

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 05-064

Rule No.: Chapter Comm 72

Relating to: Cleaning Methods for Historic Buildings

Contact person for substantive questions:

Contact person for internal processing:

Name Jim Quast

Name Diane Meredith

Title Program Manager

Title Code Consultant

Telephone Number 266-9292

Telephone Number 266-8982

1. Basis and purpose of the proposed rule.

The rules do not mandate cleaning of historic buildings but if cleaning is necessary, the rules identify the abrasive cleaners that could harm the exterior of qualified historic buildings and also identifies acceptable methods of cleaning.

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

In accordance with s. 101.125, Stats., the Department of Commerce in consultation with the Department of Administration and the Wisconsin State Historical Society is to develop requirements prohibiting the use of abrasive cleaners on the exterior of historic buildings, which includes both commercial and one-and two-family dwellings. The intent of the legislation is to protect the exterior facades of qualified historic buildings so these buildings may continue to be used.

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

The rule analysis information was rearranged to include the pertinent information under ten separate headings as specified under the Statutes. Information was added clarifying that there was no factual data or analytical methodologies used to develop the proposed rules, and there were no supporting documents used to determine the effect of the rules on small business, and an economic impact report was not prepared.

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

Clearinghouse Rule Number: 05-064		Hearing Location: Madiosn	
Rule Number: Comm 72		Hearing Date: August 1, 2005	
Relating to: Cleaning Methods for Historic Buildings			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
		<div style="border: 1px solid black; padding: 10px; margin: 0 auto; width: 80%;"> No one appeared at the public hearing or submitted any comments or recommendations </div>	

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 05-064

RULE NO.: Chapter Comm 72

RELATING TO: Cleaning Methods for Historic Buildings

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

Section 101.1215, Stats., directs the Department, in consultation with the State Historical Society and the Department of Administration, to promulgate rules for the use of abrasive cleaning methods on the exterior of qualified historic buildings. The proposed rules of Clearinghouse Rule No. 05-064 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 of 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.

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COM-10538 (N.03/97)

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CLEARINGHOUSE RULE 05-064

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. The analysis must be rewritten to contain information under each of the following headings: (1) statute interpreted; (2) statutory authority; (3) explanation of agency authority; (4) related statute or rule; (5) plain language analysis; (6) summary of, and comparison with, existing or proposed federal regulations; (7) comparison with rules in adjacent states; (8) summary of factual data and analytical methodologies; (9) analysis and supporting documents used to determine effect on small business or in preparation of economic impact report; (10) effect on small business; (11) agency contact person (including e-mail and telephone); and (12) place where comments are to be submitted and deadline for submission.

b. In s. Comm 72.03, pars. (a) to (c) should be numbered subs. (1) to (3).

5. Clarity, Grammar, Punctuation and Use of Plain Language

Sections Comm 72.03 and 72.04 might be more logically placed at the end of the chapter so that the enforcement provisions and penalties follow the requirements for cleaning.

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RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: O5-064

RULE NO.: Comm 72

RELATING TO: Cleaning Methods for Historic Buildings

Agency contact person for substantive questions.

Name: Jim Quast

Title: Program Manager

Telephone No. 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

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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 Clearinghouse Report to Agency

Clearinghouse Rule No.: 05-064

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Relating to: Cleaning Methods for Historic Buildings

2. Review of rules for form, style and placement in administrative codes [s. 227.15 (20 (c))]

The agency contact person and where comments may be submitted are included on separate agency rule processing forms and are not included in the rule analysis.

5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15 (2) (f)]

It was suggested by Legislative Council that the administration and enforcement provisions and penalties follow the technical requirements. However, for consistency with other Division administrative codes and adopted national standards and codes, the administration and enforcement requirements are placed in front of the technical requirements.