

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 41 and 45

RELATING TO: Boilers and Pressure Vessels and Mechanical Refrigeration

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

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (15) (h) to (j) and 101.17, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 41 relating to boilers and pressure vessels and mechanical refrigeration.

The public hearing will be held as follows:

Date and Time:

Wednesday, May 21, 2008
10:00 a.m.

Location:

Thompson Commerce Building
Third Floor Conference Room, #3C
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 June 4, 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.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chapters Comm 41 and 45
Amendment No. if Applicable

Subject

Boilers and pressure vessels and mechanical refrigeration

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 boilers and pressure vessels. The proposed rules adopt by reference the latest edition of ASME Standards and clarify existing technical requirements. The existing requirements relating to solid fuel-fired water-heating appliances have been reorganized and modified to permit an automatic feed system and the use of other fuels. The proposed rules for solid fuel-fired water-heating appliance may slightly increase the Division's workload, but it is anticipated the work can be absorbed within the agency's budget.
2. The proposed rules will not have a fiscal effect on other state agencies or local governments.
3. The proposed rules will require inspection of solid fuel-fired water-heating appliances but it is anticipated this inspection cost will not have a significant effect on the private sector.

Long-Range Fiscal Implications

None known

Agency/Prepared by: (Name & Phone No.)
Commerce/Joe Hertel 266-5649

Authorized Signature/Telephone No.

Date

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapters Comm 41 and 45

RELATING TO: Boilers and Pressure Vessels and Mechanical Refrigeration

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

The proposed rules will affect any business involved with the design, construction, installation, operation, inspection, testing, maintenance, repair or alteration of boilers or pressure vessels and mechanical refrigeration. The Department believes the rules will provide additional options for small businesses who want to use a solid fuel-fired water-heating appliance since the rules will permit an automatic feed system and the use of other fuels.

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

There is no new reporting, bookkeeping or other procedure necessary for compliance with the rules.

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

There are no types of 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.: Chapters Comm 41 and 45

Relating to: Boilers and Pressure Vessels

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.