

Report From Agency

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

**IN THE MATTER OF RULEMAKING : REPORT TO THE LEGISLATURE
PROCEEDINGS BEFORE THE : CR 16-093
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:

The proposed rules update Wisconsin's electrical code to the 2017 edition of the National Electrical Code (NEC) with certain specified changes, additions, and omissions to the requirements of the NEC.

Out of over 2,300 changes in the 2014 and 2017 editions of the NEC reviewed by department staff and the Electrical Code Advisory Committee, department staff conducted a second review of less than 200 changes it considered to be the most significant. As a result of its additional review and public comment, the department determined 11, or less than 1%, of the changes from the 2014 and 2017 editions of the NEC would not be incorporated into Wisconsin's electrical code.

The proposed rules also develop a statewide electrical inspection program, as required by the provisions of 2007 Wisconsin Act 63, and reflect the following changes in 2013 Wisconsin Act 143:

- Changes the licensing category of a "beginning electrician" that is registered by the department to a "registered electrician" that is enrolled by the department.
- Revises the licensure requirements for master electricians and journeyman electricians.
- Creates a provision allowing the department to enter into a reciprocal agreement with another state under which credentials issued to electricians, electrical apprentices, electrical contractors, and electrical inspectors by either state are recognized as comparable credentials by the other state.

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

The Department of Safety and Professional Services held public hearings on January 31, 2017, February 1, 2017, and February 2, 2017. Attachment 1 provides a listing of individuals who appeared or registered for and against the proposed rules at the public hearings.

One hundred and seventy three individuals provided comments in support of the proposed rules (see Attachment 2). These individuals expressed a belief that the proposed rules strike the right balance between modernization of the electrical code while not pricing Wisconsin families out of housing options.

Ninety five individuals provided comments in opposition to the proposed rules (see Attachment 3). See Attachment 4 for a summary of comments and recommendations and the Department's responses.

After considerable review of the issues involved, the Department has revised the proposed rules based on several of the recommendations it has received. The Department believes the proposed rules as revised appropriately address both the safety and affordability of housing in Wisconsin.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comments: 2.b. and 2.d.

The Department believes renumbering and use of subdivisions in the proposed rules provide numerous benefits to the primary users of ch. SPS 316. These include easier reading, easier understanding and recollection of where requirements are located in the chapter, and easier citation of code provisions for enforcement purposes.

All other Legislative Council recommendations have been incorporated into the proposed rules.

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

The Small Business Regulatory Review Board did not issue a report on the proposed rules.

Wisconsin's electrical code applies to a wide range of businesses, including small businesses. The economic and fiscal impact of this rule on small businesses cannot be determined and will vary greatly depending on the size and complexity of each electrical installation. However, the proposed rules are not anticipated to have a significant economic or fiscal impact on any small business sector.

VIII. DOA HOUSING IMPACT REPORT

The Housing Impact Note from the Department of Administration is attached (see Attachment 5).