

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

**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 20-035
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:

Current administrative rules require an enrolled registered electrician to complete at least 24 hours of continuing education in order to renew or reacquire their enrollment. The proposed rule will revise s. SPS 305.45 to exempt individuals participating in a youth apprenticeship program under s. 106.13, Stats., from this requirement.

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

The Department of Safety and Professional Services held a public hearing on October 2, 2020. The Department received written comments in support of the proposed rule from the following individuals:

- Senator Dan Feyen, Wisconsin State Senate
- Representative Michael Schraa, Wisconsin State Assembly
- John Schulze, Director of Legal and Government Affairs, Associated Builders and Contractors of Wisconsin

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

The Legislative Council had no recommendations concerning 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
DEPARTMENT OF SAFETY AND : AND PROFESSIONAL SERVICES
PROFESSIONAL SERVICES : ADOPTING RULES
: (CLEARINGHOUSE RULE 20-035)

PROPOSED ORDER

An order of the Department of Safety and Professional Services to amend SPS 305.45 (2) (c) 2. and 4., relating to continuing education.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

Section 101.82 (1g) (d), Stats.

Statutory authority:

Sections 101.02 (15) (b), 101.82 (1g) (d), and 101.82 (1m), Stats.

Explanation of agency authority:

Section 101.02 (15) (b), Stats., requires the Department to administer and enforce, so far as not otherwise provided for in the statutes, the laws relating to licensed occupations.

Section 101.82 (1g) (d), Stats., requires the Department to regulate registered electricians.

Section 101.82 (1m), Stats., requires the Department to “[p]romulgate rules that establish criteria for the enrollment of registered electricians and for the registration of electrical apprentices.”

Related statutes or rules:

Section 106.13, Stats., provides for youth apprenticeship programs and for the Department of Workforce Development’s administration of youth apprenticeship programs.

Plain language analysis:

Current administrative rules require an enrolled registered electrician to complete at least 24 hours of continuing education in order to renew or reacquire their enrollment. The proposed rule will revise s. SPS 305.45 to exempt individuals participating in a youth apprenticeship program under s. 106.13, Stats., from this requirement.

Summary of, and comparison with, existing or proposed federal statutes and regulations:

None.

Comparison with rules in adjacent states:

Illinois: There is no statewide oversight of the licensing of electricians in Illinois. Licensing requirements, if any, for electricians are established by the municipality in which electrical work is performed.

Iowa: Iowa high school students may participate in an electrical pre-apprenticeship program. As an electrical pre-apprenticeship program combines classroom learning and limited hands-on experience, a participating individual is not required to be licensed.

Michigan: Michigan high school students may participate in a high school electrical apprenticeship program. An individual participating in a high school electrical apprenticeship program is required to be registered as an electrical apprentice. Registration as an electrical apprentice must be renewed annually, completion of continuing education is not required for renewal.

Minnesota: Minnesota high school students may participate in a youth electrical apprenticeship program. An individual participating in a youth electrical apprenticeship program is not required to be licensed.

Summary of factual data and analytical methodologies:

Current administrative rules require a youth apprentice participating in a youth apprenticeship program under s. 106.13, Stats., as an enrolled registered electrician to complete at least 24 hours of continuing education in order to renew or reacquire their enrollment. As a youth apprentice is a high school junior or senior with an already significant academic workload, the requirement to complete continuing education makes it less likely for eligible individuals to join and complete a youth apprenticeship program. As such, the Department has determined the exemption from continuing education requirements in the proposed rules aligns with its mission to promote economic growth and stability while protecting the citizens of Wisconsin as designated by statute.

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 may be contacted by email at Daniel.Hereth@wisconsin.gov, or 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 10:00 a.m. on October 2, 2020, to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 305.45 (2) (c) 2. and 4. are amended to read:

SPS 305.45 (2) (c) 2. The renewal of an enrollment as a registered electrician shall be contingent upon the registered electrician obtaining at least 24 hours of acceptable continuing education prior to the expiration date of the enrollment as specified in s. SPS 305.08 and Table 305.06, ~~except as provided in subd. 3.~~ This subdivision does not apply to an individual who, at the time of applying for renewal of an enrollment, is participating in a youth apprenticeship program under s. 106.13, Stats.

4. A person who initially obtained a registered electrician enrollment and fails to renew the enrollment shall be required to complete at least 24 hours of acceptable continuing education within one year prior to date of application to reacquire the registered electrician enrollment. This subdivision does not apply to an individual who, at the time of applying for reacquisition of an enrollment, is participating in a youth apprenticeship program under s. 106.13, Stats.

SECTION 2. 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 _____

Agency _____

Secretary
Department of Safety and Professional Services

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date August 18, 2020
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 305	
4. Subject Continuing education	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
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 Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
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	
11. Policy Problem Addressed by the Rule Current administrative rules require an enrolled registered electrician to complete at least 24 hours of continuing education in order to renew or reacquire their enrollment. The proposed rule will revise s. SPS 305.45 to exempt individuals participating in a youth apprenticeship program under s. 106.13, Stats., from this requirement.	
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.	
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.	
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.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefit to implementing the rule is the removal of an additional educational requirement for individuals who, as high school juniors and seniors participating in youth apprenticeship programs, already have a significant academic workload. If the rule is not implemented, high school juniors and seniors may be less likely to join and complete youth apprenticeship programs.	
16. Long Range Implications of Implementing the Rule The long range implication of implementing the rule is the removal of an additional educational requirement for individuals who, as high school juniors and seniors participating in youth apprenticeship programs, already have a significant academic workload.	

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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: There is no statewide oversight of the licensing of electricians in Illinois. Licensing requirements, if any, for electricians are established by the municipality in which electrical work is performed.

Iowa: Iowa high school students may participate in an electrical pre-apprenticeship program. As an electrical pre-apprenticeship program combines classroom learning and limited hands-on experience, a participating individual is not required to be licensed.

Michigan: Michigan high school students may participate in a high school electrical apprenticeship program. An individual participating in a high school electrical apprenticeship program is required to be registered as an electrical apprentice. Registration as an electrical apprentice must be renewed annually, completion of continuing education is not required for renewal.

Minnesota: Minnesota high school students may participate in a youth electrical apprenticeship program. An individual participating in a youth electrical apprenticeship program is not required to be licensed.

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
