

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 09/22/2022
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) SPS 302, 305, and 361-366	
4. Subject Recreational and Educational Camps	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected s. 20.165(2)(j)
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	
10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule The department, in conjunction with the Commercial Building Code Council, will review the existing code as it relates to standards for recreational and educational camps. The Wisconsin Commercial Building Code, SPS 361-366, contains standards for the design, construction, maintenance, use and inspection of commercial buildings, public buildings, and places of employment. The agency will consider making changes to the code in order to 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.	
12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rule was posted on the Department of Safety and Professional Services' website for 14 days in order to solicit comments from businesses, representative associations, local governmental units, and individuals that may be affected by the rule. No comments were received.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) No economic or fiscal impacts are anticipated for specific businesses, business sectors, public utility rate payers, local governmental units, or the state's economy as a whole. A total of \$14,800 in one time costs are anticipated to be absorbed within the operating budget of the Department of Safety and Professional Services.	
15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule 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.	

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#### 16. Long Range Implications of Implementing the Rule

The long range implications of implementing the rule are the creation of standards for the construction, inspection, installation, repair, and maintenance of electrical wiring and plumbing for recreational and educational camps.

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#### 17. Compare With Approaches Being Used by Federal Government

The federal government generally does not require plan review of commercial buildings or special standards for the construction of recreational and educational camps. Below are the portions of the code of federal regulations that relate to worker safety, energy efficiency and accessibility requirements, which in some cases may require a declaration or assurance from the project designer that the project meets these requirements.

##### Commercial Buildings that Serve as Workplaces

29 CFR 1910 – Occupational Safety and Health Administration. This section sets requirements for safety in commercial buildings that serve as workplaces. Part 29 CFR 1926 contains safety requirements, installation requirements, and environmental considerations for special equipment necessary to safeguard employees working in special industries.

##### Energy Conservation Requirements

10 CFR 420 – State Energy Program. The purpose of this regulation is to promote the conservation of energy, reduce the rate of growth of energy demand, and reduce dependence on imported oil through the development and implementation of comprehensive state energy programs. This regulation initially required that each state's energy conservation rules for new buildings be no less stringent than the provisions of the 2004 edition of ASHRAE Standard 90.1, Energy Standard for Buildings Except Low-Rise Residential Buildings.

10 CFR 434 – Energy Code for New Federal Commercial and Multi-Family High Rise Residential Buildings. The provisions of this part provide minimum standards for energy efficiency for the design of new Federal commercial and multi-family high rise residential buildings. The performance standards are designed to achieve the maximum practicable improvements in energy efficiency and increases in the use of non-depletable sources of energy. This rule is based on the ASHRAE/IESNA Standard 90.

10 CFR 435 – Energy Conservation Voluntary Performance Standards for New Buildings; Mandatory for Federal Buildings. This regulation establishes energy conservation voluntary performance standards for the design of new commercial and multi-family high rise residential buildings.

##### Accessibility Requirements

Both 28 CFR 35 and 28 CFR 36 require public buildings and commercial facilities, including government-owned and operated buildings, be designed, constructed and altered in compliance with the accessibility construction regulations specified under the federal Americans with Disabilities Act Accessibility Guidelines (ADAAG).

The purpose of 24 CFR 40 and 24 CFR 41 is to provide technical guidance on the design and construction of dwelling units as required by the federal Fair Housing Amendments Act of 1988.

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#### 18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Illinois:

The State of Illinois defines youth camps as land used for recreational or instructional purposes, which is used for philanthropic or charitable patronage and that accommodates 5 or more children under 18 years of age for 3 or more consecutive days, or 5 days or more during the calendar year. The site may be equipped with temporary or permanent

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buildings. [210 ILCS 100 Section 3.01] Illinois law also requires a license for any person wants to establish, maintain, conduct, or operate a youth camp. [210 ILCS- 100 Section 5]

Additionally, Illinois defines recreational area as any area of land which is free of charge or is charged for recreational activities and do not include primitive areas surrounding woodlands, croplands, pasturelands, prairielands, wetlands, or water areas in which any recreation is allowed without revenue purposes. [210 ILCS 95 Section 2]

All plumbing in youth camps shall be in compliance with the Illinois Plumbing Code (77 Ill. Admin. Code 890) and shall provide a minimum of one water closet for each 20 persons [77 Ill. Admin. Code 810 Section 120] Electrical systems shall be designed, constructed, and maintained according to the National Fire Protection Association's National Electrical Code 1984 edition (NFPA 70-1984) [77 Ill. Admin. Code 810 Section 140] However, recreational area's electrical system constructed after July 1, 1990 shall comply with National Fire Protection Association's National Electrical Code 1990 edition (NFPA 70-1990) [77 Ill. Admin. Code 800 Section 1600]

Iowa:

The State of Iowa imposes a combination of state required codes and locally adopted codes. When municipalities update their codes, they are required to update to the codes adopted by the state. The Iowa Building Code Bureau adopts the IBC, IRC, IMC, IEBC and IECC. The State Fire Marshal adopts the IFC. The Iowa Plumbing and Mechanical Code Advisory Council is responsible for the adoption of the state plumbing code. The state adopted versions of IFC and IECC are required to be enforced for all occupancies statewide by state and local government enforcement agencies. Local jurisdictions have the option of adopting the remaining state adopted codes or a stricter code as determined by the jurisdiction. Consequently, many local jurisdictions have adopted the IPC. The Iowa Code with amendments is based on the 2015 editions of the International Codes, except for the IMC which is the 2021 edition and the IECC which is the 2012 edition. The state IFC and IECC are required for all construction.

The provisions of the National Electrical Code, 2020 edition, published by the National Fire Protection Association, are adopted as the requirements for all electrical installations [661 IAC 504.1 (103)], and the Uniform Plumbing Code, 2021 Edition, as published by the International Association of Plumbing and Mechanical Officials, are hereby adopted by reference with amendments as the state plumbing code authorized by Iowa Code [641 IAC 25.1 (105)]

No special rules have been adopted for youth, recreational, or educational camps.

Michigan:

The Bureau of Construction Codes (BCC) administers all related rules sets and codes to ensure compliance with the current standards. The bureau conducts plan reviews, issues permits, and provides inspections in the area of building, electrical, mechanical, public, health facilities, and mobile home parks.

Michigan applies the Stille-DeRossett-Hale Single State Construction Code Act, which consist of the international residential code, the international building code, the international mechanical code, the international plumbing code, the international existing building code, and the international energy conservation code published by the international code council and the national electrical code published by the national fire prevention association, with amendments, additions, or deletions as the director determines appropriate. [MI Act 230 of 1972]

Michigan defines children's camp as a residential, day, troop, or travel camp that provides care and supervision in a natural environment for more than 4 children and for 5 or more days within a 14-day period. [MI MCL 722.111 Act 116 of 1973]

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On the other hand, residential camp is defined as a camp that provides care on a 24-hour basis at a regulated campsite, which means an outdoor setting that has natural or man-made features available for outdoor activities. [MI Admin. Code R 400.11101]

Camps electrical systems shall be in accordance with the provisions of the Michigan electrical code [MI Admin. Code R 400.11221]

Minnesota:

The adopting authority for the Minnesota State Building Code the Minnesota Department of Labor and Industry (DLI), Construction Codes & Licensing Division (CCLD). Jurisdictions that adopt building codes must adopt the Minnesota State Building Code or remain at their present level.

The state commissioner of health is authorized to adopt and enforce such reasonable rules and standards as the commissioner determines necessary to protect the health and safety of persons in attendance at youth camps. Such rules and standards may include reasonable restrictions and limitations on the following:

- (1) camp sites and buildings, including location, layout, lighting, ventilation, heating, plumbing, drainage and sleeping quarters;
- (2) sanitary facilities, including water supply, toilet and shower facilities, sewage and excreta disposal, waste and garbage disposal, and the control of insects and rodents; and
- (3) food service, including storage, refrigeration, sanitary preparation and handling of food, the cleanliness of kitchens and the proper functioning of equipment. [MN Stats. 144.74]

Minnesota defines youth camp as land with permanent buildings, tents, or other structures, which are established and maintained as living quarters and where food and beverage is provided for 10 or more people, and also operate continuously for 5 days or more each year with education, recreational, or vocational purposes for minors to use free of charge or for payment of a fee. This definition does not include cabin and trailer camps, fishing and hunting camps, resorts, penal and correctional camps, industrial and construction camps, nor does it include homes operated for care or treatment of children and for the operation of which a license is required under the provisions of chapter 257. [MN Stats 144.71 Subd 2 and 3.]

Per Minnesota law, a license to operate a youth camp is required and shall be issued by the state commissioner of health. [MN Stats 144.72]

All new plumbing shall be installed according to the rules of the commissioner of health and the provisions of chapter 4714, the Minnesota Plumbing Code as adopted by the commissioner of health. Alterations to existing plumbing, when undertaken, shall conform to the provisions of the Minnesota Plumbing Code. [MN Admin. Code 4630.3300]

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19. Contact Name

Sofia Anderson

20. Contact Phone Number

608-261-4463

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**ATTACHMENT A**

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1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

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3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes     No
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