

STATE OF WISCONSIN  
DEPARTMENT OF COMMERCE

**NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to sections 101.02 (15) (j), 101.127, 101.14 (1) (a) and (2) (c) 1., 101.63 (1), 227.11 (2) (a), and 227.16 of the Statutes, the Department of Commerce will hold a public Hearing on proposed rules in chapters Comm 14, 21 to 23, 61 to 63 and 66 relating to fire prevention; recordkeeping for fires; fire suppression for mobile kitchens; structural, ventilating, and vapor-barrier requirements for one- and two-family dwellings; air barriers and local enforcement for commercial buildings; and previously constructed buildings that are converted to community-based residential facilities; and affecting small businesses.

The public Hearing will be held as follows:

**Date and Time:**

Friday  
December 18, 2009  
Commencing at 10:00 a.m.

**Location:**

Thompson Commerce Center, Third Floor, Room 3B  
201 West Washington Avenue  
Madison, Wisconsin

Interested persons are invited to appear at the Hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing, via e-mail. Persons submitting comments will not receive individual responses. The Hearing record on this rulemaking will remain open until December 23, 2009, 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. E-mail comments should be sent to [sam.rockweiler@wisconsin.gov](mailto:sam.rockweiler@wisconsin.gov). If e-mail submittal is not possible, written comments may be submitted to Sam Rockweiler, Department of Commerce, Division of Environmental and Regulatory Services, P.O. Box 14427, Madison, WI 53708-0427.

This Hearing will be held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the Hearing, please call Sam Rockweiler at (608) 266-0797 or at Contact Through Relay at least 10 days prior to 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 them are available on the Internet by entering "Comm 14" in the search engine at the following Web site: <https://apps4.dhfs.state.wi.us/admrules/public/Search>. Paper copies may be obtained without cost from Roberta Ward at the Department of Commerce, Bureau of Program Development, P.O. Box 2689, Madison, WI, 53701-2689; or at telephone (608) 266-8741 or at Contact Through Relay; or at [roberta.ward@wisconsin.gov](mailto:roberta.ward@wisconsin.gov). Copies will also be available at the public Hearing.

Any inquiries for the small business regulatory coordinator for the Department of Commerce can be directed to Sam Rockweiler, as listed above.



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
Contact Through Relay

**Jim Doyle, Governor**  
**Richard J. Leinenkugel, 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 RULES  
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 14, 21 to 23, 61 to 63 and 66

RELATING TO: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; Air Barriers and Local Enforcement for Commercial Buildings; and Previously Constructed Buildings That Are Converted to Community-Based Residential Facilities

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

The attached proposed rules are in the form and style specified by section 227.14, Stats., and are 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,

Richard J. Leinenkugel  
Secretary



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
Contact Through Relay

**Jim Doyle, Governor**  
**Richard J. Leinenkugel, 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 14, 21 to 23, 61 to 63 and 66

RELATING TO: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; Air Barriers and Local Enforcement for Commercial Buildings; and Previously Constructed Buildings That Are Converted to Community-Based Residential Facilities

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

PUBLIC HEARING REQUIRED:  YES  NO

CONTACT PERSON: Sam Rockweiler TITLE: Code Development Consultant

TELEPHONE: 266-0797 EMAIL: [sam.rockweiler@wisconsin.gov](mailto:sam.rockweiler@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 proposed rules 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,

Richard J. Leinenkugel  
Secretary

# INITIAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

RULE NO.: Chapters Comm 14, 21 to 23, 61 to 63 and 66

RELATING TO: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; Air Barriers and Local Enforcement for Commercial Buildings; and Previously Constructed Buildings That Are Converted to Community-Based Residential Facilities

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

Owners and operators of public buildings and places of employment, or other premises if dangerous fire hazards exist; and owners and operators of small, low-use mobile kitchens who choose to not equip the kitchen with an exhaust hood and corresponding automatic fire suppression system.

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

A record must be maintained that shows the mobile kitchen is used on fewer than 12 days in a calendar year, for the purpose of cooking.

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

No new professional skills would be needed for compliance with these rules.

4. Rules have a significant economic impact on small businesses.

No Rules not submitted to Small Business Regulatory Review Board

Yes Rules submitted to Small Business Regulatory Review Board

# NOTICE OF ENVIRONMENTAL ANALYSIS

## Department of Commerce

Rule No.: Chapters Comm 14, 21 to 23, 61 to 63 and 66

Relating to: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; Air Barriers and Local Enforcement for Commercial Buildings; and Previously Constructed Buildings That Are Converted to Community-Based Residential Facilities

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are 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 these rules 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**  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Chapters Comm 14, 21 to 23, 61-63, & 66  
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; air barriers and local enforcement for commercial buildings; and previously constructed buildings that are converted to community-based residential facilities

**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       Increase Existing Revenues  
 Decrease Existing Appropriation       Decrease Existing Revenues  
 Create New Appropriation

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, 61-63, & 66	Amendment No.
--	---------------

**Subject** Fire prevention; recordkeeping for fires; fire suppression for mobile kitchens; structural, ventilating, and vapor-barrier requirements for one- and two-family dwellings; air barriers and local enforcement for commercial buildings; and previously constructed buildings that are converted to community-based residential facilities

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

<b>II. Annualized Costs:</b>	<b>Annualized Fiscal impact on State funds from:</b>	
	<b>Increased Costs</b>	<b>Decreased Costs</b>
<b>A. State Costs By Category</b>		
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
<b>TOTAL State Costs By Category</b>	<b>\$0</b>	<b>-\$0</b>
<b>B. State Costs By Source of Funds</b>	<b>Increased Costs</b>	<b>Decreased Costs</b>
GPR	\$0	-\$0
FED	\$0	-\$0
PRO/PRS	\$0	-\$0
SEG/SEG-S	\$0	-\$0
<b>III. State Revenues-</b> Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes	\$0	-\$0
GPR Earned	\$0	-\$0
FED	\$0	-\$0
PRO/PRS	\$0	-\$0
SEG/SEG-S	\$0	-\$0
<b>TOTAL State Revenues</b>	<b>\$0</b>	<b>-\$0</b>

**NET ANNUALIZED FISCAL IMPACT**

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

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

Commerce/ Jim Quast 266-9292