

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 05-049

Rule No.: Chapter Comm 3

Relating to: Stop Work, Stop Use and Petition for Variance Procedures

*Contact person for substantive questions:*

*Contact person for internal processing:*

Name Jim Quast

Name Ronald Acker

Title Program Manager

Title Code Development Consultant

Telephone Number 608/266-9292

Telephone Number 608/267-7907

1. Basis and purpose of the proposed rule.

The basis of the proposed rule are chapters 101 and 145, and sections 167.10 (6m), 168.16 (4) and 560.02 (4), Stats. The purpose of the proposed rule is to add another method of enforcement of Safety and Buildings rules when there is an imminent risk to public safety and health. The purpose of the proposed rule is to also allow the petition for variance procedures to be used by the entire department, not just the Safety and Buildings Division.

2. How the proposed rule advances relevant statutory goals or purposes.

The proposed rule advances relevant statutory goals or purposes by adding another method for the department's Safety and Buildings Division to protect public health, safety and welfare and the waters of the state through enforcement of its administrative rules. The proposed rule also adds the ability of persons to provide another method of compliance with a rule when an equivalency to the rule can be verified.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No changes were made to the rule analysis or fiscal estimate that was prepared for public hearing.

# FINAL REGULATORY FLEXIBILITY ANALYSIS

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Final regulatory flexibility analysis not required. (Statement of determination required.)

Chapters 101 and 145 and section 167.10 (6m), Stats., grant the department the authority to protect health, safety and welfare and the waters of the state by establishing reasonable and effective safety standards for the construction, repair and maintenance of public buildings and places of employment. The proposed rules of Clearinghouse Rule No. 05-049 are minimum requirements to meet the directives of the Statutes, and any exceptions from compliance for small businesses would be contrary to the Statutory objectives which are the basis for the rules.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.



# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 05-049

RULE NO.: Chapter Comm 3

RELATING TO: Stop Work, Stop Use and Petition for Variance Procedures

Agency contact person for substantive questions.

Name: Jim Quast

Title: Program Manager

Telephone No. 608/266-9292

Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a.  Accepted

b.  Accepted in part

c.  Rejected

d.  Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a.  Accepted
  - b.  Accepted in part
  - c.  Rejected
  - d.  Comments attached

**COMMENTS ON LEGISLATIVE COUNCIL  
CLEARINGHOUSE REPORT**

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2.a. The rule analysis includes the items required under s. 227.14 (2) (a), Stats.

2.b. The format used is simpler and easier for the reader to understand and see the changes being proposed. Also, using the clearinghouse suggestion would not be correct in that the (intro.) would not be amended, it would be created.

5.b. The use of the word “activity” is correct in s. Comm 3.13 (1) (b). It is intended to describe the various activities, such as evaluations, repairs and inspections, that a credentialed individual would perform.

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 05-049		Hearing Location: Madison	
Rule Number: Chapter Comm 3		Hearing Date: June 27, 2005	
Relating to: Stop Work, Stop Use and Petition for Variance Procedures			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<b>No public hearing comments were received.</b>	