

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Committee for
Review of
Administrative Rules
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
- 97hr_JCR-AR_Misc_pt19
- Record of Comm. Proceedings ... RCP
-

6-30-98 - TCLEAR - PSC/ DWD
DWE (SKI/TAMP)/ COMM/HIS - B&B BRN EST



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MADISON, WI 53707-7882
(608) 266-0751

P.O. Box 8952
MADISON, WI 53708-8952
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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

COMMITTEE HEARING

AMENDED NOTICE

The Joint Committee for Review of Administrative Rules will hold a **public hearing** in Room 415 Northwest of the State Capitol, on the following at the time below:

Tuesday, June 30 1998 at 10:00 a.m.

The Joint Committee will hold a public hearing on the following:

COMM 90 and HFS 172,
Wis. Adm. Code

The Joint Committee will take public testimony regarding rule modification for establishments that are classified as "Bed and Breakfasts" as it relates to maintenance and operation of swimming pools and whirlpools.

The DNR will be asked to present testimony regarding proposed rules to implement the statutory requirements of s. 30.135 dealing with ski platform permitting which were contained in 1997 AB 100 (ACT 27).

The Joint Committee Will Hold an Executive Session on the Following:

Emergency Rule. DWD 290.15
and 290.155 Wis. Adm. Code

Relating to the threshold costs for the application of prevailing wage rates to public works projects. Extension of the effective period by 60 days, at the request of the Department of Workforce Development. *First Consideration*

Emergency Rule PSC 16.05,
160.11(6), and 160.17 and 161
Wis. Adm. Code.

Relating to Educational Telecommunications Access Program. Extension of the effective Period of this emergency rule by 60 days at the request of the Commission. *First Consideration.*

Handwritten signature of Senator Robert T. Welch.

Senator Robert T. Welch
Senate Co-Chair

Handwritten signature of Representative Glenn Grothman.

Representative Glenn Grothman
Assembly Co-Chair



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

July 2, 1998

Sec. Linda Stewart
Department of Workforce Development
Room 400X; 201 E. Washington Ave.
Madison, Wisconsin 53703

Dear Secretary Stewart;

The Joint Committee for the Review of Administrative Rules met in Executive Session on June 30, 1998 and adopted the following motion:

Moved by Senator Welch and Seconded by Representative Seratti, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule DWD 290.15 and 290.155 by 60 days at the request of the Department of Workforce Development.

**Ayes: (8) Senators Welch, Darling, Huelsman and Grobschmidt;
Representatives Grothman, Gunderson, Seratti and Krueser.**

Noes: (0)

Absent: (1) R. Young

Pursuant to 227.24(2)(c) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,

Senator Robert Welch
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

BW:GG:swk

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson

(PAGE 2....RECORD)
Emergency Rule PSC 16.05

June 30, 1998

Relating to Educational Telecommunications Access Program.

EXECUTIVE SESSION HELD

Present: (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Absent (1) Representative Young

Moved by Senator Welch, seconded by Representative Seratti, that pursuant to s. 227.24(2)(a), the Joint Committee for Review of Administrative Rules extent the effective period of the emergency rule PSC 16,05, et. al. by 60 days, at the request of the Public Service Commission

Ayes (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Noes (0)

Absent (1) Young

Extension Granted, Ayes 8, Noes 0, Absent 1

COMM 90 and HFS 172

June 30, 1998

Relating to rule modification for establishments that are classified as "Bed and Breakfasts" as it relates to maintenance of pools and whirlpools

PUBLIC HEARING HELD

Present (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Absent (1) Young

(PAGE 3 RECORD)

Appearances for the Rule

- Tommye Schneider, Madison (Self)
- James Clark, Madison, Dane Co. Environmental Health

Appearances against the Rule

- Representative Shelia Harsdorf, 30th Assembly District
- Linda Kangas, Prescott, The Arbor Inn
- James Tostrud, River Falls, Knollwood House Bed and Breakfast
- Shelley Hansen, Altoona, Otter Creek Inn
- Barbara Dahal, Hudson, Grapevine Inn Bed and Breakfast
- Carol Moeller, Wisconsin Dells, Wis. Bed and Breakfast Association
- Kimberly Seidl, Lodi, Victorian Treasure Inn & Wisconsin Innkeepers Association.

Registration for the Rule

- None

Registration Against the Rule

- Janna Wojtal, Madison, Mansion Hill Inn

Appearances for Information Only

- Mike Corry, Dept. of Commerce
- Duane Strassman, Dept. of Commerce
- Tom Sieger, Dept. of Health/Family Serv.
- Douglas Voegeli, Dept. of Health/Fam. Ser.
- Ed Rabotski, Dept. of Health/Family Services

No **Executive Action** was taken. Senator Welch directed the two departments review their administrative codes to address the concerns raised by the Wisconsin Innkeepers Association relating to "Bed and Breakfast" facilities. Senator Welch directed the Departments to file a written report on these changes with the Joint Committee prior to their August meeting. The Departments agreed.

(PAGE 4 RECORD)

s. 30.135

Relating to ski platform permitting contained in 1997 AB 100 (ACT 27) and the proposed administrative rules

June 30, 1998

Public Hearing Held

Present: (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Kreuser.

Absent: (1) Representative Young

Appearances for the proposed rule

- None

Appearances against the proposed rule

- None

Registrations for the proposed rule

- None

Registration against the proposed rule

- None

Appearances for Information Only

- Representative Lorraine Seratti, 36th Assembly District
- Paul Heinan, Madison, Dept. of Natural Resources
- Mary Ellen Vollbrecht, Madison, Department of Natural Resources
- Jeff Murson, Crivitz, Crivitz Ski Cats
- Jack Scheels, Crivitz, Crivitz Ski Cats

No **Executive Action** taken on this matter.

Les Wakefield, Committee Clerk

Emergency Rule DWD 290

Relating to the threshold costs for the application of prevailing wage rates to public works projects.

June 30, 1998

EXECUTIVE SESSION HELD

Present: (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Kreuser.

Absent: (1) Representatives R. Young

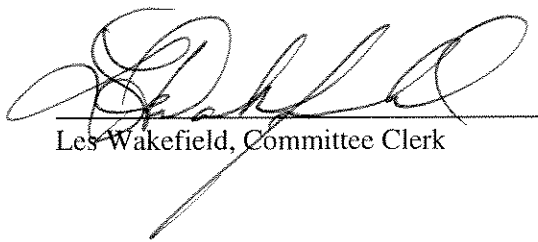
Moved by Senator Welch, seconded by Representative Seratti, that pursuant to s.227.24(2)(a), the Joint Committee for Review of Administrative Rules extend the effective date of emergency rule DWD 290 et.al. by 60 days, at the request of the Department of Workforce Development.

Ayes: (8) Senators Welch, Huelsman, Darling and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Noes: (0)

Absent: (1) Representative Young

Extension Granted, Ayes 8, Noes 0, Absent 1



Les Wakefield, Committee Clerk

Emergency Rule PSC 16.05

Relating to Educational Telecommunications
Access Program.

June 30, 1998

EXECUTIVE SESSION HELD

Present: (8) Senators Welch, Darling, Huelsman
and Grobschmidt; Representatives Grothman,
Gunderson, Seratti and Krueser.

Absent (1) Representative Young


Moved by Senator Welch, seconded by
Representative Seratti, that pursuant to
s. 227.24(2)(a), the Joint Committee for Review
of Administrative Rules extend the effective
period of the emergency rule PSC 16,05, et. al.
by 60 days, at the request of the Public Service
Commission

Ayes (8) Senators Welch, Darling, Huelsman and
Grobschmidt; Representatives Grothman,
Gunderson, Seratti and Krueser.

Noes (0)

Absent (1) Young

Extension Granted, Ayes 8, Noes 0, Absent 1



Les Wakefield, Committee Clerk



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**JOINT COMMITTEE FOR
REVIEW OF ADMINISTRATIVE RULES**

***Joint Committee for Review of Administrative Rules
Emergency Rule Extension Motion***

DATE 6/30/98

EXECUTIVE SESSION



PUBLIC HEARING

MOVED BY: Welch SECONDED BY: Seratti .

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule **DWD290.15 & 290.155** by **60** days, at the request of the **Department of Workforce Development.**

| LEGISLATOR | AYE | NO | ABSENT |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Senator Welch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Senator Darling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Senator Huelsman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Senator Grobschmidt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Senator (Vacant) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Grothman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Gunderson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Seratti | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Kreuser | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative R. Young | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Totals: | 8 | 0 | 1 |

Motion Carried



Motion Failed





State Senator
Robert T. Welch

July 2, 1998

Sec. Linda Stewart
Department of Workforce Development
Room 400X; 201 E. Washington Ave.
Madison, Wisconsin 53703

Dear Secretary Stewart;

The Joint Committee for the Review of Administrative Rules met in Executive Session on June 30, 1998 and adopted the following motion:

Moved by Senator Welch and Seconded by Representative Seratti, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule DWD 290.15 and 290.155 by 60 days at the request of the Department of Workforce Development.

**Ayes: (8) Senators Welch, Darling, Huelsman and Grobschmidt;
Representatives Grothman, Gunderson, Seratti and Krueser.**

Noes: (0)

Absent: (1) R. Young

Pursuant to 227.24(2)(c) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,

Senator Robert Welch
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

BW:GG:lhv

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson

Emergency Rule DWD 290

Relating to the threshold costs for the application of prevailing wage rates to public works projects.

June 30, 1998

EXECUTIVE SESSION HELD

Present: (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Kreuser.

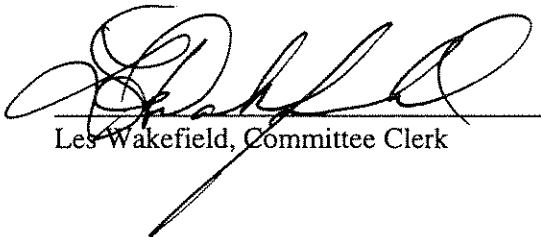
Absent: (1) Representatives R. Young

Moved by Senator Welch, seconded by Representative Seratti, that pursuant to s.227.24(2)(a), the Joint Committee for Review of Administrative Rules extend the effective date of emergency rule DWD 290 et.al. by 60 days, at the request of the Department of Workforce Development.

Ayes: (8) Senators Welch, Huelsman, Darling and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Noes: (0)

Absent: (1) Representative Young
Extension Granted, Ayes 8, Noes 0, Absent 1



Les Wakefield, Committee Clerk

SENATOR ROBERT T. WELCH
CO-CHAIRMAN



REPRESENTATIVE GLENN GROTHMAN
CO-CHAIRMAN

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

July 2, 1998

Mr. Joseph Mettner, Chairman
Public Service Commission
610 N. Whitney Way, Box 7854
Madison, Wisconsin 53707-7854

Dear Chairman Mettner;

The Joint Committee for the Review of Administrative Rules met in Executive Session on June 30, 1998 and adopted the following motion:

Moved by Senator Welch and Seconded by Representative Seratti, that pursuant to s. 227.24 (2)(a), the Joint Committee for the Review of Administrative Rules extends the effective period of emergency rule PSC 16.05, 161.11(6), 160.17 and 161 by 60 days at the request of the Public Service Commission.

**Ayes: (8) Senators Welch, Darling, Huelsman and Grobschmidt;
Representatives Grothman, Gunderson, Seratti and Krueser.**

Noes: (0)

Absent: (1) R. Young

Pursuant to 227.24(2)(c) Stats., we are notifying the Secretary of State and the Revisor of Statutes of the Committee's action through this letter.

Sincerely,

Senator Robert Welch
Senate Co-Chair

Representative Glenn Grothman
Assembly Co-Chair

BW:GG:lhv

cc: Secretary of State Douglas LaFollette
Revisor of Statutes Gary Paulson

Emergency Rule PSC 16.05

**Relating to Educational Telecommunications
Access Program.**

June 30, 1998

EXECUTIVE SESSION HELD

Present: (8) Senators Welch, Darling, Huelsman
and Grobschmidt; Representatives Grothman,
Gunderson, Seratti and Krueser.

Absent (1) Representative Young

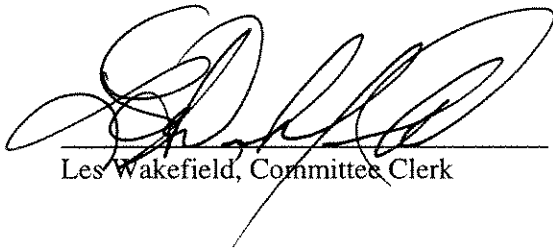
Moved by Senator Welch, seconded by
Representative Seratti, that pursuant to
s. 227.24(2)(a), the Joint Committee for Review
of Administrative Rules extend the effective
period of the emergency rule PSC 16,05, et. al.
by 60 days, at the request of the Public Service
Commission

Ayes (8) Senators Welch, Darling, Huelsman and
Grobschmidt; Representatives Grothman,
Gunderson, Seratti and Krueser.

Noes (0)

Absent (1) Young

Extension Granted, Ayes 8, Noes 0, Absent 1



Les Wakefield, Committee Clerk

Emergency Rule DWD 290

Relating to the threshold costs for the application of prevailing wage rates to public works projects.

June 30, 1998

EXECUTIVE SESSION HELD

Present: (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Kreuser.

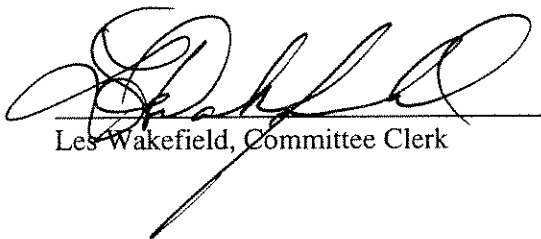
Absent: (1) Representatives R. Young

Moved by Senator Welch, seconded by Representative Seratti, that pursuant to s.227.24(2)(a), the Joint Committee for Review of Administrative Rules extend the effective date of emergency rule DWD 290 et.al. by 60 days, at the request of the Department of Workforce Development.

Ayes: (8) Senators Welch, Huelsman, Darling and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Noes: (0)

Absent: (1) Representative Young
Extension Granted, Ayes 8, Noes 0, Absent 1



Les Wakefield, Committee Clerk



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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

Joint Committee for Review of Administrative Rules Emergency Rule Extension Motion

DATE: 6/30/98

EXECUTIVE SESSION



PUBLIC HEARING

MOVED BY: Welch SECONDED BY: Seratti

MOTION that, pursuant to s. 227.24(2)(a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule **PSC 16.05,160.11,160.17 & 162** by 60 days, at the request of the **Public Service Commission**.

| LEGISLATOR | AYE | NO | ABSENT |
|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Senator Welch | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Senator Darling | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Senator Huelsman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Senator Grobschmidt | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Senator (Vacant) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Grothman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Gunderson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Seratti | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative Kreuser | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Representative R. Young | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Totals: | 8 | 0 | 1 |

Motion Carried



Motion Failed



JOINT COMMITTEE RECORD OF COMMITTEE
PROCEEDINGS

Joint Committee for Review of Administrative Rules

Emergency Rule DWD 290

Relating to the threshold costs for the application of prevailing wage rates to public works projects.

June 30, 1998

EXECUTIVE SESSION HELD

Present: (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Kreuser.

Absent: (1) Representatives R. Young

Moved by Senator Welch, seconded by Representative Seratti, that pursuant to s.227.24(2)(a), the Joint Committee for Review of Administrative Rules extend the effective date of emergency rule DWD 290 et.al. by 60 days, at the request of the Department of Workforce Development.

Ayes: (8) Senators Welch, Huelsman, Darling and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Noes: (0)

Absent: (1) Representative Young

Extension Granted, Ayes 8, Noes 0, Absent 1

(PAGE 2...RECORD)

Emergency Rule PSC 16.05

Relating to Educational Telecommunications Access Program.

June 30, 1998

EXECUTIVE SESSION HELD

Present: (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Absent (1) Representative Young

Moved by Senator Welch, seconded by Representative Seratti, that pursuant to s. 227.24(2)(a), the Joint Committee for Review of Administrative Rules extend the effective period of the emergency rule PSC 16.05 et. al. by 60 days, at the request of the Public Service Commission

Ayes (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Noes (0)

Absent (1) Young

Extension Granted, Ayes 8, Noes 0, Absent 1

COMM 90 and HFS 172

Relating to rule modification for establishments that are classified as "Bed and Breakfasts" as it relates to maintenance of pools and whirlpools

June 30, 1998

PUBLIC HEARING HELD

Present (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Krueser.

Absent (1) Young

(PAGE 3 RECORD)

Appearances for the Rule

- Tommye Schneider, Madison (Self)
- James Clark, Madison, Dane Co. Environmental Health

Appearances against the Rule

- Representative Shelia Harsdorf, 30th Assembly District
- Linda Kangas, Prescott, The Arbor Inn
- James Tostrud, River Falls, Knollwood House Bed and Breakfast
- Shelley Hansen, Altoona, Otter Creek Inn
- Barbara Dahal, Hudson, Grapevine Inn Bed and Breakfast
- Carol Moeller, Wisconsin Dells, Wis. Bed and Breakfast Association
- Kimberly Seidl, Lodi, Victorian Treasure Inn & Wisconsin Innkeepers Association.

Registration for the Rule

- None

Registration Against the Rule

- Janna Wojtal, Madison, Mansion Hill Inn

Appearances for Information Only

- Mike Corry, Dept. of Commerce
- Duane Strassman, Dept. of Commerce
- Tom Sieger, Dept. of Health/Family Serv.
- Douglas Voegeli, Dept. of Health/Fam. Ser.
- Ed Rabotski, Dept. of Health/Family Services

No **Executive Action** was taken. Senator Welch directed the two departments review their administrative codes to address the concerns raised by the Wisconsin Innkeepers Association relating to "Bed and Breakfast" facilities. Senator Welch directed the Departments to file a written report on these changes with the Joint Committee prior to their August meeting. The Departments agreed.

(PAGE 4 RECORD)

s. 30.135

Relating to ski platform permitting contained in 1997 AB 100 (ACT 27) and the proposed administrative rules

June 30, 1998

Public Hearing Held

Present: (8) Senators Welch, Darling, Huelsman and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Kreuser.

Absent: (1) Representative Young

Appearances for the proposed rule

- None

Appearances against the proposed rule

- None

Registrations for the proposed rule

- None

Registration against the proposed rule

- None

Appearances for Information Only

- Representative Lorraine Seratti, 36th Assembly District
- Paul Heinan, Madison, Dept. of Natural Resources
- Mary Ellen Vollbrecht, Madison, Department of Natural Resources
- Jeff Murson, Crivitz, Crivitz Ski Cats
- Jack Scheels, Crivitz, Crivitz Ski Cats

No **Executive Action** taken on this matter.


Les Wakefield, Committee Clerk

Joint
Committee Report

The Joint Committee for Review of Administrative Rules Reports:

**Emergency Rule PSC 16.05,
et. al.**

**Relating to Educational Telecommunications Access
Program.**

**Moved by Senator Welch and Seconded by Representative
Seratti, that pursuant to s. 227.24 (2)(a), the Joint
Committee for the Review of Administrative Rules extends
the effective period of emergency rule PSC 16.05**

June 30, 1998

EXECUTIVE SESSION HELD.

Moved by Senator Welch , seconded by Representative
Seratti That, pursuant to S. 227.24 (2) (a), stats., the
Joint Committee for Review of Administrative Rules
extend the effective period of emergency rule PSC
16.05, et.al.by 60 days, at the request of the Public
Service Commission.

Ayes: (8) Senators Welch, Darling, Huelsman,
and Grobschmidt: Representatives Grothman,
Gunderson, Seratti and Kreuser.

Noes: (0) None.

Absent: (1) Representative Young

EXTENSION GRANTED, Ayes 8, Noes 0, Absent 1.

(Page 2. Report)

Emergency Rule DWD 290

June 30, 1998

**Relating to the threshold costs for the application of
of prevailing wage rate to public projects**

EXECUTIVE SESSION HELD.

Moved by Senator Welch., seconded by Representative Seratti. That, pursuant to S. 227.24 (2) (a), stats., the Joint Committee for Review of Administrative Rules extend the effective period of emergency rule DWD 290, et.al. by 60 days, at the request of the Department of Workforce Development.

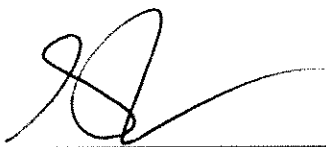
Ayes: (8) Senators Welch, Darling, Huelsman, and Grobschmidt; Representatives Grothman, Gunderson, Seratti and Kreuser.

Noes: (0) None.

Absent: (1) Representative Young

EXTENSION GRANTED, Ayes 8, Noes 0, Absent 1.

Senator Robert Welch
Senate Co-Chair



Representative Glenn Grothman
Assembly Co-Chair



August 13, 1998

ROUTE TO:

BOB _____ BF _____
LW _____ ML _____
FILE _____ TOSS _____

The Honorable Robert Welch
State Senator
P.O. Box 7882
Madison, WI 53707-7882

RETURN
The Honorable Glenn Grothman
State Representative
Room 125 West, State Capitol
Madison, WI 53702

Dear Senator Welch and Representative Grothman:

The purpose of this report is to inform the Co-Chairs of the Joint Committee for Review of Administrative Rules of the status of the rules on swimming pools and whirlpools in Bed and Breakfast (B&B) establishments. The current code regulates the B&B industry in the same manner as hotels. We propose to establish a subset of regulations for smaller establishments such as the B&B industry.

A number of the proposed changes listed below will cover the entire industry, others just the smaller establishments. Some of the concerns expressed by the B&B industry are issues involving Commerce codes and others that involve the Department of Health and Family Services (DH&FS) codes and operating procedures. As a result, each issue may have a unique method of implementation.

The Department of Commerce, Safety and Buildings Division, initiated the Public Swimming Pool Code Advisory Council on July 21, 1998. The council consists of members representing the pool design industry, Department of Health and Family Services, county health officials, pool contractors and pool owners. The bed and breakfast industry issues, brought to the department's attention by the Innkeeper's Association, are critical and the first order of business for the council. Following are the issues, the discussion points and council's recommendations (in italics) concerning these issues. The discussion of issues involving DH&FS procedures and rules are being addressed by DH&FS staff reporting their position at the advisory committee meeting.

- 1. Location of first aid equipment.** The availability of first aid equipment is vital for public pools. The council believes that patrons need access to emergency equipment at all times. Although Comm 90 does not address the location of first aid equipment, DHFS rules, s. HFS 172.07(4)(d), require that "An approved 24-unit first aid kit and 2 durable blankets shall be available at each pool area." *The word "available" may be interpreted by DHFS as being in an adjacent room if the door is clearly marked and remains unlocked during periods of pool operation, only for bed and breakfast installations.*

2. **Acceptance of the manual log in lieu of automatic timer for filtration equipment.** Commerce rules (s. Comm 90.12(1)(a)) have criteria for recirculation rates and require that "Equipment shall be provided for continuous disinfection of pool water." S. HFS 172.07(4) requires that "The recirculation pump or pumps shall continuously achieve the designed pool water recirculation rate except during maintenance operations." Disinfection must be continuous to prevent the growth of pathogens. The disinfection is critical for whirlpools because elevated water temperatures promote bacterial growth. *No changes are required in either code, as representatives for the bed and breakfast industry at the council meeting state that the continuous operation of circulation equipment is acceptable.*
3. **Uniform step requirements in both whirlpools and swimming pools.** This construction requirement is located in s. Comm 90.08(10)(d) for swimming pools and in s. Comm 90.19(5)(c) for whirlpools. After discussion the council requested more research of national codes and standards be conducted. *No decision at this time.*
4. **Observation window in private rooms.** Commerce rule s. 90.19(2)(d) states that "If the whirlpool is located in a separate, enclosed room, an observation window shall be provided to allow the owner or operator a clear observation of the whirlpool area from outside the room." *The council recommends that the rule be revised to allow whirlpools in private rooms be exempt from the observation window requirement.*
5. **Drinking fountain requirement.** S. Comm 90.09(5) requires the installation of "one or more drinking fountains . . . in the immediate pool area." The DHFS representative explains that patrons need to re-hydrate when participating in rigorous swimming. *Plans are to revise s. Comm 90.09(5) to exempt bed and breakfasts from the drinking fountain requirement if B&Bs have water available onsite.*
6. **Telephone location requirement.** The location of the required telephone is mandated by s. HFS 172.05(4)(h): "For outdoor pools a working telephone shall be available in the pool area. For indoor pools a working telephone shall be available within the enclosed area around a pool. The department may approve under s. HFS 172.02(s) an alternate location for a telephone or another system of communication." *The flexibility allowed DHFS, by the "may approve . . . an alternate location" statement, will permit DH&FS to allow an accessible phone near the pool for B&B installations.*
7. **Location of the main drain in (both) whirlpools and swimming pools.** S. Comm 90.08(2) states that both the shallow and deep portions of the pools shall "slope to the main drain" and s. Comm 90.11(6) requires that "at least one recirculating main drain shall be installed in the pool bottom." Whirlpool main drains are addressed in s. Comm 90.19(4)(c) as "The bottom slope of a whirlpool may not exceed 1 inch (2.54 cm) per foot (30 cm) and shall slope to the main drain." *The council's recommendation is to revise the code sections to permit suction outlets to be located within 3 inches of the bottom of the whirlpool or pool and allow the optional installation of the main drain in the bottom of the pool or whirlpool.*

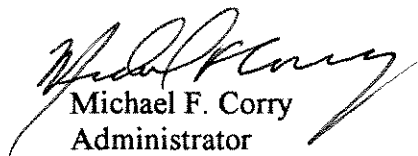
8. **Whirlpool and swimming pool decks at the same level as the pool.** Two Commerce sections address the level of the deck in relation to the pool. S. Comm 90.09(1)(a) includes "there shall be an unobstructed deck at the same level as the top of the pool wall". S. Comm 90.19(6) contains the requirement for "a continuous, unobstructed deck at least 5 feet wide and at the same level as the top of the pool wall shall be provided around 50% of the perimeter of a whirlpool." *The council reached consensus, advising a code change to allow of a 3-inch maximum height of coping surrounding a whirlpool. No such allowance was made for swimming pools, however, and further step or seat allowances surrounding whirlpools or pools is to be investigated by the council. There will be further discussion of these issues at the next council meeting.*
9. **Hose bibb requirement.** Commerce construction requirements include that "A hosebibb or hosebibbs shall be provided in the equipment room, the dressing, shower and toilet facility and at whatever intervals along the deck are necessary to permit adequate cleaning using a maximum of 100 feet of hose." A hose bibb is a faucet with threads to allow connection of a garden hose. *It was communicated that B&B owners have no problem with the hose bibb requirement.*
10. **Deck width as it relates to emergency access to the pool.** Commerce rules require a minimum 6 foot wide deck around swimming, wading, diving and combination pools and a 5 foot wide deck around 50% of whirlpools. S. Comm 90.09(1) and s. Comm 90.19(6), respectively. *Because the council members suspect that there may be life saving issues involved with the deck requirements, they have asked for additional research in this area. Presently this is a petitionable item.*
11. **NSF approved filters.** S. Comm 90.11(9)(a)1 states, in part, that "Filters shall conform to NSF standards and shall be approved by the department." The language does not require that the filter be listed by NSF or carry the NSF seal, but that the filters "conform" to NSF standards. The department may allow filters that do not carry the NSF seal if the submitter provides documentation that proves the filter conforms to the NSF standards. *No code change is required.*
12. **Temperature of circulated water for whirlpools.** *The issue was not discussed in length, as the representatives from the B&B industry agree to meet this requirement.*
13. **Drain dry whirlpool seats.** *This problem does not exist if the code is revised to allow drains in the sidewall of the whirlpool.*
14. **Plan submittal for existing swimming pools and whirlpools provided they comply with DHFS Swimming Pool Policy #5.** Currently the Department of Health and Family Services requires that an existing pool, constructed after January 1, 1990, obtain plan approval from the Department of Commerce prior to the issuance of a DH&FS operating permit. This causes the owner to hire a professional designer to do an "as-built" set of drawings for the installation and for Commerce to assess the pool design against the current commercial pool code. *The Department of Commerce is investigating options for the conversion of existing private pools to public pools.*

Page 4

The Comm 90 rule revisions necessary for the implementation of the swimming pool code advisory council's recommendations are planned to be available for public hearing in the fall of 1998 and, if conditions are favorable, implemented by May, 1999. An extensive swimming pool code is planned to become effective on January 1, 2000.

If you have questions regarding these issues please feel free to call.

Sincerely,



Michael F. Corry
Administrator

cc: Chris Mohrman, Commerce
Joseph LEEAN, DH&FS
Doug Voegeli, DH&FS
Hal Maier, Kubiak Pools

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JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES

August 27, 1998

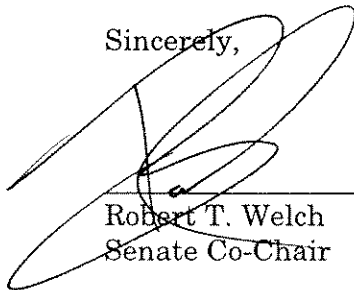
Michael Corry, Administrator
Buildings and Safety Division
Department of Commerce
4th Floor, 201 W. Washington
Madison, Wisconsin 53702

Dear Mike,


Please accept our sincere thanks for your leadership role in resolving much of the controversy over the Administrative Rules governing the Bed and Breakfast Industry. We both realize that it took strong leadership on your part to insure that we could begin to reach a successful conclusion to this controversy. It is always refreshing to work with someone who appreciates the public's point of view as it relates to the Administrative Codes. All too often the Joint Rules Committee deals with a bureaucracy which feels that it is a government unto itself. This has not been the case whenever the Committee has dealt with you or your Division. We commend you and the Secretary for recognizing that the proper role of government is to serve the public.

In closing, we appreciate the manner in which you have conducted yourself on behalf of the Division and the Department.

Sincerely,



Robert T. Welch
Senate Co-Chair



Glenn Grothman
Assembly Co-Chair

cc: Governor Tommy G. Thompson
Secretary McCoshen
Bed & Breakfast Industry