

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 chapter Comm 16 relating to electrical construction.

The public hearing will be held as follows:

Date and Time:

Wednesday, June 18, 2008
10:00 a.m.

Location:

Thompson Commerce Building
Third Floor Conference Room #3B
201 W. Washington Ave.
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. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until July 2, 2008, 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 Joe Hertel, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at joe.hertel@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 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 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 Roberta Ward, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email at roberta.ward@wisconsin.gov, or at telephone (608) 266-8741 or (608) 264-8777 (TTY). Copies will also 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.

ADMINISTRATIVE RULE CORRESPONDENCE

Department of Commerce

Date: May 15, 2008

To: Aaron Olver

From: Greg Jones

Rule No.: Chapter Comm 16

Relating To: Electrical construction

Subject: Announcement of Public Hearing

I have attached the required material for the announcement of a public hearing on the proposed rules to update the technical requirements for the installation of electrical wiring and equipment. We are submitting this package to you for your review and approval of the proposed rules. Because the cut off for submission to the legislature is September 1, 2008, we have tentatively set the public hearing for June 18, 2008. Therefore, the secretary's approval will be needed by May 14 to facilitate publication in the end of May Administrative Register.

The proposed rules consist of an update of chapter Comm 16, Electrical Code, including the incorporation by reference of the 2008 edition of the National Electrical Code (NEC) published by the National Fire Protection Association. The update of chapter Comm 16 involves the proposed adoption of the 2008 NEC that requires the installation of tamper-resistant receptacles and arc-fault circuit-interrupter protection in all new dwelling construction. The estimated increase to install tamper-resistant receptacles and arc-fault circuit-interrupters in an average dwelling would be \$215. Also, several current rules that are covered in the 2008 NEC were deleted and other rules were added where the NEC needs clarification or reinforcement. The proposed rules were developed with the assistance of a 13-member advisory council, and the rule draft reflects the recommendations of the council.

Please review the attached material and let me know if you have any questions. If we can proceed with announcing the public hearing, please sign the required forms and letters and return this package to Joe Hertel. We will then schedule the hearing, and prepare and distribute the required packages.

cc. Joe Hertel
Jim Quast
Bob DuPont



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777

Jim Doyle, Governor
Jack L. Fischer, A.I.A., 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.: Chapter Comm 16

RELATING TO Electrical Construction

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,

Jack L. Fischer, A.I.A.
Secretary

ADMINISTRATIVE RULE CORRESPONDENCE

Department of Commerce

Date: May 15, 2008

To: Carol Dunn

From: Jack L. Fischer, A.I.A.

Subject: Notification of Proposed Rules Affecting Small Business

Rule No.: Chapter Comm 16

Relating To: Electrical Construction

The attached proposed rules are in the form and style specified by section 227.14 of the Statutes.

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

Att.

COM-10545 (r. 12/06)



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD#: (608) 264-8777

Jim Doyle, Governor
Jack L. Fischer, A.I.A., 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.: Chapter Comm 16

RELATING TO: Electrical Construction

AGENCY UNIT RESPONSIBLE: Commerce

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: Joe Hertel TITLE: Program Manager

TELEPHONE: (608) 266-5649 EMAIL: joe.hertel@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,

Jack L. Fischer, A.I.A.
Secretary

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapter Comm 16

RELATING TO: Electrical Construction

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

The proposed rules will affect any business involved with the design and installation of electrical wiring, communication systems or electrical equipment.

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

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

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

There are no additional professional skills necessary for compliance with the 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.: Chapter Comm 16

Relating to: Electrical Construction

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.
Chapter Comm 16
Amendment No. if Applicable

Subject

Electrical Construction

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

None

Assumptions Used in Arriving at Fiscal Estimate

1. The Safety and Buildings Division is responsible for administering and enforcing rules relating to the installation of electrical wiring and equipment in chapter Comm 16. The proposed rules adopt by reference the latest edition of the National Electrical Code (NEC) published by the National Fire Protection Association and clarify existing technical requirements. The proposed rules do not contain any changes in the Division's fees charged for administering and enforcing chapter Comm 16. The proposed rules will not create any additional workload costs; therefore, they will not have any fiscal effect on the division.
2. The proposed rules will not have a fiscal effect on other state agencies or local governments.
3. The proposed adoption of 2008 NEC will require the installation of tamper-resistant receptacles and arc-fault circuit-interrupter protection in all new dwelling construction. Tamper-proof receptacles cost an additional 50 cents or about 80 to 90 cents each. An average dwelling has about 80 receptacles, so the additional cost to install tamper-resistant receptacles would be \$40 per dwelling. The additional cost for each arc-fault circuit-interrupter unit is \$35 and the number to be installed varies per building. On the average, approximately five arc-fault circuit-interrupters are needed for a dwelling for a total cost of \$175. The estimated cost to install tamper-resistant receptacles and arc-fault circuit-interrupters in an average dwelling would be \$215. Labor costs are not affected by the proposal.

Long-Range Fiscal Implications

None known.

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

Authorized Signature/Telephone No.

Date

Commerce/Joe Hertel (608) 266-5649

May 15, 2008