

# RULES CERTIFICATE

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

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, 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 maintenance inspections of public schools  
(Subject)  
were duly approved and adopted by this department on September 3, 1992  
(Date)

I further certify that said copy has been compared by me with the original on file in the 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 9:00 a.m.  
in the city of Madison, this 3rd  
day of September A.D. 19 92  
Carol Skornicka  
Secretary

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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

Stats., the Department of Industry, Labor and Human Relations  creates;  amends;  
 repeals and recreates;  repeals and adopts rules of Wisconsin Administrative Code chapter(s):  
ILHR 50 to 64 Building and Heating, Ventilating and  
(Number) Air Conditioning (Title)

The attached rules shall take effect on the first day of the month following publication  
in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

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Adopted at Madison, Wisconsin this

date: September 3, 1992

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN  
RELATIONS

  
Secretary



# RULES in FINAL DRAFT FORM

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**Rule No.:**           Chapters ILHR 50, 52 and 56            
**Relating to:**           Maintenance Inspections of Public Schools            
**Clearinghouse Rule No.:**           92-62

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to amend ILHR 50.18 and 52.22; and to create ILHR 56.21, relating to maintenance inspection of public schools.

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ANALYSIS OF PROPOSED RULES

Statutory Authority: Section 101.02

Statutes Interpreted: Section 101.12 (6)

In 1989, the Wisconsin Legislature passed section 101.12 (6), Stats. This statute section requires the department to perform inspections of all public schools constructed prior to January 1, 1950, to determine whether they comply with subchapters I and IV of chapter 101, Stats., chapter 145, Stats., and the life-safety plans established under s. 101.12 (6) (b). During these inspections the department is also required to review the maintenance schedules established by school boards under s. 120.12 (5).

The legislature also passed nonstatutory provisions in 1989 which require the department to prepare a plan for the inspection of all public schools constructed since January 1, 1950, to determine whether they comply with applicable building codes and with the life-safety plans established under s. 101.12 (6) (b). This plan is required to include a schedule for initial inspections and compliance checks, and provide for regular inspections thereafter.

The proposed rules amend the current building code to reflect the inspection requirements described above.

The proposed rules have been developed with the assistance of the Aging School Committee. The members of that citizen advisory committee are as follows:

<u>Name</u>	<u>Representing</u>
Ron Allen	Milwaukee Area Schools
Dan Anderson	WI Fire Inspectors Association
Harold Bach	Engineers
Dave Birch	WI Assoc. of School Business Officials
Michael Corry	DILHR
Chris Dodge	WI Building Inspectors Association
Jim Gabriel	Architects
Larry Huber	WI Fire Chiefs Association
Bill Jordahl	Governor's Office
Rick Kloiber	Department of Public Instruction
Richard Magnuson	School Administrator's Association
Paul Ormson	Wisconsin Education Association
John Schnurr	School Board Education
Robert Tevik	City or Municipal Member

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SECTION 1. ILHR 50.18 (1) is amended to read:

ILHR 50.18\* INSPECTIONS. (1) ON-SITE. Inspections shall be conducted by an authorized representative of the department to ~~ascertain~~ determine whether or not the construction or installations conform to the conditionally approved plans, the conditional approval letter, and the provisions of ~~the~~ chs. ILHR 50 to 64.

Note: Municipalities certified under s. ILHR 50.21 are authorized representatives of this department to make the inspections specified in this section, but not the maintenance or life-safety inspections specified in s. ILHR 56.21 and subch. IV of ch. ILHR 56 except that 1st class cities may perform these inspections.

SECTION 2. ILHR 52.22 Note is created to read:

ILHR 52.22 Note: Public schools are required by s. 120.12 (5), Stats., to have annual building maintenance schedules, and are required by s. 121.02 (1) (i), Stats., to be safe and healthful. The inspections conducted by the department under s. ILHR 56.21 include a review of these maintenance schedules.

SECTION 3. ILHR 56.21 is created to read:

ILHR 56.21 PUBLIC SCHOOL INSPECTIONS. (1) Maintenance inspections of public schools, as required by s. 101.12 (6) (a), Stats., shall be conducted by authorized employes of the department except that 1st class cities may perform these inspections, to determine whether each school complies with the following:

(a) The applicable requirements of chs. ILHR 50 to 64, including the life-safety requirements in subch. IV of this chapter;

(b) The applicable requirements in ch. 145, Stats., relating to plumbing and fire protection systems; and

(c) The requirements in s. 120.12 (5) and 121.02 (1) (i), Stats., to have an annual building maintenance schedule and to be safe and healthful.

(2) "Applicable", as used in sub. (1) (a) and (b), means the requirements in effect at the time of construction of the building or building addition, and also means the retroactive requirements, such as the life-safety requirements for schools constructed prior to January 1, 1950, in subch. IV of this chapter.

(END)

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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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WPP0:341

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Tommy G. Thompson  
Governor  
Carol Skornicka  
Secretary



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**State of Wisconsin**  
**Department of Industry, Labor and Human Relations**

September 3, 1992

Gary Poulson  
Assistant Revisor of Statutes  
2nd Floor  
119 Martin Luther King Blvd.  
Madison, Wisconsin 53703

Douglas LaFollette  
Secretary of State  
10th Floor  
30 West Mifflin Street  
Madison, Wisconsin 53703

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Dear Messrs. Poulson and LaFollette:

**TRANSMITTAL OF RULE ADOPTION**

CLEARINGHOUSE RULE NO. 92-62

RULE NO. Chapters ILHR 50, 52 and 56

RELATING TO: Maintenance Inspections of Public Schools

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with 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 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

Handwritten signature of Carol Skornicka in cursive script.  
Carol Skornicka  
Secretary