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To: The Senate Committee on Economic Development, Commerce and Local Government
From: Sen. Dan Feyen
Re: Senate Bill 534

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.



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa1657/1
KRP:kjf

SENATE AMENDMENT ,
TO SENATE BILL 534

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 4: after that line insert:

3 **“SECTION 1m.** 101.12 (3) (b) of the statutes is amended to read:

4 101.12 (3) (b) Accept the examination of essential drawings, calculations, and
5 specifications in accordance with sub. (1) for buildings containing less than 50,000
6 cubic feet of volume and alterations ~~to buildings containing~~ of spaces involving less
7 than 100,000 cubic feet of volume performed by cities, villages, towns, or counties,
8 provided the same are examined in a manner approved by the department. The
9 department shall determine and certify the competency of all such examiners.”.

10 **2.** Page 3, line 5: delete the material beginning with “to buildings” and ending
11 with “containing” on line 6 and substitute “~~to buildings containing~~ of spaces
12 involving”.

13

(END)



DATE: December 12, 2017

TO: Members, Senate Committee on Economic Development, Commerce and Local Government
The Honorable Dan Feyen, Chair

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

SUBJECT: Senate Bill 534 (building and plumbing plan review)

Chairman Feyen 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 Senate Bill 534 (SB 534). SB 534 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 SB 534.

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.

SB 534 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, SB 534 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. SB 534 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.



WISCONSIN CODE OFFICIALS ALLIANCE

ADVANCING QUALITY & SAFETY IN THE BUILT ENVIRONMENT

P.O. Box 972 ♦ GRAFTON, WI 53024 ♦ www.WCOA.org



December 11, 2017

VIA EMAIL

RE: Testimony in Support of Senate Bill 534 and Possible Amendments

To Whom it May Concern:

The Wisconsin Code Officials Alliance (WCOA) has reviewed the proposed Senate Bill 534. We are in favor of this bill, because it provides a statutory base for municipalities to be able to provide more options for a plan review service to their local developers, contractors and business owners. This will speed up the time it takes to get a permit issued and construction started in the state, spurring development and economic growth.

The Alliance for Regulatory Coordination (ARC) has submitted two potential amendments to this bill that WCOA is also in favor of. The first amendment is to allow alterations of 100,000 cubic feet or less to be reviewed by a local municipality, instead of requiring a state plan review. The amendment would put into statutes the practice that has been in place for many years. If this is not amended, any small office or wall in a large building would require a state approved plan, which could take weeks to get approved, prior to being submitted to the local inspection office to apply for building permits. This will delay many projects of small business owners who are trying to get their new business started, as well as small updates by larger companies who are trying to keep their business up to date and modern. The second amendment is to eliminate the fee for second class cities to offer plan review services. Currently, this accounts for about a half of a percent in the Department of Safety and Professional Services annual budget, but the hours of record keeping required and getting municipal spending authority approved every month makes this whole program disadvantageous for many communities. There are only about 15 communities that have to pay this fee currently, and first class cities or other delegated municipalities do not have to pay, only second class cities.

In conclusion, WCOA is very much in favor of Senate Bill 534 and the amendments proposed by ARC. I can be reached at any time to discuss this or any other building code question. Thank you.

Sincerely,

Edward Lisinski, President
Wisconsin Code Officials Alliance

Rob Hutton

STATE REPRESENTATIVE • 13TH ASSEMBLY DISTRICT

Rep. Rob Hutton testimony on SB 534

Good morning Chairman Feyen and members of the Committee on Economic Development, Commerce, and Local Government. Thank you for giving SB 534 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.

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.