

97-109 - IAHF CHILD DAY CARE
IAHF⁶⁰ FAMILY COMMERCE



201 West Washington Avenue
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018

Tommy G. Thompson, Governor
William J. McCoshen, Secretary

June 22, 1998

Senate Chief Clerk
Room 402
1 East Main Street
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.: 97-109

RULE NO.: Chapter ILHR 60

RELATING TO: Child Day Care Facilities

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 'W. J. McCoshen', written over a horizontal line.

William J. McCoshen
Secretary



201 West Washington Avenue
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-1018

Tommy G. Thompson, Governor
William J. McCoshen, Secretary

June 22, 1998

Senator Fred Risser
President of the Senate
119 Martin L. King Blvd, Rm 102
Madison, Wisconsin 53702

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

Dear Senator Risser and Representative Jensen:

NOTICE OF ADMINISTRATIVE RULES IN FINAL DRAFT FORM

CLEARINGHOUSE RULE NO.: 97-109

RULE NO.: Chapter ILHR 60

RELATING TO: Child Day Care Facilities

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,

William J. McCoshen
Secretary

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

CLEARINGHOUSE RULE NO.: 97-109

RULE NO.: Chapter ILHR 60

RELATING TO: Child Day Care Facilities

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 rules establish minimum safety requirements when children under the age of 24 months are cared for on floors above or below the floor level of exit discharge. The requirements are more restrictive than for day care facilities where children can take self-preservation.

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.

The child day care facility operators were concerned with the safe egress of children under the age of 24 months from floors other than the floor of exit discharge. When children under the age of 24 months are located on floors other than the level of exit discharge, the rules require the entire building to be sprinklered and that floor level must be divided into two smoke compartments. The rules are based on national building codes and address the additional safety considerations when children under the age of 24 months are cared for on floors other than the level of exit discharge.

(Continued on reverse side)

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

Reports are not required.

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

None known

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.

None

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

None



State of Wisconsin \ Department of Commerce

RULES in FINAL DRAFT FORM

Rule No.: Chapter ILHR 60

Relating to: Child Day Care Facilities

Clearinghouse Rule No.: 97-109

The Wisconsin Department of Commerce proposes an order to repeal s. ILHR 60.31 (6); to amend s. ILHR 60.30 (1): to repeal and recreate ss. ILHR 60.001 (1) (b) Note, ILHR 60.01, ILHR 60.11, ILHR 60.34 (2), ILHR 60.36 and ILHR 60.38; and to create ss. ILHR 60.30 (2), ILHR 60.39 and 60.40, relating to design and construction of public buildings and places of employment used as day care centers.

ANALYSIS OF PROPOSED RULES

Statutory Authority: ss. 101.02 (1) and (15)

Statutes Interpreted: s. 101.02 (15)

The purpose of chapter ILHR 60 is to establish minimum design and construction requirements for the health and safety of the employes and occupants of buildings and facilities used as day care centers.

The proposed changes to this chapter are in response to 1995 Wisconsin Act 439 to permit children under the age of 24 months to be cared for on a floor other than floor level of exit discharge of a child day care center. The following is a summary of the major changes being proposed in chapter ILHR 60. These changes reflect safeguards contained in national model building and life safety codes.

1. Cross-reference ch. HFS 46 for the staff to child ratios. [ILHR 60.11]
2. Require the installation of sprinklers in buildings where children under the age of 24 months are cared for on floors above or below the floor level of exit discharge. It also requires these floor levels to be divided into at least 2 smoke compartments. [ILHR 60.30 (2)]
3. Restrict children under the age of 24 months to be cared for on a floor level of exit discharge in buildings of wood frame unprotected construction. [ILHR 60.30 (2)]
4. Require fire alarms in buildings where children under the age of 24 months are cared for on floors above or below the level of exit discharge. [ILHR 60.30 (2) and ILHR 60.38]
5. Amend the requirements relating to exit signs and emergency lighting to be consistent with national model codes. [ILHR 60.36]
6. Establish construction and exiting requirements for smoke compartments. [ILHR 60.39 and 60.40]

SECTION 1. ILHR 60.001 (1) (b) Note is repealed and recreated to read:

ILHR 60.001 (1) SCOPE.

Note: Refer to HFS 45, rules of the department of health and family services, for requirements pertaining to day care centers serving 4 to 8 children and to HFS 46 for licensing requirements for group day care centers serving more than 9 children. Where more than one code applies, an owner must comply with the most restrictive requirements from the applicable codes.

SECTION 2. ILHR 60.01 is repealed and recreated to read:

ILHR 60.01 DEFINITION. (1) "Day care center" means a facility required to be licensed under s. 48.65, Stats.

(2) "Floor level of exit discharge" means a first floor level of a building as specified in s. Comm 60.105 or a ground floor as defined in s. Comm 51.01 (67).

SECTION 3. ILHR 60.11 is repealed and recreated to read:

ILHR 60.11 CAPACITY OF BUILDINGS. The occupant load shall be the maximum number of children intended to occupy that floor, but not more than one child per 35 square feet of net floor area. Licensing requirements of the department of health and family services may supersede this requirement.

Note: The minimum staff-to-child ratio may be found under ch. HFS 46.

SECTION 4. ILHR 60.30 (1) is amended to read:

ILHR 60.30 CLASS OF CONSTRUCTION. (1) GENERAL. Except as specified in sub. (2), the class of construction for day care centers shall comply with Table 60.30 and s. Comm 51.03. Day care centers located in buildings of more than 4 stories shall be provided with one independent stairway serving the day care center only and shall be restricted to the height indicated in Table 60.30.

SECTION 5. ILHR 60.30 (2) is created to read:

ILHR 60.30 (2) DAY CARE CENTERS CARING FOR CHILDREN UNDER THE AGE OF 24 MONTHS. (a) Types No. 1 to No. 7 construction. The care of children under the age of 24 months shall be restricted to a floor level of exit discharge in a building of type No. 1 to No. 7, unless all of the following conditions are provided:

1. The entire building shall be completely protected by an automatic fire sprinkler system complying with s. Comm 51.23.

2. Each floor of the day care center where children under the age of 24 months are cared for shall be divided into at least 2 smoke compartments complying with s. ILHR 60.39

(b) Type No. 8 construction. The care of children under the age of 24 months shall be restricted to a floor level of exit discharge in buildings of type No. 8 construction.

SECTION 6. ILHR 60.31 (6) is repealed:

SECTION 7. ILHR 60.34 (2) is repealed and recreated to read:

ILHR 60.34 (2) EXCEPTIONS. Unenclosed stairways may be used as required exits in all of the following:

(a) Day care centers located in one story places of worship, providing the care of children under the age of 24 months is restricted to a floor level of exit discharge.

(b) Day care centers located in one and two story schools constructed prior to January 1, 1982, providing the care of children under the age of 24 months is restricted to a floor level of exit discharge.

(c) Day care centers accommodating up to 39 children, providing the care of children under the age of 24 months is restricted to a floor level of exit discharge. The unenclosed stairway shall meet all of the following:

1. The unenclosed stairway connects the floor of exit discharge with only one adjacent floor level.

2. The unenclosed stairway is separated at all other floor levels by fire-resistive rated construction as specified in Table 51.03-A.

SECTION 8. ILHR 60.36 is repealed and recreated to read:

ILHR 60.36 FIRE ALARM AND SMOKE DETECTION SYSTEMS. (1) SMOKE DETECTION SYSTEMS. (a) Where required. Except as specified in par. (b), in every building or portion of a building accommodating a day care center serving 9 to 20 children, stand-alone, battery-operated smoke detectors shall be installed in front of doors to the stairways and in the corridors of all floors occupied by the day care center. Smoke detectors shall also be installed in lounges, recreation areas and sleeping rooms in the day care center. The smoke detector alarm shall be audible throughout the day care center.

(b) Exceptions. Smoke detectors are not required in the following:

1. A day care center housed only in one room.
2. A day care center serving children 6 years of age or older if no sleeping facilities are provided.

Note: See ch. Comm 69 for requirements on visual alarms.

(2) FIRE ALARM SYSTEMS. (a) Where required. Except as specified in par. (b), every building or portion of a building accommodating a day care center serving more than 20 children, a fire alarm system shall be installed that complies with s. Comm 51.24, or an approved smoke detection system shall be installed that complies with s. Comm 51.245.

(b) Day care centers caring for children under the age of 24 months. Where children under the age of 24 months are cared for on floors above or below a floor level of exit discharge, a fire alarm system shall be installed that complies with s. Comm 51.24, or an approved smoke detection system shall be installed that complies with s. Comm 51.245.

Note: See ch. Comm 69 and ADAAG 4.28 for requirements on visual alarms.

SECTION 9. ILHR 60.38 is repealed and recreated to read:

ILHR 60.38 EXIT SIGNS AND EMERGENCY LIGHTING. (1) EXIT SIGNS. All required exit doors and exit passageways in a day care center serving more than 20 children shall be clearly marked with an illuminated exit sign as specified in s. Comm 51.15 (5).

Note: See ch. Comm 16 for requirements for standby emergency power for required exits.

(2) EMERGENCY LIGHTING. Standby emergency power of a type permitted by ch. Comm 16 shall be provided as a source of electrical power for emergency lighting for exit passageways in a day care center where there are more than 20 children receiving nighttime care anytime between from 9 p.m. and 5 a.m.

SECTION 10. ILHR 60.39 and 60.40 are created to read:

ILHR 60.39 SMOKE COMPARTMENTS. Smoke compartments as required by this chapter shall comply with the following:

(1) DESIGN. Smoke compartments shall be created by smoke barriers complying with s. ILHR 60.40.

(2) EXITING FROM COMPARTMENTS. Each smoke compartment shall have access to at least 2 exits. At least one means of egress shall be an exit accessible immediately from each compartment. The second means of egress shall be permitted through adjacent compartments, but shall not require return through the compartment of fire origin.

ILHR 60.40 SMOKE BARRIERS. A smoke barrier required by this chapter shall be designed to restrict the movement of smoke between compartments and shall comply with the following:

(1) GENERAL. A smoke barrier shall form an effective continuous barrier from outside wall to outside wall and from floor slab to floor or roof deck above, including continuity through all concealed spaces, such as the space above suspended ceilings, and including interstitial structural and mechanical spaces.

(2) RATING OF BARRIERS. A smoke barrier shall have a fire-resistive rating of not less than 1 hour.

(3) OPENINGS IN BARRIERS. Openings in smoke barriers shall be protected as specified in ss. Comm 51.048 and 51.049. Door openings in smoke barriers shall be protected with fire doors with a rating of not less than 20.

(4) PENETRATION OF BARRIERS. (a) Except as specified in par. (b), penetrations in a smoke barrier shall comply with the requirements specified in s. Comm 51.049 and approved smoke dampers designed to resist the passage of smoke shall be provided at each point a duct or air transfer opening penetrates a smoke barrier wall. Approved combination smoke and fire dampers are permitted in lieu of a separate fire and smoke damper.

(b) Smoke dampers are not required where the building is provided with an engineered smoke control system.

(c) Structural framing may be continuous through or over the smoke barrier wall.

(END)

* * * * *

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

* * * * *

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RULE REPORT

Department of Commerce

Rule No.: Chapter ILHR 60

Relating to: Child Day Care Facilities

Agency contact person for substantive questions:

Name Jim Smith

Title Program Manager

Telephone Number 608/266-0251

Agency contact person for internal processing:

Name Diane Meredith

Title Code Consultant

Telephone Number 608/266-8982

1. Agency statutory authority under which the agency intends to promulgate the rule(s).
s. 101.02 (1) and (15)
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 changes to this chapter are in response to the 1995 Wisconsin Act 439 to permit children under the age of 24 months to be cared for on a floor other than the first floor or ground floor of a day care facility. The following is a summary of the major changes being proposed in chapter ILHR 60.

1. Require the installation of sprinklers in buildings where children under the age of 24 months are cared for on floors above or below the first floor or ground floor level. It also requires these floor levels to be divided into at least 2 smoke compartments.

2. Require children under the age of 24 months to be cared for on the first floor or ground floor in buildings of wood frame unprotected construction.

3. Require the installation of a fire alarm system or an approved smoke detection system when children under the age of 24 months are cared for on floors below the first floor or ground floor level.

4. Establish construction and exiting requirements for smoke compartments.

5. Reason for the proposed rule(s).

The purpose for the proposed rules is to permit day care providers the flexibility of caring for children under the age of 24 months on floors above or below the first floor or ground floor of a building without adversely affecting the safety of these children.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

CLEARINGHOUSE RULE NO.: 97-109

RULE NO.: Chapter ILHR 60

RELATING TO: Child Day Care Facilities

Agency contact person for substantive questions.

Name: Jim Smith

Title: Program Manager

Telephone No. 266-0251

Legislative Council report recommendations accepted in whole.

Yes

No

Rules were rewritten to

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

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946



David J. Stute, 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

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 97-109

AN ORDER to repeal and recreate ILHR 60.11 Note, 60.30, 60.31, 60.36 and 60.38; and to create ILHR 60.39 and 60.40, relating to design and construction of public buildings and places of employment used as day care centers.

Submitted by **DEPARTMENT OF COMMERCE**

08-11-97 RECEIVED BY LEGISLATIVE COUNCIL.
09-09-97 REPORT SENT TO AGENCY.

RS:MM;jt;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

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

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

CLEARINGHOUSE RULE 97-109

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 October 1994.]

2. Form, Style and Placement in Administrative Code

- a. In the first sentence of the second paragraph of the analysis, "the," immediately preceding "1995 Wisconsin Act 439" should be deleted. The Act also should be included in the statement of statutory authority.
- b. The analysis states that s. ILHR 60.11 includes a cross-reference to ch. HFS 55 for information regarding staff-to-child ratios. However, the Note to s. ILHR 60.11 refers to ch. HFS 46. This inconsistency should be corrected and a specific rule section should be referenced rather than the entire chapter.
- c. The title to s. ILHR 60.30 (2), "EXCEPTIONS," is inaccurate because that subsection does not set forth exceptions to the general rule but rather sets forth additional requirements which must be met in certain cases. Also, should the heading for the second column in Table 60.30 be changed to make it clear that day care facilities may not be located above the story indicated? As currently written, it appears that it would be permissible for a day care center to be located on floors above the fourth floor as long as the day care center does not consist of more than the number of stories set forth on the chart.
- d. In general, introductory material in Wisconsin Administrative Code provisions should include phrases such as "any of the following" or "all of the following," in order to clearly state whether any one, or all, of the criteria following the introduction must be satisfied. For example, in s. ILHR 60.31 (1) (intro.), the phrase "one of" should be inserted before the phrase "the following types." Also, in s. ILHR 60.31 (2) (a) (intro.), the phrase "all of" should precede the phrase "the following." [See also ss. ILHR 60.36 (1) (b) (intro.) and 60.39 (intro.).]

e. Section ILHR 60.31 (1) (b) should be rewritten to specify that the types of exit stairways listed in s. ILHR 60.34 are acceptable means of egress from a day care center under s. ILHR 60.31. As written, s. ILHR 60.31 (1) (b) conveys the message that an interior stairway or ramp complying with s. ILHR 51.16 and s. ILHR 51.17 or 51.18 (the correct method of making this cross-reference) is an acceptable means of egress from a day care center unless one of the exceptions set forth in s. ILHR 60.34 applies. Section ILHR 60.34 does not in fact set forth circumstances under which the stairways or ramps described in the rule are not permissible means of egress but rather sets forth additional acceptable means of egress.

f. In s. ILHR 60.31 (2) (a) 2., the phrase "the remaining means of egress" should be replaced by the phrase "Means of egress in addition to subd. 1."

g. In s. ILHR 60.31 (3), the cross-reference to additional Administrative Code sections should read: "ss. ILHR 51.151, 51.152 and 60.39." Also, the word "a" should be inserted before the phrase "day care center."

h. The title to s. ILHR 60.36 should be underscored. [See s. 1.05 (2) (b), Manual and s. ILHR 60.40.]

i. The material in s. ILHR 60.38 (1) (a) should be incorporated into sub. (1) without division into a separate paragraph. When any section, or part of a section, is divided into smaller subunits, at least two subunits should be created. [See s. 1.03 (intro.), Manual.]

j. The introductory material in s. ILHR 60.39 should conclude with a colon. [See also s. ILHR 60.40.]

k. Section ILHR 60.39 (2) refers to both "exits" and "means of egress." Do these terms refer to the same thing? If so, the same term should be used consistently. If not, what is the difference between an exit and a means of egress?

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

a. Section ILHR 60.30 (2) makes use of the phrase "children under the age of 24 months." [See also s. ILHR 60.36 (2) (b).] However, the first part of Table 60.31 refers to the age of children in day care centers in terms of "24 months of age or younger." The categories to which the rule applies should be made consistent.

b. Current s. ILHR 60.31 (6) provides that "children under the age of 24 months shall be restricted to the first floor, as determined in s. ILHR 51.02 (14) or to ground floors as defined in s. ILHR 51.01 (67)." Proposed s. ILHR 60.30 (2) (a), which apparently replaces current s. ILHR 60.31 (6), provides that "[w]here a day care center serving children under the age of 24 months is located on a floor above or below the level of exit discharge in a building of types No. 1 to No. 7 construction, the entire building shall be completely protected by an automatic sprinkler system and each floor of the day care center shall be divided into at least 2 smoke compartments" Is it intended that the sprinkler system and smoke compartment requirements apply to a day care center which serves children of all ages but restricts children under the age of 24 months to the first floor or the ground floor? It appears that if those

requirements are meant to apply in that case, the rule could have a major economic impact on existing day care centers that serve children of all ages that restrict the children under 24 months to the first or ground floor and that do not have sprinkler systems. This comment applies to par. (b) as well.

c. In Table 60.31, what is meant by "exit access door"? Item 1. b. in that table states that in a day care center serving children 24 months of age or younger, the maximum travel distance between the exit access door and the exit shall be 25 feet. If a day care center serving children under the age of 24 months is located on the fourth floor, as is permitted by s. ILHR 60.30 (2) (a) (assuming all sprinkler and construction requirements are met), is it possible for an exit access door and an exit to be 25 feet or less apart?

d. In s. ILHR 60.36 (2) (b), why is a fire alarm system or smoke detection system required if children under the age of 24 months are located on floors *below* the level of exit discharge, but not if they are located on floors above that level? Also, in sub. (2) (a), the word "in" should be inserted before the phrase "every building."

e. In s. ILHR 60.38 (2), "recognized" should be replaced with a more specific term such as "permitted" or "authorized."

f. In s. ILHR 60.38 (2), should the phrase "receiving nighttime care from 9:00 p.m. to 5:00 a.m." be changed to "receiving nighttime care anytime between 9:00 p.m. and 5:00 a.m."? As currently written, it appears that emergency lighting would not be required if, for example, children were cared for only between the hours of 11:00 p.m. and 5:00 p.m.

FISCAL ESTIMATE WORKSHEET
 Detailed Estimate of Annual Fiscal Effect
 DOA-2047(R02/97)

ORIGINAL
 CORRECTED
 UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. Amendment No.
 Chapter ILHR 60

Subject
 Child Day Care Facilities

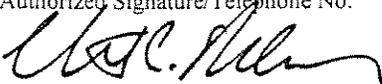
I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
 None

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs By Category	\$ 0	\$ -0
State Operations - Salaries and Fringes		
(FTE Position Changes)	(0 FTE)	(- 0 FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs By Category	\$ 0	\$ -0
B. State Costs By Source of Funds	Increased Costs	Decreased Costs
GPR	\$	\$ -
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
III. State Revenues- Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS	0	-0
SEG/SEG-S		-
TOTAL State Revenues	\$ 0	\$ -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/Diane Meredith 266-8982

Authorized Signature/Telephone No.


Date
 8-5-97

FISCAL ESTIMATE
DOA-2048 (R02/97)

ORIGINAL
 CORRECTED

UPDATED
 SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

Chapter ILHR 60

Amendment No. if Applicable

Subject

Child Day Care Facilities

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

None

Assumptions Used in Arriving at Fiscal Estimate

The proposed rule changes relate to permitting children under the age of 24 months to be cared for on a floor above or below the level of exit discharge. The Division's policy is to protect the public health, safety and welfare of small children in day care facilities. The proposed rule changes require higher classes of construction, sprinklering and compartmentalization of the floor levels. These changes will not create a fiscal impact.

Long-Range Fiscal Implications

None known

Agency/Prepared by: (Name & Phone No.)
Commerce/Diane Meredith 266-8982

Authorized Signature/Telephone No.

Date

8-15-97

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

Rule Number: Chapter ILHR 60
 Relating To: Child Day Care Facilities

Hearing Location: Written
 Hearing Date:

DIVISION OF SAFETY AND BUILDINGS

Commenting		Exh. No.	Presenter, Group Represented, City, State	Comments/Recommendations	Agency Response
In Sup.	For Opp. Info.				
X		1	Mary Babula Wisconsin Early Childhood Association 1245 E. Washington Ave. Suite 260 Madison, WI 53703	<p>1. Wisconsin Early Childhood Association (WECA) is a membership agency of 4300 early childhood educators and providers. The Association is strongly opposed to the changes permitting providers to care for children under the age of twenty-four months on non-ground level floors in building types of No. 1 to 7 construction. The following reasons were given for the opposition:</p> <ul style="list-style-type: none"> a. Caring for children even in buildings with the provisions of sprinklers and fire alarms/systems may jeopardize the safety of these young children. b. Transporting young children between floors is a challenging task and would become even more so in an emergency situation. c. Caring for children on non-ground level floors in any type of construction building will be placed in perilous circumstances, which we find unacceptable. <p>2. Feel there is an adequate system in place to allow for special exemptions to be granted by licensors when a reasonable alternative is provided.</p>	<p>Division feels the non-statutory provision of 1995 Wisconsin Act 439 requires our agency to promulgate rules permitting children under the age of 24 months to be cared for on floors above or below the level of exit discharge. The proposed rules are consistent with national model codes and will provide a safe environment for the care and evacuation of children under 24 months of age from floors above or below the level of exit discharge.</p>
	X	2	John Hetzer City of Milwaukee Department of Building Inspection Room 1008 841 North Broadway Milwaukee, WI 53202	<p>1. Recommends editorial wording changes to improve clarity in ss. ILHR 60.31, ILHR 60.36, ILHR 60.38 and ILHR 60.39. No substantive changes were recommended.</p>	<p>Accepted comments and revised the draft to improve readability.</p>