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CERTIFICATE

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STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

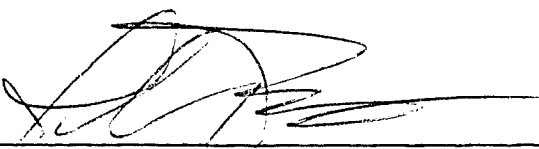
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Linda Reivitz, Secretary of the Department of Health and Social Services and custodian of the official records of said Department, do hereby certify that the annexed rules relating to hotels, motels and tourist rooming houses and to homes providing bed and breakfast for tourists or transients were duly approved and adopted by this Department on October 13, 1986.

I further certify that this 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 the State Office Building, 1 W. Wilson Street, in the city of Madison, this 13th day of October, 1986.

SEAL:



Linda Reivitz, Secretary
Department of Health and Social Services

13-1-86

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
AMENDING AND CREATING RULES

To amend HSS 195.03(19) and 197.03(3) and to create HSS 197.03(7m), relating to hotels, motels and tourist rooming houses and to homes providing bed and breakfast for tourists or transients.

Analysis Prepared by the Department of Health and Social Services

Bed and breakfast establishments are homes that provide overnight accommodations and breakfast, for a charge, to tourists and other transients. These establishments are regulated under ch. HSS 197 of the Wisconsin Administrative Code and are statutorily exempt from rules of the Department of Industry, Labor and Human Relations (DILHR). Boarding houses, which serve as long-term residences, are subject to DILHR building code rules.

Section HSS 197.03(3) defines a bed and breakfast establishment as "any place of lodging that provides 4 or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast." Because the definition does not specify that bed and breakfast establishments provide short-term lodging to tourists and other transients, boarding houses could claim to be bed and breakfast establishments and therefore not subject to DILHR rules.

The proposed amendments to ch. HSS 197 make it clear that bed and breakfast establishments serve tourists and transients rather than long-term boarders.

The proposed order also amends the definition of "tourist or transient" in ch. HSS 195, rules on hotels, motels and tourist rooming houses, to be consistent with the new definition of "tourist or transient" in s. HSS 197.03 (7m). Section HSS 195.03(19) currently defines a tourist or transient as "a person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, business or employment". The phrase "travels from place to place" has led some owners of tourist rooming houses, cabins and other types of vacation lodgings to argue that people who travel to a single location and remain there are not traveling from place to place and that the establishment where they are staying is therefore exempt from licensure as a tourist rooming house. The proposed order takes away this argument by deleting the phrase "from place to place" from the definition of tourist or transient.

Pursuant to authority vested in the Department of Health and Social Services by s.50.57, Stats., the Department of Health and Social Services hereby amends and creates rules interpreting ss.50.50 to 50.51, 50.53 to 50.55, and 50.57, Stats., as follows:

SECTION 1. HSS 195.03(19) is amended to read:

HSS 195.03(19) "Tourist or transient" means a person who travels ~~from place to place~~ to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

SECTION 2. HSS 197.03(3) is amended to read:

HSS 197.03 (3) "Bed and breakfast establishment" means any place of lodging that provides 4 or fewer rooms for rent to tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

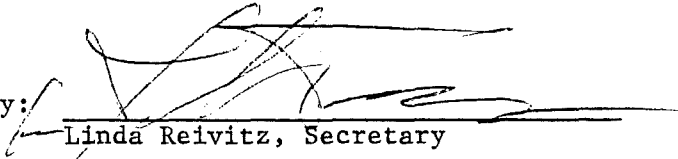
SECTION 3. HSS 197.03(7m) is created to read:

HSS 197.03 (7m) "Tourist or transient" means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s.227.22(2), Stats.

Department of Health and Social Services

Date: October 13, 1986

By: 
Linda Reivitz, Secretary

Seal:



State of Wisconsin \ DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Anthony S. Earl
Governor

Linda Reivitz
Secretary

October 13, 1986

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Mailing Address:
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Bureau

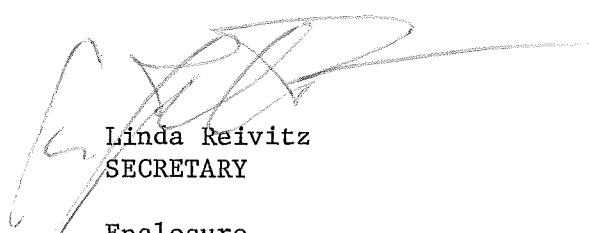
Dear Mr. Prestegard:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 195.03(19), 197.03(3) and 197.03(7m), administrative rules relating to hotels, motels and tourist rooming houses and to homes providing bed and breakfast for tourists or transients.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

These rule changes are clarifications of existing definitions and will therefore not have a significant economic impact on a substantial number of small businesses.

Sincerely,



Linda Reivitz
SECRETARY

Enclosure