

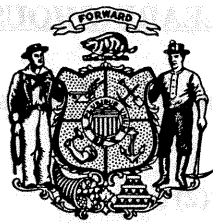
OCT 09 2000

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FORM 2

WISCONSIN LEGISLATIVE COUNCIL STAFF

**RULES CLEARINGHOUSE**

**Ronald Sklansky**  
Director  
(608) 266-1946



**Terry C. Anderson, Director**  
Legislative Council Staff  
(608) 266-1304

**Richard Sweet**  
Assistant Director  
(608) 266-2982

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 00-126**

AN ORDER to amend Comm 5.07 (2), 5.08 (3) and 5.92 (3), relating to renewal of expired credentials.

Submitted by **DEPARTMENT OF COMMERCE**

08-24-00 RECEIVED BY LEGISLATIVE COUNCIL.

09-21-00 REPORT SENT TO AGENCY.

RNS:REL;jal;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES

NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES

NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES

NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES

NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES

NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES

NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES

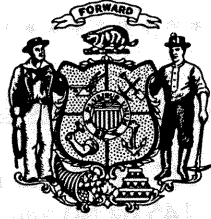
NO

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## CLEARINGHOUSE RULE 00-126

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

In s. Comm 5.07 (2) (b) 1. (intro.), "as specified in Table 5.06" should be inserted between "no later than one term after expiration of the license, certification or registration," and "in accordance with the following conditions:". A similar change should be made in s. Comm 5.07 (2) (b) 1. b. and (2) (c).

The Department of Commerce proposes an order to amend Comm 5.07 (2), Comm 5.08 (3) and Comm 5.92 (3), relating to renewal of expired credentials.

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**Analysis of Proposed Rules**

Statutory authority: Sections 101.02 (1), 145.02 (4) and 145.07 (5), Stats.  
Statutes interpreted: Sections 101.02 (1), 145.02 (4) and 145.07 (5), Stats.

Chapter Comm 5 of the Wisconsin Administrative Code contains the Department's rules for the issuance of numerous credentials which businesses and individuals are either mandated or permitted to obtain. These credentials are licenses, certifications and registrations that relate to activities associated with the construction and inspection of buildings and structures or specific components and elements that serve buildings and structures.

The proposed rules consist of revisions in chapter Comm 5 relating to the consequences for renewal of expired licenses, certifications and registrations. Under the current renewal requirements, a renewal is considered late if it is not submitted within 6 months after the expiration date of the license, certification or registration. Under the proposed rules, the renewal must be submitted no later than one term after the expiration date before it is considered late. A late renewal means the applicant must comply with all of the requirements for obtaining the license, certification or registration initially. The proposed rules also correspondingly extend the time period during which any required continuing education credit may be obtained.

The proposed rules also consist of a revision in the qualification requirements for the master plumber-restricted examination by including a licensed journeyman plumber as a qualified person.

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SECTION 1. Comm 5.07 (2) is amended to read:

**Comm 5.07 (2) (a)** Except as provided in par. (b), upon receipt of the renewal application from the department, a person may apply to renew his or her license, certification or registration provided an application, a license, certification or registration fee and evidence of all renewal qualifications obligations, if any, are submitted to the department prior to the expiration date of the license, certification or registration.

**Note:** Qualification obligations for renewal are specified under the appropriate license, certification or registration category sections.

(b) 1. A person may apply to renew his or her license, certification or registration in accordance with par. (a) ~~within 6 months~~ no later than one term after expiration of the credential [license, certification or registration], ~~provided an application fee as specified in s. Comm 5.02, Table 5.02 accompanies the renewal application,~~ in accordance with all of the following conditions:

a. An application fee as specified in s. Comm 5.02, Table 5.02 shall accompany the renewal application.

b. Any continuing education credit obtained after the time frame specified under s. Comm 5.08 (3) (a), but prior to the one-term deadline for renewal, that is needed to fulfill the renewal obligations shall be documented and filed with the department on a form prescribed by the department.

**Note:** The form to document late continuing education credit may be obtained from the Safety and Buildings Division, P.O. Box 7082, Madison, Wisconsin 53707-7082, telephone 608/261-8500.

2. The submission of a form under subd. 1. b. to the department shall include a \$25.00 processing fee.

(c) An individual who fails to renew his or her license, certification or registration ~~within 6 months~~ no later than one term after the expiration date of the license, certification or registration shall be required to comply with and complete the appropriate requirements for obtaining the license, certification or registration initially, including the passage of a license, certification or registration examination, if required, in order to obtain the license, certification or registration once again.

SECTION 2. Comm 5.08 (3) is amended to read:

**Comm 5.08 (3) CONTINUING EDUCATIONAL CYCLE.** (a) ~~For~~ Except as provided under s. Comm 5.07 (2) (b), for those license, certification or registration categories which require continuing educational credit for renewal, the license, certification or registration holder shall obtain the necessary amount of continuing educational credit at least 3 months prior to the expiration date of the license, certification or registration as specified in Table 5.06.

(b) The Except as provided under s. Comm 5.07 (2) (b), the time period during which a license, certification or registration holder may obtain continuing education credit to fulfill the renewal obligations shall commence 3 months prior to the expiration date of the previous license, certification or registration term.

(c) The attendance of a continuing education course, program or seminar in order to fulfill late renewal obligations under s. Comm 5.07 (2) (b) may not be credited toward more than one renewal cycle for a specific license, certification or registration.

Note: The provisions under par. (c) do not limit an individual in attending or completing courses, programs or seminars multiple times on separate occasions for continuing education credit.

SECTION 3. Comm 5.92 (3) is amended to read:

**Comm 5.92 (3) QUALIFICATIONS FOR EXAMINATION.** (a) A person applying for a master plumber-restricted service license examination shall have at least 1,000 hours of experience per year for at least 2 consecutive years as a licensed journeyman plumber or a licensed journeyman plumber-restricted service.

(b) A person applying for a master plumber-restricted appliance license examination shall have at least 1,000 hours of experience per year for at least 2 consecutive years as a licensed journeyman plumber or a licensed journeyman plumber-restricted appliance.

(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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