

**CR 09-046**

The Wisconsin Department of Commerce proposes an order to repeal Comm 2.31 (1) (b) note; to renumber Comm 5.09 (8) (b) and (c); to amend Comm 2.31 Table 2.31-1 line 3., Comm 2.31 (1) (d) 6., Comm 2.35 (3) (a) 3., Comm 5.02 Table 5.02 lines 1. to 8., 13. to 15., 18. to 20., 29., 33., 34., 44., 50., and 68. to 70., and Comm 5.08 (1) (f) 1.; and to create Comm 5.09 (8) (b), relating to program revenue fees, and affecting small businesses.

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**ANALYSIS OF PROPOSED RULES**

**1. Statutes Interpreted.**

Sections 101.02 (1), 101.19 and 145.08, Stats.

**2. Statutory Authority.**

Sections 101.02 (1), 101.19 and 145.08, Stats.

**3. Related Statute or Rule.**

None

**4. Explanation of Agency Authority.**

Chapters 101 and 145, Stats., grant the department general authority for the purpose of protecting public health, safety and welfare by establishing standards and regulatory oversight programs for the construction and maintenance of buildings, structures and dwellings and their components. These programs are administered by the Safety and Buildings Division. Sections 101.19 and 145.08, Stats., grant the department authority to promulgate rules to fix and collect fees that reflect the cost of providing these programs.

**5. Summary of Proposed Rules.**

The proposed rules contain two substantive provisions that establish fees for credentials administered by the Safety and Buildings Division:

- A credential application fee for 22 credential categories in addition to the credential fee.
- The review of a previously completed credentialing exam.

**6. Summary of, and Comparison with Existing or Proposed Federal Regulations.**

An Internet-based search in the *Code of Federal Regulations and the Federal Register* did not identify any existing or proposed federal regulations that address these topics.

**7. Comparison with Rules in Adjacent States.**

**Illinois, Iowa, Michigan and Minnesota:** An Internet based search did not identify any separate fee for processing credential applications or reviewing credential exams.

**8. Summary of Factual Data and Analytical Methodologies.**

Of the 82 types of credentials issued by the department, an application fee is part of the overall credential fee charge by the department for approximately 75 percent of the credentials. The application fee is charged for the initial application and for late credential renewals. Current application fees range from \$10 to \$35. The implementation of an application fee for the remaining 25 percent of the credentials creates equity across the board.

**9. Effect on Small Business including an Analysis and Supporting Documents Used to Determine the Effect or in Preparation of Economic Impact Report.**

The proposed fee to review a previous licensing exam affects individuals and not businesses directly.

Manufactured home dealer businesses would be the only business type credential affected by the implementation of the proposed \$15 credential application fee.

An economic impact report has not been required to be prepared.

**10. Agency Contact.**

James Quast, Program Manager, [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov), (608) 266-9292

**11. Public Hearing Comments.**

The hearing record on this proposed rulemaking will remain open until August 7, 2009. Written comments on the proposed may be submitted to James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or email at [jim.quast@wisconsin.gov](mailto:jim.quast@wisconsin.gov).

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SECTION 1. Comm 2.31 Table 2.31-1 line 3. is amended to read:

**Table 2.31-1  
Plan Review Fees for Buildings Not Located in Municipalities That Perform Inspections  
(partial table)**

Area (Square Feet)	Fees			
	Building Plans	HVAC Plans	Fire Alarm System Plans	Fire Suppression System Plans
3. 5,001-10,000	600	<del>300</del> <u>350</u>	150	150

SECTION 2. Comm 2.31 (1) (b) note is repealed.

SECTION 3. Comm 2.31 (1) (d) 6. is amended to read:

**Comm 2.31 (1) (d) 6.** Any building component, other than building, HVAC and fire protection systems, submitted ~~following the final inspection by a deputy of the department or, in the case of an agent municipality or county, the inspector having jurisdiction~~ after installation.

SECTION 4. Comm 2.35 (3) (a) 3. is amended to read:

**Comm 2.35 Rental unit energy efficiency program. (3) (a)**  
 3. Over 8 rental units.....~~\$250.00~~ 500.00 plus \$25 for each additional rental unit over 8 rental units.

SECTION 5. Comm 5.02 Table 5.02 lines 1. to 8., 13. to 15., 18. to 20., 29., 33., 34., 44., 50., and 68. to 70. are amended read:

**Table 5.02  
FEES  
(partial table)**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	<b>Subchapter II</b>				
1.	Class 1 Blaster	License	<del>none</del> \$15	\$30	\$100
2.	Class 2 Blaster	License	<del>none</del> \$15	\$30	\$100
3.	Class 3 Blaster	License	<del>none</del> \$15	\$30	\$100
4.	Class 4 Blaster	License	<del>none</del> \$15	\$30	\$100
5.	Class 5 Blaster	License	<del>none</del> \$15	\$30	\$100
6.	Class 6 Blaster	License	<del>none</del> \$15	\$30	\$100
7.	Class 7 Blaster	License	<del>none</del> \$15	\$30	\$100
8.	Fireworks Manufacturer	License	<del>none</del> \$15	NA	\$70
	<b>Subchapter III</b>				
13.	Manufactured Home Dealer - Main Business	License	<del>none</del> \$15	NA	\$200
14.	Manufactured Home Dealer - Branch	License	<del>none</del> \$15	NA	\$200
15.	Manufactured Home Salesperson	License	<del>none</del> \$15	NA	\$16
18.	Welder	Registration	<del>none</del> \$15	NA	\$35
19.	Weld Test Conductor - Physical	Certification	<del>none</del> \$15	\$20	\$80
20.	Weld Test Conductor - Radiographic	Certification	<del>none</del> \$15	\$20	\$80
	<b>Subchapter V</b>				
29.	Automatic Fire Sprinkler System Apprentice	Registration	<del>none</del> \$15	NA	\$15
	<b>Subchapter VI</b>				
33.	Boiler-Pressure Vessel Inspector	Certification	<del>none</del> \$15	NA	\$120
34.	In-Service Field Inspector	Certification	<del>none</del> \$15	NA	\$120
44.	Elevator Inspector	License	<del>none</del> \$15	NA	\$120
	<b>Subchapter VII</b>				
50.	Refrigerant Handling Technician	Certification	<del>none</del> \$15	NA	\$20
	<b>Subchapter IX</b>				
68.	Plumbing Apprentice	Registration	<del>none</del> \$15	NA	\$15
69.	Plumbing Learner-Restricted Appliance	Registration	<del>none</del> \$15	NA	\$15
70.	Plumbing Learner-Restricted Service	Registration	<del>none</del> \$15	NA	\$15

SECTION 6. Comm 5.08 (1) (f) 1. is amended to read:

**Comm 5.08 (1) (f) 1.** The individual or organization which had obtained the course, program or seminar approval shall maintain an attendance record of those individuals who have attended and completed the course, program or seminar for at least 5 years from the date of the course, program or seminar.

SECTION 7. Comm 5.09 (8) (b) and (c) are renumbered 5.09 (8) (c) and (d).

SECTION 8. Comm 5.09 (8) (b) is created to read:

**Comm 5.09 (8) (b)** The request to review an examination relating to subchs. II to VII, but not including s. Comm 5.68, and subchs. IX and X shall be accompanied by a \$15 fee.

(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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