

# **Department of Fire Prevention and Electrical Safety**

**Management Audit Committee  
December 15, 2008**

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## Wyoming Legislative Service Office

# EXECUTIVE SUMMARY

## Department of Fire Prevention and Electrical Safety

Program Evaluation Section

December 2008

### Purpose

The Management Audit Committee directed staff to undertake a review of the Department of Fire Prevention and Electrical Safety (DFPES), headed by the State Fire Marshal. Under its mission to protect life and property from fire and electrical hazards, DFPES enforces codes (fire and life safety; electrical), trains firefighters, issues permits for electrical work, and licenses electricians.

### Background

The Legislature appropriated just under \$7.7 million to DFPES for the '09 - '10 biennium. The Department has 36 staff, half in locations outside Cheyenne, plus a Council on Fire Prevention and Electrical Safety in Buildings and an Electrical Board, both of which adopt rules and hear appeals.

By statute, municipalities and counties (local jurisdictions) may opt to take on enforcement authority for fire, electrical, or building codes – if their standards are equal to or more stringent than the state's. Local jurisdictions may also choose to take joint plan review and inspection authority for state-owned or leased buildings. Areas that do not opt for local enforcement authority remain under DFPES jurisdiction.

A total of 24 municipalities and 6 counties have taken on some combination of enforcement authority, giving DFPES a geographic patchwork of responsibilities that vary by location. Statewide duties include licensing electricians, training firefighters,

and providing public education. DFPES conducts code enforcement activities (fire and electrical plan reviews and inspections; electrical permitting) only in areas that have not taken local enforcement jurisdiction.

Statute also assigns DFPES a mix of mandatory and discretionary code enforcement duties. Mandatory duties include conducting plan review and fire maintenance inspections on state buildings; discretionary duties include other fire maintenance and electrical permit inspections. With five fire inspector and eight electrical inspector positions to cover the state, DFPES does not inspect all projects that are under state jurisdiction.

### Results in Brief

DFPES is constrained by siloed data systems that are difficult for managers to use, a lack of written policies, and by a statute that awkwardly mixes Department, Board, and Council responsibilities. Delegation of enforcement to local jurisdictions reduces the workload of DFPES, but as LSO's 1980 audit found, the public interest may be jeopardized by the Department's lack of authority to set minimum qualifications for local inspectors.

### Principal Findings

Besides a limited staff, vast travel distances and a boom in construction make it increasingly important for the Department to establish priorities. The Fire Prevention Division has a priority list to guide inspectors in selecting projects for on-site review, but

the Electrical Safety Division does not. DFPES can improve its use of data to help managers and inspectors in both divisions assess whether agency priorities are met.

One of the Fire Prevention Division's top priorities is conducting fire maintenance inspections of schools every 18 months. These inspections look at how a building is used, including its exits, sprinklers, and fire alarms. DFPES records do not contain evidence that all schools within its jurisdiction are receiving those inspections in a timely manner.

Department managers have difficulty analyzing data available through the divisions' separate data systems. A new integrated system, scheduled for early 2009, is expected to more quickly answer basic management questions, such whether inspectors are getting to top-priority projects.

DFPES's only oversight of local enforcement jurisdictions takes place when approving an application to take enforcement authority; this oversight is limited to determining whether the jurisdiction has adopted code equal to or more stringent than the state code. State oversight ends with the transfer of enforcement authority to the local jurisdiction.

It is not clear how local jurisdictions can enforce codes equal to or more stringent than the state, as required by statute, since their inspectors may be less qualified than the Council recommends. Statute does not require certification for most local inspectors; only inspectors of state-owned or leased buildings must meet the Council's minimum standards for qualifications.

Certain statutory provisions related to the roles of the Department, Board, and Council are unclear. In addition to rule-making and hearing appeals, statute makes the Electrical Board responsible for specific administrative tasks, such as issuing reciprocal licenses for

electricians licensed in other states. Some of these duties are time-sensitive, and because the Board has no staff of its own and meets only a few times each year, it delegates them to Department staff.

We recommend that DFPES request the Legislature to revise selected provisions in statute. Ministerial duties currently assigned to the Board should be placed with the Department, so the Board can focus on policy and appeals. We also recommend that DFPES provide orientation and training for the Board and Council, and develop written policies and procedures for both to help stabilize practice through changes of administration.

### **Agency Comments**

DFPES agrees with the recommendations to improve its data systems, develop policies for the Electrical Safety Division, and request the Legislature to revise unclear statutory provisions. The Department disagrees with the recommendation that the Council define minimum qualifications for local jurisdiction inspectors.

The Department partially agrees with the recommendation to assist the Council and Board in developing written policies and procedures, and providing training. The Department agrees about the importance of training, but disagrees that the Council and Board need policies and procedures beyond what is already in rules.

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*Copies of the full report are available from the Wyoming Legislative Service Office. If you would like to receive the full report, please fill out the enclosed response card or phone 307-777-7881. The report is also available on the Wyoming Legislature's website at [legisweb.state.wy.us](http://legisweb.state.wy.us)*

## Recommendation Locator

Rec. Number	Page Number	Recommendation Summary	Party Addressed	Agency Response
One	16	DFPES should ensure the new data system provides guidance to managers and inspectors.	DFPES	Agrees
Two	17	The Electrical Safety Division should develop policies to guide staff practices.	DFPES	Agrees
Three	24	The Council should initiate a process to define the minimum qualifications local inspectors must possess to ensure public safety.	DFPES	Disagrees
Four	33	DFPES should request that the Legislature revise unclear statutory provisions.	DFPES	Agrees
Five	33	DFPES should assist the Board and Council in developing written policies and procedures, and provide member orientation and training.	DFPES	Partially Agrees

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# INTRODUCTION

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## Scope and Acknowledgements

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### Scope

W.S. 28-8-107(b) authorizes the Legislative Service Office to conduct program evaluations, performance audits, and analyses of policy alternatives. Generally, the purpose of such research is to provide a base of knowledge from which policymakers can make informed decisions.

In May 2008, the Management Audit Committee directed staff to undertake a review of the Department of Fire Prevention and Electrical Safety. We focused on the Department's efforts to ensure code compliance through plan reviews, inspections, electrical permits, and electrician licenses. In carrying out these duties, the Department works with the Council on Fire Prevention and Electrical Safety in Buildings, and the Electrical Board. DFPES may delegate code enforcement to local jurisdictions, although the agency is responsible for electrician licensing throughout the state. This report addresses the following questions:

- How well is the Department ensuring code compliance in areas of state jurisdiction?
- What is the role of the Department in assuring local jurisdictions enforce codes equal to or greater than the state's? What are the requirements for those local enforcement jurisdictions?
- How does the Electrical Board (and Council) carry out statutory responsibilities?

### Acknowledgements

The Legislative Service Office expresses appreciation to DFPES personnel at the state office in Cheyenne and throughout the state for their assistance with this research. We also thank members of the Electrical Board and the Council on Fire Prevention and

Electrical Safety in Buildings and other individuals from Wyoming and other states who assisted our research by providing interviews and documents.



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# CHAPTER 1

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## Background

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***DFPES has a wide range of duties.***

The Department of Fire Prevention and Electrical Safety's (DFPES, or "Department") mission is to protect life and property from fire and electrical hazards. DFPES duties are highly varied. They include conducting fire and electrical inspections; conducting plan reviews for public buildings before their construction or remodel; issuing permits for electrical work; licensing electricians; training local firefighters; and investigating fires (see Appendix A for selected statutes).

DFPES performs some duties statewide and others only in certain parts of the state. Statewide duties include licensing electricians, training firefighters, and delivering public education programs. The Department carries out code enforcement activities (fire and electrical plan reviews and inspections, and electrical permitting) only in areas that have not taken local enforcement authority.

***Most Department funding is from the General Fund.***

For the '09-'10 biennium, the Legislature appropriated just under \$7.7 million for the Department. Over 90 percent, or almost \$7.2 million, is from the General Fund while the remainder comes from electrical licenses and permit fees.

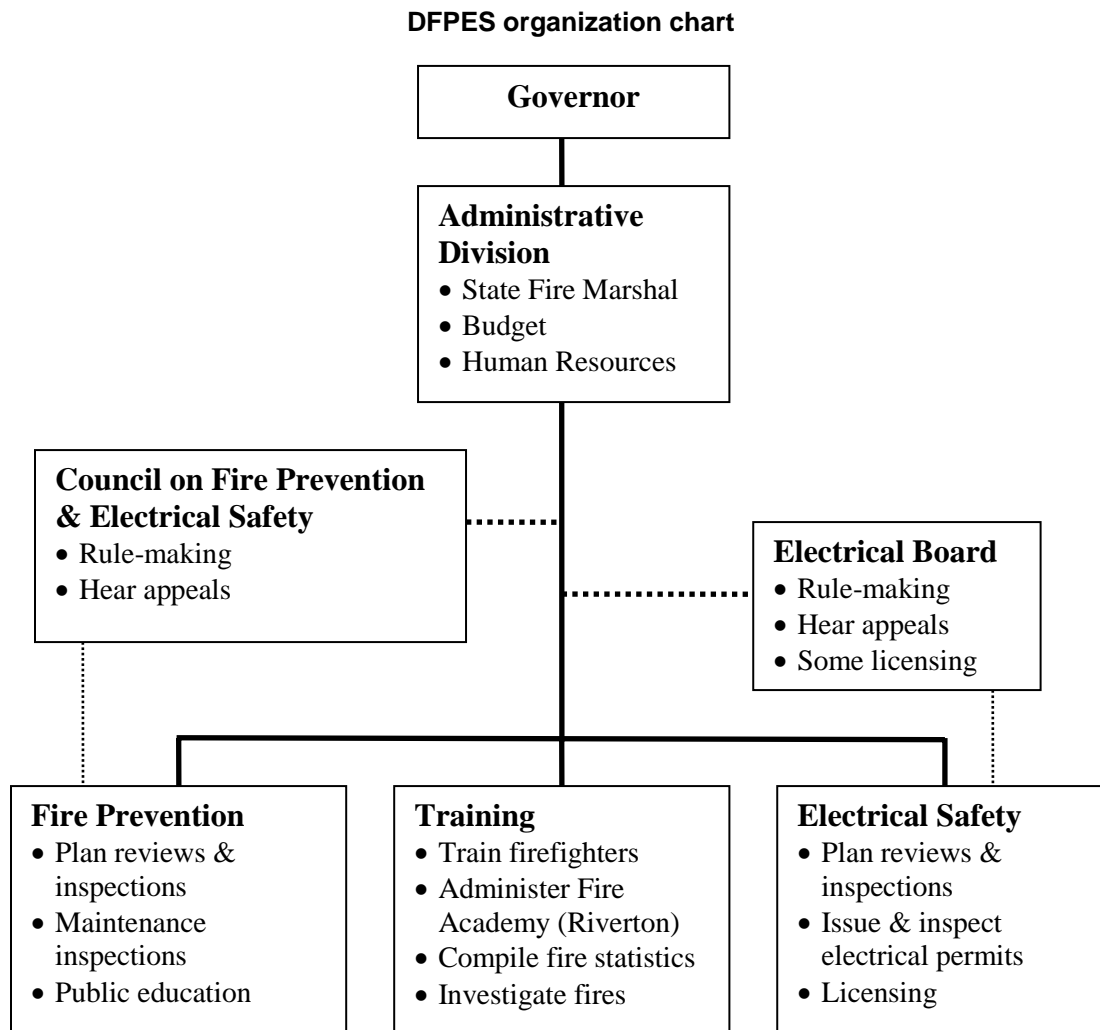
### **DFPES is a small agency with two boards**

The State Fire Marshal directs the Department's 36 staff organized in four divisions: Administration, Fire Prevention, Electrical Safety, and Training; Figure 1.1 shows the Department's organization chart. The main office is in Cheyenne, with field offices in Afton, Douglas, Green River, Laramie, Riverton, Sheridan, and Worland. Figure 1.2 shows which DFPES offices have fire inspectors, electrical inspectors, and trainers (see Appendix B for region maps).

DFPES acts sometimes in an enforcement role, as when ensuring that electricians are properly licensed, and other times in a support or service mode, as when delivering requested training to local fire departments. Firefighters can receive training at the Fire

Academy in Riverton, or from the Training Division staff who travel the state to deliver training (see Appendix C). This report focuses on the Department's enforcement roles in the Fire Prevention and Electrical Safety Divisions.

Figure 1.1



Source: LSO summary of DFPES documents

**Figure 1.2****DFPES field staff by job and location  
2008**

	<b>Electrical Inspectors</b>	<b>Fire Inspectors</b>	<b>Trainers</b>
Afton	1		
Cheyenne	1		1
Douglas	1	1	
Green River	1	1	1
Laramie	1		
Riverton	1	1	2
Sheridan	1	1	1
Worland	1	1	

Source: LSO summary of DFPES documents

***The Council and Board adopt rules and hear appeals.***

Statute places two boards within the Department: the Council on Fire Prevention and Electrical Safety in Buildings (“Council”), and the Electrical Board (“Board”). These two bodies – not the State Fire Marshal and Department – are responsible for adopting rules and regulations. Statute requires both to hear appeals about the suitability of alternative materials and types of construction, and to interpret and grant variances from rules and regulations. The Board also hears appeals of licensing decisions.

Certain of their responsibilities differ: the Council adopts fire and life safety codes that apply statewide and recommends minimum qualifications for local inspectors, while the Board suspends or cancels electrical licenses for flagrant violations of statute, rules, or regulations. The Board does not need to adopt the electrical code; W.S. 35-9-120 requires electrical work done in the state to comply with the National Electrical Code.

**DFPES activities generate fees**

***Most fee revenues go to the General Fund.***

In FY '08 the Department collected \$1.16 million in fee revenues, nearly half of which came from electrical license fees. Seventy percent of that amount, or almost \$820,000, went to the General Fund, with the Department keeping the remainder. Prior to 1999, all fees went to the General Fund; since 1999, the Legislature has

directed plan review fees to the General Fund, while allowing the Department to keep half of the electrical fees from permits, inspections, and licensing. This fee income supports three of the Division's eight electrical inspector positions.

### **DFPES staff enforce code throughout the state, with two major exceptions: local enforcement jurisdictions and exempt industries**

#### ***Statute requires DFPES to conduct certain types of inspection.***

Statute gives DFPES a mix of mandatory and discretionary duties related to code enforcement. It directs that the Department *shall* conduct plan review and fire maintenance inspections on state buildings, while it *may* conduct other fire maintenance and electrical permit inspections. The Department's enforcement authority is also mixed: many industries are exempt from DFPES oversight, and local jurisdictions can opt for local enforcement authority.

### **DFPES inspectors and plan reviewers check for code compliance**

The two divisions on which this report focuses, Fire Prevention and Electrical Safety, work to ensure that buildings in the state's jurisdiction comply with applicable code.

#### ***Both the Fire Prevention and Electrical Safety Divisions enforce code.***

- The Fire Prevention Division enforces the fire and life safety codes adopted by the Council. These standards are the international codes for building, fire, mechanical, and fuel gas. The Department is responsible for enforcing only the fire and life safety sections of these codes; statute does not direct it to enforce other sections of those codes, such as the structural requirements in the International Building Code.
- The Electrical Safety Division enforces the National Electrical Code developed by the National Fire Protection Association.

The International Code Council and the National Fire Protection Association update codes every three years and as a result, the state's codes also change every three years. These associations

develop codes reactively, meaning they tend to develop and revise them after a problem occurs.

***The Electrical Safety Division licenses electricians, issues permits for electrical work.***

Both divisions ensure code compliance by conducting plan reviews and inspections, but beyond that, their responsibilities differ somewhat. Only fire inspectors conduct maintenance inspections of completed buildings; only the Electrical Safety Division licenses electricians and requires permits for electrical work. Figure 1.3 shows the number of inspections carried out in FY '08.

**Figure 1.3**

**Inspections conducted by DFPES  
FY '08**

<b>Inspection Type</b>	<b>Fire</b>	<b>Electrical</b>
Plan review inspections	987	2,646
Fire maintenance inspections	1,456	-
Electrical permit inspections	-	3,403

Source: LSO analysis of DFPES data

**DFPES delegates code enforcement to some local jurisdictions**

***Local jurisdictions can choose to adopt and enforce code.***

Statute directs the State Fire Marshal to delegate authority for plan reviews, inspections, and permits to those municipalities and counties that apply to enforce code. Local jurisdictions can choose which codes to enforce, but W.S. 35-9-121 requires them to adopt code that is equal to or more stringent than the code adopted by the Council. DFPES retains jurisdiction over the parts of code and the geographic areas that local jurisdictions do not take (see Appendix D for map and table showing which jurisdictions have local enforcement authority.)

**Some industries are exempt**

DFPES' code enforcement activities do not apply to all individuals and industries. Fire maintenance inspections and plan reviews are limited to public buildings, with the exception of aboveground fuel dispensing tanks which must receive a plan review if they dispense to the public, regardless of whether the tank is public or private. Electrical permit and licensing

requirements cover more than just public buildings. Permits are required for any type of work that requires a utility to connect or reconnect power; licenses are required to do any type of electrical work. However, statute exempts some industries from these requirements, including oil and gas field operations, mines, and railroads (see Appendix E for list of exemptions).

### **DFPES plan reviews are required for public buildings**

#### ***Plans are reviewed for compliance with fire, life safety, and electrical codes.***

DFPES has plan reviewers in both the Fire Prevention and Electrical Safety Divisions who, in areas over which the state has jurisdiction, review building plans for compliance with fire and life safety and electrical codes. Construction should not begin until plans are approved, but before that, reviewers often require submitters to make corrections or provide more information.

According to W.S. 35-9-108, certain public buildings must receive a plan review before beginning construction or undergoing remodeling, if the remodel costs more than \$25,000 or affects a built-in fire protection system:

- State and local government owned or leased buildings
- Public buildings over 5,000 square feet
- Multi-story public buildings
- Child care centers for more than ten children
- Public bars, lounges, restaurants, night clubs, lodge halls, theaters, churches or public meeting places regardless of size
- Aboveground fuel dispensing facilities (public and private)

#### ***Fire and electrical inspectors inspect plan review projects during construction.***

Fire and electrical inspectors often inspect a project several times during construction to verify compliance with approved plans and code. The number of inspections can range from one to ensure a high school grandstand is safe, to over 100, as with the state's largest construction project, the medium security correctional institution in Torrington. As of July 2008, that project had received at least 116 electrical and 19 fire inspections.

For plan review inspections, fire and electrical inspectors sometimes coordinate their inspections. When construction conforms to approved plans, the Department issues a certificate of

occupancy for new buildings, or a letter of compliance for remodeled buildings and aboveground fuel storage tanks.

***Maintenance inspections look at the use of a building after construction.***

**Fire inspectors also conduct maintenance inspections**

In addition to inspecting plan review projects during construction, fire inspectors also conduct maintenance inspections of existing public buildings to ensure ongoing compliance with fire and life safety code. Inspectors look at things such as exits, sprinklers, and fire alarms. According to Department policy, schools should be inspected at least every 18 months; hotels, day care facilities, state buildings, bars, restaurants, churches, and other public buildings should be inspected every 12 months.

***Some electrical wiring work requires a DFPES permit.***

**Electrical Safety Division issues electrical permits**

Unless exempted by statute, persons performing electrical work as part of a construction or remodel project must obtain an electrical wiring permit for any work that requires a utility to connect power. Unlike plan reviews, which are required only for public buildings, electrical permits are required for any type of building, including houses. Some projects require two permits, one for temporary power during construction and another for the permanent wiring.

Electrical permits cost \$30 unless the purchaser also requests an inspection, in which case the permit cost is higher, depending on the ampere rating of the electrical service. Those who do not request and pay for an inspection may still receive an inspection, if an inspector has time, since W.S. 35-9-120 allows the Department to inspect any permitted project. However, because of limited staffing, the only guarantee of an inspection is to pay for it.

**DFPES licenses electricians**

The Electrical Safety Division licenses contractors and individual electricians and technicians. The purpose of licensing is to protect the public by excluding unqualified individuals from the electrical trade. The Division licenses contractors and two categories of individuals: electricians and technicians; both have a career path.

Electricians begin with an apprenticeship, during which they must be supervised by a journeyman or master electrician. Apprentices

***Electricians must pass a test, and have experience, training.***

register with the Department. After submitting proof of four years of on-the-job training and at least 576 hours of electrical education, an apprentice can test to become a journeyman electrician. After submitting proof of having worked four additional years, a journeyman can test to become a master electrician.

**Figure 1.4**

**Active licensed electricians  
July 31, 2008**

License Type	Number
Electrical contractors	556
Low-voltage and limited contractors	322
Master electricians	1,145
Journeyman electricians	3,300
Electrical apprentices	2,134
Low-voltage and limited technicians	1,419
Low-voltage and limited technician apprentices	412

Source: DFPES data

***DFPES also licenses technicians.***

DFPES also issues 11 types of low-voltage and limited technician licenses. Low-voltage technicians can work only with 90 volts or less, and can receive either a general low-voltage technician license or a license for electrical work on specific types of jobs such as alarms or sound systems. In contrast to low-voltage technicians, limited technicians do not have voltage limitations, but are limited to a specific type of work such as elevators or water well and irrigation systems.

Like electricians, low-voltage and limited technicians have a career path. Apprentice technicians must submit proof of two years on-the-job training before becoming eligible to take a technician exam. Apprentice technicians do not have any electrical education requirements.



## **Report organization**

This report focuses on the Fire Prevention and Electrical Safety Divisions in DFPES. A theme of the following chapters is that the Department, Council, and Board have undergone considerable change in the past two years. The Department's top management (State Fire Marshal, Assistant Fire Marshal, and Chief Electrical Inspector) left the agency in 2006, causing a loss of institutional memory at that level. However, the departures have allowed what we term a "new administration" to try different approaches.

The Legislative Service Office last evaluated DFPES in 1980, and nearly thirty years later we find ourselves examining some of the same issues as in the earlier report. Chapter 2 looks at the Department's activities to ensure code compliance. As in 1980, we find that a small staff limits the agency's ability to complete all the inspections outlined in statute and rules. Chapter 3 discusses statutory requirements and recommendations for local jurisdictions that take on enforcement authority, another issue that was of concern in the 1980 audit. Chapter 4 examines the role of the Council and the Board, and recommends that the Legislature clarify certain statutory language.



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## CHAPTER 2

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### **Department efforts to ensure code compliance are hampered by insufficient data and a lack of written policy**

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Enforcing compliance with codes is necessary to protect both lives and property. Citizens are entitled to expect that they will be safe when entering public buildings such as schools, hotels, and daycare facilities. DFPES carries out a variety of functions essential to the public's safety, and in most of its fire maintenance and electrical inspections, finds code violations. Some violations could start a fire, cause electrocution, or make it difficult for people to escape a building in an emergency.

***Data is not helpful in identifying whether priorities are met.***

Because DFPES does not have enough staff to conduct all code compliance inspections allowed in statute, the Fire Prevention and Electrical Safety Divisions set priorities for inspections on buildings in their jurisdiction. Department officials believe both Divisions generally are inspecting their top priorities. However, current information systems are often unhelpful and state managers have difficulty extracting data that, for example, identifies projects which should be inspected but are being missed. We identified a potentially serious problem with timely fire inspections of some schools.

As DFPES builds a new data analysis system, managers need to ensure it provides comprehensive information about inspections and plan reviews of the buildings under the state's jurisdiction. We also recommend that DFPES in general, and the Electrical Division in particular, put more emphasis on issuing written policy to guide field staff.

### **Increased workloads at DFPES require setting priorities**

Wyoming's economic boom and associated rise in building construction have caused increased activity for all DFPES functions. Ensuring that buildings are safe for the public involves many different activities by state agency staff, who are conducting

more plan reviews and inspections and issuing more permits and licenses than before, especially in areas with energy development that have associated construction of housing and infrastructure.

***The building boom  
increases workload  
for DFPES staff.***

Statute requires a plan review for construction of public buildings, certain remodels, and aboveground fuel storage tanks. Increasing numbers of plan review projects and electrical permits are an indication of the economic boom and rise in construction. From 1998 through 2007, plan reviews increased by 80 percent, from 216 to 390 annually; electrical wiring permits rose by 32 percent, from 3,428 to 4,535. In that decade, DFPES staff positions increased from 25 to 36, going from three to five fire inspectors and from five to eight electrical inspectors. Inspectors are based around the state, with each covering multiple counties.

### **Plan review inspections are the top priority**

***DFPES can't inspect  
all projects under  
state jurisdiction.***

Because extensive travel time is necessary to reach many project sites, inspectors cannot inspect every building under state jurisdiction and must be selective about projects they visit. Both Divisions, Fire Prevention and Electrical Safety, have either written or understood priorities for the order of inspection importance, and we found these priorities to be reasonable.

- For both Divisions, plan review projects (public building projects under construction, certain remodels, and above-ground storage tanks) are the top priority.
- The Fire Prevention Division's second priority is to conduct school building maintenance inspections every 18 months. Other priorities, carried out as time allows, are: hotels, places of assembly, daycare facilities, other state owned/leased buildings, flammable storage tanks, other businesses, and then inspections as requested.
- Electrical Safety Division priorities are unwritten. According to officials, the second priority is electrical permits on which an inspection is requested and paid for. Other permits are inspected as time allows, based on the inspector's determination of job complexity and of the contractor or homeowner's level of competence.

**DFPES reviews plans in a timely manner**

Plan reviewers from both Divisions have 21 days after receipt to approve a plan; otherwise, according to W.S. 35-9-108(b)), it is deemed approved. From the data available, it appears that plan reviews are completed in a timely manner, most within 8 to 17 days. About half of the plan reviews in FY '08 were for new construction, additions, or remodels, and half were for categories such as aboveground tanks, hood systems, or electrical work only. Plans range from hand-drawn sketches to several-volume rolls of architectural drawings.

**DFPES carries out inspections of plan review projects**

Plan review projects receive DFPES inspections, usually by both a fire and an electrical inspector; the number of inspections depends in part on a project's size and complexity. Many plan review projects require more than one inspection before the site is "finaled" (found to meet code) and a certificate of occupancy can be issued.

***Plan review projects usually require several inspections.***

We reviewed data by calendar year for 2006 and 2007, since the fiscal year starts and ends in the middle of construction season. During this period, fire inspectors averaged five inspections per plan review project, with 73 of 553 projects receiving 10 or more inspections and 2 projects receiving 30 inspections.

**Data is insufficient for determining if inspectors meet other Division priorities**

We found it difficult to get complete information from the separate fire and electrical and plan review data systems on what projects do not get inspected. Due to data entry incompleteness, inconsistencies, and other limitations, we could use data from the two Divisions selectively in our analysis; in some cases we could use it only to identify general problem aspects. The following three examples show conclusions we could reach, given the data limitations and our time constraints.

## **DFPES managers cannot be sure all schools get fire maintenance inspections**

The Fire Prevention Division's second priority is to conduct a fire maintenance inspection on each school under the State Fire Marshal's jurisdiction at least every 18 months. Working backwards from July 31, 2008 to 2005 (when Fire Prevention Division data begins), we looked for documentation of the last DFPES fire maintenance inspection for the 140 school building sites that we determined were due for a maintenance inspection (see Appendix G for methodology). We concluded that these inspections are not always completed at 18 month intervals.

***For some schools, we found no record of inspection.***

During the period we reviewed, Division data shows that fire inspectors conducted timely maintenance inspections at 106 schools. For the other 34 schools, we found either no record of an inspection in that 18-month period, or no documentation of when the last inspection occurred. We identified a range among inspectors: from inspecting less than one-fourth of the school buildings to inspecting all school buildings.

Particularly in an area as sensitive as the safety of school buildings, DFPES managers need information such as we compiled to know what work inspectors in the field are doing and what may still need attention. Inspectors, some of whom have devised personal systems to identify important deadlines, also need a better way to identify which schools are in their region and when they are due for inspection.

## **Not all permitted wiring projects are inspected, but electrical inspectors are doing more inspections than estimated**

Permits that include a *requested* inspection are the second priority for Electrical Safety Division inspectors; they inspect other standard permit projects as they have time. Electrical inspectors told us they do not have time to inspect many of the standard projects, but the data shows they cover a good portion of permitted projects. In FY '08, electrical inspectors visited 1,782 of 5,107 permit sites, or slightly more than one-third, at least one

time. However, Electrical Division data is unreliable to identify the most common types of violations or which sites were violation-free, not ready, or had minor problems. Such knowledge could help inspectors target specific types of work for inspections or educational efforts.

## **Analysis of licensing information requires review of paper records**

Our review of the Electrical Division's databases for permits and inspections shows that not all work done in the state is completed by licensed electricians and contractors. Data on complaints filed and warnings issued, although incomplete, shows that despite statutory requirements, some work is done by unlicensed electricians and unsupervised apprentices. Licensing data provided the number of licensed electricians and contractors, but not the more in-depth information we sought.

### ***Answering basic questions is labor-intensive.***

For example, determining who is the master of record for a contracting company would involve going through individual license applications. Similarly, determining how many apprentices are in which education programs, or obtaining their exam scores, requires going through files manually. When the Board recently asked about licensing exam pass/fail rates, it took Department staff a month to compile the answer; other basic questions will most likely require the same manual process.

## **DFPES expects to launch a new data system in 2009**

Current data systems do not readily support basic management analysis. We believe that because so many inspections take place around the state on varying shifts and without close supervision, Department managers should be analyzing data to determine how well inspectors are meeting agency priorities. Recognizing the deficiencies of current systems and the need for better data, the Department contracted for and expects to roll out a new, integrated system in early 2009.

## **One Division has policies, the other does not**

### ***Inspectors vary as to whether they follow-up on violations.***

Nearly 70 percent of the Department's fire maintenance inspections find violations, but inspector practices vary as to whether they conduct follow-up visits after citing a violation. One inspector said he always follows up on violations, while others had different practices ranging from not re-visiting on minor issues, to only if he suspects the problem will not be fixed, to maybe, depending on the history of the building and the people involved.

Although inspectors in both Divisions are experienced, they occasionally encounter complex situations in which guidance would be helpful. However, we learned that cell phone service is unavailable or unreliable in many of the areas inspectors cover, making consultation with the Cheyenne office or other inspectors difficult. The Fire Prevention Division assigns code and computer data consultant duties to one inspector. The Electrical Safety Division does not have a similar resource for code issues, and since the Chief Electrical Inspector spends most of his time on licensing matters, he may not be readily available to answer questions from the field.

### ***Policies can help ensure consistency.***

Under these circumstances, written policies are needed to help new staff understand what to do in unexpected situations, and to help ensure more consistent practice throughout the state. The Fire Prevention Division is close to issuing policies that will guide inspector practices such as follow-up visits. We did not see similar progress in the Electrical Safety Division.

## **Recommendation: DFPES should ensure the new data system provides guidance to managers and inspectors.**

DFPES needs better tools and systems to inform management, Council, and Board decisions, and to fulfill its education mission. The Department is taking an important step in creating a new data



system, and it needs to ensure that the system provides comprehensive, reliable data to document how it meets stated priorities, and to target areas of non-compliance with code. Operational improvements at the state level can help both to minimize recurring problems and eliminate hazards; a reliable data system would provide a good foundation.

**Recommendation: The Electrical Safety Division should develop policies to guide staff practices.**

DFPES has a laudable goal, to protect life and property from fire and electrical hazards. Fire inspections at regular intervals and proper licensing of electricians make sense as a benefit to public safety, but Department staff cannot inspect every project within the state's jurisdiction. Given limited authority and resources, DFPES managers must prioritize and target staff efforts to ensure the most important projects and issues are covered. Written policies, perhaps available to inspectors online, can help achieve this important goal.



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## CHAPTER 3

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### **Statutory requirements send contradictory messages on local enforcement codes and inspector qualifications**

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When cities, towns, and counties take on local enforcement authority, they acquire authority to interpret and enforce life safety and electrical standards. The public's continued safety is a primary concern when DFPES delegates its authority; having qualified inspectors in local enforcement jurisdictions can affect the quality of code interpretation and enforcement.

***State codes represent the minimum level of acceptable code.***

W.S. 35-9-121(a) gives DFPES a limited oversight role in ensuring that local enforcement jurisdictions adopt adequate fire, building, and electrical safety standards. Some control exists at the time enforcement authority transfers to a local jurisdiction, when a municipality or county must demonstrate it meets minimum statutory standards and requirements. Thereafter, local enforcement jurisdictions must continue to enforce state-approved codes or more stringent standards. However, statute does not require certification for most local inspectors; only inspectors of state-owned or leased buildings must meet minimum qualifications. For most local inspectors, the Council *recommends* qualifications.

A recent Attorney General's opinion letter on requirements for local inspector certification provides an opportunity for the Council to review its role in setting standards for local jurisdictions. We recommend that the Council work with Department staff and others to define the minimally acceptable qualifications for local inspectors, and then determine if statutory changes are needed to support those qualifications.

### **Oversight responsibility ends with the transfer of authority**

Local jurisdictions may apply for authority to interpret and enforce fire safety and electrical standards, or parts or combinations of those standards. They may also take on

responsibility for enforcing these codes in state-owned and leased buildings – if they also share plan review responsibilities for these buildings with the state (inspection and joint plan review). W.S. 35-9-121(b) gives the Fire Marshal and the Council on Fire Prevention and Electrical Safety a role in ensuring that local jurisdictions initially have the means to do the job.

***DFPES must transfer authority if local jurisdictions meet standards.***

**State Fire Marshal** The Department has authority over state-owned or leased buildings, including schools, unless a local entity applies for that authority. The Department must transfer authority to local jurisdictions that apply, subject to determination that local standards are equal to or more stringent than the state's. State-adopted codes represent the minimum acceptable level of protection from fire and electrical hazards. Local jurisdictions must also meet requirements in W.S.16-6-501 and 502 for building plan specifications and review.

***The Council recommends inspector qualifications.***

**Council on Fire Prevention and Electrical Safety** The Council-adopted codes current at any given time are the minimum standards local jurisdictions must meet or exceed. The Council is also responsible for recommending policies, practices, and safety standards, and for recommending minimum qualifications for inspectors in local enforcement jurisdictions. Local jurisdictions may create their own appeals boards; for those that do not, the Council serves as the appeals board. The Council also hears all local appeals pertaining to state-owned and leased buildings (W.S. 35-9-121(d),(e)).

***Local jurisdictions not meeting standards must relinquish authority.***

**Municipalities and counties** Local enforcement jurisdictions may adopt all or any combination of fire, building, electrical, or state building responsibilities. If a local entity takes on inspection and joint plan review authority for state-owned and leased buildings, local inspectors must be certified according to the provisions of W.S. 35-9-121(b)(i) through (iii) which require certification by specified international bodies; electrical inspectors must also possess a Wyoming master electrician license. Statute places the burden for maintaining eligibility on local jurisdictions: a jurisdiction with local enforcement authority that does not maintain the minimum state standards must notify the State Fire Marshal and relinquish its enforcement authority.

## Many jurisdictions have local enforcement authority

As of October 2008, 24 municipalities and 6 counties had local enforcement authority for all or some combination of fire, building and electrical standards, and inspection and joint plan review of state-owned and leased buildings (see Appendix D). Most Wyoming residents live in these areas, including 86 percent of the state's incorporated municipality residents and 45 percent of rural residents.

### ***Local jurisdictions may have more stringent enforcement.***

Some local jurisdictions believe they are better able than the state to protect the public from fire and electrical hazards because they can adopt more standards and make them more stringent than the state's; also, they can apply those standards to all buildings under their jurisdiction, residences as well as public buildings. Reasons local authorities have given for applying for local enforcement authority include the ability to:

- inspect every building under their jurisdiction
- control the issuance of certificates of occupancy so only buildings that have been inspected will get one
- improve response time for inspections
- follow small jobs throughout the construction phase

### ***Enforcement of standards is vital.***

Safety is a primary consideration when local jurisdictions seek and the Department grants local enforcement authority. Fire and electrical hazards are a reality, and regardless of where they live, most state residents have occasion to visit, work, or recreate in buildings that are under either state or local jurisdiction. Proper enforcement of standards in all jurisdictions is critical to ensure the public's safety from fire and electrical hazard.

DFPES staff believe local jurisdictions may do a more thorough job than state inspectors can, in part because they cover a smaller area. While state inspectors are pressed to complete their top priorities, local jurisdictions often have more staff to carry out required inspections and follow up on problems. Delegating local enforcement authority also frees up DFPES inspectors to

concentrate on buildings in rural areas where local officials may lack the resources or expertise to adopt and enforce safety standards.

## **Confusion over the Department's role in monitoring local enforcement jurisdictions dates back 30 years**

Statute first charged the State Fire Marshal in 1977 with delegating enforcement authority to local jurisdictions upon request. The language was unclear, and LSO's 1980 evaluation of DFPES noted "the department's inability to evaluate or monitor home rule enforcement," stating that the statute's vagueness on this matter might not serve the public interest. Several legislative changes followed, but they failed to clarify or resolve the question of state monitoring.

***For state-owned buildings, Council recommendations become requirements.***

Confusion over inspector qualifications developed in 1983, when the Legislature expanded local authority so municipalities and counties could conduct joint inspections and plan reviews with the state of state-owned and leased buildings. With this change, the Council's *recommendations* on local inspector qualifications became, according to statute, a *requirement* for those inspecting state-owned and leased buildings. For all other local inspectors, Council recommendations remained simply that. The State Fire Marshal at the time dealt with the issue procedurally, by continuing to notify local authorities of code changes and inspector requirements, and expecting compliance.

## **A recent Attorney General's opinion reverses past practice**

In early 2008, DFPES requested and received an Attorney General's opinion on statutory requirements for local inspector qualifications. The opinion letter states that W.S. 35-9-121(b)(i) through (iii), setting local inspector qualifications, applies only to inspectors of state-owned and leased buildings. Since the majority of local enforcement jurisdictions have not taken on this particular responsibility, those qualifications are not required for their inspectors. However, the decision is of concern to the

***Views differ on how to balance standards and local autonomy.***

Department's Electrical Safety Division: the widespread presence of electrical equipment is increasing the general risk of electrical hazards in people's lives, and thereby increasing the importance of proper inspections.

We heard several views on the import of the Attorney General's opinion. One is that it will be an invitation to local entities to hire inspectors who may not be competent to accurately judge compliance with code. By this view, the opinion directly contradicts a long-held understanding of the Department's statutory charge and mission. A different view holds that the opinion correctly supports jurisdictions in their choice of how to do business.

Regardless of interpretation, we believe the 2008 Attorney General's opinion has critical implications for public safety. It is unclear whether the Council considers its current recommendations to be minimal requirements for local inspector qualifications, or simply a statement of industry preferences. We wonder how local jurisdictions can be expected to enforce state-approved or more stringent codes, as is required by statute, if their inspectors may be less-qualified than the state (through the Council) recommends.

**Recommendation: The Council should initiate a process to define the minimum qualifications local inspectors must possess to ensure public safety.**

As a first step, we believe the Council would benefit from bringing together Department staff and the Board for frank discussions. These parties need to reach accord on the realistic degree to which DFPES can or should oversee state standards and the quality of enforcement in local enforcement jurisdictions. As part of that effort, they need to come to agreement on the level of expertise local inspectors must possess to enforce compliance of local codes. Then, if there are discrepancies between policy and statutory authority, the Department, Council, and Board may need to work with the Legislature and perhaps request statutory changes to bring the two into alignment.





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## CHAPTER 4

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### **The Electrical Board's established way of doing business is encountering challenges**

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***Statutory mingling of roles creates organizational problems.***

The Electrical Board (Board) and the Council on Fire Prevention and Electrical Safety in Buildings (Council) have considerable statutory responsibility, including rule making, oversight, and appeal functions. However, statute makes the Council a part of the Department while also directing the Council to investigate the Department; the Board is charged with ministerial functions such as issuing certain types of licenses and permits, but lacks staff of its own to perform those duties. This mingling of roles and responsibilities is creating problems for all three parties. Further, both the Board and the Council lack written policies and procedures; most members have not received training on governance and conducting appeals; and they struggle to carry out their duties under sometimes ambiguous statutory wording.

This chapter describes two recent examples, reciprocal licensing and approval of apprentice training programs, where statute requires the Board to carry out time-sensitive administrative duties and inconsistent practices by the Department and problems for the Electrical Board developed. We believe statutory changes are necessary to resolve these organizational relationship problems. While our examples pertain to the Board, we recommend statutory changes to clarify ambiguous provisions that affect both the Board and the Council. We also recommend more Department support for both bodies in providing new member training and policy development.

### **Statute assigns some electrical licensing duties to the Division, others to the Board**

The Division of Electrical Safety and the Electrical Board carry out different responsibilities to ensure compliance with electrical code. The Board has rule making and appeal authority regarding electrical licensing, as well as some administrative duties retained from when it was purely a licensing board. These duties include

issuing reciprocal licenses, granting temporary work permits, and approving apprenticeship and continuing education programs.

Because the Board has no staff, Division staff review and issue applications for electrical licenses, renewals, and temporary work permits. They also compile applications and renewals for reciprocal licenses and apprentice programs for Board approval, and investigate licensing complaints. Figure 4.1 shows the statutory distribution of duties.

**Figure 4.1**

**Selected responsibilities of the Board and Division**

	<b>Approval or decision</b>	<b>Appeals</b>
Electrical licenses	Division	<b>Board</b>
Apprenticeship programs	<b>Board</b>	<b>Board</b>
Continuing education criteria, courses and instructors (in rule)	<b>Board</b>	<b>Board</b>
Reciprocal licenses	<b>Board</b>	<b>Board</b>
Temporary work permits	<b>Board</b>	<b>Board</b>
Code interpretation	Division	<b>Board</b>
Civil penalties	Division	<b>Board</b>

Source: LSO summary of W.S. 35-9-119 through 130 and Board Rule Chapter 5

This statutory mix of roles creates problems in day-to-day administration as well as ensuring due process for appeal purposes. The Board meets an average of four times per year to deal with time-sensitive issues such as issuing licenses and work permits, and approving apprenticeship programs. In practice, as a matter of expedience, the Division has found it necessary to carry out some Board functions.

***The Board makes the initial decision, also hears the appeal.***

Regarding appeals, the Board is tasked with making *initial* decisions as well as hearing possible *appeals* on the same matters, such as apprenticeship programs, continuing education, reciprocal licenses, and temporary work permits. The Board relies on DFPES for information, analysis, to communicate decisions, and in some cases, to provide guidance. We see a potential conflict in the Board using the Department for its sole source of support, but

at the same time, needing to operate at arm's length in matters such as appeals. As well, the fact that the Board makes the initial decision and then hears appeals on its own decisions appears to be a violation of due process.

## Recent appeals illustrate challenges

### ***Licensing decisions can affect groups of electricians.***

Normally the Board receives few appeals, but two appeals heard during an August 2008 meeting called attention to the influence different administrations have had on the way the Board conducts business: whether the Department or the Board makes decisions, how the Board makes them, and how decisions are communicated to stakeholders. Under the previous administration, certain activities requiring Board approval had been decided by the Division, and errors occurred in some of them. Moreover, although an appeal by an individual can affect groups of electrical licensees, the Board learned that the Division had not always communicated decisions to similarly-situated stakeholders.

## One problem that arose involved reciprocal licensing

The Board is responsible for approving reciprocal licenses, or licenses issued to electricians from other states so they can work in Wyoming. The practice has been for Division staff to approve reciprocal licenses.

- **Journeyman electricians** Wyoming is one of 14 states in a multi-state reciprocal licensing agreement for journeyman electricians. Granting a reciprocal license to a journeyman with credentials from one of these states requires verification that the applicant passed a qualifying exam with a score of 70 percent or more, has had the license for a year or more, is in good standing, and can pay the license fee.
- **Master electricians** Idaho, South Dakota, and Utah are the only states with which Wyoming has a reciprocal arrangement for master electricians. To get a Wyoming master's license, a master from one of these states must have 75 percent or better score on their state's exam, have held the license for a year or more, be in good standing,

and pay the fee.

For journeyman and master electricians from all other states, the Board approves reciprocal licenses on an individual basis. W.S. 35-9-126(d) sets licensing criteria and stipulates that the other state's requirements must equal or exceed Wyoming requirements.

### **Under the previous administration, the Electrical Division issued reciprocal master licenses in error**

Contrary to statutory authority, the Division had been approving reciprocal licenses. It also granted some licenses that did not meet the approved criteria, such as to Colorado master electricians. Wyoming and Colorado do not have a reciprocal agreement for master's licenses, and a Colorado master's license is not equivalent to its Wyoming counterpart. When a request to renew one of these licenses came to the agency, the current Division administrator caught the error and this license went to the Board for appeal. The Board denied the renewal.

### ***Other questionable licenses may be potential appeals.***

We found that this problem extends beyond the one reciprocal license and may result in additional appeals in coming years. Without reviewing paper files, we cannot be certain that all renewals for master electrician reciprocal licenses issued under the current administration have met the criteria. Thus, there is still a potential for appeals, and when we brought this issue to the Department's attention, officials estimated another 18 questionable licenses are coming up for renewal. The Board has not yet heard an appeal on an improperly-approved reciprocal journeyman's license, but we identified similar problems with them.

### **Approval of apprentice programs emerged as a second problem**

Most electrical contracting companies in Wyoming employ apprentices, who must have supervised on-the-job training and complete classroom instruction time in Board-approved programs. Apprentice registration must be renewed annually on September 1<sup>st</sup> and is contingent on being in an approved program. At an August 2008 meeting, the Board decided to interpret classroom

requirements for these programs strictly, which had the effect of disapproving correspondence apprentice courses it had previously approved.

### **The Board noticed a trend in failure rates**

Increasingly, apprentices are turning to on-line and correspondence classes for training, some of which have been approved. However, Board rules require “classroom instruction for all apprentice electricians” and that training be “conducted on a regular prescheduled basis” with “enough scheduled classes to accommodate the 144 hour per year requirement.” Rules do not specify whether on-line or correspondence courses qualify as classroom training.

### ***The Board suspected problems with correspondence courses.***

Since 2006 and advent of the Department’s new administration, the Board has been requesting that the Division provide data on licensing activities. Members noticed a trend of increasing failure rates by apprentices testing to become journeymen. They also learned of on-line classes, both for apprentices and continuing education, that allow students to finish in much less time than the Board requires and that for some on-line courses, answers are available for sale.

The Board suspended on-line courses at its August 2008 meeting and denied approval of a previously-approved apprentice program that did not include actual classroom time. Electrical firms relying on these programs were caught between a lack of options and a renewal deadline of September 1 for their apprentices.

### ***After suspending courses, the Board is approving those that meet criteria.***

As of this writing, the Board has gone on to approve one correspondence program and is considering others; it has also set criteria and authorized the Division to approve on-line courses. To date, one on-line apprenticeship and two continuing education courses have been approved. Because agency data is by apprentice, not by apprenticeship program, we could not calculate the number of programs not in compliance with Board requirements, or of renewals the Board is likely to disapprove.

## **Board decisions can have economic consequences**

### ***Decisions affect safety and livelihood.***

The purpose of licensing is to protect the public by excluding unqualified individuals from the electrical trade. As it hears licensing appeals and carries out other duties, the Board is making decisions that can affect the entire electrical profession. Since they are electrical industry professionals, Board members are concerned about safety, and also are aware that their decisions and the manner in which they conduct business carry a potential for economic impact on Wyoming businesses and on individual livelihoods.

## **Contributing factors range from lack of Board training to ambiguous statutory wording**

We believe several factors are disrupting the Board's established way of doing business, including a lack of Board member orientation, training, and policies; ambiguity in statutory language; and some unwise Division practices. The focus of the current Board and Department has been pragmatic, on getting work done correctly and remedying past errors in practice, but they also need to attend to careful delineation of respective roles.

### **Training is basic to understanding duties**

Board members need to understand their duties as soon as they join a body and begin to cast votes. Understanding this, other state agencies provide orientation and training to new board members to familiarize them with agency procedures and staff.

### ***State-provided training will help Board members understand their duties.***

Members of the Electrical Board are practitioners in the profession and their understanding of the Board's role comes from experience, not from state-provided training. DFPES does not conduct orientation sessions and of the current Board members, only one has participated in the Governor's Board Training. Sessions such as that and the Attorney General Board Training Conference introduce new appointees to the foundations of board

governance and appeals procedures. While DFPES worked with the Attorney General's office recently to conduct a training on appeals for the Board and Council, we believe members need ongoing and more comprehensive training.

### **Policies should be written**

***Written policies  
could ensure  
consistent decisions.***

The Board's five members have staggered terms of six years, implying an expectation of Board consistency and a long view that supersedes administrative or staff changes. The Board has had no written policies or procedures to guide members in carrying out their responsibilities; instead, members have been devising ways to manage as they go along. This approach has the advantage of flexibility but can also produce inconsistencies over time. Written policies and procedures are necessary to help stabilize practice through changes of administration.

### **Some statutes need clarification**

***Statute places the  
Board and Council  
within the  
Department.***

We identified several ambiguous or antiquated statutes that, if changed, can help clarify the role of the Board (and Council). Noting in particular the unusual statutory placement of the Board and Council *within* DFPES, we reviewed creation language for 90 Wyoming boards, councils and commissions. Only eight others were created "within" an agency or the Office of the Governor (see Appendix F).

An example of the confusion this structure creates for DFPES is the statute directing the Council to investigate agency Divisions. The Council has no resources of its own with which to undertake an investigation; moreover, it is not clear what sort of remedy this provision was intended to provide. Figure 4.2 summarizes ambiguous or inconsistent statutes that pertain to the roles and responsibilities of the Department, Board, and Council.

**Figure 4.2****Statutes related to the roles of DFPES, the Board, and the Council**

<b>Excerpt from statute</b>	<b>What is problematic</b>
35-9-103 (a)(i) through (iv) There is created within the department: the division[s],... the council on fire prevention and electrical safety in buildings [and] the electrical board.	How can a Board and Council exist “within” DFPES? What are their roles and how are they meant to relate to one another?
35-9-106 (b) The council shall investigate the conduct of the divisions, shall have access to records of the divisions and may require written or oral information from any officer to employee of the department.	How can a Council that is part of an agency investigate that same agency - especially when it has no staff with which to do so?
35-9-107 Duties and powers of the state fire marshal. (a)(ii) Enforce regulations promulgated by the council.	Are Board and Council rules comprehensive enough to cover all agency functions, or does DFPES also need rule making authority? Which body enforces Board rules?
35-9-126 Licensing (c) The board shall issue temporary permits to engage in the work of a journeyman electrician... (d) The board may issue a reciprocal license.	Why are temporary work permits and reciprocal licenses segregated from other licensing responsibilities that go to the agency?
35-9-127 Apprentice (a) ...The board may monitor the apprenticeship programs and receive necessary progress reports. [And approves programs equivalent to the Federal Bureau of Apprenticeship and Training (BAT) programs.]	Why is the Board responsible for approving apprenticeship programs?

Source: LSO analysis of W.S. 35-9-103 through 127

**Board and Division roles also need clarification**

Since the livelihoods of electricians depend on proper licensure, Board approvals of reciprocal licenses, temporary work permits, and apprenticeship programs are time-sensitive. The Board meets only four times per year and thus finds it challenging to make every decision in a timely manner. One solution might be to hold phone conference calls, but we have concerns that making decisions in that way or by postcard ballot may not be consistent with the Board’s intent to hold open meetings. While the Board delegates some licensing responsibilities to the agency, we heard different opinions as to whether this is legally permissible.



## **Recommendation: DFPES should request that the Legislature revise unclear statutory provisions.**

After decades of piecemeal legislative amendments, unintended ambiguities can develop within an agency's authorizing statute; this clearly is the case with DFPES. As the Department's statutory responsibilities have changed, the roles of the Board and Council, too, have evolved. The Board was at first a licensing board only, while the Council initially was advisory; by statute, both now have many more responsibilities. We urge the Department to work with the appropriate interim committee to draft legislation to resolve the problems we outline, as well as others that may be identified.

### ***Ministerial duties should be assigned to the Electrical Division.***

We recommend placing ministerial duties such as licensing, temporary work permits, and apprenticeship program approval with the Electrical Division. This will allow the Board to focus its professional skills and time on setting standards and policy and resolving appeal issues. We believe some of the statutory clarifications and changes shown in Figure 4.2, such as the last two, are relatively straightforward, while the first three may require more in-depth study and discussion.

## **Recommendation: DFPES should assist the Board and Council in developing written policies and procedures, and provide member orientation and training.**

While this chapter focuses on the Board, we recognize the Council also has the same deficit of policies, procedures and training. Because members of the Board and Council have done business for so long without written policies and procedures, their relationship with DFPES has been influenced and sometimes strained by each change and style of administration. Recognizing that the three entities are interdependent, and to help the other two be more productive parts of the whole, DFPES needs to develop

an orientation program for members. It should also provide the support needed for each to develop policies, and assist them in defining their roles so that, for example, policy decisions will be effectively communicated to stakeholders.

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# CHAPTER 5

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## Conclusion

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The Management Audit Committee requested a review of DFPES code compliance efforts in areas under its jurisdiction and in jurisdictions with local enforcement authority. The Committee also requested a review of Board and Council operations and effectiveness.

We examined these questions within the context of a Department that has undergone extensive changes over the past two years. The current State Fire Marshal has worked to rebuild relationships among stakeholders, and to promote an educational approach to regulation. We were impressed throughout by staff, Council, and Board member dedication and enthusiasm for protecting the public from fire and electrical hazards.

Our attempts to answer the Committee's questions, however, were hampered by the Department's lack of reliable data and documented policies and procedures. Since there is not enough staff to conduct all discretionary inspections, staff find they must make choices about which projects to inspect, and it is not clear that individual inspector choices around the state routinely support Department priorities. Further, 20 years of piecemeal amendments to DFPES authorizing statutes have resulted in an awkward patchwork of Department, Council, and Board responsibilities.

Comparing available data with interview results, we are concerned that managers and staff may have some inaccurate perceptions of what is being accomplished. Given better data, DFPES can do more to ensure that resources are focused on stated priorities.

The Department lacks authority to monitor local enforcement jurisdictions; consequently, lower standards for local inspector qualifications may prevail. Since lower standards may affect the quality of local code enforcement and thereby the public's safety, we recommend the Council determine acceptable minimum standards and if necessary, seek statutory changes.

As a final note, in addition to the questions we addressed in the report, the Management Audit Committee asked us to consider the placement of fire prevention and electrical safety in the same agency. This has been a recurring question since reorganization of state government in 1989.

In other states we reviewed, we found a wide range of placements and degrees of state involvement in fire prevention and electrical safety, such that there is no one best practice regarding organizational structure. Since DFPES fire prevention and electrical safety staff are few in number, and since there is considerable overlap in stakeholders, the current organizational structure appears to be sensible; it lays the groundwork for efficient operations, such as coordinated policy development and joint inspections on the part of fire and electrical inspectors. We see no pressing need to separate the two functions, and we bring the issue forward simply to set it aside.

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# **AGENCY RESPONSE**

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**Department of Fire Prevention and Electrical Safety**

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*Department Of Fire Prevention & Electrical  
Safety***DAVE FREUDENTHAL**  
GOVERNOR**LANNY APPEGATE**  
STATE FIRE MARSHAL**Memorandum**

To: The Honorable John Schiffer, Chairman  
Management Audit Committee

From: Lanny Applegate, Director

Date: December 2, 2008

Re: Agency Response to LSO Report, "Department of Fire Prevention and Electrical Safety"

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**INTRODUCTION**

We appreciate the opportunity to meet with Legislative Service Office staff. We would also like to make note the Legislative Service Office staff was very professional at all times. Upon our first meeting with Legislative Service Office staff to explain what the process was with an audit, the Department of Fire Prevention and Electrical Safety's attitude was to look at this as an opportunity to identify areas we can improve on.

After careful review of the audit report, we recognize the areas needing improvement and look forward to working with Management Council so we can continue to provide quality service to the residents of the great State of Wyoming.

The Department of Fire Prevention and Electrical Safety recognizes and understands the purpose of the audit was to evaluate and determine efficiency in certain areas of the Department. We certainly compliment the hard work of the LSO staff to prepare this report. The report will serve as a tremendous tool to assist our agency to correct deficiencies identified within the report. While not specifically identified in this report, we would ask the Management Audit Committee to recognize the work completed by our staff within the Department of Fire Prevention and Electrical Safety, which includes four divisions; Fire Prevention, Electrical Safety, Training and Administration.

## RESPONSES:

### **RECOMMENDATION 1:**

DFPES should ensure the new data system provides guidance to managers and inspectors.

### **RESPONSE:**

Department of Fire Prevention and Electrical Safety Agrees

The Department of Fire Prevention and Electrical Safety strongly agrees, in 2006 the legislature approved funding for a business case that would develop a program to provide comprehensive and reliable data for both fire and electrical divisions. The projected completion date for this project is 2009.

### **RECOMMENDATION 2:**

The Electrical Safety Division should develop policies to guide staff practices.

### **RESPONSE:**

Department of Fire Prevention and Electrical Safety Agrees

The Electrical Safety Division has verbal policies in place at this time. We are in the process of converting to written policies to guide staff practices.

### **RECOMMENDATION 3:**

The Council should initiate a process to define minimum qualifications it believes local inspectors need to ensure public safety.

### **RESPONSE:**

Department of Fire Prevention and Electrical Safety Disagrees

The Department of Fire Prevention and Electrical Safety Administration understands our statutory authority as it relates to local jurisdiction. We also believe the recent Attorney General's opinion confirms that understanding. If there is an issue at hand, the remedy is not through the Department of Fire Prevention and Electrical Safety, but through local jurisdiction and legislative process.

### **RECOMMENDATION 4:**

DFPES should request that the Legislature revise unclear statutory provisions.

### **RESPONSE:**

Department of Fire Prevention and Electrical Safety Agrees

Present Administration has also identified potential conflicts of interest with the Board being the decision maker and also the Appeals Board. We would encourage the Board and Council to adopt policies and procedures for the Department of Fire Prevention and Electrical Safety to follow; this would then allow them to act as an Appeal Board or Council without direct conflict.

**RECOMMENDATION 5:**

DFPES should assist the Board and Council in developing written policies and procedures, and provide member orientation and training.

**RESPONSE:**

Department of Fire Prevention and Electrical Safety Partially Agrees

We believe the Department of Fire Prevention and Electrical Safety has neither the staff personnel in house or contacts to make orientation and training available for new Board and Council members. We also believe it is important to have a refresher for long term Board and Council members every two to three years. We agree the Board and Council do not have the staff available to write policies and procedures. The Department of Fire Prevention and Electrical Safety would be willing to assist them in writing the policies, but will have to be very cognizant on how much input we give, so that we do not influence them. The Department of Fire Prevention and Electrical Safety feels the Board and Council has policies and procedures in place through the rules they have adopted. As of this writing, the Attorney General's Office has provided Board and Council training on how to conduct a meeting in an appeals process.



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# **APPENDICES**

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**Department of Fire Prevention and Electrical Safety**

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# APPENDIX A

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## Selected statutes

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### Local enforcement statutes

#### TITLE 16 – CITY, COUNTY, STATE AND LOCAL POWERS

##### CHAPTER 6 – PUBLIC PROPERTY

##### ARTICLE 5 – ACCESSIBILITY OF HANDICAPPED TO PUBLIC BUILDINGS

#### **16-6-501. Building plans and specifications; required facilities; elevators; curb ramps; inspections; exceptions.**

(a) The plans and specifications for the construction of or additions to all buildings for general public use built by the state or any governmental subdivision, school district or other public administrative body within the state, shall provide facilities and features conforming with the specifications set forth in the publication entitled "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" (U.S. Patent No. A117.1-1961) as approved October 31, 1961, by the American Standards Association, now called the American National Standards Institute, Inc. Elevators shall be installed in multiple-story buildings to serve all levels normally used by the general public. Elevators shall have the following features:

(i) The bottom of the elevator control panels shall be no higher than four (4) feet from the elevator floor and the top of elevator control panels shall be no higher than five (5) feet from the elevator floor;

(ii) Elevator call buttons shall be mounted no higher than four (4) feet above the floor;

(iii) Elevator control and building call buttons shall have tactile identification beside them;

(iv) Elevator floor levels shall stop within one-half (1/2) inch of the maximum building floor levels; and

(v) Elevator control panels shall be mounted on the right side of the elevator as viewed from within the elevator.

(b) Every curb or sidewalk to be constructed or reconstructed in Wyoming, where both are provided and intended for public use, whether constructed with public or private funds, shall provide a ramp at points of intersection between pedestrian and motorized lines of travel and no less than two (2) curb ramps per lineal block. Design for curb ramps shall take into consideration the needs of all physically handicapped persons including blind pedestrians. Existing design standards will be available from the governor's committee for employment of the handicapped. If future improvements in the curb ramp design will benefit handicapped and elderly persons, designs stipulated in this article may be altered after full hearings on the proposed changes by the administrator of the division of vocational rehabilitation, the program manager of the governor's committee on employment of people with disabilities and the state fire marshal.

(c) The state fire marshal or city engineer shall inspect any structure described in subsection (a) of this section at the request of any person. Curb ramps shall be modified or reconstructed by the contracting authority to meet the requirements of W.S. 16-6-501 through 16-6-504.

(d) Exceptions may be granted by the state fire marshal in consultation with the administrator of the division of vocational rehabilitation, the program manager of the governor's committee on employment of people with disabilities, and the occupational health and safety commission chairman.

**16-6-502. Building plans and specifications; state fire marshal; review and approval.**

All plans and specifications for the construction of or additions to buildings for general public use, built by the state or any governmental subdivision, school district or other public administrative body within this state, shall be submitted for review and approval by the state fire marshal, who shall approve if he finds the plans provide facilities which conform to the specifications set forth in "American Standard Specifications for Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped" (U.S. Patent No. A117.1-1961) as approved October 31, 1961, by the American Standards Association, now called the American National Standards Institute, Inc., and W.S. 16-6-501, subject however to the waiver specified above.

**DFPES statutes**

**TITLE 35 – PUBLIC HEALTH AND SAFETY**

**CHAPTER 9 – FIRE PROTECTION**

**ARTICLE 1 – DEPARTMENT OF FIRE PREVENTION AND ELECTRICAL SAFETY**

(Some sections are not included)

**35-9-103. Divisions created; council and board created.**

(a) There are created within the department:

- (i) The division of fire prevention;
- (ii) The division of electrical safety;
- (iii) The council on fire prevention and electrical safety in buildings;
- (iv) The electrical board.

(b) The council consists of five (5) members appointed by the governor for six (6) year terms which commence on April 1 following appointment. One (1) member shall be appointed to represent each of the following: counties or municipalities, fire fighters, the electrical board, an association of architects or an association of general contractors and the general public. Vacancies shall be filled for the unexpired term. When new appointments are made, the council shall select a chairman, a vice chairman and a secretary. A quorum consists of three (3) members. The council shall meet at least twice each year.

(c) The board consists of five (5) members appointed by the governor for six (6) year terms. At least one (1) member and no more than two (2) members shall be journeymen electricians, at least one (1) and no more than two (2) shall be master electricians, and at least one (1) and no more than two (2) shall be electrical contractors. No two (2) members shall be employed by the same entity and serve on the board. Any member who becomes employed by the same entity as another member during his term of office shall be ineligible to continue as a member of the board. Vacancies shall be filled for the unexpired term. When new appointments are made, the board shall select a chairman and a secretary. A quorum consists of three (3) members. The board shall meet at least twice each year.

(d) The members of the council and board shall receive compensation, per diem and travel expenses in the same manner and amount as the state legislature while going to, attending or returning from meetings. The governor may remove any council or board member as provided in W.S. 9-1-202.

**35-9-106. Powers and duties of council.**

(a) The council shall adopt rules and regulations to:

(i) Establish minimum fire standards not exceeding the standards prescribed by the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code for:

(A) All new building construction or remodeling under W.S. 35-9-108(a);

(B) The prevention of fire and the protection of life and property from fire and panic in all existing buildings;

(C) The safeguarding of life and property from hazards of fire and explosion arising from storage, handling and use of hazardous substances, materials and devices.

(ii) Repealed by Laws 2003, Ch. 49, § 3.

(iii) Recommend minimum standards for qualification of inspectors for political subdivisions;

(iv) Implement this article.

(b) The council shall investigate the conduct of the divisions, shall have access to records of the divisions and may require written or oral information from any officer or employee of the department.

(c) Except as provided under W.S. 35-9-124(a)(ii), the council shall hear appeals to determine the suitability of alternate materials and type of construction and to interpret and grant variances from rules and regulations of the council.

(d) The standards for liquefied petroleum gas installations shall be the current edition of NFPA 58 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54 National Fuel Gas Code. To the extent the standards for liquefied petroleum gas conflict with the standards prescribed by the International Fuel Gas Code, the NFPA 58 Liquefied Petroleum Gas Code and ANSI Z223.1/NFPA 54 National Fuel Gas Code control.

(e) To the extent that any provision in the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code conflicts with the standards prescribed by the National Electrical Code, the National Electrical Code shall control.

**35-9-107. Duties and powers of state fire marshal.**

(a) The state fire marshal shall:

(i) Establish administrative policy for the department;

(ii) Enforce regulations promulgated by the council;

(iii) Implement fire safety programs designed to minimize fire hazards and disasters and loss of life and property from these causes. These programs shall include:

(A) Establishment and enforcement of fire safety and safety practices throughout the state;

(B) Preventive inspection and corrective activities;

(C) Coordination of fire safety programs with volunteer and paid fire companies and other state agencies and political subdivisions;

- (D) Critical analysis and evaluation of fire loss statistics to determine problems and solutions;
  - (E) Coordination, development and implementation of training programs designed to assist fire fighters in all phases of fire prevention and suppression activities except the wild land and forestry division fire control programs implemented by the state forester; and
  - (F) Acceptance testing on fire alarm systems, fire sprinkler systems and kitchen hood and duct suppression systems.
- (iv) Inspect each state owned building not under the authority of a local governmental entity pursuant to W.S. 35-9-121(b) and require conformance to the minimum standards of fire prevention, fire protection and public safety;
  - (v) Inspect facilities or installations upon request by the owner. The department may charge reasonable fees not exceeding the cost of the inspection;
  - (vi) Upon request, assist the chief of a fire company or department, a fire marshal, a local building inspector, other state agencies or political subdivisions of the state or county fire wardens in fire prevention matters; and
  - (vii) Keep a record of all fires which occur in the state, including the origin, facts, statistics and circumstances of the fire determined by investigation under this act [ §§ 35-9-101 through 35-9-130]. The record, except for testimony given in the examination, shall be open for public inspection at all times.
- (b) The state fire marshal may:
- (i) Enforce state laws not otherwise enforceable by another state agency concerning:
    - (A) The prevention of fire;
    - (B) The storage, sale and use of an explosive, combustible or other dangerous article in solid, liquid or gas form;
    - (C) Repealed By Laws 2003, Ch. 49, § 3.
    - (D) The suppression of arson and investigation of fire and explosions.
  - (ii) Inspect public, business or industrial buildings and require conformance to standards of prevention and safety and of uses of premises as promulgated by the International Fire Code, the International Building Code, the International Mechanical Code and the International Fuel Gas Code;
  - (iii) Deputize a member of a fire department who is approved by the chief of his department, or a local building inspector approved by the local governmental entity, provided that the person is qualified to inspect, investigate and carry out orders for the state fire marshal under the rules adopted by the council;
  - (iv) Employ personnel and contract with appropriate personnel as necessary for the efficient performance of assigned duties.
- (c) The state fire marshal shall not interfere with the hookup of a utility to a new or remodeled building either during construction or after construction is completed, unless the state fire marshal determines that the hookup of a utility poses immediate danger to life or property.

**35-9-108. Plan review; procedure; fees.**

- (a) Prior to beginning any new construction, the remodeling of existing buildings except as provided under subsection (q) of this section, or the installation of aboveground flammable or combustible fuel storage tanks, the owner or the owner's designated representative shall submit plans to the state fire

marshal for review of the proposed project for compliance with applicable fire and electrical safety standards for:

- (i) Buildings or structures owned or leased by the state or local governmental entities;
  - (ii) Public buildings over five thousand (5,000) square feet of total floor area including basement;
  - (iii) Multistory public buildings;
  - (iv) Buildings intended for use as child care centers housing more than ten (10) children;
  - (v) Public bars, public lounges, restaurants, night clubs, lodge halls, theaters, churches or public meeting places regardless of size;
  - (vi) Public and private aboveground fuel dispensing facilities.
- (b) If the state fire marshal does not notify the sender in writing of violations of the fire or electrical safety standards within twenty-one (21) working days of receiving the plans, they are approved as submitted.
- (c) Plans which are disapproved may be corrected and resubmitted. The state fire marshal shall review only the corrections made in response to the violations cited in the initial review. If the state fire marshal does not notify the sender in writing of violations of the fire and electrical safety standards within ten (10) working days of receiving the corrected plans, they are approved as resubmitted.
- (d) The department shall collect fees for plan reviews and other inspections except as provided in subsections (q) and (r) of this section, in the amount provided in the 1997 Uniform Building Code and adjusted for inflation as adopted by rule or regulation by the council. Fees collected under this subsection shall be deposited into the general fund.
- (e) There shall be no plan review fee for publicly owned buildings.
- (f) Repealed By Laws 2003, Ch. 49, § 3.
- (g) Repealed By Laws 2003, Ch. 49, § 3.
- (h) Nothing in this section shall apply to municipalities or counties which have received enforcement authority for fire safety standards under W.S. 35-9-121.
- (j) No new construction or remodeling of buildings or installation of aboveground flammable or combustible fuel storage tanks shall begin until the state fire marshal has approved the plans for compliance with applicable fire and electrical safety standards.
- (k) If new construction or remodeling of buildings or installation of aboveground flammable or combustible fuel storage tanks is commenced without approved plans, the state fire marshal may order the construction, remodeling or installation to cease until plans are approved, subject to the requirements of subsection (m) of this section.
- (m) Orders issued by the state fire marshal pursuant to this section shall be served upon the owner in the manner provided for service of process by the Wyoming Rules of Civil Procedure. The order shall require that the person served immediately cease certain activities until he has complied with the applicable statutory requirements. The order shall be in full force and effect from the time of service until the person complies with the statutory requirement as described in the order, or the order is revoked by the council. If the person fails to cease certain activities as required within forty-eight (48) hours of service, the person is guilty of a misdemeanor.
- (n) After new construction or remodeling of buildings is completed, the state fire marshal shall inspect the building and determine conformance with the plan review. If he finds conformance, the state fire marshal shall issue a certificate of occupancy for a newly constructed building and a letter of compliance for a remodeled building. No newly constructed or remodeled building shall be used or occupied until the state fire marshal has issued a certificate of occupancy or letter of compliance. If a newly constructed or

remodeled building is used or occupied prior to the issuance of a certificate of occupancy or letter of compliance, the state fire marshal shall order the use and occupancy of the building to cease until a certificate of occupancy or letter of compliance is issued, subject to the requirements of subsection (m) of this section.

(o) After the installation of aboveground flammable or combustible fuel storage tanks is completed, the state fire marshal shall inspect the premises and determine conformance with the plan review. If he finds conformance, the state fire marshal shall issue a letter of compliance. No premises with aboveground flammable or combustible fuel storage tanks installed shall be used until the state fire marshal has issued a letter of compliance. If a premise with aboveground flammable or combustible fuel storage tanks installed is used prior to issuance of a letter of compliance, the state fire marshal shall order the use of the premises to cease until a letter of compliance is issued, subject to the requirements of subsection (m) of this section.

(p) Any owner aggrieved by an order of the state fire marshal may appeal to the council within forty-eight (48) hours. The complaint shall be investigated immediately by direction of the council. Unless the order is revoked by the council, it shall remain in force and the owner shall comply.

(q) A plan review is:

- (i) Not required for remodeling that is exempt from permitting under the International Code;
- (ii) Required for remodeling that costs less than twenty-five thousand dollars (\$25,000.00) and affects a built-in fire protection system for the building, provided a fee of no more than fifty dollars (\$50.00) per hour shall be paid to the department for the review;
- (iii) Required for remodeling that costs twenty-five thousand dollars (\$25,000.00) or more, provided the department shall collect a fee pursuant to subsection (d) of this section.

(r) There shall be no inspection fees for school buildings.

(s) Subsections (a) through (r) shall not apply to remodeling that is exempt under subsection (q).

### **35-9-118. Exceptions.**

(a) W.S. 35-9-106 through 35-9-117 do not apply to:

- (i) Farms or ranches of forty (40) acres or more on deeded land;
- (ii) County memorial hospitals, state-owned health care institutions, hospital districts, private hospitals and other health care facilities, except as permitted pursuant to W.S. 35-9-121.1;
- (iii) Mines or their appurtenant facilities, oil field operations, petroleum refineries and liquefied petroleum gas facilities;
- (iv) Railway shops, railway buildings (except those used for public assembly, cafeterias, dormitories, etc.), rolling stock and locomotive equipment;
- (v) Automotive equipment employed by a railway, gas, electric or communication utility in the exercise of its function as a public utility.

(b) Nothing in this section prohibits the state fire marshal from assisting, upon request, another state agency, or an owner or operator of property listed in subsection (a) of this section.

### **35-9-119. Duties of chief electrical inspector.**

(a) The chief electrical inspector shall:

- (i) Enforce the minimum requirements for electrical installations except in localities which have received enforcement authority for electrical safety standards under W.S. 35-9-121;

- (ii) Aid cities, towns, counties and inspectors in understanding the National Electrical Code;
- (iii) Distribute copies of the National Electrical Code at cost;
- (iv) Interpret the National Electrical Code; and
- (v) Supervise deputy electrical inspectors.

**35-9-120. Minimum requirements for electrical installations; permits; inspections; fees.**

(a) The installation of electric equipment in or on buildings, mobile homes and premises shall be made subject to the applicable minimum requirements of the National Electrical Code.

(b) The chief electrical inspector and his deputies:

(i) Have the right of ingress or egress to all buildings or other structures owned or leased by the state or local governmental entities during reasonable working hours to make electrical inspections;

(ii) May inspect any building or structure:

(A) With a search warrant issued by a district court after a finding of probable cause that there is a violation of state law regarding electrical installations; or

(B) At any time during construction and within thirty (30) days after completion of the installation for which an electrical wiring permit was issued or an electrical plan review was performed.

(iii) Shall inspect any building or structure within five (5) business days of the request of the owner or the general or electrical contractor installing the electrical equipment.

(c) For any requested electrical inspection conducted or electrical wiring permit issued by the chief electrical inspector or his deputy, a fee established by the board by rule shall be paid by the person or contractor making the request. The electrical wiring permit fee shall be waived for anyone requesting and paying for an electrical inspection. The fees established by the board shall not exceed the following:

(i) Electrical inspection fees for requested inspections:

(A) Each residential unit ..... \$20.00  
plus \$.50 per ampere rating of the electrical service;

(B) Mobile home services ..... \$20.00  
plus \$.50 per ampere rating of mobile home;

(C) Temporary services.....\$40.00 each;

(D) Remodels of residential units ..... \$20.00  
plus 2% of the value of any electrical installation included in the remodel;

(E) All other electrical installations ..... \$20.00  
plus \$.50 per ampere rating of the electrical service;

(F) Reinspections ..... \$50.00  
plus \$.20 per ampere rating of the electrical service.

(ii) Effective July 1, 1993, electrical wiring permit fees..... \$30.00

(d) Inspection fees pursuant to paragraph (c)(i) of this section shall be charged for requested inspections made on installations that are not under new construction or remodeling.

(e) No person shall install electrical equipment in new construction or remodeling, if the remodeling requires a public utility to connect or disconnect and restore electrical power, of a building, mobile home or premises without obtaining an electrical wiring permit. No public utility shall energize an electrical service for an electrical installation which requires an electrical wiring permit until the person responsible



for the electrical installation has obtained an electrical wiring permit. A utility may energize an electrical service in an emergency situation without proof that an electrical wiring permit has been obtained, however the utility shall notify the department of fire prevention and electrical safety of the action as soon as possible, but in no case later than five (5) days following the date that the electrical service was energized. Electrical wiring permits shall be issued by the chief electrical inspector upon request. Each permit shall explain procedures and costs for permits and requested inspections conducted by the chief electrical inspector or his deputy electrical inspectors. This subsection does not apply to municipalities and counties granted local enforcement authority for electrical safety standards under W.S. 35-9-121 and to exempt installations under W.S. 35-9-123(a)(ii) through (v).

(f) Fifty percent (50%) of the fees collected pursuant to subsection (c) of this section shall be deposited in a separate account for the purpose of providing additional state electrical inspectors. Fifty percent (50%) of the fees collected pursuant to subsection (c) of this section shall be deposited in the general fund.

### **35-9-121. Local enforcement.**

(a) The state fire marshal shall delegate complete authority to municipalities and counties which apply to enforce and interpret local or state fire, building or electrical safety standards which meet the requirements of this section. The state fire marshal shall notify the governing body of the municipality or county of the minimum standards and requirements of this act and W.S. 16-6-501 and 16-6-502 and transfer jurisdiction and authority by letter. Nothing in this section affects the authority of the state fire marshal or chief electrical inspector regarding state owned or leased buildings. Local enforcement authority under this subsection shall be subject to the following:

(i) Before a municipality or county without local enforcement authority is initially granted local enforcement authority for fire, building or electrical standards the state fire marshal shall determine that the local governing body has adopted minimum standards by ordinance or resolution that are equivalent to or more stringent than those applicable standards adopted by the council on fire prevention and electrical safety;

(ii) If a municipality or county that has been granted local enforcement authority under this subsection fails to adopt, within six (6) months following the adoption of new standards by the council on fire prevention and electrical safety, or maintain standards by ordinance or resolution that at least meet the statewide standards, enforcement authority shall immediately revert to the department of fire prevention and electrical safety. It shall be the responsibility of the municipality or county to notify the department of fire prevention and electrical safety of the repeal of minimum standards in their jurisdiction.

(b) Notwithstanding the provisions of subsection (a) of this section a local governmental entity is authorized to assume joint plan review authority with the state fire marshal, and that entity has sole construction inspection authority on the approved plans, and sole authority for periodic fire and life safety inspections on state owned or leased buildings. For the purpose of this section, school buildings shall be construed to be state buildings. If local code provisions are more stringent than adopted state codes, the local code prevails. The authority granted to local governmental entities under this subsection is subject to certification of local inspectors as follows:

(i) If joint plan review authority is requested, certification of a plan reviewer by the international conference of building officials or the International Code Council;

(ii) If code enforcement authority for fire and building codes is requested, certification of a fire inspector or building inspector by the International Code Council or the International Conference of Building Officials;

(iii) If code enforcement authority for the electrical code is requested, certification of an electrical inspector by the International Code Council or the International Association of Electrical Inspectors and licensing by the state as a master electrician.

(c) If a municipality or county has assumed enforcement authority for only one (1) or two (2) of the fire, building and electrical standards, the municipality or county shall deliver notice of any project plans submitted to the municipality or county for approval to the department of fire prevention and electrical safety. The notice of the project shall be delivered within ten (10) days of receiving plans from the applicant.

(d) A municipality or county which has enforcement authority under this section may create its own appeals boards to determine the suitability of alternate materials and types of construction. The boards shall be appointed and removed by the governing body of the municipality or county. The council on fire prevention and electrical safety in buildings and the electrical board shall serve as appeals boards for a municipality or county that has not created an appeals board under this subsection.

(e) A decision rendered by the local municipal or county appeals board pursuant to subsection (d) of this section regarding state owned or leased buildings may be appealed to the council on fire prevention and electrical safety in buildings for a final decision.

#### **35-9-121.1. Health care facilities; jurisdiction; delegation; rules.**

(a) The department of health has jurisdiction over all aspects of construction and remodeling, except electrical installation, of any state licensed health care facility as defined in W.S. 35-2-901.

(b) The fire safety code requirements for the construction and remodeling of any state licensed health care facility shall meet the minimum requirements established in the National Fire Protection Association 101 Life Safety Code or any other code required to meet federal fire and life safety certification. If any code requirements for federal certification conflict with the code of any other state or local governmental entity, the code required for federal certification shall prevail.

(c) The department of health shall promulgate rules and regulations for all aspects of construction and remodeling of health care facilities except electrical installation. For aspects of construction and remodeling included in codes adopted by the council pursuant to W.S. 35-9-106, the rules and regulations shall be based on and not exceed the standards of these codes except where federal certification requirements dictate otherwise.

(d) Upon written request from any county or municipality, the department of health shall delegate plan review and inspection responsibilities to the county or municipality that has personnel who are certified pursuant to the applicable code. The department of health shall transfer jurisdiction and authority by letter. The department of health shall notify the governing body of the municipality or county of the minimum standards and requirements under this section and W.S. 16-6-501 and 16-6-502. The following shall apply:

(i) Any municipality or county may issue a certificate of occupancy for a health care facility. The certificate shall reference any code applied to the construction or remodeling of the facility;

(ii) A municipality or county which has enforcement authority under this subsection may create its own appeals board to determine the suitability of alternate materials and types of construction. If a municipality or county has not created an appeals board, the department of health shall establish an appeals board which includes representation from the department of health and the council.

(e) After construction or remodeling of any health care facility, the department of health shall have jurisdiction over the fire and life safety inspections required for federal certification.

**35-9-122. Chief electrical inspector responsible for licensing.**

The chief electrical inspector is responsible for licensing electrical contractors, master electricians, journeyman electricians, low voltage electrical contractors, limited electrical contractors, low voltage technicians and limited technicians and shall pass on the fitness and qualifications of applicants for licenses. Every applicant for a license under this chapter shall provide his social security number to the chief electrical inspector.

**35-9-123. Electrical installations to be performed by licensed electricians; exceptions.**

(a) Licensed electrical contractors employing licensed master or journeymen electricians, or registered apprentice electricians supervised by a licensed master or journeyman electrician shall install all electrical equipment. This requirement is waived for:

(i) Property owned or leased by a person when the person, his partner or a major stockholder of a family corporation is installing the equipment and the property is not for immediate resale;

(ii) Oil or gas field operations, including those operations involving exploration, testing, drilling, production or transporting via pipeline of oil or gas, railroads, petroleum refineries, fertilizer manufacturing facilities, foundries, mines and their appurtenant facilities;

(iii) Liquefied petroleum, gas, electric or communication facilities exercising their function as public utilities;

(iv) Cable-TV, including data and related services of cable-TV providers including its contractors and subcontractors provided such contractors and subcontractors are limited to the installation of low voltage cable, A.M. or F.M. radio stations, television stations, cable phone services, cable internet services, data services and related services;

(v) Farms or ranches of forty (40) acres or more on deeded land;

(vi) Buildings constructed by a school or community college district as part of an industrial arts curriculum, under the direct supervision of a qualified industrial arts instructor. The school or community college district shall have the installations inspected by the state electrical inspector's office or the home rule authority, whichever has jurisdiction, to ensure compliance with W.S. 35-9-120;

(vii) Licensed low voltage electrical contractors employing licensed low voltage technicians or registered low voltage apprentice technicians who may install electrical equipment which falls under the scope of their low voltage license or registration. No low voltage contractor may work on electrical systems which exceed ninety (90) volts unless allowed pursuant to this subsection. The chief electrical inspector may issue a low voltage electrical contractor's license to contractors not qualified for an electrical contractor's license but qualified for their low voltage area of expertise for the installation, repair or remodel of:

(A) All electrical systems under ninety (90) volts;

(B) Alarm systems under ninety (90) volts;

(C) Communication systems under ninety (90) volts or current limited communication systems of higher voltage;

(D) Sound systems under ninety (90) volts;

(E) Television systems under ninety (90) volts;

(F) Control systems under ninety (90) volts.

(viii) Licensed limited electrical contractors employing licensed limited technicians or registered limited apprentice technicians who may install electrical equipment which falls under the scope of their limited license or registration. The electrical work shall only include the electrical system on the load

side of the disconnect which supplies power to the electrical equipment that they are licensed to work on. The chief electrical inspector may issue a limited electrical contractor's license to a contractor not qualified for an electrical contractor's license but qualified in his limited area of expertise for the:

(A) Installation, repair or remodel of heating, ventilating and air conditioning systems limited to wiring on the load side of the equipment disconnect;

(B) Installation, repair or remodel of elevator systems limited to wiring on the load side of the equipment disconnect;

(C) Installation, repair or remodel of sign systems limited to wiring on the load side of the equipment disconnect;

(D) Installation, repair or remodel of water well and irrigation systems limited to wiring on the load side of the equipment disconnect;

(E) Routine repair or maintenance of light fixtures limited to replacement of lamps, ballasts and fixture parts.

(b) Exceptions shall not apply to anyone who contracts or subcontracts to or for any exempt person, partnership or corporation.

#### **35-9-124. Powers and duties of board; appeals.**

(a) The board shall:

(i) Adopt rules and regulations to implement W.S. 35-9-122 through 35-9-130;

(ii) Regarding the installation of electrical equipment and electrical safety standards, hear appeals to determine the suitability of alternate materials and type of construction and to interpret and grant variances from rules and regulations of the council.

(b) Any applicant may appeal a decision of the chief electrical inspector to the board.

(c) The board shall suspend or cancel the license of any licensee for flagrant violation of this act or the rules and regulations of the board.

(d) Except as provided by subsection (e) of this section, any person whose application for a license is denied, who is otherwise disciplined or whose license is suspended, cancelled or refused by the board may appeal to the appropriate district court.

(e) Upon receipt from the department of family services of a certified copy of an order from a court to withhold, suspend or otherwise restrict a license issued by the board, the board shall notify the party named in the court order of the withholding, suspension or restriction of the license in accordance with the terms of the court order. No appeal under the Wyoming Administrative Procedure Act shall be allowed for a license withheld, suspended or restricted under this subsection.

(f) The board may hear appeals of civil penalties imposed by the department pursuant to W.S. 35-9-130.

#### **35-9-125. Electrical contractor's, low voltage electrical contractor's and limited electrical contractor's licenses.**

(a) On or before July 1 of each year, an electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed master electrician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the electrical contractor in the state of Wyoming, and who is not the master electrician of record for, or employed by,

any other electrical contractor. The electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

(b) On or before July 1 of each year, a low voltage electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed low voltage technician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the low voltage electrical contractor in the state of Wyoming, and who is not the low voltage technician of record for, or employed by, any other low voltage electrical contractor. The low voltage electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. The low voltage electrical contractor's license fee shall be waived for any low voltage electrical contractor not employing additional low voltage technicians or low voltage apprentice technicians other than himself. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

(c) On or before July 1 of each year, a limited electrical contractor shall file with the chief electrical inspector a license application in writing for each of his firms. The applicant shall be or actively employ in a full-time capacity a licensed limited technician of record who assumes responsibility to ensure that the National Electrical Code, W.S. 35-9-120 through 35-9-130 and applicable rules of the department of fire prevention and electrical safety are adhered to on all electrical work undertaken by the limited electrical contractor in the state of Wyoming, and who is not the limited technician of record for, or employed by, any other limited electrical contractor. The limited electrical contractor shall pay the fee required by W.S. 35-9-129 for each firm operated by him. The limited electrical contractor's license fee shall be waived for any limited electrical contractor not employing additional limited technicians or limited apprentice technicians other than himself. If the applicant qualifies, he shall receive a license which bears the date of issue and expires on July 1 next following the date of issue.

(d) An electrical contractor, low voltage electrical contractor or limited electrical contractor is entitled to renew his license for the ensuing year by paying the proper fee on or before the date his license expires.

**35-9-126. Licensing of master electricians, journeymen electricians, low voltage technicians, limited technicians; temporary permits; reciprocal licenses; master electrician of record for only 1 electrical contractor; technician of record for only 1 low voltage or limited electrical contractor.**

(a) Applicants for master electrician, journeyman electrician, low voltage technician and limited technician licenses shall apply to the chief electrical inspector on a form furnished by the board and accompanied by the required examination fee. The form shall state the applicant's full name, his address, the extent of his experience and other information required by the board. An applicant who complies with the rules of the board, is qualified, successfully completes the examination and pays the required license fee shall be issued the proper license by the chief electrical inspector which bears the date of issue. A master license shall expire on July 1 in the third year following the year of issue. A journeyman license shall expire on January 1 in the third year following the year of issue. A low voltage technician license shall expire on July 1 in the third year following the year of issue. A limited technician license shall expire on July 1 in the third year following the year of issue. Credit for time spent in any electrical school shall be given to master electricians, journeyman electricians, low voltage technicians or limited technicians for time spent in classes up to a total of two (2) years, or four thousand (4,000) hours, on the work experience requirements.

(b) Each master electrician, journeyman electrician, low voltage technician or limited technician licensed under this act [§§ 35-9-101 through 35-9-130] may renew his license by paying fifty percent (50%) of the

proper license fee to the state of Wyoming. Master and journeymen electricians shall provide proof of attendance at not less than sixteen (16) hours of training in the National Electric Code or in advances in the electrical industry meeting criteria established by the board on or before the date his license expires. At least eight (8) of the required sixteen (16) hours of training shall specifically cover the National Electrical Code. An electrician or technician who applies for renewal of his expired license within forty-five (45) days after its expiration and is otherwise entitled to renewal of his license shall have his license renewed by paying an additional fee of fifty dollars (\$50.00).

(c) The board shall issue temporary permits to engage in the work of a journeyman electrician, low voltage technician or limited technician to a person who applies, furnishes satisfactory evidence of experience to qualify for the examination and pays the required fee. Temporary permits shall continue in effect not longer than one hundred fifty (150) days and may be revoked by the board at any time.

(d) The board may issue a reciprocal license to any applicant for a journeyman electrician, master electrician, low voltage technician or limited technician license if the applicant has obtained an out-of-state or foreign license through an examination which is equal to or exceeds the Wyoming journeyman electrician's, master electrician's, low voltage technician's or limited technician's examination.

(e) A licensed master electrician of record shall be the master of record for only one (1) contractor at one time.

(f) A licensed low voltage technician of record shall be the technician of record for only one (1) low voltage contractor at a time.

(g) A licensed limited technician of record shall be the technician of record for only one (1) limited contractor at a time.

### **35-9-127. Apprentice electricians and apprentice technicians.**

(a) An electrical contractor may employ apprentice electricians to assist a licensed journeyman or master electrician. From and after March 1, 1994, apprentice electricians shall be enrolled in a bona fide program of training approved by the bureau of apprenticeship and training, United States department of labor, or present evidence directly to the board that he is enrolled in an apprentice training program which provides training equivalent to a program approved by the bureau of apprenticeship and training, United States department of labor. The board may monitor the apprenticeship programs and receive necessary progress reports. For purposes of determining whether a program provides equivalent training the board shall consider and apply the current bureau of apprenticeship and training standards. Apprentice electricians shall register with the department of fire prevention and electrical safety and update the registration yearly as required by the board. The electrical contractor shall notify the chief electrical inspector in writing of the name and address of each apprentice electrician employed, and the date of employment or termination of employment within ten (10) days of the action. A licensed journeyman or master electrician shall supervise each apprentice electrician. A licensed journeyman or master electrician shall not supervise more than two (2) apprentice electricians at the same time.

(b) A low voltage or limited electrical contractor may employ apprentice technicians to assist a licensed technician. Apprentice technicians shall be enrolled in a program of training as approved by the board. Apprentice technicians shall register with the department of fire prevention and electrical safety and update the registration yearly as required by the board. The low voltage or limited electrical contractor shall notify the chief electrical inspector in writing of the name and address of each apprentice technician employed, and the date of employment or termination of employment within ten (10) days of the action. A licensed technician shall supervise each apprentice technician. A licensed technician shall not supervise more than one (1) apprentice technician at the same time.

**35-9-129. Fees.**

(a) The fees for licenses, work permits, examinations and apprentice registrations shall be determined by the board but shall not exceed:

(i) Electrical contractor's license .....	\$400.00
(ii) Low voltage electrical contractor's license .....	\$200.00
(iii) Limited electrical contractor's license .....	\$200.00
(iv) Master electrician license .....	\$200.00
(v) Journeyman electrician license .....	\$100.00
(vi) Low voltage technician's license .....	\$100.00
(vii) Limited technician's license .....	\$100.00
(viii) Temporary working permit for journeyman electrician, low voltage technician or limited technician .....	\$50.00
(ix) Examination fee .....	\$300.00
(x) Apprentice registration fee .....	\$20.00

(b) Fifty percent (50%) of the fees collected pursuant to subsection (a) of this section shall be deposited in a separate account for the purpose of providing additional state electrical inspectors. Fifty percent (50%) of the fees collected pursuant to subsection (a) of this section shall be deposited in the general fund.

**35-9-130. Penalties; civil penalties; other remedies.**

(a) A person who violates W.S. 35-9-101 through 35-9-130 commits a misdemeanor punishable as follows:

(i) An individual, including an officer or agent of a corporation or association who participates in or is an accessory to the violation may be punished by a fine of not more than five hundred dollars (\$500.00), imprisonment for not more than six (6) months, revocation of his license, or fine, imprisonment and revocation; and

(ii) A corporation may be punished by a fine of not more than one thousand dollars (\$1,000.00), revocation of its license or both.

(b) Violators of W.S. 35-9-101 through 35-9-130 may be enjoined from continuing the violation by proceedings brought by the district or county and prosecuting attorney or by the attorney general. The department shall make recommendations to the appropriate district attorney, county and prosecuting attorney or attorney general regarding proceedings under this subsection.

(c) A person who violates W.S. 35-9-123 shall pay a civil penalty in an amount the department determines of not more than five hundred dollars (\$500.00) for a first offense, or one thousand dollars (\$1,000.00) for any subsequent offense within any three (3) month period. The penalty shall be collected from the violator and credited as provided by W.S. 8-1-109. Notwithstanding subsection (d) of this section, no penalty under this subsection shall be enforceable for sixty (60) days after delivery of the notice of violation or if the violation has been cured or appealed pursuant to subsection (d) of this section within sixty (60) days after issuance of the notice of violation.

(d) Before the department imposes a civil penalty, the department shall notify the person accused of a violation, in writing, stating specifically the nature of the alleged violation. Upon receipt of a notice of violation the person receiving it shall pay the assessed fine to the department within sixty (60) days or file

an appeal to the electrical board. The department shall determine the amount of the civil penalty to be imposed in accordance with the limitations expressed in subsection (c) of this section. Each violation is a separate offense. If an appeal is submitted to the electrical board, the board shall hear the appeal at its next regularly scheduled meeting. At the appeal hearing, the electrical board may uphold the proposed fine, rule that the alleged violation is not substantiated, or reduce the amount of the proposed fine.

(e) A civil penalty may be recovered in an action brought thereon in the name of the state of Wyoming in any court of appropriate jurisdiction. Failure to pay the fine imposed by the department and upheld by the electrical board shall result in suspension of the electrical license until such time as the fine is paid in full.

(f) The provisions of subsections (c) through (e) of this section are in addition to and not instead of any other enforcement provisions contained in this article, except that no criminal penalty shall be applicable if a civil penalty has been imposed under this section for the same violation.



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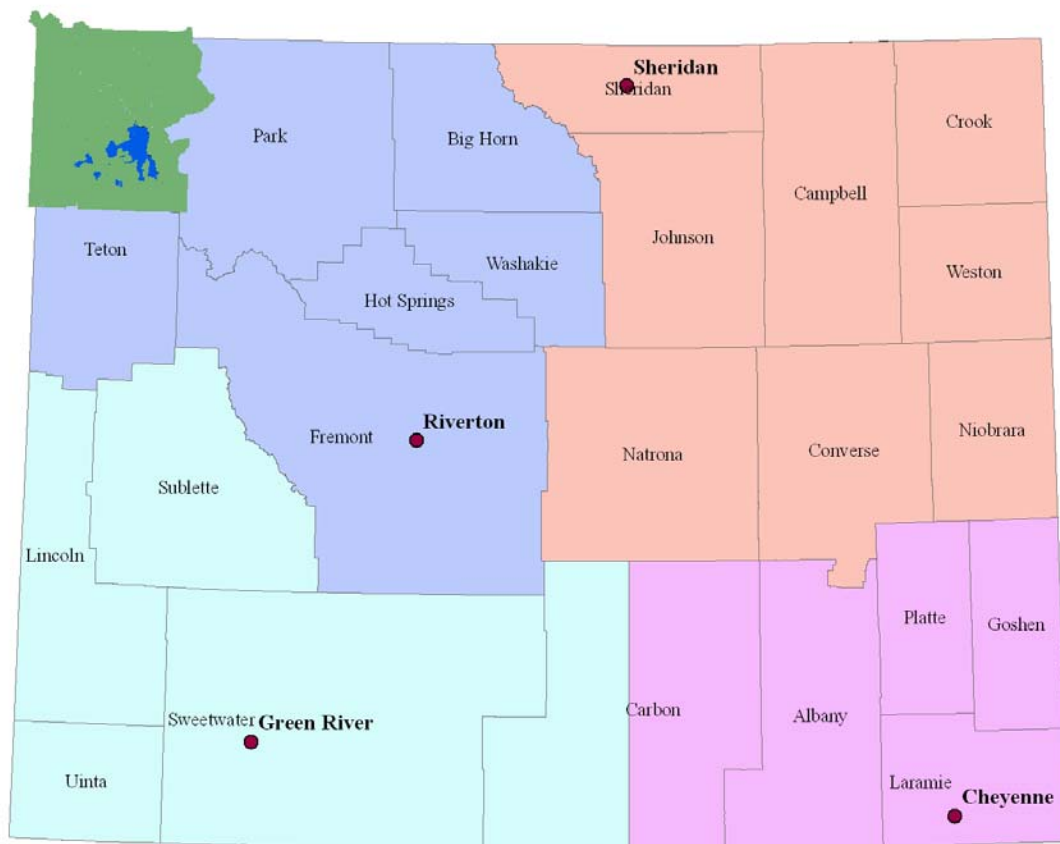
## APPENDIX B

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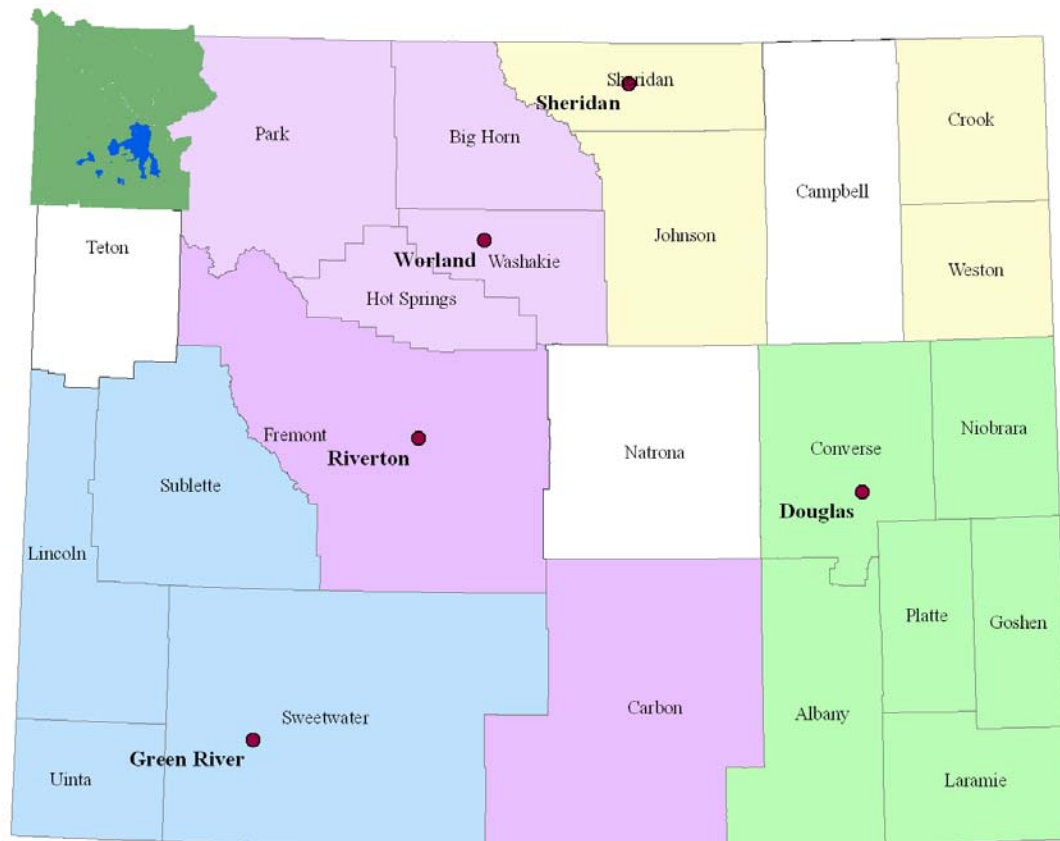
### DFPES region maps for Training, Fire Prevention, and Electrical Safety

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Training Division has four trainers with regional areas

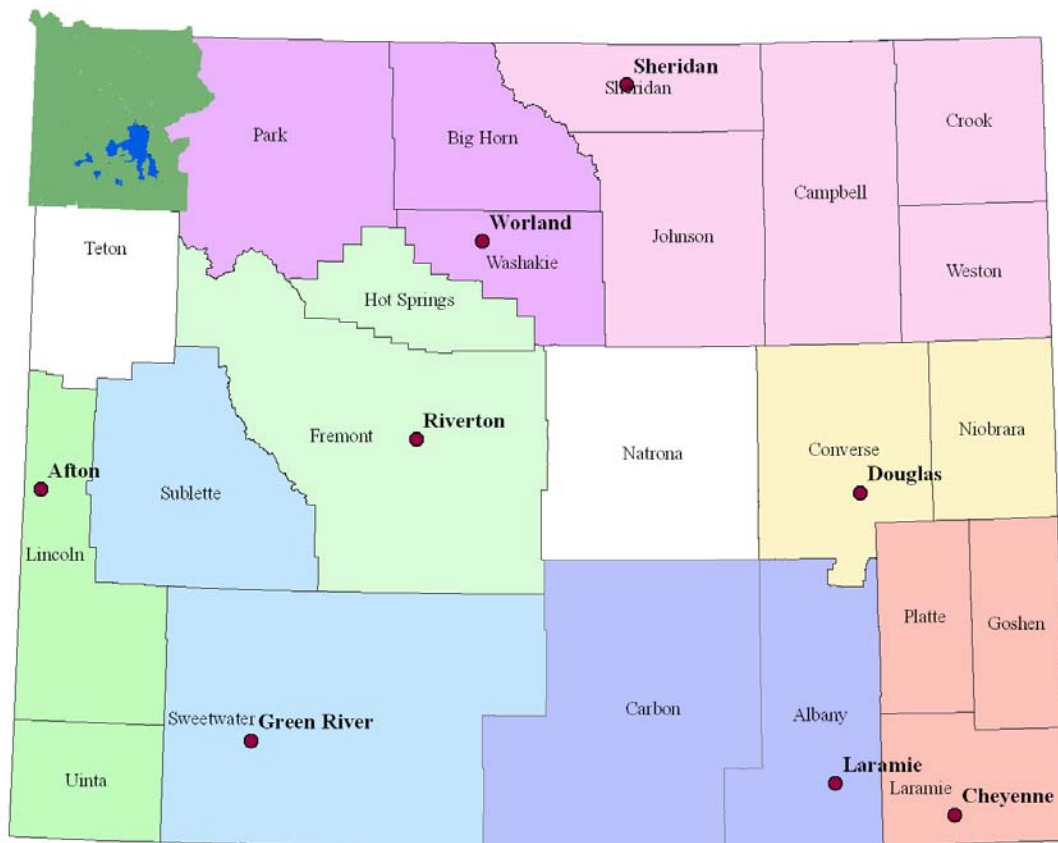


## Fire Prevention Division has five inspectors with regional areas



Note: Campbell, Natrona, and Teton Counties are entirely local enforcement for fire and life safety codes, so they are not part of a DFPES region.

## Electrical Safety Division has eight inspectors with regional areas



Note: Natrona and Teton Counties are entirely local enforcement for electrical code, so they are not part of a DFPES region.

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# APPENDIX C

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## Training and other assistance for fire departments

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### **DFPES assistance to fire departments**

The Training Division provides training for firefighters around the state and at the Fire Academy in Riverton. Training Division staff travel to deliver voluntary training to individual fire departments and groups of departments. In calendar year 2007, the Training Division conducted nearly 500 classes around the state. In 2007, the Department purchased the Fire Academy in Riverton, where it offers training to fire departments and private industry; it put on 72 classes in that calendar year. The academy has classrooms and a burn building, but lacks a fire truck and must borrow one locally.

DFPES manages a voluntary firefighter certification program. After firefighters receive training from DFPES or from their own department, they can take a certification test. As of July 2008, almost 1,800 firefighters have their Firefighter I or Firefighter II certification. The Wyoming Firefighters Certification Committee, which the State Fire Marshal created and which is primarily comprised of members of the fire service, provides guidance on certification.

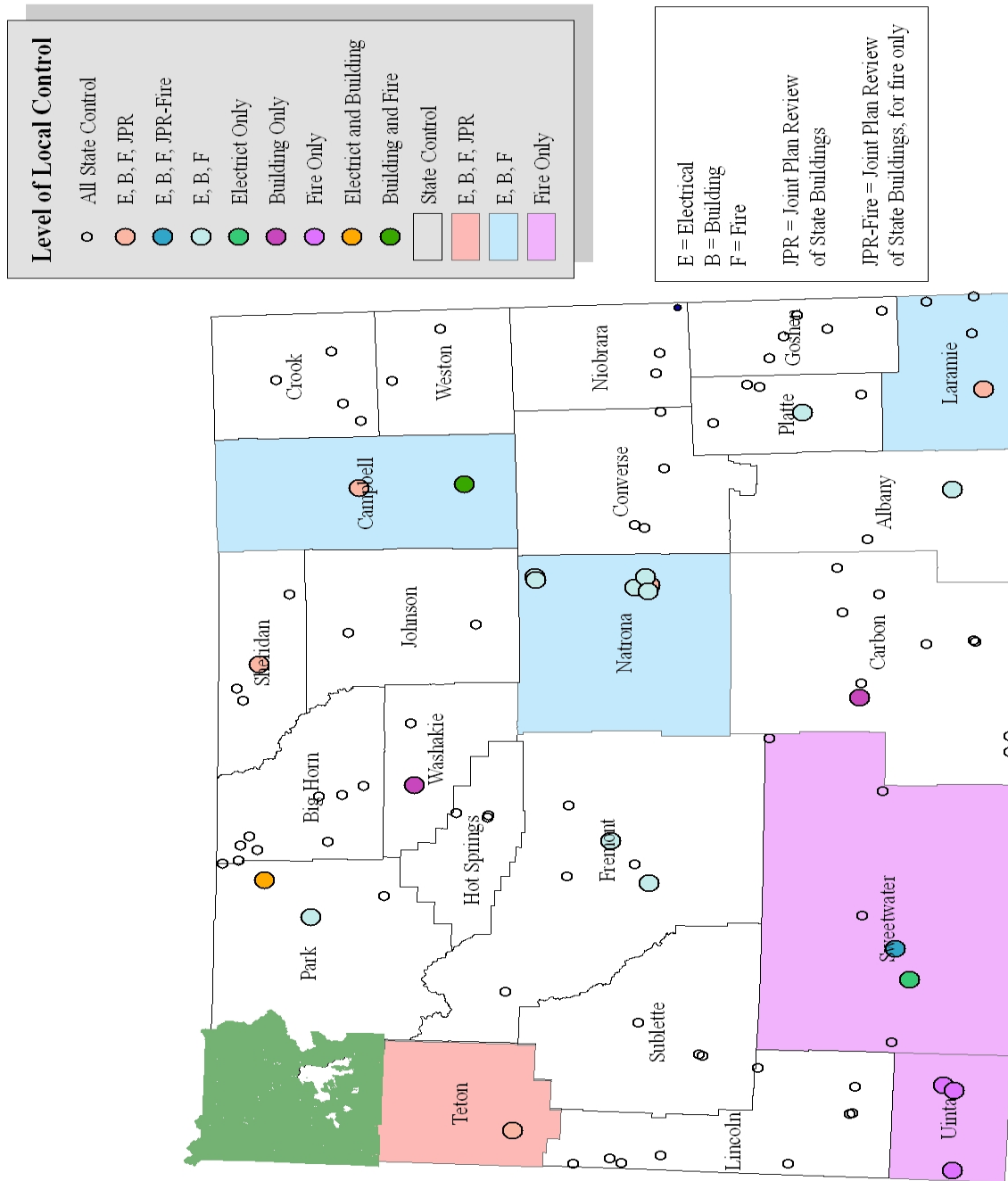
The Training Division investigates fires when local fire departments request assistance; in 2007, it investigated 52 fires. The Division also collects information, which statute requires all fire departments to provide, and produces an annual report on fires.

### **Wyoming's firefighters**

DFPES estimates that the state has between 2,300 and 2,700 firefighters, and over 90 percent of the 146 fire departments are partially or entirely volunteer. These fire departments include municipal, county, industrial, and military departments.

# APPENDIX D

## Local enforcement jurisdictions



**Counties**

<b>County</b>	<b>Population</b>	<b>Electric</b>	<b>Building</b>	<b>Fire</b>	<b>State Building</b>
Albany	30,360				
Big Horn	11,390				
Campbell	38,934	✓	✓	✓	
Carbon	15,325				
Converse	12,866				
Crook	6,255				
Fremont	37,163				
Goshen	12,129				
Hot Springs	4,588				
Johnson	8,014				
Laramie	85,384	✓	✓	✓	
Lincoln	16,383				
Natrona	70,401	✓	✓	✓	
Niobrara	2,253				
Park	27,094				
Platte	8,588				
Sheridan	27,673				
Sublette	7,359				
Sweetwater	38,763			✓	
Teton	19,288	✓	✓	✓	✓
Uinta	20,213			✓	
Washakie	7,819				
Weston	6,762				

**Municipalities (by population)**

<b>County</b>	<b>City/town</b>	<b>Population</b>	<b>Electric</b>	<b>Building</b>	<b>Fire</b>	<b>State Building</b>
Laramie	Cheyenne	55,805	✓	✓	✓	✓
Natrona	Casper	50,632	✓	✓	✓	✓
Albany	Laramie	27,204	✓	✓	✓	
Campbell	Gillette	25,829	✓	✓	✓	✓
Sweetwater	Rock Springs	18,708	✓	✓	✓	✓
Sheridan	Sheridan	16,333	✓	✓	✓	✓
Sweetwater	Green River	13,000	✓			
Uinta	Evanston	11,507			✓	
Fremont	Riverton	9,310	✓	✓	✓	
Carbon	Rawlins	9,006		✓		
Park	Cody	8,835	✓	✓	✓	
Teton	Jackson	8,647	✓	✓	✓	✓
Fremont	Lander	6,867	✓	✓	✓	
Goshen	Torrington	5,776				
Park	Powell	5,373	✓	✓		
Converse	Douglas	5,288				
Washakie	Worland	5,250		✓		
Johnson	Buffalo	3,900				
Platte	Wheatland	3,548	✓	✓	✓	
Weston	Newcastle	3,500				
Hot Springs	Thermopolis	3,172				
Lincoln	Kemmerer	2,651				
Natrona	Mills	2,591	✓	✓	✓	
Big Horn	Lovell	2,361				
Natrona	Evansville	2,255	✓	✓	✓	
Converse	Glenrock	2,231				
Lincoln	Afton	1,818				
Big Horn	Greybull	1,815				
Carbon	Saratoga	1,726				
Uinta	Lyman	1,700			✓	
Lincoln	Star Valley Ranch	1,465				
Niobrara	Lusk	1,447				
Sublette	Pinedale	1,412				

County	City/town	Population	Electric	Building	Fire	State Building
Campbell	Wright	1,347		✓	✓	
Big Horn	Basin	1,238				
Crook	Sundance	1,161				
Uinta	Mountain View	1,153			✓	
Laramie	Pine Bluffs	1,153				
Platte	Guernsey	1,147				
Fremont	Dubois	964				
Natrona	Bar Nunn	936	✓	✓	✓	
Carbon	Hanna	873				
Weston	Upton	872				
Sweetwater	Wamsutter	842				
Crook	Moorcroft	807				
Sheridan	Dayton	750				
Sublette	Marbleton	720				
Lincoln	Diamondville	716				
Sheridan	Ranchester	701				
Fremont	Shoshoni	635				
Big Horn	Cowley	560				
Big Horn	Byron	557				
Lincoln	Alpine	550				
Goshen	Lingle	510				
Lincoln	Cokeville	506				
Carbon	Sinclair	500				
Converse	Rolling Hills	449				
Carbon	Encampment	443				
Uinta	Bear River	441				
Lincoln	LaBarge	431				
Crook	Hulett	409				
Fremont	Hudson	409				
Natrona	Midwest	408	✓	✓	✓	
Sublette	Big Piney	408				
Park	Meeteetse	351				
Carbon	Baggs	348				



County	City/town	Population	Electric	Building	Fire	State Building
Lincoln	Thayne	341				
Goshen	LaGrange	332				
Washakie	Ten Sleep	304				
Laramie	Burns	285				
Carbon	Medicine Bow	279				
Hot Springs	East Thermopolis	274				
Big Horn	Burlington	250				
Johnson	Kaycee	249				
Platte	Chugwater	244				
Sweetwater	Superior	244				
Albany	Rock River	235				
Goshen	Fort Laramie	232				
Platte	Glendo	229				
Crook	Pine Haven	222				
Big Horn & Park	Frannie	209				
Carbon	Elk Mountain	192				
Big Horn	Deaver	177				
Natrona	Edgerton	169	✓	✓	✓	
Fremont	Pavillion	165				
Goshen	Yoder	160				
Sweetwater	Granger	146				
Laramie	Albin	122				
Sheridan	Clearmont	115				
Big Horn	Manderson	104				
Lincoln	Opal	102				
Niobrara	Manville	101				
Sweetwater	Bairoil	97				
Hot Springs	Kirby	79				
Carbon	Dixon	78				
Platte	Hartville	76				
Carbon	Riverside	51				
Niobrara	Van Tassell	16				
Converse	Lost Springs	3				

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# APPENDIX E

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## Electrical permit and licensing exemptions

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	Permit Exemption	Licensing Exemption <sup>1</sup>
Property owned or leased by a person when the person, his partner or a major stockholder of a family corporation is installing the equipment and the property is not for immediate resale		✓
Oil and gas field operations, including exploration, testing, drilling, production, or transporting via pipeline	✓	✓
Railroads	✓	✓
Petroleum refineries	✓	✓
Fertilizer manufacturing facilities	✓	✓
Foundries	✓	✓
Mines and their appurtenant facilities	✓	✓
Liquefied petroleum, gas, electric or communication facilities exercising their function as a public utility	✓	✓
Cable TV, including contractors and subcontractors	✓	✓
Farms and ranches with more than 40 acres of deeded land	✓	✓
Buildings constructed by a school or college as part of its industrial arts curriculum		✓

<sup>1</sup> Licensing exemptions do not apply to contractors or subcontractors, except for Cable TV.

Source: W.S. 35-9-120(e) and 35-9-123(a) and (b)

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## APPENDIX F

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### Wyoming boards, councils, and commissions created “within” another agency

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Statute for the Department of Fire Prevention and Electrical Safety:  
35-9-103 **Divisions created; council and board created.**

- (a) There are created *within* the department:
- (i) The division of fire prevention;
  - (ii) The division of electrical safety;
  - (iii) The **council** on fire prevention and electrical safety in buildings;
  - (v) The electrical **board**.

We looked at 90 other Wyoming Boards, Councils and Commissions. Of these, 8 other entities contain the created “within” another department or the office of the Governor. These are listed in the table below:

Statute	Entity	Where it is created “within”
9-2-1601	Centennial Commission	The Wyoming Centennial commission <i>is created within</i> the office of the Governor...
9-2-2801(ii)	Health Care Commission	<i>Is established within</i> the Governor’s office to study issues...
9-2-901	Wyoming Council on the Arts	<i>Is created</i> as an advisory council <i>within</i> the department of State Parks and cultural resources...
11-37-103	Beef Council	For administrative purposes the beef council <i>shall be within</i> the department of Agriculture...
14-10-101	State Advisory Council on Juvenile Justice	<i>Is created within</i> the office of the Governor...
33-41-106	Wyoming Board of Professional Geologist	<i>Is created within</i> the department of administration and information...
33-43-103	State Board for Respiratory Care	There <i>is created</i> a state board for respiratory care <i>within</i> the department of administration and information...
36-4-101	Parks and Cultural Resource Commission	There <i>is established</i> the Wyoming Parks and Cultural Resource Commission <i>within</i> the department of State Parks...

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# APPENDIX G

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## Research Methodology

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### Summary of methodologies

This evaluation was conducted according to statutory requirements and professional standards and methods for governmental audits. The research was conducted from June through November 2008.

### General methodology

To compile basic information about the Department of Fire Prevention and Electrical Safety, we reviewed relevant statutes, rules, professional literature, legislative history, budget requests and appropriations, annual reports, strategic plans, previous studies and reports, and other information. To gain further understanding, we interviewed DFPES officials and staff at the state offices in Cheyenne and throughout the state. In addition to interviewing fire and electrical inspectors, we observed several inspections. We observed Council on Fire Prevention and Electrical Safety and Electrical Board meetings in August 2008. We also interviewed and surveyed Council and Board members. Additionally, we interviewed local officials and electrical industry stakeholders.

### Fire inspection data

The fire inspection data in this report was current as of July 31, 2008. To conduct this analysis, DFPES granted us access to their fire inspection data system, Firehouse, so we were able to review data on fire inspections going back to when the Department first started using Firehouse in 2005. Using Firehouse, we had access to the information that the inspectors enter into Firehouse, including their notes for individual inspections.

For our review of school maintenance inspections, we matched the data on the most recent school maintenance inspection to the list of schools in the School Funding Model on the Legislative Service Office's website. We did this because the Firehouse data did not include all schools. We excluded schools in local jurisdiction areas and schools constructed in the last 18 months. We also excluded schools that had undergone major remodels, but did not exclude the schools that had smaller remodel projects, such as the remodel of the school lunch line or the addition of modular classrooms.

### Plan review and electrical safety data

DFPES's other major data system, Fire Prevention and Electrical Safety Information System (FPESIS), includes information on fire and electrical plan reviews and other electrical safety related activities including electrical inspections, permitting, and licensing. The data used in this report is current as of July 31, 2008. We reviewed this and data in the department's unlicensed

electrician warning tracking system to analyze electrical related activities and data quality questions.

**LSO review of local enforcement jurisdiction files**

To better understand DFPES' relationship with local enforcement jurisdictions, we reviewed active and inactive local enforcement authority transfer files. These files contain all department documentation regarding the process, including correspondence between the state and local jurisdictions. Because of the relatively small number of local jurisdictions, we reviewed the files for all local enforcement jurisdictions, including those that have relinquished authority or have decided after further consideration not to pursue local enforcement authority.

# Recent Program Evaluations

Child Protective Services	November 1999
Wyoming State Archives	May 2000
Turnover and Retention in Four Occupations	May 2000
Placement of Deferred Compensation	October 2000
Employees' Group Health Insurance	December 2000
State Park Fees	May 2001
Childcare Licensing	July 2001
Wyoming Public Television	January 2002
Wyoming Aeronautics Commission	May 2002
Attorney General's Office: Assignment of Attorneys and and Contracting for Legal Representation	November 2002
Game & Fish Department: Private Lands Public Wildlife Access Program	December 2002
Workers' Compensation Claims Processing	June 2003
Developmental Disabilities Division Adult Waiver Program	January 2004
Court-Ordered Placements at Residential Treatment Centers	November 2004
Wyoming Business Council	June 2005
Foster Care	September 2005
State-Level Education Governance	December 2005
HB 59: Substance Abuse Planning and Accountability	January 2006
Market Pay for State Employees	July 2006
Wyoming Drug Courts	July 2006
A&I HRD Role in State Hiring	December 2006
Kid Care CHIP: Wyoming's State Children's Health Insurance Program	June 2007
Wyoming Retirement System: Public Employee Plan	August 2007
WYDOT and General Fund Appropriations for Highways	May 2008
Wyoming Child Protective Services	September 2008

**Evaluation reports can be obtained from:**

*Wyoming Legislative Service Office  
213 State Capitol Building Cheyenne, Wyoming 82002  
Telephone: 307-777-7881 Fax: 307-777-5466  
Website: <http://legisweb.state.wy.us>*