

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 06-120

Rule No.: Chapters Comm 14 and Comm 60 to 66

Relating to: Fire Prevention Code and Wisconsin Commercial Building Code

Contact person for substantive questions:

Contact person for internal processing:

Name James Quast

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Title Program Manager

Title Program Manager

Telephone Number (608) 266-9292

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1. Basis and purpose of the proposed rule.

The proposed rules update the standards for the Fire Prevention Code, ch. Comm 14 and the Wisconsin Commercial Building Code, chs. Comm 60 to 66, to incorporate and reference respectively the 2006 editions of model codes, the National Fire Protection Association (NFPA) and the International Code Council (ICC).

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

Under various statutory authority and direction specified in chapter 101, the department is responsible to establish minimum standards for the design, construction and use of public buildings and places of employment in order to protect public health, safety and welfare. The proposed revisions to the Fire Prevention and Commercial Building Code reflect current national values and practices.

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

There have been a few minor modifications to the rule analysis and no changes to the fiscal estimate. The changes under the rules analysis update the summary of the rules and information regarding the sprinkler regulations of other states.

FINAL REGULATORY FLEXIBILITY ANALYSIS

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

Sections 101.02 (1) and (15), 101.14 (1) and (4), and 101.973 (1), Stats., authorize the department to promulgate rules prescribing minimum construction and operation standards and fire prevention standards for public buildings and places of employment, including multifamily dwellings. The proposed rules of Clearinghouse Rule 06-120 are minimum requirements to meet the directives of the Statutes, and any exceptions from compliance for small businesses would be contrary to the Statutory objectives which are the basis for the rules.

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.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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Title: Program Manager

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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. 06-120

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2. Form, Style and Placement in Administrative Code

The focus of the proposed rules is the fire prevention code and the Wisconsin commercial building code. The revisions occurring for chapters Comm 7 and Comm 70 relate directly to fire prevention and commercial buildings, respectively.

3. Conflict with of Duplication of Existing Rules

a. Representatives of other state agencies were involved with the development of the proposed rules revisions. When and how the other agencies wish to address the issue is at their discretion.

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

f. The department is confident that the rules as proposed do not conflict with any statutes cited in the rules.