

CR 86-37

# RULES CERTIFICATE

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 fees were duly approved and adopted by this department on 6/20/86.

*(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.

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JUN 20 1986

3:05 pm  
Revisor of Statutes  
Bureau

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 10:15 in the city of Madison, this 20<sup>th</sup> day of June A.D. 1986.

Howard S. Bellman

Secretary

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# ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02 and 101.19, 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(s):

Ind. 69 and ILHR 50 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 20<sup>th</sup> day of June, A.D., 1986.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard S. Bellman  
Secretary



# RULES in FINAL DRAFT FORM

**Rule:** Chapters Ind 69 & ILHR 50

**Relating to:** Fees

**Clearinghouse Rule No.:** 86-37

AN ORDER to amend Ind 69.09 (1) (a) 1 b and 69.09 (1) (b); to repeal and recreate ILHR 50.17 and Ind 69.035; and create ILHR 50.175, Ind 69.025, and Ind 69.09 (7) relating to fees.

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Analysis of Rules

Pursuant to ss. 101.02 (15) and 101.19, Stats., the Department of Industry, Labor and Human Relations is responsible for adopting rules to administer the various programs and offset the cost of services by charging fees for the various services. Section 101.19 (1), Stats., specifically requires the department to "fix and collect fees" which "as closely as possible, equal the cost" of providing the service.

The responsibility of determining the level of fee has been assigned to the Division of Safety and Buildings. All the fees charged by the division have been set by rule. The division has determined that it is good public policy to refund a percentage of the collected fee where the division fails to process these "permit" requests in accordance with established processing times and has further determined that the fee being collected for providing welder certification exceeds the department's actual cost.

The fee for the review covering replacement of heating equipment is also being amended to include boilers.

In addition, the department is revising its policy relative to the extension of building plan approval and the fees to be charged for this service.

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Pursuant to the authority vested in the state of Wisconsin, department of industry, labor and human relations by ss. 101.02 and 101.19, Stats., the department hereby adopts rules interpreting s. 101.19, Stats., as follows:

SECTION 1. ILHR 50.17 is repealed and recreated to read:

ILHR 50.17 EXPIRATION OF PLAN APPROVAL AND EXTENSION OF PLAN APPROVAL.

(1) EXPIRATION OF PLAN APPROVAL. Except as provided in sub. (2), plan approval by the department or its authorized representative shall expire two years after the date indicated on the approved plans if construction has not commenced within that two years or if, having once begun, construction ceases for a period of two years or more.

(2) EXTENSION OF PLAN APPROVAL. Upon request and payment of the fee under s. Ind 69.09(7), plan approval shall be extended for one two-year period provided that the approved plans are revised to comply with the code in effect at the time of the extension request and the request is submitted during the original approval period.

NOTE: According to s. 66.05(1)(a), Stats., the local governmental body or building inspector may order the razing of buildings or structures, or portions thereof, where there has been a cessation of normal construction for more than two years.

SECTION 2. ILHR 50.175 is created to read:

ILHR 50.175 DEPARTMENT LIMITATION. A conditional approval of a plan by the department shall not be construed as an assumption of any design responsibility.

SECTION 3. Ind 69.025 is created to read:

Ind 69.025 FEE REFUNDS. (1) GENERAL. If a request for a permit for which a fee is paid and a processing time is specified is not processed by the department within the time specified, a refund of 50% shall be made to the person who paid for the request for the permit.

(2) DEFINITIONS. The following definitions shall apply in this section:

(a) "Fee" means the amount of money paid for a single permit or request for service, but does not mean the total amount of money which may be submitted with an application covering more than one permit or request for service.

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(b) "Permit" includes a license, certification of an individual or company, examination of plans, initial certificate of operation, registration of a device, approval of a material, shaft excavation permit, petition for variance, permission to start construction, rental unit certificate of compliance, priority review and petition, and underground tank registration and use permit, but does not include any license specified under s. 145.08 (1), Stats., or inspection services.

Note: The length of processing times for various permits may be found in chs. ILHR 1 - 86 and chs. Ind 1 - 69.

(3) PROCESSING TIME. (a) Starting date. The permit processing time shall begin on the day after receipt of the request for the permit whether by mail or in person. When the department finds that a permit application has been submitted with inadequate information or fees, the processing time shall begin on the day after receipt of the additional information or fees.

(b) Ending date. The ending date that will be used to assess whether the permit was processed within the time period specified shall be the date the department actually made a determination to approve, deny or withhold the permit, and not the date on the correspondence noting the action or the date the permit was mailed out.

(4) DETERMINATION. (a) The starting and ending dates recorded on the computer records or individual file will be presumed by the department to be correct and shall be the dates used to assess whether a refund is to be made.

(b) The initial determination as to whether the permit was processed within the time period specified shall be made by the director of the bureau responsible for issuing the permit.

(c) Determinations subject to dispute shall be forwarded to the administrator for a final determination.

(5) PAYMENT OF REFUND FEES. (a) All refunds made by the department shall be forwarded through the United States mail service.

(b) Refunds shall be mailed to the person who paid for the request for the permit at the address of record indicated on the department's request for service forms.

(c) Refunds shall not be made to individuals requesting a refund in person.

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(d) Refund requests made for a permit application that is submitted with inadequate information or fees shall not constitute a legitimate request for a fee refund.

Note: Refunds will generally be made within 30 calendar days after a determination is made that a refund is in order.

SECTION 4. Ind 69.035 is repealed and recreated to read:

Ind 69.035 WELDER CERTIFICATION FEE. (1) ONE TEST REPORT. Except as provided in sub. (2), persons desiring to be certified as a structural welder shall submit with each qualification test report form a fee of \$22.00.

(2) TWO OR MORE TEST REPORTS. When two or more welder qualifications are completed and reported within a period of time not to exceed 15 business days, one fee may be submitted in the amount of \$44.00 for the test reports submitted for an individual welder.

Note: Multiple processes used for one test coupon is considered one report.

SECTION 5. Ind 69.09 (1) (a) 1 b is amended to read:

Ind 69.09 (1) (a) 1 b. 'Replacement of heating equipment'. The fee for the approval of the replacement of a furnace or boiler in an existing heating system with no alterations to the heating system shall be \$27.00. See ~~s. Ind 69.03-(5)-for-a-registration-fee-for-boilers-and-pressure-vessels.~~

SECTION 6. Ind 69.09 (1) (b) is amended to read:

Ind 69.09 (1) (b) (title). Permission to start construction. The fee for a ~~permit~~ permission to start construction shall be \$60.00 per permit.

SECTION 7. Ind 69.09(7) is created to read:

Ind 69.09 (7) FEE FOR EXTENSION OF PLAN APPROVAL. The examination fee for a plan previously approved by the department for which an approval extension is requested shall be \$60.

(END)

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Pursuant to s. 227.026 (1) (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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(1366k)



State of Wisconsin \ Department of Industry, Labor and Human Relations

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June 20, 1986

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Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 86-37

RULE NO. Chapters Ind 69 & ILHR 50

RELATING TO Fees

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*

Howard S. Bellman  
Secretary

cc: Agency Contact Person