

Record of Committee Proceedings

Joint Committee for Review of Administrative Rules

Department of Agriculture, Trade and Consumer Protection

Chapter ATCP 76, Safety, Maintenance, and Operation of Public Pools and Water Attractions, Wisconsin Administrative Code.

April 26, 2022

Public Hearing Held

Present: (10) Senator Nass; Representative Neylon; Senators Stroebel, Bradley, Roys and Larson; Representatives August, Spiros, Subeck and Hebl.

Absent: (0) None.

Excused: (0) None.

Appearances For

- Luke Berg - WILL
- Kyle Koenen - WILL
- Kelly Smith
- Dan Jones
- Steve DelBianco - NetChoice
- Tyler Diers - TechNet
- Cameron Kilberg - Swimply

Appearances Against

- Bill Elliott - Wisconsin Hotel & Lodging Association

Appearances for Information Only

- Troy Sprecker - DATCP
- Mary Ellen Bruesch - DATCP

Registrations For

- Tom Larson - Wisconsin Realtors Association
- Mike Warecki
- Mikayla Spears
- Danette Vincenti
- Brittney Gradall

Registrations Against

- None.

Registrations for Information Only

- None.

April 26, 2022

Executive Session Held

Present: (10) Senator Nass; Representative Neylon; Senators Stroebel, Bradley, Roys and Larson; Representatives August, Spiros, Subeck and Hebl.

Absent: (0) None.

Excused: (0) None.

Moved by Senator Nass, seconded by Representative Neylon that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (d), Stats., suspend the phrase “a tourist rooming house,” in s. ATCP 76.02 (1) (a), relating to the applicability of ch. ATCP 76, Safety, Maintenance, and Operation of Public Pools and Water Attractions, on the grounds that the phrase results in the application of the chapter in a manner that is arbitrary and capricious and imposes an undue hardship, fails to comply with legislative intent, is in conflict with state law, and is inconsistent with a change in circumstances since promulgation of the administrative rule.

Ayes: (6) Senator Nass; Representative Neylon; Senators Stroebel and Bradley; Representatives August and Spiros.

Noes: (4) Senators Roys and Larson; Representatives Subeck and Hebl.

MOTION PASSED, Ayes 6, Noes 4

Moved by Senator Nass, seconded by Representative Spiros that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (f), Stats., introduce LRB-6305/1 and LRB-6311/1 in the Senate and Assembly, relating to the regulation of swimming pools located at short-term rentals and the partial suspension of rules promulgated by the Department of Agriculture, Trade and Consumer Protection, in support of the committee’s April 26, 2022, suspension of the phrase “a tourist rooming house,” in s. ATCP 76.02 (1) (a), relating to the applicability of ch. ATCP 76, Safety, Maintenance, and Operation of Public Pools and Water Attractions.

Ayes: (6) Senator Nass; Representative Neylon; Senators Stroebel and Bradley; Representatives August and Spiros.

Noes: (4) Senators Roys and Larson; Representatives Subeck and Hebl.

MOTION PASSED, Ayes 6, Noes 4

Adam Field
Committee Clerk