

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 10-103

Rule No.: 2, 5, 14, 20 and 61 to 66

Relating to: Wisconsin Commercial Building Code

Contact person for substantive questions:

Contact person for internal processing:

Name James Smith

Name James Quast

Title Program Manager

Title Program Manager

Telephone Number (608) 266-0251

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1. Basis and purpose of the proposed rule.

Under various provisions of chapter 101, Wis. Stats., the Department of Commerce protects public health, safety, and welfare by promulgating comprehensive requirements for the design, construction, maintenance and inspection of public buildings and places of employment, including commercial buildings and structures and multifamily dwellings under the Wisconsin Commercial Building Code, chapters Comm 61 to 66.

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

The proposed rules update provisions of Wisconsin Commercial Building Code to keep the codes consistent with dynamic, contemporary regional and national construction and fire prevention practices and standards. The proposed rules will reference the 2009 editions of the International Building Code, the International Energy Conservation Code, the International Mechanical Code, the International Fuel Gas Code and the International Existing Buildings Code.

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

No substantial changes were made to the rule analysis or fiscal estimate.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 10-103

RULE NO.: 2, 5, 14, 20 and 61 to 66

RELATING TO: Wisconsin Commercial Building Code

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

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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

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 10-103

RULE NO.: Chapters Comm 2, 5, 14, 20 and 61 to 66

RELATING TO: Wisconsin Commercial Building Code

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

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the proposed rules to amend Chapter Comm 5 will not have a significant impact on a substantial number of small businesses. The Department believes the rules will not increase the effect on small businesses from what the current rules impose on them. 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.

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**COMMENTS ON LEGISLATIVE COUNCIL
CLEARINGHOUSE REPORT**

Clearinghouse Rule No. 10-103

Rule No.: Chapters Comm 2, 5, 14, 21 and Comm 61 to 66

Relating to: Commercial Buildings

2. Form, Style and Placement in Administrative Code

j. The format and language under Comm 66.0202 (2) (b) reflects that taken directly from the International Existing Buildings Code.

p. The rule has been eliminated from the draft.

q. The format and language under Comm 66.0607 (2) reflects that taken directly from the International Energy Conservation Code.

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

e. The rule has been eliminated from the draft.