

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.02 (1), and 101.82 (2m) and 101.84 (3) Stats., the Department of Commerce will hold a public hearing on proposed rules under chapters Comm 5 and 16 relating to electrical inspection.

The public hearing will be held as follows:

Date and Time:

April 29, 2009
10:00 a.m.

Location:

Conference Room 3B
Thompson Commerce Center
201 West Washington Avenue

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 15, 2009, 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@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 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.

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 5 and 16

RELATING TO: Electrical Inspection

AGENCY UNIT RESPONSIBLE: Safety and Buildings Division

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,

Richard J. Leinenkugel
Secretary

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapters Comm 5 and 16

RELATING TO: Electrical Inspection

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

The proposed electrical inspection program for farms, public buildings and places of employment will affect all electrical contractors installing electrical wiring in and for such establishments as well the owners or tenants of these types of buildings and structures.

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

The rules will require obtaining permits before electrical wiring installations commence for farms, public buildings and places of employment.

The issuance of the permits will result in periodic inspections by enforcing municipal or independent building inspection agencies during the electrical wiring installation.

The cost of the permits and the resulting inspections will be determined by the respective enforcing municipal inspection agency or by the state contract procurement process when involving an independent building inspection agency.

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

The proposed changes do not require any type of professional skills for compliance.

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 5 and 16

Relating to: Electrical Inspection

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
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
Chs. Comm 5 and 16
Amendment No. if Applicable

Subject

Electrical inspection

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

To implement the proposed electrical inspection program the Department proposes to establish a commercial building inspection agency registration. The agencies will be responsible for issuing permits and inspecting electrical wiring installations for farms, public buildings and places of employment. The inspections are required to be conducted by Department certified commercial electrical inspectors. Both municipalities and third-party independent inspection agencies will need to register with the Department. The cost of the registration would be \$40 for four years with an initial application fee of \$15. The Department estimates that 300 municipalities will elect to obtain the registration and 150 third-party independent inspection agencies will also register. Based upon these assumptions the Department revenues would increase by \$24,750 or approximately \$6,200 annualized. The 2009 Executive Budget Bill, AB75, includes 2 FTE positions to assist in the implementation of the electrical inspection program. The positions are to be funded by electrician licensing fees and the building inspection agency registration revenue of \$6,200.

The proposed electrical inspection program for farms, public buildings and places of employment will affect all electrical contractors installing electrical wiring in and for such establishments as well the owners or tenants of these types of buildings and structures. The issuance of the permits will result in periodic construction inspections by enforcing municipal or independent building inspection agencies under contract with the Department. The cost of the permits and the resulting inspections will be determined by the respective enforcing municipal inspection agency or by the state contract procurement process when involving an independent building inspection agency. Many of the more populous municipalities in the state currently administer electrical permit and inspection programs. Municipal electrical permits and inspections are typically determined on the basis of a base fee plus a cost for each electrical opening which varies with the size and type of building and occupancy.

Long-Range Fiscal Implications

No range fiscal implications are anticipated.

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

Authorized Signature/Telephone No.

Date

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 & 16

Subject
 Electrical inspection

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	\$ -
(FTE Position Changes)	(0 FTE)	(- FTE)
State Operations - Other Costs	0	-
Local Assistance	0	-
Aids to Individuals or Organizations	0	-
TOTAL State Costs By Category	\$	\$ -
B. State Costs By Source of Funds		
GPR	\$ 0	\$ -
FED	0	-
PRO/PRS	0	-
SEG/SEG-S	0	-
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	\$ 0	\$ -
GPR Earned	0	-
FED	0	-
PRO/PRS	0	-
SEG/SEG-S	6,200	-
TOTAL State Revenues	\$ 6,200	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 6,200	\$ 0

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