

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 the proposed rule and emergency rule under chapter Comm 22 relating to the approved version of REScheck software used to show compliance with Uniform Dwelling Code thermal envelope requirements.

The public hearing will be held as follows:

**Date and Time:**

Wednesday, October 21, 2009  
10 a.m.

**Location:**

Thompson Commerce Building  
Conference Room 3C  
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 November 4, 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. 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](mailto: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 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 rule and an analysis of the proposed rule is available on the Internet at the Safety and Buildings Division Web site at [www.commerce.wi.gov/SB/](http://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](mailto: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](mailto:carol.dunn@wisconsin.gov).



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

**Jim Doyle, Governor**  
**Richard J. Leinenkugel, Secretary**

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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.: Comm 22.31 (2) (b)

RELATING TO Approved Software to Show Compliance with Uniform Dwelling Code Thermal Envelope Requirements

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,

Richard J. Leinenkugel  
Secretary

# ADMINISTRATIVE RULE CORRESPONDENCE

## Department of Commerce

**Date:**

**To:** Carol Dunn

**From:** Richard J. Leinenkugel

**Subject:** Notification of Proposed Rule Affecting Small Business

**Rule No.:** Comm 22.31 (2) (b)

**Relating To:** Approved Software to Show Compliance with Uniform Dwelling Code Thermal Envelope Requirements

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.

Att.



P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD: 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.: Comm 22.31 (2) (b)

RELATING TO: Approved Software to Show Compliance with Uniform Dwelling Code Thermal Envelope Requirements

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,

Richard J. Leinenkugel  
Secretary

# INITIAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

RULE NO.: Comm 22.31 (2) (b)

RELATING TO: Approved Software to Show Compliance with Uniform Dwelling Code Thermal Envelope Requirements

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

The proposed rule will affect businesses – designers, building contractors, product manufacturers and code officials – who use REScheck software to calculate compliance with dwelling thermal envelope requirements in the current Wisconsin Uniform Dwelling Code. Amending the rule will save those businesses plan development and review costs.

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.: Comm 22.31 (2) (b)

Relating to: Approved Software to Show Compliance with Uniform Dwelling Code Thermal Envelope Requirements

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.  
 Comm 22.31 (2) (b)

**Subject**

Approved Software to Show Compliance with Uniform Dwelling Code Thermal Envelope Requirements

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

<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	\$ -
(FTE Position Changes)	( 0 FTE)	( - FTE)
State Operations - Other Costs	0	-
Local Assistance	0	-
Aids to Individuals or Organizations	0	-
<b>TOTAL State Costs By Category</b>	<b>\$</b>	<b>\$ -</b>
<b>B. State Costs By Source of Funds</b>		
GPR	\$ 0	\$ -
FED	0	-
PRO/PRS	0	-
SEG/SEG-S	0	-
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
	<b>Increased Rev.</b>	<b>Decreased Rev.</b>
GPR Taxes	\$ 0	\$ -
GPR Earned	0	-
FED	0	-
PRO/PRS	0	-
SEG/SEG-S	0	-
<b>TOTAL State Revenues</b>	<b>\$ 0</b>	<b>\$ -</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.) Commerce/Larry Swaziek, 267-7701	Authorized Signature/Telephone No.	Date
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**FISCAL ESTIMATE**  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Comm 22.31 (2) (b)

Amendment No. if Applicable

**Subject**

Approved Software to Show Compliance with Uniform Dwelling Code Thermal Envelope Requirements

**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 emergency rule repeals code language requiring a specific version of REScheck software be used to show compliance with Uniform Dwelling Code thermal envelope requirements. Amending s. Comm 22.31 (2) (b) will not affect department revenue or expenditures.

**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