

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 19-099
DEPARTMENT OF SAFETY :
AND PROFESSIONAL SERVICES :**

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

Chapter SPS 302 establishes fees to be paid to the Department for providing those services authorized in the Wisconsin Statutes. Under current rules, fees for commercial electrical inspections are assessed under s. SPS 302.04, which provides a fee schedule for miscellaneous plan reviews, inspections, and services. The Department determined that, in order to more efficiently conduct commercial electrical inspections that will begin on January 1, 2020, a fee schedule specific to those inspections is needed. The proposed rule updates ch. SPS 302 to provide a fee schedule for commercial electrical inspections.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

On June 7, 2019, the Department held a public hearing on the statement of scope. The Department received written comments from RENEW Wisconsin and testimony from Bryan Preuss of Preuss Electric.

RENEW Wisconsin recommended the statement of scope include consideration for the following:

- A separate fee schedule for the plan review and inspection of solar arrays.
- Clarification that 3rd party electrical inspectors, certified by the State, are allowed to inspect solar PV systems and that the fees in SPS 302 apply to their services.

RENEW Wisconsin also requested that, although not in the scope of the rule, the Department clarify that minor additions to an electrical service do not trigger an inspection.

Mr. Preuss' testimony focused on current fees, which he indicated were not sufficient to cover the inspection costs of 3rd party inspectors.

The Department did not modify the scope statement in response to the comments and testimony received. The scope statement is broad enough to allow the Department the flexibility to set fees, including fees for specific types of electrical systems, that are sufficient to defray inspection costs.

On August 22, 2019, the Department held a public hearing on the proposed rules. Jim Boullion, representing RENEW Wisconsin, registered neither for nor against the proposed rules, but to provide information to the Department. Mr. Boullion provided testimony and written comments, summarized as follows:

- RENEW Wisconsin supports the fee schedule for solar projects included in the proposed rules.
- RENEW Wisconsin recommends the Department clarify the phrase "installation of new or an addition to an" language in s. SPS 302.35 (2) (a), as the language is confusing and will unnecessarily increase the number of inspections required. The recommendation from RENEW Wisconsin references a recommendation from the Legislative Council that requests the Department to review the intent of the phrase "installation of or an addition to an" and revise accordingly, as the phrase is "grammatically incorrect."

In response to the recommendations from RENEW Wisconsin and the Legislative Council, the Department modified the phrase "installation of new or an addition to an" to clarify that the proposed permit and inspection fees will apply to "electrical wiring installations described under s. SPS 316.012 (1) (a) or (b)."

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All Legislative Council recommendations have been incorporated into the proposed rule.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING	:	PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE	:	DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND	:	PROFESSIONAL SERVICES
PROFESSIONAL SERVICES	:	ADOPTING RULES
	:	(CLEARINGHOUSE RULE 19-099)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to create SPS 302.35, relating to a fee schedule for commercial electrical inspections.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

None.

Statutory authority:

Section 101.82 (4), Stats.

Explanation of board authority:

Section 101.82 (4), Stats., provides the Department shall “[e]stablish by rule a schedule of fees sufficient to defray the costs incurred under this subchapter.”

Related statute or rule:

Chapter SPS 316 provides the permitting and inspection requirements for commercial electrical systems.

Plain language analysis:

This proposed rule updates ch. SPS 302 to provide a fee schedule for commercial electrical inspections.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Summary of public comments and feedback on the statement of scope and the Department’s responses:

The Department held a public comment period and conducted a public hearing on June 7, 2019. The Department received written comments from RENEW Wisconsin and testimony from Bryan Preuss of Preuss Electric.

RENEW Wisconsin recommended the statement of scope include consideration for the following:

- A separate fee schedule for the plan review and inspection of solar arrays.
- Clarification that 3rd party electrical inspectors, certified by the State, are allowed to inspect solar PV systems and that the fees in SPS 302 apply to their services.

RENEW Wisconsin also requested that, although not in the scope of the rule, the Department clarify that minor additions to an electrical service do not trigger an inspection.

Mr. Preuss' testimony focused on current fees, which he indicated were not sufficient to cover the inspection costs of 3rd party inspectors.

The Department did not modify the scope statement in response to the comments and testimony received. The scope statement is broad enough to allow the Department the flexibility to set fees, including fees for specific types of electrical systems, that are sufficient to defray inspection costs.

Comparison with rules in adjacent states:

Illinois: Illinois does not administer a statewide electrical program. Inspection fees are established by each municipality with administrative authority.

Iowa: The Iowa Department of Public Safety administers a statewide electrical program. Rules of the Department [661 IAC, 550.5 (1) to (8)] establish fees for services provided by the electrical inspection program. Generally, fees are assessed as follows:

- The fee for each separate inspection of an installation, replacement, alteration, or repair is \$25.
- The fee for services, change of services, temporary services, additions, alterations, or repairs on either primary or secondary services are as follows:
 - Zero to one hundred ampere capacity, \$25 plus \$5 per branch circuit or feeder.
 - One hundred one to two hundred ampere capacity, \$35 plus \$5 per branch circuit or feeder.
 - For each additional one hundred ampere capacity or fraction thereof, \$20 plus \$5 per branch circuit or feeder.

The rules also specify the fees assessed for field irrigation systems, reinspections, inspections requested by an owner, fire and accident inspections, inspections for installations requiring more than six months in the process of construction, and inspections for installations for which a permit has not been filed.

Michigan: The Michigan Department of Licensing and Regulatory Affairs administers a statewide electrical program through the Construction Code Commission. Rules of the Department do not establish specific inspection fees, but require fees charged by townships, villages, cities, counties and the Commission for inspection of construction to bear a reasonable relationship to all costs, including overhead of services rendered [Mich Admin Code, R 408.30221 (1)].

Minnesota: The Minnesota Department of Labor and Industry administers a statewide electrical program. The Minnesota statutes establish fees for electrical inspections [2018 Minnesota Statutes, Section 326B.37]. Generally, fees are assessed as follows:

- The minimum fee for each separate inspection of an installation, replacement, alteration, or repair is \$35.
- The inspection fee for the installation, addition, alteration, or repair of each service, change of service, temporary service, generator, other power supply source, or feeder to a separate structure:
 - Zero ampere to and including 400 ampere capacity, \$35.
 - Four hundred and one ampere to and including 800 ampere capacity, \$60.
 - Ampere capacity above 800, \$100.
- The inspection fee for the installation, addition, alteration, or repair of each circuit, feeder, feeder tap, or set of transformer secondary conductors, including the equipment served:
 - Zero ampere to and including 200 ampere capacity, \$6.
 - Ampere capacity above 200, \$15.

The statutes also specify the fees for inspections of one- and 2-family dwellings, reinspections, special inspections, inspections of transitory projects, inspections of wind electric systems, and inspections of photovoltaic systems.

Summary of factual data and analytical methodologies:

The Department analyzed the costs associated with providing commercial electrical inspections and has developed a fee schedule sufficient to defray those costs.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The proposed rules were posted for a period of 14 days to solicit public comment on economic impact, including how the proposed rules may affect businesses, local government units, and individuals. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

These proposed rules do not have an economic impact on small businesses, as defined in s. 227.114 (1), Stats. The Department’s Regulatory Review Coordinator, Dan Hereth, may be contacted by calling (608) 267-2435.

Agency contact person:

Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, Wisconsin 53708-8366; telephone 608-261-4472; email at DSPSAdminRules@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Dale Kleven, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison, WI 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be received at or before the public hearing to be held at 1:00 p.m. on August 22, 2019, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 302.35 is created to read:

SPS 302.35 Electrical systems.

(1) GENERAL. Fees for all permits issued and inspection services provided under s. SPS 316.011 (2) (a) shall be determined in accordance with this section.

(2) PERMIT AND INSPECTION FEE. (a) Except as provided under sub. (3), the permit and inspection fee for an electrical wiring installation described under s. SPS 316.012 (1) (a) or (b) shall be the greater of the sum of the fees determined in accordance with Table 302.35 or \$160.

(b) The fee under par. (a) includes the fees for a minimum of one rough-in inspection and one final inspection.

(c) Any of the fees under Table 302.35 may, at the discretion of the department, be doubled for projects where the installation, erection, or construction of an installation component is initiated without the required permit.

Table 302.35

Commercial Electrical System Permit and Inspection Fees

Installation Component(s)	Unit of Measure	Fee
Service, including one service disconnect - 15 to 400 amperes	Each	\$80.00
Service, including one service disconnect - 401 to 800 amperes	Each	\$120.00
Service, including one service disconnect - over 800 amperes	Each	\$160.00

Additional service disconnect	Each	\$13.50
Feeder	Each	\$40.00
Branch circuit – 20 amperes or less	Each	\$20.00
Branch circuit – 21 to 60 amperes	Each	\$30.00
Branch circuit – over 60 amperes	Each	\$50.00
Temporary service and wiring	Lump sum	\$240.00
Fire pump	Each	\$160.00
Transformer, reactor, or similar component	Each	\$40.00
Fire alarm, communication and data, and power over ethernet device	Each	\$2.75
Emergency standby system, including generator, one transfer switch, and inverter	Each	\$160.00
Additional emergency standby transfer switch	Each	\$160.00
Solar photovoltaic system – 0-10 kW	Each	\$160.00
Solar photovoltaic system – 11-20 kW	Each	\$200.00
Solar photovoltaic system – over 20 kW	Each	\$400.00
Swimming pool, including associated wiring	Each	\$160.00
Elevator, escalator, or dumbwaiter, including associated wiring	Each	\$80.00

(3) INSPECTION AGENCY PERMIT AND INSPECTION FEE. The permit and inspection fee assessed by an inspection agency for an electrical wiring installation described under s. SPS 316.012 (1) (a) or (b) may be determined by contract between the inspection agency and the department. In this subsection, “inspection agency” means an inspection agency registered under s. SPS 305.629.

(4) PLAN REVIEW FEE. A fee of \$160 shall be assessed for each electrical system plan review that is required or is requested by the permit applicant.

(5) REINSPECTION FEE. A fee of \$160 shall be assessed for a department reinspection conducted to gain compliance after an order has been issued by the department.

(6) REFUND OF PERMIT AND INSPECTION FEE. (a) The department may refund all or a portion of a fee assessed under sub. (2) for a project if installation of the electrical wiring has not commenced within 12 months after the date the permit is issued.

(b) The permit holder may request from the department a refund of a fee assessed under sub. (2) for a component that at the conclusion of the project has not been installed.

Note: Also see s. SPS 302.07

(7) FEE FOR AN INCOMPLETE OR INCORRECT PERMIT. An additional fee of \$80 may be assessed if a permit application is submitted with incomplete or incorrect information.

SECTION 2. INITIAL APPLICABILITY. This rule first applies to permits issued and inspection services provided on the effective date of this rule.

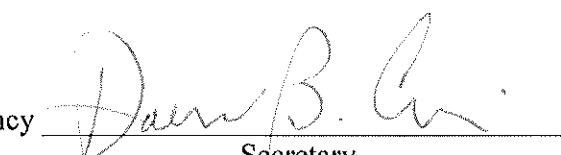
SECTION 3. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Governor and Legislature.

Dated July 3, 2020

Agency


Secretary
Department of Safety and Professional Services

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date July 23, 2019</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 302</p>	
<p>4. Subject Fee schedule for commercial electrical inspections</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.165(2)(j)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Governmental Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule Chapter SPS 302 establishes fees to be paid to the Department for providing those services authorized in the Wisconsin Statutes. Under current rules, fees for commercial electrical inspections are assessed under s. SPS 302.04, which provides a fee schedule for miscellaneous plan reviews, inspections, and services. The Department has determined that, in order to more efficiently conduct commercial electrical inspections that will begin on January 1, 2020, a fee schedule specific to these inspections is needed.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local governmental units participated in the development of this EIA.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) The proposed rule will not have a significant impact on specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole. The proposed rule is not expected to result in an increase in inspection fees, but is expected allow the Department to more efficiently administer inspections of commercial electrical systems by providing a fee schedule specific to those systems.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is fees for commercial electrical inspections that are specific to the electrical systems that will be inspected. If the rule is not implemented, the fees will not accurately reflect how inspections of commercial electrical systems are conducted.</p>	

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

16. Long Range Implications of Implementing the Rule

The long range implication of implementing the rule is fees for commercial electrical inspections that are specific to the electrical systems that are being inspected

17. Compare With Approaches Being Used by Federal Government

None

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois: Illinois does not administer a statewide electrical program. Inspection fees are established by each municipality with administrative authority.

Iowa: The Iowa Department of Public Safety administers a statewide electrical program. Rules of the Department [661 IAC, 550.5 (1) to (8)] establish fees for services provided by the electrical inspection program. Generally, fees are assessed as follows:

- The fee for each separate inspection of an installation, replacement, alteration, or repair is \$25.
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The statutes also specify the fees for inspections of one- and 2-family dwellings, reinspections, special inspections, inspections of transitory projects, inspections of wind electric systems, and inspections of photovoltaic systems.

19. Contact Name

Dale Kleven

20. Contact Phone Number

(608) 261-4472

This document can be made available in alternate formats to individuals with disabilities upon request.

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
-