



VIRTUAL/TELECONFERENCE
ELECTRICAL CODE ADVISORY COMMITTEE
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
November 14, 2023

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

2:00 P.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-2)**
- B. Approval of the Minutes from the December 2, 2016, meeting (3)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Administrative Matters – Discussion and Consideration**
 - 1) Staff Introductions
 - 2) Election of Officers
 - 3) Department, Staff and Council Updates
 - 4) Advisory Council Members
 - a. Froemming, Steven
 - b. Janikowski, Ron
 - c. Jarosch, Christopher
 - d. Krueger, Kyle
 - e. Martinez, Christopher
 - f. Neitzel, Bill
 - 5) Advisory Council Role and Overview
 - 6) 2024 Meeting Schedule
- F. Legislative and Policy Matters – Discussion and Consideration**
- G. Administrative Rules Matters – Discussion and Consideration (4-10)**
 - 1) Scope Statement: SPS 316, relating to electrical code. **(5-9)**
 - 2) Pending and Possible rulemaking **(10)**
- 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

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.

**SPS 316 ELECTRICAL CODE ADVISORY COMMITTEE MEETING
MEETING MINUTES
December 2, 2016**

PRESENT Steven Bacalzo, Joseph Bembnister, Brad Gruenewald, Paul Gruettner, Gene Jacobson, Charles Johansen, Bill Neitzel, John Nikolai, James Rugg (*via GoToMeeting*)

EXCUSED Shannon Clark, David Helgeson

STAFF Dale Kleven, Rules Coordinator; Anthony Tadysak, DIS Engineering Consultant; Nifty Lynn Dio, Bureau Assistant; and other Department staff

CALL TO ORDER

Bill Neitzel, called the meeting to order at 9:02 a.m. A quorum of nine (9) members was confirmed.

ADOPTION OF AGENDA

MOTION: Steven Bacalzo moved, seconded by Brad Gruenewald, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Charles Johansen moved, seconded by Paul Gruettner, to approve the minute of September 26, 2016 as published. Motion carried unanimously.

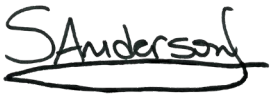
ADJOURNMENT

MOTION: Steven Bacalzo moved, seconded by Charles Johansen, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:54 a.m.

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

AGENDA REQUEST FORM

1) Name and title of person submitting the request: Sofia Anderson, Administrative Rules Coordinator		2) Date when request submitted: 11/02/2023 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Electrical Code Advisory Committee			
4) Meeting Date: November 14, 2023	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Administrative Rules Matters – Discussion and Consideration 1. Scope Statement: SPS 316, relating to electrical code. 2. Pending and Possible rulemaking projects	
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: 1. Scope Statement: SPS 316, relating to electrical code.			
11) Authorization			
		11/02/2023	
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.			

STATEMENT OF SCOPE

Department of Safety & Professional Services

Rule No.: SPS 302, SPS 305, SPS 316, SPS 324

Relating to: Electrical Code

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of this rulemaking project is to update Wisconsin's Electrical Code to the 2023 edition of the National Electric Code (NEC) while evaluating the electrical requirements in SPS 316 that add or modify requirements to the NEC.

Code chapters incidentally affected by this project may be revised to assure clarity and consistency of the rules.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Currently, the Department's electrical rules can be found in ch. SPS 316. Subchapter IV outlines Wisconsin's partial adoption of prior versions of the NEC and s. SPS 316.007 (1) incorporates the 2017 NEC by reference. The Wisconsin Electric Code has incorporated the NEC by reference since 1972. Outdated codes can lead to confusion in the industry and delay adoption of new technologies that benefit consumers.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Wis. Stat. s. 227.11 (2) (a) empowers the Department of Safety and Professional Services to promulgate rules interpreting the provision of any statute the Department enforces or administers. Additionally, Wis. Stat. s. 101.02 (1) states, "[t]he department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings."

The Department is given specific powers regarding the electrical code, inspections, and fee setting as follows:

Wis. Stat. § 101.19. Fees and records.

(1g) The department, by rule promulgated under ch. 227, shall fix and collect fees which shall, as closely as possible, equal the cost of providing the following services:

(a) The examination of plans for public buildings, public structures, places of employment and the components thereof.

(d) Each inspection of a facility conducted to ensure that the construction is in accordance with the plans approved by the department.

Wis. Stat. § 101.63. Departmental duties. The department shall:

(1) Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof. The rules shall include separate standards, established in consultation with the uniform dwelling code council, that apply only to the construction and inspection of camping units that are set in a fixed location in a campground for which a permit is issued under s. 97.67, that contain a sleeping place, and that are used for seasonal overnight camping. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (10). No set of rules may be adopted which has not taken into account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from the provisions. Rules promulgated under this subsection do not apply to a bed and breakfast establishment, as defined under s. 97.01 (1g), except that the rules apply to all of the following:

(a) The 3rd floor level of a bed and breakfast establishment that uses that level other than as storage.

(b) A structural addition that is made to a bed and breakfast establishment that alters the dimensions of the structure.

Wis. Stat. § 101.73. Departmental duties. The department shall:

(1) Adopt rules which establish standards for the use of building materials, methods and equipment in the manufacture and installation of modular homes for use as dwellings or dwelling units. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems. Such rules shall take into account the conservation of energy in construction and maintenance of dwellings and the costs to home buyers of specific code provisions in relation to the benefits derived therefrom.

(2) Adopt rules for the examination of plans and specifications and for periodic in-plant and on-site inspections of manufacturing facilities, processes, fabrication, assembly and installation of modular homes to ensure that examinations and inspections are made in compliance with the rules adopted for construction, electrical wiring, heating, ventilating, air conditioning and other systems under ss. 101.70 to 101.77 and with the rules for indoor plumbing adopted by the department under ch. 145.

(3) Provide for examination of plans and specifications and in-plant inspections when contracted for by the manufacturer under s. 101.75 (1) and shall contract to provide on-site inspection services for the installation of modular homes for dwellings, at municipal expense, for any municipality which requires such service under s. 101.76 or 101.761.

(5) Adopt rules for the certification, including provisions for suspension and revocation thereof, of on-site inspectors of the installation of modular homes for dwellings. Persons certified as on-site inspectors may be employees of the department, a city, village, town or county or an independent agency.

(6) Adopt rules for the certification, including provisions for suspension and revocation thereof, of independent inspection agencies to conduct in-plant inspections of manufacturing facilities, processes, fabrication and assembly of modular homes for dwellings and to certify compliance with this subchapter.

Wis. Stat. § 101.82. Departmental duties. The department shall:

(1) Promulgate by rule a state electrical wiring code that establishes standards for installing, repairing, and maintaining electrical wiring. The rules shall include separate standards, established in consultation with the uniform dwelling code council, that apply only to electrical wiring in camping units that are set in a fixed location in a campground for which a permit is issued under s. 97.67, that contain a sleeping place, and that are used for seasonal overnight camping. The rules do not apply to electrical wiring in primitive

rural hunting cabins, as defined in s. 101.61 (3). The standards established in the rules shall also take into account the uses, including seasonal use, that are unique to recreational and educational camps, as defined in s. 101.053 (1). Where feasible, the rules shall reflect nationally recognized standards.

(1g) Regulate all of the following types of electricians:

(a) Master electricians, including residential master electricians.

(b) Journeyman electricians, including residential journeyman electricians and industrial journeyman electricians.

(c) Electrical apprentices, including residential electrical apprentices and industrial electrical apprentices.

(d) Registered electricians.

(1m) Promulgate rules that establish criteria for the enrollment of registered electricians and for the registration of electrical apprentices.

(1n) Promulgate rules that establish procedures for the enrollment of registered electricians, the registration of electrical apprentices, and the licensing of journeyman electricians and master electricians.

(1r) Promulgate rules that establish requirements for the supervision of registered electricians. Registered electricians must be supervised by licensed journeyman or master electricians.

(1v) Promulgate rules that establish criteria and procedures for the licensing of electrical contractors.

(2) Promulgate rules that establish criteria and procedures for the certification of electrical inspectors for the purpose of inspecting electrical wiring.

(2m) Promulgate rules that establish standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection under s.101.86 (1).

(3r) Promulgate rules that establish criteria and a process for the suspension or revocation of registrations issued to registered electricians, licenses issued to electricians and electrical contractors, and certifications issued to electrical inspectors.

(4) Establish by rule a schedule of fees sufficient to defray the costs incurred under this subchapter.

Wis. Stat. § 101.84. Departmental powers. The department may:

(1) Hold hearings on any matter relating to this subchapter and issue subpoenas to compel the attendance of witnesses and the production of evidence at the hearings, except that the department shall conduct hearings related to occupational licenses, as defined in s. 101.02 (1) (a) 2., as provided in s. 101.022.

(3) Promulgate rules to differentiate the scope of installation, repair, or maintenance of electrical wiring that may be performed by electrical contractors, registered electricians, journeyman electricians, master electricians, and any additional types of electricians recognized under sub. (5).

(5) The department may promulgate rules that recognize and regulate different types and subtypes of electricians that are in addition to those specified in s. 101.82 (1g) and that establish criteria and procedures for enrolling, registering, or licensing these electricians.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The staff time needed to revise the rules is expected to be 1000 hours. This time includes research, consulting, drafting rule revisions, consulting with stakeholders, processing the rule revisions through public hearings, legislative review, and adoption. There are no other resources necessary to revise the rules.

6. List with description all entities that may be affected by the proposed rule:

These rules will affect any building, structure or premises where the installation of electrical wiring will be undertaken, other than those buildings, structures or premises regulated by the Public Service Commission. The rules will also affect any designer, installer or inspector of electrical wiring along with owners and frequenters of buildings, structures or premises where electrical wiring is installed.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There are several existing federal regulations that relate to the installation of electrical wiring and equipment. Some of these regulations require compliance with various editions of the NEC. A search of the Code of Federal Regulations (CFR) found the following regulations pertaining to activities that may be covered by this rule.

- Title 7 CFR, Part 1755 – Telecommunications Policies on Specifications, Acceptable Materials, and Standard Contract Forms. This regulation in the Department of Agriculture applies to telecommunications wiring and equipment and requires compliance with the NEC.
- Title 24 CFR, Part 3280 – Manufactured Home Construction and Safety Standards. Subpart I of this regulation in the Department of Housing and Urban Development covers electrical systems in manufactured homes, and requires compliance with the 2005 NEC.
- Title 29 CFR, Part 1910.302 through 1910.308 – Design Safety Standards for Electrical Systems, and 1910.331 through 1910.335 – Electrical Safety-Related Work Practices Standards. Subpart S of this regulation in the Department of Labor contains design safety standards for electrical systems, safety-related work practices and maintenance requirements and safety requirements for special electrical equipment to safeguard employees in their workplaces. Subpart R contains industrial lighting requirements and safe practices relating to lockouts and emergency lighting requirements for the safety of employees working in special industries. These regulations are part of the Occupational Safety and Health Standards.
- Title 29 CFR, Part 1926 – Safety and Health Regulations for Construction. Subpart K of this regulation in the Department of Labor contains installation safety requirements, safety requirements and environmental considerations for special equipment necessary to safeguard employees working in special industries.
- Title 30 CFR, Part 57 – Safety and Health Standards – Underground Metal and Nonmetal Mines. Subpart K of this regulation in the Department of Labor contains specific electrical safety requirements for the protection of employees working in underground metal and nonmetal mines.
- Title 30 CFR, Part 75 – Mandatory Safety Standards – Underground Coal Mines. Subpart F contains specific electrical safety requirements for the protection of employees working in underground metal and nonmetal mines.

8. Anticipated economic impact of implementing the rule:

The Department believes that the proposed changes will have little or no adverse economic impact. Nevertheless, it plans to solicit information and advice from businesses, local government units and individuals in relation to the economic effects of the new NEC provisions.

Contact Person: Joseph M. Ricker, DSPSAdminRules@wisconsin.gov, (608) 267-2242.

Approved for publication in the *Wisconsin Administrative Register* at Madison, Wisconsin, this date:

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Daniel Hereth, Secretary

Approved for implementation at Madison, Wisconsin, this date:

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Daniel Hereth, Secretary

DSPS RULEMAKING PROCESS

The need for a rule change is identified and a new rule project begins:

- * By Board or Department (Dept.) initiative
- * After legislation is signed into law

Scope Statements give a general overview of what the Board or DSPS wants to modify within the Administrative Code.

The Rulemaking process begins with a SCOPE Statement

SCOPE APPROVALS

Draft Scope Statement is submitted to the Board or Dept. for approval.

Board or Dept. approved Draft Scope Statement is submitted to the Governor for approval.

Governor approved Scope Statement is submitted for publication in Administrative Register and implementation. Scope number assigned.

Following Governor approval of the Scope, the project begins a 30-month period from the date the Scope was published in the Administrative Register, to becoming effective.

PRELIMINARY RULE DRAFTING

Before the 30-month period ends, a final rule draft must be submitted to the Legislature. If this is not done, the project will need to restart from the beginning.

The preliminary rule draft is based on what the Board or DSPS want or need to change in the Administrative Code.

The public, and all potentially affected parties have an opportunity to comment on the rule project as these comments may affect the rule draft. We do this by posting Economic Impact Analysis comment periods in the DSPS website, and we hold Public Hearings. Clearinghouse rule number assigned.

FINAL DRAFT and LEGISLATIVE REVIEW

Once the final Rule draft is with the Legislature, we wait for them to complete their review.

They could object or not take any action. If they object, that objection is reviewed, and the project is modified accordingly. If they do not take any action, the rule can be adopted.

Rules are usually set to become effective on the first day of the month after publication in the Administrative Register.