



2007 SENATE BILL 28

February 7, 2007 - Introduced by Senators BRESKE, SCHULTZ and LASSA, cosponsored by Representatives HUBLER, HAHN, HINES, ALBERS, MURSAU, BALLWEG, NYGREN and SEIDEL. Referred to Committee on Economic Development, Job Creation, Family Prosperity and Housing.

1 **AN ACT** *to renumber and amend* 101.977; *to amend* 101.66 (1); and *to create*
2 101.66 (1m) and 101.977 (2) of the statutes; **relating to:** exemption from
3 construction standards for certain load-bearing dimension lumber.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Commerce has authority to establish construction standards for one- and two-family dwellings and for multifamily dwellings. Under current law, all building materials used in these dwellings must conform to applicable construction standards.

Under the bill, load-bearing dimension lumber that has not been tested and approved for conformance with these construction standards may be authorized for use if the lumber, once milled, is certified to meet or exceed these standards and if the lumber has either been milled at the request of the owner of the lumber for use in his or her dwelling sold directly to the person constructing his or her own dwelling or to the person's building contractor. The bill requires the person milling the lumber to provide a written certification that the lumber meets or exceeds the construction standards. Once the lumber is certified a building inspector may approve or reject use of the lumber or may impose additional construction restrictions for its use.

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:

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1 **SECTION 1.** 101.66 (1) of the statutes is amended to read:

2 101.66 (1) ~~Every~~ Except as provided in sub. (1m), every builder, designer, and
3 owner shall use building materials, methods, and equipment which are in
4 conformance with the one- and 2-family dwelling code.

5 **SECTION 2.** 101.66 (1m) of the statutes is created to read:

6 101.66 (1m) (a) No person may use in a one- or 2-family dwelling load-bearing
7 dimension lumber that has not been tested and approved for conformance as
8 required by the department unless the lumber is approved for use under par. (c) and
9 one of the following applies:

10 1. The lumber has been milled at the request of the person owning the lumber
11 for use in the construction of the dwelling, and the dwelling will be inhabited by the
12 person owning the lumber.

13 2. The person milling the lumber sells the lumber directly to a person who will
14 inhabit the dwelling or to a person acting on his or her behalf and for whom a building
15 permit has been issued for the dwelling.

16 (b) The lumber shall be milled so that it meets or exceeds the requirements of
17 the one- and 2-family dwelling code. The person milling the lumber shall provide
18 to the person receiving the lumber a written certification that the lumber meets or
19 exceeds these requirements. The department shall design and provide forms for this
20 purpose.

21 (c) Upon receipt of a copy of the certification required under par. (b) an inspector
22 who is certified under sub. (2) may either authorize the use of the lumber, reject the
23 use of the lumber, or authorize its use subject to more restrictive construction
24 requirements, including requirements as to size, spacing, length of spans, and
25 design.

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1 **SECTION 3.** 101.977 of the statutes is renumbered 101.977 (1) and amended to
2 read:

3 101.977 (1) ~~A~~ Except as provided in sub. (2), a person who constructs a
4 multifamily dwelling shall use building materials, methods, and equipment that are
5 in conformance with the standards prescribed under s. 101.973 (1).

6 **SECTION 4.** 101.977 (2) of the statutes is created to read:

7 101.977 (2) (a) No person may use in a multifamily dwelling load-bearing
8 dimension lumber that has not been tested and approved for conformance as
9 required by the department unless the lumber is approved for use as provided under
10 par. (c) and if one of the following applies:

11 1. The lumber has been milled at the request of the person owning the lumber
12 for use in the construction of the multifamily dwelling, a dwelling unit of which will
13 be inhabited by that person.

14 2. The person milling the lumber sells the lumber directly to a person who will
15 inhabit the dwelling unit in the multifamily dwelling, or to a person acting on his or
16 her behalf and for whom a building permit has been issued for the multifamily
17 dwelling.

18 (b) The lumber shall be milled so that it meets or exceeds the requirements of
19 the standards prescribed in s. 101.973. The person milling the lumber shall provide
20 to the person receiving the lumber a written certification that the lumber meets or
21 exceeds these requirements. The department shall design and provide forms for this
22 purpose.

23 (c) Upon receipt of a copy of the certification required under par. (b), an
24 inspector who inspects multifamily dwellings for compliance with this subchapter
25 may either authorize the use of the lumber, reject the use of the lumber, or authorize

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1 its use subject to more restrictive construction requirements, including
2 requirements as to size, spacing, length of spans, and design.

3 (END)