

 **09hr_JCR-AR_CRule_09-012_pt01**



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)



P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018
TDD: Contact through relay

Jim Doyle, Governor
Richard J. Leinenkugel, Secretary

April 7, 2009

Robert Marchant
Senate Chief Clerk
B20 Southeast, State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Patrick Fuller
Assembly Chief Clerk
Room 401
17 West Main Street
Madison, Wisconsin 53703

Dear Chief Clerks:

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

CLEARINGHOUSE RULE NO.: 09-012

RULE NO.: Comm 18.1702

RELATING TO: Suspension Ropes and Their Connections Serving Elevators

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 "Aaron Olver".

Aaron Olver
Deputy Secretary

April 7, 2009

Senator Jim Holperin
President of the Senate
Room 409 South, State Capitol
Madison, Wisconsin 53702

Representative Josh Zepnick
Speaker of the Assembly
Room 219 North, State Capitol
Madison, Wisconsin 53702

Dear Senator Holperin and Representative Zepnick:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 09-012

RULE NO.: Comm 18.1702

RELATING TO: Suspension Ropes and Their Connections Serving Elevators

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. Rule 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,



Aaron Olver
Deputy Secretary

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 09-012

Rule No.: Comm 18.1702

Relating to: Suspension Ropes and Their Connections Serving Elevators

Contact person for substantive questions:

Contact person for internal processing:

Name Larry Swaziek

Name Larry Swaziek

Title Program Manager

Title Program Manager

Telephone Number 267-7701

Telephone Number 267-7701

1. Basis and purpose of the proposed rule.

The basis of the proposed rule is ss. 101.17, 101.63 and 101.982, Stats. The purpose of the proposed rule is to repeal a provision that the American Society of Mechanical Engineers (ASME) did not incorporate into the latest edition of its national A17.1 standard that is adopted by reference in Comm 18 which became effective January 1, 2009.

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

Sections 101.17, 101.63 and 101.982, Stats., grants the Department of Commerce authority to promulgate rules for the safe installation and operation of conveyances (elevators, escalators and lift devices). To fulfill this responsibility, the Department has promulgated this proposed rule to alleviate confusion and enforcement issues.

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

No changes were made.

FISCAL ESTIMATE
DOA-2048 (R06/99)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Comm 18.1702

Amendment No. if Applicable

Subject

Suspension Ropes and Their Connections Serving Elevators

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

The emergency rule repeals code language requiring a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators using smaller sized wire ropes. Repealing s. Comm 18.1702 (8) will not affect department revenue or expenditures.

Long-Range Fiscal Implications

No long range fiscal implications are anticipated.

Agency/Prepared by: (Name & Phone No.)
Commerce/Larry Swaziek, 267-7701

Authorized Signature/Telephone No.
Larry Swaziek 6-8976

Date
4-1-09

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

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
 Comm 18.1702 (8)

Amendment No.

Subject

Suspension Ropes and Their Connections Serving Elevators

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

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

NET ANNUALIZED FISCAL IMPACT

STATE

LOCAL

NET CHANGE IN COSTS \$ 0

\$ 0

NET CHANGE IN REVENUES \$ 0

\$ 0

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

Commerce/Larry Swaziek, 267-7701

Authorized Signature/Telephone No.

Larry Swaziek 6-8976

Date

4-1-09

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 09-012

RULE NO.: Comm 18.1702

RELATING TO: Suspension Ropes and Their Connections Serving Elevators

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

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the proposed rule to repeal Comm 18.1702 alleviates confusion and enforcement issues and will not have a significant impact on a substantial number of small businesses.

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)

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

Clearinghouse Rule Number: 09-012		Hearing Location: Madison, WI	
Rule Number: Comm 18.1702		Hearing Date: March 2, 2009	
Relating to: Suspension Roeps and Their Connections Service Elevators			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	John Caruso KONE Inc. Milwaukee, WI 53045	Supports rules. Agrees that a repeal is necessary because the American Society of Mechanical Engineers (ASME) did not incorporate a similar provision into the latest edition of its national A17.1 standard.	Support noted.



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Richard Sweet
Clearinghouse Assistant Director

Terry C. Anderson
Legislative Council Director

Laura D. Rose
Legislative Council Deputy Director

CLEARINGHOUSE REPORT TO AGENCY

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

CLEARINGHOUSE RULE 09-012

AN ORDER to repeal Comm 18.1702 (8), relating to a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators that use smaller sized wire ropes.

Submitted by **DEPARTMENT OF COMMERCE**

02-02-2009 RECEIVED BY LEGISLATIVE COUNCIL.

02-23-2009 REPORT SENT TO AGENCY.

RNS:LAK

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

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 09-012

RULE NO.: Comm 18.1702

RELATING TO: Suspension Ropes and Their Connections Serving Elevators

Agency contact person for substantive questions.

Name: Larry Swaziek

Title: Program Manager

Telephone No. 267-7701

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

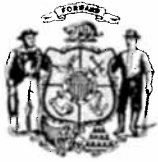
b. Accepted in part

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



State of Wisconsin \ Department of Commerce

RULES IN FINAL DRAFT FORM

Rule No.:

Comm 18.1702

Relating to:

**Suspension Ropes and Their
Connections Serving Elevators**

Clearinghouse Rule No.: **09-012**

The Wisconsin Department of Commerce proposes to adopt an order to:
amend Comm 18 Subchapter V (title), Comm 18 Subchapter VI (title) and Comm 18.1800;
repeal s. Comm 18.1702 (8); and
renumber ss. Comm 18.1702 (9) and (10) relating to a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators that use smaller sized wire ropes.

Analysis of Rule

1. Statutes Interpreted

Sections 101.02 (15) (h) to (j), 101.17, 101.63 (1), and 101.981 to 101.985, and 101.988, Stats.

2. Statutory Authority

Sections 101.02 (15) (h) to (j), 101.17, 101.63 (1), and 101.981 to 101.985 and 101.988, Stats.

3. Related Statute or Rule

Chapters Comm 60 to 66, Wisconsin Commercial Building Code
Chapters Comm 20 to 25, Wisconsin Uniform Dwelling Code

4. Explanation of Agency Authority

Under the authority of ss. 101.17, 101.63 and 101.982, Stats., the Department has the authority to promulgate rules for the safe installation and operation of conveyances (elevators, escalators and lift devices). Under the authority of ss. 101.17, 101.983 and 101.988, Stats., the Department has the authority to promulgate rules for required permits, inspection and enforcement of the technical standards. Currently, the Department has fulfilled this responsibility by promulgating the Elevators, Escalators and Lift Devices Code, chapter Comm 18.

5. Summary of Proposed Rule

The proposed rule repeals a provision that requires a wear and fatigue monitoring system and a device that protects against suspension loss for electric traction elevators using smaller sized wire ropes. The repeal is necessary because the American Society of Mechanical Engineers (ASME) did not incorporate a similar provision into the latest edition of its national A17.1 standard that is adopted by reference in Comm 18 which became effective January 1, 2009. Nationally, conveyance equipment is designed and manufactured to meet the ASME A17.1 standard.

The proposed rule also contains some minor changes regarding the referencing of national standards to make the format more consistent throughout chapter Comm 18.

6. Summary of, and Comparison with, Existing or Proposed Federal Regulations

An Internet-based search of the code of federal regulations and the federal register did not identify any federal requirements relating to requiring a wear and fatigue monitoring system or a device that protects against suspension loss in electric traction elevators. There are no existing or proposed federal regulations that address the specific issue or impact the activities to be regulated by this proposed rule.

7. Comparison with Rules in Adjacent States

An Internet-based search found that all of the adjacent states adopt by reference certain editions of the ASME A17.1, Safety Code for Elevators and Escalators. The adjacent states also create amendments to the adopted standard similar to Wisconsin's administrative rules relating to elevators, escalators and lift devices.

None of the elevator or escalator regulatory programs in the states of Illinois, Iowa, Michigan or Minnesota had specific rules or standards regarding the wear and fatigue monitoring system or the device that protects against suspension loss for electric traction elevators as addressed by the Wisconsin rule being repealed by this proposed rule.

8. Summary of Factual Data and Analytical Methodologies

The proposed rule was developed using information gathered when the department learned that the ASME A17.1 Committee was not incorporating the section relating to the wear and fatigue monitoring system and the device that protects against suspension loss for electric traction elevators into its next edition of the national A17.1, Safety Code for Elevators and Escalators. The current edition of the national standard for the design and construction of conveyance serves as the basis for the proposed rule as well as for the remainder of chapter Comm 18.

In addition, the department involved the Conveyance Safety Code Council in its review and assessment process. Council members represent many stakeholders involved in the conveyance industry, including manufacturers, inspectors, building contractors and the general public as users of the conveyances.

9. Analysis and Supporting Documents used to Determine Effect on Small Business or in Preparation of Economic Impact Report

The department believes the proposed rule will not increase the effect on small businesses from what the current rules impose on them. An economic impact report has not been required pursuant to s. 227.137, Stats.

10. Agency Contact.

Larry Swaziek, Program Manager, Larry.swaziek@wisconsin.gov, (608) 267-7701.

11. Public Hearing Comments.

The hearing record on this proposed rule will remain open until March 13, 2009. Written comments about the proposed rule may be submitted to Larry Swaziek at the Department of Commerce, P.O. Box 2689, Madison, WI 53701-2689, or email at larry.swaziek@wisconsin.gov.

SECTION 1. Comm 18, Subchapter V (title) is amended to read:

SUBCHAPTER V -- CHANGES, ADDITIONS OR OMISSIONS TO ASME A17.1-- 2000

SECTION 2. Comm 18.1702 (8) is repealed.

SECTION 3. Comm 18.1702 (9) and (10) are renumbered Comm 18.1702 (8) and (9).

SECTION 4 Comm 18, Subchapter VI (title) and 18.1800 are amended to read:

SUBCHAPTER VI -- CHANGES, ADDITIONS OR OMISSIONS TO ASME A18.1-- 2005

Comm 18.1800 Changes, additions or omissions to ASME A18.1. Changes, additions or omissions to the ASME A18.1--2005 are specified in this subchapter and are rules of the department and are not requirements of the ASME A18.1.

(END)

EFFECTIVE DATE

Pursuant to s. 227.24, Stats., this rule shall take effect on the first day of the month following publication in the *Wisconsin Administrative Register*.
