



STATE OF WISCONSIN

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DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES UNIFORM DWELLING CODE COUNCIL

Room 121C, 1400 East Washington Avenue, Madison
Contact: Sam Rockweiler (608) 266-0797
September 12, 2013
10:00 A.M.

The following agenda describes the issues that the Council plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes (progress notes) for a description of the recommendations of the Council.

AGENDA

CALL TO ORDER

- A. Review of Agenda(1-2)
- B. Welcome and Introductions
- C. Department Update
 - 1) Presentation of Reimbursement Procedures – Kimberly Wood, Policy Development
 - 2) Open-Meeting Notices
- D. Review Role of Council, and Consider Election of Chairperson and Vice Chairperson (3-6)
- E. Wall Bracing
 - 1) Presentation From the Wisconsin Builders Association
 - 2) Discuss and Consider Proposed Changes
- F. Dwelling Code Council Report
 - 1) 2013 Wisconsin Act 23(7-8)
 - 2) Executive Order 61(9-10)
 - 3) Scope
 - 4) Method of Evaluation
- G. Identify Any Council Issues and Concerns
- H. Public Comments
- I. Discuss Future Business

J. Adjournment

**DEPARTMENT OF SAFETY
AND
PROFESSIONAL SERVICES**

DIVISION OF POLICY DEVELOPMENT

**ADVISORY COMMITTEE
MANUAL**

RULE DEVELOPMENT

The Department of Safety and Professional Services has authority to promulgate administrative rules for the protection of the life, health, safety and welfare of the people of Wisconsin.

Administrative rules have the effect of law but are different from statutes. Statutes are created by the legislature. Rules are promulgated by state agencies, such as Safety and Professional Services, with legislative oversight. The authority of the Department for establishing and administering rules relating to safety and health is established in chapters 101 and 145 of the Wisconsin Statutes and for rules relating to professional occupation in chapter 440.

The procedures for promulgating administrative rules are covered in chapter 227 of the Statutes, titled "Administrative Procedure and Review." The Department uses advisory committees to assist in the rule development process. Advisory committees are convened under the general authority of the Department to set up committees in Wis. Stat. 440.042 and 227.13 and members are appointed by the Department Secretary. The Department will convene a committee to advise on a specific area of regulation, though that area of regulation may have overlap with other related areas. For example, the Fire Prevention Committee advises on the regulations in SPS 314 in the Administrative Code, though various aspects of fire prevention regulation also touch on regulations governing commercial buildings and multifamily dwellings. In that case, the Fire Prevention Committee might communicate with the Commercial Building Code Committee or the Multifamily Dwelling Code Council to discuss how changes to one affect the others.

Before the Department can develop an administrative rule, a statement of scope must be written, approved by the Governor's office, published in the *Wisconsin Administrative Register*, and approved by the Secretary. The statement of scope must describe the objective of the rule, current and new policies relevant to the rule, existing and proposed federal regulations related to the rule, the entities that will be affected by the rule, and an estimate of the time and other resources necessary to develop the rule.

Rules developed by the Department, after input from a committee, must be presented to the public by way of a public hearing. Notices of all rule development actions are published in the *Wisconsin Administrative Register*.

After public hearings, the Department prepares a final draft of rules, considering the input from the hearings. The final rules must be approved by the Governor's office. The final rules are then submitted to the legislature for review. First, the rule will be assigned to a legislative committee based on subject matter. (For example, a healthcare related rule will be assigned to the Health Committee) Next, the Joint Committee for Review of Administrative Rules will review the rules. If no objections are raised by either committee, the Department may adopt the rules. Rules become effective on the first day of the month following publication in the *Wisconsin Administrative Register*, unless a later date is specified.

The Department, with the consent of the Attorney General, may adopt specific standards established by technical societies and organizations of recognized national and international standing. These standards must be readily available, of limited public interest, and must be presented in the format of rules that can be enforced. When a standard is adopted in a chapter, such as the *National Electrical Code*, the provisions of the standard become code requirements, but text of the standard is not included in the chapter. Adopted standards must be purchased separately from the publishing organizations.

Committees make decisions by general consensus and majority agreement. The recommendations and proposed rule changes of these bodies are presented to Department Secretary for consideration. Proposals and recommendations of councils are subject to acceptance by the Department.

GOALS OF COMMITTEE

The major goal of a committee is to provide expertise and directional input to develop codes that promote the health, safety and welfare of the public. A committee will generally have the following goals:

- **Necessity.** Establish that, in the best interest of the public, there is a definite need for the rule.
- **Reasonableness.** Ensure the rule is reasonable by fitting the rule to our social environment and economy.
- **Intent.** Develop a rule that clearly expresses the specific intent or standard of safety to be achieved.
- **Uniformity.** Develop rules with a clear intent for uniformity in interpretation and enforcement, and coordinate rule development with administrative rules of other state agencies, legislative laws and national standards.
- **Administration and Enforcement.** Establish rules that are in the best interest of the public and that allow the most effective and efficient administration and enforcement. Clearly written reasonable rules increase the likelihood of voluntary compliance.

COMMITTEE MEMBER RESPONSIBILITIES

Members are responsible for:

1. Preparing in advance for meetings and coming ready to discuss agenda items.
2. Attending meetings and bringing to the meetings the material supplied to them by the Department.
3. Informing the Department and the committee of their organization's needs or concerns related to the topic and programs within the body's scope.
4. Communicating and informing their organization or designated constituency on council or committee activity.
5. Distributing committee material to members of their organization, when appropriate.
6. Supporting the committee's final decisions and participating, when possible, at public hearings.

7. Advising Department staff when they will be late or unable to attend a meeting. When possible, members should designate an alternate to attend meetings in their absence and supply their alternate with the needed materials and discuss issues that have been discussed at the previous meetings. If continued absences occur, Department staff will request a meeting with the member to discuss their future involvement with the council.

CHAIRPERSON RESPONSIBILITIES

The chairperson is a voting member of the committee and is responsible for:

1. Advising Department staff in setting meeting agendas.
2. Helping Department staff members conduct an effective and efficient meeting. Meetings are generally conducted informally; the chairperson can vote along with other members.
3. Acting as spokesperson for the committee if the need arises outside of a meeting.

PUBLIC PARTICIPATION

Members of the public are welcome to monitor the proceedings of the Committee meetings, through participation in accordance with the following:

1. Attend proceedings without interrupting council discussions. Comments on the issues may be given when asked by specific staff or council members or after the council has completed their agenda work.
2. Obtain permission to make formal presentations from the Department Staff and chairperson.

State of Wisconsin



2013 Assembly Bill 77

Date of enactment: **July 5, 2013**
Date of publication*: **July 6, 2013**

2013 WISCONSIN ACT 23

AN ACT to amend 101.62 and 101.63 (5); and to create 101.62 (4) and 101.63 (10) of the statutes; relating to: review of the one- and two-family dwelling code by the department and reports by the Dwelling Code Council on the one- and two-family dwelling code.

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

SECTION 1. 101.62 of the statutes is amended to read:

101.62 (1) The dwelling code council shall review the standards and rules for one- and 2-family dwelling construction and recommend a uniform dwelling code for adoption by the department which shall include rules providing for the conservation of energy in the construction and maintenance of dwellings and for costs of specific code provisions to home buyers to be related to the benefits derived from such provisions.

(2) The dwelling code council shall study the need for and availability of ~~one-family one-~~ and 2-family dwellings that are accessible to persons with disabilities, as defined in s. 106.50 (1m) (g), and shall make recommendations to the department for any changes to the uniform dwelling code that may be needed to ensure an adequate supply of ~~one-family one-~~ and 2-family dwellings. ~~Upon its own initiative or at the request of the department, the~~

(3) ~~The dwelling code~~ council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter. The ~~dwelling code~~ council shall recommend variances for different climate and soil conditions throughout the state.

SECTION 2. 101.62 (4) of the statutes is created to read:

101.62 (4) The dwelling code council shall prepare a report that consists of the review required under sub. (1) and the recommendations required under sub. (3) once every 6 years. The council shall complete the first report no later than 365 days after the effective date of this subsection [LRB inserts date].

SECTION 2m. 101.63 (5) of the statutes is amended to read:

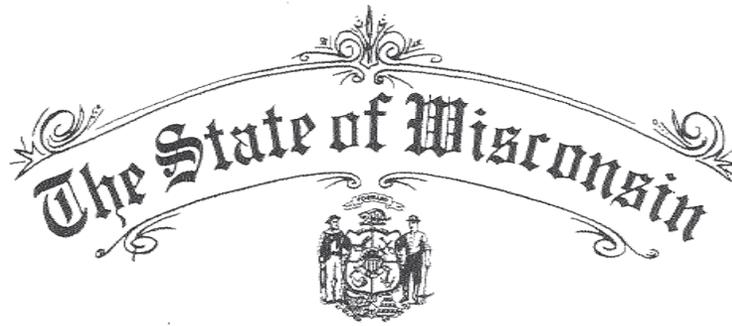
101.63 (5) ~~Biennially review~~ Review the rules adopted under this subchapter ~~once every 3 years~~.

SECTION 3. 101.63 (10) of the statutes is created to read:

101.63 (10) Assist the dwelling code council in preparing the report as required under s. 101.62 (4).

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 61

Relating to Job Creation and Small Business Expansion

WHEREAS, creating jobs and growing our state's economy is dependent on a vibrant small business sector; and

WHEREAS, small businesses have generated 64% of net new jobs over the past fifteen years and employ over half of all private sector employees; and

WHEREAS, according to recent U.S. Census data, 86% of Wisconsin business employ fewer than 20 workers, and 74% have ten workers or less; and

WHEREAS, small businesses spend 80% more per worker than large employers to comply with government regulations and, according to a recent National Federation of Independent Business survey of Wisconsin employers, 91% said it was impossible to know about, comply with, and understand all of government's regulations; and

WHEREAS, according to the U.S. Small Business Administration, complying with government regulations costs small businesses \$10,585 per worker, which discourages investment and hiring by small businesses; and

WHEREAS, government regulations are regularly cited as one of the top three concerns for small business growth, according to NFIB's Small Business Optimism Index; and

WHEREAS, 2011 Wisconsin Act 46 strengthened Wisconsin's Small Business Regulatory Review Board (Board) empowering small business owners and giving them the ability to judge the economic impact of government regulation; and

WHEREAS, 2011 Wisconsin Act 46 requires state agencies to submit any rule with an economic impact to the Board for review and allows the Board to suggest changes to the agency that will improve compliance and reduce the rule's burden on small businesses; and

WHEREAS, pursuant to Wis. Stat. § 227.30, the Board has the authority to review rules and guidelines of any agency to determine whether any of those rules or guidelines place an unnecessary burden on the ability of small businesses to conduct their affairs; and

WHEREAS, state agencies and the Board should not only be reviewing new rules but collaborating to reform existing rules that hinder job creation and small business expansion and that this effort would help further the state's goal of creating 250,000 jobs by 2015.

NOW THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, specifically Wis. Stat. § 227.10(2m), do hereby:

1. Require all state agencies to review 2011 Wisconsin Act 46 to ensure they are in compliance, ready to assist small business owners, and properly submitting any proposed rules with an economic impact to the Board;
2. Require all state agencies to cooperate with the Board to identify existing rules hindering job creation and small business growth;

3. Require all state agencies to work with the Board to recommend changes to these rules that will both reduce their burden on job creators while continuing to comply with the intent of the statutes that created them;
4. Require all state agencies to work with the Board to identify strategies that will increase compliance with existing rules;
5. Request that the Board engage small business owners and their representative organizations to gather input on any rules hindering job growth;
6. Request that the Board provide a report and analysis of these rules, in a manner similar to Wis. Stat. § 227.30(1), to the Governor's Office of Regulatory Compliance and the agency with the authority to amend the rules, which details the rules they have identified for modification.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done in the City of Eau Claire this twenty-second day of February, in the year two thousand twelve.


SCOTT WALKER
Governor

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State