

WISCONSIN LEGISLATIVE COUNCIL STAFF



**RULES CLEARINGHOUSE**

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-126**

AN ORDER to amend Comm 5.07 (2), 5.08 (3) and 5.92 (3), relating to renewal of expired credentials.

Submitted by **DEPARTMENT OF COMMERCE**

08-24-00 RECEIVED BY LEGISLATIVE COUNCIL.

09-21-00 REPORT SENT TO AGENCY.

RNS:REL:jal;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached      YES       NO

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## CLEARINGHOUSE RULE 00-126

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

In s. Comm 5.07 (2) (b) 1. (intro.), "as specified in Table 5.06" should be inserted between "no later than one term after expiration of the license, certification or registration," and "in accordance with the following conditions:". A similar change should be made in s. Comm 5.07 (2) (b) 1. b. and (2) (c).

# FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 00-126

RULE NO.: Sections Comm 5.07, 5.08 and 5.92

RELATING TO: Renewal of Expired Credentials

Final regulatory flexibility analysis not required. (Statement of determination required.)

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

The proposed rules include less stringent compliance requirements relating to the consequences for renewal of expired licenses, certifications and registrations for all credential holders. The proposed rules codify the conditions that the Department has been requiring when granting petitions for variance for renewal of expired licenses, certifications and registrations. These changes will allow credential holders to more efficiently and economically renew expired licenses, certifications and registrations.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

There were no known issues raised by small businesses during hearings.

3. Nature and estimated cost of preparation of any reports by small businesses.

None known.

4. Nature and estimated cost of other measures and investments required of small businesses.

None known.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None known.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None known.

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 00-126

RULE NO.: Sections Comm 5.07, 5.08 and 5.92

RELATING TO: Renewal of Expired Credentials

Agency contact person for substantive questions.

Name: James Quast

Title: Program Manager

Telephone No. 608/266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached

# RULE REPORT

## Department of Commerce

Rule No.: Sections Comm 5.07, 5.08 and 5.92

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Relating to: Renewal of Expired Credentials

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*Agency contact person for substantive questions:*

Name James Quast

Title Program Manager

Telephone Number 266-9292

*Agency contact person for internal processing:*

Name Ronald Acker

Title Code Consultant

Telephone Number 267-7907

1. Agency statutory authority under which the agency intends to promulgate the rule(s).  
Sections 101.02 (1), 145.02 (4) and 145.07 (5), Stats.
  
2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).  
None known.
  
3. Citation of court decisions which are applicable to the proposed rule(s).  
None known.



4. Description of the proposed rule(s).

The proposed rules consist of revisions in chapter Comm 5 relating to the consequences for renewal of expired licenses, certifications and registrations. Under the current renewal requirements, a renewal is considered late if it is not submitted within 6 months after the expiration date of the license, certification or registration. Under the proposed rules, the renewal must be submitted no later than one term after the expiration date before it is considered late. A late renewal means the applicant must comply with all of the requirements for obtaining the license, certification or registration initially. The proposed rules also correspondingly extend the time period during which any required continuing education credit may be obtained.

The proposed rules also consist of a revision in the qualification requirements for the master plumber-restricted examination by including a licensed journeyman plumber as a qualified person.

5. Reason for the proposed rule(s).

The proposed rules have been developed in order to codify the conditions the Department has been requiring when granting petitions for variance for renewal of expired licenses, certifications and registrations. This will allow credential holders to more efficiently and economically renew expired licenses, certifications and registrations.

FISCAL ESTIMATE  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
SS. Comm 5.07, 5.08 & 5.92  
Amendment No. if Applicable

Subject

Renewal of Expired Credentials

Fiscal Effect

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

Increase Existing Appropriation  
 Decrease Existing Appropriation  
 Create New Appropriation  
 Increase Existing Revenues  
 Decrease Existing Revenues

Increase Costs - May be Possible to Absorb Within Agency's Budget  Yes  No  
 Decrease Costs

Local:  No local government costs

1.  Increase Costs  
 Permissive  Mandatory

3.  Increase Revenues  
 Permissive  Mandatory

5. Types of Local Governmental Units Affected:

Towns  Villages  Cities  
 Counties  Others \_\_\_\_\_  
 School Districts  WTCS Districts

2.  Decrease Costs  
 Permissive  Mandatory

4.  Decrease Revenues  
 Permissive  Mandatory

Fund Sources Affected

GPR  FED  PRO  PRS  SEG  SEG-S

Affected Ch. 20 Appropriations

None

Assumptions Used in Arriving at Fiscal Estimate

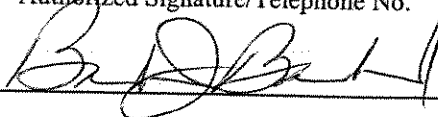
The Safety and Buildings Division is responsible for administering and enforcing chapter Comm 5. The proposed rules contain a Division filing fee of \$25.00 for the submittal of a form related to obtaining continuing education credit for an expired credential. The Division anticipates very few submittals of this form, and the fee will cover any additional workload costs related to processing the form. Therefore, the proposed rules will not have any fiscal effect on the Division.

Long-Range Fiscal Implications

None known.

Agency/Prepared by: (Name & Phone No.)  
Commerce/Ronald Acker 267-7907

Authorized Signature/Telephone No.



Date

8/20/02

**FISCAL ESTIMATE WORKSHEET**  
 Detailed Estimate of Annual Fiscal Effect  
 DOA-2047(R06/99)

1999 Session

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
 SS. Comm 5.07, 5.08 & 5.92

Amendment No.

Subject  
 Renewal of Expired Credentials

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
 None known

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category	\$	\$ -
State Operations - Salaries and Fringes		
(FTE Position Changes)	( 0 FTE)	( - 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	<b>\$ 0</b>	<b>\$ - 0</b>
B. State Costs By Source of Funds	\$	\$ -
GPR		
FED		-
PRO/PRS	0	- 0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	<b>\$ 0</b>	<b>\$ - 0</b>

**NET ANNUALIZED FISCAL IMPACT**

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)  
 Comm/Ronald Acker 267-7907

Authorized Signature/Telephone No.



Date

8/20/03



JAN 03 2000



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD#: (608) 264-8777  
www.commerce.state.wi.us

Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

January 3, 2001

Senate Chief Clerk  
Room 501  
119 Martin Luther King Blvd  
Madison, Wisconsin 53703

Assembly Chief Clerk  
Room 402  
1 East Main Street  
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE  
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 00-126

RULE NO.: Sections Comm 5.07, 5.08 and 5.92

RELATING TO: Renewal of Expired Credentials

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. Blanchard', written over a horizontal line.

Brenda J. Blanchard  
Secretary



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD#: (608) 264-8777  
www.commerce.state.wi.us

Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

January 3, 2001

Senator Fred Risser  
President of the Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53702

Representative Scott Jensen  
Speaker of the Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53702

Dear Senator Risser and Representative Jensen:

### NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 00-126

RULE NO.: Sections 5.07, 5.08 and 5.92

RELATING TO: Renewal of Expired Credentials

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
  - a) Rule Report.
  - b) Public Hearing Attendance Record.
  - c) Public Hearing Comment and Agency Response Form.
  - d) Legislative Council Rules Clearinghouse Report.
  - e) Response to Legislative Council Rules Clearinghouse Report.
  - f) Fiscal Estimate.
  - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

Brenda J. Blanchard  
Secretary

DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE

Clearinghouse Rule No.: 00-126		Hearing Location: Madison	
Rule Number: Sections Comm 5.07, 5.08 and 5.92		Hearing Date: September 26, 2000	
Relating to: Renewal of Expired Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		No comments or recommendations were submitted.	

DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE

Clearinghouse Rule No.: 00-126		Hearing Location: Mailed In Comments	
Rule Number: Sections Comm 5.07, 5.08 and 5.92		Hearing Date: September 26, 2000	
Relating to: Renewal of Expired Credentials			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	Mark C. Garot Edwin C. Garot Co., Inc. Green Bay, WI	<p>1. Opposed to the proposal. Anyone not renewing their credential within the time allotted under the current code should bear the consequences of those actions. Credentials come with responsibilities, such as required continuing education and timely renewal. If an individual cannot renew within the 6 months currently allotted, there is a good chance they are undeserving of the credential.</p> <p>2. If a Master Plumber's license is expired, the firm holding the license should not be able to engage in the plumbing contracting business. What about the liability of the State approving plumbing drawings submitted from an expired licensee? Would a municipality have liability issuing a plumbing permit to an expired licensee?</p> <p>3. The extra paperwork involved in keeping track of expired credentials as well as the extra paperwork involved in tracking continuing education credits for expired credentials would be nothing short of a giant headache.</p>	<p>1. The revisions reflect the re-evaluation of the consequences relative to the risk of not protecting public health.</p> <p>2. Plumbing licenses are issued to individuals and not firms. With a few exceptions, a master plumber is to be responsible for each plumbing installation. Nothing precludes a business from obtaining the services of another master plumber to be responsible for an installation. Plan approvals are granted on the basis of compliance with the technical aspects of the code.</p> <p>3. The Department believes it has the capability to track such information within its current resources and processes.</p>





State of Wisconsin \ Department of Commerce

# RULES in FINAL DRAFT FORM

**Rule No.:** Sections Comm 5.07, 5.08 and 5.92

**Relating to:** Renewal of Expired Credentials

**Clearinghouse Rule No.:** 00-126

The Department of Commerce proposes an order to amend Comm 5.07 (2), Comm 5.08 (3) and Comm 5.92 (3), relating to renewal of expired credentials.

\*\*\*\*\*

**Analysis of Proposed Rules**

Statutory authority: Sections 101.02 (1), 145.02 (4) and 145.07 (5), Stats.  
Statutes interpreted: Sections 101.02 (1), 145.02 (4) and 145.07 (5), Stats.

Chapter Comm 5 of the Wisconsin Administrative Code contains the Department's rules for the issuance of numerous credentials which businesses and individuals are either mandated or permitted to obtain. These credentials are licenses, certifications and registrations that relate to activities associated with the construction and inspection of buildings and structures or specific components and elements that serve buildings and structures.

The proposed rules consist of revisions in chapter Comm 5 relating to the consequences for renewal of expired licenses, certifications and registrations. Under the current renewal requirements, a renewal is considered late if it is not submitted within 6 months after the expiration date of the license, certification or registration. Under the proposed rules, the renewal must be submitted no later than one term after the expiration date before it is considered late. A late renewal means the applicant must comply with all of the requirements for obtaining the license, certification or registration initially. The proposed rules also correspondingly extend the time period during which any required continuing education credit may be obtained.

The proposed rules also consist of a revision in the qualification requirements for the master plumber-restricted examination by including a licensed journeyman plumber as a qualified person.

\*\*\*\*\*

SECTION 1. Comm 5.07 (2) is amended to read:

**Comm 5.07 (2) (a)** Except as provided in par. (b), upon receipt of the renewal application from the department, a person may apply to renew his or her license, certification or registration provided an application, a license, certification or registration fee and evidence of all renewal qualifications obligations, if any, are submitted to the department prior to the expiration date of the license, certification or registration.

**Note:** Qualification obligations for renewal are specified under the appropriate license, certification or registration category sections.

(b) 1. A person may apply to renew his or her license, certification or registration in accordance with par. (a) ~~within 6 months~~ no later than one term after expiration of the ~~credential [license, certification or registration]~~, ~~provided an application fee as specified in s. Comm 5.02, Table 5.02 accompanies the renewal application,~~ as specified in Table 5.06 in accordance with all of the following conditions:

a. An application fee as specified in s. Comm 5.02, Table 5.02 shall accompany the renewal application.

b. Any continuing education credit obtained after the time frame specified under s. Comm 5.08 (3) (a), but prior to the one-term deadline for renewal as specified in Table 5.06, that is needed to fulfill the renewal obligations shall be documented and filed with the department on a form prescribed by the department.

**Note:** The form to document late continuing education credit may be obtained from the Safety and Buildings Division, P.O. Box 7082, Madison, Wisconsin 53707-7082, telephone 608/261-8500.

2. The submission of a form under subd. 1. b. to the department shall include a \$25.00 processing fee.

(c) An individual who fails to renew his or her license, certification or registration ~~within 6 months~~ no later than one term after the expiration date of the license, certification or registration as specified in Table 5.06 shall be required to comply with and complete the appropriate requirements for obtaining the license, certification or registration initially, including the passage of a license, certification or registration examination, if required, in order to obtain the license, certification or registration once again.

SECTION 2. Comm 5.08 (3) is amended to read:

**Comm 5.08 (3) CONTINUING EDUCATIONAL CYCLE.** (a) ~~For~~ Except as provided under s. Comm 5.07 (2) (b), for those license, certification or registration categories which require continuing educational credit for renewal, the license, certification or registration holder shall obtain the necessary amount of continuing educational credit at least 3 months prior to the expiration date of the license, certification or registration as specified in Table 5.06.

(b) The Except as provided under s. Comm 5.07 (2) (b), the time period during which a license, certification or registration holder may obtain continuing education credit to fulfill the renewal obligations shall commence 3 months prior to the expiration date of the previous license, certification or registration term.

(c) The attendance of a continuing education course, program or seminar in order to fulfill late renewal obligations under s. Comm 5.07 (2) (b) may not be credited toward more than one renewal cycle for a specific license, certification or registration.

Note: The provisions under par. (c) do not limit an individual in attending or completing courses, programs or seminars multiple times on separate occasions for continuing education credit.

SECTION 3. Comm 5.92 (3) is amended to read:

**Comm 5.92 (3) QUALIFICATIONS FOR EXAMINATION.** (a) A person applying for a master plumber-restricted service license examination shall have at least 1,000 hours of experience per year for at least 2 consecutive years as a licensed journeyman plumber or a licensed journeyman plumber-restricted service.

(b) A person applying for a master plumber-restricted appliance license examination shall have at least 1,000 hours of experience per year for at least 2 consecutive years as a licensed journeyman plumber or a licensed journeyman plumber-restricted appliance.

(END)

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**EFFECTIVE DATE**

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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