

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 301-305, 314, 316, 327, 361-366, and 380-387

Relating to: Recreational and educational camps.

Rule Type: Permanent and Emergency

1. Finding/nature of emergency:

2019 Wisconsin Act 130 requires the department to promulgate rules creating specific standards for educational and recreational camps. Section 4 of the Act states that the department "shall use the procedure under s. 227.24 to promulgate rules that are necessary to implement this act" and is not required to show that the promulgation of the rule as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare.

2. Detailed description of the objective of the proposed rule:

The agency will consult with the Commercial Building Code Council, Uniform Dwelling Council, Plumbing Code Council, and Private Onsite Wastewater Treatment Systems (POWTS) Code Council to develop rules implementing 2019 Wisconsin Act 130 relating to recreational and educational camps.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

This project will consider promulgating emergency rules as directed by the legislature in 2019 Wisconsin Act 130 that would create separate standards for the construction and inspection, the installation, repair and maintenance of electrical wiring, and plumbing standards for recreational and educational camps. These standards will take into account uses, including seasonal use, that are unique to recreational and educational camps.

The alternative would be to not make these rule changes. This may result in continued delays in the review of commercial building plans and leaving the agency's rules out of compliance with state statute in the case of recreational and educational camps.

4. Detailed explanation of statutory authority for the rule:

Section 101.02 (1), Stats., states "[t]he department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings..."

Section 101.02 (15), Stats., states

"(a) The department has such supervision of every employment, place of employment and public building in this state as is necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment or public building to be safe, and requiring the protection of the life, health, safety and welfare of every employee in such employment or place of employment and every frequenter of such place of employment, and the safety of the public or tenants in any such public building..."

(b) The department shall administer and enforce, so far as not otherwise provided for in the statutes, the laws relating to laundries, stores, licensed occupations, school attendance, bakeries, intelligence offices and bureaus, manufacture of cigars, sweatshops, corn shredders, wood-sawing machines, fire escapes and means of egress from buildings, scaffolds, hoists, ladders and other matters relating to the erection, repair, alteration or painting of buildings and structures, and all other laws protecting the life, health, safety and welfare of employees in employments and places of employment and frequenters of places of employment...

(h) The department shall investigate, ascertain, declare and prescribe what safety devices, safeguards or other means or methods of protection are best adapted to render the employees of every employment and place of employment and frequenters of every place of employment safe, and to protect their welfare as required by law or lawful orders.

(i) The department shall ascertain and fix such reasonable standards and shall prescribe, modify and enforce such reasonable orders for the adoption of safety devices, safeguards and other means or methods of protection to be as nearly uniform as possible, as may be necessary to carry out all laws and lawful orders relative to the protection of the life, health, safety and welfare of employees in employments and places of employment or frequenters of places of employment.

(j) The department shall ascertain, fix and order such reasonable standards or rules for constructing, altering, adding to, repairing and maintaining public buildings and places of employment in order to render them safe.”

Section 101.053 (2), Stats. requires the Department to promulgate rules revising the commercial building code to create separate standards for the construction and inspection of recreational and educational camps that take into account the unique uses of such camps, including seasonal use.

Section 101.82 (1), Stats. requires the electrical code standards promulgated by the Department to take into account the unique uses of recreational and educational camps, including seasonal use.

Section 145.02 (2) (b), Stats. requires the separate plumbing standards established for camping units in a fixed location in a campground to take into account the unique uses of recreational and educational camps, including seasonal use.

Section 227.11(2)(a), Stats. empowers the Department of Safety and Professional Services to promulgate rules interpreting the provision of any statute the Department enforces or administers.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The staff time needed to develop the rules is expected to be about 100 hours. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

6. List with description of all entities that may be affected by the proposed rule:

This rule project may affect any entity that is involved in the design, construction, maintenance, installation, supply provision, inspection or plan review of educational and recreational camps, as well as the proprietors and frequenters of educational and recreational camps.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

The federal government does not require special standards for the construction of recreational and educational camps.

8. Anticipated economic impact of implementing the rule:

The Department believes that the proposed changes will have little or no adverse economic impact. Nevertheless, it plans to solicit information and advice from businesses, local government units and individuals as it proceeds with rule-making.

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Approved for publication:

Secretary

Date Submitted