

**Report From Agency**

**RULE REPORT**

**Department of Commerce**

Clearinghouse Rule No.: 09-104

Rule No.: Chapters Comm 14, 21 to 23 and 61 to 63

Relating to: Fire Prevention; Recordkeeping for Fires; Fire Suppression for Mobile Kitchens; Structural, Ventilating, and Vapor-Barrier Requirements for One- and Two-Family Dwellings; and Local Enforcement, No-Smoking Signs, Carbon Monoxide Detectors, and Energy Conservation, for Commercial Buildings

<i>Contact person for substantive questions:</i>	<i>Contact person for internal processing:</i>
Name <u>Sam Rockweiler</u>	Name <u>(same)</u>
Title <u>Code Development Consultant</u>	Title _____
Telephone Number <u>266-0797</u>	Telephone Number _____

1. Basis and purpose of the proposed rule.

These proposed rules would primarily update chapter Comm 14 to have it include the 2009 edition of the National Fire Protection Association® NFPA® 1 Fire Code, and to make it consistent with statutory changes enacted in 2007 Wisconsin Acts 75 and 173. These rules would also expand the scope of chapter Comm 14 to match the scope of section 101.14 (1) (b) of the Wisconsin Statutes so that only buildings, structures, or situations which are sovereignly controlled are excluded from the chapter.

These rules would also make some minor cross-reference and other editorial corrections for the requirements in chapters Comm 21 to 23 and 63, require submittal of local ordinances where municipalities choose to perform plan review or inspection of commercial buildings, codify the current emergency rules for no-smoking signs, and create an option for installing carbon monoxide detectors for fuel-burning appliances that are located within small enclosed spaces.

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

Under sections 101.14, 101.141, 101.573, and 101.575 of the Statutes, the Department protects public health, safety, and welfare by promulgating rules, such as these, for administering fire inspection and fire prevention programs.

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

No substantive changes were made to the rule analysis or fiscal estimate.



# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

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

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.

The proposed rules are minimum requirements to meet the directives of sections 101.14, 101.141, 101.573, and 101.575 the statutes, and any exceptions from compliance for small businesses would be contrary to the statutory objectives that are the basis for the rules.

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.

No issues were raised by small businesses.

3. Nature and estimated cost of preparation of any reports by small businesses.

No significant new reporting would be required for compliance with the proposed rules.

4. Nature and estimated cost of other measures and investments required of small businesses.

No significant new other measures or investments would be required for compliance with the proposed rules.

5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

None of the methods listed in 1. for reducing small-business impacts are included in the proposed rules.

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

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Agency contact person for substantive questions.

Name: Sam Rockweiler

Title: Code Development Consultant

Telephone No. 266-0797

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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*(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

