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TO: Assembly Committee on Housing Members
FROM: Representative Carol Owens, Chairperson
DATE: May 7, 1998
RE: **CLEARINGHOUSE RULES**

On May 6, 1998, the following rule was referred to the Assembly Committee on Housing:

Clearinghouse Rule 98-017, relating to the design and construction of commercial buildings and uniform multifamily dwellings.

Please contact my office (267-7990) if you would like a copy of the rule. The deadline for committee action on this rule is **June 5, 1998**. If you are interested in requesting a hearing or submitting comments on the rule, please do so prior to the deadline date.

Zibrowski, Jacque

From: Matthias, Mary
Sent: Tuesday, May 12, 1998 12:02 PM
To: Zibrowski, Jacque
Subject: CHR 98-017

Hi Jacque- FYI: I checked the Clearinghouse file on the rule that is in your committee. There aren't any problems with it that require committee attention- The Clearinghouse comments were only on format and grammar.

Mary

Mary Matthias
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Legislative Council Staff
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State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapters Comm 51 and ILHR 57 and 66

Relating to: The Commercial Building Code and the Uniform
Multifamily Dwelling Code

Clearinghouse Rule No.: 98 - 017

The Department of Commerce proposes an order to repeal Comm 51.03 (1)(a)1.; to renumber and amend Comm 51.048 (1)(a); to amend Comm 51.047 (1)(a)1. and ILHR 53.63 (1)(intro.), (a), (c), and (d), 57.01 (2)(a)3., 66.32 (4)(b)1.a., and 66.33 (2)(a) and (b)1.; to repeal and recreate Comm 51.049 and ILHR 66.32 (5); and to create Comm 51.01 (2r), (41c), (52m), (81m), and (130d), 51.047 (1)(a)3., 51.048 (1)(b), and Table 51.25-10 line 64, and ILHR 66.38 (4)(a)2. Note, relating to the design and construction of commercial buildings and uniform multifamily dwellings.

Analysis of Proposed Rules

Statutory Authority: ss. 101.02 (1) and (15) and 101.973 (1)

Statutes Interpreted: ss. 101.02 (15), 101.12, 101.14 (4m) and 101.971 to 101.978

Under sections 101.02 (15), 101.12, and 101.971 to 101.978, Wisconsin Statutes, the Department protects public health, safety, and welfare by promulgating construction requirements for commercial and public buildings including multifamily dwellings. Present requirements include methods for stopping fire in one area of a building from spreading to another area through service openings in walls, floors, and ceilings, such as penetrations for plumbing and electrical components. The methods that were specified have been shown to fail under fire testing conditions.

The proposed rule impacts all public buildings, which includes multifamily dwellings, and replaces the failed firestopping methods with techniques, materials, and methods that have been tested and nationally recognized. The rule essentially mandates use of tested and listed fire-stop systems for nearly all penetrations of every wall, floor, and ceiling that is required to provide area-separation protection consisting of either a fire-protective membrane or fire-resistive rated construction. The rule also clarifies some problematic, technical provisions that have resulted in confusion and unnecessary costs. Without the proposed rule revisions, firestopping methods that have been proven to be ineffective would still be allowed to be utilized, thereby putting public safety and health at risk.

SECTION 1. Comm 51.01 (2r), (41c), (52m), (81m), and (130d) are created to read:

Comm 51.01 (2r) "Annular space" means the opening around a penetrating item.

Comm 51.01 (41c) "F-rating" means the time period in hours that a through-penetration fire-stop system will limit the spread of flame through the penetrated assembly, including the penetrating elements, when tested in accordance with ASTM E814.

Comm 51.01 (52m) "Fire-stop system, approved" means a fire-stop product or device that is tested and listed by an approved testing laboratory under ASTM E814 regarding the ability, the F-rating, to retard the passage of flame for a specific time period.

Note: See sub. (41c) for the definition of F-rating.

Comm 51.01 (81m) "Membrane penetration" means an opening made through one side of an assembly that is a building element as listed in Table 51.03.

Note: An example of a membrane penetration is a recessed outlet box penetrating the gypsum wallboard (the gypsum wallboard is the "membrane") on one side of stud wall construction.

Comm 51.01 (130d) "Through penetration" means an opening that passes through an entire assembly that is a building element as listed in Table 51.03.

SECTION 2. Comm 51.03 (1) (a) 1. is repealed.

SECTION 3. Comm 51.047 (1) (a) 1. is amended to read:

Comm 51.047 FIRE-RATED DOOR ASSEMBLIES IN FIRE-RATED CONSTRUCTION. (1) FIRE-RESISTIVE RATED DOOR ASSEMBLIES. (a) 1. ~~An~~ Except as provided in subs. 2. and 3., an opening where permitted in a fire-resistive rated wall or wall assembly shall be protected by means of a fire-resistive rated door assembly which conforms to ASTM E-152, ~~except as provided in subd. 2.~~

SECTION 4. Comm 51.047 (1) (a) 3 is created to read:

Comm 51.047 (1) (a) 3. Where the fire-resistive assembly is being used to provide only the protection required as a structural building element, as specified in line 17 of Table 51.03-A, and is not also used for separation purposes, the opening need not be protected in accordance with subd. 1. if the opening is effectively fire stopped to ensure that the fire-resistive integrity of the structural element will not be reduced.

SECTION 5. Comm 51.048 (1) is renumbered Comm 51.048 (1) (a) and amended to read:

Comm 51.048 FIRE WINDOW AND GLASS BLOCK ASSEMBLIES IN FIRE-RATED CONSTRUCTION. (1) WINDOW OPENINGS. (a) ~~Window~~ Except as provided in par. (b), window openings, where permitted in fire-rated walls, shall be protected with fire window or glass block assemblies rated as ¾-hour by an approved laboratory when tested in accordance with ASTM E-162.

SECTION 6. Comm 51.048 (1) (b) is created to read:

Comm 51.048 (1) (b) Where the fire-resistive assembly is being used to provide only the protection required as a structural building element, as specified in lines 17 of Table 51.03-A, and is not also used for separation purposes, the opening need not be protected in accordance with par. (a) if the opening is effectively fire stopped to ensure that the fire-resistive integrity of the structural element will not be reduced.

SECTION 7. Comm 51.049 is repealed and recreated to read:

Comm 51.049 MISCELLANEOUS PENETRATIONS IN FIRE-RESISTIVE CONSTRUCTION. (1) GENERAL. (a) Except as specified in pars. (c) and (d), penetrations into or through fire-resistive assemblies, fire protective membranes, thermal barriers, or construction providing a finish rating as an alternative to a fire resistive assembly shall be protected in accordance with this section.

(b) Where an approved fire-stop system is used, the system shall be tested and listed for the specific application regarding the size of the opening, the size and type of the penetrating objects, the type of assembly penetrated, and the size of the annular space to be fire stopped.

(c) Where tested and listed fire resistive assemblies under s. Comm 51.044 are being used and the listing provisions regarding membrane penetrations are in conflict with this section, the provisions of the tested and listed assembly shall govern.

(d) Where the fire-resistive assembly is being used to provide only the protection required as a structural building element, as specified in lines 1 through 17, 21 and 22 of Table 51.03-A, is not also used for separation purposes and is a through penetration, the opening need not be protected in accordance with par. (a) if the opening is effectively fire stopped to ensure that the fire-resistive integrity of the structural element will not be reduced.

(2) DUCT OPENINGS. The annular space around the outside of a duct that penetrates into or through fire-resistive construction, as described in sub. (1) (a), shall be protected in accordance with one of the following:

(a) The recommendations of the manufacturer of the fire damper or the fire curtain door, when the duct is provided with a fire damper or fire curtain door at the penetration.

(b) An approved fire-stop system having an F-rating not less than the hourly rating of the assembly being penetrated.

(c) Grout, concrete or mortar for the full depth of the penetrated assembly when the assembly is constructed of concrete or masonry.

Note: See s. ILHR 64.42 for fire damper and fire curtain door requirements.

(3) NONCOMBUSTIBLE PENETRATING ITEMS. (a) Through-penetrations. Through-penetrations of fire-resistive assemblies by noncombustible wiring items or noncombustible piping items, excluding glass piping, shall be in accordance with this subsection.

(b) Openings of 100 square inches or less. Where the area of an opening is 100 square inches or less and the total aggregate area of all such openings does not exceed 100 square inches in any 100 square feet of surface area being penetrated, the annular space around the penetrating item shall be protected in accordance with one of the following:

1. Closed with an approved fire-stop system having an F-rating not less than the hourly rating of the assembly being penetrated.

2. Filled to the full depth of the penetrated assembly with grout, concrete, or mortar, when the assembly is constructed of concrete or masonry.

(c) Openings larger than 100 square inches. 1. Wall assemblies. Where a wall assembly opening is larger than 100 square inches or the total aggregate area of all such openings exceeds 100 square inches in any 100 square feet of wall surface area, the annular space around the penetrating item shall be closed with an approved fire-stop system having an F-rating not less than the hourly rating of the assembly being penetrated.

2. Floor assemblies. Where a floor assembly opening is larger than 100 square inches or the total aggregate area of all such openings exceeds 100 square inches in any 100 square feet of surface area and the openings are not contained within a wall or column at the point the floor is penetrated, the annular space around the penetrating item shall be closed with an approved fire-stop system having an F-rating not less than the hourly rating of the assembly being penetrated.

(4) COMBUSTIBLE PENETRATING ITEMS. Through-penetrations of fire-resistive assemblies by combustible piping items, glass piping, or combustible wiring items shall be protected with an approved fire-stop system having an F-rating not less than the hourly rating of the assembly being penetrated.

(5) MEMBRANE PENETRATIONS. (a) Openings around objects. 1. Except as provided in subs. 2. to 4., the annular space of a membrane penetration into a fire-resistive assembly, or through a fire-protective membrane, a thermal barrier, or construction providing a finish rating as an alternative to a fire resistive assembly, shall be protected in the same manner as that provided for the membrane of a through-penetration of a similar assembly under sub. (2), (3), or (4).

2. The annular space of a membrane penetration that occurs around electrical outlet and switch boxes that are listed by an approved testing laboratory as either "outlet boxes and fittings classified for fire resistance" or "metallic outlet boxes" is not required to be protected in accordance with subd. 1., if the width of the space is 1/8 inch or less.

3. The annular space of a membrane penetration that occurs around a fire sprinkler and which is provided with a metal escutcheon plate is not required to be protected in accordance with subd. 1.

4. Membrane penetrations by electrical outlet and switch boxes that are listed by an approved testing laboratory as "outlet boxes and fittings classified for fire resistance" shall be used subject to the requirements and limitations of the listing.

(b) Metallic outlet boxes. The membrane penetration of vertical fire-resistive construction having a rating of 2 hours or less, including a fire-resistive wall assembly, a fire-protective membrane, a thermal barrier, or construction providing a finish rating as an alternative to a fire resistive assembly, that is created by electrical outlet and switch boxes that are listed by an approved testing laboratory as "metallic outlet boxes," shall be subject to all of the following:

1. The surface area of an individual box may not exceed 16 square inches.
2. The aggregate surface area of the boxes may not exceed 100 square inches per 100 square feet of wall surface.
3. Boxes shall not be installed on opposite sides of walls or partitions of staggered stud construction unless tested and listed for use in staggered stud construction by an approved testing laboratory.
4. Where boxes are located on opposite sides of a non-staggered stud wall or partition, the boxes shall be separated by a minimum horizontal distance of 24 inches, unless installed in accordance with all of the following:
 - a. The boxes shall be protected by a wall opening protective material that is listed for the use by an approved testing laboratory.
 - b. The wall opening protective material shall be installed in accordance with the requirements and limitation of the listing.

SECTION 8. Table 51.25-10 line 64 is created to read:

Table 51.25-10
(partial table)

ASTM	American Society for Testing and Materials 1916 Race Street Philadelphia, Pennsylvania 19103
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64. E814-94b	Standard Test Method for Fire Tests of Through-Penetration Fire stops.
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SECTION 9. ILHR 53.63 (1) (intro.), (a), (c), and (d) are amended to read:

ILHR 53.63 (1) ~~FIRE STOPS-FIREBLOCKING~~. ~~Fire stops~~ Fireblocks shall be provided at all intersections of interior and exterior walls with floors, ceilings and roof in such manner as to effectively cut off communication by fire through hollow concealed spaces and prevent both vertical and horizontal drafts.

(a) Furred walls shall have ~~fire stops~~ fireblocks placed immediately above and below the junction of any floor construction with the walls, or shall be ~~fire-stopped~~ fireblocked the full depth of the joist.

(c) All concealed spaces between stair stringers at the top and bottom of the stair run shall be ~~firestopped~~ fireblocked.

(d) All wood ~~fire stops~~ fireblocks as required in this section shall be lumber not less than 2 inches in nominal thickness, or 3/4 inch thick plywood with joints backed, and not less in width than the enclosed space within the partition except as provided for chimneys. ~~Fire stops~~ Fireblocks may also be of 1/2 inch gypsum board, fiberglass or ~~other~~ noncombustible materials, securely fastened in place.

SECTION 10. ILHR 57.01 (2) (a) 3. is created to read:

ILHR 57.01 (2) (a) 3. a. The annular space around ducts, pipes, and conduits or other penetrating items that penetrate fire-protective membranes required under this paragraph shall be protected as specified in s. Comm 51.049.

b. For the purpose of protecting the annular spaces under subpar. a., the methods of protection shall be the same as the membranes for at least a one-hour rated assembly.

SECTION 11. ILHR 66.32 (4) (b) 1. a. is amended to read:

ILHR 66.32 (4) (b) 1. a. An attached garage which is 600 square feet or less in area, or which is divided into areas of 600 square feet or less by ~~walls~~ construction having at least one-hour fire-resistive rating, shall be separated from the rest of the multifamily dwelling by the construction specified in sub. (2). Any opening in a wall separating the garage from the rest of the multifamily dwelling shall be protected by means of a self-closing door assembly providing a minimum fire-resistive rating of 3/4 hours, except as provided in subpar. b.

SECTION 12. ILHR 66.32 (5) is repealed and recreated read:

ILHR 66.32 (5) PENETRATIONS. (a) Fire-resistive assemblies. Openings that occur around ducts, pipes, and conduits or other penetrating items that penetrate required fire-resistive assemblies shall be protected in accordance with s. Comm 51.049.

(b) Fire-protective membranes. The annular space around ducts, pipes, and conduits or other penetrating items that penetrate fire-protective membranes required under or referenced in subs. (2) (a), (3) (a), and (4) (b) 1. a., s. ILHR 66.33 (2) (a) and (b) 1., and s. ILHR 66.42 (2) shall be protected in the same manner as required for 1-hour fire-resistive rated assemblies in s. Comm 51.049.

Note: The reference to 1-hour fire-resistive rating does not require that the fire-protective membranes as described in s. ILHR 66.32 (2) provide a 1-hour rating as a listed assembly.

(c) Ceiling ducts. 1. Except as provided in subd. 2. a duct larger than 20 square inches that penetrates a ceiling fire protective membrane required under or referenced in subs. (2) (a), (3) (a), and (4) (b) 1. a., s. ILHR 66.33 (2) (a) and (b) 1., and s. ILHR 66.42 (2) shall be protected in the same manner as required for 1-hour rated assemblies in accordance with one of the following:

- a. A fire damper as specified in s. ILHR 64.42.
- b. A listed duct outlet protection system.
- c. At least six feet of continuous steel ductwork from the membrane penetration toward the air handling unit.

2. A duct is not required to be protected in accordance with subd. 1 provided the floor-ceiling assembly has been tested and listed without protecting the duct penetration and maintains the fire resistance rating of the assembly.

Note: The reference to 1-hour fire-resistive rating does not require that the fire-protective membranes as described in s. ILHR 66.32 (2) provide a 1-hour rating as a listed assembly.

SECTION 13. ILHR 66.33 (2) (a) and (b) 1. are amended to read:

ILHR 66.33 (2) (a) Buildings exceeding the thresholds in sub. (1). Buildings protected by an automatic fire sprinkler system or 2-hour fire resistance in accordance with sub. (1) are not limited in area or height, up to the 60-foot maximum in s. ILHR 66.03 (6), except that buildings of Type 7 or 8 construction may have no more than 4 occupied floor levels of wood frame construction; any additional floor levels shall be of Type 5 or better construction, and the total number of stories may not exceed 4. For Type 8 buildings, the structural ~~parts and the enclosing walls and ceilings~~ building elements as listed in Table 51.03-A, and the dwelling unit separations listed in s. ILHR 66.32 (2), but not those elements specified in sub. (1) (a) 1., shall be protected with at least the 5/8-inch type X wallboard or equivalent as specified in s. ILHR 66.32 (2).

Note: There are other requirements that impact or affect the fire resistive ratings or properties of exterior walls and elements, such as the setback limitations for property lines under s. Comm 51.03.

(b) Buildings at or below the thresholds in sub. (1). 1. Buildings without the sprinkler protection or 2-hour fire resistance required by sub. (1) shall comply with Table 66.33-B, except

that Type 8 buildings may be built to the Type 7 limits in that table if the structural ~~parts and the enclosing walls and ceilings,~~ as building elements listed in Table 51.03-A for Type 8, but not those elements specified in sub. (1) (a) 1., are protected with at least the 5/8-inch type X wallboard or equivalent as specified in s. ILHR 66.32 (2).

Note: There are other requirements that impact or affect the fire resistive ratings or properties of exterior walls and elements, such as the setback limitations for properties lines under s. Comm 51.03.

SECTION 14. ILHR 66.38 (4) (a) 2. Note is created to read:

ILHR 66.38 (4) (a) 2. Note: Stairs adjacent to an accessible ramp are considered to be stairs on an accessible route.

(End)

EFFECTIVE DATE

Pursuant to s. 227.22 (2)(intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

file ref: 66legrev 98

WISCONSIN LEGISLATIVE COUNCIL STAFF



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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 98-017

AN ORDER to repeal Comm 51.03 (1) (a) 1.; to renumber and amend Comm 51.048 (1) (a); to amend Comm 51.047 (1) (a) 1. and ILHR 66.32 (4) (b) 1. a. and 66.33 (2) (a) and (b) 1.; to repeal and recreate Comm 51.049 and ILHR 66.32 (5); and to create Comm 51.01 (2r), (41c), (52m), (81m) and (130d), 51.047 (1) (a) 3., 51.048 (1) (b) and Table 51.25-10 line 64 and ILHR 57.01 (2) (a) 3., relating to the design and construction of commercial buildings and uniform multifamily dwellings.

Submitted by **DEPARTMENT OF COMMERCE**

02-10-98 RECEIVED BY LEGISLATIVE COUNCIL.
03-05-98 REPORT SENT TO AGENCY.

RS:DF;jt;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

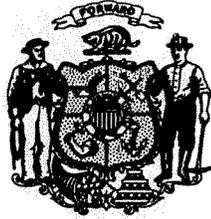
Comment Attached YES NO

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-017

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 October 1994.]

2. Form, Style and Placement in Administrative Code

a. SECTIONS 1 to 5 of the rule should be redrafted as a single SECTION of the draft because two or more subsections of the same rule section are affected by the same treatment. [See s. 1.04 (2) (a) 4., Manual.]

b. In ss. Comm 51.047 (1) (a) 3., 51.048 (1) (b) and 51.049 (1) (d), insert a comma after "element," substitute "if" for "provided" and substitute "to ensure" for "such."

c. In s. Comm 51.049 (3), because the material in par. (a) does not grammatically lead into the remaining subunits, subs. 1. and 2. should be renumbered as pars. (b) and (c). Consequently, the subparagraph letters should be replaced by subdivision numbers. Finally, in par. (a), the word "paragraph" should be replaced by the word "subsection."

d. In s. Comm 51.049 (4), the notation "(a)" should be deleted.

e. In s. ILHR 66.33 (2) (a), the prefix "ILHR" should be inserted before the first occurrence of the citation "66.32 (2)."

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

a. In s. Comm 51.049 (2) (intro.), insert commas after "construction" and "sub. (1) (a)."

b. Section ILHR 66.32 (5) (c) 2. should be reviewed. There appears to be a typographical error in this provision.

RULE REPORT

Department of Commerce

Rule No.: Chapters Comm 51 and ILHR 57 and 66

Relating to: The Commercial Building Code and the Uniform Multifamily Dwelling Code

Agency contact person for substantive questions:

Name Sam Rockweiler

Title Code Consultant

Telephone Number 608-266-0797

Agency contact person for internal processing:

Name Sam Rockweiler

Title Code Consultant

Telephone Number 608-266-0797

1. Agency statutory authority under which the agency intends to promulgate the rule(s).

101.02 (1) and (15) and 101.973 (1), Stats.

2. Citation of federal regulations which require adoption or which are relevant to the proposed rule(s).

None known.

3. Citation of court decisions which are applicable to the proposed rule(s).

None known.

FISCAL ESTIMATE
DOA-2048 (R10/92)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
COMM 51 and ILHR 57 and 66
Amendment No. if Applicable

Subject Commercial Buildings and Uniform Multifamily Dwellings

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

- Increases Costs - May be possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- 1. Increase Costs
 - Permissive Mandatory

- 2. Decrease Costs
 - Permissive Mandatory

- 3. Increase Revenues
 - Permissive Mandatory

- 4. Decrease Revenue
 - Permissive Mandatory

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
- 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 department currently regulates the construction of commercial buildings and multifamily dwellings. The proposed rule replaces current requirements with requirements that are not expected to result in significant additional costs.

Long-Range Fiscal Implications

None known.

Agency/Prepared by: (Name & Phone No.)

Sam Rockweiler 266-0797

Authorized Signature/Telephone No.

Sam Rockweiler 6-8970

Date

1-15

FISCAL ESTIMATE WORKSHEET
Detailed Estimate of Annual Fiscal Effect
DOA-2047(R10/92)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No/Adm. Rule No.
COMM 51 and ILHR 57 and 66

Amendment No.

Subject

Commercial Buildings and Uniform Multifamily Dwellings

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	\$	\$ -
(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	0	- 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	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	- 0
SEG/SEG-S	0	- 0
TOTAL State Revenues	\$ 0	\$ - 0

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 0	\$ 0

Agency/Prepared by: (Name & Phone No.)

Authorized Signature/Telephone No.

Date

Sam Rockweiler 266-0797

Sam Rockweiler 6-8976 | 1-15-98

PUBLIC HEARING COMMENT AND AGENCY RESPONSE DEPARTMENT OF COMMERCE

DIVISION OF SAFETY AND BUILDINGS

Rule Number: Chapters Comm 51 and ILHR 57 and 66

Relating To: The Commercial Building Code and the Uniform Multifamily Dwelling Code

Hearing Location: Mailed In

Hearing Date: March 11, 1998

Commenting		Exh. No.	Presenter, Group Represented, City, State	Comments/Recommendations	Agency Response
In Sup.	For Opp. Info.				
X		1	J.C. Carver, Madison Fire Department, Madison, WI	Believes the proposed rule helps fulfill the Codes' purpose of protecting the health, safety, and welfare of the public and employees of Wisconsin.	The Division agrees.
	X	2	Patrick Murphy, Murphy Development, Inc.	States the proposed rule and the emergency rule constitute unnecessary meddling with the existing multifamily code and current construction practices, and that the rule change is unnecessary and unjustified. Doesn't accept that the lab testing which has been performed for the currently prescribed firestopping is sufficient to require the rule change, much less justify that a fire safety emergency exists. Extensive personal experience with newer multifamily dwellings is that they already are fire safe, and this fire safety history is more reliable than theoretical or contrived lab testing. States it is wrong to ignore this fire safety history of these newer dwellings while implementing this rule change. Questions whether a cost-benefit analysis has been performed for the rule change, because these new requirements will be costly and the costs will be passed on to tenants - making new rental buildings less affordable. Is outraged that considerable time and money are being wasted on adding requirements to new, safe buildings instead of improving the fire safety of older buildings which lack the fire safety features of the newer buildings. Indicates this rule change should be put aside until or unless factual fire incident information and cost-benefit information is obtained and analyzed as justifying the change.	The department sought the input of two advisory councils, the multifamily dwelling code council and the commercial building code council, before issuing the rules. The rules reflect national standards that are recognized to evaluate the performance of materials and products under fire conditions. Under the previous rules the integrity of fire resistive construction was always required to be maintained; except for the elimination of the 3 methods that were shown ineffective, the rules now provide clarity and parameters for maintaining this integrity. The concern of establishing retroactive rules for existing buildings necessitates extensive research in indicating risks, possible solutions and the impacts. The department believes that the rules reflect an appropriate and reasonable response to address the life/safety risks involved.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 98 - 017

RULE NO.: Chapters Comm 51 and ILHR 57 and 66

RELATING TO: The Commercial Building Code and the Uniform Multifamily Dwelling Code

Agency contact person for substantive questions.

Name: Sam Rockweiler

Title: Code 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

(Continued on reverse side)



April 28, 1998

Senate Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Assembly Chief Clerk
Room 402
1 East Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

**TRANSMITTAL IN FINAL DRAFT FORM OF ADMINISTRATIVE
RULES AND REPORT**

CLEARINGHOUSE RULE NO.: 98 - 017

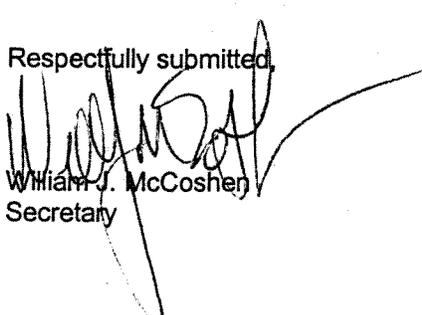
RULE NO.: Chapters Comm 51 and ILHR 57 and 66

RELATING TO: The Commercial Building Code and the Uniform Multifamily Dwelling Code

Pursuant to section 227.19, Stats., agencies are required to submit, in triplicate, copies of the proposed administrative rules in final draft form together with a rule report and an analysis. The recommendations received from the Legislative Council are also to be submitted.

At this time, this material, together with cover letters to the President of the Senate and the Speaker of the Assembly, is being transmitted for referral to the standing committees for legislative review.

Respectfully submitted,


William J. McCoshen
Secretary

COM-10536 (N.03/97)



201 West Washington Avenue
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018

Tommy G. Thompson, Governor
William J. McCoshen, Secretary

April 28, 1998

Senator Brian Rude
President of the Senate
119 Martin L. King Blvd, Rm 301
Madison, Wisconsin 53702

Representative Scott Jensen
Speaker of the Assembly
211 West, State Capitol
Madison, Wisconsin 53702

Dear Senator Rude and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 98 - 017

RULE NO.: Chapters COMM 51 and ILHR 57 and 66

RELATING TO: The Commercial Building Code and the Uniform Multifamily Dwelling Code

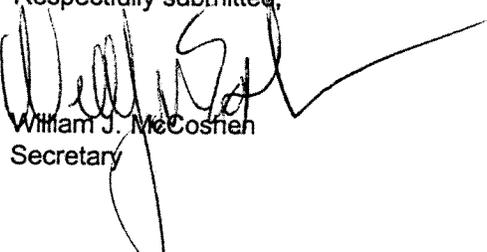
Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

The following information, as required by law, is being submitted to you.

1. Rules in final draft form (in triplicate).
2. Report consisting of:
 - a) Rule Report.
 - b) Public Hearing Attendance Record.
 - c) Public Hearing Comment and Agency Response Form.
 - d) Legislative Council Rules Clearinghouse Report.
 - e) Response to Legislative Council Rules Clearinghouse Report.
 - f) Fiscal Estimate.
 - g) Final Regulatory Flexibility Analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,


William J. McCoshen
Secretary

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 98 - 017

RULE NO.: Chapters Comm 51 and ILHR 57 and 66

RELATING TO: The Commercial Building Code and the Uniform Multifamily Dwelling Code

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 department believes that the rules reflect an appropriate and reasonable response to address the life/safety risks involved.

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.

The new requirement that tested and listed fire-stop systems be used for nearly all penetrations of every fire-protective wall, floor, or ceiling was opposed as being unnecessary and unjustified. Use of lab testing to support this requirement was opposed, and the Department was urged to rely instead on the fire safety history for newer multifamily dwellings, which was argued as showing these dwellings are fire safe without this requirement. Opposition was raised to the higher costs resulting from this requirement, which were argued as making new rental housing less affordable and not shown to be offset by benefits. The Department was urged to focus instead on improving the fire safety of older dwellings that lack the fire safety features of newer buildings, rather than add requirements to new, safe dwellings.

The new rule reflects national model codes and recognized standards for fire-resistive construction. The concern of establishing retroactive rules for existing buildings necessitates extensive research in indicating risks, possible solutions, and the impacts.