

CR 84-208

RULES CERTIFICATE

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3:30 pm
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Bureau

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Miscellaneous Fee Changes were duly approved and adopted by this department on March 7, 1985.
(Subject) *(Date)*

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1:00 in the city of Madison, this 7-4 day of March A.D. 1985.

Howard S. Bellman
Secretary

5-1-85

ORDER OF ADOPTION

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Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02, 101.19 and 145.02, Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter:

Ind. 69 and S. ILHR 81.38 Fee Schedule and Certification Fees
(Number) (Title)

The attached rules shall take effect on the first day of the month
following publication in the Wisconsin Administrative Register pursuant to section
227.026, Stats.

Adopted at Madison, Wisconsin, this 7th
day of March, A.D., 1985.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard S. Bellman
Secretary



RULES in FINAL DRAFT FORM

Rule: Ch. Ind 69 and S. ILHR 81.38

Relating to: Miscellaneous Fee Changes

Clearinghouse Rule No.: 84-208

An order to repeal Ind 69.01 (1), Ind 69.07 (1) (a) (intro.) and (b); to renumber Ind 69.07 (1) (a) 1. to 10., Ind 69.09 (7) and Ind 69.10 (intro.); to renumber and amend Ind 69.01 (2); to amend Ind 69.07 (1) (intro.), Ind 69.07 (2) and Ind 69.21 (7); to repeal and recreate Ind 69.20 and ILHR 81.38; and to create Ind 69.10 (2) and Ind 69.24, relating to the fee schedule.

ANALYSIS OF RULES

The Division of Safety and Buildings, within the Department of Industry, Labor and Human Relations, is responsible for administering and enforcing a variety of regulatory programs concerning public safety and building standards. The programs of the division are funded from revenue collected through user fees which are specified in chapter Ind 69 of the Wisconsin Administrative Code. Provisions of chapters 101 and 145 of the Statutes grant the department the authority to fix and collect fees in order to offset the cost of providing its services. Proposed rule changes for fees include:

- Amending the fee escalator clause for all fees to be permissive rather than mandatory;
- Exempting amusement attractions from inspection fees in accordance with 1983 Wisconsin Act 94;
- Incorporating the groundwater fee for the flammable and combustible liquid storage tanks as specified in 1983 Wisconsin Act 410;
- Amending the fees for certifying dwelling code inspectors, plumbing inspectors and commercial building code inspectors; and
- Providing an appeal mechanism for persons who are indigent.

Pursuant to the authority vested in the state of Wisconsin, Department of Industry, Labor and Human Relations by ss. 101.02 (1), 101.19 and 145.02 (3), Stats., the department proposes to repeal, renumber, renumber and amend, repeal and recreate and create rules interpreting ss. 101.14 (5) and 101.19, Stats., as follows:

SECTION 1. Ind 69.01 (1) is repealed.

SECTION 2. Ind 69.01 (2) is renumbered Ind 69.01 and amended to read:

Ind 69.01 FEE ADJUSTMENT. Effective July 1, 1983, and thereafter, the fees specified in this chapter ~~shall~~ may be adjusted by the same percentage amounts, and on the same effective dates, as changes occur in the pay rate of employes of the state of Wisconsin as determined by the department.

SECTION 3. Ind 69.07 (1) (intro.) is amended to read:

Ind 69.07 AMUSEMENT RIDES AND-ATTRACTIONS. (1) PLAN EXAMINATION, DATA REVIEW, REGISTRATION AND INSPECTIONS. Fees for amusement rides ~~and attractions~~ shall be determined in accordance with the following schedule:

SECTION 4. Ind 69.07 (1) (a) (intro.) and (b) are repealed.

SECTION 5. Ind 69.07 (1) (a) 1. to 10. are renumbered Ind 69.07 (1) (a) to (j).

SECTION 6. Ind 69.07 (2) is amended to read:

Ind 69.07 (2) FEE ASSESSMENT AND COLLECTION. Registration and inspection fees for amusement rides ~~and attractions~~ shall be paid annually before registration is processed by the department.

SECTION 7. Ind 69.09 (7) is renumbered 69.02 (6).

SECTION 8. Ind 69.10 is renumbered Ind 69.10 (1).

SECTION 9. Ind 69.10 (2) is created to read:

Ind 69.10 (2) Pursuant to s. 101.14 (5), Stats., the department shall in addition to any other fee charged for plan examination and approval for the construction of a new or additional installation or change in operation of a previously approved installation for the storage, handling or use of combustible or flammable liquids, as specified in sub. (1), collect a groundwater fee of \$100.00.

SECTION 10. Ind 69.20 is repealed and recreated to read:

Ind 69.20 CERTIFICATION OF CERTIFIED INSPECTORS, DWELLING CODE INSPECTORS AND INDEPENDENT INSPECTION AGENCIES. All applicants for certification as a certified inspector, dwelling code inspector or independent inspection agency shall submit, with the application form, fees as specified in this section.

(1) CERTIFIED INSPECTOR. (a) Application and initial certification. Persons applying for certification in one or more of the categories specified in par. (b) shall submit a fee of \$25.00.

(b) Categories of certification. Persons may be certified in one or more of the following categories:

1. Dwelling Construction Inspector as defined in s. ILHR 26.05 (3) (a);
2. Dwelling Energy Conservation Inspector as defined in s. ILHR 26.05 (3) (b);
3. Dwelling Heating, Ventilating and Air Conditioning Inspector as defined in s. ILHR 26.05 (3) (c);
4. Dwelling Electrical Inspector as defined in s. ILHR 26.05 (3) (d);
5. Plumbing Inspector I as defined in s. ILHR 81.31 (3);
6. Plumbing Inspector II as defined in s. ILHR 81.31 (4);
7. Plumbing Inspector III as defined in s. ILHR 81.31 (5);
8. Commercial Building Inspector as defined in s. ILHR 26.05 (3) (e); and
9. Rental Unit Energy Inspector as defined in s. ILHR 68.04 (3).

(c) Examination. Upon determination of eligibility for examination for certification as a certified inspector, fees shall be submitted for examination and reexamination as follows:

1. Initial examination \$10.00 per category
2. Examination retakes \$10.00 per examination

(d) Education and training seminars. Fees shall be assessed on an individual basis for education and training programs the department sponsors or participates in.

(e) Recertification. The annual recertification fee for a certified inspector in one or more categories of certification shall be \$25.00 per person.

(2) DWELLING CODE INSPECTOR. Any person who is certified in all dwelling code inspection categories and wishes to provide inspection services as a dwelling code inspector, may be certified by the department upon payment of a fee. In order to qualify as a dwelling code inspector, the applicant must be certified in the categories of dwelling construction; dwelling heating, ventilating and air conditioning; dwelling energy conservation; dwelling electrical; and plumbing inspector I. The fee for initial certification and annual recertification shall be \$10.00. This fee shall be in addition to the fee specified in sub. (1).

(3) INDEPENDENT INSPECTION AGENCY. Fees for the initial certification or recertification of an independent inspection agency to perform any or all of the inspection services outlined under sub. 1 (b) shall be assessed annually at the cost of \$216.00.

SECTION 11. Ind 69.21 (7) is amended to read:

Ind 69.21 (7) MATERIAL AND PRODUCT REVIEWS - APPROVAL NUMBERS. A fee determined in accordance with s. Ind ~~69.02~~ 69.09 (2) shall be assessed where approval numbers are issued by the department for the approval of materials, equipment, devices, and methods of construction.

SECTION 12. Ind 69.24 is created to read: *renumbered Ind 69.25 pursuant to s. 13.93(2m)(b)1. Stat.*

Ind 69.24 APPEAL OR WAIVER OF FEE ASSESSMENTS. All or a portion of any fee may be waived upon a determination of indigency. Waivers under this section may be granted only by the secretary of the department of industry, labor and human relations.

SECTION 13. ILHR 81.38 is repealed and recreated to read:

ILHR 81.38 CERTIFICATION FEES. All applicants for certification as a certified plumbing inspector, shall submit, with the application form, the following fees:

(1) APPLICATION AND INITIAL CERTIFICATION. Persons applying for certification in one or more of the categories specified in s. Ind 69.20 (1) (b) shall submit a fee of \$25.00.

(2) EXAMINATION. Upon determination of eligibility for examination for certification as a certified plumbing inspector, fees shall be submitted for examination and reexamination as follows:

- (a) Initial Examination \$10.00 per category
- (b) Examination retakes \$10.00 per examination

END

* * * * *

EFFECTIVE DATE

Pursuant to s. 227.026 (1) (intro.), Stat., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

* * * * *

The Wisconsin Department of Industry, Labor and Human Relations

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March 7, 1985

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Revisor of Statutes
Bureau

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Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
411 West, State Capitol
Madison, Wisconsin

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 84-208

RULE NO. Ch. Ind 69 and s. ILHR 81.38

RELATING TO: Miscellaneous Fee Changes

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person