

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

Dear Mr. Hoesly:

NOTIFICATION OF RULE REFERRAL

This letter is to notify you that pursuant to section 227.19, Stats., the Department of Commerce has referred:

CLEARINGHOUSE RULE NO.: 09-104

RULE NO.: Chapters Comm 14, 21 to 23 and 61 to 63

RELATING TO: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; and Local Enforcement, No-Smoking Signs, Carbon Monoxide Detectors, and Energy Conservation, for Commercial Buildings

to the chief clerks of the Senate and Assembly of the Legislature for referral to the appropriate standing committees for Legislative review.

Respectfully submitted,

Aaron Olver
Secretary

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 09-104

Rule No.: Chapters Comm 14, 21 to 23 and 61 to 63

Relating to: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; and Local Enforcement, No-Smoking Signs, Carbon Monoxide Detectors, and Energy Conservation, for Commercial Buildings

Contact person for substantive questions:

Contact person for internal processing:

Name Sam Rockweiler

Name (same)

Title Code Development Consultant

Title _____

Telephone Number 266-0797

Telephone Number _____

1. Basis and purpose of the proposed rule.

These proposed rules would primarily update chapter Comm 14 to have it include the 2009 edition of the National Fire Protection Association® NFPA® 1 Fire Code, and to make it consistent with statutory changes enacted in 2007 Wisconsin Acts 75 and 173. These rules would also expand the scope of chapter Comm 14 to match the scope of section 101.14 (1) (b) of the Wisconsin Statutes so that only buildings, structures, or situations which are sovereignly controlled are excluded from the chapter.

These rules would also make some minor cross-reference and other editorial corrections for the requirements in chapters Comm 21 to 23 and 63, require submittal of local ordinances where municipalities choose to perform plan review or inspection of commercial buildings, codify the current emergency rules for no-smoking signs, and create an option for installing carbon monoxide detectors for fuel-burning appliances that are located within small enclosed spaces.

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

Under sections 101.14, 101.141, 101.573, and 101.575 of the Statutes, the Department protects public health, safety, and welfare by promulgating rules, such as these, for administering fire inspection and fire prevention programs.

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

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

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 09-104

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RELATING TO: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; and Local Enforcement, No-Smoking Signs, Carbon Monoxide Detectors, and Energy Conservation, for Commercial Buildings

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

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.

The proposed rules are minimum requirements to meet the directives of sections 101.14, 101.141, 101.573, and 101.575 the statutes, and any exceptions from compliance for small businesses would be contrary to the statutory objectives that are the basis for the rules.

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.

No issues were raised by small businesses.

3. Nature and estimated cost of preparation of any reports by small businesses.

No significant new reporting would be required for compliance with the proposed rules.

4. Nature and estimated cost of other measures and investments required of small businesses.

No significant new other measures or investments would be required for compliance with the proposed rules.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 09-104

RULE NO.: Chapters Comm 14, 21 to 23 and 61 to 63

RELATING TO: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; and Local Enforcement, No-Smoking Signs, Carbon Monoxide Detectors, and Energy Conservation, for Commercial Buildings

Agency contact person for substantive questions.

Name: Sam Rockweiler

Title: Code Development Consultant

Telephone No. 266-0797

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

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

Robert Marchant
Senate Chief Clerk
B20 Southeast, State
Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Patrick Fuller
Assembly Chief Clerk
Room 401
17 West Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 09-104

RULE NO.: Chapters Comm 14, 21 to 23 and 61 to 63

RELATING TO: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; and Local Enforcement, No-Smoking Signs, Carbon Monoxide Detectors, and Energy Conservation, for Commercial Buildings

Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the chief clerk of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

Aaron Olver
Secretary

RESPONSE COMMENTS TO LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

Clearinghouse comment 2. a. Citations in the rule analysis are made without abbreviating “chapter,” “section” and “Statutes” because s. 227.14 (2) (a), Stats., directs agencies to prepare the analysis in plain language. Notes in the proposed rules likewise do not include those abbreviations because the purpose of the Notes is to be informative, and abbreviations may be less than fully informative to some readers of these rules.

2. b. The capitalization exception in s. 1.01 (4), Manual, is not applied in the Notes in the proposed rule because the purpose of the Notes is to be informative, and non-capitalization of the proper names of state or federal departments or agencies may be less than fully informative to some readers of these rules.

File reference: Comm 14/Legislative Review Clghse

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters Comm 14, 21 to 23 and 61-63
Amendment No. if Applicable

Subject: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; and Local Enforcement, No-Smoking Signs, Carbon Monoxide Detectors, and Energy Conservation, for Commercial Buildings

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 will not impose any significant costs on local governments, because the requirements are not expected to significantly change their current workloads or needed resources for reporting fires, performing fire prevention inspections and maintaining records.

The proposed rules are not expected to impose significant costs or other impacts on small businesses because (1) the 2009 edition of NFPA 1, as modified in chapter Comm 14, is not expected to impose costs that substantially exceed the costs imposed by the currently adopted 2006 edition; (2) the record-keeping requirements for fires and fire-prevention inspections apply only to fire departments and municipalities; and (3) the record-keeping requirement for low-use mobile kitchens applies only where an exemption is desired from installing an exhaust hood and corresponding automatic fire suppression system.

Long-Range Fiscal Implications
None known.

Agency/Prepared by: (Name & Phone No.)
Commerce/Jim Quast 266-9292

Authorized Signature/Telephone No.

Date

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

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Chapters Comm 14, 21 to 23 and 61-63	Amendment No.
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Subject Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; and Local Enforcement, No-Smoking Signs, Carbon Monoxide Detectors, and Energy Conservation, for Commercial Buildings

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None known.

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	-\$0
(FTE Position Changes)	(0.00 FTE)	(- 0.00 FTE)
State Operations - Other Costs	\$0	-\$0
Local Assistance	\$0	-\$0
Aids to Individuals or Organizations	\$0	-\$0
TOTAL State Costs By Category	\$0	-\$0
B. State Costs By Source of Funds	Increased Costs	Decreased Costs
GPR	\$0	-\$0
FED	\$0	-\$0
PRO/PRS	\$0	-\$0
SEG/SEG-S	\$0	-\$0
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$0	-\$0
GPR Earned	\$0	-\$0
FED	\$0	-\$0
PRO/PRS	\$0	-\$0
SEG/SEG-S	\$0	-\$0
TOTAL State Revenues	\$0	-\$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/ Jim Quast 266-9292	Authorized Signature/Telephone No.	Date
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