



1999 ASSEMBLY BILL 878

March 13, 2000 - Introduced by Representatives GUNDERSON, PORTER, KLUSMAN, SPILLNER, MUSSER, ALBERS, VRAKAS and KEDZIE, cosponsored by Senators ROESSLER, DARLING and ZIEN. Referred to Committee on Urban and Local Affairs.

1 **AN ACT** *to repeal* 101.14 (4m), 101.145, 101.573 (1), 101.575 (1) (c) and 101.575
2 (3) (intro.) and (a) (intro.); *to renumber* 101.14 (3), 101.575 (2) and 604.04 (3);
3 ***to renumber and amend*** 15.157 (12) (d), 101.14 (1) (c), 101.14 (2) (f), 101.573
4 (4), 101.575 (1) (a), 101.575 (1) (am), 101.575 (1) (b), 101.575 (3) (a) 1. to 4.,
5 101.575 (3) (b) and 101.575 (5); *to amend* 20.143 (3) (L), 20.145 (3) (v), 101.14
6 (1) (b) and (bm), 101.14 (2) (a), 101.14 (2) (e), 101.141, 101.573 (3), 101.575
7 (title), 101.575 (4) (a), 101.575 (6) (a) (intro.), 101.575 (6) (b), 101.645 (2),
8 101.645 (3), 101.745 (2), 101.925 (2), 101.972, 101.973 (1), 601.93 (2) and 607.21
9 (intro.); *to repeal and recreate* 101.573 (title), 101.645 (1), 101.745 (1) and
10 101.925 (1); and *to create* 15.157 (12) (d) 2. and 3, 101.01 (5m), 101.02 (15) (am),
11 101.139, 101.14 (1) (title), 101.14 (2) (title), 101.14 (3) (title), 101.14 (4) (title),
12 101.14 (5) (title), 101.573 (4) (title), 101.575 (4) (title), 101.575 (4) (am), 101.575
13 (6) (title), 101.577 (title) and 604.04 (3) (b) of the statutes; **relating to:** the
14 collection and distribution of fire department dues; creating a fire safety and

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1 injury prevention education program; repealing provisions requiring smoke
2 detectors, automatic fire sprinklers and fire-resistant construction in certain
3 buildings; uniform standards under the multifamily dwelling code; multifamily
4 dwelling code council duties and manner of operation; and granting
5 rule-making authority.

Analysis by the Legislative Reference Bureau**FIRE DUES PROGRAM AND FIRE SAFETY LAWS**

Under current law, an eligible city, village or town (municipality) may receive a grant from the department of commerce (department) that may be used to purchase fire protection equipment, to provide fire inspection services and public education, to train fire fighters and fire inspectors and to fund certain accounts established for the benefit of fire fighters (fire dues program). Under current law, the fire dues program is funded annually with an amount approximately equal to 2% of the premiums assessed during the previous year for private fire insurance and 2% of the premiums paid to the local government property insurance fund for the insurance of certain property owned by local governments. The department determines the amount of each grant based upon the equalized valuation of real property improvements within each eligible municipality, except that an eligible municipality may not receive an amount that is less than the municipality received in 1979.

Under current law, with certain limited exceptions, the chief of the fire department in every municipality is a deputy of the department and is required to comply with certain fire safety laws. These fire safety laws generally require the fire department, the fire chief or other designated individuals to keep certain records, perform fire inspections and provide public fire education. This bill makes numerous changes and clarifications to the fire dues program and the fire safety laws, including the following:

Eligibility for a grant from the fire dues program

With certain exceptions, in order for a municipality to be eligible to receive a grant from the fire dues program, the chief of the municipal fire department currently must provide a fire inspection for every public building and place of employment in the fire department's territory. Generally, in every municipality other than the city of Milwaukee, these inspections must be performed at least once every six months. A municipality must certify to the department that all required inspections were provided. Furthermore, in order to be eligible to receive a grant, a municipality must receive services from a fire department that provides a training program prescribed by rule of the department.

The bill changes these eligibility requirements. Under the bill, a municipality may be eligible to receive a grant if the municipality ensures that at least 95% of the required fire inspections are provided for in the municipality and if the municipality

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certifies to the department that these inspections were provided. In addition, the bill specifies that the training program that is required for eligibility must train fire fighters and inspectors who provide fire suppression services, fire prevention inspections or public education with regard to fire safety.

Current law also permits a municipality to maintain eligibility for a grant if the municipality receives fire protection services under a contract. Under current law, if a municipality contracts with another city, village or town for fire protection services, the municipality is eligible for a grant if the contract is sufficient to provide fire protection to the entire municipality. In addition, under the contract, the fire department providing services must do so without endangering property within the fire department's own territory.

The bill specifically excludes a mutual aid agreement relating to fire protection from the type of contracts that a municipality may use to satisfy these eligibility requirements. Although the term is undefined, generally a mutual aid agreement relating to fire protection is a backup, rather than a primary plan, for the provision of fire protection services. Under the bill, if a municipality enters into a mutual aid agreement, the municipality may still be eligible to receive a grant if the municipality satisfies all applicable eligibility requirements.

Municipal and fire department duties

It is unclear under current law whether certain fire dues program eligibility requirements and fire safety laws apply to a municipality or to a fire department that provides services to a municipality. Furthermore, it is unclear whether the term "fire department," as it currently is used in the fire dues program and fire safety laws, includes other organizations that may provide fire protection services to a municipality, such as a fire company or combined protective services department.

In general, the bill specifies that the fire dues program eligibility requirements apply to a municipality rather than to a fire department. In addition, the bill requires a municipality to ensure that certain fire safety laws, such as those requiring fire inspections, that apply to a fire department, a fire chief or other designated individuals are followed in the municipality. The bill also clarifies that the term "fire department," as the term is used in the fire dues program and fire safety laws, includes any organization that is permitted under current law to provide fire protection services to a municipality.

Current law requires the department of commerce to maintain a record of all fires occurring in this state and requires the records to be open to public inspection. The bill requires each fire department, rather than the department of commerce, to maintain a record of all fires occurring within the fire department's territory. In addition, the bill permits the department of commerce, by rule, to require a fire department to provide the department of commerce with a copy of a fire record. The bill clarifies that a fire record is open to public inspection under the open records law.

Jurisdiction and authority of the department under the fire safety laws

Under current law, the department generally has jurisdiction over places of employment and public buildings, as well as certain residential buildings. In addition, the department may perform a fire inspection in any building, premises or public thoroughfare. In certain circumstances, the department may also enter a

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private dwelling to determine whether the dwelling contains all required smoke detectors. Current law is ambiguous regarding whether the department must obtain the consent of an owner or renter to enter a private dwelling.

The bill expands the department's jurisdiction and authority with regard to fire safety. Under the bill, the department has jurisdiction over and supervision of all buildings, structures and premises in this state for the purpose of administering all laws relating to fire inspections, fire prevention, fire detection and fire suppression. In addition, the bill authorizes the department to enter a private dwelling in order to verify the proper installation of smoke detectors and fire suppression devices, such as fire sprinklers. The bill clarifies that the department may enter a private dwelling only with the consent of the owner or renter.

Fire safety and injury prevention program

Under current law, the department of commerce is required to provide to the department of public instruction an outline of a course of study in fire prevention, for use in the public schools. However, the department of commerce does not have the authority under current law to directly provide public education regarding fire safety.

The bill authorizes the department to create a fire safety and injury prevention education program. The department must design the program to educate the public regarding fire prevention, fire detection, fire suppression, injury prevention and any other related subject matter. The bill permits the department to make grants to support the purposes of the program.

Smoke detectors, automatic fire sprinklers and fire-resistant construction

Under current law, certain residential buildings, including hotels and apartment houses; certain buildings that contain one or two dwelling units; certain manufactured buildings intended for use as a dwelling and certain manufactured homes must contain one or more smoke detectors. These smoke detectors must be approved for use by Underwriter's Laboratories, Inc. In addition, certain multifamily dwellings and manufactured buildings, such as apartment houses and condominiums, must contain an automatic fire sprinkler system or be constructed to meet specified fire-resistance standards. Current law specifically authorizes a municipality or county to enact similar automatic fire sprinkler system and fire-resistant construction ordinances.

The bill repeals the requirement that certain residential buildings, including hotels and apartment houses, contain smoke detectors. In addition, under the bill, a smoke detector approved by Underwriter's Laboratory, Inc., or by any other independent testing agency, may be used to satisfy the remaining smoke detector requirements. The bill also repeals the requirements regarding automatic fire sprinkler systems and fire-resistant construction, as well as the specific authorization regarding municipal and county ordinances. However, the department retains the authority to impose smoke detector, automatic fire sprinkler system and fire-resistant construction requirements by rule. In addition, if the department promulgates a rule relating to automatic fire sprinkler systems and fire-resistant construction in manufactured buildings, a municipality or county,

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with the approval of the department, may enact an ordinance that is in strict conformance to the rule.

MULTIFAMILY DWELLING CODE

Under current law, the multifamily dwelling code council (council) reviews rules relating to the construction of multifamily dwellings and recommends rules that the department may promulgate to create a uniform multifamily dwelling code. Under current law, the council has 14 members, 9 of which constitute a quorum for the purpose of conducting business. Currently, at least ten members of the council must vote affirmatively in order to recommend a change in a statute or rule.

The bill specifies that, to the extent feasible, the council must recommend a uniform multifamily dwelling code that is consistent with nationally recognized standards for building heights and areas, means of egress, fire protection and the use of fire-resistant materials and construction methods (national standards). In addition, under the bill, if the council considers recommending a change in a statute or rule that would make the statute or rule inconsistent with national standards, the council may not recommend the change if more than one member votes against the recommendation. Furthermore, if the council considers recommending a change in any rule that is inconsistent with national standards and that the department initially promulgated based upon a recommendation of the council, the council may not recommend the change if more than one member votes against the recommendation.

Current law requires the department to promulgate rules that establish standards for the construction of multifamily dwellings. The bill requires these rules, to the extent feasible, to be consistent with national standards. In addition, under the bill, the department must obtain the recommendation of the council before promulgating a rule that is inconsistent with national standards.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 15.157 (12) (d) of the statutes is renumbered 15.157 (12) (d) (intro.)
2 and amended to read:
3 15.157 (12) (d) (intro.) Nine members of the council shall constitute a quorum.
4 For the purpose of conducting business a majority vote of the council is required,
5 except ~~that at~~ as follows:

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1 1. At least 10 members of the council are required to vote affirmatively to
2 recommend changes a change in the ~~statutes~~ a statute or a change in an
3 administrative rules rule.

4 **SECTION 2.** 15.157 (12) (d) 2. and 3 of the statutes are created to read:

5 15.157 **(12)** (d) 2. The council may not recommend a change in a statute or a
6 change in an administrative rule if more than one member of the council votes
7 against recommending the change and if the change, if enacted or promulgated,
8 would make the statute or administrative rule inconsistent with nationally
9 recognized standards for building heights and areas, means of egress, fire protection
10 or the use of fire resistant materials and construction methods.

11 3. If the department of commerce, based upon a recommendation of the council,
12 promulgates an administrative rule that is inconsistent with nationally recognized
13 standards for building heights and areas, means of egress, fire protection or the use
14 of fire resistant materials and construction methods, the council may not recommend
15 a change in the administrative rule if more than one member of the council votes
16 against recommending the change.

17 **SECTION 3.** 20.143 (3) (L) of the statutes is amended to read:

18 20.143 **(3)** (L) *Fire dues distribution.* All moneys received under ss. 101.573
19 ~~(1) and 601.93 and 604.04 (3) (b)~~, less the amounts transferred to par. (La) and s.
20 20.292 (1) (gm) and (gr), for distribution under s. 101.573. The amount transferred
21 to par. (La) shall be the amount in the schedule under par. (La). The amount
22 transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292
23 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount in the
24 schedule under s. 20.292 (1) (gr).

25 **SECTION 4.** 20.145 (3) (v) of the statutes is amended to read:

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1 20.145 (3) (v) *Specified payments, fire dues and reinsurance.* After deducting
2 the amounts appropriated under par. (u), the balance of moneys in the local
3 government property insurance fund, for the payment of insurance losses, payments
4 to the investment board under s. 20.536, payments to the general fund under s.
5 ~~101.573 (1) 604.04 (3) (b)~~, loss adjustment expenses, fire rating bureau dues and the
6 cost to purchase reinsurance under s. 604.04 (6).

7 **SECTION 5.** 101.01 (5m) of the statutes is created to read:

8 101.01 (5m) “Fire department” means any of the following:

9 1. A fire company under ch. 213 that provides fire protection services to a city,
10 village or town.

11 2. A department established by a city, village or town that provides fire
12 protection services to a city, village or town.

13 3. A joint fire department that provides fire protection services to a city, village
14 or town.

15 4. A person that contracts to provide fire protection services to a town under
16 s. 60.55 (1) (a) 3.

17 **SECTION 6.** 101.02 (15) (am) of the statutes is created to read:

18 101.02 (15) (am) The department has jurisdiction over and supervision of all
19 buildings, structures and premises in this state for the purpose of administering all
20 laws of this state relating to fire inspections, fire prevention, fire detection and fire
21 suppression.

22 **SECTION 7.** 101.139 of the statutes is created to read:

23 **101.139 Fire safety and injury prevention education program.** The
24 department may develop and administer a fire safety and injury prevention
25 education program, designed to educate the public regarding fire prevention, fire

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1 detection, fire suppression, injury prevention and any other related subject matter.

2 The department may make grants to support the purposes of the program.

3 **SECTION 8.** 101.14 (1) (title) of the statutes is created to read:

4 101.14 (1) (title) AUTHORITY AND DUTIES OF DEPARTMENT; GENERALLY.

5 **SECTION 9.** 101.14 (1) (b) and (bm) of the statutes are amended to read:

6 101.14 (1) (b) The Except as otherwise provided in this paragraph, the
7 secretary and or any deputy may, at all any reasonable hours time, enter into and
8 upon all buildings, premises and public thoroughfares ~~excepting only the interior of~~
9 ~~private dwellings,~~ any building, premises or public thoroughfare for the purpose of
10 ascertaining and causing to be corrected any condition liable to cause fire, or any
11 violation of any law or order relating to ~~the~~ a fire hazard or relating to the prevention
12 of fire. This paragraph does not provide the secretary or any deputy with authority
13 to enter the interior of a private dwelling.

14 (bm) The secretary and or any deputy may, at all any reasonable hours time,
15 enter the interior of a private ~~dwellings~~ dwelling at the request of the owner or renter
16 for the purpose of s. 101.145 (6) or 101.645 (4) verifying the proper installation of fire
17 suppression devices and fire detection devices.

18 **SECTION 10.** 101.14 (1) (c) of the statutes is renumbered 101.14 (3) (b) and
19 amended to read:

20 101.14 (3) (b) The department is ~~hereby empowered and directed to~~ shall
21 provide the form of a course of study in fire prevention for use in the public schools,
22 ~~dealing.~~ The course of study shall deal with the protection of lives and property
23 against loss or damage as a result of preventable fires, ~~and.~~ The department shall
24 transmit the same by the first day of August in each year form of the course of study

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1 to the state superintendent of public instruction no later than the first day of August
2 of each year.

3 **SECTION 11.** 101.14 (2) (title) of the statutes is created to read:

4 101.14 (2) (title) AUTHORITY AND DUTIES OF LOCAL GOVERNMENTS AND THEIR
5 AGENTS AND CONTRACTORS.

6 **SECTION 12.** 101.14 (2) (a) of the statutes is amended to read:

7 101.14 (2) (a) Each city, village and town shall ensure that all duties
8 established under this subsection are carried out in the city, village or town. The
9 chief of the fire department in every each city, village or town, ~~except cities of the 1st~~
10 ~~class, other than a 1st class city~~ is constituted a deputy of the department, subject
11 to the right of the department to relieve ~~any such~~ the chief from his or her duties as
12 ~~such~~ a deputy for cause, and upon such the suspension to appoint some other person
13 to perform the duty imposed upon such the deputy. ~~The~~ In a 1st class city, the
14 department may appoint ~~either~~ the chief of the fire department or the building
15 inspector as ~~its~~ the department's deputy ~~in cities of the 1st class.~~

16 **SECTION 13.** 101.14 (2) (e) of the statutes is amended to read:

17 101.14 (2) (e) Written reports of inspection shall be made and kept on file by
18 the local authority ~~having~~ with jurisdiction to conduct inspections, or its designee,
19 in the manner and form required by the department.

20 **SECTION 14.** 101.14 (2) (f) of the statutes is renumbered 101.14 (1) (cm) and
21 amended to read:

22 101.14 (1) (cm) Every inspection required under ~~para. sub. (2)~~ (b) and (c) is
23 subject to the supervision and direction of the department, ~~which shall, after audit,~~
24 ~~certify to the commissioner of insurance after the expiration of each calendar year~~

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1 each city, village or town where the inspections for the year have been made, and
2 where records have been made and kept on file as required under par. (e).

3 **SECTION 15.** 101.14 (3) (title) of the statutes is created to read:

4 101.14 (3) (title) EDUCATION AND TRAINING.

5 **SECTION 16.** 101.14 (3) of the statutes is renumbered 101.14 (3) (a).

6 **SECTION 17.** 101.14 (4) (title) of the statutes is created to read:

7 101.14 (4) (title) FIRE DETECTION, PREVENTION AND SUPPRESSION DEVICES IN PLACES
8 OF EMPLOYMENT AND PUBLIC BUILDINGS.

9 **SECTION 18.** 101.14 (4m) of the statutes is repealed.

10 **SECTION 19.** 101.14 (5) (title) of the statutes is created to read:

11 101.14 (5) (title) PLAN REVIEW FEES; FLAMMABLE, COMBUSTIBLE OR HAZARDOUS
12 MATERIALS.

13 **SECTION 20.** 101.141 of the statutes is amended to read:

14 **101.141 Record keeping and reporting of fires.** ~~The department~~ Each fire
15 department shall maintain records a record of all fires occurring in this state. ~~Such~~
16 ~~records shall be~~ within the territory served by the fire department. The record shall
17 be open to public inspection during normal business hours under s. 19.35 and, for the
18 purposes of a record maintained under this section, the fire department maintaining
19 the record shall be considered an authority under s. 19.32 (1). This section does not
20 limit the number of persons that qualify as an authority under s. 19.32 (1). The
21 department of commerce, by rule, may require a fire department to provide the
22 department of commerce with any information maintained under this section.

23 **SECTION 21.** 101.145 of the statutes is repealed.

24 **SECTION 22.** 101.573 (title) of the statutes is repealed and recreated to read:

25 **101.573 (title) Distribution of fire department dues.**

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1 **SECTION 23.** 101.573 (1) of the statutes is repealed.

2 **SECTION 24.** 101.573 (3) of the statutes is amended to read:

3 101.573 (3) DETERMINATION AND DISTRIBUTION OF FIRE DEPARTMENT DUES. (a) ~~On~~
4 ~~or before~~ No later than May 1 ~~in~~ 15 of each year, the department shall compile the
5 total of all fire department dues paid by all insurers under s. 601.93 ~~and the dues paid~~
6 ~~by the state fire fund under sub. (1) and funds~~ together with any balance remaining
7 under par. (b), and the amount charged to the property insurance fund under s.
8 604.04 (3) (b). ~~The department shall withhold .5% and certify to the state treasurer~~
9 ~~the proper~~ from this total for use under par. (b) and shall determine the amount to
10 ~~be paid from the appropriation under s. 20.143 (3) (L)~~ from the balance to each city,
11 village or town entitled to fire department dues under s. 101.575. ~~Annually, on or~~
12 ~~before~~ No later than August 1 of each year, the state treasurer ~~department~~ shall pay
13 ~~the amounts certified by the department~~ proper amount under s. 101.575 to the
14 ~~cities, villages and towns eligible under s. 101.575~~ each city, village and town that
15 is entitled to fire department dues.

16 (b) The amount withheld under par. (a) shall be disbursed to correct ~~errors~~ any
17 error of the department or of the commissioner of insurance or ~~for payments to cities,~~
18 ~~villages or towns which are to make a payment to any city, village or town that is first~~
19 ~~determined to be eligible for payments under par. (a)~~ entitled to fire department dues
20 under s. 101.575 after May 1 15. The department shall ~~certify to the state treasurer~~
21 ~~pay to each applicable city, village or town,~~ as near as is practical, the amount ~~which~~
22 that would have been payable to the ~~municipality~~ city, village or town if payment had
23 been properly disbursed under par. (a) ~~on or prior to~~ before May 1 15, except that the
24 amount payable to any ~~municipality~~ city, village or town that is first eligible
25 determined to be entitled to fire department dues after May 1 15 shall be reduced by

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1 1.5% for each month or portion of a month ~~which~~ that expires after May 15 and prior
2 to before the eligibility determination. The state treasurer shall pay the amount
3 certified to the city, village or town. The department shall include any remaining
4 balance of the amount withheld in a calendar year under par. (a) ~~which~~ that is not
5 disbursed under this paragraph ~~shall be included~~ in the total compiled by the
6 department under par. (a) for the next calendar year. If ~~errors in payments exceed~~
7 the amount of disbursements under this paragraph exceeds the available balance of
8 the amount set aside for error payments withheld, under par. (a), the department
9 shall make reasonable adjustments shall be made in the distribution applicable
10 distributions for the next year.

11 **SECTION 25.** 101.573 (4) (title) of the statutes is created to read:

12 101.573 (4) (title) **REPORTING REQUIREMENTS; DEPARTMENT AND COMMISSIONER OF**
13 **INSURANCE.**

14 **SECTION 26.** 101.573 (4) of the statutes is renumbered 101.573 (4) (a) and
15 amended to read:

16 101.573 (4) (a) The department shall transmit to the treasurer clerk of each
17 city, village and town that is entitled to fire department dues under s. 101.575, a
18 statement of the amount of dues payable to it the city, village or town under this
19 section ~~and the~~.

20 (b) The commissioner of insurance shall furnish to the state treasurer transmit
21 to the department, upon request, a list of the containing the names of all insurers
22 paying fire department dues under s. 601.93 and the amount paid by each listed
23 insurer.

24 **SECTION 27.** 101.575 (title) of the statutes is amended to read:

25 **101.575 (title) Entitlement to and use of fire department dues.**

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1 **SECTION 28.** 101.575 (1) (a) of the statutes is renumbered 101.575 (1) and
2 amended to read:

3 101.575 (1) ENTITLEMENT GENERALLY. ~~Except as provided in par. (am), every~~
4 Every city, village or town maintaining a fire department that complies with this
5 subsection and the requirements of subs. (3) to (6) that is eligible to receive fire
6 department dues under sub. (4) is entitled to a proportionate share of all fire
7 department dues collected under ss. ~~101.573 and 601.93~~ and 604.04 (3) (b), after
8 deducting the administrative expenses of the department under s. 101.573, based on
9 the equalized valuation of real property improvements upon land within the city,
10 village or town, but not less than the amount the municipality received under s.
11 601.93 (3), 1977 stats., and chapter 26, laws of 1979, in calendar year 1979.

12 **SECTION 29.** 101.575 (1) (am) of the statutes is renumbered 101.575 (7) and
13 amended to read:

14 101.575 (7) NONCOMPLIANCE PROCEDURE. ~~If~~ Except as otherwise provided in this
15 subsection, if the department determines that a city, village or town fire department
16 ~~has failed to satisfy the requirements of this subsection or subs. (3) to (6) is not~~
17 eligible to receive fire department dues under sub. (4), the department shall
18 nonetheless pay fire department dues for that calendar year to that the city, village
19 or town. ~~The department~~ and shall issue a notice of noncompliance to ~~the chief of the~~
20 ~~fire department, and the~~ applicable governing body, to the highest elected official of
21 ~~the city, village or town. If~~ mayor, village president or town chairperson, as
22 applicable, and to each fire department providing fire protection or fire prevention
23 services to the city, village or town. After the department issues a notice of
24 noncompliance to a city, village or town, the city, village or town is not entitled to fire
25 department dues until the fire department cannot demonstrate city, village or town

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1 ~~demonstrates~~ to the department that the ~~fire department has met all requirements~~
2 ~~within one year after receipt of the notice or prior to the next audit by the~~
3 ~~department, whichever is later, the city, village or town shall not be entitled to dues~~
4 ~~under par. (a) for that year in which the city, village or town becomes not entitled to~~
5 ~~dues and for all subsequent calendar years until the requirements are met~~ city,
6 village or town is eligible to receive fire department dues under sub. (4).

7 **SECTION 30.** 101.575 (1) (b) of the statutes is renumbered 101.575 (4) (a) 3. and
8 amended to read:

9 101.575 (4) (a) 3. ~~Every~~ The department determines that, if the city, village or
10 town that contracts for to receive fire protection and fire prevention services that
11 comply with s. 101.14 (2) from another city, village or town is entitled to the dues
12 specified in par. (a) if the department determines that the, each contract other than
13 a mutual aid agreement is sufficient to allow each fire department furnishing the
14 protection can provide the agreed that provides fire protection and fire prevention
15 services to do so without endangering property within its own limits and the fire
16 prevention services comply with s. 101.14 (2) the fire department's own territory.

17 **SECTION 31.** 101.575 (1) (c) of the statutes is repealed.

18 **SECTION 32.** 101.575 (2) of the statutes is renumbered 101.577.

19 **SECTION 33.** 101.575 (3) (intro.) and (a) (intro.) of the statutes are repealed.

20 **SECTION 34.** 101.575 (3) (a) 1. to 4. of the statutes are renumbered 101.575 (4)
21 (a) 5. to 8. and amended to read:

22 101.575 (4) (a) 5. ~~Is~~ The city, village or town receives services from a fire
23 department that is organized to provide continuous fire protection in that city, village
24 or town and has a designated chief.

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1 6. ~~Singly~~ The city, village or town receives services from a fire department that
2 singly, or in combination with another fire department under a contract or mutual
3 aid agreement, can ensure the response of at least 4 fire fighters, none of whom is
4 the chief, to a first alarm for a building.

5 7. ~~Provides~~ The city, village or town receives services from a fire department
6 that provides a training program, as prescribed by rule of the department ~~by rule,~~
7 to fire fighters and inspectors who provide fire suppression services, fire prevention
8 inspections or public education with regard to fire safety.

9 8. ~~Provides~~ The city, village or town receives services from a fire department
10 that provides facilities capable, without delay, of receiving an alarm and dispatching
11 fire fighters and apparatus.

12 **SECTION 35.** 101.575 (3) (b) of the statutes is renumbered 101.575 (4) (a) 9. and
13 amended to read:

14 101.575 (4) (a) 9. ~~Each~~ The city, village or town eligible for dues under this
15 section shall maintain either maintains or contracts with a voluntary volunteer fire
16 department that has sufficient personnel ready for service at all times and that holds
17 a meeting at least once each month, or with a paid or partly paid fire department with
18 sufficient personnel ready for service at all times.

19 **SECTION 36.** 101.575 (4) (title) of the statutes is created to read:

20 101.575 (4) (title) ELIGIBILITY; WITHHELD PAYMENTS.

21 **SECTION 37.** 101.575 (4) (a) of the statutes is amended to read:

22 101.575 (4) (a) ~~The department may not pay any fire department dues for any~~
23 year to a Except as provided in sub. (7), a city, village, or town or fire department
24 unless is eligible to receive fire department dues only if all of the following conditions
25 are satisfied:

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1 1. The department determines that the city, village, ~~or town or fire department~~
2 has complied with ~~sub. (6) this section~~ and s. 101.14 (2), ~~except that, for the purposes~~
3 ~~of making this determination, only 95% of the inspections required under s. 101.14~~
4 ~~(2) need be provided for in the city, village or town.~~

5 2. The city, village or town ~~has submitted a~~ submits an audit form which is ,
6 provided by the department and signed by the clerk of the city, village or town and
7 by the chief of the each fire department providing fire protection and fire prevention
8 services to that the city, village or town, which is provided by the department by rule
9 ~~and which certifies~~ certifying that the fire department has ~~complied with city, village~~
10 ~~or town satisfies the requirements of this section or the department has audited the~~
11 ~~city, village, town or fire department and determined that it complies with sub. (6)~~
12 ~~and s. 101.14 (2), except that, for the purposes this subdivision, the audit form shall~~
13 ~~certify that at least 95% of the inspections required under s. 101.14 (2) were provided~~
14 ~~for in the city, village or town.~~

15 **SECTION 38.** 101.575 (4) (am) of the statutes is created to read:

16 101.575 (4) (am) If a city, village or town receives fire protection and fire
17 prevention services under a contract other than or in addition to a mutual aid
18 agreement, both municipalities may receive fire department dues if otherwise
19 eligible.

20 **SECTION 39.** 101.575 (5) of the statutes is renumbered 101.575 (4) (a) 4. and
21 amended to read:

22 101.575 (4) (a) 4. ~~No~~ The department determines that, if the city, village or town
23 ~~which has contracted with another city, village or town or any part thereof for~~
24 ~~contracts to receive fire protection may be paid any fire department dues unless the~~
25 ~~contract or~~ and fire prevention services, all contracts, exclusive of any mutual aid

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1 agreements, together are sufficient to provide fire protection to the entire city, village
2 or town for which the fire protection service is and fire prevention services are being
3 provided.

4 **SECTION 40.** 101.575 (6) (title) of the statutes is created to read:

5 101.575 (6) (title) USE OF FIRE DEPARTMENT DUES.

6 **SECTION 41.** 101.575 (6) (a) (intro.) of the statutes is amended to read:

7 101.575 (6) (a) (intro.) No city, village or town ~~maintaining a fire department~~
8 ~~under this section~~ may use any fire department dues received under s. 101.573 and
9 ~~this section~~ for any purpose except the direct provision of the following:

10 **SECTION 42.** 101.575 (6) (b) of the statutes is amended to read:

11 101.575 (6) (b) Any city, village or town that ~~contracts for~~ receives fire
12 protection service and fire prevention services under a contract other than or in
13 addition to a mutual aid agreement shall give all fire department dues received
14 under s. 101.573 and this section to the fire department providing the fire protection
15 service and fire prevention services under the contract. That fire department shall
16 use those fire department dues for any of the purposes specified in par. (a) 1. to 4.

17 **SECTION 43.** 101.577 (title) of the statutes is created to read:

18 **101.577 (title) Liability of city or village for fire department services**
19 **outside of boundaries.**

20 **SECTION 44.** 101.645 (1) of the statutes is repealed and recreated to read:

21 101.645 (1) DEFINITION. In this section, "smoke detector" means a device that
22 detects particles or products of combustion other than heat.

23 **SECTION 45.** 101.645 (2) of the statutes is amended to read:

24 101.645 (2) APPROVAL AND INSTALLATION SMOKE DETECTORS APPROVED FOR USE.

25 ~~A~~ Only a smoke detector required that is approved by Underwriters Laboratory, Inc.,

ASSEMBLY BILL 878**SECTION 45**

1 or any other independent testing laboratory, may be used to satisfy the requirements
2 under this section shall be approved and installed as required under s. 101.145 (2)
3 and (3) (a) sub. (3).

4 **SECTION 46.** 101.645 (3) of the statutes is amended to read:

5 101.645 (3) ~~REQUIREMENT~~ REQUIREMENTS. The owner of a dwelling shall install
6 a functional smoke detector in the basement of the dwelling and on each floor level
7 except the attic or storage area of each dwelling unit. The owner shall install each
8 smoke detector required under this subsection according to the directions and
9 specifications of the manufacturer of the smoke detector. Except as otherwise
10 provided in this subsection, the occupant of such a dwelling unit shall maintain any
11 smoke detector in that unit, except that if, if any occupant who is not other than the
12 owner, or if any state, county, city, village or town officer, agent or employe charged
13 under statute or municipal ordinance with powers or duties involving inspection of
14 real or personal property, gives written notice to the owner that the smoke detector
15 is not functional the owner shall provide, within 5 days after receipt of that notice,
16 any maintenance necessary to make that smoke detector functional.

17 **SECTION 47.** 101.745 (1) of the statutes is repealed and recreated to read:

18 101.745 (1) **DEFINITION.** In this section, "smoke detector" has the meaning given
19 in s. 101.645 (1).

20 **SECTION 48.** 101.745 (2) of the statutes is amended to read:

21 101.745 (2) ~~APPROVAL~~ SMOKE DETECTORS APPROVED FOR USE. ~~A- Only a smoke~~
22 ~~detector required under this section shall be that is approved by underwriters~~
23 ~~laboratory Underwriters Laboratory, Inc., or any other independent testing~~
24 ~~laboratory, may be used to satisfy the requirement under sub. (4).~~

25 **SECTION 49.** 101.925 (1) of the statutes is repealed and recreated to read:

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1 101.925 (1) DEFINITION. In this section, “smoke detector” has the meaning given
2 in s. 101.645 (1).

3 **SECTION 50.** 101.925 (2) of the statutes is amended to read:

4 101.925 (2) ~~APPROVAL~~ SMOKE DETECTORS APPROVED FOR USE. ~~A~~ Only a smoke
5 detector required under this section shall be that is approved by underwriters
6 laboratory Underwriters Laboratory, Inc., or any other independent testing
7 laboratory, may be used to satisfy the requirement under sub. (4).

8 **SECTION 51.** 101.972 of the statutes is amended to read:

9 **101.972 Multifamily dwelling code council duties.** The multifamily
10 dwelling code council shall review the rules for multifamily dwelling construction
11 and recommend a uniform multifamily dwelling code for promulgation by the
12 department. To the extent feasible, the council shall recommend a uniform
13 multifamily dwelling code that is consistent with nationally recognized standards for
14 building heights and areas, means of egress, fire protection and the use of
15 fire-resistant materials and construction methods. The council shall consider and
16 make recommendations to the department pertaining to rules and any other matters
17 related to this subchapter. The council shall identify, consider and make
18 recommendations to the department regarding variances in the rules for different
19 climate and soil conditions and the variable conditions created by building and
20 population densities.

21 **SECTION 52.** 101.973 (1) of the statutes is amended to read:

22 101.973 (1) Promulgate rules that establish standards for the construction of
23 multifamily dwellings and their components. To the extent feasible, the rules shall
24 be consistent with nationally recognized standards for building heights and areas,
25 means of egress, fire protection and the use of fire-resistant materials and

ASSEMBLY BILL 878**SECTION 52**

1 construction methods. The department shall obtain the recommendation of the
2 multifamily dwelling code council under s. 101.972 before promulgating a rule that
3 is inconsistent with nationally recognized standards and that relates to building
4 heights and areas, means of egress, fire protection or the use of fire-resistant
5 materials and construction methods.

6 **SECTION 53.** 601.93 (2) of the statutes is amended to read:

7 601.93 (2) Every insurer doing a fire insurance business in this state shall,
8 before March 1 in each year, file with the commissioner a statement, showing the
9 amount of premiums upon fire insurance due for the preceding calendar year.
10 Return premiums may be deducted in determining the premium on which the fire
11 department dues are computed. Payments of quarterly instalments of the total
12 estimated payment for the then current calendar year under this subsection are due
13 on or before April 15, June 15, September 15 and December 15. On March 1 the
14 insurer shall pay any additional amounts due for the preceding calendar year.
15 Overpayments will be credited on the amount due April 15. The commissioner shall,
16 ~~prior to~~ before May 1 each year, report to the department of commerce the amount
17 of dues paid under this subsection and to be paid under s. ~~101.573 (1)~~ 604.04 (3) (b).

18 **SECTION 54.** 604.04 (3) of the statutes is renumbered 604.04 (3) (a).

19 **SECTION 55.** 604.04 (3) (b) of the statutes is created to read:

20 604.04 (3) (b) Before May 1 of each year, the local government property
21 insurance fund shall be charged fire department dues equal to 2% of the amount of
22 all premiums that, during the preceding calendar year, have been paid into the state
23 treasury for the benefit of the local government property insurance fund.

24 **SECTION 56.** 607.21 (intro.) of the statutes is amended to read:

