

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 06-031

Rule No.: Chapter Comm 5

Relating to: Licenses, Certifications and Registrations

*Contact person for substantive questions:*

*Contact person for internal processing:*

Name Jim Quast

Name Jim Quast

Title Program Manager

Title Program Manager

Telephone Number 608/266-9292

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1. Basis and purpose of the proposed rule.

The proposed rules consist of revisions in chapter Comm 5 in order to address some administrative issues that have occurred since the last update of chapter Comm 5. Chapter Comm 5 establishes qualifications and procedures for licensing, certifying and registering various individuals and entities associated with the construction of buildings. The proposed revisions are to reflect recent statutory changes, to clarify the application or intent of certain rules, and to provide consistency across certain related credential types. Most of the credentials under chapter Comm 5 have been established under the statutory authority and mandates of chapters 101 and 145, Stats.

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

The proposed changes reflect the intent of the credential rules under chapter Comm 5 to facilitate or promote public health, safety and welfare in the construction or use of buildings.

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

No changes have occurred.

# FINAL REGULATORY FLEXIBILITY ANALYSIS

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

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.

The proposed rules modify administratively several existing credential types under ch. Comm 5. Most of the credentials under chapter Comm 5 involve individuals and not businesses. The Statutes authorize the Department to issue and administer numerous credentials in order to protect public health, safety and welfare in the design, construction, maintenance and use of public buildings, places of employment and one- and 2- family dwellings.

2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

No issues were raised by small businesses during the public hearing process.

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

The proposed rules do not establish or require the preparation of any reports.

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

The proposed rules do not establish or require small businesses to institute new measures or to make new investments.

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

Not applicable.

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

Not applicable.

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

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Agency contact person for substantive questions.

Name: Jim Quast

Title: Program Manager

Telephone No. 608/266-9292

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