

STATEMENT OF SCOPE

Department of Commerce

Rule No. : Chapter Comm 5

Relating to Licenses, Certifications and Registrations
:

1. Description of the objective of the rule.

The potential rulemaking projects are intended to address and implement licenses, certifications and registrations mandated as a result of legislation enacted during the 2007-2008 session. Currently, legislative proposals involve the licensing of electricians, building contractors and subcontractors, thermal insulators, fireworks sellers and propane distributors.

On its own initiative the department is considering the licensing of fire inspectors, public swimming pool installers and cross connection control surveyors and possible modifications under chapter Comm 5 to reflect process efficiencies. The purpose of licensing fire inspectors would be on a voluntary basis to recognize delegation of the responsibilities to accomplish the fire inspections mandated under s. 101.14, Stats. The purpose of licensing pool installers would be for assigning the responsibility of facilitating or overseeing code compliance during construction. The purpose of licensing the cross connection control surveyors would be to compliment and assist the Department of Natural Resources to protect safe water supplies as directed by the federal government.

The objectives of this rule project may be incorporated into more than one rule package.

2. Description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives.

Chapter Comm 5 establishes licensing, certification and registration programs for a variety of building trades, both for individuals and businesses. Currently under ch. Comm 5, no licensing program exists for thermal insulators, fireworks sellers, propane distributors, public swimming pool installers and cross connection control surveyors. With the exception of dwelling contractors, electrical contractors, and HVAC contractors, the department does not have a licensing program for building contractors and subcontractors.

Section 101.14, Stats., mandates local fire chiefs to accomplish annual fire inspection in order to eliminate potential fire hazards. In practice, fire chiefs typically this responsibilities to fire inspectors.

Failure to implement the statutory licensing mandates would be contrary to these legislative mandates.

If the department chooses not to license public swimming pool contractors and cross connection control surveyors the status quo would continue relative to individuals engaged in those activities.

3. Statutory authority for the rule.

Chapters 101, 145 and 167, Stats., as affected by 2007 – 2008 legislation.

4. Estimate of the amount of time that state employees will spend to develop the rule and of other resources necessary to develop the rule.

The department estimates approximately 1,000 hours will be needed to perform the review and develop any needed rule changes. This time includes forming and meeting with an advisory councils, if necessary, drafting the rule changes and processing the changes through public hearings, legislative review, and adoption. The department will assign existing staff to perform the review and develop the rule changes, and no other resources will be needed.

5. Description of all of the entities that will be affected by the rule.

If all of the proposed legislation were to be enacted, it is anticipated that at least the following businesses and individuals would be affected by the rules: all contractors and subcontractors associated with building construction, electrical contractors, propane distributors, fireworks sellers, public swimming pool installers, electricians, thermal insulators, and individuals providing cross connection control surveys for municipal water purveyors. The licensing of fire inspectors may potentially impact private fire inspection contractors.

6. Summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by the rule.

An internet-based search of the *Code of Federal Regulations* (CFR) and the *Federal Register* did not find any federal regulations relating to the licensing activities to be regulated under the rules. Under 40 CFR 142.10 (b) (2), states are required to have a systematic program for conducting sanitary surveys of public water systems.

Approved for publication in the Wisconsin Administrative Register at Madison, Wisconsin, this date: _____

DEPARTMENT OF COMMERCE

Jack L. Fischer, A.I.A., Secretary

Approved for implementation at Madison, Wisconsin, this date: _____

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Jack L. Fischer, A.I.A., Secretary