

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 08-110

Rule No.: Chapter Comm 5

Relating to: Building Contractor Registration

*Contact person for substantive questions:*

*Contact person for internal processing:*

Name Robert DuPont

Name James Quast

Title Bureau Director

Title Program Manager

Telephone Number (608) 266-8984

Telephone Number (608) 266-9292

1. Basis and purpose of the proposed rule.

The proposed rules require a registration credential for various building contractors who are involved in the construction or modification of public buildings and places of employment, public swimming pools and water attractions, and one- and 2-family dwellings, unless the contractor already holds another type of contractor credential issued by the department.

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

Under chapter 560 of the Wisconsin Statutes, the Department of Commerce is charged with facilitating the establishment and retention of business enterprises in Wisconsin, and seeking closer cooperation and coordination between units of state government, so that the economy of the state may continue to develop fully and meet citizen and community needs. Under chapters 101 and 145 of the Wisconsin Statutes, the Department of Commerce also protects public health, safety, and welfare by promulgating comprehensive requirements for design, construction, use and maintenance of public buildings and places of employment, public swimming pools and water attractions and adopts rules that establish uniform, statewide standards for the construction of one- and 2-family dwellings. Various construction trades are involved in building or modifying these types of structures. Together with building owners and designers, construction trades share a responsibility to ensure that the buildings, relative to the respective trade's work, do not pose risk to public health and safety.

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

No substantive changes have occurred for the rule analysis or the fiscal estimate.

# FINAL REGULATORY FLEXIBILITY ANALYSIS

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

Pursuant to s. 227.19 (3m), Stats., the department has determined that the proposed rules will not have a direct or significant economic impact on small businesses.

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.

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# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 08-110

RULE NO.: Chapter Comm 5

RELATING TO: Building Contractor Registration

Agency contact person for substantive questions.

Name: James 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**

Clearinghouse Rule No. 08-110  
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### **1. Statutory Authority**

The department considers the failure of the two bills to only represent the failure of specific legislative direction and mandates to the department. As cited in the Rule Analysis, the department has broad statutory authority under chapters 101, 145 and 560, Stats., to regulate the building trades.

### **2. Form, Style and Placement in Administrative Code**

a. The “qualifications for registration” follows the format and the wording for other business type credentials under the scope of chapter Comm 5 which have served the department well with those regulated by the code.

b. The placement of the definitions follows that in other sections of chapter Comm 5 and has served the department well with those regulated by the code.

f. Section Comm 5.62 (7) (b) 1. has been included in the rule draft.

h. The provisions of s. Comm 61.295 are not new, but they reflect the statutory direction of s. 101.02 (13) (b), Stats., as referenced in the rule. These provisions had been incorporated in previous editions of the Wisconsin Commercial Building Code, but had been inadvertently omitted recently.