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To: The Assembly Committee on Housing and Real Estate
From: Sen. Dan Feyen
Re: Assembly Bill 641

Mr. Chairman, members of the committee, thank you for holding this hearing today.

For many years, the responsibility to conduct plan reviews and inspections for commercial buildings and plumbing has been delegated from the state to local authorities by administrative rules. This bill simply codifies in state statute the commercial building and plumbing code review practices currently being carried out under rule. This legislation helps retain local control and provide for greater consistency and certainty for Wisconsin's building industry.

Currently DSPS accepts the plan reviews and inspections completed by first class cities, certifies second class cities that have requested plan review and inspection authority, and certifies delegation for requesting cities, villages, towns, or counties that have an individual determined to be competent by the department. DSPS also accepts the inspections of buildings done by a city, village, town, or county within their municipality when the inspector has been deemed competent by the department.

This legislation will ensure that the enforcement of the commercial building and plumbing regulations by local governments is continued and the safety and welfare of the public is maintained. Currently, there is no official process by which delegated municipalities are reviewed for compliance after delegation has been granted, nor has there been an official renewal process established. This bill addresses that void by establishing an electronic 5-year renewal process for both certified agents and authorized appointed agents, which will allow for greater regulatory certainty by helping ensure that existing review practices and procedures are being adhered to in delegated communities across the state.

We are also bringing forward one amendment to the bill. It allows plan delegation on alterations of "spaces" less than 100,000 cubic feet, instead of "buildings" less than 100,000 cubic feet. DSPS currently allows this delegation and we feel that giving local authorities the ability to review these plans will increase efficiency and limit bureaucratic involvement.

Thank you for your time today. I welcome any questions you may have.

Rob Hutton

STATE REPRESENTATIVE • 13TH ASSEMBLY DISTRICT

Rep. Rob Hutton testimony on AB 641

Good morning Chairman Jagler and members of the Committee on Housing and Real Estate. Thank you for giving AB 641 the opportunity for a public hearing.

This practical piece of legislation would simply put into statute current building and plumbing review practices as they are being enforced by DSPS.

Current practice by DSPS allows them to delegate review and inspection for building components such as HVAC, fire detection, and elevators to local approved and registered local municipalities. This process helps to streamline and expedite the building process by allowing those more familiar with the specific community to perform the inspection instead of sending everything to the state level for review. An amendment that we will be offering will help clarify the types of locations that will be eligible for this program under the proposed legislation.

This system has worked well for both local municipalities and DSPS but has operated under general statutory authority, this bill seeks to add specific statutory authority for this currently accepted practice.

I look forward to answering any questions you may have.



DATE: January 3, 2018

TO: Members, Assembly Committee on Housing and Real Estate
The Honorable John Jagler, Chair

FROM: Nate Yahn, Legislative Advisor
Wisconsin Department of Safety and Professional Services

SUBJECT: Assembly Bill 641 (building and plumbing plan review)

Chairman Jagler and Committee Members:

The Wisconsin Department of Safety and Professional Services (DSPS) would like to provide some important background information and commentary to committee members as you consider 2017 Wisconsin Assembly Bill 641 (AB 641). AB 641 simply codifies in state statute certain existing commercial building and plumbing code review practices currently being carried out by the state and many local municipalities throughout Wisconsin under existing DSPS rules. The Department supports AB 641.

DSPS is focused on its mission of promoting economic growth and stability, while protecting the safety of Wisconsin's public. To help protect the health, safety and welfare of individuals across the state, the Wisconsin Commercial Building Code establishes minimum standards for the design, construction, maintenance and inspection of public buildings and places of employment. Likewise for the Wisconsin Plumbing Code, which establishes minimum standards for the design, construction, installation, supervision, maintenance and inspection of plumbing and related water treatment activities (e.g., storm drainage, wastewater treatment, etc.).

With respect to plan review and inspection for commercial buildings and their components, including HVAC, fire detection and suppression, and elevators, DSPS currently is required – *and would remain required under this bill* – to:

- Accept the plan reviews and inspections completed by first class cities.
- Certify second class cities that have requested plan review and inspection authority.
- Certify base delegation for requesting cities, villages, towns, or counties, with the work done by an individual determined to be competent by the department.

NOTE: Base delegation is defined as new plans for buildings containing less than 50,000 cubic feet of volume, and alteration plans for buildings containing less than 100,000 cubic feet of volume.

- Accept the inspections of buildings done by a city, village, town, or county within their municipality when the inspector has been deemed competent by the department.

AB 641 makes certain necessary changes to current state law in order to clarify and correctly implement regulations pertaining to the delegated enforcement of the state's commercial building and plumbing codes. This common-sense reform legislation will help retain local control and provide for greater consistency and certainty for the building industry in Wisconsin, by allowing for the continued enforcement of the state's commercial building code by over 200 local governments.

In addition, AB 641 establishes an *electronic* 5-year renewal process for both certified agents and authorized appointed agents, which will allow for greater regulatory certainty by helping ensure that existing review practices and procedures are being adhered to in delegated communities across the state. Currently in Wisconsin, there is no official process by which delegated municipalities are reviewed for compliance after delegation has been granted, nor has there been an official renewal process established. During the past two years, it has been found that some delegated municipalities have not been properly enforcing the building code (e.g., enforcing stricter building code standards than what is currently required). This bill addresses this existing problem.

Ensuring consistent enforcement throughout Wisconsin of the state's commercial building and plumbing codes remains a top priority of DSPS. AB 641 will ensure that the enforcement of the commercial building and plumbing regulations by local governments is continued and the safety and welfare of the public is maintained.

If you have any questions, please contact me at (608) 267-9794.



Alliance for Regulatory Coordination

Testimony in Support of Amending Assembly Bill 641 Before the Assembly Committee on Housing and Real Estate

January 3, 2018

Greetings!

I am Bob DuPont, founder of the Alliance for Regulatory Coordination.

The ARC is a consortium of 18 business, professional, trade and advocacy organizations involved in building design, construction and regulatory services. The Alliance generally supports Assembly Bill 641. However, we ask that you amend one important aspect of the bill.

We recommend that additional delays in state level plan review be avoided by having the bill reflect current administrative code provisions relative to local review of building alterations of spaces involving less than 100,000 cubic feet of volume. Our recommendation is fully laid out in the attached white paper, which was previously sent to you via email.

Thank you for this opportunity to offer testimony on this Bill. I would be happy to answer any questions you may have.

Please see reverse side for list of Alliance members.



Alliance for Regulatory Coordination

Classic Members

Associated Builders and Contractors of Wisconsin
International Association of Electrical Inspectors, Wisconsin Chapter
International Brotherhood of Electrical Workers, WI State Conf.
National Electrical Contractors Association, Wisconsin Chapter
Northwest Wisconsin Building Inspectors Association
Plumbers Union Local 75
Plumbing-Heating-Cooling Contractors, Wisconsin Association
Southwestern Wisconsin Building Inspectors Association
Water Quality Association of Wisconsin
Wisconsin Code Officials Alliance
Wisconsin Electrical Trades Council
Wisconsin Fire Protection Coalition
Wisconsin State Fire Chief's Association
Wisconsin State Fire Inspectors Association

Associate Members

Professional Fire Fighters of Wisconsin
Wisconsin Electric Cooperative Association
Wisconsin Propane Gas Association

Supporting Members

International Code Council

Avoid More Delays from Plan Review

Recommendations from the Alliance for Regulatory Coordination to amend 2017 Senate Bill 534, and Assembly Bill 641 relating to plan review delegation

December 1, 2017

The Alliance for Regulatory Coordination recommends that additional delays in state level plan review be avoided by amending 2017 Senate Bill 534 and Assembly Bill 641 so they reflect current Wisconsin Administrative Code relative to local review of building alterations.

Currently, over 180 municipalities are delegated by the Department of Safety and Professional Services to review plans for building alterations involving spaces of less than 100,000 cubic feet in volume. Under SB 534 and AB 641 the number of such plan review partners would drop to 15, reflecting only 1st and 2nd class cities.

By removing over 165 municipal plan review partners, state level plan review workload will be shifted to the DSPS, causing further delays for hundreds of Wisconsin construction projects annually. On top of that, more duplication of state / local services will result because plans are typically reviewed locally before municipal building permits are issued. Four weeks was the average wait time for DSPS review of a commercial building plan during the first eleven months of 2017.

We ask that the proposed bills be changed to ensure that Wisconsin economic development is not harmed by the unnecessary delays in the plan review process which would result if most municipalities were removed from the program.

Changing the statutes to apply the 100,000-cubic foot limitation to the altered space of a building, as currently allowed by section SPS 361.60 (5) (c) 3, Wisconsin Administrative Code, maintains a policy in place since 2002 and better serves Wisconsin's building owners, designers and construction contractors. Thousands of buildings throughout Wisconsin are larger in total building volume than 100,000 cubic feet; including churches, factories, offices, restaurants, schools, shopping centers, theaters and warehouses.

The ARC recommended change relative to section 101.12 (3) (b) would look like this:

101.12 (3) (b) Accept the examination of essential drawings, calculations and specifications in accordance with sub. (1) for buildings containing less than 50,000 cubic feet of volume and alterations ~~to buildings containing~~ of spaces involving less than 100,000 cubic feet of volume performed by cities, villages, towns or counties, provided the same are examined in a manner approved by the department. The department shall determine and certify the competency of all such examiners.

The ARC recommended change relative to proposed section 101.12 (3) (br) would be similar to the text above.

The Alliance for Regulatory Coordination is a consortium of 18 organizations involved in building design, construction and regulatory services. Alliance membership consists of business, labor, advocacy, professional and governmental groups; numbering thousands of members, all committed to promoting more coordinated and efficient regulatory services for citizens and businesses of Wisconsin. Learn more about the Alliance at www.4ARC.org.