

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Dear Mr. Poulson:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Comm 62.0903 (6)

RELATING TO: Automatic Fire Suppression Systems for Student Housing Facilities Serving
Colleges and Universities

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 Revisor of Statutes, 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,

Mary P. Burke
Secretary

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.14 (4) (b) and 101.02 (15) (j), Stats., the Department of Commerce will hold a public hearing on proposed rules under chapter Comm 62 relating to automatic fire suppression systems for student housing facilities serving colleges and universities.

The public hearing will be held as follows:

Date and Time:

Monday, May 15, 2006 at 10:00 a.m.

Location:

201 W. Washington Ave, Conference Room 3C
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 May 25, 2006, 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 Jim Quast at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or Email at 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/. 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.



State of Wisconsin \ Department of Commerce

HEARING DRAFT of PROPOSED RULES

Rule No.: Comm 62.0903 (6)

Relating to: Automatic Fire Suppression Systems for Student

Housing Facilities Serving Colleges and Universities

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Comm 62.0903 (6)

RELATING TO: Automatic Fire Suppression Systems for Student Housing Facilities Serving
Colleges and Universities

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

The proposed rules address student housing facilities, dormitories, sororities, fraternities, serving colleges and universities. The Department does not believe that these facilities constitute small businesses. The proposed rules may have an indirect impact on small businesses that either design or construct such facilities and businesses maintaining and testing automatic fire sprinklers.

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

The proposed rules do not institute any new administrative procedures in order to comply with the rules. Current rules under the Commercial Building Code, chapters Comm 61 to 65, require the submission and approval of plans for automatic fire sprinkler systems to be installed in commercial residential occupancies.

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

The design of automatic fire sprinkler systems necessitates the services of licensed individuals, architects, engineers or designers. The installation of automatic fire sprinkler systems must be accomplished by licensed individuals in accordance with the statutory requirements of ch 145.

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.: Comm 62.0903 (6)

Relating to: Automatic Fire Suppression Systems for Student Housing Facilities Serving
Colleges and Universities

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.
 Comm 62.0903.(6)

Subject

Automatic Fire Sprinkler Systems for Student Housing Facilities Serving Colleges and Universities

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
A. State Costs By Category		
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
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	0	-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	0	-0
SEG/SEG-S		
TOTAL State Revenues	\$ 0	\$ -0

NET ANNUALIZED FISCAL IMPACT

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

Agency/Prepared by: (Name & Phone No.)
 James Quast, (608) 266-9292

Authorized Signature/Telephone No.

Date

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Comm 62.0903.(6)
Amendment No. if Applicable

Subject Automatic Fire Sprinkler Systems for Student Housing Facilities Serving Colleges and Universities

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 rules as dictated by 2005 Wisconsin Act 78 requires the installation automatic fire sprinkler systems in various types of student housing facilities serving institutions of higher education that are not owned or operated by the University of Wisconsin System. Previous legislation, effective in 2000, mandated the installation of automatic fire sprinkler systems throughout housing for the University of Wisconsin System. The rules, reflecting the Act, will require the installation of sprinkler systems in existing facilities within specific timeframes. In addition, the rules require the installation of the sprinkler systems for any new housing facilities the construction of which has begun on or after January 7, 2006.

It is estimated less than 75 existing housing facilities would require the retrofit installation of automatic fire sprinkler systems by the statutorily mandated date of January 1, 2014. Under the Commercial Building Code, chs. Comm 61-65, sprinkler system plans must be submitted to and approved by the Department or its agent municipalities before the installation of sprinkler systems may commence for residential properties. Since facilities have 8 years to complete the sprinkler system retrofit and may submit to agent municipalities such as Milwaukee and Madison, it cannot be estimated how much the annual revenues of the Department may increase with respect to plan review. It is anticipated that the administrative costs to administer and enforce the rules can be absorbed into the current staffing levels of the Department.

The fiscal effect to the private sector for installing an automatic sprinkler system in new student housing construction will vary, depending upon various factors, from \$1.50 to \$2.50 per square foot of the building floor area. The cost for retrofitting of sprinkler system in existing student housing buildings is typically higher, ranging from \$3.00 to \$4.00 per square foot of floor area.

Long-Range Fiscal Implications
None known at this time.

Agency/Prepared by: (Name & Phone No.)
James Quast, (608) 266-9292

Authorized Signature/Telephone No.

Date