

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: **06/23/99**

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Senate Democratic Caucus**

By/Representing: **Walter**

This file may be shown to any legislator: **NO**

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - bldg codes
Munis - miscellaneous**

Extra Copies: **MES**

Pre Topic:

SDC:.....Walter - # 3523,

Topic:

Municipal enforcement of one- and two-family dwelling code

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 06/23/99	chanaman 06/24/99	mclark 06/27/99	_____	gretskl 06/27/99		

FE Sent For:

<END>

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/?	rmarchan	cmr 6/24	6/26 MRC	MRC/JF 6/27			

FE Sent For:

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<END>

SDC

caucus number 3523

duplicate flag:

duplicate with:

Other reference numbers:

LFB Sum #:

FM 641

bill number/amendment number:

LRB draft #

LRB P-draft:

description: Technical correction to FM 641

other notes

drafting instructions: see attached memo

more instructions:

Agency: **Commerce - Building and Environmental Regulation**

Number of Amendments: 5

Draft request

CN 3523

Agency: Commerce – Building and Environmental Regulation

***** Technical Correction *****

This is a technical correction to JFC motion #641 which passed the committee on April 29.

The motion needs to be corrected to reflect the following:

- Delay effective date for: **towns** to take the required actions to **May 1, 2000**; and for the **state** to implement the contract inspections to **July 1, 2000**.
- Clarify that towns do not have to take any action in order to allow the state-contracted inspectors to manage the inspection program in those towns. This eliminates item (b) in motion #641 and is consistent with the original intent.

The outcome of the above modifications is that, if a local government does not take an action by May 1, 2000, the state will contract for building inspections to be conducted in that community. This is the original intent of Motion #641.

- ✓ Finally, designate that the appropriate federal nonprofit designation for the education component of motion #641 is a 501(c)(6). (*Business leagues*)

Note: These extensive technical corrections are a result of my error (AN) and do not reflect a significant change to the motion itself.

Contact: Kendra Bonderud, Legislative Fiscal Bureau
Rob Marchant, Legislative Reference Bureau

- 1) Delay effective date in two parts:
 - a) To May 1 (2000) for towns to take the required actions
 - b) To July 1 (2000) for the state to implement the contract inspections.

We talked to Senator Jauch (the only "no" vote) and the Wisconsin Towns Association afterward. Both agree that towns should have more time to consider this issue.

- 2) Modify the language slightly to reflect that towns do not have to take any action in order to allow the state-contracted inspectors to manage the inspection program in those towns. (This eliminates action (b) in the motion and is consistent with your original intent..) The Note incorrectly suggests that currently the state conducts inspections where locals do not.

The outcome of these modifications is that, if a local government does not take an action by May 1, 2000, the state will contract for building inspections to be conducted in that community.

- 3) The appropriate federal nonprofit organization designation for the education component is a 501(c)(6).

JFC 4/29/99
 Approved 15-1
 Senator Shibilski

COMMERCE - BUILDING AND ENVIRONMENTAL REGULATION

Inspection of All New Homes

Motion:

Move to require that all new one- and two-family dwellings be inspected to determine compliance with the state one- and two-family dwelling code (also known as the Uniform Dwelling Code, s. 101.60 to s. 101.66 of the Wisconsin Statutes). Cities, villages or towns with a population of 2,500 or less, which are currently exempt from the code, would be required to administer the one- and two-family dwelling code in the municipality unless the local governing body adopts a resolution to take one of the following actions: (a) request the county to administer the code in the municipality; (b) request the Department of Commerce to administer the code in the municipality; or (c) decide to have no administration of the code in the municipality. The municipality would be authorized to charge fees for permit and inspection activities (the same authorization as municipalities with a population over 2,500 currently have). The provision would be effective January 1, 2000.

Provide Commerce with \$50,000 PR in 1999-00 and \$100,000 PR in 2000-01 and direct the Department to use the funds to contract with a private, nonprofit organization to conduct education of home builders statewide.

Note:

Cities, villages or towns with a population of more than 2,500 are required administer the construction and inspection of new one- and two-family dwellings by passing an ordinance that meets the requirements of the state one- and two-family dwelling code. A county ordinance applies in any city, village or town which has not enacted an ordinance. If there is no county ordinance and a city, village or town with a population of more than 2,500 does not enact an ordinance, Commerce administers the code in the municipality. Commerce currently provides permit and inspection services in the City of Park Falls, Town of Minocqua and Town of Pelican Lake through contracts with private inspection agencies. The Counties of Eau Claire, Adams and Chippewa administer county ordinances.

Commerce estimates that there are 8,500 housing starts annually that are not currently covered by a building permit and inspection program. Commerce anticipates that if cities, villages or towns with a population of 2,500 or less would be required to administer the one- and two-family dwelling code unless they opt out, approximately 90% of the 8,500 housing starts would secure building permits, increasing building permit fee program revenue to Commerce by \$191,300 annually. Inspecting authorities would purchase permit seals for \$25 per permit from Commerce.

[Change to Base: \$150,000 PR, \$286,900 PR-REV]

[Change to Bill: \$150,000 PR, \$286,900 PR-REV]



State of Wisconsin
1999 - 2000 LEGISLATURE

1
LRBb1059/2
RJM:f:....

SOON

CMPT RMR

SDC:.....Walter - # 3523, Municipal enforcement of one- and two-family dwelling code

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

DNATE

CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1999 ASSEMBLY BILL 133

- 1 At the locations indicated, amend the substitute amendment as follows:
- 2 1. Page 1037, line 25: delete "501 (c) (3)" and substitute "501 (c) (6)".
- 3 2. Page 1038, line 12: delete lines 12 and 13 and substitute: "granted under
- 4 s. 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless any of the following conditions
- 5 are met:".
- 6 3. Page 1038, line 14: delete that line and substitute: "(a) The municipality
- 7 adopts a resolution requesting under sub. (3) (a) that a county enforce this".
- 8 4. Page 1038, line 16: delete "the department or".

1 **5.** Page 1038, line 19: delete that line and substitute: “(b) The municipality
2 adopts a resolution determining not to exercise jurisdiction over the construction and
3 inspection”.

4 **6.** Page 1038, line 21: delete “sub. (3) that the department or” and substitute
5 “sub. (3) (a) that”.

6 **7.** Page 1038, line 23: delete “sub. (3) that the department” and substitute
7 “sub. (3) (a) that”.

8 **8.** Page 1038, line 24: delete “or”.

9 **9.** Page 1038, line 25: after that line insert:

10 “(c) Under sub. (3) (b), the department enforces this subchapter or an ordinance
11 enacted under s. 101.65 (1) (a) throughout the municipality and provides inspection
12 services in the municipality to administer and enforce this subchapter or an
13 ordinance enacted under s. 101.65 (1) (a).”.

14 **10.** Page 1039, line 1: before that line insert:

15 “SECTION 1998a 101.651 (3) (title) of the statutes is created to read:
16 101.651 (3) (title) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES;
17 GENERALLY.” *w.p.o. -- please check font*

18 **11.** Page 1039, line 1: delete lines 1 to 3 and substitute:

19 “SECTION 1998a 101.651 (3) of the statutes is renumbered 101.651 (3) (a) and
20 amended to read: *1998ax: (B)*

21 101.651 (3) (a) Except as provided in par. (b) or sub. (3m) or (3e), the department
22 or a county may not enforce”.

23 **12.** Page 1039, line 10: after that line insert:

1 ✓
"SECTION 1998az. 101.651 (3) (b) of the statutes is created to read:

2 101.651 (3) (b) The department shall provide inspection services and shall
3 enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout
4 any municipality that does not exercise jurisdiction under sub. (2m) and that has not
5 adopted a resolution under sub. (2m) (a) or (b)."

6 13. Page 1502, line 6: after "(2m)" insert "and (3) (b)".

7 14. Page 1502, line 14: delete "of the statutes." and substitute ", 1997 stats."

8 15. Page 1502, line 14: after that line insert:

nonnotate

9 "(3j) DEPARTMENT OF COMMERCE ENFORCEMENT OF ONE- AND 2-FAMILY DWELLING
10 CODE IN CERTAIN MUNICIPALITIES. Notwithstanding section 101.651 (3) (b) of the
11 statutes, as created by this act, if the department of commerce enters into a contract
12 with a municipality before July 1, 2000, to provide inspection services in the
13 municipality under section 101.651 (3) (b) of the statutes, as created by this act, the
14 department shall begin providing the inspection services under the contract no later
15 than July 1, 2000."

16 16. Page 1606, line 16: delete "(3)."

17 17. Page 1606, line 17: after "101.651" insert "(3) and".

18 18. Page 1606, line 18: after "101.651" insert "(3) (title) (b) and".

19 19. Page 1606, line 18: after "(3g)" insert "and (3j)".

20 20. Page 1606, line 19: delete "January 1" and substitute "May 1".

21

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1059/1dn

RJM:.....

cmj

a
a
It was unclear from the motion whether the changes requested should only apply to towns or should apply to all municipalities affected by s. 101.651, stats. (cities, villages and towns with a population of 2,500 or less). I assume the intent was to apply the changes to all municipalities affected by s. 101.651. Please let me know if this assumption was incorrect or if you desire any other changes to the amendment. Thanks.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBb1059/1dn
RJM:cmh:mrc

June 26, 1999

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Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1059/1
RJM:cmh:mrc

SDC:.....Walter - # 3523, Municipal enforcement of one- and two-family dwelling code

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

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3 **2.** Page 1038, line 12: delete lines 12 and 13 and substitute “granted under s.
4 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless any of the following conditions are
5 met:”.

6 **3.** Page 1038, line 14: delete that line and substitute: “(a) The municipality
7 adopts a resolution requesting under sub. (3) (a) that a county enforce this”.

8 **4.** Page 1038, line 16: delete “the department or”.

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11 enacted under s. 101.65 (1) (a) throughout the municipality and provides inspection
12 services in the municipality to administer and enforce this subchapter or an
13 ordinance enacted under s. 101.65 (1) (a).”.

14 **10.** Page 1039, line 1: before that line insert:

15 “**SECTION 1998aw.** 101.651 (3) (title) of the statutes is created to read:

16 101.651 (3) (title) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES;
17 GENERALLY.”.

18 **11.** Page 1039, line 1: delete lines 1 to 3 and substitute:

19 “**SECTION 1998ax.** 101.651 (3) of the statutes is renumbered 101.651 (3) (a) and
20 amended to read:

21 101.651 (3) (a) Except as provided in par. (b) or sub. (3m) or (3s), the department
22 or a county may not enforce”.

23 **12.** Page 1039, line 10: after that line insert:

1 **“SECTION 1998az.** 101.651 (3) (b) of the statutes is created to read:

2 101.651 (3) (b) The department shall provide inspection services and shall
3 enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout
4 any municipality that does not exercise jurisdiction under sub. (2m) and that has not
5 adopted a resolution under sub. (2m) (a) or (b).”

6 **13.** Page 1502, line 6: after “(2m)” insert “and (3) (b)”.

7 **14.** Page 1502, line 14: delete “of the statutes.” and substitute “, 1997 stats.”.

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10 CODE IN CERTAIN MUNICIPALITIES. Notwithstanding section 101.651 (3) (b) of the
11 statutes, as created by this act, if the department of commerce enters into a contract
12 with a municipality before July 1, 2000, to provide inspection services in the
13 municipality under section 101.651 (3) (b) of the statutes, as created by this act, the
14 department shall begin providing the inspection services under the contract no later
15 than July 1, 2000.”.

16 **16.** Page 1606, line 16: delete “(3).”.

17 **17.** Page 1606, line 17: after “101.651” insert “(3) and”.

18 **18.** Page 1606, line 18: after “101.651” insert “(3) (title) and (b) and”.

19 **19.** Page 1606, line 18: after “(3g)” insert “and (3j)”.

20 **20.** Page 1606, line 19: delete “January 1” and substitute “May 1”.

21

(END)