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## WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 04-072

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 2002.]**

#### 1. Statutory Authority

It appears that s. Comm 91.14 (2), which specifies when speed of access requirements apply to existing facilities where the public congregates, conflicts with s.101.128 (4) (a) 3., 4., and 5., Stats.

Specifically, s. 101.128 (4) (a) 3., Stats., provides that the speed of access requirements apply to an existing structural facility whenever there are *renovations to the facility* that affect more than 50% of *the facility's* square footage. Section 101.128 (4) (a) 4., Stats., provides that the speed of access requirements apply to an existing structural facility whenever there is *an addition to the facility* that has a square footage equal to or larger than 51% of *the existing facility's* square footage. Section 101.128 (4) (a) 5., Stats., provides that the requirements apply to an existing facility with no permanent structures to serve the public, other than structures to house restrooms and other minor structures, if *land is added to the facility* that has an acreage equal to or larger than 51% of *the existing facility's* acreage (emphasis added).

In contrast, the rule provides that the speed of access requirements apply to existing facilities only when *new restrooms or other toilet facilities are provided* or when more than 50% of the square footage of an *existing restroom or other toilet facility* is renovated. Further, in both cases, the rule provides that the speed of access requirements apply only to the new restrooms or renovated portion of an existing restroom, while the statute [s. 101.128 (4) (b), Stats.] provides that the requirements apply to all renovated portions of or land added to a facility that meets the thresholds set forth in the statute.

**2. Form, Style and Placement in Administrative Code**

a. The analysis to the rule should explain that speed of access requirements for facilities not covered by the proposed rule are included in the International Building Code, which is incorporated into the Wisconsin Administrative Code by reference. The analysis should also describe the types of facilities to which the proposed rule applies.

b. In s. Comm 91.02 (1) (intro.), “two” should be deleted.

c. In s. Comm 91.14 (2) (intro.), “existing facility” should be replaced by “facility that exists on the effective date of this section...[revisor inserts date].” [See s. 1.01 (9) (b), Manual.]