



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1859/1
MDK:amn

2019 ASSEMBLY BILL 435

September 12, 2019 - Introduced by Representatives FELZKOWSKI, EDMING, OLDENBURG, MAGNAFICI, JAMES, FIELDS, GUNDRUM, HORLACHER, KULP, B. MEYERS, MILROY, MURSAU, PETRYK, QUINN, RAMTHUN, SANFELIPPO, SKOWRONSKI, STAFSHOLT, TUSLER and WICHGERS, cosponsored by Senators TIFFANY, BEWLEY, OLSEN, SCHACHTNER, STROEBEL, MARKLEIN and KAPENGA. Referred to Committee on Rural Development.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT to amend** 101.82 (1) and 145.02 (2) (b); and **to create** 101.053 of the
2 statutes; **relating to:** regulation of recreational and educational camps,
3 providing an exemption from emergency rule procedures, and granting
4 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Safety and Professional Services to revise the commercial building code, which imposes standards on the construction and inspection of public buildings and places of employment, to establish separate standards for recreational and educational camps. The bill defines “recreational and educational camp” to have the same meaning as under rules of the Department of Agriculture, Trade and Consumer Protection for issuing permits to such camps. Under the bill, with specified exceptions, a “recreational and educational camp” is a premises operated as an overnight living quarters where both food and lodging are provided for a planned program of recreation or education. The separate standard required under the bill must take into account the uses, including seasonal use, that are unique to recreational and educational camps. The bill also requires DSPS’s rules for electrical wiring and plumbing systems to take into account the unique uses of those camps.

ASSEMBLY BILL 435

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:

1 **SECTION 1.** 101.053 of the statutes is created to read:

2 **101.053 Recreational and educational camps.** (1) In this section,
3 “recreational and educational camp” means a premises, including temporary and
4 permanent structures, that is operated as an overnight living quarters where both
5 food and lodging or facilities for food and lodging are provided for children or adults
6 or both children and adults for a planned program of recreation or education, and
7 that is offered free of charge or for payment of a fee by a person or by the state or a
8 local unit of government. “Recreational and educational camp” does not include any
9 of the following:

10 (a) An overnight planned program of recreation or education for adults or
11 families at an establishment holding a current retail food establishment license
12 issued under s. 97.30 or lodging license issued under s. 97.605.

13 (b) An overnight planned program of recreation or education for less than 4
14 consecutive nights and without permanent facilities for food and lodging.

15 (c) An overnight planned program for credit at an accredited academic
16 institution of higher education.

17 (d) A tournament, competition, visitation, recruitment, campus conference, or
18 professional sports team training camp.

19 **(2)** The department shall promulgate rules revising the commercial building
20 code to establish separate standards for the construction and inspection of
21 recreational and educational camps. The standards established in the rules shall

ASSEMBLY BILL 435

1 take into account the uses, including seasonal use, that are unique to recreational
2 and educational camps.

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

4 101.82 (1) Promulgate by rule a state electrical wiring code that establishes
5 standards for installing, repairing, and maintaining electrical wiring. The rules
6 shall include separate standards, established in consultation with the uniform
7 dwelling code council, that apply only to electrical wiring in camping units that are
8 set in a fixed location in a campground for which a permit is issued under s. 97.67,
9 that contain a sleeping place, and that are used for seasonal overnight camping. The
10 rules do not apply to electrical wiring in primitive rural hunting cabins, as defined
11 in s. 101.61 (3). The standards established in the rules shall also take into account
12 the uses, including seasonal use, that are unique to recreational and educational
13 camp, as defined in s. 101.053 (1). Where feasible, the rules shall reflect nationally
14 recognized standards.

15 **SECTION 3.** 145.02 (2) (b) of the statutes is amended to read:

16 145.02 (2) (b) The department shall promulgate rules that establish separate
17 plumbing standards applicable only to camping units that are set in a fixed location
18 in a campground for which a permit is issued under s. 97.67, that contain a sleeping
19 place, and that are used for seasonal overnight camping. The standards established
20 in the rules shall also take into account the uses, including seasonal use, that are
21 unique to recreational and educational camps, as defined in s. 101.53 (1). If the
22 department has appointed one or more committees under s. 227.13 to advise the
23 department on rule making with respect to private on-site wastewater treatment
24 systems or other plumbing systems, the department shall promulgate the rules
25 required under this paragraph in consultation with those committees.

ASSEMBLY BILL 435**SECTION 4****1 SECTION 4. Nonstatutory provisions.**

2 (1) The department of safety and professional services shall use the procedure
3 under s. 227.24 to promulgate rules that are necessary to implement this act.
4 Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this
5 subsection remain in effect until July 1, 2021, or the date on which permanent rules
6 take effect, whichever is sooner. Notwithstanding s. 227.24 (1) (a) and (3), the
7 department of safety and professional services is not required to provide evidence
8 that promulgating a rule under this subsection as an emergency rule is necessary for
9 the preservation of the public peace, health, safety, or welfare and is not required to
10 provide a finding of emergency for a rule promulgated under this subsection.

11 (END)