

CR 84-4

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

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1:30 pm
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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Howard S. Bellman, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Petition for Variance Word Change were duly approved and adopted by this department on 7/19/84.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 4:15 pm in the city of Madison, this 29th day of July A.D. 1984.

Howard S. Bellman

Secretary

10-1-84

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ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02 (1) and (6), Stats., the Department of Industry, Labor and Human Relations hereby creates; amends; repeals and recreates; and repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Chs. ILHR 8, 16, 45, 48, 50,
84, Ind 4, 7, 8 and 9

(Number)

Petition for Variance Word Change

(Relating to)

The attached rules shall take effect on the first day of the month following
publication in the Wisconsin Administrative Register, pursuant to section
227.026, Stats.

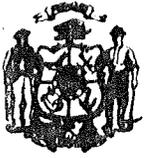
Adopted at Madison, Wisconsin, this 19th

day of July, A.D., 1984.

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Howard S. Bellman

Secretary



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RULES in FINAL DRAFT FORM

Rule: Chs. ILHR 8, 16, 45, 48, 50, 84, Ind 4, 7, 8 and 9

Relating to: Petitions for Variance

Clearinghouse Rule No.: 84-4

An order to amend ILHR 8.05, ILHR 16.03, ILHR 45.13, ILHR 48.02 (5), ILHR 50.25, Ind 4.04, Ind 7.05, Ind 8.135 and Ind 9.34; to repeal and recreate ILHR 84.03, relating to petitions for variance.

ANALYSIS OF PROPOSED RULES

The Division of Safety and Buildings within the department has recently proposed changes in the petition fees contained in chapter Ind 69 - Fee Schedule. As part of those changes, the word "modification" was changed to "variance". In order to maintain consistency with other division chapters, the proposed rules change the wording in the applicable chapters which currently contain petition for modification requirements.

Pursuant to the authority vested in the state of Wisconsin, Department of Industry, Labor and Human Relations by s. 101.02 (1) and (6), Stats., the department hereby amends rules interpreting s. 101.02 (6), Stats., as follows:

SECTION 1. ILHR 8.05 is amended to read:

ILHR 8.05 (title) PETITION FOR VARIANCE. The department shall consider and may grant a modification variance to an administrative rule upon receipt of a fee and a completed petition for modification variance form ~~(form SB-8)~~ from the owner, provided an equivalency is established in the petition for modification variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for modification variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of those conditions under which the petition ~~for modification~~ is granted constitutes a violation of these rules.

Note: ~~Form SB-8 is~~ Copies of the petition for variance (form SB-8) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

SECTION 2. ILHR 16.03 is amended to read:

ILHR 16.03 (title) PETITION FOR VARIANCE. The department shall consider and may grant a variance to an administrative rule upon receipt of a fee and a completed petition for modification variance form from the owner, provided an equivalent degree of safety is established in the petition for modification variance which meets the intent of the rule ~~requested to be modified being petitioned.~~ The department may impose specific conditions in a petition for modification variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

Note: Copies of the petition for variance (form SB-8) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

SECTION 3. ILHR 45.13 is amended to read:

ILHR 45.13 (title) PETITION FOR VARIANCE. The department ~~may~~ shall consider and may grant ~~modification~~ a variance to an administrative rule upon receipt of a fee and a completed petition for modification variance form ~~(form SB-8)~~ from the owner, provided an equivalency is established in the petition for modification variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for modification variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of those conditions under which the petition ~~for modification~~ is granted constitutes a violation of this chapter.

Note: Copies of the petition for variance (form SB-8) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

SECTION 4. ILHR 48.02 (5) is amended to read:

ILHR 48.02 (5) (title) PETITION FOR VARIANCE. The department ~~will~~ shall consider and may grant ~~modification~~ a variance to an administrative rule upon receipt of a fee and a completed petition for ~~modification~~ variance form from the owner, provided an equivalency is established in the petition for ~~modification~~ variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for ~~modification~~ variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of those conditions under which the petition ~~for modification~~ is granted constitutes a violation of these rules.

Note: Copies of the petition for variance (form SB-8) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

SECTION 5. ILHR 50.25 is amended to read:

ILHR 50.25* (title) PETITION FOR VARIANCE. The department ~~will~~ shall consider and may grant ~~modification~~ a variance to an administrative rule upon receipt of a fee, a completed petition for ~~modification~~ variance form from the owner, and a position statement from the fire department having responsibility and an interest in the rule, provided an equivalency is established in the petition for ~~modification~~ variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for ~~modification~~ variance to promote the protection of the health, safety or welfare of the employes or the public. Violation of those conditions under which the petition ~~for modification~~ is granted constitutes a violation of these rules.

Note #1: See Appendix A for an example of the petition for ~~modification~~ variance (form SB-8) and the fire department position statement (form SB-8A).

Note #2: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department procedures for hearing petitions.

SECTION 6. ILHR 84.03 is repealed and recreated to read:

ILHR 84.03 PETITION FOR VARIANCE. The department shall consider and may grant a variance to an administrative rule upon receipt of a fee and a completed petition for variance form from the owner, provided an equivalent degree of safety is established in the petition for variance which meets the intent of the rule being petitioned. The department may impose specific conditions in a petition for variance to promote the protection of the health, safety and welfare of the employes or the public. Violation of those conditions under which the petition is granted constitutes a violation of these rules.

Note: Copies of the petition for variance (form SBD-6690) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

SECTION 7. Ind 4.04 is amended to read:

Ind 4.04 (title) PETITION FOR VARIANCE. The department shall consider and may grant a variance to an administrative rule upon receipt of a fee and a completed petition for ~~modification~~ variance form from the owner, provided an equivalent degree of safety is established in the petition for ~~modification~~ variance which meets the intent of the rule being ~~modified~~ petitioned. The department may impose specific conditions in a petition for ~~modification~~ variance to promote the protection of the health, safety and welfare of the employes or the public. Violations of those conditions under which the petition ~~for modification~~ is granted constitutes a violation of these rules.

Note: Copies of the petition for variance (form SB-8) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

SECTION 8. Ind 7.05 is amended to read:

Ind 7.05 (title) PETITION FOR VARIANCE. The department ~~will~~ shall consider and may grant ~~modification~~ a variance to any administrative rule of this chapter upon receipt of a fee, a completed petition for ~~modification~~ variance form from the owner, and a position statement from the fire department having responsibility and an interest in the rule being petitioned provided an equivalency is established in the petition for ~~modification~~ variance which meets the intent of the rule being petitioned. The department may impose specific conditions in the petition for ~~modification~~ variance to promote the protection of the health, safety and welfare of the employes or the public. Violation of those conditions under which the petition ~~for modification~~ is granted constitutes a violation of the rules of this chapter.

Note #1: See Appendix for an example of the petition for ~~modification~~ variance (form SB-8) and the fire department position statement (form SB-8A).

Note #2: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department's procedures for hearing petitions.

SECTION 9. Ind 8.135 is amended to read:

Ind 8.135* (title) PETITION FOR VARIANCE. The department ~~will~~ shall consider and may grant ~~modification~~ a variance to an administrative rule upon receipt of a fee, a completed petition for ~~modification~~ variance form from the owner, and a position statement from the fire department having responsibility and an interest in the rule provided an equivalency is established in the petition for ~~modification~~ variance which meets the intent of the rule being petitioned. The department may impose specific conditions in the petition for ~~modification~~ variance to promote the protection of the health, safety and welfare of the employes or the public. Violation of those conditions under which the petition ~~for modification~~ is granted constitutes a violation of these rules.

Note #1: See Appendix for an example of the Petition for ~~Modification~~ Variance Form (form SB-8) and the Fire Department Position Statement Form (form SB-8A).

Note #2: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department's procedures for hearing petitions.

SECTION 10. Ind 9.34 is amended to read:

Ind 9.34 (title) PETITION FOR VARIANCE. The department ~~will~~ shall consider and may grant ~~modification~~ a variance to an administrative rule provided an equivalent degree of safety is established in the petition for ~~modification~~ variance which meets the intent of the rule being petitioned.

Note #1: Copies of the petition for variance (form SB-8) are available from the Division of Safety and Buildings, P.O. Box 7969, Madison, Wisconsin 53707.

Note #2: Section 101.02 (6), Stats., outlines the procedure for submitting petitions to the department and the department procedures for hearing petitions.

(END)

EFFECTIVE DATE

Pursuant to s. 227.026 (1) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

The Wisconsin Department of Industry, Labor and Human Relations

July 20, 1984

Office of the Secretary
201 E. Washington Avenue
P.O. Box 7946
Madison, Wisconsin 53707
Telephone 608/266-7552

Gary Poulson
Assistant Revisor of Statutes
for Administrative Rules
411 West, State Capitol
Madison, Wisconsin

Douglas LaFollette
Secretary of State
Room 271, GEF-1
201 East Washington Avenue
Madison, Wisconsin

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 84-4

RULE NO. Chs. ILHR 8, 16, 45, 48, 50, 84, Ind 4, 7, 8 and 9

RELATING TO: Petition for Variance Word Change

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Revisor of Statutes
Bureau

Pursuant to section 227.023, Stats., agencies are required to file a certified copy of every rule adopted by the agency in the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you.

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.016 (6), Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,



Howard S. Bellman
Secretary

cc: Agency Contact Person