

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.63 (1), 101.73 (1), 101.82 (1), Stats., the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 21 and 28 relating to the carbon monoxide alarms in one- and 2-family dwellings and affecting small business.

The public hearing will be held as follows:

Date and Time:

August 11, 2010
10 a.m.

Location:

Thompson Commerce Building
Conference Room 3B
201 W. Washington Ave.
Madison, Wisconsin

Interested persons are invited to appear at the hearing and present comments on the proposed rule. Persons making oral presentations are requested to submit their comments in writing. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until August 18, 2010, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. Written comments should be submitted to Larry Swaziek, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at larry.swaziek@wisconsin.gov.

This hearing is held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call (608) 266-8741 or (608) 264-8777 (TTY) at least 10 days before the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the proposed rules are available on the Internet at the Safety and Buildings Division Web site at www.commerce.wi.gov/SB/. Paper copies may be obtained without cost from Larry Swaziek, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at larry.swaziek@wisconsin.gov, or at telephone (608) 267-7701 or (608) 264-8777 (TTY). Copies also will be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or Email at carol.dunn@wisconsin.gov.



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD: Contact through relay

Jim Doyle, Governor
Aaron Olver, Secretary

Ronald Sklansky, Director
Administrative Rules Clearinghouse
Wisconsin Legislative Council
1 East Main Street, Suite 401
Madison, WI 53703

Dear Mr. Sklansky:

**TRANSMITTAL OF PROPOSED ADMINISTRATIVE RULE
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 21 and 28

RELATING TO Carbon Monoxide Detectors in Dwellings

Pursuant to section 227.15, Stats., agencies are required to submit copies of proposed rules to the Legislative Council for review.

The attached proposed rule is in the form and style specified by section 227.14, Stats., and is being forwarded to you for review. Also attached are copies of a transmittal letter to the Legislative Reference Bureau, public notice, fiscal estimate, and initial regulatory flexibility analysis.

Respectfully submitted,

Aaron Olver
Secretary

ADMINISTRATIVE RULE CORRESPONDENCE

Department of Commerce

Date:

To: Carol Dunn

From: Aaron Olver

Subject: Notification of Proposed Rule Affecting Small Business

Rule No.: Chapters Comm 21 and 28)

Relating To: Carbon Monoxide Detectors in Dwellings

The attached proposed rule is in the form and style specified by section 227.14 of the Statutes.

I am sending this rule to you for your reference, under section 227.114 (5) of the Statutes. It does not appear that this rule will have a significant effect on small businesses.



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD: Contact through relay

Jim Doyle, Governor
Aaron Olver, Secretary

Bruce Hoesly, Code Editor
Legislative Reference Bureau
Suite 200
1 East Main Street
Madison, Wisconsin 53703

Dear Mr. Hoesly:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 21 and 28

RELATING TO: Carbon Monoxide Detectors in Dwellings

AGENCY UNIT RESPONSIBLE: Commerce

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: Larry Swaziek TITLE: Program Manager

TELEPHONE: (608) 267-7701 EMAIL: larry.swaziek@wisconsin.gov

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Legislative Reference Bureau, for publication in the Administrative Register.

On the date on this letter the department is submitting this proposed rule to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Aaron Olver
Secretary

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapters Comm 21 and 28

RELATING TO: Carbon Monoxide Detectors in Dwellings

1. Types of small businesses that will be affected by the rule.

The proposed rules implement the mandates imposed by 2009 Wisconsin Act 158 relating to the installation and maintenance of carbon monoxide detectors in dwellings. The Act affects the owners of one- and two-family dwellings where fuel-burning appliances are installed.

2. Reporting, bookkeeping and other procedures required for compliance with the rule.

There are no reporting, bookkeeping or other procedures required for compliance with the rule.

3. Types of professional skills necessary for compliance with the rule.

There are no new types of professional skills necessary for compliance with the rule.

4. Rule has a significant economic impact on small businesses.

No

Rule not submitted to Small Business Regulatory Review Board

Yes

Rule submitted to Small Business Regulatory Review Board

NOTICE of ENVIRONMENTAL ANALYSIS

Department of Commerce

Rule No.: Chapters Comm 21 and 28

Relating to: Carbon Monoxide Detectors in Dwellings

Notice is hereby given that the Department has considered the environmental impact of the proposed rule. In accordance with chapter Comm 1, the proposed rule is a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed the rule and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.
 Chapters Comm 21 and

Subject
 Carbon Monoxide Detectors in Dwellings

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 0	\$ -
(FTE Position Changes)	(0 FTE)	(- FTE)
State Operations - Other Costs	0	-
Local Assistance	0	-
Aids to Individuals or Organizations	0	-
TOTAL State Costs By Category	\$	\$ -
B. State Costs By Source of Funds		
GPR	\$ 0	\$ -
FED	0	-
PRO/PRS	0	-
SEG/SEG-S	0	-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$ 0	\$ -
GPR Earned	0	-
FED	0	-
PRO/PRS	0	-
SEG/SEG-S	0	-
TOTAL State Revenues	\$ 0	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.) Commerce/Larry Swaziek, 267-7701	Authorized Signature/Telephone No.	Date
--	------------------------------------	------

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters Comm 21 and 28
Amendment No. if Applicable

Subject

Carbon Monoxide Detectors in Dwellings

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

Increase Costs - May be Possible to Absorb Within Agency's Budget Yes No

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities

2. Decrease Costs
 Permissive Mandatory

4. Decrease Revenues
 Permissive Mandatory

Counties Others _____

School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

The proposed rules establish requirements for the installation and maintenance of carbon monoxide alarms in one-and two-family dwellings. The requirements reflect the statutory mandates of 2009 Wisconsin Act 158. For consistency, they are modeled after other rules relating to smoke detectors in dwellings and carbon monoxide detectors in tourist rooming houses. The promulgation of these rules will not affect department revenue or expenditures.

Act 158 does affect the owners of one- and two-family dwelling. The department does not believe the rules will increase the effect on small businesses more than that imposed by the Act. Battery or plug-in type carbon monoxide alarms typically range in cost from \$25 to \$50. New construction installation costs for a hard-wired type carbon monoxide alarm with battery backup and interconnection ranges from \$90 to \$110. Combination carbon monoxide alarms and smoke alarms are also available. Smoke alarms are currently required for residential occupancies. The use of combination carbon monoxide alarms and smoke alarms should result in installation and labor cost savings over that for separate systems.

Long-Range Fiscal Implications

No long range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)
Commerce/Larry Swaziek, 267-7701

Authorized Signature/Telephone No.

Date