

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.19 and 145.08, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 2 and 5 relating to program revenue fees and

The public hearing will be held as follows:

Date and Time:

Wednesday, May 28, 2008
10:00 a.m.

Location:

Conference Room 3B
Thompson Commerce Center
201 W. Washington Avenue
Madison

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 June 6, 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 James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at jim.quast@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.

Bruce Hoesly
Revisor of Statutes
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 2 and 5

RELATING TO: Program Revenue Fees

AGENCY UNIT RESPONSIBLE: _____

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: James Quast TITLE: Program Manager

TELEPHONE: (608) 266-9292 EMAIL: jim.quast@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 Revisor of Statutes, 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.: Chapters Comm 2 and 5

RELATING TO: Program Revenue Fees

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

The rules will affect any business that pays fees to the Safety and Buildings Division for the Division's services such as plan review, inspection, permits to operate, registrations, licenses and certifications. The services where fee adjustments are proposed involve amusement rides, boilers, gas systems, mechanical refrigeration, commercial buildings, elevators, plumbing, swimming pools, private onsite wastewater treatment systems, rental weatherization, soil erosion and stormwater management, 1&2 family dwellings and manufactured homes.

Some examples of businesses that pay fees for division services include, architects, engineers, and contractors.

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

The proposed changes to chapters Comm 2 and 5 do not imposed any additional reporting, bookkeeping or other procedures for compliance.

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

The proposed changes to chapters Comm 2 and 5 do not any type of professional skills for compliance.

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 2 and 5

Relating to: Program Revenue Fees

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

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.
 Chs. Comm 2 and 5

Subject
 Program Revenue Fees

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.)		
	Increased Rev.	Decreased Rev.
GPR Taxes	\$ 0	\$ -
GPR Earned	0	-
FED	0	-
PRO/PRS	\$2,915,700	-
SEG/SEG-S	0	-
TOTAL State Revenues	\$ 2,915,700	\$

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 2,915,700	\$ 0

Agency/Prepared by: (Name & Phone No.) Commerce/Debra Miller, 266-8603	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.
Chs. Comm 2 and 5
Amendment No. if Applicable

Subject

Program Revenue Fees

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

s. 20.143 (3) (j), Stats.

Assumptions Used in Arriving at Fiscal Estimate

The Division of Safety and Buildings within the Department of Commerce is responsible for administering and enforcing safety and health rules relating to the construction and inspection of dwellings, public buildings and places of employment. In the administration and enforcement of those rules, the Department provides numerous services such as plan examination, inspection and certification. The Department, by rule promulgate under chapter 227 of the Wisconsin Statutes, is required to fix and collect fees which should, as closely as possible, equal the cost of providing those services.

The Department estimates that current, annual revenues are \$15,814,400. Annualized costs for the period FY09 – FY12 (July 1, 2008 – June 30, 2012) are estimated at \$17,659,000. In order to generate sufficient revenue to cover these anticipated costs, the Department proposes to increase fees such that annual revenue generated during the four-year period would be \$18,730,100, a 18.44% increase, and would cover anticipated costs during that time. Costs and revenue have been estimated for each of the Division's programs, such that each program is covering its own costs. These programs include:

- Amusement Rides
- Passenger Ropeways
- Boilers, Gas Systems, Mechanical Refrigeration Systems
- Commercial Buildings
- Elevators
- Plumbing
- Swimming Pools
- Private Onsite Wastewater Treatment Systems
- Rental Weatherization
- Soil Erosion/Stormwater Management
- 1&2 Family Dwellings/Manufactured Homes

Long-Range Fiscal Implications

No long range fiscal implications are anticipated at this time.

Agency/Prepared by: (Name & Phone No.)
Commerce/Debra Miller, 266-8603

Authorized Signature/Telephone No.

Date