The Wisconsin Department of Commerce proposes an order to repeal Comm 2.31 (1) (b) note; to renumber Comm 5.08 (1) (b) 3. and 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., Comm 5. 08 (1) (e) 2. a., Comm 5. 08 (1) (f) 1.; and to create Comm 5. 08 (1) (b) 3.. and Comm 5. 09 (8) (b), relating to program revenue fees, and affecting small businesses.

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The rules also propose to shorten the length of approval for a continuing education course from 5 years to 3 years.

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, and Michigan do not charge a fee for their reviews and approvals of continuing education courses required for any state credentials relating to building construction.

Minnesota charges $100 for the course provider and $10 per course hour for the review and approval of continuing education courses related to residential building contractors.

8. Summary of Factual Data and Analytical Methodologies.

The department issues 82 types of licenses, certifications and registrations for a variety of trade occupations. Approximately 40 percent of those credentials require the fulfillment of continuing educational obligations to renew the specific credential. Many of the continuing education courses are developed, conducted and/or sponsored by third-party entities. Continuing educational courses must first be reviewed and approved by the department. Currently, the department does not charge a fee for the review of a course. The department's cost to provide this review is currently offset by the credential fees of the various occupations. The department over the last three years has reviewed approximately 900 courses annually. On average, the review of a continuing educational course takes about an hour to process.

The department offers license applicants the ability to review their qualifying licensing exams. Currently, the department does not charge a fee for this service. The department's cost to provide this service is currently offset by the exam fees and the credential fees. Approximately 200 individuals annually take advantage of this opportunity. The department costs involve retrieving records and monitoring the applicants who review their exams.

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.

Continuing educational courses needed to renew various credentials issued by the department can be developed and submitted by anyone. Currently, many of the continuing education courses are developed or sponsored by various building trade or inspection associations. The fee for attending and/or completing a continuing educational course is determined by the course provider or sponsor. The department does not believe that the proposed fee of $40 per application plus $5 for each half hour of credit sought will create a significant impact on course submitters. Continuing education courses are approved for 5 years.

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, (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.

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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	~~300~~ 350	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
	Subchapter II				
1.	Class 1 Blaster	License	~~none~~ $15	$30	$100
2.	Class 2 Blaster	License	~~none~~ $15	$30	$100
3.	Class 3 Blaster	License	~~none~~ $15	$30	$100
4.	Class 4 Blaster	License	~~none~~ $15	$30	$100
5.	Class 5 Blaster	License	~~none~~ $15	$30	$100
6.	Class 6 Blaster	License	~~none~~ $15	$30	$100
7.	Class 7 Blaster	License	~~none~~ $15	$30	$100
8.	Fireworks Manufacturer	License	~~none~~ $15	NA	$70
	Subchapter III				
13.	Manufactured Home Dealer - Main Business	License	~~none~~ $15	NA	$200
14.	Manufactured Home Dealer - Branch	License	~~none~~ $15	NA	$200
15.	Manufactured Home Salesperson	License	~~none~~ $15	NA	$16
18.	Welder	Registration	~~none~~ $15	NA	$35
19.	Weld Test Conductor - Physical	Certification	~~none~~ $15	$20	$80
20.	Weld Test Conductor - Radiographic	Certification	~~none~~ $15	$20	$80
	Subchapter V				
29.	Automatic Fire Sprinkler System Apprentice	Registration	~~none~~ $15	NA	$15
	Subchapter VI				
33.	Boiler-Pressure Vessel Inspector	Certification	~~none~~ $15	NA	$120
34.	In-Service Field Inspector	Certification	~~none~~ $15	NA	$120
44.	Elevator Inspector	License	~~none~~ $15	NA	$120
	Subchapter VII				
50.	Refrigerant Handling Technician	Certification	~~none~~ $15	NA	$20
	Subchapter IX				
68.	Plumbing Apprentice	Registration	~~none~~ $15	NA	$15
69.	Plumbing Learner-Restricted Appliance	Registration	~~none~~ $15	NA	$15
70.	Plumbing Learner-Restricted Service	Registration	~~none~~ $15	NA	$15

SECTION 6. Comm 5.08 (1) (b) 3. is renumbered 5.08 (1) (b) 4.

SECTION 7. Comm 5.08 (1) (b) 3. is created to read:

Comm 5.08 (1) (b) 3. a. A request for a course, program or seminar to be reviewed for approval relating to subchs. II to VII, but not including s. Comm 5.68, and subchs. IX and X shall be accompanied by a $40.00 application fee plus $5.00 for each half hour of approval requested. The $5.00 half hour fee for a course, program or seminar involving different credentialing categories shall be based upon the greatest number hours requested for a specific credential category.

b. A request to a renew course, program or seminar approval where the course, program or seminar has not been revised shall be accompanied by a $40.00 renewal fee.

SECTION 8. Comm 5.08 (1) (e) 2. a. is amended to read:

Comm 5.08 (1) (e) 2. a. Except as provided subd. 2. c., the approval of a course, program or seminar for continuing education credit shall expire ~~5~~ 3 years after the date of approval.

SECTION 9. 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 10. Comm 5.09 (8) (b) and (c) are renumbered 5.09 (8) (c) and (d).

SECTION 11. 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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