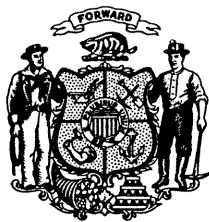


## WISCONSIN LEGISLATIVE COUNCIL STAFF

**RULES CLEARINGHOUSE**

**Ronald Sklansky**  
Director  
(608) 266-1946



**Laura D. Rose, Interim Director**  
Legislative Council Staff  
(608) 266-1304

**Richard Sweet**  
Assistant Director  
(608) 266-2982

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
FAX: (608) 266-3830

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**CLEARINGHOUSE REPORT TO AGENCY**


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[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 00-009**

AN ORDER to repeal Comm 2.03, Table 2.06, 2.10, Table 2.17, 2.52 (6m), 2.68 (3) (a) and 82.20 (4) (b); to renumber Comm 84.11 to 84.14; to renumber and amend Comm 2.67 (1); to amend Comm 2.02 (1) (a), 2.04 (1), 2.06 (2), 2.07 (2) (b), 2.11 (3), Table 2.11-1, Table 2.11-2, (4) and (6), 2.12 (1), (2) (a), Table 2.12 and (3), Table 2.13 and (2), 2.15 (1), Table 2.15-1, (2), Table 2.15-2 and (3), 2.17 (2), 2.18, 2.19, 2.20 (1) (a) to (k), Table 2.21-1, Table 2.21-2, (3) and (4), 2.33 (2), Table 2.43, 2.51, 2.52 (3) (a) and (c), 2.52 (6), (7), and (10) (a) and (b) 2., 2.61 (1) and (2), Table 2.64-1, 2.64 (3) (a) 3., Table 2.64-2 and (3) (c) 3., 2.66 (title), Table 2.66, (1) (d) 2. and (e) and (2) (title), 2.67 (2), Table 2.68-1, Table 5.02, 45.07 (4), Table 82.20-1, Table 82.20-2 lines 1. and 8., Table 84.10 and 84.10 (5) and (6); to repeal and recreate Comm 2.02 (4), 2.04 (2), 2.17 (3) and (4), 2.31 (1) and (2), 2.52 (5), 2.61 (3), 2.65 and 2.66 (2) (a); and to create Comm 2.02 (4m), 2.04 (2m), 2.11 (7), 2.15 (2m), Table 2.33 (title), 2.635, 2.67 (1) (b) and 84.11, relating to program revenue fees.

Submitted by **DEPARTMENT OF COMMERCE**

01-11-00 RECEIVED BY LEGISLATIVE COUNCIL.

02-07-00 REPORT SENT TO AGENCY.

RS:DLS:jal;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

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## CLEARINGHOUSE RULE 00-009

### 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 September 1998.]**

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

- a. In s. Comm 2.04 (2), last sentence, delete ", however,".
- b. In s. Comm 2.15 (2), second sentence, replace the phrase "until the elevator can be certified" with "until a permit to operate the elevator is issued." Delete the changes made in the draft.
- c. In s. Comm 2.31 (1), the first sentence does not lead grammatically into the following subunits and should be renumbered as par. (a). The remaining paragraphs should be renumbered accordingly. In sub. (1) (a), last sentence, substitute "the" for "those" and "under" for "relative to." In par. (b), first sentence, substitute "set forth" for "outlined." In par. (c) (intro.), first sentence, what does "those for which no area may be associated" mean? Can this be stated more clearly? In subd. 7. of par. (c), "denial" of what? Also in that subdivision, substitute "if" for "provided."
- d. In s. Comm 84.11, can a more specific reference be made other than to "the appropriate national standard referenced in this chapter"? Also, this provision identifies why the use of the passive voice is unclear. If this rule means to say that a person may only use a cross connection control device that is appropriately recognized, then it should so state.



State of Wisconsin \ Department of Commerce

# HEARING DRAFT of PROPOSED RULES

**Rule No.:** Chapters Comm 2 and 5

**Relating to:** Program Revenue Fees

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The Wisconsin Department of Commerce proposes an order to repeal Comm 2.03, Comm Table 2.06, Comm 2.10, Comm Table 2.17, Comm 2.52 (6m), Comm 2.68 (3)(a), Comm 82.20 (4)(b);

to renumber Comm 84.11 to 84.14;

to renumber and amend Comm 2.67 (1);

to amend Comm 2.02 (1)(a), Comm 2.04 (1), Comm 2.06 (2), Comm 2.07 (2)(b), Comm 2.11 (3), Table 2.11-1, Table 2.11-2, (4) and (6), Comm 2.12 (1), (2)(a), Table 2.12 and (3), Comm Table 2.13 and (2), Comm 2.15 (1), Table 2.15-1, (2) and Table 2.15-2, Comm 2.15 (3), Comm 2.17 (2), Comm 2.18, Comm 2.19, Comm 2.10 (1)(a) to (k), Comm Table 2.21-1, Table 2.21-2, (3) and (4), Comm 2.33 (2), Comm Table 2.43, Comm 2.51, Comm 2.52 (3)(a) and (c), Comm 2.52 (6), Comm 2.52 (7), and (10)(a) and (b)2., Comm 2.61 (1) and (2), Comm Table 2.64-1, Comm 2.64 (3)(a)3., Comm Table 2.64-2, Comm 2.64 (3)(c)3., Comm 2.66 (title), Comm Table 2.66, Comm 2.66 (1)(d)2. and (e), Comm 2.66 (2)(title), Comm 2.67 (2), Comm Table 2.68-1, Comm Table 5.02, Comm 45.07 (4), Comm Table 82.20-1, Comm Table 82.20-2 lines 1. and 8., Comm Table 84.10, Comm 84.10 (5) and (6);

to repeal and recreate Comm 2.02 (4), Comm 2.04 (2), Comm 2.17 (3) and (4), Comm 2.31 (1) and (2), Comm 2.52 (5), Comm 2.61 (3), Comm 2.65, Comm 2.66 (2)(a);

and to create Comm 2.02 (4m), Comm 2.04 (2m), Comm 2.11 (7), Comm 2.15 (2m), Comm Table 2.33 (title), Comm 2.635, Comm 2.67 (1)(b), Comm 84.11, relating to program revenue fees.

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Analysis of Proposed Rules

Statutory Authority: Sections 101.19 and 145.08, Stats.  
Statutes Interpreted: Sections 101.19 and 145.08, Stats.

The Division of Safety and Buildings within the Department of Commerce is responsible for administering and enforcing safety and health rules relating to the construction and inspection of dwellings, public buildings and places of employment. In the administration and enforcement of those rules, the Department provides numerous services such as plan examination, inspection and certification. The Department, by rule promulgated under chapter 227 of the Wisconsin Statutes, is required to fix and collect fees which should, as closely as possible, equal the cost of providing those services.

Most of the fees charged by the Division of Safety and Buildings are contained in chapter Comm 2. Additional fees for licenses, certifications and registrations are contained in chapter Comm 5. The proposed rules consist of increases in most of the fees in chapters Comm 2 and 5.

The majority of the Division's fees have not been increased since 1992. The proposed changes are necessary in order to bring revenues more in line with the costs of providing the services in each program area. It is estimated that the fee increases will increase total program revenues by 23 percent and provide sufficient revenues for a 4 year period. Under the proposal, each program area will be self-sufficient except for the Public Sector Safety Program which is subsidized 100 percent by the Commercial Building Plan Review and Inspection Program.

The proposed rules contain fee increases ranging from 2 percent to 200 percent. In some program areas the current fee amounts will remain unchanged. Those program area fees that are not being changed include: Manufactured Dwellings, One- and 2-Family Dwellings, Rental Unit Energy Efficiency, Plumbing Licensing, Fire Sprinkler Installer Licensing, HVAC Certification, Refrigerant Handling Certification, Soil Tester Certification, and all Inspector Certifications.

Under the proposed rules, the fees for lighting plan review are combined with the fees for building plan review. Submittal requirements for lighting plans, however, are not being changed.

The proposed rules also contain minor revisions to the requirements for plumbing plan review and plumbing product review. The threshold for submitting plumbing plans is being raised from 11 to 16 plumbing fixtures. Plumbing product review is being discontinued for cross connection control devices and for water treatment devices listed as complying with NSF standard 44.

The following is a brief summary by program area of the major fee changes in the proposed rules. The summary is arranged in the same order as chapter Comm 2.

### **1. Boilers, Pressure Vessels, Anhydrous Ammonia and Mechanical Refrigeration**

- Current fee amounts for plan reviews and inspections would generally be increased 35 percent, rounded to \$5 increments.
- Current fee amounts for Permits to Operate would be increased 40 percent.
- Current fee amounts for anhydrous ammonia plan review and initial inspection would be increased 200 percent.

### **2. Elevators and Lifting Devices**

- Current fee amounts for plan review and initial inspection in Table 2.15-1 would be increased 100 percent.
- Current fee amounts for periodic inspections in Table 2.15-2 would be increased as follows based on the expected average inspection times shown below and a "billing" rate of \$60 per hour:
  - 0-4 landings - 63 percent increase (1.5 hours)
  - 5-10 landings - 41 percent increase (2.0 hours)
  - 11 or more landings - 30 percent increase (2.5 hours)
  - Escalators - 30 percent increase (2.5 hours)
- The current fee amount for a Permit to Operate would be increased 75 percent.

### **3. Mines, Pits, Quarries, Blasters and Explosives**

- Current annual safety fee amounts for mine, pit or quarry production in Table 2.17, which range from \$1.85 per thousand tons of production to \$3.70 per thousand tons of production, would be changed to a flat \$3.00 per thousand tons of production.
- The remaining current fee amounts in sections Comm 2.17, 2.18 and 2.19 would be increased 45 percent, rounded to \$5 increments.
- Current fee amounts for blaster licenses in Table 5.02 would be increased 50 percent.

### **4. Amusement Rides**

- Current fee amounts for plan examination and inspection would generally be increased 60 percent, rounded to \$5 increments.

**5. Tramways, Lifts and Towing Devices**

- Current fee amounts for plan review and inspection would be increased 160 percent.
- The current fee amount for a Permit to Operate would be increased 120 percent

**6. Buildings, Structures, Heating and Ventilation**

- Current fee amounts for separate review of building plans and HVAC plans would be increased 35 percent, generally rounded to \$10 increments. The current "discount" for simultaneous submittal of building plans and HVAC plans would be replaced with a method involving a \$100 plan entry fee to accompany each plan submittal.
- New fees would be created for review of fire alarm system plans and fire suppression system plans. The additional revenue from this new service is projected to be \$100,000 per year, based on an annual workload of 550 plans and average fee of \$182.

**7. Mobile Homes**

- Current fee amounts for formaldehyde testing and investigation would be increased 20 percent.

**8. Liquefied Petroleum Gas, Liquefied Natural Gas and Compressed Natural Gas**

- Current fee amounts for plan review and inspection would generally be increased 30 percent.

**9. Material Approvals and Petitions for Variance**

- Current fee amounts for material reviews would be increased 25 percent.
- Current fee amounts for petitions for variance for public buildings under chapters Comm 50 to 64 and 66 would be increased 2 percent.
- Current fee amounts for petitions for variance for public sector employment under section 101.055, Stats., would be increased 50 percent.
- Current fee amounts for petitions for variance of all other rules not specifically mentioned in section Comm 2.52 would be increased 25 percent.

**10. Plat Review and Investigations**

- A new fee would be created for lot restriction waivers.

**11. Plumbing Systems Plan Review**

- Current fee amounts would generally be increased 15 percent, rounded to \$5 increments. Some fee amounts, such as for building storm and clear water drain systems, would be increased 25 percent.

**12. Private Sewage Systems Plan Review**

- Current fee amounts would generally remain unchanged. The method of fee calculation would be changed so as to be based on the "design wastewater flow of the proposed system" instead of septic tank or holding tank volume. The change in calculation methods is not expected to change the overall revenue rate; instead, it is expected to result in more equitable fees for the various system designs recognized in chapter Comm 83.

**13. Plumbing Product Review**

- Current fee amounts for holding or treatment components for private onsite wastewater treatment systems would be increased 100 percent.

**14. Sanitary Permits**

- Current fee amounts for sanitary permits issued by governmental units (counties) would remain unchanged. A new fee would be created for permits issued by the Department.

**15. Swimming Pool Plan Review**

- Current fee amounts would be increased 100 percent and the current “discount” for simultaneous submittal of pool plans would be discontinued.

**16. Electrician Certification**

- Current fee amounts would be increased as follows:
  - Master Electrician Certification - 25 percent increase
  - Journeyman Electrician Certification - 50 percent increase
  - Beginning Electrician Certification - 20 percent increase

\*\*\*\*\*



SECTION 1. Comm 2.02 (1) (a) is amended to read:

**Comm 2.02 (1) (a)** The department may charge a handling fee, determined at ~~\$20.00~~ \$25.00 per hour, with a minimum fee of ~~\$20.00~~ \$25.00, in addition to any other fee provided in this chapter, to offset administrative costs.

SECTION 2. Comm 2.02 (4) is repealed and recreated to read:

**Comm 2.02 (4) PLAN APPROVAL - ADDITIONAL SETS.** A maximum of 5 sets of plans shall be stamped approved without additional fees being charged. Upon request, additional sets of plans identical to previously approved plans shall be stamped approved upon receipt of a \$20.00 fee per plan.

**Note:** The 5 sets include the one set retained by the department.

*Substantive*

SECTION 3. Comm 2.02 (4m) is created to read:

**Comm 2.02 (4m) FEE FOR EXTENSION OF PLAN APPROVAL.** The examination fee for a plan previously approved by the department for which an approval extension is requested shall be \$100.00 per plan.

SECTION 4. Comm 2.03 is repealed.

SECTION 5. Comm 2.04 (1) is amended to read:

**Comm 2.04 (1) MISCELLANEOUS PLAN REVIEWS.** Unless specified otherwise in this chapter, the fee for department costs incurred in performing miscellaneous plan reviews shall be ~~\$40.00~~ \$60.00 per hour per plan, with a minimum fee of ~~\$40.00~~ \$60.00 per plan.

SECTION 6. Comm 2.04 (2) is repealed and recreated to read:

**Comm 2.04 (2) MISCELLANEOUS INSPECTIONS AND INVESTIGATIONS.** Unless specified otherwise in this chapter, fees for department costs incurred in performing miscellaneous inspections or investigations, including special inspections for alterations, fabrication, repairs, testing, electrical construction and quality assurance methods, which are either provided on request or to satisfy administrative code requirements, shall be determined in accordance with Table 2.04. An additional amount may be charged to cover all expenses, including travel time, mileage, meals and lodging. Travel expenses, however, shall be limited to those allowed under ss. 16.53 and 20.916, Stats., and collective bargaining agreements.

*2*

**Table 2.04**  
**Miscellaneous Inspections and Investigations Fees**

<b>Individual Special Inspections</b>	<b>Fee Per Hour Per Inspector</b>
(a) Inspections performed between the hours of 7:45 a.m. and 4:30 p.m. on weekdays, Monday through Friday . . . . .	\$60.00
(b) Inspections performed on Saturdays, Sundays, holidays and at times other than scheduled in (a) . . . . .	\$90.00
(c) For supervising the American Society of Mechanical Engineers (ASME) joint review and audit and for conducting shop audits, Monday through Friday . . . . .	\$90.00

SECTION 7. Comm 2.04 (2m) is created to read:

**Comm 2.04 (2m) MINIMUM CHARGE.** In reference to Table 2.04 (a) and (b), a minimum charge of 4 hours shall be assessed for all special inspections required during fabrication and testing of ASME code items.

SECTION 8. Comm 2.06 (2) is amended to read:

**Comm 2.06 (2) COLLECTION.** All fees not paid within 60 calendar days after the first invoice date ~~shall~~ may be assessed a late payment fee ~~determined in accordance with Table 2.06~~ equal to one percent per month of the outstanding balance.

SECTION 9. Comm 2.06 (2) Table 2.06 is repealed.

SECTION 10. Comm 2.07 (2)(b) is amended to read:

**Comm 2.07 (2) (b)** "Permit" includes an examination of plans, initial ~~certificate of operation~~ permit to operate, registration of a device, approval of a material or product, shaft excavation permit, petition for variance, permission to start construction, rental unit certificate of compliance, priority review and petition, and underground tank registration and use permit, but does not include any inspection services.

SECTION 11. Comm 2.10 is repealed.

SECTION 12. Comm 2.11 (3), Table 2.11-1, Table 2.11-2, (4) and (6) are amended to read:

**Comm 2.11 (3) REINSPECTION FEES.** A fee of ~~\$40.00~~ \$55.00 per inspection shall be assessed for inspections made by the department to gain compliance with ~~chs. Comm 41 to 42~~ ch. Comm 41, after orders have been issued by the department.

**Table 2.11-1  
Boiler Inspection Fees**

Type of Boiler	Heating Surface Area (Square Feet)	Type of Inspection	
		Internal	External
Miniature Power	20 or less	<del>\$15.00</del> <u>\$20.00</u>	<del>\$15.00</del> <u>\$20.00</u>
	21 – 250	<del>\$40.00</del> <u>\$55.00</u>	<del>\$40.00</del> <u>\$55.00</u>
	251 - 1,000	<del>\$90.00</del> <u>\$120.00</u>	<del>\$60.00</del> <u>\$80.00</u>
	1,001 - 10,000	<del>\$120.00</del> <u>\$160.00</u>	<del>\$85.00</del> <u>\$115.00</u>
	Over 10,000	<del>\$315.00</del> <u>\$420.00</u>	<del>\$145.00</del> <u>\$195.00</u>
Heating -- With manhole -- Without manhole -- Multiple boilers at one location	N/ A	<del>\$70.00</del> <u>\$95.00</u>	<del>\$30.00</del> <u>\$40.00</u>
		<del>\$65.00</del> <u>\$85.00</u>	<del>\$30.00</del> <u>\$40.00</u>
		Not more than <del>\$150.00</del> <u>\$200.00</u>	

**Table 2.11-2  
Pressure Vessel Inspection Fees**

Volume of Pressure Vessels (Cubic Feet)	Operating Pressure (psig)	Type of Inspection
		Internal or External
All sizes	Less than 15	No Fee
11 or less	15 or more	No Fee
12 – 200	15 or more	<del>\$25.00</del> <u>\$35.00</u>
201 – 500	15 or more	<del>\$60.00</del> <u>\$80.00</u>
Over 500	15 or more	<del>\$70.00</del> <u>\$95.00</u>
Multiple pressure vessels at one location	-----	Not more than <del>\$150.00</del> <u>\$200.00</u>

**(4) ALTERATION AND REPAIR FEES.** An owner, manufacturer or contractor reporting an alteration or repair to a boiler or pressure vessel, as required by ch. Comm ~~42~~ 41, shall pay a fee of ~~\$25.00~~ \$35.00 with each alteration or repair report.

**(6) ~~CERTIFICATES OF OPERATION PERMIT TO OPERATE.~~** The department shall issue a ~~certificate of operation~~ permit to operate for each boiler or pressure vessel upon receipt of the inspection report indicating the boiler or pressure vessel satisfies the minimum operating standards specified in ~~chs. Comm 41 to 42~~ ch. Comm 41. The fee per ~~certificate~~ permit shall be ~~determined in accordance with s. Comm 2.10 (2)~~ \$35.00.

SECTION 13. Comm 2.11 (7) is created to read:

**Comm 2.11 (7) PIPING INVESTIGATION.** Fees related to piping investigations performed by the department shall be determined in accordance with s. Comm 2.04 (2).

SECTION 14. Comm 2.12 (1), (2)(a), Table 2.12 and (3) are amended to read:

**Comm 2.12 (1) PLAN EXAMINATION AND INSPECTION FEES.** The owner or user shall submit a fee of ~~\$150.00~~ \$450.00 for plan examination and external inspection of each new anhydrous ammonia handling or storage facility. ~~Anhydrous ammonia systems shall not be put into operation until an initial inspection has been conducted by the department.~~

**(2) (a) Storage facilities.** Fees for the required periodic inspection of storage facilities shall be ~~\$75.00~~ \$100.00 per facility.

**Table 2.12**  
**Nurse Tank Inspection Fees**

<b>Nurse Tanks Per Site</b>	<b>Fee</b>	
10 or less .....	<del>\$30.00</del>	<u>\$40.00</u>
11 - 30 .....	<del>\$65.00</del>	<u>\$85.00</u>
31 - 50 .....	<del>\$100.00</del>	<u>\$135.00</u>
Over 50 .....	<del>\$140.00</del>	<u>\$190.00</u>

**(3) CERTIFICATES OF OPERATION PERMIT TO OPERATE.** The department shall issue a ~~certificate of operation permit to operate~~ for each anhydrous ammonia system upon receipt of the inspection report indicating the anhydrous ammonia system satisfies the minimum operating standards specified in ch. Comm 43. The fee per ~~certificate permit~~ shall be ~~determined in accordance with s. Comm 2.10 (2)~~ \$35.00.

SECTION 15. Comm 2.13 (1) Table 2.13 and (2) are amended to read:

**Table 2.13**  
**Mechanical Refrigeration Inspection Fees**

<b>Capacity in Tons<sup>±</sup></b>	<b>Inspection Fee</b>	
Less than 3 .....	No fee	
3 - 25 .....	<del>\$30.00</del>	<u>\$40.00</u>
26 - 100 .....	<del>\$50.00</del>	<u>\$65.00</u>
101 - 250 .....	<del>\$65.00</del>	<u>\$85.00</u>
251 - 500 .....	<del>\$105.00</del>	<u>\$140.00</u>
501 - 750 .....	<del>\$140.00</del>	<u>\$190.00</u>
751 - 1,000 .....	<del>\$170.00</del>	<u>\$230.00</u>
Over 1,000 .....	<del>\$200.00</del>	<u>\$270.00</u>

**(2) CERTIFICATES OF OPERATION PERMIT TO OPERATE.** The department shall issue a ~~certificate of operation permit to operate~~ for each mechanical refrigeration system upon receipt of the inspection report indicating the mechanical refrigeration system satisfies the minimum operating standards specified in ch. Comm 45. The fee per ~~certificate permit~~ shall be ~~determined in accordance with s. Comm 2.10 (2)~~ \$35.00.

SECTION 16. Comm 2.15 (1), Table 2.15-1, (2) and Table 2.15-2 are amended to read:

**Comm 2.15 (1) PLAN EXAMINATION, APPLICATION AND INITIAL INSPECTION FEES.** Fees for the initial inspection and for the examination of plans or for an application for installation or alteration, or both, submitted in accordance with the requirements of s. Comm 18.09, shall be determined in accordance with Table 2.15-1. A reinspection fee as specified in Table 2.15-1 shall be charged for each inspection conducted until the elevator can be ~~certified~~ issued a permit to operate.

**Table 2.15-1  
Plan Examination and Inspection Fees  
for Elevators and Lifting Devices**

<b>Type of Unit or Number of Landings</b>	<b>Plan Examination and Initial Inspection Fee</b>	<b>Reinspection Fee</b>
0 - 4 landings	\$275 \$550.00	\$150 \$300.00
5 - 10 landings	\$300 \$600.00	\$200 \$400.00
11 or more landings	\$350 \$700.00	\$250 \$500.00
Remodeled elevators or escalators	\$200 \$400.00	\$150 \$300.00
Escalators	\$250 \$500.00	\$150 \$300.00

**(2) PERIODIC INSPECTION AND REINSPECTION FEES.** Fees for periodic inspections and reinspections of all classes of elevators and lifting devices within the scope of ch. Comm 18 shall be determined in accordance with Table 2.15-2. An inspection fee shall also be charged for each reinspection of an elevator in accordance with Table 2.15-2 until the elevator can be ~~certified~~ issued a permit to operate.

*a permit for the elevator is issued*

**Table 2.15-2  
Periodic Inspection and Reinspection Fees  
for Elevators and Lifting Devices**

<b>Type of Unit or Number of Landings</b>	<b>Inspection Fee</b>
0 - 4 landings . . . . .	\$55 \$90.00
5 - 10 landings . . . . .	\$85 \$120.00
11 or more landings . . . . .	\$115 \$150.00
Escalators . . . . .	\$115 \$150.00

SECTION 17. Comm 2.15 (2m) is created to read:

**Comm 2.15 (2m) FEE FOR FAILURE TO HAVE EQUIPMENT READY FOR INSPECTION.** The owner shall pay a fee equal to 50% of the applicable inspection fee for failure to have the elevator or lifting device ready for inspection on the date specified, unless the owner notifies the department, in writing, 7 business days prior to the specified inspection date.

SECTION 18. Comm 2.15 (3) is amended to read:

**Comm 2.15 (3) PERMIT TO OPERATE.** The department shall issue a permit to operate for each elevator upon receipt of ~~fees and~~ the inspection report indicating the elevator satisfies the minimum operating standards specified in ch. Comm 18. The fee per permit shall be ~~\$20.00~~ \$35.00.

SECTION 19. Comm 2.17 (2) is amended to read:

**Comm 2.17 (2) (title) ANNUAL SAFETY INSPECTION SERVICE.** The annual safety ~~inspection~~ service fee for each metal or nonmetal mine, pit or quarry shall be based on the size of the respective operation for the calendar year. Production records shall be made available upon request. The fee shall be ~~determined in accordance with Table 2.17~~ \$3.00 per thousand tons of production per year. This fee does not apply to mines, pits or quarries used for private domestic use.

SECTION 20. Comm 2.17 (2) Table 2.17 is repealed.

SECTION 21. Comm 2.17 (3) and (4) are repealed and recreated to read:

**Comm 2.17 (3) SHAFT EXCAVATION PERMIT.** The fee for obtaining a shaft excavation permit shall be \$400.00 per permit.

**(4) INSPECTIONS.** The fee for conducting safety inspections or monitoring visits of a mine, pit or quarry operation shall be in accordance with s. Comm 2.04 (2).

SECTION 22. Comm 2.18 is amended to read:

**Comm 2.18 ~~Blasters and explosives~~ Explosive materials. (2) INSPECTIONS OF EXPLOSIVES. (a) ~~Use of explosives.~~ (1) USE.** Fees for conducting a safety inspection of the use of ~~explosives~~ explosive materials shall be assessed at \$55.00 per inspection in accordance with s. Comm 2.04 (2). Use of ~~explosives~~ explosive materials shall include the storage of daily supplies.

**(b) ~~Permanent storage.~~ (2) PERMANENT STORAGE.** Fees for conducting a safety inspection of a permanent explosive materials storage facility shall be determined in accordance with ~~Table 2.18-2~~ 2.18. The fees are based on the combined volume of one or more magazines at any given site. This inspection fee ~~is intended for~~ applies to blasters and explosive materials contractors working independently of mine, pit or quarry operations.

**Table ~~2.18-2~~ 2.18**  
**Explosive Materials Storage Facility Inspection Fees**

<b>Quantity of Explosives</b>	<b>Fee</b>	
Storage Per Site:		
Less than 100 cubic feet .....	<del>\$55.00</del>	<u>\$80.00</u>
100 - 500 cubic feet .....	<del>\$80.00</del>	<u>\$120.00</u>
Over 500 cubic feet .....	<del>\$110.00</del>	<u>\$160.00</u>

~~(c) Storage of explosives in a community.~~ **(3) TEMPORARY STORAGE IN A COMMUNITY.** Fees for department costs incurred in the performance of safety inspections of temporary explosive materials storage magazines in a community shall be ~~\$55.00~~ \$80.00 per magazine.

SECTION 23. Comm 2.19 is amended to read:

**Comm 2.19 Fireworks manufacturing plants.** ~~(1) INSPECTION FEES.~~ Fees for department costs incurred in the performance of inspection of fireworks manufacturing plants shall be ~~\$40.00 per hour per manufacturing plant, with a minimum fee of \$40.00 per manufacturing plant. An additional amount may be charged to cover all expenses, including travel time, mileage, meals and lodging. Travel expenses, however, shall be limited to those allowed under department employe travel regulations determined in accordance with s. Comm 2.04 (2).~~

~~Note: Sections 16.53 and 20.916, Stats., and collective bargaining agreements control travel expenses.~~

SECTION 24. Comm 2.20 (1)(a) to (k) are amended to read:

**Comm 2.20 (1) (a)** Plan examination for new amusement ride tramways ..... ~~\$135.00~~ \$220.00 per plan submittal

Note: See ch. Comm 33 for definitions of tramways.

(b) Review of engineering analysis and test data associated with the acceptance of amusement rides and bungee jumping sites ..... ~~\$135.00~~ \$220.00 per review

(c) Annual registration for all amusement rides: ..... \$50.00 per ride

1. Coin operated kiddie rides with a maximum capacity of 3 children ..... \$20.00 per ride

2. All other rides ..... \$40.00 per ride

(d) Inspection of coin operated kiddie rides with a maximum capacity of 3 children ..... ~~\$35.00~~ \$60.00 per ride

(e) Inspection of Class 1 amusement rides ..... ~~\$75.00~~ \$120.00 per ride

- (f) Inspection of Class 2 amusement rides, except amusement rides that the manufacturer estimates require more than 40 work hours for erection . . . . . ~~\$140.00~~ \$225.00 per ride
- (g) Inspection of Class 3 amusement rides and amusement rides that the manufacturer estimates require more than 40 work hours for erection . . . . . ~~\$200.00~~ \$325.00 per ride
- (h) Inspection of amusement ride tramways . . . . . ~~\$250.00~~ \$400.00 per tramway
- (i) Inspection of bungee jumping site . . . . . ~~\$500.00~~ \$800.00 per site or tower
- (j) Late registration fee for failure to register amusement ride before opening it to the public . . . . . ~~\$100.00~~ \$160.00 per ride
- (k) Reinspection fee to gain compliance with department orders if compliance is not met . . . . . ~~\$150.00~~ \$225.00 per visit

**Note:** See ch. Comm 34 for definitions of ride classes.

SECTION 25. Comm 2.21 (1) Table 2.21-1, (2) Table 2.21-2, (3) and (4) are amended to read:

**Table 2.21-1**  
**Plan Examination Fees for**  
**Tramways, Lifts and Towing Devices**

<b>Type of Lift or Device</b>	<b>Fee Per Plan</b>	
Gondola lifts and rides . . . . .	<del>\$300.00</del>	<u>\$780.00</u>
Chair lifts and rides . . . . .	<del>\$225.00</del>	<u>\$580.00</u>
Surface tows, except fiber and wire rope tows . . . . .	<del>\$150.00</del>	<u>\$390.00</u>
Fiber and wire rope tows . . . . .	<del>\$100.00</del>	<u>\$260.00</u>

**Table 2.21-2**  
**Inspection Fees for**  
**Tramways, Lifts and Towing Devices**

<b>Type of Lift or Device</b>	<b>Inspection Fee Per Installation</b>	
Gondola lifts and rides . . . . .	<del>\$205.00</del>	<u>\$530.00</u>
Chair lifts and rides . . . . .	<del>\$205.00</del>	<u>\$530.00</u>
Surface tows, except fiber and wire rope tows . . . . .	<del>\$135.00</del>	<u>\$350.00</u>
Fiber and wire rope tows . . . . .	<del>\$81.00</del>	<u>\$210.00</u>

(3) **LOAD TEST FEE.** The fee for certifying a load test shall be ~~\$135.00~~ \$350.00 per load test.

(4) ~~CERTIFICATES OF OPERATION~~ **CERTIFICATE PERMIT TO OPERATE.** The department shall issue a ~~certificate of operation~~ certificate permit to operate for each device upon receipt of the inspection report indicating the device satisfies the minimum operating standards specified in ch. Comm 33. The fee per ~~certificate~~ permit shall be ~~\$16.00~~ \$35.00.



SECTION 26. Comm 2,31 (1) and (2) are repealed and recreated to read:

**Comm 2.31 Buildings, structures, heating, ventilation and fire protection systems. (1) PLAN SUBMITTAL.** Fees relating to the submittal of all plans, submitted in accordance with the requirements of chs. Comm 50 to 64 and 66, shall be determined in accordance with this section.

(a) *General.* Fees relating to the submittal of all building plans, heating, ventilating and air conditioning (HVAC) plans, and fire protection system plans shall be computed on the basis of the total gross square footage of each building or affected area. The fees shall be determined in accordance with Table 2.31-1 for buildings not located in municipalities that have assumed building inspection responsibilities. The fees shall be determined in accordance with Table 2.31-2 for buildings located in agent municipalities and counties that have assumed those building inspection responsibilities relative to s. 101.12 (3) (g), Stats., and ch. Comm 50.

*under*  
**Note:** See ch. Comm 50 for the types of buildings and components that must be submitted for review. Fees for component plans that are an integral part of the building project are included in the "Building Plans" or "HVAC Plans" fees provided they are submitted prior to final inspection. Also, see the Plan Submittal Kit (SBD-8927) for detailed information on all submittal processes relating to component plans such as lighting and pre-engineered structural components.

**Table 2.31-1  
 Plan Review Fees for  
 Buildings Not Located in Municipalities That Perform Inspections**

Area (Square Feet)	Fees			
	Building Plans	HVAC Plans	Fire Alarm System Plans	Fire Suppression System Plans
Less than 2,500	\$260	\$160	\$30	\$30
2,501 - 5,000	330	220	60	60
5,001 - 10,000	550	260	80	80
10,001 - 20,000	750	400	150	150
20,001 - 30,000	1,100	540	220	220
30,001 - 40,000	1,500	830	360	360
40,001 - 50,000	2,000	1,100	500	500
50,001 - 75,000	2,700	1,500	720	720
75,001 - 100,000	3,400	2,100	1,000	1,000
100,001 - 200,000	5,600	2,700	1,300	1,300
200,001 - 300,000	9,900	6,300	3,100	3,100
300,001 - 400,000	15,000	9,200	4,500	4,500
400,001 - 500,000	18,500	12,000	5,900	5,900
Over 500,000	20,000	13,500	6,700	6,700
<b>Type of Submittal</b>				
Miscellaneous plans [see par.(c)]				\$200
Permission to start [see par. (d)]				\$50
Revisions [see par. (e)]				\$50

**Table 2.31-2  
Plan Review Fees for  
Buildings Located in Municipalities That Perform Inspections**

Area (Square Feet)	Fees			
	Building Plans	HVAC Plans	Fire Alarm System Plans	Fire Suppression System Plans
Less than 2,500	\$220	\$130	\$15	\$15
2,501 - 5,000	290	200	50	50
5,001 - 10,000	480	220	60	60
10,001 - 20,000	670	340	120	120
20,001 - 30,000	990	480	190	190
30,001 - 40,000	1,300	750	320	320
40,001 - 50,000	1,800	1,000	450	450
50,001 - 75,000	2,400	1,300	600	600
75,001 - 100,000	3,000	1,900	900	900
100,001 - 200,000	5,000	2,400	1,150	1,150
200,001 - 300,000	8,900	5,700	2,800	2,800
300,001 - 400,000	13,400	8,300	4,100	4,100
400,001 - 500,000	16,700	10,800	5,300	5,300
Over 500,000	18,000	12,100	6,000	6,000
<b>Type of Submittal</b>				
Miscellaneous plans [see par.(c)]				\$200
Permission to start [see par. (d)]				\$50
Revisions [see par. (e)]				\$50

(b) *Multiple identical buildings.* <sup>set forth</sup> The fees outlined in this paragraph may be applied to a project which contains multiple identical buildings. In order to qualify for the multiple identical building fee, plans for all buildings shall be submitted at the same time. The fees for the submittal of plans for the first building shall be determined in accordance with Table 2.31-1 or 2.31-2 on the basis of the total gross area of one building. The fee for each of the remaining identical buildings shall be computed on the basis of an area of less than 2,500 square feet.

(c) *Miscellaneous plans.* Miscellaneous plans are plans which have no building, HVAC or fire protection system plan submissions and those for which no area may be associated. Miscellaneous plans include, but are not limited to, all of the following:

1. Footing and foundation plans submitted prior to the submission of the building plans.
2. Industrial exhaust systems for dust, fumes, vapors and gases, for government-owned buildings only.
3. Spray booth plans, for government-owned buildings only.
4. Stadium, grandstand and bleacher plans, and interior bleacher plans submitted as independent projects.

5. Structural plans submitted as independent projects, such as docks, piers, antennae, outdoor movie screens and observation towers.

6. Any building component, other than building, HVAC and fire protection systems, submitted following the final inspection by a deputy of the department or, in the case of an agent municipality or county, the inspector having jurisdiction.

7. Building, HVAC and fire protection system plans submitted following denial, provided the submission is within 8 months of the denial. *if what* X

(d) *Permission to start construction.* The fee for a permission to start construction shall be as specified in Table 2.31-1 or 2.31-2.

(e) *Revisions.* The fee for revisions to previously approved plans and plans that have been previously reviewed but not denied shall be as specified in Table 2.31-1 or 2.31-2.

(f) *Second class city.* A second class city that is certified to perform the expanded plan examinations specified in s. Comm 50.21 (5)(b) or 66.24 (5)(b) shall submit to the department the fee specified in Table 2.31-3 for each building or structure reviewed which exceeds the limits specified in s. Comm 50.21 (5)(c) or 66.24 (5)(c).

(g) *Appointed agent.* An agent that is appointed by the department under s. Comm 50.22 or 66.24 (8) to perform plan examinations shall submit to the department the fees specified in Table 2.31-3 for each building or structure reviewed under s. Comm 50.22 or 66.24 (8).

(h) *Notice fee.* The fee for notifying the department of electing to use a registered individual for building design and supervision in lieu of departmental plan approval, under s. Comm 50.12 (1t) or 66.14 (1t), shall be \$20.00 for the building plans and related components, \$20.00 for the heating, ventilating and air conditioning plans and related components, \$20.00 for the fire alarm system plans and \$20.00 for the fire suppression system plans.

**Table 2.31-3  
Fees to be Forwarded to the Department for  
Reviews Performed by Second Class Cities and Appointed Agents**

Area (Square Feet)	Fees			
	Building Plans	HVAC Plans	Fire Alarm System Plans	Fire Suppression System Plans
Less than 2,500	\$40	\$25	\$5	\$5
2,501 - 5,000	50	35	10	10
5,001 - 10,000	85	40	15	15
10,001 - 20,000	115	60	25	25
20,001 - 30,000	165	80	35	35
30,001 - 40,000	225	125	55	55
40,001 - 50,000	300	165	75	75
50,001 - 75,000	405	225	110	110
75,001 - 100,000	510	315	150	150
100,001 - 200,000	840	405	195	195

200,001 - 300,000	1,485	945	465	465
300,001 - 400,000	2,250	1,380	675	675
400,001 - 500,000	2,775	1,800	885	885
Over 500,000	3,000	2,025	1,005	1,005

**(2) FEE FOR PLAN ENTRY.** A plan entry fee of \$100.00 shall be submitted with each submittal of plans to the department in addition to the plan review and inspection fees.

**Note:** For example, the total fee to be submitted under Table 2.31-1 for a 15,000 square foot building that includes building plans, HVAC plans, fire alarm plans and fire suppression plans would be \$750 + \$400 + \$150 + \$150 + \$100 = \$1,550.

SECTION 27. Comm 2.33 (1) Table 2.33 (title) is created to read:

**Table 2.33 (title)**  
**Certification and Inspection Fees for Manufactured Homes**

SECTION 28. Comm 2.33 (2) is amended to read:

**Comm 2.33 (2) FORMALDEHYDE INVESTIGATION AND TESTING.** To offset the department cost of conducting formaldehyde testing and complaint investigation related to formaldehyde in accordance with ch. Comm 27, a fee shall be assessed in accordance with s. Comm 2.04 (2), or ~~\$100~~ \$120.00 per test, whichever is greater.

SECTION 29. Comm 2.43 (1) Table 2.43 is amended to read:

**Table 2.43**  
**Plan Examination and Inspection Fees for Storage Tanks**  
**(Partial table)**

Type of Registration, Renewal, Examination or Inspection	Fee
Liquefied petroleum gas and liquefied natural gas systems	
125 to 1,999 gallon water capacity tank	(No state examination or inspection fee required.)
2000 Gallon Water Capacity and Above	
Plan Examination Fee	<del>\$150.00</del> <u>\$200.00</u> per site
Site Inspection Fee	<del>\$200.00</del> <u>\$250.00</u> per site
Compressed Natural Gas Systems	
Vehicle Fueling Sites	
Plan Examination Fee	<del>\$150.00</del> <u>\$200.00</u> per site
Site Inspection Fee	<del>\$200.00</del> <u>\$250.00</u> per site
Plan revisions	
Plan Revision Examination Fee	<del>\$75.00</del> <u>\$100.00</u> per revised plan

*why insert this?  
when effect  
later?*

SECTION 30. Comm 2.51, as affected by Clearinghouse Rule No. 99-143, is amended to read:

**Comm 2.51 Material approvals.** (1) The fee for an approval number issued by the department review of an application for the approval of a material, equipment or product, other than a plumbing product, or for approval of an alternate standard, shall be determined in accordance with Table 2.51.

(2) The fee for a special inspection of an installation of a material, equipment or product for which an experimental approval has been issued in accordance with s. Comm 20.18, 50.19 or 66.25 shall be determined in accordance with s. Comm ~~2.03~~ 2.04 (2).

**Table 2.51  
Material Review Fees**

Action	Fee per Approval Review			
	Type of Approval Review			
	Chapter Comm 10 and Voluntary	Alternate Product	Experimental	Alternate Standard
New approval	<del>\$800</del> <u>\$1,000</u>	\$1,200	\$2,000	\$1,200
Renewal of approval with no changes	<del>\$600</del> <u>\$750</u>	\$900	\$1,500	NA*
Renewal of approval with changes	<del>\$800</del> <u>\$1,000</u>	\$1,200	\$2,000	NA
Manufacturer's request for minor revision (no extension of approval period)	\$200	\$200	\$200	NA
Manufacturer's request for major revision (new 5-year period)	<del>\$800</del> <u>\$1,000</u>	\$1,200	\$2,000	NA

\*NA means not applicable

SECTION 31. Comm 2.52 (3)(a) and (c) are amended to read:

**Comm 2.52 (3) (a)** The fee for reviewing petitions for variance on rules under chs. Comm 50 to 64 and 66 shall be ~~\$490.00~~ \$500.00 per petition.

(c) Where identical petitions are submitted for identical buildings with a common owner on a single piece of property, the fee for the first building shall be ~~\$490.00~~ \$500.00 and the fee for each subsequent building shall be submitted in accordance with sub. (10) (b) for precedent petitions.

SECTION 32. Comm 2.52 (5) is repealed and recreated to read:

**Comm 2.52 (5) PETITIONS FOR VARIANCE ON RULES UNDER CHS.** Comm 81 TO 85, UNIFORM PLUMBING CODE. The fee per petition for processing petitions for variance to rules under chs. Comm 81 to 85 shall be \$225.00.

SECTION 33. Comm 2.52 (6) is amended to read:

**Comm 2.52 (6) PETITIONS FOR VARIANCE UNDER S. 101.055 (4), STATS.** The fee for reviewing petitions for temporary, experimental and permanent variances under s. 101.055 (4), Stats., shall be ~~\$200.00~~ \$300.00 per petition.

SECTION 34. Comm 2.52 (6m) is repealed.

SECTION 35. Comm 2.52 (7), and (10)(a) and (b)2. are amended to read:

**Comm 2.52 (7) PETITIONS FOR VARIANCE, OTHER RULES.** The fee for reviewing petitions for variance on rules of the department, administered by the division of safety and buildings and not specifically mentioned under this section, shall be ~~\$200.00~~ \$250.00 per petition.

(10) (a) For complex petitions for variance which require more than ~~10~~ 8 hours to review and process, an additional fee may be charged at the rate of ~~\$40.00~~ \$60.00 per hour for each hour in excess of ~~10~~ 8 hours. For precedent petitions for variance which require more than 3 hours to review and process, an additional fee may be charged at the rate of ~~\$40.00~~ \$60.00 per hour for each hour in excess of 3 hours.

(b) 2. The minimum fee for a petition for variance that is returned without decision after staff review shall be 25% of the required fee plus ~~\$40.00~~ \$60.00 per hour of review and processing time.

SECTION 36. Comm 2.61 (1) and (2) are amended to read:

**Comm 2.61 (1) SPECIAL PLUMBING INSPECTIONS.** (a) Plumbing inspections for sanitary districts or other special purpose districts shall be determined in accordance with s. Comm ~~2.03~~ 2.04 (2).

(b) The department may assess a fee determined in accordance with s. Comm ~~2.03~~ 2.04 (2) for a field inspection for a department soil scientist to conduct a soil evaluation.

(2) REVISIONS. The fee for revisions to previously approved plumbing and private sewage plans shall be ~~\$60.00~~ \$75.00 per plan. This fee shall apply when plans are revised for reasons other than those which were requested by the department.

SECTION 37. Comm 2.61 (3) is repealed and recreated to read:

**Comm 2.61 (3) PRIORITY PLAN REVIEW.** (a) A submitter of plans for plumbing or private onsite wastewater treatment systems may request and make an appointment with the department to facilitate the review of the plans on a priority basis. 7

(b) The fee for plan review on a priority basis shall be twice the rate as determined under Tables 2.64-1, 2.64-2 or s. Comm 2.65.

(c) The scheduling of a plan review on a priority basis shall be contingent upon the department having sufficient time and staff to accommodate the request.

SECTION 38. Comm 2.635 is created to read:

**Comm 2.635 Lot restriction waivers.** The fee for any lot restriction waiver shall be \$80.00 per lot.

SECTION 39. Comm 2.64 (2) Table 2.64-1, as affected by Clearinghouse Rule No. 99-123, is amended to read:

**Table 2.64-1  
Plan Examination Fees for Plumbing Systems**

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1. Sanitary drain and vent system. . . . .	<del>\$35.00</del> <u>\$40.00</u> per inch diameter of each bldg. sewer, or for multiple sewer connections the fee may be calculated per sub. (3)(a)
2. Sanitary building sewer only, no drain and vent. . . . .	<del>\$20.00</del> <u>\$25.00</u> per inch diameter of each bldg. sewer
3. Building water distribution system. . . . .	<del>\$35.00</del> <u>\$40.00</u> per inch diameter of each water service, or for multiple water service connections the fee may be calculated per sub. (3)(b)
4. Building water service only, no water distribution system. . . . .	<del>\$20.00</del> <u>\$25.00</u> per inch diameter of each water service
5. Building storm and clear water drain system. . . . .	<del>\$8.00</del> <u>\$10.00</u> per inch diameter of each bldg. storm sewer, or for multiple sewer discharge points the fee may be calculated per sub. (3)(c)
*6. Car wash interceptor. . . . .	<del>\$60.00</del> <u>\$70.00</u> per interceptor
*7. Garage catch basin. . . . .	<del>\$60.00</del> <u>\$70.00</u> per basin
*8. Grease interceptor. . . . .	<del>\$60.00</del> <u>\$70.00</u> per interceptor
*9. Oil interceptor. . . . .	<del>\$60.00</del> <u>\$70.00</u> per interceptor
*10. Sanitary dump station. . . . .	<del>\$60.00</del> <u>\$70.00</u> per station
*11. Chemical waste system. . . . .	<del>\$60.00</del> <u>\$70.00</u> per system
<del>12. Controlled roof drainage system; does not include conventional building storm piping. . . . .</del>	<del>\$60.00</del> per system
13. Alternate plumbing system. . . . .	<u>\$400.00</u> per system
14. Mobile home parks and campground/ recreational vehicle parks:	
1- 25 sites. . . . .	<del>\$250.00</del> <u>\$300.00</u>
26- 50 sites. . . . .	<del>\$300.00</del> <u>\$350.00</u>
51- 125 sites. . . . .	<del>\$350.00</del> <u>\$400.00</u>
Over 125 sites. . . . .	<del>\$400.00</del> <u>\$500.00</u>
15. Private water main. . . . .	<del>\$20.00</del> <u>\$25.00</u> per inch diameter

- 16. Cross connection control devices:
  - Reduced pressure principle backflow preventer. . . . . \$110.00 \$125.00 per device
  - Reduced pressure detector backflow preventer. . . . . \$110.00 \$125.00 per device
  - Pressure vacuum breaker assembly. . . . . \$110.00 \$125.00 per device
  - Back siphonage backflow vacuum breaker. . . . . \$110.00 \$125.00 per device
  
- 17. Sanitary private interceptor main sewers, determined on the largest diameter of each interceptor main sewer. . . . . \$20.00 \$25.00 per inch diameter
  
- 18. Storm private interceptor main sewers, determined on the largest diameter of each interceptor main sewer. . . . . \$8.00 \$10.00 per inch diameter
  
- 19. Experimental plumbing system. . . . . \$225.00 per system

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\* Note: For table entries 6 to 11, no additional fee would be required if submitted with the sanitary drain and vent system.

SECTION 40. Comm 2.64 (3)(a) 3. is amended to read:

**Comm 2.64 (3) (a) 3.** Determine the fee based on pipe diameter in Table 2.64-1, entry 1.

SECTION 41. Comm 2.64 (3)(b) Table 2.64-2 is amended to read:

**Table 2.64-2**  
**Plan Examination Fees for Building Water Distribution Systems**

GPM	Fee	
1 - 6 . . . . .	<del>\$17.00</del>	<u>\$20.00</u>
7 - 12 . . . . .	<del>\$26.00</del>	<u>\$30.00</u>
13 - 21 . . . . .	<del>\$35.00</del>	<u>\$40.00</u>
22 - 31 . . . . .	<del>\$43.00</del>	<u>\$50.00</u>
32 - 46 . . . . .	<del>\$52.00</del>	<u>\$60.00</u>
47 - 77 . . . . .	<del>\$70.00</del>	<u>\$80.00</u>
78 - 119 . . . . .	<del>\$87.00</del>	<u>\$100.00</u>
120 - 170 . . . . .	<del>\$105.00</del>	<u>\$120.00</u>
171 - 298 . . . . .	<del>\$122.00</del>	<u>\$140.00</u>

SECTION 42. Comm 2.64 (3)(c) 3. is amended to read:

**Comm 2.64 (3) (c) 3.** Determine the fee based on pipe diameter in Table 2.64-1, entry 5.

SECTION 43. Comm 2.65 is repealed and recreated to read:

**Comm 2.65 Private onsite wastewater treatment systems.** (1) GENERAL. The plan examination fee as determined under this section shall accompany the plans and specifications for the proposed design of a private onsite wastewater treatment system at a specific site. If the



department determines, upon review of the plans, that inadequate fees were provided, the department will not make a final determination on the plans until the appropriate fees are received.

(2) EXAMINATION FEES. The plan examination fee for a private onsite wastewater treatment system submitted to the department for review shall be determined in accordance with Table 2.65, rounded to the nearest dollar.

**Table 2.65  
Plan Review Fees for  
Private Onsite Wastewater Treatment Systems**

Type of Project	Fee
1. All treatment components are previously approved under s. Comm 84.10 (2) or (3):	
Design wastewater flow of the proposed system:	
1,000 gpd or less	\$175.00
1,001 - 2,000 gpd	\$225.00
2,001 - 5,000 gpd	\$275.00
greater than 5,000 gpd	\$300.00 plus \$0.05/g/d
2. One or more treatment components are not previously approved under s. Comm 84.10 (2) or (3):	
Design wastewater flow of the proposed system:	
1,000 gpd or less	\$300.00
1,001 - 2,000 gpd	\$400.00
2,001 - 5,000 gpd	\$500.00
greater than 5,000 gpd	\$600.00 plus \$0.05/g/d
3. Holding tanks previously approved under s. Comm 84.10 (2) or (3):	
Design wastewater flow of the proposed system:	
5,000 gpd or less	\$60.00
5,001 - 10,000 gpd	\$100.00
greater than 10,000 gpd	\$150.00
4. Holding tanks not previously approved under s. Comm 84.10 (2) or (3):	
Design wastewater flow of the proposed system:	
5,000 gpd or less	\$120.00
5,001 - 10,000 gpd	\$200.00
greater than 10,000 gpd	\$300.00

(3) DATA REVIEW. The fee to review soil saturation monitoring studies or reports in accordance with s. Comm 85.60 (2) or (3) shall be \$100.00 per site.

SECTION 44. Comm 2.66 (title) is amended to read:

**Comm 2.66 (title) Product approvals and listings.**

SECTION 45. Comm 2.66 (1) Table 2.66 is amended to read:

**Table 2.66**  
**Plumbing Product Approval Fees**

Product	Fee	
	Type of Review	
	New Review	Revision or Renewal
1. Chemical or biochemical treatment for private sewage systems	\$200	\$100
<del>2. Cross-connection control device</del>	\$100	\$50
<del>3</del> 2. Health care plumbing appliance	\$200	\$100
<del>4</del> 3. Laboratory plumbing appliance	\$200	\$100
<del>5</del> 4. Prefabricated <del>exterior grease interceptor, holding or septic tank holding or treatment</del> components for private onsite wastewater treatment systems	\$100 \$200	\$50 \$100
<del>6</del> 5. Prefabricated plumbing	\$200	\$100
<del>7</del> 6. Water treatment device	\$200	\$100

SECTION 46. Comm 2.66 (1) (d) 2. and (e) are amended to read:

**Comm 2.66 (1) (d) 2.** The fee for the request of a revision or renewal of an experimental approval to be issued by the department for a plumbing material or product shall be \$250.00.

(e) The fee for a special inspection of an installation of a product, for which an experimental approval has been issued in accordance with s. Comm 84.50, shall be determined in accordance with s. Comm ~~2.03~~ 2.04 (2).

SECTION 47. Comm 2.66 (2) (title) is amended to read:

**Comm 2.66 (2) (title) LISTINGS POWTS APPROVALS AND MANUFACTURER CHANGES.**

SECTION 48. Comm 2.66 (2) (a) is repealed and recreated to read:

**Comm 2.66 (2) (a)** The fee for the request to have a private onsite wastewater treatment system or site constructed private onsite wastewater treatment system component approved by the department, in accordance with s. Comm 84.10 (3), shall be \$300.00 per system or site constructed component.

SECTION 49. Comm 2.67 (1) is renumbered 2.67 (1) (a) and amended to read:

**Comm 2.67 (1) FEE.** (a) ~~The~~ Pursuant to s. 145.19 (5), Stats., the fee for a sanitary permit ~~determined in accordance with s. 145.19, Stats., issued by a governmental unit~~ shall be at least ~~\$91.00~~ \$116.00.

**Note:** The sanitary permit fee includes a \$25.00 groundwater fee, required by s. 145.19 (6), Stats., that is forwarded by the department of commerce to the department of natural resources.

SECTION 50. Comm 2.67 (1) (b) is created to read:

**Comm 2.67 (1) (b)** The fee for a sanitary permit issued by the department under s. Comm 83.21 shall be \$200.00.

SECTION 51. Comm 2.67 (2) is amended to read:

**Comm 2.67 (2) PORTION FORWARDED TO THE DEPARTMENT.** The governmental unit responsible for the regulation of private ~~sewage onsite wastewater treatment~~ systems shall forward to the department ~~\$50.00~~ \$75.00 of each sanitary permit fee, determined in accord with s. 145.19, Stats.

**Note:** The \$75.00 includes the \$25.00 groundwater fee, required by s. 145.19 (6), Stats., that is forwarded to the department of natural resources.

SECTION 52. Comm 2.68 (3)(a), as created by Clearinghouse Rule No. 99-122, is repealed.

SECTION 53. Comm 2.68 (3) Table 2.68-1, as created by Clearinghouse Rule No. 99-122, is amended to read:

**Table 2.68-1  
Plan Review Fees for Public Swimming Pools and Water Attractions  
by Type of Review**

Pool Type or Water Attraction	Fee					
	Type of Review					
	Initial Construction		Modification		Revision to Previously Approved Plans	
Public Swimming Pool, gutter type	<del>\$300.00</del>	<del>\$600.00</del>	<del>\$100.00</del>	<del>\$200.00</del>	<del>\$60.00</del>	<del>\$120.00</del>
Public Swimming Pool, skimmer type	<del>\$225.00</del>	<del>\$450.00</del>	<del>\$100.00</del>	<del>\$200.00</del>	<del>\$60.00</del>	<del>\$120.00</del>
Water Attraction	<del>\$300.00</del>	<del>\$600.00</del>	<del>\$100.00</del>	<del>\$200.00</del>	<del>\$60.00</del>	<del>\$120.00</del>
Public Whirlpool	<del>\$225.00</del>	<del>\$450.00</del>	<del>\$100.00</del>	<del>\$200.00</del>	<del>\$60.00</del>	<del>\$120.00</del>
Alternate and Experimental Design	<del>\$500.00</del>	<del>\$750.00</del>	<del>\$250.00</del>	<del>\$375.00</del>	<del>\$100.00</del>	<del>\$150.00</del>

SECTION 54. Comm 5.02 Table 5.02 is amended to read:

**Table 5.02  
Fees  
(partial table)**

	License, Certification or Registration Category	Type	Application Fee	Examination Fee	License, Certification or Registration Fee
	<b>Subchapter II</b>				
1.	Class 1 Blaster	License	none	\$20 \$30	\$30 \$45
2.	Class 2 Blaster	License	none	\$20 \$30	\$30 \$45
3.	Class 3 Blaster	License	none	\$20 \$30	\$30 \$45
4.	Class 4 Blaster	License	none	\$20 \$30	\$30 \$45
5.	Class 5 Blaster	License	none	\$20 \$30	\$30 \$45
6.	Class 6 Blaster	License	none	\$20 \$30	\$30 \$45
7.	Class 7 Blaster	License	none	\$20 \$30	\$30 \$45
8.	Fireworks Manufacturer	License	none	NA	\$25 \$50
	<b>Subchapter IV</b>				
17.	Electrical Contractor	Certification	\$35	NA	\$150
18.	Electrical Contractor-Restricted	Certification	\$35	NA	\$150
19.	Master Electrician	Certification	\$35	\$30	\$120 \$150
20.	Journeyman Electrician	Certification	\$35	\$30	\$50 \$75
21.	Beginner Electrician	Certification	\$35	NA	\$50 \$60

SECTION 55. Comm 45.07 (4) is amended to read:

**Comm 45.07 (4) ~~CERTIFICATE OF OPERATION PERMIT TO OPERATE.~~** (a) The owner or user of a mechanical refrigerating system which requires periodic inspections under s. Comm 45.08 (3) shall be responsible for obtaining and maintaining a valid ~~certificate of operation permit to operate~~.

(b) After each periodic inspection, a ~~certificate of operation permit to operate~~ shall be issued by the department upon determination that the system meets the applicable requirements of this chapter. The department shall make that determination and issue a ~~certificate of operation permit to operate~~ within 15 business days of the periodic inspection.

(c) The ~~certificate of operation permit to operate~~ shall indicate the maximum allowable working pressure permitted under the requirements of this chapter.

(d) The ~~certificate of operation permit to operate~~ shall be valid until the next required periodic inspection as specified in s. Comm 45.08 (3).

SECTION 56. Comm 82.20 (1) Table 82.20-1 is amended to read:

**Table 82.20-1  
Submittals to Department**

Type of <u>Plumbing</u> Installation
1. All plumbing, new installations, additions and alterations, regardless of the number of plumbing fixtures involved, to be installed in health care <u>and related</u> facilities.
2. Plumbing, new installations, additions and alterations involving <del>11</del> <u>16</u> or more plumbing fixtures, to be installed in buildings owned by a metropolitan or sanitary sewer district. <sup>a</sup>
3. Plumbing, new installations, additions and alterations involving <del>11</del> <u>16</u> or more plumbing fixtures, to be installed in buildings owned by the state. <sup>a</sup>
4. <del>Engineered</del> <u>Alternate and experimental</u> plumbing systems.
<del>5. Controlled roof drainage systems.</del>
<del>6</del> <u>5.</u> Reduced pressure principle backflow preventers and reduced pressure detector backflow preventers.
<del>7</del> <u>6.</u> Pressure vacuum breaker assembly.
<del>8</del> <u>7.</u> Back siphonage backflow vacuum breaker.

<sup>a</sup> A water heater is to be counted as a plumbing fixture.

SECTION 57. Comm 82.20 (1) Table 82.20-2 lines 1. and 8. are amended to read:

**Table 82.20-2  
Submittals to Department or Agent Municipality  
(partial table)**

Type of Plumbing Installation
1. New installations, additions and alterations to drain systems, vent systems, water service systems, and water distribution systems involving <del>11</del> <u>16</u> or more plumbing fixtures to be installed in public buildings. <sup>a,b</sup>
8. Private interceptor main sewers <u>greater than 4 inches in diameter.</u>

SECTION 58. Comm 82.20 (4)(b) is repealed.

SECTION 59. Comm 84.10 (2) Table 84.10 is amended to read:

**Table 84.10  
Submittals to Department**

Product Categories
1. Chemical or biochemical treatments for private sewage systems
<del>2. Cross-connection control devices</del>
<del>3</del> <u>2.</u> Health care plumbing appliances

- 4 3. Laboratory plumbing appliances
  - 5 4. Prefabricated ~~septic/holding tanks~~ holding or treatment components for private onsite wastewater treatment systems
  - 6 5. Prefabricated plumbing
  - 7 6. Water treatment devices not listed by a nationally recognized listing agency as complying with NSF Standard 44
- 

SECTION 60. Comm 84.10 (5) and (6) are amended to read:

**Comm 84.10 (5) LIMITATIONS.** An approval ~~or listing~~ of a plumbing product by the department may not be construed as an assumption of any responsibility for defects in design, construction or performance of any product nor for any damages that may result.

**(6) FEES.** Fees for product approval review ~~and product listing~~ shall be submitted in accordance with s. Comm 2.66.

SECTION 61. Comm 84.11 to 84.14 are renumbered 84.12 to 84 15.

SECTION 62. Comm 84.11 is created to read:

*Can only use?*

**Comm 84.11 Device listing.** Cross connection control devices shall be listed by a nationally recognized listing agency as complying with the appropriate national standard referenced in this chapter.

*more specific site*

END

\*\*\*\*\*

**EFFECTIVE DATE**

Pursuant to s. 227.22 (2)(intro.) and (2)(b), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register or on September 1, 2000, whichever is later.

\*\*\*\*\*



APR 12 2000

P.O. Box 7970  
Madison, Wisconsin 53707  
(608) 266-1018  
TDD#: (608) 264-8777  
www.commerce.state.wi.us

Tommy G. Thompson, Governor  
Brenda J. Blanchard, Secretary

4/10/00

Senate Chief Clerk  
Room 501  
119 Martin Luther King Blvd  
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.: 00-009

RULE NO.: Chapters Comm 2 and 5

RELATING TO: Program Revenue Fees

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,

A handwritten signature in black ink, appearing to read 'Brenda J. Blanchard', written over a horizontal line.

Brenda J. Blanchard  
Secretary

4/10/00

Senator Fred Risser  
President of the Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53702

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

Dear Senator Risser and Representative Jensen:

### NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 00-009

RULE NO.: Chapters Comm 2 and 5

RELATING TO: Program Revenue Fees

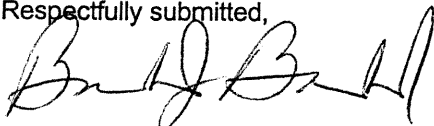
Section 227.19, Stats., requires agencies to submit proposed rules in final draft form to the presiding officer of each house for referral to the appropriate legislative standing committees.

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,



Brenda J. Blanchard  
Secretary



**FISCAL ESTIMATE WORKSHEET**  
 Detailed Estimate of Annual Fiscal Effect  
 DOA-2047(R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

1999 Session

LRB or Bill No./Adm. Rule No. Amendment No.  
 Chs. Comm 2 and 5

Subject  
 Program Revenue Fees

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):  
 None

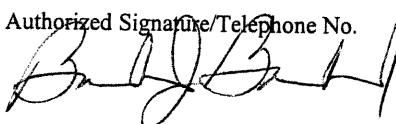
II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
<b>A. State Costs By Category</b>		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	( 0 FTE)	( - 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
<b>TOTAL State Costs By Category</b>	\$ 0	\$ -0
<b>B. State Costs By Source of Funds</b>		
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
<b>III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	3,264,400	-0
SEG/SEG-S		-
<b>TOTAL State Revenues</b>	\$ 3,264,400	\$ -0

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$ 0	\$ 0
NET CHANGE IN REVENUES	\$ 3,264,400	\$ 0

Agency/Prepared by: (Name & Phone No.)  
 Commerce/Robert G. DuPont 266-8984

Authorized Signature/Telephone No.



Date

4/10/00

FISCAL ESTIMATE  
DOA-2048 (R06/99)

ORIGINAL  
 CORRECTED

UPDATED  
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.  
Chs. Comm 2 and 5  
Amendment No. if Applicable

**Subject**  
Program Revenue Fees

**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**

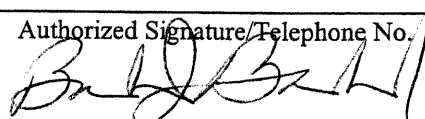
- Current Program Revenue reserves will be depleted in October, 2000.
- The proposed fee adjustments will provide sufficient revenues for a four-year period (Sept. 1, 2000 to Sept. 1, 2004).
- Each program or bundle of programs will be self-sufficient. (Program bundles correspond to Revenue Accounts.) Note: Time and Effort Survey results have been used to identify the distribution of Full Time Equivalents (FTE's) among the programs of the Division.
- The average annual FTE cost for Fiscal Year (FY) 2001 will be \$85,000.
- Costs will increase at a rate of four percent per year for the four-year period between Sept. 2000 and Sept. 2004.
- Annual workloads will generally remain at FY 2000 levels except in programs where services are expanding or decreasing, such as fire safety system plan review and plumbing plan review, respectively.
- The 6.5 FTE increase in staff levels authorized by the FY 00-01 Budget Bill is included in Division expenditure projections.
- Potential staff increases, such as for the Commercial Building Soil Erosion Control program or Uniform Dwelling Code program have not been included in Division expenditure projections used for this fee increase proposal.
- Fee changes relating to public swimming pools will be proposed for promulgation in Clearinghouse Rule No. 99-122 and are not reflected in this Fiscal Estimate.

**Long-Range Fiscal Implications**

After state fiscal year 2004, the Fee Schedule may need to be adjusted depending on the cost of providing the services and the revenue generated.

Agency/Prepared by: (Name & Phone No.)  
Commerce/Robert G. DuPont 266-8984

Authorized Signature/Telephone No.



Date

4/10/00

DEPARTMENT OF COMMERCE  
PUBLIC HEARING ATTENDANCE RECORD

RULE NO.: Chapters Comm 2 and 5  
 RELATING TO: Program Revenue Fees  
 LOCATION: Room 3B, Thompson Commerce Center  
 DATE: February 11, 2000  
 TIME: 10:30 a.m.  
 CITY: Madison

Name	Representation (Business, Assoc., Group, Self, etc.)	City and State	Appearing in Support	Appearing in Opposition	Appearing for Information
ACT HERSCHBERGER	Wis. PROpane GAS ASS.	RIPON, WI		X	
MARVIN MURPHY	SELF	WATERLOO, WI			
JAMES MICKOMIN	SELF	MILWAUKEE, WI			X
Chris Beckner	All Channel Electronics	Mt. Pleasant, WI			
DAVID GEORGIN	NATIONAL FIRE SPRINKLER ASS.	MILWAUKEE, WI			
Ed Buckenriegel	Madison Fire Dept	Madison, WI	X		
JC Carver	" "	" "			*
Anders Eric	Associated Security	Madison, WI			X
DS Willden	WTRA	Madison, WI	X		
Judd Utter	JEFFERSON FIRE SAFETY	MADISON, WI	X		X
Jan Beaulieu	Assoc. General Contractors	Madison, WI	X		
Roger Kasper	DATCP - REPS Program	Madison, WI			X
B. M. Sullivan	H.J. Pertz born Plumbing & Fireprot.	Madison, WI			
Maggie Grimm	Rep Grothman	Madison		X	
JEFF BERSON	PRC Association / MCA Wisconsin	MUNINGSVILLE, WI			
David H. Bauer	United States Fire Protection	New Berlin	X		
David Meier	Monona Pib Fire Protection	Madison			
Jenny Cheever	United States Fire Protection	New Berlin	X		

**DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-009		Hearing Location: Madison	
Rule Number: Chapters Comm 2 and 5		Hearing Date: February 11, 2000	
Relating to: Program Revenue Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	Art Herschberger Wisconsin Propane Gas Association Ripon, WI (Small business)	<p>1. The proposed fee increases are opposed. The Department required a 7-foot standpipe on top of two 60-foot high LP tanks. This was 14 years after initial installation and inspection of the first tank. This cost \$1500, and the state bill was \$40 for 3 hours for the inspection that was not requested.</p> <p>2. A building has been built around a dock with a wooden floor. A heater in the building had to be taken out, and the Department says the building does not meet code. The Department is requiring submittal of plans and will not say how to comply with the code. The Department just wants to raise fees.</p> <p>3. The Department is now requiring specific ASTM pipe in addition to specifying schedule 80 pipe for LP gas piping.</p> <p>4. On top of \$200 and \$250 fees up front, the Department is sending a bill for inspection for \$40/hour to be raised to \$60/hour. Businesses cannot absorb these fees without passing it on to consumers. This will add to inflation and decrease growth in Wisconsin.</p>	<p>1. The \$40.00 bill was for the special inspection of the standpipe installation in order to determine compliance with the Department's administrative code regulating LP gas systems, chapter Comm 40.</p> <p>2. This comment is not related to the proposed rules. The building referenced must comply with Wisconsin's commercial building code, chapters Comm 50 to 64.</p> <p>3. Pipe specifications for LP gas systems are covered under chapter Comm 40.</p> <p>4. The Department will not send a separate bill for inspection of an initial installation. The \$250.00 is the initial site inspection fee.</p>
2	R. B. Willder Wisconsin Transportation Builders Association Madison, WI (Small business)	<p>Chapters Comm 2 and Comm 8 have different definitions for who pays the fees. It was the industry's understanding that an advisory committee would review both chapters and assist the Department in the development of appropriate amendments to these codes. Unfortunately, it appears that the scope of the established Comm 8 committee will be limited to a review of Comm 8, despite the fact that many of the concerns identified by mine, pit and quarry operators are contained in Comm 2. As affected industry partners have not provided input regarding the fee changes, the WTBA cannot support the changes. A final decision relative to mine, pit and quarry fees should incorporate consideration of any proposals developed by the Comm 8 committee.</p>	<p>Industry representatives met with Department staff prior to announcement of public hearings regarding the fee proposals. The chapter Comm 8 advisory council will review both chapters Comm 2 and 8, and will assist the Department in the development of amendments to these codes. A final decision on the fees will consider all recommendations of the council.</p>

**DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-009		Hearing Location: Madison	
Rule Number: Chapters Comm 2 and 5		Hearing Date: February 11, 2000	
Relating to: Program Revenue Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Oral	Ed Ruckriegel Madison Fire Department Madison, WI	The rules are incomplete. The administrative aspects of collecting fees and which types of systems and buildings require fee submittals are not in the code. The occupancies, types of systems and square footage issues are not clear.	The review of fire alarm and fire suppression plans is a new program. All of the administrative aspects relating to plan submittal will not be contained in the fee schedule. The details regarding the plan submittal requirements will be contained in the Department's Plan Submittal Kit that will be referenced in the commercial building code. It is the Department's intention to initially review plans for the following occupancies: 1) CBRF's within the scope of Comm 57; 2) Hotels and motels; 3) Detention facilities; 4) K to 12 schools; 5) All atriums. The following types of systems will be initially reviewed: 1) Fire alarm systems; 2) Automatic fire sprinkler systems; 3) Alternate fire suppression systems; 4) Manual-wet sprinkler systems; 5) Standpipe and hose systems; 6) Portable fire extinguishers; 7) Atrium smoke control systems; 8) Spray booths; 9) Flammable and combustible liquids storage rooms.
Oral	Andy Oie Associated Security, Inc. Middleton, WI (Small business)	Objects to the proposed fees based on the fact that large municipalities already have plan review agents. There is no reason why the state should be paid when the local jurisdiction does plan review. The state should not be involved.	The plan submitter does not pay a fee to the Department when the local jurisdiction does the plan review.
3	William Sullivan Madison, WI	Concerned about lead time for plan review of fire sprinkler systems. At this time it takes too long for reviewed plans to return after being submitted. Approved plans are typically received 3 to 4 months after the project is complete; i.e. CBRF's and hospital plans reviewed by the state.	The plans referenced are not reviewed by the Department of Commerce, but are reviewed by the Department of Health and Family Services. Commerce's plan review processing time is not permitted to be more than 15 business days.

**DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-009		Hearing Location: Mailed in comments	
Rule Number: Chapters Comm 2 and 5		Hearing Date: February 11, 2000	
Relating to: Program Revenue Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
4	Harry A. Sulzer Madison Department of Planning & Development Madison, WI	Table 2.31-3 is incorrect. It appears that the table was generated by taking 15% of Table 2.31-1 rather than Table 2.31-2. All second class cities perform their own inspections. (A marked-up table was submitted.)	Agree. The values in Table 2.31-3 have been corrected.
5	Chuck Waterman Calkins Midway, Inc. Oshkosh, WI	<ol style="list-style-type: none"> <li>1. Allow amusement ride operators to register their rides earlier in the year and not be billed until June so that the inspectors could plan their itinerary and route more efficiently to save costs.</li> <li>2. Let state inspectors accept insurance company inspections, if they have been done, to further cut costs of the safety inspection program.</li> <li>3. Safety inspections are mainly done for the protection of Wisconsin patrons who ride amusement rides. Therefore, the majority of the fees for inspecting amusement rides should come out of the general fund. The 60% fee increase should not go totally on the ride owner's shoulders. A tremendous amount of money is paid to the Wisconsin sales tax program. Most of the safety program cost should come out of that sales tax money.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Department will investigate the feasibility of this suggestion for possible implementation in 2001.</li> <li>2. The Department will investigate the feasibility of this suggestion for possible implementation in 2001.</li> <li>3. Using money from the general fund would require a Statutory change. The Department is currently required by the Statutes to fund the program through fees charged for the Department's services.</li> </ol>
6	Daryl Matzke Ramaker & Associates, Inc Sauk City, WI	In Table 2.68-1, concerned about the doubling of the review fee and the elimination of the discount for multiple pools submitted in one plan set. With the proposed fee amounts, the plan review fee for a small hotel or apartment submitting a typical, simple multiple pool plan (swimming pool and spa) that has been reviewed many times over will increase from \$337.50 to \$900.00. This large fee increase will create a hardship. Smaller establishments should not be charged these proposed fees to offset waterpark plan reviews. An increase in fees for waterpark facilities may be justifiable.	<p>The proposed fees are necessary to cover the cost of plan review for public swimming pools. Repeal of the discount for multiple pools results in a larger percentage increase in fees for submittals with 3 or more pools (such as waterparks) than for submittals with 1 or 2 pools (such as motels).</p> <p>For better coordination between 2 sets of proposed rules currently being processed by the Department, the swimming pool fee changes have been removed from these proposed rules and have been added to Clearinghouse Rule No. 99-122, relating to the design and construction of public swimming pools.</p>

**DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-009		Hearing Location: Mailed in comments	
Rule Number: Chapters Comm 2 and 5		Hearing Date: February 11, 2000	
Relating to: Program Revenue Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
7	Christopher Koceja Mann Brothers, Inc Elkhorn, WI	<p>The Department's costs to provide services should not be the sole barometer by which a fees increase is gauged. Are we approaching and solving our challenge in the most effective way? Because the fee increase is production based for aggregate producers, the proposal does not address the benefits attainable through a booming economy or the detriments that may result from an economic downswing. In 1998 Mann Brothers paid the DNR a \$2000 Annual Air Emissions fee for 2.1 million tons production and 162,000 gallons of diesel fuel. The current Commerce fee would be \$1485. Under the proposal, the fee would be \$6,300, and based on estimated 1999 production, the fee would be \$10,200. Producers of more than 500,000 tons face a potential fee increase that cannot be calculated as there is no longer a cap under the proposal. There is no justifiable or equitable correlation between the rise in fees and the services provided. Smaller producers do not have the people or time to assure regulatory compliance; yet the economic burden of regulatory support falls on the larger producers. The Department is wisely and commendably reassessing its role by providing safety services and having inspections completed by MSHA. With this in mind, the fees for service should not be based on the production of a company. Perhaps the number of employees would be a better indicator. The basis for seeking a fees increase or system restructuring is not clear because the proposal involves indexing to actual production but yet there is no forecast indicating the Department's concept of production quantity in the future. A better alternative solution must be found before a fees increase is adopted.</p>	<p>The proposed rules have been revised by retaining the current safety service fee structure and amounts in Table 2.17, maintaining the fee cap of \$1485.00. The current fees for safety inspections have been eliminated and the Department will continue to reassess its role and staffing levels relative to the activities of MSHA.</p>
8	Thomas Amon B. R. Amon & Sons, Inc Elkhorn, WI	<p>The proposed fee schedule doesn't properly relate to the services offered. The primary service provided by the Department has been the miner annual refresher training. A better fee schedule would be a per person training fee. The Department has done an excellent job in conducting this annual training, while federal mine safety has conducted the on-site inspections. The Department could place all its emphasis on training and there would be no deterioration of safety.</p>	<p>See response above. Also, the proposed rules include a new fee for persons who receive training and have not paid the safety service fee.</p>

**DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE**

Clearinghouse Rule No.: 00-009		Hearing Location: Mailed in comments	
Rule Number: Chapters Comm 2 and 5		Hearing Date: February 11, 2000	
Relating to: Program Revenue Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
9	Larry Reidenbach International Brotherhood of Electrical Workers Racine, WI	The proposed fee increases will increase the revenue stream from the voluntary master and journeyman certifications, and the additional revenue is needed. Every aspect of this increase should be reviewed before adopting any increases in costs. Voluntary certification does little to address life safety issues regarding installation of electrical systems by unlicensed and untrained workers. Voluntary certification does little to raise revenue for inspection programs. Mandatory licensing for all electrical workers should be promoted and adopted in Wisconsin. Licensing would require training and would provide a dedicated income stream to employ additional inspectors at no cost to taxpayers. The IBEW supports mandatory licensing and the cost associated with it, and opposes any increased cost in the voluntary system as being inadequate to protect the public.	Changing from a voluntary certification to a mandatory licensing program requires a Statutory change.
10	James H. Dhein Aherm Fire Protection Fond du Lac, WI	The fire protection industry in Wisconsin has been long overdue for plan review at the state level. Without job site follow-up, however, the plan review process will not work or be successful. Basing the fees on square footage of a building is workable, except for items such as underground installations, gas systems, pumps, etc. The fees must cover job site follow-up. The review process must include experienced reviewers and a system that will enforce the rules.	Agree. The proposed plan review fees will cover job site follow-up.
11	David Wantland Growmark, Inc. and FS Cooperatives of WI Bloomington, IL	The proposed fee increases are opposed. The average increase of 23%, or 5.75% per year, is above increases for any margin projections most industries must face. Anhydrous ammonia plan review fees are up 300%. Is this higher than LP? If so, how is this justified? The fee increases should be in smaller increments to cover a shorter time period, especially for the smaller businesses. Private industry should not "over finance" the Department for the first 2 or 3 years. If this is driven by concerns from the general public, then general revenue funding should pay part of the fees.	The last fee increase was in 1992, 8 years ago. The anhydrous ammonia plan review and inspection fees are being raised 200% to the same level as for LP gas because the Department's work involved in both areas is the same. Using general revenue funding to pay part of the fees would require a Statutory change. The proposed fees are set to cover the average annual cost over a 4-year period.



DEPARTMENT OF COMMERCE  
PUBLIC HEARING COMMENT AND AGENCY RESPONSE

Clearinghouse Rule No.: 00-009		Hearing Location: Mailed in comments	
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12	Tim Clay Wisconsin Federation of Cooperatives Madison, WI	<p>1. The fee increases are well above any business's projected inflationary costs, even if spread over 4 years. The 35% - 200% increase for LP and anhydrous systems is a large hit for agriculture considering that deflated commodity prices are causing a nation-wide crisis for producers. The Department should provide affected parties with projections justifying the increases across all programs, and should increase fees on shorter terms, not financed for 3 years in advance.</p> <p>2. The 200% fee increase for anhydrous plan review and inspection is egregious when compared to 35% increase for other pressure vessels. There is no explanation for this significant difference. The piping, pumping and storage systems for anhydrous are very similar in design and function to other pressure vessels. The fee should remain at the maximum level proposed for pressure vessels.</p>	<p>1. The Department has not increased fees since 1992. The fees are being increased in each respective program in order to bring revenues more in line with the costs of providing the services, as required by the Statutes. The proposed fees are set to cover the average annual cost over a 4-year period.</p> <p>2. The anhydrous fee is being raised to the same level as the LP gas fee because the piping, pumping and storage systems are very similar for the 2 systems. There is no Department plan review for pressure vessels.</p>
13	Pat Osborne Aggregate Producers of Wisconsin Madison, WI	<p>The APW is neither in favor nor against the proposed modifications. The fee modifications relating to mines, pits and quarries should be put on hold and dealt with as part of the Department's rulemaking activity relating to chapter Comm 8. Given that the safety regulations, services and fees pertaining to the industry are driven by Comm 8, the fee increases proposed in Comm 2 should not separately advance until or unless Comm 8 revisions are comprehensively discussed and determined by the Comm 8 advisory council.</p>	Agree.
14	Vern Lawrence Philip Lawrence Marion Lawrence Michelle Ehlert Sally Becker Tri-County GasMan, Inc. Pardeeville, WI	<p>The increases in the LP gas fees on tanks, septic systems, and etc. are ludicrous and unnecessary. Also there is no need for added inspectors in this field. Tri-County GasMan, Inc. and their customers oppose this increase.</p>	<p>The proposed fee increases are necessary to cover the costs of the Department's services. There is no proposal to add inspectors in this field.</p>

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 00-009

RULE NO.: Chapters Comm 2 and 5

RELATING TO: Program Revenue Fees

Agency contact person for substantive questions.

Name: Robert DuPont

Title: Director, Program Development Bureau

Telephone No. 608/266-8984

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)*

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

# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

CLEARINGHOUSE RULE NO.: 00-009

RULE NO.: Chapters Comm 2 and 5

RELATING TO: Program Revenue Fees

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

The Statutes require the Department to charge fees to cover the costs of the Department's services for protecting the safety and health of frequenters and occupants in public buildings, places of employment and one- and 2-family dwellings. The proposed revisions in the Department's program revenue fees are necessary to meet the directives of the Statutes, and any less stringent requirements would be contrary to the Statutory objectives which are the basis for 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.

*(Continued on reverse side)*



# RULE REPORT

## Department of Commerce

Rule No.: Chapters Comm 2 and 5

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Relating to: Program Revenue Fees

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*Agency contact person for substantive questions:*

Name Robert DuPont

Title Bureau Director

Telephone Number 266-8984

*Agency contact person for internal processing:*

Name Ronald Acker

Title Code Consultant

Telephone Number 267-7907

1. Agency statutory authority under which the agency intends to promulgate the rule(s).  
Sections 101.19 and 145.08, 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.

4. Description of the proposed rule(s).

The proposed rules basically consist of revisions in chapters Comm 2 and 5, relating to the fees charged by the Safety and Buildings Division for providing services such as plan examination, inspection and certification. The majority of the Division's fees have not been increased since 1992. The proposed rules contain fee increases ranging from 2 percent to 200 percent, with several program area fees remaining unchanged. It is estimated that the fee increases will increase total program revenues by 23 percent and provide sufficient revenues for a 4 year period. Under the proposal, each program area will be self-sufficient except for the Public Sector Safety Program which is subsidized 100 percent by the Commercial Building Plan Review and Inspection Program.

5. Reason for the proposed rule(s).

The proposed changes are necessary in order to bring revenues more in line with the costs of providing the services in each program area.