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# JESSE KREMER

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STATE REPRESENTATIVE • 59<sup>TH</sup> ASSEMBLY DISTRICT

*February 3, 2016*

*Committee on State Affairs and Government Operations*

*Public Hearing*

*AB 648*

AB 648 is a bill that if signed into law will clear up some confusion regarding an Administrative Rule at DSPS. As a state, we brought on this ambiguity by creating a clear carve-out to NFPA 2000 regarding Christmas trees and rescinding that exclusion without further clarification when NFPA 2008 was adopted. The scope of these rules apply to the inspection, testing and maintenance of all fire safety features for most public buildings and places of employment.

Contained within the Administrative Rules of Chapter SPS 314 is a discussion about live Christmas trees. SPS 314.10(3) advises the reader to view more detailed guidance that is located on the DSPS website. I would like to direct your attention to the attached table, 10.14.1.1, which clearly states “no trees permitted” within places of assembly (50 or more people).

Just prior to this table in NFPA 10.14.1 is a catch-all statement that causes confusion for some of our fire chiefs. It says that “combustible vegetation, including natural cut Christmas trees, shall be in accordance with Section 10.14” (10.14 is the “Combustible Vegetation portion of NFPA code.”). The separation of the phrase “including natural cut Christmas trees” by commas leads some to believe that natural cut trees are not included under “combustible vegetation.”

Continuing on, 10.14.2 states that combustible vegetation shall be permitted where the AHJ (authority having jurisdiction) determines that adequate safeguards are provided based on the quantity and nature of the combustible vegetation. If the AHJ already has a premise that natural cut Christmas trees are not part of the “combustible vegetation” exemption, then the following guidelines are moot. Some of the exemptions that NFPA 10.14 continues to address, and that are cited as allowable by municipalities including Milwaukee and Merrill, are:

**10.14.4** Vegetation and Christmas trees shall not obstruct corridors, exit ways, or other means of egress.

**10.14.5** Only listed electrical lights and wiring shall be used on natural or artificial combustible vegetation, natural or artificial Christmas trees, and other similar decorations.

**10.14.7** Open flames such as from candles, lanterns, kerosene heaters, and gas-fired heaters shall not be located on or near combustible vegetation, Christmas trees, or other similar combustible materials.

**10.14.9.1** Where a natural cut tree is permitted, the bottom end of the trunk shall be cut off with a straight fresh cut at least  $\frac{1}{2}$  in. (13 mm) above the end prior to placing the tree in a stand to allow the tree to absorb water.

**10.14.9.2** The tree shall be placed in a suitable stand with water.

**10.14.9.3** The water level shall be maintained above the fresh cut and checked at least once daily.

**10.14.9.4** The tree shall be removed from the building immediately upon evidence of dryness.

These are all very common sense provisions. Any fire inspector walking through any building will be certain to address a fire hazard – whether that be a circuit breaker panel with hanging wires, a burned out light bulb on an egress light or a dried out, natural cut Christmas tree.

When this concern was first brought to my attention by a local church in early December, I contacted DSPS and Legislative Council. Both provided me with detailed information. This guidance was forwarded on to the local fire department and church, but the AHJ stated again that he would not be allowing a natural cut Christmas tree next year and did not believe the interpretation by Legislative Council was correct.

The following is guidance that I received from the Legislative Council:

“You asked whether churches are prohibited from displaying natural-cut Christmas trees indoors. As discussed in more detail below, a church **may** display a natural-cut Christmas tree indoors **if the local fire authority determines that adequate safeguards are provided.** [Emphasis added]

This provision comes from the 2012 version of the National Fire Protection Association (NFPA) Fire Code, which the Department of Safety and Professional Services (DSPS) has incorporated into its administrative rules. [s. SPS 314.001 (1), Wis. Adm. Code.]

Although the NFPA Fire Code prohibits a Christmas tree from being displayed in a church, it also states that “In any occupancy, limited quantities of combustible vegetation shall be permitted where the AHJ [Authority Having Jurisdiction] determines that adequate safeguards are provided based on the quantity and nature of the combustible vegetation.” [See sections 10.14.1.1 and 10.14.2 of the attached NFPA document.]”

So, although I applaud my local fire chiefs for following the law, it is obvious that their legal interpretation is significantly different from that of the Legislative Council and DSPS.

In closing, this bill will clarify that, regardless of varying NFPA 10.14 interpretations, a natural cut Christmas tree will be deemed safe within a church or the state Capitol building until it is proven otherwise – as would be the case during any routine fire inspection with any other safety hazard in any commercial building.



## **Guidance for use of natural-cut trees, SPS 314.10 (3) General fire safety.**

### **Combustible Vegetation** [NFPA 1 (2012) 10.14]

Combustible vegetation, including natural cut Christmas trees, shall be in accordance with Section 10.14. [NFPA 1 (2012) 10.14.1]

Christmas tree placement within buildings shall comply with Table 10.14.1.1. [NFPA 1 (2012) 10.14.1.1] {See table below}

In any occupancy, limited quantities of combustible vegetation shall be permitted where the AHJ determines that adequate safeguards are provided based on the quantity and nature of the combustible vegetation. [NFPA 1 (2012) 10.14.2]

Vegetation and Christmas trees shall not obstruct corridors, exit ways, or other means of egress. [NFPA 1 (2012) 10.14.4]

Only listed electrical lights and wiring shall be used on natural or artificial combustible vegetation, natural or artificial Christmas trees, and other similar decorations. [NFPA 1 (2012) 10.14.5]

Open flames such as from candles, lanterns, kerosene heaters, and gas-fired heaters shall not be located on or near combustible vegetation, Christmas trees, or other similar combustible materials. [NFPA 1 (2012) 10.14.7]

Combustible vegetation and natural cut Christmas trees shall not be located near heating vents or other fixed or portable heating devices that could cause it to dry out prematurely or to be ignited. [NFPA 1 (2012) 10.14.8]

### **Provisions for Natural Cut Trees** [NFPA 1 (2012) 10.14.9]

Where a natural cut tree is permitted {see Table 10.14.1.1 on page 2 for allowable occupancies}, the bottom end of the trunk shall be cut off with a straight fresh cut at least 1/2 in (13 mm) above the end prior to placing the tree in a stand to allow the tree to absorb water. [NFPA 1 (2012) 10.14.9.1]

The tree shall be placed in a suitable stand with water. [NFPA 1 (2012) 10.14.9.2]

The water level shall be maintained above the fresh cut and checked at least once daily. [NFPA 1 (2012) 10.14.9.3]

The tree shall be removed from the building immediately upon evidence of dryness. [NFPA 1 (2012) 10.14.9.4\*]

A method to check for dryness is to grasp a tree branch with a reasonably firm pressure and pull your hand to you, allowing the branch to slip through your grasp. If the needles fall off readily, the tree does not have adequate moisture content and should be removed. [NFPA 1 (2012) A.10.14.9.4]

(See page 2, for table 10.14.1.1)

**Table 10.14.1.1 Provisions for Christmas Trees by Occupancy**

Occupancy	No Trees Permitted	Cut Tree Permitted With Automatic Sprinkler Systems	Cut Tree Permitted Without Automatic Sprinkler Systems	Balled Tree Permitted
Ambulatory health care				X
Apartment buildings		Within unit	Within Unit	X
Assembly	X			
Board and care	X			
Business		X		X
Daycare		X		X
Detention and correctional	X			
Dormitories	X			
Educational	X			
Health Care				X
Hotels	X			
Industrial		X	X	X
Lodging and rooming				X
Mercantile		X		X
One and two family		X	X	X
Storage		X	X	X

NFPA 1.4.1 **Equivalencies.** Nothing in the Code is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed in this code, provided technical documentation is provided to the AHJ to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

TESTIMONY ON SENATE BILL 532/AB725

January 13, 2016

Good afternoon Chairman Marklein and Representative Kooyenga and members of the Committee on Revenue, Financial Institutions, and Rural Issues. Thank you for the opportunity to testify this afternoon relating to updates proposed to the Wisconsin Administrative Code which regulates certified public accountants in Wisconsin.

My name is John Scheid. I am a resident of Shorewood, Wisconsin and am licensed in Wisconsin as a certified public accountant (CPA). I am Chair of the Wisconsin Accounting Examining Board (AEB). The AEB regulates those persons licensed as CPAs in Wisconsin. I practiced for 36 years as a CPA with PricewaterhouseCoopers LLP and today serve on several Boards of Directors of public and private organizations.

The purpose of my testimony is to share my perspective on Senate Bill 532 and its assembly companion updating the existing Wisconsin Administrative Code provisions related to the Wisconsin Accounting Examining Board. While the following comments represent my opinion, I have been authorized by the AEB to discuss the AEB support for these provisions as well.

As Senator Marklein and Dennis Tomorsky of the WICPA have testified, there are three major components to this Bill. The first component provides code updates to reflect changes in the accounting profession and the current nationally recognized standards governing the practice of accounting. The refinements to the Wisconsin Administrative Code align more closely with the Uniform Accountancy Act and rules published by the National Association of State Boards of Accountancy (NASBA). The Code as revised will provide greater consistency for CPAs licensed in Wisconsin and other states who serve client in multiple jurisdictions and make the Administrative Code provisions easier to follow.



The second component of the Bill clarifies the educational requirements to take the CPA exam by specifying higher education courses that an individual needs to complete in order to take the exam. This provision will immediately assist CPA exam candidates and educators with a better understanding of the CPA exam education requirements.

The third component of the Bill directs the AEB to research the possibility of establishing continuing education requirements for renewal of a Wisconsin CPA license and prepare a report. The AEB would submit to the legislature a report describing its findings and recommendations by December 31, 2016. With reciprocity of CPA state licensing given CPAs working across state lines, continuing education is currently required in all other licensing jurisdictions except Wisconsin.

The amendment and restatement of the Wisconsin Administrative Code provisions as provided in Senate Bill 532 will allow Wisconsin CPAs to comply with current uniform professional standards. The Wisconsin AEB supports Senate Bill 532.

I would be pleased to answer any questions at this time or in the near future. My contact information is as follows :

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