

STATE OF WISCONSIN  
DEPARTMENT OF COMMERCE

**NOTICE OF  
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1), 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 fees.

The public hearing will be held as follows:

**Date and Time:**

July 28, 2009

1:00 p.m.

**Location:**

Conference Room 3C

Thompson Commerce Center

201 West 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 August 7, 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 James Quast, at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at [jim.quast@wisconsin.gov](mailto: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/](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 TDD Relay dial 711 in Wisconsin or (800) 947-3529. 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).

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 2 and 5

RELATING TO: Fees

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

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 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 2 and 5

RELATING TO: Fees

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

The most significant proposal establishes a fee for the department's review of continuing educational course submittals relating to credentials administered by the Safety and Buildings Division. The continuing educational courses can be developed and submitted by anyone. The courses are utilized by various trades people credentialed by the department to fulfill educational obligations as a prerequisite to renew their license, certification or registration. Currently, many of the continuing education courses are developed or sponsored by various building trade or inspection associations.

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 require 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: 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 & 5

Subject  
 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
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( FTE)	( - FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	\$	\$ -
<b>B. State Costs By Source of Funds</b>		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
<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>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	72,000	-
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	\$	\$

**NET ANNUALIZED FISCAL IMPACT**

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 72,000	\$ 0

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

Commerce/James Quast 266-9292

Authorized Signature/Telephone No.

Date

**FISCAL ESTIMATE**  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Chs. Comm 2 & 5  
Amendment No. if Applicable

**Subject**  
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

**Assumptions Used in Arriving at Fiscal Estimate**

The department issues 82 types of licenses, certifications and registrations for a variety of trade occupations. Approximately 40 percent of those credentials require the fulfillment of continuing educational obligations to renew the specific credential. Continuing educational courses must first be reviewed and approved by the department. Currently, the department does not charge a fee for the review of a course. The department's cost to provide this review is currently offset by the credential fees of the various occupations. The department over the last three years has reviewed approximately 900 courses annually. The department estimates that the average amount of approved credit sought is 2 hours per course. The department proposes assessing a fee of \$40 for each course approval plus \$5 for each half hour of credit recognized. The department expects the requests for continuing educational course approval to remain steady. Based upon these assumptions, the proposal would generate \$54,000 annually in revenue.

The department offers license applicants the ability to review their qualifying licensing exams. Currently, the department does not charge a fee for this service. The department's cost to provide this service is currently offset by the exam fees and the credential fees. Approximately 200 individuals annually take advantage of this opportunity. The department is proposing \$15 fee for this service, and the proposal would generate \$3,000 annually in revenue.

Of the 82 types of credentials issued by the department, an application fee is part of the overall credential fee charge by the department for approximately 75 percent of the credentials. The application fee is charged for the initial application and for late credential renewals. Current application fees range from \$10 to \$35. The implementation of a \$15 application fee for the remaining 25 percent of the credentials creates equity across the board. The department estimates that there would 1,000 situations annually, initial applications and late renewals, where the proposed application fee would be applicable. This would result in an additional \$15,000 in annual revenue.

**Long-Range Fiscal Implications**

No long range fiscal implications are anticipate.

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

Authorized Signature/Telephone No.

Date