

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY
DEPARTMENT OF SAFETY AND : AND PROFESSIONAL SERVICES
PROFESSIONAL SERVICES : ADOPTING EMERGENCY RULES

The statement of scope for this rule, SS 090-20, was approved by the Governor on June 30, 2020, published in Register 775A1 on July 6, 2020, and approved by the Department of Safety and Professional Services on July 20, 2020.

This emergency rule was approved by the Governor on July 31, 2020

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.

FINDING OF EMERGENCY

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. An expeditious promulgation of the rule is in the best interest of Wisconsin's economy and public welfare, as it will help ensure the opportunity for individuals to begin employment or start a business as an electrician in Wisconsin is not delayed or denied.

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 emergency 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:

The Department has determined the exemption from continuing education requirements in the emergency 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 emergency rules will exempt individuals participating in a youth apprenticeship program under s. 106.13, Stats., from the requirement to complete at least 24 hours of continuing education in order to renew or reacquire their enrollment. Therefore, there is no anticipated effect of the emergency rules on small business.

Fiscal estimate:

These emergency rules will not have a fiscal impact.

Effect on small business:

These emergency 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, Wisconsin 53708-8366, or by email to DSPSAdminRules@wisconsin.gov. Comments must be submitted by the date and time at which the public hearing on these emergency rules is conducted. Information as to the place, date, and time of the public hearing will be published on the Legislature’s website and in the Wisconsin Administrative Register.

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 October 1, 2020, pursuant to s. 227.22 (2) (c), Stats.

(END OF TEXT OF RULE)

Dated _____

Agency _____

Secretary
Department of Safety and Professional Services