2007 DRAFTING REQUEST

Bill

Received: **03/19/2007**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Russell Decker (608) 266-2502**

By/Representing: **Patrick Walsh**

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

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Electrical code and regulation of electricians

Instructions:

Same as 07-0475

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mglass 03/19/2007	jdyer 03/20/2007		_____ _____			S&L
/1			jfrantze 03/20/2007	_____ _____	lparisi 03/20/2007	lparisi 04/23/2007	

FE Sent For: 4/27

<END>

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/?	mglass	1 3/20 jld					

FE Sent For:

<END>

LRB-0475/2
MGG&MDK:wlj:pg

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RM not R
keep

soon in 3/19

2007 BILL

no changes

Regen

AN ACT ***to repeal*** 59.79 (4), 101.80 (2), 101.82 (3), 101.82 (3m), 101.84 (2), 101.86 (2), 101.865, 101.87 (2), 101.87 (3) and 101.87 (4); ***to renumber and amend*** 101.80 (1), 101.86 (3) and 101.87 (1); ***to amend*** 86.16 (2), 101.02 (20) (a), 101.02 (21) (a), subchapter IV (title) of chapter 101 [precedes 101.80], 101.82 (1), 101.82 (2), 101.86 (1) (a), 101.86 (1) (c), 101.88 (1), 101.88 (2), 101.88 (3), 182.018 (3) and 289.33 (3) (d); ***to repeal and recreate*** 101.87 (title); and ***to create*** 101.80 (1g), 101.80 (1j), 101.80 (1m), 101.80 (3), 101.80 (4), 101.80 (5), 101.82 (1m), 101.82 (1r), 101.82 (1v), 101.82 (2m), 101.82 (3r), 101.84 (3), 101.861, 101.862 and 101.87 (5) of the statutes; **relating to:** a state electrical wiring code; regulation of electricians, electrical contractors, and electrical inspectors; inspections of electrical wiring; regulation of electrical wiring; regulation of

heating and air conditioning contractors by a county with a population of 500,000 or more; and granting rule–making authority.

Analysis by the Legislative Reference Bureau

Regulation of electrical wiring

Under current law, the Department of Commerce (Commerce) promulgates rules for electric construction in public buildings and places of employment and in places where farming is conducted. This bill expands Commerce's duty in this regard to promulgate a state wiring code that establishes standards for installing, repairing, and maintaining electrical wiring, regardless of what type of building is involved. The authority of a city, village, town, or county (municipality) to enact a local electrical code is also expanded in the same manner. The bill defines "electrical wiring" to be equipment and wiring for the production and control of electrical energy; "electrical wiring" does not include the equipment and wiring used by public utilities, electric cooperatives, or operators of wholesale merchant plants for the generation, transmission, and distribution of electricity to their customers or members. (A "wholesale merchant plant" is a plant that is generally not owned by a public utility and that provides service to wholesale customers.)

Regulation of electricians and electrical and other contractors

Under current law, Commerce administers a certification program for master electricians, electrical contractors, journeymen electricians, and beginning electricians. The program has a uniform examination for certification of master electricians and specifies that only master electricians and persons who employ at least one master electrician may be certified as electrical contractors. The program also establishes requirements for the certification of journeymen electricians and beginning electricians. Also under current law, a municipality may license an electrical contractor if the contractor has at least one master electrician as an employee. However, current law does not specifically require that a person be licensed or certified by Commerce or by a municipality to work as an electrician or electrical contractor.

Under this bill, a municipality may no longer license a contractor. Also, the bill specifically prohibits municipalities from registering or licensing electricians. Instead, under the bill, no person may work as an electrician or as an electrical contractor unless the person is licensed by or registered with Commerce. Commerce must promulgate rules for the licensing of electrical contractors and for the licensing and examination of all types of electricians, including journeymen and master electricians, but excluding beginning electricians. Under the bill, beginning electricians must register but do not need to pass an examination. The bill also requires that no person may do electrical work unless a master electrician is at all times responsible for the work.

The bill specifies several persons who are exempt from licensing or registration, including persons who perform certain types of electrical work on their own residences or in their own facilities, persons who perform electrical work on

elevators, escalators, and alarm systems, and persons who perform equipment installation that is not primarily electrical in nature. Also exempt are employees and subcontractors of electricity providers, persons who work on lighting or signals for public thoroughfares or airports, and persons who work on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.

In addition to requiring Commerce to promulgate rules for the regulation of all electricians, the bill imposes specific requirements as to the amount of experience necessary to be licensed as a residential or nonresidential journeyman electrician.

Finally, the bill repeals a provision authorizing the licensing and regulation of heating and air conditioning contractors in any county with a population of 500,000 or more (currently only Milwaukee County).

Inspections of electrical wiring

Under current law, Commerce promulgates rules for inspections of electrical construction in public buildings, places of employment, and places where farming is conducted. This bill expands the scope of this rule–making authority to cover all electrical wiring. Under current law, a municipality may enact an ordinance regulating the inspection of electrical construction in public buildings and places of employment if the ordinance meets the minimum state requirements. Under current law, Commerce must contract with a municipality for inspections of electrical construction for compliance with state law if the municipality has enacted such an ordinance and if the municipality requests Commerce to do so. Commerce must also provide such inspection in a municipality that has not enacted such an ordinance. This bill eliminates these provisions concerning contracting between Commerce and a municipality. The bill also expands the scope of municipal inspection authority to cover all electrical wiring.

Commerce may, at the request of the owner or tenant, inspect the exterior and interior wiring of a public building or place of employment to determine compliance with state law. Current law also requires the company furnishing electric current to obtain proof of compliance with state law before furnishing the current. This bill eliminates these provisions.

The bill requires Commerce to promulgate rules establishing criteria for certifying all electrical inspectors of electrical wiring. Under current law, Commerce is required to promulgate certification criteria only for inspectors of public buildings and places of employment. The bill also requires Commerce to promulgate rules establishing standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection. The bill specifically prohibits municipalities from certifying electrical inspectors and requires that all inspections of electrical wiring be conducted by inspectors certified by Commerce.

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

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

SECTION 1. 59.79 (4) of the statutes is repealed.

SECTION 2. 86.16 (2) of the statutes is amended to read:

86.16 **(2)** All poles used in the construction of such lines shall be set in such manner as not to interfere with the use of such highway by the public, nor with the use of the adjoining land by the owner thereof; and all pole lines shall hereafter be constructed so as to meet the requirements of the ~~Wisconsin~~ provisions of the state electrical code promulgated by the public service commission.

SECTION 3. 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), 101.143 (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~~ (1m), (1v), and (2), 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).

SECTION 4. 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), 101.143 (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~~ (1m), (1v), and

(2), 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).

SECTION 5. Subchapter IV (title) of chapter 101 [precedes 101.80] of the statutes is amended to read:

CHAPTER 101

SUBCHAPTER IV

~~INSPECTION OF~~ ELECTRICAL ~~CONSTRUCTION~~ WIRING AND ~~CERTIFICATION OF MASTER ELECTRICIANS, CONTRACTORS, JOURNEYMEN AND BEGINNING~~ ELECTRICIANS

SECTION 6. 101.80 (1) of the statutes is renumbered 101.80 (1r) and amended to read:

101.80 **(1r)** "Municipality" means a city, town, village ~~and~~, or county.

SECTION 7. 101.80 (1g) of the statutes is created to read:

101.80 **(1g)** "Electric cooperative" has the meaning given in s. 196.025 (5) (ag).

SECTION 8. 101.80 (1j) of the statutes is created to read:

101.80 **(1j)** "Electricity provider" means a public utility, an electric cooperative, or a wholesale merchant plant operator.

SECTION 9. 101.80 (1m) of the statutes is created to read:

101.80 **(1m)** "Electrical wiring" means all equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used for the production, modification, regulation, control, distribution, utilization, or safeguarding of electrical energy for mechanical, chemical, cosmetic, heating, lighting, or similar purposes, as specified under the state electrical wiring code. "Electrical wiring" does not include the equipment, wiring, material, fittings, devices, appliances, fixtures, and apparatus used by a public utility, an electric cooperative, or a wholesale

merchant operator for the purpose of generating, transmitting, or distributing electricity to its customers or members.

SECTION 10. 101.80 (2) of the statutes is repealed.

SECTION 11. 101.80 (3) of the statutes is created to read:

101.80 **(3)** "Public utility" has the meaning given in s. 196.01 (5).

SECTION 12. 101.80 (4) of the statutes is created to read:

101.80 **(4)** "State electrical wiring code" means the rules promulgated under s. 101.82 (1) for electrical wiring.

SECTION 13. 101.80 (5) of the statutes is created to read:

101.80 **(5)** "Wholesale merchant plant operator" means the operator of a wholesale merchant plant, as defined in s. 196.491 (1) (w).

SECTION 14. 101.82 (1) of the statutes is amended to read:

101.82 **(1)** ~~Adopt rules for the construction and inspection of electrical construction of public buildings and places of employment and for the inspection of electrical construction of places where farming, as defined in s. 101.01 (11), is conducted~~ Promulgate by rule a state electrical wiring code that establishes standards for installing, repairing, and maintaining electrical wiring. Where feasible, the ~~standards used shall be those~~ rules shall reflect nationally recognized~~.~~ ~~No rule may be adopted which does not take into account the conservation of energy in construction and maintenance of buildings~~ standards.

SECTION 15. 101.82 (1m) of the statutes is created to read:

101.82 **(1m)** Promulgate rules that establish criteria and procedures for the registration of beginning electricians and for the examination and licensing of different types of electricians, including journeymen electricians and master electricians.

SECTION 16. 101.82 (1r) of the statutes is created to read:

101.82 **(1r)** Promulgate rules that establish requirements for the supervision of beginning electricians.

SECTION 17. 101.82 (1v) of the statutes is created to read:

101.82 **(1v)** Promulgate rules that establish criteria and procedures for the licensing of electrical contractors.

SECTION 18. 101.82 (2) of the statutes is amended to read:

101.82 **(2)** Promulgate rules that establish criteria and procedures for the certification~~, including provisions for suspension and revocation thereof,~~ of electrical inspectors for the purpose of inspecting ~~the~~ electrical wiring ~~of public buildings and places of employment. Persons certified as inspectors may be employees of the department, a municipality or private inspection agency.~~

SECTION 19. 101.82 (2m) of the statutes is created to read:

101.82 **(2m)** Promulgate rules that establish standards and a process for the inspection of electrical wiring, including the inspection of electrical wiring for which a municipality does not provide inspection under s. 101.86 (1).

SECTION 20. 101.82 (3) of the statutes is repealed.

SECTION 21. 101.82 (3m) of the statutes is repealed.

SECTION 22. 101.82 (3r) of the statutes is created to read:

101.82 **(3r)** Promulgate rules that establish criteria and a process for the suspension or revocation of registrations issued to beginning electricians, licenses issued to electricians and electrical contractors, and certifications issued to electrical inspectors.

SECTION 23. 101.84 (2) of the statutes is repealed.

SECTION 24. 101.84 (3) of the statutes is created to read:

101.84 **(3)** Promulgate rules to differentiate the scope of installation, repair, or maintenance of electrical wiring that may be performed by electrical contractors and by different types of electricians, including beginning electricians, journeymen electricians, and master electricians.

SECTION 25. 101.86 (1) (a) of the statutes is amended to read:

101.86 **(1)** (a) ~~Exercise~~ Enact an electrical code or otherwise exercise jurisdiction over electrical ~~construction~~ wiring and inspection of electrical ~~construction in public buildings and places of employment~~ wiring by ~~passage~~ enactment of ordinances~~, providing such ordinances meet the minimum requirements of the department's rules adopted under this subchapter~~. An ordinance enacted under this paragraph may not be less restrictive than this subchapter. A county ordinance shall apply in any city, village or town which has not enacted such an ordinance.

SECTION 26. 101.86 (1) (c) of the statutes is amended to read:

101.86 **(1)** (c) By ordinance, establish and collect fees to defray the cost of jurisdiction exercised under par. (a) or (b) ~~or a contract under sub. (2)~~.

SECTION 27. 101.86 (2) of the statutes is repealed.

SECTION 28. 101.86 (3) of the statutes is renumbered 101.86 (3) (a) and amended to read:

101.86 **(3)** (a) The cost of inspection services provided by any county ~~which~~ that has enacted an ordinance under sub. (1) ~~or contracted under sub. (2)~~, if not defrayed by fees, shall be charged to or taxed ~~upon~~ against the property within those cities, villages, and towns in the county ~~which~~ that have not enacted ~~a local construction and inspection~~ an ordinance under sub. (1) ~~or contracted under sub. (2), and no.~~

(b) No part of the cost of inspection services, if not defrayed by fees, may be charged to or taxed against the property within any city, village, or town ~~which~~ that has enacted ~~such~~ an ordinance ~~or contracted~~ under sub. ~~(2)~~ (1).

SECTION 29. 101.861 of the statutes is created to read:

101.861 Municipal regulatory authority. Any ordinance enacted by a municipality that relates to licensure or certification of electrical contractors or electricians pursuant to the municipality's authority under s. 101.865, 2005 stats., or s. 101.87, 2005 stats., and that is in existence on the effective date of this section .... [revisor inserts date], shall remain in effect without being amended or repealed until the first day of the 61st month beginning after the effective date of this section .... [revisor inserts date]. Beginning on the first day of the 61st month beginning after the effective date of this section .... [revisor inserts date], such an ordinance is no longer in effect.

SECTION 30. 101.862 of the statutes is created to read:

101.862 License, registration, or certification required. (1) No person may engage in the business of installing, repairing, or maintaining electrical wiring unless the person is licensed as an electrical contractor by the department.

(2) No person may install, repair, or maintain electrical wiring unless the person is licensed as an electrician by the department or unless the person is registered as a beginning electrician by the department.

(3) No person who is not a master electrician may install, repair, or maintain electrical wiring unless a master electrician is at all times responsible for the person's work.

(4) Subsections (2) and (3) do not apply to any of the following:

(a) A residential property owner who installs, repairs, or maintains electrical wiring on premises that the property owner owns and occupies as a residence, unless a license or registration issued by the department is required by local ordinance.

(b) A person engaged in maintaining or repairing electrical wiring within a facility or on premises owned or leased by the person or by an entity for which the person is an agent.

(c) A person engaged in installing, repairing, or maintaining electrical wiring, apparatus, or equipment for elevators and escalators.

(d) A person engaged in installing, repairing, or maintaining equipment or systems that operate at 50 volts or less.

(e) A person engaged in installing, repairing, or maintaining an electronic system designed to monitor a premises for the presence of an emergency, to issue an alarm for an emergency, or to detect and summon aid for an emergency.

(f) A person engaged in installing, repairing, or maintaining electrical wiring of transmission facilities, as defined in s. 196.01 (12).

(g) A person engaged in installing, repairing, or maintaining manufactured equipment or a manufactured system that is designed to provide a function that is not primarily electrical in nature if the installation, repair, or maintenance does not involve the delivery of electrical current to the equipment or system, or the modification or installation of conductors, beyond the disconnecting point or beyond the last junction, pull, or device box, whichever is nearer to the point where the person is performing the installation, repair, or maintenance.

(h) A person engaged in installing electrical wiring for components of a manufactured home, as defined in s. 101.91 (2), or a manufactured building, as

defined in s. 101.71 (6), while the manufactured home or the manufactured building is at or in the facility at which it is being manufactured.

(i) A person engaged in installing, repairing, or maintaining electric wiring who is employed by a electricity provider, or a subcontractor of an electricity provider, within the scope of the person's employment.

(j) A person engaged in installing, repairing, or maintaining electrical wiring that provides lighting or signals for public thoroughfares and for public airports.

(k) A person engaged in installing, repairing, or maintaining electrical wiring on the utility side of substations and other distribution facilities owned or operated by customers or members of electricity providers.

(5) A municipality may not impose any registration, licensing, or certification requirements on electrical contractors, electricians, or electrical inspectors.

SECTION 31. 101.865 of the statutes is repealed.

SECTION 32. 101.87 (title) of the statutes is repealed and recreated to read:

101.87 (title) **Requirements for journeymen electricians.**

SECTION 33. 101.87 (1) of the statutes is renumbered 101.87 (1) (intro.) and amended to read:

101.87 **(1)** (intro.) ~~The department shall adopt rules establishing a uniform examination for the statewide certification of master electricians and establishing certification requirements for electrical contractors, journeymen electricians and beginning electricians. The rules shall specify that only master electricians and persons who employ at least one master electrician may be certified as electrical contractors; that persons who successfully complete~~ The rules governing the licensing of journeymen electricians under s. 101.82 (1m) shall require that an

applicant for licensure as a journeyman electrician who is not a residential journeyman electrician have at least one of the following qualifications:

(a) Completion of an apprenticeship program ~~lasting for~~ in installing, repairing, and maintaining electrical wiring that has a duration of at least 4 years and that is approved by the U.S. department of labor and by the department ~~or pass an inside journeyman wireman examination and who have installed~~ of workforce development.

(b) Experience in installing, repairing, and maintaining electrical wiring for at least ~~48~~ 60 months and ~~have maintained and repaired electrical wiring for at least one month shall be certified as journeymen electricians; and that only persons who have some experience installing and repairing electrical wiring may be certified as beginning electricians. The rules shall provide for the periodic administration of the examination, shall specify the certification period and examination fee and shall establish criteria for the suspension of the certificate by the department for violations of a municipality's electrical code upon notification of such violations by the municipality. Applicants for certification as electrical contractors shall provide the department with their social security number, their worker's compensation number, their unemployment insurance account number, their state and federal tax identification numbers and the name and address of each partner or member if they are partnerships or limited liability companies, of the owner if they are individual proprietorships and of their officers if they are corporations~~ passage of an examination required by the department.

SECTION 34. 101.87 (2) of the statutes is repealed.

SECTION 35. 101.87 (3) of the statutes is repealed.

SECTION 36. 101.87 (4) of the statutes is repealed.

SECTION 37. 101.87 (5) of the statutes is created to read:

101.87 **(5)** The rules promulgated under s. 101.82 (1m) shall require that an applicant for licensure as a residential journeyman electrician have at least one of the following qualifications:

(a) Completion of an apprenticeship program in installing, repairing, and maintaining residential electrical wiring that has a duration of at least 3 years and that is approved by the U.S. department of labor and by the department of workforce development.

(b) Experience in installing, repairing, and maintaining electrical wiring for at least 36 months, and passage of an examination required by the department.

SECTION 38. 101.88 (1) of the statutes is amended to read:

101.88 **(1)** Every ~~contractor, designer and owner~~ person installing, repairing, or maintaining electrical wiring shall use ~~building~~ materials, methods, and equipment ~~which~~ that are in conformance with the rules ~~adopted~~ promulgated by the department under this subchapter.

SECTION 39. 101.88 (2) of the statutes is amended to read:

101.88 **(2)** All inspections of electrical wiring shall be made by persons certified by the department.

SECTION 40. 101.88 (3) of the statutes is amended to read:

101.88 **(3)** ~~Except as provided under s. 101.865 (2), whoever~~ Any person who violates this subchapter or any rule promulgated under this subchapter shall forfeit to the state not less than $25 nor more than $500 for each violation. Each day of violation constitutes a separate offense.

SECTION 41. 182.018 (3) of the statutes is amended to read:

182.018 **(3)** All wires strung over any railroad on or after August 1, 1949, shall be strung in such a way as to meet requirements of the ~~Wisconsin~~ provisions of the state electrical code promulgated by the public service commission. Any person stringing wires in violation of the code shall be subject to a forfeiture of not more than $100 nor less than $25. Each 10–day period, after the first day, that such violation occurs shall be a separate violation and shall subject the violator to an additional forfeiture of not less than $25 nor more than $100 for each such violation.

SECTION 42. 289.33 (3) (d) of the statutes is amended to read:

289.33 **(3)** (d) "Local approval" includes any requirement for a permit, license, authorization, approval, variance or exception or any restriction, condition of approval or other restriction, regulation, requirement or prohibition imposed by a charter ordinance, general ordinance, zoning ordinance, resolution or regulation by a town, city, village, county or special purpose district, including without limitation because of enumeration any ordinance, resolution or regulation adopted under s. 59.03 (2), 59.11 (5), 59.42 (1), 59.48, 59.51 (1) and (2), 59.52 (2), (5), (6), (7), (8), (9), (11), (12), (13), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26) and (27), 59.53 (1), (2), (3), (4), (5), (7), (8), (9), (11), (12), (13), (14), (15), (19), (20) and (23), 59.535 (2), (3) and (4), 59.54 (1), (2), (3), (4), (4m), (5), (6), (7), (8), (10), (11), (12), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25) and (26), 59.55 (3), (4), (5) and (6), 59.56 (1), (2), (4), (5), (6), (7), (9), (10), (11), (12), (12m), (13) and (16), 59.57 (1), 59.58 (1) and (5), 59.62, 59.69, 59.692, 59.693, 59.696, 59.697, 59.698, 59.70 (1), (2), (3), (5), (7), (8), (9), (10), (11), (21), (22) and (23), 59.79 (1), (2), (3), ~~(4),~~ (5), (6), (7), (8), (10) and (11), 59.792 (2) and (3), 59.80, 59.82, 60.10, 60.22, 60.23, 60.54, 60.77, 61.34, 61.35, 61.351, 61.354, 62.11, 62.23, 62.231, 62.234, 66.0101, 66.0415, 87.30, 91.73, 196.58, 200.11 (8), 236.45, 281.43 or 349.16 or subch. VIII of ch. 60.

SECTION 43. Nonstatutory provisions.

(1) No later than the first day of the 12th month beginning after the effective date of this subsection, the department of commerce shall submit in proposed form the rules required under section 101.82 (1), (1m), (1r), (1v), (2), and (2m) of the statutes, as affected by this act, to the legislative council staff under section 227.15 (1) of the statutes.

SECTION 44. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 59.79 (4) and 101.862 of the statutes takes effect on the first day of the 61st month beginning after publication.

(END)

Parisi, Lori

From: Walsh, Patrick
Sent: Monday, April 23, 2007 4:10 PM
To: LRB.Legal
Subject: Bill jacket

Could you please send over the jackets for LRB 2381/1 and LRB 2287/1.

Thank you.

Patrick Walsh
Legislative Aide
State Sen. Russ Decker