froemming moved, seconded by Christopher Jarosch, to adopt the Agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 26, 2024

MOTION: Ron Janikowski moved, seconded by Steven Froemming, to approve the Minutes of February 26, 2024, as published. Motion carried unanimously.

(Christopher Martinez arrived at 12:56 p.m.)

ADMINISTRATIVE RULE MATTERS

Proposed updates to SPS Rules relating to Electrical Code

MOTION: Steven Froemming moved, seconded by Bill Neitzel, to recommend approval of DIS proposed code update items # 1, 2, 3, 4, and 5 as outlined in the 3/18/2024 agenda materials with appropriate notes. Motion carried unanimously.

MOTION: Ron Janikowski moved, seconded by Bill Neitzel, to table DIS proposed code update items # 6, 7, 8, and 9 as outlined in the 3/18/2024 agenda materials for further discussion at future meetings. Motion carried unanimously.

ADJOURNMENT

MOTION: Steven Froemming moved, seconded by Bill Neitzel, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 2:02 p.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Jake Pelegrin Administrative Rules Coordinator		2) Date when request submitted: 4/9/24 Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting														
3) Name of Board, Committee, Council, Sections: Electrical Code Advisory Council																
4) Meeting Date: 4/22/24	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Discussion of DIS proposed code updates 2. Pending or possible rulemaking items														
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <i>(If yes, please complete Appearance Request for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A														
10) Describe the issue and action that should be addressed: Attachments: -DIS proposed code updates																
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;"> 11) <i>Jake Pelegrin</i> </td> <td style="width: 40%; border-bottom: 1px solid black; text-align: center;"> Authorization </td> <td style="width: 30%; border-bottom: 1px solid black; text-align: right;"> 4/9/24 </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Signature of person making this request </td> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;"> Date </td> </tr> <tr> <td style="border-bottom: 1px solid black;"> Supervisor (if required) </td> <td colspan="2" style="border-bottom: 1px solid black; text-align: right;"> Date </td> </tr> <tr> <td colspan="3" style="border-bottom: 1px solid black;"> Executive Director signature (indicates approval to add post agenda deadline item to agenda) </td> <td style="border-bottom: 1px solid black; text-align: right;"> Date </td> </tr> </table>				11) <i>Jake Pelegrin</i>	Authorization	4/9/24	Signature of person making this request	Date		Supervisor (if required)	Date		Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date
11) <i>Jake Pelegrin</i>	Authorization	4/9/24														
Signature of person making this request	Date															
Supervisor (if required)	Date															
Executive Director signature (indicates approval to add post agenda deadline item to agenda)			Date													
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.																

April 22, 2024 Electrical Code Advisory Committee Meeting

ITEM NO.	CODE/RULE PROVISION	ISSUE/REASON FOR CHANGE	WI ADMIN CODE SPS SECTION AFFECTED	PROPOSED BY	EXISTING LANGUAGE AND PROPOSED CHANGES TO SPS	POTENTIAL IMPACT	COMMENTS & STATUS
SECTION 000							
1	SPS 316.005	Revision - Update	SPS 316.005	DIS	<p>SPS 316.005--PETITION FOR VARIANCE. The department shall consider and may grant a variance to a provision of this chapter in accordance with ch. SPS 303. The petition for variance shall include, where applicable, a position statement from the fire department having jurisdiction.</p> <p>Note: Chapter SPS 303 requires the submittal of a petition for variance form (SBD-9890) and a fee, and that an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Chapter SPS 303 also requires the department to process regular petitions within 30 business days and priority petitions within 10 business days. Note: The Department forms required in this chapter are available for a nominal fee at telephone 800-DOC-SALE (800-362-7253) or 411 (Telecommunications Relay), or at doesales@doa.state.wi.us. Forms are also available at no charge at the Department's Web site at http://dps.wi.gov through links to Division of Industry Services forms.</p> <p>Note: The submittal of position statements and municipal recommendations is dependent on the rule being petitioned and is specified in the code under which the variance is requested.</p> <p>Note: The department form required in this section is available from the Division of Industry Services at P.O. Box 7162, Madison, WI 53707-7162; or at telephone 608/266-3151 or 877/617-1565 or 411 (Telecommunications Relay); or at the Division's Web site at http://dps.wi.gov/programs/industry-services.</p>		Revise for update process- "form" is a term used to describe the delivery method. Current method is out of SPS 303.03 Presenter Kirk
2	SPS 316.006	Create - New Addition	SPS 316.006	DIS	<p>SPS 316.006 Definitions. In this chapter:</p> <p>(1) "Department" means the department of safety and professional services.</p> <p>(2) "Electrical wiring" has the meaning given in s. 101.80 (1m), Stats.</p> <p>(3) "Farm" means a place where farming is conducted.</p> <p>(4) "Farming" has the meaning given in s. 102.04 (3), Stats.</p> <p>(5) "Multifamily dwelling" has the meaning given in s. 101.01(8m), Stats</p> <p>(6) "Municipality" means a city, village, town, or county in this state.</p> <p>(7) "One- and 2- family dwellings" means any buildings that contain one or 2 dwelling units the construction of which commenced on or after December 1, 1978.</p> <p>(8) "Place of employment" has the meaning given in s. 101.01(11), Stats.</p> <p>(9) "Public building" has the meaning given in s. 101.01 (12),Stats.</p> <p>(10) "Campground" means a parcel or tract of land that requires a license to operate under ATCP 79.05(1).</p>		Revision/additon to accept other relevant codes. Presenter Craig
3	SPS 316.007(1)(a)	Revision - Addition	SPS 316.007	DIS	<p>SPS 316.007 Adoption of standards by reference.</p> <p>(1) PRIMARY STANDARDS. The following standards are incorporated by reference into this chapter, subject to the modifications specified in this chapter:</p> <p>(a) Except as provided under par. (am), National Fire Protection Association (NFPA), One Batterymarch Park, Quincy, MA 02169-7471, telephone 800-344-3555, www.nfpa.org: NFPA 70 National Electrical Code, (NEC) 2017 2023.</p>		Revision/additon to accept other relevant codes. Presenter Craig
4	SPS 316.007(1)(am)	Delete - in entirety	SPS 316.007	DIS	<p>(am) Prior to January 1, 2020, for all electrical wiring, installations, equipment, and materials used in the construction of one- and 2- family dwellings, National Fire Protection Association (NFPA), One Batterymarch Park, Quincy, MA 02169-7471, telephone 800-344-3555, www.nfpa.org: NFPA 70 National Electrical Code, (NEC) 2011.</p>	Possible to reference the 2023 Edition NEC language	2011 Edition is not an adopted. Presenter Scott

5	SPS 316.007(1)(b)	Revision - Deletion	SPS 316.007	DIS	(b) If a requirement in the <u>standards standard</u> adopted in <u>pars par</u> . (a) and (am) contain- contains a cross-reference to another requirement modified by this chapter, the modification shall apply to the cross-reference unless specified otherwise in this chapter.		2011 Edition is not an adopted. Presenter Scott
6	SPS 316.007(2)	Revision - Deletion	SPS 316.007	DIS	(2) SECONDARY REFERENCES. Any codes or standards referenced in the standards- adopted in sub. (1) (a) and (am) shall apply to the prescribed extent of each such reference, except as modified by this chapter.		2011 Edition is not an adopted. Presenter Scott
7	SPS 316.007(3)	Revision - Deletion	SPS 316.007	DIS	(3) ALTERNATE STANDARDS. Any alternate standard that is equivalent to or more stringent than a standard incorporated by reference or otherwise referenced under this chapter may be used in lieu of the incorporated or referenced standard if the alternate standard is accepted in writing by the department. NOTE: See SPS 316.005 for Petition for Variance.	Wording changed to clearly identify the pathway to potential compliance. Presenter Craig	
8	SPS 316.013(4)	Revision - New Addition	SPS 316.013	DIS	SPS 316.013(4) Record keeping. (a) Municipalities that have adopted an ordinance to enforce this code shall maintain records in accordance with all of the following: 1. A record shall be made of each visit to a site, each inspection type performed and the pass or fail results of each inspection. 2. Applications, plans, forms, correction orders, correspondence, permits, and inspection records shall be maintained for seven (7) years after completion. (b) Contracted agents working under state contract shall maintain records in accordance with the provisions of the contract that was in effect at the time the inspections were completed.		Record keeping for inspections is inconsistent across the state and this section will provide clear guidance as to what records must be kept to satisfy existing periodic audit requirements. Presenter Kirk, Craig, Scott, Joe
9	SPS 316.022(1)	Revision - Addition	SPS 316.022	DIS	(1) MATERIALS. Materials, equipment, and products that do not comply with the requirements of this chapter shall not be used unless approved in writing by the department in an approval of a petition for variance. Approval of materials, equipment, and products shall be based on sufficient data, tests, and other evidence that prove the material, equipment, or product meets the intent of the requirements of this chapter. Data, tests, and other evidence shall be provided by a qualified independent third party. Note: Examples of a qualified independent third party include a nationally recognized testing laboratory and a professional engineer registered in the State of Wisconsin.		Removed and modified for clarity - if a NRTL or PE tests and approves the product, than it would be compliant and a petition is null and void of purpose; added language for clarity. Presenter Craig and/or Scott
10	SPS 316.023	Delete - in entirety	SPS 316.023	DIS	SPS 316.023 Electric fences. The following are department rules in addition to the requirements of the NEC: (1) ELECTRIC FENCE CONTROLLERS. (a) Electric fence controllers shall be of a type listed by a nationally recognized testing laboratory. (b) Electric fence controllers shall be installed and used in the exact manner and for the exact purpose indicated by the manufacturer's instructions, markings, listings or labels. (2) GROUNDING. Electric fence controllers shall be grounded as specified in NEC 250, except that where stray voltages in dairy barns or milking parlors create physical problems to the animals, the use of a single made electrode shall be permitted. (3) EXCEPTION. Subsections (1) and (2) do not apply to electric fence controllers designed and manufactured for the purpose of controlling humans. Note: Under s. 101.18, Stats., the Department is responsible for establishing "...reasonable standards, rules or regulations for the erection, construction, repair and maintenance of electric fences as shall render them safe." History: CR 08-047: cr. Register February 2009 No. 638, eff. 3-1-09; CR 16-093: renum. from SPS 316.013, cr. (3) Register June 2018 No. 750, eff. 8-1-18.	Revise for Clarity /NEC dictates direction Presenter Craig and/or Scott	Referencnes State Statutue

11	SPS 316.090	Revision - Addition	SPS 316.090	DIS	Introduction. The requirements specified in 2011 and 2017 2023 NEC 90.1, NEC 90.2, and NEC 90.4 are not included as part of this chapter.	Modified / update to proposed code cycle. Presenter Scott
SECTION 100						
12	SPS 316.100(2)	Revision - Addition	SPS 316.100	DIS	(2) SUBSTITUTIONS. The following department definition is a substitution for the respective definition in 2011 and 2017 2023 NEC 100: "Special permission" means a petition for variance in accordance with s. SPS 316.005.	Modified / update to proposed code cycle. Presenter Scott
13	SPS 316.110(1)	Revision - Addition	SPS 316.110	DIS	Examination, identification, installation, use, and listing of equipment. (1) Substitute the following wording for the requirements in 2011 2023 NEC 110.3(B): Listed or labeled equipment shall be installed or used, or both, in accordance with any instructions included in the listing or labeling. <u>Equipment that is listed, labeled, or both, or identified for a use shall be installed and used in accordance with any instructions included in the listing, labeling, or identification.</u> provided the instructions, listing, or labeling do not conflict with this chapter.	Modified / update to proposed code cycle. Presenter Scott and/or Craig
14	SPS 316.110(2)	Revision - Addition	SPS 316.110	DIS	(2) This is a department exception to the requirements of 2017 2023 NEC 110.3 (C): Exception: As provided under s. SPS 316.022(1), product testing and evaluation may be conducted by a qualified independent third party, including a nationally recognized testing laboratory or a professional engineer <u>registered in the State of Wisconsin.</u>	Modified / update to proposed code cycle. Presenter Scott