



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapters Comm 5 and 20

Relating to: Dwelling Contractor Certification

Clearinghouse Rule No.: 07-007

COM-10535 (N.03/97)

COM-10527 (N.03/97)

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 07-007

Rule No.: Chapters Comm 5 and 20

Relating to: Dwelling Contractor Certification

Contact person for substantive questions:

Contact person for internal processing:

Name James Quast

Name James Quast

Title Program Manager

Title Program Manager

Telephone Number (608) 266-9292

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1. Basis and purpose of the proposed rule.

The rules create a new certification, dwelling contractor qualifier, issued to an individual in order to fulfill the educational obligations established under 2005 Wisconsin Act 200. The fulfillment of education obligations will be necessary in order to obtain a building permit for work on dwellings as directed by statutory direction under s. 101.65 (1m), Stats.

2. How the proposed rule advances relevant statutory goals or purposes.

The rules implement the statutory directives of 2005 Wisconsin Act 200.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes have occurred for the rule analysis or the fiscal estimate.

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

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Final regulatory flexibility analysis not required. (Statement of determination required.)

The proposed rules implement the mandates imposed by 2005 Wisconsin Act 200. The Act establishes educational obligations for contractors who need to obtain building permits involving work on one- and two- family dwellings. The department does not believe that the proposed rules will increase the effect on small businesses over that imposed by the Act.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

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RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 07-007

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Agency contact person for substantive questions.

Name: James Quast

Title: Program Manager

Telephone No. (608) 266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

**COMMENTS ON LEGISLATIVE COUNCIL
CLEARINGHOUSE REPORT**

Clearinghouse Rule No. 07-007
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2. Form, Style and Placement in Administrative Code

d. The provisions of ss. Comm 20.09 (2) (b) 2. and 20.09 (5) (c) address two different types of building permits, necessitating the repetition of the exception phrase.

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

b. The department does not believe that the suggested addition to the certification title will improve clarity.

d. The department will peruse other means to educate the impact for the construction industry, including a direct mailing to current holders of the dwelling contractor financial responsibility credential.

e. The department believes the rule as written is clear in that the ability to waive continuing education obligations applies to an individual renewal request.

f. The subjects of the note following s. Comm 20.09 (2) (b) 1. and 20.09 (2) (b) 3. address two different types of building permits.