AN ACT to renumber and amend 145.02 (2); to amend 101.63 (1) (intro.) and 101.82 (1); and to create 145.02 (2) (b) of the statutes; relating to: standards for the construction and inspection of camping units; for installing, repairing, and maintaining electrical wiring in camping units; and for plumbing in camping units; providing an exemption from emergency rule procedures; and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, any one-family or two-family dwelling for which initial construction began on or after December 1, 1978, must comply with the one-family and two-family dwelling code (dwelling code). Under current law, the Department of Safety and Professional Services (DSPS) promulgates rules for this code which includes standards for heating, ventilation, plumbing, electricity, and other systems. One-family and two-family dwellings for which initial construction began before that date are not covered by this code but are subject to the state electrical and plumbing codes.

This bill provides that DSPS’s rules for the dwelling code, the electrical code, and the plumbing code must include separate standards that apply only to camping units that are set in a fixed location in a campground for which the Department of Health Services has issued a permit, that contain a sleeping place, and that are used for seasonal overnight camping. The bill provides that if DSPS has appointed a
committee to advise DSPS on rule making with respect to private on-site wastewater treatment systems, DSPS must promulgate the separate standards under the plumbing code in consultation with that committee.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 101.63 (1) (intro.) of the statutes is amended to read:

101.63 (1) (intro.) Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof. The rules shall include separate standards, established in consultation with the dwelling code council, that apply only to the construction and inspection of camping units that are set in a fixed location in a campground for which a permit is issued under s. 254.47, that contain a sleeping place, and that are used for seasonal overnight camping. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (10). No set of rules may be adopted which has not taken into account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from the provisions. Rules promulgated under this subsection do not apply to a bed and breakfast establishment, as defined under s. 254.61 (1), except that the rules apply to all of the following:

SECTION 2. 101.82 (1) of the statutes is amended to read:

101.82 (1) Promulgate by rule a state electrical wiring code that establishes standards for installing, repairing, and maintaining electrical wiring. The rules
shall include separate standards, established in consultation with the dwelling code
council, that apply only to electrical wiring in camping units that are set in a fixed
location in a campground for which a permit is issued under s. 254.47, that contain
a sleeping place, and that are used for seasonal overnight camping. Where feasible,
the rules shall reflect nationally recognized standards.

SECTION 3. 145.02 (2) of the statutes is renumbered 145.02 (2) (a) and amended
to read:

145.02 (2) (a) The department shall have general supervision of all such
plumbing and shall after public hearing prescribe and publish and enforce
reasonable standards therefor which shall be uniform and of statewide concern so
far as practicable. Any employee designated by the department may act for the
department in holding such the public hearing required under this subsection. To
the extent that the historic building code applies to the subject matter of these
standards, the standards do not apply to a qualified historic building if the owner
elects to be subject to s. 101.121.

SECTION 4. 145.02 (2) (b) of the statutes is created to read:

145.02 (2) (b) The department shall promulgate rules that establish separate
plumbing standards applicable only to camping units that are set in a fixed location
in a campground for which a permit is issued under s. 254.47, that contain a sleeping
place, and that are used for seasonal overnight camping. If the department has
appointed a committee under s. 227.13 to advise the department on rule making with
respect to private on-site wastewater treatment systems, the department shall
promulgate the rules required under this paragraph in consultation with that
committee.

SECTION 5. Nonstatutory provisions.
(1) The department of safety and professional services shall use the procedure under section 227.24 of the statutes to promulgate the rules under sections 101.63 (1) (intro.), 101.82 (1), and 145.02 (2) (b) of the statutes, as affected by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until July 1, 2018, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department of safety and professional services is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection. Notwithstanding section 227.24 (1) (e) 1d. and 1g. of the statutes, the department of safety and professional services is not required to prepare a statement of the scope of the rules promulgated under this subsection or present the rules to the governor for approval.

(END)