

2007 DRAFTING REQUEST

Bill

Received: **02/22/2007**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Coggs (608) 266-2500**

By/Representing: **Adam**

This file may be shown to any legislator: **NO**

Drafter: **rkite**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - misc.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Coggs@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Thermal system insulation regulation

Instructions:

Redraft 2007 AB-1165

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	rkite 03/14/2007	jdyer 03/15/2007	rschluet 03/15/2007	_____	sbasford 03/15/2007		State
/1	rkite 04/13/2007	jdyer 04/16/2007	jfrantze 04/16/2007	_____	cduerst 04/16/2007	cduerst 05/04/2007	

FE Sent For: **"/1" AT INTRO 5-3-2007 <END>**

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/P1	rkite 03/14/2007	jdye 03/15/2007	rschlue 03/15/2007		sbasford 03/15/2007		

FE Sent For:

Handwritten signatures and dates: 4/16, 4/16, 4/16, <END>

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/?	rkite						
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315-7
<END>

FE Sent For:

Page Two
Drafting Instructions
Licensing of Heat & Frost Insulators

✓ **Page 7, line 25** delete the words “all of” following the word “met”

✓ **Page 8, lines 1 and 2** Delete lines 1 and 2 in their entirety.

✓ **Page 8, lines 3 to 7** Change these lines to read:

“1. He or she has passed a written examination approved by the department and completed any other requirement specified by the department by rule, or

2. He or she has successfully completed an approved apprenticeship program that meets the requirements specified under ch. 106 and completed any other requirement specified by the department by rule.”

✓ **Page 8, lines 13 to 18** In this section, on line 14, end the sentence after the word: “contractors”. Insert this language: “The department shall issue a contractor’s license to any person who is skilled in the planning, superintending, and practical installation, within public or private premises, of thermal insulation and fire-stop products, as defined in this chapter.

Delete all other language on lines 14 to 18.

✓ **Page 8, lines 19 to 22** On line 20, delete the words: “has been in the business of contracting for at least one year and”. Leave the remainder of the words on lines 20 to 22.

✓ **Page 9, line 13** In this section, dealing with Continuing Education, delete all the language following the word “council” on line 13.

✓ **Page 9, lines 22** On line 22, change “\$5,000” to “\$2000”.

⊗ **Page 10, lines 7** On line 7, following the word “forfeiture”, insert the words “not to exceed \$2000”. Leave the remainder of the words.

⊗ **New Section on enforcement** When talking about penalties for any of the violations in this section, we want to incorporate language similar to s. 145.12 (5), which was passed last year as 2005 Wisconsin Act 182. In other words, we want to incorporate a similar procedure for enforcing violations of this new licensing requirement for heat & freost insulators.

✓ **Page 10, Section 4, lines 13 to 19** On line 17, change “2008” to “2009”. On line 18, change “2009” to “2010”. On line 19, change “2010” to “2011”.

To: LRB

From: Sen. Spencer Coggs

RE: Drafting Instructions for legislation relating to the licensing and regulation of Thermal System Insulation and Fire-Stop product Mechanics and Contractors.

Legislation was introduced in the **2005-06 legislative session** dealing with this topic (**AB 1165, LRB-2620/2**). While major sections of that legislation are *not* acceptable for this draft, we will use that legislation as the reference point for these drafting instructions.

Modifications to 2005 AB 1165, LRB-2620/2, introduced on April 3, 2006.

✓ **Page 3, Section 1, lines 13 to 16** This section, which would create a Thermal Insulation And Fire Stop Council is fine, except for lines 13 to 14. In lines 13 and 14, instead of requiring a member who represents teachers and school administrators in this state, simply require that this member be an adult resident of the state.

✓ In lines **15 and 16**, replace "15 years of experience" with "10 years of experience".

✓ **Page 4, Section 2, line 14** This entire section of definitions is fine, *except* that on line 14, where "Thermal system insulation" is defined, the word "is" is missing between the words "that" and "used".

✓ **Page 5, lines 10 to 15** This section, dealing with the **State Thermal System Insulation And Fire-Stop Inspector**, is fine *except* on line 11, change *15 years* to *10 years*; and on line 15 add "or his designee" after the word "secretary".

⊗ **Page 5, line 17** After the number 1, insert the words: "On a random basis and/or if referred by authorized building inspectors in other units of government,"

✓ **Page 7, lines 1 and 2** On line 2, after the word "department.", add the words "and enclose the fee required by s. (insert new section of statutes outlining fees.) Fees for the licensing of Mechanics should range from \$250 to \$1000.

⊗ **Page 7, lines 5 to 20** On line 5, after the word "subsection". change the wording to: "A person wishing to obtain a contractor's license shall apply for a license by submitting a form provided by the department, along with the fees required under s. (insert section of statutes outlining fees. The fees for obtaining a contractor's license should range from \$250 to \$1000). A license issued by the department under this subsection is valid for two years."

✓ Delete all the other language from lines 7 to 20 on page 7.

Plotkin
Per Adam -
dept. to set fees -
not less than \$250
or more than \$1,000

Kite, Robin

From: Plotkin, Adam
Sent: Thursday, February 22, 2007 11:29 AM
To: Kite, Robin
Subject: Coggs re-draft of 2005 AB 1165/LRB 2620

Attachments: Heat Frost Instructions on LRB 2620.doc

Robin,

Attached is the memo with changes to 2005 AB 1165. Like I said, I think most of the changes are relatively easy. Just to clarify two of the points in the memo:

Page 7, line 25 - There are some concerns that requiring the apprenticeship training for a license excludes some people who would otherwise qualify. I believe the suggestion for this line takes care of it being required, but if you have other suggestions for making it more suggested and less required, let me know.

Page 9, line 13 - Let me know if you think that there should be the typical language regarding the department shall promulgate rules included.

Thanks again, and let me know if you have questions.

Adam



Heat Frost
Instructions on LR...

*Adam Plotkin
Clerk, Committee on Labor, Elections, and Urban Affairs
Office of Senator Spencer Coggs
phone, 608-266-2500
fax, 608-282-3546*

Friday 3/16/07

LRB-2046/A1

2005 - 2006 LEGISLATURE

LRB-2620/2

RNK: [unclear]

[Handwritten initials]

2005 ASSEMBLY BILL 1165

2007 BILL

April 3, 2006 - Introduced by Representative BERCEAU. Referred to Committee on Labor.

Regen

1 AN ACT *to create* 15.157 (14), 101.136 and 101.19 (1) (k) of the statutes; **relating**
 2 **to:** the licensing and regulation of thermal system insulation and fire-stop
 3 product mechanics and contractors; creating a thermal system insulation and
 4 fire-stop council; requiring the employment of a state inspector; ^{establishing} standards for
 5 installing, removing, and maintaining thermal system insulation and fire-stop
 6 products; requiring the exercise of rule-making authority; and providing a
 7 penalty.

Analysis by the Legislative Reference Bureau

The Department of Commerce (Commerce) administers various laws, including building codes, that promote safety in public and private buildings and in the subsystems of those buildings. To that end, Commerce issues various licenses, permits, registrations, and other credentials (licenses) to persons engaged in the construction trades such as electricians and plumbers. Commerce also administers and issues licenses in connection with the administration of other laws relating to public safety such as those regulating fireworks and the storage of flammable liquids.

This bill requires Commerce to regulate the business of installing, removing, and maintaining thermal system insulation and fire-stop products (insulation products). The bill defines thermal system insulation as a product used to insulate

ASSEMBLY BILL 1165

any hot or cold surface other than an insulation product used in the walls of a building. The bill defines a fire-stop product as a product used to prevent the spread of fire or smoke that is installed on or around a pipe, duct, wire, or other penetration through a floor, ceiling, or wall of a building. The bill requires Commerce to license persons who install, remove, and maintain insulation products (mechanics) and persons who are in the business of contracting to provide services for installing, removing, and maintaining insulation products (contractors). The bill also requires Commerce to employ a state thermal system insulation and fire-stop inspector (state inspector). The bill establishes a thermal system insulation and fire-stop council (council). The council is responsible for recommending rules to Commerce that establish standards for the installation, removal, and maintenance of insulation products. The council must also provide other advise to Commerce including recommending a continuing education program for mechanics and contractors.

Under the bill, the state inspector must have at least 15 years of experience installing, removing, or maintaining insulation products and must have successfully completed a four-year apprenticeship in the trade of heat and frost insulation. The state inspector must inspect buildings to determine whether the buildings comply with standards established by Commerce for the installation, removal, and maintenance of insulation products (state standards). The state inspector must also keep complete and accurate records of all inspected buildings and give notice of noncompliance to the owner of every building that fails to comply with state standards. The bill authorizes the state inspector to enter and inspect buildings and to issue orders requiring the owner of a building to make repairs or alterations that are necessary for the building to comply with state standards.

The bill establishes minimum licensing requirements for insulation product mechanics and contractors. Under the bill, a person may not obtain a mechanic's license unless he or she has at least one year of work experience in installing, removing, and maintaining insulation products, has passed a written examination approved by Commerce, has successfully completed an approved apprenticeship program, and has fulfilled any other requirement specified by Commerce.

The bill specifies that in order to be licensed as a contractor, a person must have been in the insulation products contracting business for at least one year, must be registered with the Department of Workforce Development as a contractor that employs and trains apprentices in the trade of heat and frost insulation, and must have obtained general liability, personal injury, and property damage insurance. The person must also provide employee health and retirement benefits of the type and in the amount determined by Commerce. The bill allows Commerce to waive any licensing requirement for contractors or mechanics for a person who is licensed in another state in which the standards for licensure are at least as strict as the requirements under the bill.

The bill also provides that Commerce may not issue or renew a license issued to a mechanic or a contractor unless the person completes a continuing education course during the previous license period that is approved by Commerce and that meets specified requirements.

ASSEMBLY BILL 1165

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

This is a preliminary draft. An analysis will be provided in a later version of this draft.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 15.157 ^{15x} (14) of the statutes is created to read:
 2 15.157 ¹⁵ (14) THERMAL SYSTEM INSULATION AND FIRE-STOP COUNCIL. There is
 3 created in the department of commerce a thermal system insulation and fire-stop
 4 council consisting of the state thermal system insulation and fire-stop inspector who
 5 shall serve as chairperson of the council, the secretary of the department of
 6 commerce or his or her designee, and the following members appointed for 3-year
 7 terms:

- 8 (a) Two members who represents a major insulation company.
- 9 (b) One ^{member who is an} architect licensed to do business in this state with work experience in
 10 the area of indoor air quality.
- 11 (c) One ^{member who is an} industrial hygienist with work experience in the area of indoor air
 12 quality, mold, and fungal growth.
- 13 (d) One member who represents teachers and school administrators in this
 14 state.
- 15 (e) Two members who are mechanics with at least 15 years of experience in the
 16 area of heat and frost insulation.

17 SECTION 2. 101.136 of the statutes is created to read:
 18 **101.136 Regulation of Thermal system installation. (1) DEFINITIONS.** In this section:
 19 (a) "Building" means a commercial, industrial, or residential building,
 20 structure, or facility, as defined by the department by rule, but does not include a

Insert 3-16

INSURE

is an adult resident of

1 residential building, structure, or facility that contains fewer than 4 residential
2 units.

3 (b) "Contractor" means a person who is engaged in the business of contracting
4 to provide services for installing, removing, or maintaining thermal system
5 insulation and fire-stop products.

6 (c) "Council" means the thermal system insulation and fire-stop council.

7 (d) "Fire-stop product" means a product that is used to prevent the spread of
8 fire or smoke and that is installed on or around a pipe, duct, wire, or any other
9 penetration through a floor, ceiling, or wall of a building.

10 (e) "Mechanic" means a person who installs, removes, or maintains thermal
11 system insulation and fire-stop products.

12 (f) "State inspector" means the state thermal system insulation and fire-stop
13 inspector.

14 (g) "Thermal system insulation" means a product that is used to insulate any hot
15 or cold surface including a pipe, duct, valve, boiler, flue, or tank, or equipment on or
16 in a building. "Thermal system insulation" does not include an insulation product
17 used in the walls of a home or building.

18 (2) DUTIES OF THE THERMAL SYSTEM INSULATION AND FIRE-STOP COUNCIL. (a) The
19 council shall do all of the following:

20 1. Recommend to the department rules establishing standards for the
21 installation, removal, and maintenance of thermal system insulation and fire-stop
22 products in buildings.

23 2. Recommend to the department ~~qualifications~~ ^{requirements} for the licensure of mechanics
24 and contractors and circumstances under which the department may take

ASSEMBLY BILL 1165

1 disciplinary action against a mechanic or contractor including suspension and
2 revocation of a license.

3 3. Recommend to the department qualifications for the state inspector.

4 4. Recommend to the department (a) continuing education ^{requirements} program for
5 mechanics and contractors.

6 (b) The council may consult with engineering authorities and other
7 organizations concerned with safety and health issues related to thermal system
8 insulation and fire-stop products and mold in performing its duties under this
9 subsection.

10 (3) STATE THERMAL SYSTEM INSULATION AND FIRE-STOP INSPECTOR. (a) The

11 department shall employ a person who has at least 15¹⁰ years of experience as a
12 mechanic, and who has successfully completed a 4-year apprenticeship in the trade

13 of heat and frost insulation, as the state thermal system insulation and fire-stop

14 inspector. The state inspector shall work under the direct supervision of the

15 secretary or his or her designee

16 (b) The state inspector shall do all of the following:

17 1. Inspect buildings constructed, or in which the mechanical systems have been
18 altered, on or after the effective date of this paragraph [revisor inserts date], to
19 determine whether the installation, removal, or maintenance of thermal system
20 insulation and fire-stop products in those buildings and structures complies with the
21 standards established by the department under sub. (4) (a) ^{subdivision}

22 2. Keep complete and accurate records of all inspected buildings including a list
23 identifying all buildings that are in compliance with the standards established by the
24 department under sub. (4) (a) ^{done} a list of all buildings that are not in compliance with

The state inspector shall conduct the inspections on a random basis, and whenever requested by a local building inspector. ^{to do so}

ASSEMBLY BILL 1165

SECTION 2

1 the standards established by the department under sub. (4) ^{✓ d mmm} and a list of all orders
2 that the state inspector issues under par. (c) 2. ✓

3 3. Give written notice of noncompliance to the owner of every building that the
4 inspector determines does not comply with the standards established by the
5 department under sub. (4) ^{✓ d mmm}

6 (c) The inspector may do any of the following:

7 1. Enter any building at a reasonable hour for the purpose of inspecting, or
8 gathering information about, any thermal system insulation or fire-stop product. ✓

9 2. Issue an order requiring the owner of a building to make repairs or
10 alterations that the inspector determines are necessary in order for the building to
11 comply with the standards established by the department under sub. (4) ^{✓ d mmm} (a). The

12 inspector shall issue such an order in writing.

Insert
6-12

13 ^{(5) Compliance with ← CS}
14 ~~(4) INSTALLATION STANDARDS. (a) The department shall promulgate a rule~~
15 ~~establishing standards for the installation, removal, and maintenance of thermal~~
16 ~~system insulation and fire-stop products in buildings.~~ ^(NO 4)

17 ^(NO 4) ~~(b) Every contractor who contracts to install, remove, or maintain thermal~~
18 ~~system insulation or firestop products shall ensure that such installation, removal,~~ [✓]
19 ~~and maintenance complies with the standards established by the department under~~ ^{STET}

20 ^{sub. (4) (a) see}
21 ^{(b) (3) (d)} ~~(5) LICENSING OF MECHANICS AND CONTRACTORS. (a) No person may install,~~
22 ~~remove, or maintain thermal system insulation or fire-stop products in any building~~
23 ~~unless that person is a mechanic licensed by the department under this section, is~~
24 ~~working under the direct supervision of a licensed mechanic, or is serving an~~
~~apprenticeship with a licensed contractor who meets the requirements specified~~

ASSEMBLY BILL 1165

1 under ch. 106. ^{§ 2.} *together with the applicable fee* ✓
2 license ~~from the department~~ ^{by submitting an application} on a form provided by the department.

3 (b) ^{1.} No person may contract to install, remove, or maintain thermal system
4 insulation or fire-stop products in any building unless that person is a contractor
5 licensed by the department under this ^{2.} subsection. ✓ *together with the applicable fee*

6 contractor's license shall apply for a license from the department ^{by submitting an application} on a form provided
7 by the department. An applicant for a contractor license shall provide all of the
8 following information on the application:

9 1. If the applicant is an individual, the name, home address, business address,
10 and social security number of the applicant.

11 2. If the applicant is a company or business, the applicant's name and business
12 address, the social security number of each of the applicant's officers, a copy of the
13 applicant's articles of incorporation, if any, and the name of the company that the
14 applicant uses to train its employees, if any.

15 3. The number of years that the applicant has been engaged in the business of
16 contracting.

17 4. Any other information that the department may require.

18 (c) A license issued by the department under this subsection is valid for one
19 year and may be renewed subject to the continuing education requirements
20 established under sub. (10).

21 ~~(6)~~ ⁽⁸⁾ ~~STANDARDS~~ ^{(7) Requirements} FOR LICENSURE OF MECHANICS. (a) ~~The~~ department shall
22 promulgate rules establishing standards for the licensure of mechanics. Except as
23 provided in par. (b), the department may not issue a license to a mechanic unless the
24 mechanic demonstrates, in a manner satisfactory to the department, that he or she ^{either}
25 has met ^{the requirements established by the department by rule and} all of the following requirements:

ASSEMBLY BILL 1165

1 1. He or she has at least one year of work experience installing, removing and
2 maintaining thermal system insulation and fire-stop products.

3 ~~4~~ ^{1.} He or she has passed a written examination approved by the department. ✓

4 ~~4~~ ^{2.} He or she has successfully completed an apprenticeship that meets the
5 requirements specified under ch. 106. ✓

6 ~~4~~ He or she has completed any other requirement specified by the department
7 by rule.

8 (b) The department may waive any requirement, or any portion of a
9 requirement under par. (a) 1. to 4. for any person with experience in installing,
10 removing, or maintaining thermal system insulation and fire-stop products upon
11 submission of evidence satisfactory to the department that the person is qualified for
12 licensure.

~~13 (7) STANDARDS FOR LICENSURE OF CONTRACTORS. (a) The department shall
14 promulgate rules establishing standards for the licensure of contractors, including
15 a requirement that a contractor obtain general liability, personal injury, and
16 property damage insurance of the type and in the amount determined by the
17 department and provide employee health and retirement benefits of the type and in
18 the amount determined by the department.~~

~~19 (b) The department may not issue a license to a contractor unless the contractor
20 has been in the business of contracting for at least one year and is registered with
21 the department of workforce development as a contractor that employs and trains
22 apprentices in the trade of heat and frost insulation.~~

23 ~~(8)~~ LICENSING EXCEPTION. The department may waive a licensing requirement
24 under sub. ~~(6)~~ (7), or ~~(10)~~ (11) for any person who is licensed as a mechanic or contractor

insert
8-22

ASSEMBLY BILL 1165

1 in another state in which the standards for licensure are at least as strict as the
2 requirements under subs. (6), (7), and (10). (8) (11) ✓

3 (9) (10) ← (8) TEMPORARY AND EMERGENCY LICENSES. ✓ The department may promulgate
4 rules establishing standards and procedures for the issuance of temporary and
5 emergency licenses for mechanics and contractors. The rule shall provide that a
6 temporary or emergency license issued under this subsection is valid for a period of
7 30 days. ✓

8 (10) (11) ← (8) CONTINUING EDUCATION. The department may not renew a license issued
9 to a mechanic or contractor under this section unless the mechanic or contractor
10 submits a certificate to the department that demonstrates that the mechanic or
11 contractor has attended and successfully completed during the previous license
12 period a continuing education course approved by the department, upon consultation
13 with the council, that meets all of the following requirements:

- 14 (a) The course consists of at least 8 hours of instruction.
- 15 (b) The course requires passing an examination that consists of at least 100
16 written questions.
- 17 (c) The provider of the course keeps a record of course attendance for each
18 attendee.
- 19 (d) The provider of the course makes attendance records available to the
20 department upon request.

21 (11) PENALTIES (a) A person who violates this section or who does any of the
22 following is subject to a forfeiture of not more than \$5,000 and the suspension or
23 revocation of his or her license issued under this section: No person may do any of
the following

24 (a) Makes a false statement of material fact in an application for the issuance
25 or renewal of a license under this section. ✓

ASSEMBLY BILL 1165

1 ² Engaged in fraud, misrepresentation, or bribery in order to obtain a license
2 under this section.

3 ³ Fails to notify the department or the owner or lessee of any building that the
4 building fails to meet the standards established by the department by rule under

5 sub. (4) ^d ~~g~~ ~~m~~ ~~n~~ ~~o~~ ~~p~~ ~~q~~ ~~r~~ ~~s~~ ~~t~~ ~~u~~ ~~v~~ ~~w~~ ~~x~~ ~~y~~ ~~z~~

6 (b) A person who fails to comply with an order issued by the state inspector
7 under this section may be subject to a forfeiture in an amount determined by the
8 department by rule.

insert
10-8

9 SECTION 3. 101.19 (1) ^m ~~k~~ of the statutes is created to read:

10 101.19 (1) ^m ~~k~~ The licensing of thermal system insulation and fire-stop product
11 mechanics and contractors under s. 101.136 and the inspection of buildings under
12 s. 101.136.

auto
ref A

13 SECTION 4. Nonstatutory provisions.

14 (1) COUNCIL. Notwithstanding the length of terms of the thermal system
15 insulation and fire-stop council specified in section 15.157 ¹⁵ ~~14~~ of the statutes, as
16 created by this act, the initial members shall be appointed for the following terms:

- 17 (a) Two members for a term that expires on July 1, 2008.
- 18 (b) Two members for a term that expires on July 1, 2009.
- 19 (c) Three members for a term that expires on July 1, 2010.

20 (2) POSITION INCREASE. The authorized FTE positions for the department of
21 commerce are increased by 1.0 GPR position to be funded from the appropriation
22 under s. 20.143 (3) (a) of the statutes for the purpose of performing the
23 responsibilities of the state thermal ^{system} insulation and fire-stop product inspector.

24 SECTION 5. Effective dates. This act takes effect on first day of the 12th month
25 beginning after publication, except as follows:

ASSEMBLY BILL 1165

1 (1) The treatment of sections 15.157 (14) and 101.136 (2) of the statutes
 2 created by this act takes effect on the day after publication.

3

(CS) (END) autorePA
 and SECTION * of this act

and 101.19(1)(k)

~~(Editor - this refers to the non-stat. section)~~

(3), and (4)

15

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2046/Plins.
RNK:.....

INSERT 3-16

SECTION 1. 101.02 (20) (a) of the statutes, as affected by 2005 Wisconsin Act 456, is amended to read:

101.02 (20) (a) For purposes of this subsection, "license" means a license, permit or certificate of certification or registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

Note: Note: Par. (a) is shown as amended eff. 6-1-07 by 2005 Wis. Act 456. Prior to 6-1-07 it reads: Note:

(a) For purposes of this subsection, "license" means a license, permit or certificate of certification or registration issued by the department under ss. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 84, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456.

SECTION 2. 101.02 (21) (a) of the statutes, as affected by 2005 Wisconsin Act 456, is amended to read:

101.02 (21) (a) In this subsection, "license" means a license, permit or certificate of certification or registration issued by the department under s. 101.09 (3) (c), 101.122 (2) (c), 101.136, 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

Note: Note: Par. (a) is shown as amended eff. 6-1-07 by 2005 Wis. Act 456. Prior to 6-1-07 it reads: Note:

(a) In this subsection, "license" means a license, permit or certificate of certification or registration issued by the department under s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.15 (2) (e), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2), 101.653, 101.73 (5) or (6), 101.82 (2), 101.87, 101.935, 101.95, 101.951, 101.952, 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10 (6m).

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456.

INSERT 6-12

* (4) RULES. (a) The department shall promulgate rules establishing all of the following:

INS 6-12
cont

4 (a) Requirements for the licensing of mechanics and contractors. The rules shall provide that a license issued to a mechanic or a contractor under this section is valid for 2 years and is renewable.

4 (b) License fees for mechanics and contractors. The rules shall establish fees for the licensing of contractors that are not less than \$250 nor more than \$1,000 for each license period.

4 (c) Continuing education requirements for mechanics and contractors.

4 (d) Standards for the installation, removal, and maintenance of thermal system insulation and fire-stop products in buildings.

4 (e) Procedures governing the assessment of forfeitures under sub. (14) including the procedure for issuing an order for an alleged violation of this section, the procedure for contesting an order issued for an alleged violation of this section, and the procedure for contesting the assessment of a forfeiture for an alleged violation of this section.

INSERT 8-22

(8) REQUIREMENTS FOR LICENSURE OF CONTRACTORS. The department may not issue a license to a contractor unless the contractor meets all of the following requirements:

(a) The contractor is registered with the department of workforce development as a contractor that employs and trains apprentices in the trade of heat and frost insulation.

(b) The contractor is skilled in the planning, superintending, and practical installation of thermal insulation and fire-stop products.

*

system



(c) The contractor demonstrates, in a manner satisfactory to the department, that the contractor has met the requirements established by the department by rule. ✓

INSERT 10-8

(13) PENALTIES. ✓ A person who violates this section ✓ or who fails to comply with an order ✓ issued by the state inspector under this section ✓ is subject to a forfeiture of not less than \$2,000 ✓ nor more than \$5,000 ✓ for each violation.

*
*

(14) ASSESSMENT OF FORFEITURES BY THE DEPARTMENT. (a) The department may directly assess a forfeiture by issuing an order against any person ^{who} violates this section or who fails to comply with an order issued by the state inspector under this section. ✓

(b) The department shall remit all forfeitures paid to the department ✓ under this subsection ✓ to the secretary of administration for deposit in the school fund. ✓

(c) All forfeitures that are not paid to the department as required under this subsection ✓ shall accrue interest at the rate of 12 ✓ percent per year.

(d) The attorney general may bring an action in the name of the state to collect any forfeiture imposed by the department, or interest accrued, if the forfeiture or interest has not been paid after the exhaustion of all administrative and judicial reviews. ✓

~~END~~

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2046/P1dn
RNK:.....

Please review this draft closely to ensure that the draft accomplishes your intent. You will note that in addition to making the changes you requested to last session's version of this draft, I have somewhat reorganized the draft. Because the changes to the draft are extensive, I have prepared the draft in preliminary form.

If you have any questions with regard to this draft, please feel free to contact me.

Robin N. Kite
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2046/P1dn
RNK:jld:rs

March 15, 2007

Please review this draft closely to ensure that the draft accomplishes your intent. You will note that in addition to making the changes you requested to last session's version of this draft, I have somewhat reorganized the draft. Because the changes to the draft are extensive, I have prepared the draft in preliminary form.

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