

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1) and (15), and 101.136, Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 5 relating to thermal insulator credentials.

The public hearing will be held as follows:

Date and Time:

August 11, 2010
1 p.m.

Location:

Thompson Commerce Building
Conference Room 3B
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 August 18, 2010, 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@wi.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 Norma Sampson, at the Department of Commerce, Program Development Bureau, P.O. Box 2689, Madison, WI 53701-2689, or Email norma.sampson@wisconsin.gov, or at telephone (608) 267-7907 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.

July 13, 2010

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 RULES
FOR LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter Comm 5

RELATING TO Thermal Insulator Credentials

Pursuant to section 227.15, Stats., agencies are required to submit copies of the proposed rules to the Legislative Council for review.

The attached proposed rules are in the form and style specified by section 227.14, Stats., and are 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,

Aaron Olver
Secretary

ADMINISTRATIVE RULE CORRESPONDENCE

Department of Commerce

Date: July 13, 2010

To: Carol Dunn

From: Aaron Olver
Secretary

Subject: Notification of Proposed Rules Affecting Small Business

Rule No.: Chapter Comm 5

Relating To: Thermal Insulator Credentials

The attached proposed rules are in the form and style specified by section 227.14 of the Statutes.

I am sending these rules to you for your review, under section 227.114 (5) of the Statutes. It does not appear that these rules 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
Aaron Olver, Secretary

July 13, 2010

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.: Chapter Comm 5

RELATING TO: Thermal Insulator Credentials

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,

Aaron Olver
Secretary

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapter Comm 5

RELATING TO: Thermal Insulator Credentials

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

Under 2009 Wisconsin Act 16, s. 101.136, Stats., on July 1, 2011 and the proposed rules only individuals licensed as insulation mechanics or working under the direct supervision of licensed insulation mechanics may install or maintain thermal system insulation. Thermal insulation is statutorily defined as a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including a pipe, duct valve, boiler flue, or tank or equipment on or in a building. The credential rules would most likely affect HVAC contractors, plumbing contractors, and mechanical refrigeration contractors.

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

The rules which reflect Act 16 allow acquisition of insulation mechanic license by completing an apprenticeship or taking and passing a department licensure exam provided the individual has 1,000 hours per year of experience for at least 4 consecutive years.

The renewal of thermal insulation mechanic licenses will continue to be contingent upon the fulfillment of continuing education obligations.

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

No other types of professional skills are 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.: Chapter Comm 5

Relating to: Thermal Insulator Credentials

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 5

Subject
 Thermal Insulator Credentials

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 \$30,000

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 68,400	\$ -0
(FTE Position Changes)	(1.0 FTE)	(- 0 FTE)
State Operations - Other Costs	19,300	-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS	87,700	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	126,875	-0
SEG/SEG-S		-
TOTAL State Revenues	\$ 126,875	\$ -0

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 87,700	\$ 0
NET CHANGE IN REVENUES	\$ 126,875	\$ 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.
Ch. Comm 5
Amendment No. if Applicable

Subject

Thermal Insulator Credentials

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 proposed rules establish administrative procedures for licensing and registration of individuals who install or maintain thermal insulation for heating, ventilating, cooling, plumbing or refrigeration systems. The proposed rules reflect the statutory provisions of 2009 Wisconsin Act 16, s. 101.136, Stats. The Act requires credentialed individuals to perform thermal insulation work as of July 1, 2011. The rules create credentials for thermal insulation mechanics, apprentices and helpers. The department anticipates that workload associated with the credentialing processes can be absorbed within current resources and staff levels.

The credential rules would most likely affect HVAC contractors, plumbing contractors, and mechanical refrigeration contractors. The fee for a thermal insulation mechanic's license is proposed at \$500 which reflects statutory provisions. The fee for the registration of apprentices and helpers is proposed at \$15. The department estimates that 500 individuals will seek to acquire the mechanic's license and 250 individuals will seek to obtain the apprentice or helper registration. The mechanic's license and helper's registration is valid for 2 years and the apprentice's registration is valid for one year. Based upon these assumptions the department would realize an annual increase in revenue of \$126,875. The credential fees were established to offset the cost of the thermal insulation inspector position created under 2009 Wisconsin Act. 16.

Long-Range Fiscal Implications

No long-range fiscal implications are anticipated.

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

Authorized Signature/Telephone No.

Date