



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Testimony on Assembly Bills 902, 903, 904 & 905

Assembly Committee on Regulatory Licensing Reform

February 8, 2018

Thank you Chairman Horlacher for holding a public hearing today on Assembly Bills 902, 903, 904 & 905. I also want to thank Representative Ballweg for co-authoring this legislation on behalf of the Department of Safety and Professional Services.

This legislation was drafted in consultation with the Department of Safety and Professional Services, who conducted extensive outreach to interested stakeholders to find consensus on these bills. I will keep my comments brief, as the department will be providing details on specific points in the legislation.

Assembly Bill 902

Assembly Bill 902 makes a number of sensible changes to the DSPS's enforcement authority that are designed to continue upholding public safety, while allowing the department flexibility to correct disciplinary issues without taking away someone's livelihood. The bill also removes third party logistics providers from the definition of prescription drug wholesalers, putting Wisconsin in line with recent federal law changes.

Assembly Bill 903

Assembly Bill 903 makes a number of changes to the membership requirements of various credentialing boards, making it easier to fill certain openings and for boards to conduct business. The bill also eliminates a number of outdated or unnecessary statutory requirements that will allow the agency to operate in a more efficient and effective manner. For example, the bill eliminates a provision that requires that certain Cemetery Board statements be notarized or that DSPS publish an annual list of liquefied petroleum retailers.

Assembly Bill 904

Assembly Bill 904 makes a number of changes to the department's regulation of buildings. First, AB 904 cleans up language from the 2013 establishment of the uniform commercial building code by applying the procedures to counties in the same manner as other units of government. The bill also updates building code standards for carbon monoxide detection in commercial residential buildings to closely mirror international

recommendations that will improve safety and reduce cost for building owners. Lastly, the bill eliminates a statutory conflict that exists for the applicants to the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. This change will allow applicants to take the exam before the completion of their education requirements, thus allowing them to get into the workforce sooner after graduation.

Assembly Bill 905

Assembly Bill 905 primarily makes a number of remedial statutory changes identified by the department. The bill also provides greater uniformity to department operations and procedures across professions. Specifically, the bill outlines uniform procedures for conducting hearings, handling complaints, and disciplinary proceedings. This streamlining will ensure the agency is efficient and also ensure that DSPS customers can expect consistency across professions.

Thank you again Mr. Chairman and committee members for holding a hearing today on AB 902, AB 903, AB 904, and AB 905.



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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

Assembly Bills 902, 903, 904, 905
Testimony of Representative Joan Ballweg
Assembly Committee on Regulatory Licensing
February 8, 2018

Thank you, Chair Horlacher and members of the committee for holding public hearings today on Assembly Bills 902, 903, 904, and 905. These bills were introduced at the request of the Department of Safety and Professional Services (DPS) and I have Nate Yahn from DPS with me to speak in more detail on the legislation.

In my role as co-chair of the Joint Committee for Review of Administrative Rules, I've been able to work closely with DPS and other agencies on administrative code and their relation to state statute. After 2011 Wisconsin Act 21 went into effect, our state agencies began to closely review both their rules and statute to ensure what was on the books was both up-to-date and enforceable through statute. The Assembly's Red Tape Review initiative has contributed to this effort. We want to make sure that any rules we have on book reflect law, are updated, and do not hurt the productivity of Wisconsin's citizens. The four bills before you today are the result of a collaborative review by the department and stakeholders to ensure these goals are met.

Thank you again for hearing this legislation.



DATE: February 8, 2018

TO: Members, Assembly Committee on Regulatory Licensing Reform
The Honorable Cody Horlacher, Chair

FROM: Nate Yahn, Legislative Advisor
Wisconsin Department of Safety and Professional Services

SUBJECT: Assembly Bill 905 (changes to statutes administered by DSPS and attached boards)

Chairman Horlacher and Committee Members:

The Wisconsin Department of Safety and Professional Services (DSPS) would like to provide some important background information and commentary to committee members as you consider 2017 Wisconsin Assembly Bill 905 (AB 905). AB 905 makes various technical changes to existing state law that will provide for greater consistency and necessary clarification to the state statutes governing the regulation of professions and buildings and safety that are administered by DSPS. The Department supports AB 905.

DSPS is focused on its mission of promoting economic growth and stability, while protecting the safety of Wisconsin's public. This clean-up legislation contains minor substantive changes to existing state statutes that will simplify and update existing regulations, including the removal of obsolete or redundant statutory language, that will help make government operate more effectively and efficiently.

Specifically, AB 905 does the following:

- Removes statutory conflicts existing between the state's commercial building and multifamily dwelling codes.
 - Clean-up from 2013 Wisconsin Act 270, which established the uniform commercial building code.
- Requires any rules promulgated by DSPS that define uniform procedures for conducting hearings on matters regarding occupational licenses, and for handling of complaints and commencement of disciplinary proceedings against occupational license holders, to conform with rules related to professional credentials.
 - Provides for greater uniformity and consistency across DSPS-regulated occupations and professions.
- Provides uniform standards and procedures for DSPS-issued professional credentials and occupational licenses.
 - Streamlines existing licensing processes that will provide greater convenience for DSPS customers.
- Repeals an outdated requirement that DSPS inspect, by January 1, 1990, all pre-1950 constructed public schools.

- Repeals obsolete safety glazing requirements, and requires DSPS to instead promulgate rules regulating the use of safety glazing material in hazardous locations.
 - These requirements have since been replaced by more modern, up-to-date requirements that exist under the state's commercial building code.
- Eliminates a requirement that DSPS establish by rule a dispute resolution program for manufactured housing disputes.
 - This requirement is unnecessary and duplicative, as dispute resolution requests are currently handled through the U.S. Department of Housing and Urban Development (HUD) Manufactured Home Dispute Resolution Program, which was originally established back in 2008.
- Removes obsolete authority for DSPS to issue temporary revocable permits to master and journeyman plumbers pending examination, and eliminates outdated statutory references to "septic tank installers".
 - These permits and credentials are no longer issued by DSPS.
- Modifies the definition of "public swimming pool" to clarify that the definition does not include the following: inflated mobile structures, basins, chambers, or tanks; swim ponds; individual therapeutic pods, tubs, or baths; and fixed or mobile structures, basins, chambers, or tanks that serve fewer than 3 individual residences.
- Makes minor substantive changes to the licensure requirements for funeral directors to allow for more expedient reciprocity with other states.
 - Eliminates the need for applicants to supply DSPS with copies of another state's statutes as they existed at the time that they had received that state's credential, which could have been many years ago.
 - Eases the burden placed on individuals applying for funeral director licensure by reciprocity.

If you have any questions, please contact me at (608) 267-9794.



Alliance for Regulatory Coordination

Testimony in Support of Assembly Bill 904

Before the Assembly Committee on Regulatory Licensing Reform

February 8, 2018

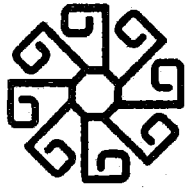
Greetings! I am Bob DuPont, founder of the Alliance for Regulatory Coordination.

The ARC is a consortium of 18 organizations involved in building design, construction and regulatory services. Alliance membership consists of business, labor, professional, advocacy, and governmental groups; numbering thousands of members, all committed to promoting more coordinated and efficient regulatory services for citizens and businesses of Wisconsin.

The Alliance for Regulatory Coordination supports Assembly Bill 904. We support consistent and coordinated administration of the Wisconsin Commercial Building Code. Regarding carbon monoxide detection, we believe this bill will maintain safety while further promoting economic growth and stability. If this legislation passes, we expect a 30% decrease in the number of required carbon monoxide detectors, and a significant reduction in false alarms caused by detectors presently installed in close proximity to fuel burning appliances or garages. Savings will accrue to building owners and fire departments as well. Attached is a White Paper with more information about the expected positive outcomes of AB 904 relative to carbon monoxide detection.

Thank you for this opportunity to offer testimony on this Bill. I would be happy to answer any questions you may have.

Please see reverse side for list of Alliance members.



Alliance for Regulatory Coordination

Classic Members

Associated Builders and Contractors of Wisconsin

International Association of Electrical Inspectors, Wisconsin Chapter

International Brotherhood of Electrical Workers, WI State Conf.

National Electrical Contractors Association, Wisconsin Chapter

Northwest Wisconsin Building Inspectors Association

Plumbers Union Local 75

Plumbing-Heating-Cooling Contractors, Wisconsin Association

Southwestern Wisconsin Building Inspectors Association

Water Quality Association of Wisconsin

Wisconsin Code Officials Alliance

Wisconsin Electrical Trades Council

Wisconsin Fire Protection Coalition

Wisconsin State Fire Chief's Association

Wisconsin State Fire Inspectors Association

Associate Members

Professional Fire Fighters of Wisconsin

Wisconsin Electric Cooperative Association

Wisconsin Propane Gas Association

Supporting Members

International Code Council

2017 Assembly Bill 904

Improving Carbon Monoxide Detection in Residential Commercial Buildings

Background

In 2008, through enactment of 2007 Wis. Act 205, Wisconsin became one of the first states to require carbon monoxide detection in residential commercial buildings. In the ten years since Act 205 went into effect, national model code requirements have been developed for carbon monoxide detection in residential commercial buildings. These model code requirements, developed by life safety experts in cooperation with manufacturers of carbon monoxide detectors, reflect advances in carbon monoxide detection technology and methodology.

Support for Improvement

The Alliance for Regulatory Coordination supports 2017 Assembly Bill 904 because it reflects the nationally recognized requirements of the 2015 edition of the *International Building Code* for carbon monoxide detection in residential commercial buildings.

We believe AB 904 will maintain public safety while reducing costs to building owners, and regulatory agencies at both the state and local level. Following are more details on cost savings and other improvements related to AB 904.

AB 904 Cost Savings

The Alliance for Regulatory Coordination conducted a case study of three new buildings comparing the provisions of AB 904 to current state law. Among the three buildings studied, 33% fewer carbon monoxide detection devices would be required if AB 904 were enacted.

AB 904 Focuses on Sleeping Areas

Over the past ten years, life safety experts have come to agree that placing detectors in sleeping areas should be the main focus of carbon monoxide detection. Rather than focusing on each source of carbon monoxide, new methodology focuses on people. This focus results in fewer detectors and reduces the number of costly and time-consuming false alarms caused by detectors placed too close to fuel burning appliances or placed in dusty environments such as parking garages.

Improvements to the Inspection Process

AB 904 requires inspections be performed by knowledgeable inspectors certified by the Department of Safety and Professional Services. It repeals the current unfunded mandate for carbon monoxide detection inspections; leaving the decision on when to inspect for carbon monoxide detection to building owners and local code officials.

The Alliance for Regulatory Coordination is a consortium of 18 organizations involved in building design, construction and regulatory services in Wisconsin. www.4arc.org.



**WISCONSIN
BUILDERS
ASSOCIATION**

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DATE: February 8, 2018

TO: Members of the Assembly Committee on Regulatory Licensing Reform

FROM: Steve Gryboski
Advocacy Group Chair
Wisconsin Builders Association

SUBJECT: Support of Assembly Bill 904 (AB 904) and Assembly Bill 905 (AB 905)

As the chair of the Wisconsin Builders Association Advocacy Group I write to you in support of both AB 904 and AB 905. Both bills are attempting to streamline state statutes and provide some important regulatory relief while still protecting the safety of Wisconsin families.

Some of the specific items in AB 904 that we are supportive of are:

- Cleaning up items related to 2013 WI Act 270 to make our commercial building code more uniform
- Updating language on the installation of carbon monoxide detectors in multifamily buildings which are supported by a wide range of advocacy groups

Highlights of the AB 905 include:

- Removal of conflicting state statutes regarding the commercial building code and the multifamily dwelling code
- Streamlining the licensure requirements for those holding a credential with the Department of Safety and Professional Services (DSPS)

I respectfully ask for your support in committee for the passage of AB 904 and AB 905.