



VIRTUAL/TELECONFERENCE
ELECTRICAL CODE ADVISORY COUNCIL
Virtual, 4822 Madison Yards Way, Madison
Contact: Brad Wojciechowski (608) 266-2112
February 26, 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 January 22, 2024 (3-4)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns**
- D. Introductions, Announcements and Recognition**
- E. Preliminary Public Hearing on Scope Statement SS 019-24 for Rule SPS 316, Relating to Electrical Code (5-9)**
- F. 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
- G. Legislative and Policy Matters – Discussion and Consideration**
- H. Administrative Rules Matters – Discussion and Consideration (10)**
 - 1) Discussion of public comments received during preliminary public hearing on scope statement for SPS 316 Electrical Code **(11-13)**
 - 2) Pending and Possible Rulemaking Projects **(14)**
- I. 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

J. Public Comments

ADJOURNMENT

NEXT MEETING: MARCH 18, 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
JANUARY 22, 2024**

PRESENT: Steven Froemming, Ron Janikowski, Christopher Jarosch, Kyle Krueger, Christopher Martinez, Bill Neitzel

STAFF: Brad Wojciechowski, Executive Director; Joseph Ricker, Legal Counsel; Sofia Anderson, 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 six (6) members present.

ADOPTION OF AGENDA

MOTION: Steven moved, seconded by Martinez, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 14, 2023

MOTION: Steven moved, seconded by Ron, to approve the Minutes of November 14, 2023, as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Election of Officers

Slate of Officers

NOMINATION: Steven Froemming nominated the 2023 slate of officers to continue in 2024. All officers accepted their nominations.

Brad Wojciechowski, Executive Director, called for nominations three (3) times.

The Slate of Officers was elected by unanimous voice vote.

| ELECTION RESULTS | |
|-------------------------|------------------|
| Chairperson | Kyle Krueger |
| Vice Chairperson | Steven Froemming |
| Secretary | Bill Neitzel |

ADJOURNMENT

MOTION: Bill moved, seconded by Martinez, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:26 p.m.

DRAFT

**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: 2/14/24 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: 2/26/24 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Preliminary Public Hearing on Scope Statement 1. The Department of Safety and Professional Services will hold a preliminary public hearing on Scope Statement SS 019-24 for rule SPS 316 relating to Electrical Code. | | | | | | | | | | | | | | | | |
| 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: -Notice of Preliminary Public Hearing and Scope Statement | | | | | | | | | | | | | | | | | | |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%; border-bottom: 1px solid black;">11)</td> <td style="width: 60%; border-bottom: 1px solid black; text-align: center;">Authorization</td> <td style="width: 30%;"></td> </tr> <tr> <td style="border-bottom: 1px solid black;"><i>Jake Pelegrin</i></td> <td style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: right;">2/14/24</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td style="border-bottom: 1px solid black;"></td> <td 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 style="border-bottom: 1px solid black;"></td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> <tr> <td 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;"></td> <td style="border-bottom: 1px solid black; text-align: right;">Date</td> </tr> </table> | | | | 11) | Authorization | | <i>Jake Pelegrin</i> | | 2/14/24 | 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) | Authorization | | | | | | | | | | | | | | | | | |
| <i>Jake Pelegrin</i> | | 2/14/24 | | | | | | | | | | | | | | | | |
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| 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. | | | | | | | | | | | | | | | | | | |

Notice of Preliminary Hearing on Statement of Scope

The Department of Safety and Professional Services announces that it will hold a preliminary public hearing on Statement of Scope 019-24 for SPS 302, 305, 316, 324 , relating to Electrical Code. The type of proposed rule is permanent. In accordance with s. 227.136, Stats., the Department of Safety and Professional Services is seeking public comment and feedback on Statement of Scope 019-24, at the time and place shown below.

Hearing Information

Date: February 26, 2024

Time: 12:00 PM

Location: Information concerning the location of the hearing is available at:
<https://dsps.wi.gov/Pages/BoardsCouncils/SPS/316/Meetings.aspx>

Appearances at the Hearing and Submittal of Written Comments

Persons wishing to provide oral or written comments regarding the Statement of Scope for the proposed administrative rule may appear during the hearing.

Written comments may be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison Wisconsin 53708-8366 or by email to DSPSAdminRules@wisconsin.gov.

The Statement of Scope may be reviewed and comments made at
https://docs.legis.wisconsin.gov/code/scope_statements/comment.

Comments must be received at or before the public hearing.

Agency Contact Person

Jake Pelegrin, Administrative Rules Coordinator, DSPSAdminRules@wisconsin.gov

This Notice of Preliminary Hearing on Statement of Scope is approved by:

Secretary

Date

STATEMENT OF SCOPE

Department of Safety & Professional Services

Rule No.: SPS 302, 305, 316 and 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 Department of Safety and Professional Services will 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.

The Department will also review code chapters SPS 302, 305, and 324 and update them if necessary to integrate the 2023 NEC into the SPS chapters and to ensure the rules conform to current statutes, increase clarity in the profession, update provisions for consistency among code chapters and department procedure.

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 SPS 316.007 (1) incorporates the 2017 NEC by reference. The Wisconsin Electric Code has incorporated the NEC by reference since 1972. An outdated electrical code would perpetuate confusion in the industry, delay adoption of new technologies that benefit consumers, and is a public safety concern.

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

Section 101.82 (1), Stats., provides that "[t]he department shall 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."

Section 101.84 (3) and (5) provides “[t]he department may

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). and

[...] 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.”

Section 101.02 (1), Stats., provides that “[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.”

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

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 240 hours.

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:

At this time, the economic impact is undetermined; however, the Department anticipates the economic impact for this rule project to be small.



Contact Person: Jake Pelegrin, DSPSAdminRules@wisconsin.gov, (608) 267-2242.

Approved for publication in the *Wisconsin Administrative Register* at Madison, Wisconsin, this date: 1/5/2024

Approved for implementation at Madison, Wisconsin, this date:

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Dan Hereth, Secretary

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

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STATEMENT OF SCOPE

Department of Safety & Professional Services

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

Relating to: Electrical Code

Rule Type: Permanent

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

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8. Anticipated economic impact of implementing the rule:

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Approved for implementation at Madison, Wisconsin, this date:

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES




Dan Hereth, Secretary

Dan Hereth, Secretary

**Electrical Code Advisory Council
Rule Project Chart**

| Clearinghouse Rule Number | Scope # | Scope Expiration | Code Chapter Affected | Relating clause | Current Step | Next Step |
|----------------------------------|----------------|-------------------------|------------------------------|------------------------|---|---|
| | SS 019-24 | 8/12/2026 | SPS 302, 305, 316, 324 | Electrical Code | The scope is currently published in the Register and under review by the Legislature. | Scope implementation after preliminary public hearing (if ordered). |