

**1999 DRAFTING REQUEST**

**Bill**

Received: **12/14/1999**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Cloyd Porter (608) 266-2530**

By/Representing: **himself**

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

Drafter: **rmarchan**

May Contact: **John Lippet, Commerce**

Alt. Drafters:

Subject: **Buildings/Safety - fire safety  
Munis - miscellaneous**

Extra Copies: **MES**

**Pre Topic:**

No specific pre topic given

**Topic:**

Fire department dues and fire safety program

**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>Reauired</u>
/P1	rmarchan 01/21/2000	chanaman 01/24/2000	jfrantze 01/24/2000	_____	lrb-docadmin 01/24/2000		
	rmarchan 02/04/2000	chanaman 02/04/2000		_____			
/1	rmarchan 02/10/2000	chanaman 02/14/2000	jfrantze 02/07/2000	_____	lrb-docadmin 02/07/2000		S&L
/2			jfrantze 02/14/2000	_____	lrb-docadmin 02/14/2000	lrb_docadmin	S&L 03/08/2000

FE Sent For:

1999 DRAFTING REQUEST

**Bill**

Received: **12/14/1999**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Cloyd Porter (608) 266-2530**

By/Representing: **himself**

This file may be shown to any legislator: NO

Drafter: **rmarchan**

May Contact: **John Lippet, Commerce**

Alt. Drafters:

Subject: **Buildings/Safety - fire safety  
Munis - miscellaneous**

Extra Copies: MES

**Pre Topic:**

No specific pre topic given

**Topic:**

Fire department dues and fire safety program

**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>Reauired</u>
/P1	rmarchan 01/21/2000	chanaman 01/24/2000	jfrantze 01/24/2000	_____	lrb-docadmin 01/24/2000		
	rmarchan 02/04/2000	chanaman 02/04/2000		_____			
/1	rmarchan 02/10/2000	chanaman 02/14/2000	jfrantze 02/07/2000	_____	lrb-docadmin 02/07/2000		S&L
/2			jfrantze 02/14/2000	_____	lrb-docadmin 02/14/2000		S&L

FE Sent For:

1999 DRAFTING REQUEST

**Bill**

Received: **12/14/1999**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Cloyd Porter (608) 266-2530**

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: **rmarchan**

May Contact: **John Lippet, Commerce**

Alt. Drafters:

Subject: **Buildings/Safety - fire safety  
Munis - miscellaneous**

Extra Copies: **MES**

**Pre Topic:**

No specific pre topic given

**Topic:**

Fire department dues and fire safety program

**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>Resuired</u>
/P1	rmarchan 01/21/2000	chanaman 01/24/2000	jfrantze 01/24/2000	_____	lrb-docadmin 01/24/2000		
	rmarchan 02/04/2000	chanaman 02/04/2000		_____			
/1			jfrantze 02/07/2000	_____	lrb-docadmin 02/07/2000		S&L
FE Sent For:		<i>cm H</i> <i>2/14</i> <i>lv</i>	<i>2/14</i>	<i>2/14</i> <i>dh</i>			

<END>

1999 DRAFTING REQUEST

Bill

Received: 12/14/1999

Received By: rmarchan

Wanted: As time permits

Identical to LRB:

For: Cloyd Porter (608) 266-2530

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact: John Lippet, Commerce

Alt. Drafters:

Subject: Buildings/Safety - fire safety  
Munis - miscellaneous

Extra Copies: MES

Pre Topic:

No specific pre topic given

Topic:

Fire department dues and fire safety program

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>Reouired</u>
/P1	rmarchan 01/21/2000	chanaman 01/24/2000	jfrantze 0 1/24/2000	_____	lrb_docadmin 0 1/24/2000		

FE Sent For:

*cmh*  
*1*  
*2/4*  
*2/2/4*  
*to KM*  
*2/4*  
 <END>

3

4

5

1999 DRAFTING REQUEST

Bill

Received: 12/14/1999

Received By: rmarchan

Wanted: As time permits

Identical to LRB:

For: Cloyd Porter (608) 266-2530

By/Representing: himself

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact: John Lippet, Commerce

Alt. Drafters:

Subject: Buildings/Safety - fire safety  
Munis - miscellaneous

Extra Copies: MES

Pre Topic:

No specific pre topic given

Topic:

Fire department dues and fire safety program

Instructions:

See Attached

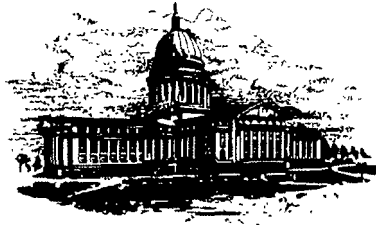
Drafting History:

<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	cmk IP1 1/24	26/24	26/24 1/24			
FE Sent For:							

<END>

OFFICE:  
Room 309 North, State Capitol  
Post Office Box 8953  
Madison, Wisconsin 53708-8953

(608) 266-2530  
Toll-Free: (888) 534-0066  
Fax: (608) 266-7038



HOME:  
28322 Durand Avenue  
Burlington, Wisconsin 53105  
(414) 763-6827

## Wisconsin State Legislature

**Cloyd A. Porter**

State Representative • 66th District

December 7, 1999

Legislative Reference Bureau  
Attn: Bill Drafting Department  
5<sup>th</sup> Floor  
100 North Hamilton

Enclosed you find a request to amend the Wisconsin State Statutes relating to Fire Department Dues. Could you please have this drafted into a bill? Please call me if you have any questions. Thank you for your time and consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cloyd A. Porter', written over a faint, larger version of the same signature.

Cloyd A. Porter  
State Representative  
66th Assembly District

Enclosures:

CAP: sjs



STATE OF WISCONSIN  
DEPARTMENT OF COMMERCE

**JOHN D. LIPPITT**  
FIRE SAFETY PROGRAM MANAGER  
DIVISION OF SAFETY AND BUILDINGS  
BUREAU OF PROGRAM DEVELOPMENT

201 W WASHINGTON AVE.  
MADISON, WI 53701-2689

TELEPHONE (608) 266-1036  
FAX (608) 264.6795  
TTY-TEL/DEAF (608) 264.6777  
E-MAIL [jlippitt@commerce.state.wi.us](mailto:jlippitt@commerce.state.wi.us)

**PROPOSED STATUTE REVISIONS - FIRE DEPARTMENT DUES**

Proposed revisions with new language underlined and strikethrough for deletions.

**Section 101.14 Statutes.**

**101.14 Fire inspections, prevention, detection and suppression.**

101.14 (1) (a) The department shall be the state authority having jurisdiction for fire inspections, prevention, detection and suppression in all buildings, structures and upon all premises. As the state authority having jurisdiction, the department may establish a fire safety program for the purpose of reducing the loss of life and property from unwanted fires. The department may make reasonable orders for the repair or removal of any building or other structure which for want of repair or by reason of age or dilapidated condition or for any other cause is especially liable to fire, and which is so situated as to endanger other building & or property and for the repair or removal of any combustible or explosive material or inflammable conditions, dangerous to the safety of any building or premises or the occupants thereof or endangering or hindering fire fighters in case of fire.

101.14 (1) (b) The secretary and any deputy may at all reasonable hours enter into and upon all buildings, premises and public thoroughfares excepting only the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the fire hazard or to the prevention of fire.

101.14 (1) (bm) The secretary and any deputy may, at all reasonable hours, enter the interior of private dwellings at the request of the owner or renter for the purpose of verifying proper installation of fire suppression devices and s. 101.145 (6) or 101.645 (4).

101.14 (1) (c) The department is hereby empowered and ~~directed~~ to provide the form of a course of study in fire prevention for use in the public schools, dealing with the protection of lives and property against loss or damage as a result of preventable fires, and transmit the same by the first day of August in each year to the state superintendent of public instruction.

101.14 (1) (d) The department may prepare and provide suitable forms for distribution to the school systems in the state, for the purpose of providing uniform reports on fire drills conducted during the year in accordance with s. 118.07 (2).

101.14 (2) (a) The chief of the fire department in every city, village or town, except cities of the 1st class, is constituted a deputy of the department, subject to the right of the department to relieve any such chief from duties as such deputy for cause, and upon such suspension to appoint some other person to perform the duty imposed upon such deputy. The department may appoint either the chief of the fire department or the building inspector as its deputy in cities of the 1st class.

101.14 (2) (b) The chief of every fire department shall provide for the inspection of every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires.

101.14 (2) (c) 1. Except as provided under subd. 2., the chief of every fire department shall provide that the inspections required under par. (b) be made at least once in each non-overlapping 6-month period per calendar year in all of the territory served by his or her fire

*NOTE*  
*already in 101.023 & (bm)*

*promulgate rules and*

*to be done with 101.023 already?*

*This vs new. o.k.*

*Clarification: Not an expansion of authority. Current Program exists in 101.02 & this gives statement to the purpose of the program.*

*fire detector*



department. The chief of a fire department may require more frequent inspections than required under this subdivision. The department by rule shall provide for general exceptions, based on the type of occupancy or use of the premises, where less frequent inspections are required. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections than required under this subdivision.

101.14 (2) (c) 2. In 1st class cities, the fire chief may establish the schedule of fire inspections in that city. The fire chief shall base the frequency of the inspections on hazardous classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

101.14 (2) (cm) In addition to the requirements of pars. (b) and (c), a fire department shall provide public fire education services.

101.14 (2) (d) The chief of every fire department, or, in 1 st class cities, the building inspector appointed by the department under par. (a), shall designate a sufficient number of inspectors to make the inspections required under pars. (b) and (c).

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

*OK* ~101.14 (2) (f) Every inspection required under pars. (b) and (c) is subject to the supervision and direction of the department, ~~which shall, after audit, certify to the commissioner of insurance after the expiration of each calendar year each city, village or town where the inspections for the year have been made, and where records have been made and kept on file as required under par. (e).~~

101.14 (3) The department shall annually conduct training sessions and provide manuals and other materials and services to assist deputies and inspectors in the fulfillment of their duties under sub. (2).

**Section 101.140, Statutes**

**101.140 Public fire education and injury prevention education fund.**

101.140 (1) (a) For the purpose of supporting public education, including but not limited to injury prevention, fire prevention, fire detection and fire suppression devices, the department shall create a public fire education and. injury prevention education fund.

101.140 (1) (b) The department by rule shall provide for the administration of the public fire education and injury prevention education fund.

101.140 (1) (c) The costs to the department for the administration of the public fire education and injury prevention education fund may be charged by the department directly to the fund.

101.140 (1) (d) The department has authority to distribute funds from the public fire education and injury prevention education fund.

*cross out to (2)(a) or (b) fire chief / s/ds insp. in notebook*

*Separate fund from disc fund. Place for donation / fed - grant \$ car sp. Need new appropriation w/ no of appropriated to the account.*

*Need to call*

101.140 (2) (a) Monetary donations and allocations for the public fire education and injury prevention education fund shall be accepted by the department.

101.140 (2) (b) All monetary donations and allocations received by the department under par. (a) shall be appropriated to the public fire education and injury prevention education fund.

**Section 101.141, Statutes**

**101 .141 Record keeping of fires.**

101.141 ~~The department shall maintain records of all fires occurring in this state~~ Each fire department shall maintain a record of all fires occurring within the territory served by the fire department. Such records shall be open to public inspection, as specified in ch. 19, during normal business hours and shall be provided to the department as specified by rule.

*own records already with P.O. →*

*Fire Dept. is required to keep records already with Comm. 4.02 + 14.04*

*make clear disclosure to by open records law*

**Section 101 .573, Statutes**

**101 .573 Fire dues distribution.**

101.573 (1) The department shall include in the compilation and certification determination of fire department dues under sub. (3) 2% of the premiums paid to the state fire fund for the insurance of any public property, other than state property. The department shall ~~notify the state treasurer of the amount certified under this subsection and the state treasurer shall charge the amount to the state fire fund.~~

*Dept. doesn't do this, DDA keeps check. Confusion large to current practice.*

101.573 (3) (a) On or before May 1 in each year, the department shall compile the fire department dues paid by all insurers under s. 601.93 and the dues paid by the state fire fund under sub. (1) and funds remaining under par. (b), withhold 5% and ~~certify to the state treasurer~~ determine the proper amount to be paid from the appropriation under s. 20.143 (3) (L) to each city, village or town entitled to fire department dues under s. 101.575. Annually, on or before August 1, the ~~state treasurer~~ department shall pay the amounts- determined by the department to the cities, villages and towns eligible under s. 101.575.

101.573 (3) (b) The amount withheld under par. (a) shall be disbursed to correct errors of the department or the commissioner of insurance or for payments to cities, villages or towns which are first determined to be eligible for payments under par. (a) after May 1. The department shall ~~certify to the state treasurer~~ determine, as near as is practical, the amount which would have been payable to the municipality if payment had been properly disbursed under par. (a) on or prior to May 1, except the amount payable to any municipality first eligible after May 1 shall be reduced by 1.5% for each month or portion of a month which expires after May 1 and prior to the eligibility determination. The ~~state treasurer~~ department shall pay the amount ~~certified~~ determined to the city, village or town. The balance of the amount withheld in a calendar year under par. (a) which is not disbursed under this paragraph shall be included in the total compiled by the department under par. (a) for the next calendar year. If errors in payments exceed the amount set aside for error payments, adjustments shall be made in the distribution for the next year.

101.573 (4) The department shall transmit to the treasurer clerk of each city, village and town entitled to fire department dues, a statement of the amount of dues payable to it under this section and the commissioner of insurance shall furnish to the ~~state treasurer~~ department, upon request, a list of the insurers paying dues under s. 601.93 and the amount paid by each.

*owner to P.O. who clerk is.*

**Section 101.575, Statutes**

**101.575 Entitlement to dues.**

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

101.575 (l) (am) If the department determines that a fire department providing fire protection or fire prevention services to a city, village or town ~~fire department~~ has failed to satisfy the requirements of this subsection or subs. (3) to (6), the department shall nonetheless pay dues for that calendar year to that city, village or town. The department shall issue a notice of noncompliance to the chief of the fire department, the governing body and the highest elected official of the city, village or town. If the fire department cannot demonstrate to the department that the fire department has met all requirements within one year after receipt of the notice ~~or prior to the next audit by the department, whichever is later~~ the city, village or town shall not be entitled to dues under par. (a) for that year in which the city, village or town becomes not entitled to dues and for all subsequent calendar years until the requirements are met.

> reflect reality that 1 dept. may serve several munits.

101.575 (1) (b) Every city, village or town that contracts for fire protection and fire prevention services that comply with s. 101 .14 (2) from another city, ~~village, or town~~ or fire department is entitled to the dues specified in par. (a) if the department determines that the fire department furnishing the protection can provide the agreed protection without endangering property within its own limits and the fire prevention services comply with s. 101.14 (2).

101.575 (1) (c) Any city, village or town, not ~~maintaining~~ a fire department, that for the purpose of obtaining fire protection and prevention services for itself enters into an agreement with another city, village, ~~or town~~ or fire department is entitled to the dues specified in par. (a) if the department determines that the fire prevention services comply with s. 101.14 (2). Two or more municipalities that together have entered into a fire protection agreement in the manner prescribed in this paragraph shall each be entitled to dues under par. (a).

101.575 (1) (d) Where at least 95% of the required inspections specified in s. 101 .14 (2) are conducted within a city, village or town, that city, village or town shall remain entitled to receive 100% of the determined annual dues distribution.

101.575 (1) (e) The highest elected official and the governing body of each city, village or town shall ensure the fire protection services, as specified in sub. (3), and the fire prevention services, as specified in s. 101 .14 (2), are provided for the city, village or town.

101 575 (2) If a city or village contracts to provide fire protection and the services of its fire department outside of its boundaries, it is subject to the same liability for property damage and personal injury when responding to calls and providing services outside of its boundaries as when providing the same services within its boundaries.

101.14 (2)(b) Depns 100% Get pct of you at 95% of you. (1) Com.

DUOTE

mm  
want to move to 101.14

101.575 (3) No city, village or town is entitled to receive dues under this section unless the city, village or town complies with pars. (a) and (b).

101.575 (3) (a) No city, village or town may receive fire department dues under this section unless it ~~has maintains or contracts with~~ a fire department which satisfies all of the following requirements: ✓

*has or is for services.*

101.575 (3) (a) 1. Is organized to provide continuous fire protection in that city, village or town and has a designated chief.

101.575 (3) (a) 2. Singly, or in combination with another fire department under a contract or mutual aid agreement, can ensure the response of at least 4 fire fighters, none of whom is the chief, to a first alarm for a building.

101.575 (3) (a) 3. Provides a training program to firefighters and fire inspectors who are engaged in providing fire suppression, public fire education or fire prevention inspections, as prescribed by the department by rule.

101.575 (3) (a) 4. Provides facilities capable, without delay, of receiving an alarm and dispatching fire fighters and apparatus.

101.575 (3) (b) Each city, village or town eligible for dues under this section shall maintain or contract with either a ~~voluntary~~ volunteer fire department that holds a meeting at least once each month, or a paid or partly paid fire department with sufficient personnel ready for service at all times.

101.575 (4) (a) The department may not pay any fire department dues for any year to a city, village, or town ~~or fire department~~ unless all of the following conditions are satisfied:

*Done AM*

101.575 (4) (a) 1. The department determines that the city, village, town or fire department has complied with sub. (6) and s. 101.14 (2).

101.575 (4) (a) 2. The city, village or town has submitted a self-certification audit form which is signed by the clerk of the city, village or town and by the chief ~~of the~~ each fire department providing fire protection and fire prevention services to that city, village or town, which is provided by the department by rule and which certifies that ~~the~~ each fire department has complied with this section and s. 101.14 (2) ~~the department has audited the city, village, town or fire department and determined that it complies with sub. (6) and s. 101.14 (2) within that city, village, or town.~~

101.575 (4) (b) If dues which would have been paid into any fire fighter's pension fund or other special funds for the benefit of disabled or superannuated fire fighters are withheld under this subsection, an amount equal to the fire department dues withheld shall be paid into the pension fund from any available fund of the city, village or town, and, if no fund is available, an amount equal to the amount withheld shall be included in and paid out of the next taxes levied and collected for the city, village or town.

101.575 (5) No city, village or town which has contracted with another city, village or town or any part thereof for fire protection may be paid any fire department dues unless the contract or contracts are sufficient to provide fire protection to the entire city, village or town for which the fire protection service is being provided.

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

101.575 (6) (a) 1. The purchase of fire protection equipment.

101.575 (6) (a) 2. Fire inspection and public education.

101.575 (6) (a) 3. Training of fire fighters and fire inspectors performing duties under s. 101.14.

101.575 (6) (a) 4. To fund wholly or partially fire fighters' pension funds or other special funds for the benefit of disabled or superannuated fire fighters.

101.575 (6) (b) Any city, village or town that contracts for fire protection service shall give dues received under s. 101.573 and this section to the fire department providing the fire protection service. That fire department shall use those dues for any of the purposes specified in par. (a).

## **Fire Department Dues Briefing**

### **Description and Background**

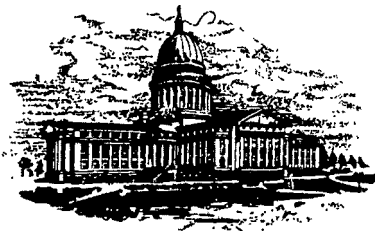
- ◆ Under subsections 101.14, 101.573 and 101.575, Stats., Wisconsin municipalities are eligible to receive moneys from what is known as the Fire Department Dues Fund.
- ◆ The fund is supported by 2% of all premiums for fire insurance underwritten in the state.
- ◆ Annually, the department determines if fire departments and municipalities have met the requirements to be entitled to fire dues.
- ◆ Each entitled municipality receives a percentage of the fire fund based upon the equalized valuation of real property improvements within the municipality.
- ◆ Statutes require 100% compliance to qualify for funds.
- ◆ The department developed the statute change proposal with the input of an advisory task group.
  - . Proposal cleans-up language and issues in the current statutes.
  - Proposal updates the applicable statutes to reflect the current structure of the state agencies.
  - Proposal allows municipalities to conduct 95% of their required fire inspections and yet remain entitled to receive 100% of their annual fire dues payment.
  - Proposal adds a new fund administered by the department for public fire education and injury prevention education.

### **Objective,**

- ◆ To obtain passage of the proposed legislation, this should:
  - . Reaffirm and clarify the legislative intent to regulate the fire protection and fire prevention services of the municipalities and the fire departments.
  - . Encourage public education by creating a fund where donations may be made to the department from the public.

OFFICE:  
Room 309 North, State Capitol  
Post Office Box 8953  
Madison, Wisconsin 53708-8953

(608) 266-2530  
Toll-Free: (888) 534-0066  
Fax: (608) 266-7038



HOME:  
28322 Durand Avenue  
Burlington, Wisconsin 53105  
(262) 763-6827

## Wisconsin State Legislature

**Cloyd A. Porter**

State Representative • 66th District

December 22, 1999

Legislative Reference Bureau  
Attn: Rob  
Bill Drafting Department  
5<sup>th</sup> Floor  
100 North Hamilton

Enclosed you find a request to amend the Wisconsin State Statutes relating to changes in Multifamily Building Codes. Could you please amend the bill draft relating to fire dues to incorporate these changes as well? Please call me if you have any questions. Thank you for your time and consideration of this matter.

Sincerely,

Cloyd A. Porter  
State Representative  
66th Assembly District

Enclosures:

CAP: sjs

DRAFT--NOT FOR DISTRIBUTION

*This is a draft document. It is subject to frequent changes based on additional information and further editing. Until issued as a final document by the Department of Commerce, this document represents only the personal opinion of its authors or contributors at this time (12/20/99 12:55 PM).*

**POSSIBLE STATUTORY REVISIONS  
REGARDING MULTIFAMILY BUILDINGS**

**SECTION .** 15.157 (12) (d) is amended to read:

15.157 (12) (d) Nine members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required, except that at least 10 members of the council are required to vote affirmatively to recommend changes in the statutes or administrative rules. The council may not make a recommendation to deviate from nationally recognized standards for fire protection, building heights and areas, fire resistant materials and construction, and means of egress, if more than one member of the council votes against the deviation.

*(This subsection of the statutes pertains to the multifamily council and this particular paragraph provides direction for how the council conducts its business. The additional language, that which is underlined is intended to reflect that a national building code, such as the IBC, is to be utilized and any deviations either more restrictive or less restrictive from that code need almost total support from the entire council. Note under this process: in situations where 10 or 11 members are present at a council meeting, at least 10 members would have to vote affirmatively to recommend a code change whether or not it involved a deviation from the IBC; in situations where 12 or more members are present at a council meeting, a recommendation to deviate from the IBC would fail if 2 or more members voted against the recommendation even though 10 or more members may have voted affirmatively.)*

**SECTION .** 15.157 (12) (e) is created to read:

15.157 (12) (e) For an administrative rule which deviates from a nationally recognized standard for fire protection, building heights and areas, fire resistant materials and construction, or means of egress and which was promulgated based upon a recommendation from the council in accordance with par (d), the council may not make a recommendation to revise that rule if more than one member of the council votes against the revision.

**SECTION.** 10 1.14 (1) (bm) is amended to read:

101.14 (1) (bm) The secretary and any deputy may, at all responsible hours, enter the interior of private dwellings at the request of the owner or renter for the purpose of ~~s. 101.145 (6)~~ ~~or 101.645 (4)~~ verifying proper installation of fire suppression and detection devices.

*(This reflects the repeal of s. 101.145 and other statutory revisions under a different initiative.)*



DRAFT--NOT FOR DISTRIBUTION

*This is a draft document. It is subject to frequent changes based on additional information and further editing. Until issued as a final document by the Department of commerce, this document represents only the personal opinion of its authors or contributors at this time (12/20/99 12:55 PM).*

**SECTION.** 10 1.14 (4m) is repealed.

*(This action eliminates the triggers for providing automatic fire sprinkler systems or 2-hour fire resistive construction. The current statutory triggers makes reference to classes of construction for buildings which are not consistent with model building codes.)*

**SECTION .** 10 1.145 is repealed.

*(This action eliminates requirements for smoke detectors in public buildings, including multifamily buildings, that are no longer consistent with national technical standards. Note. Current statutory maintenance requirements and obligations for smoke detectors relating to the relationship of tenants and landlords are also repeated in the administrative rules under s. Comm 51.245 (3). These maintenance requirements and obligations would be continued as administrative rules as a Wisconsin supplement to the IBC.)*

**SECTION.** 101.645 (1) is repealed and recreated to read:

10 1.645 (1) DEFINITION. "Smoke detector" means a device which detects particles or products of combustion other than heat.

*(Section of 101.645 pertains to smoke detectors for all one- and 2-family dwellings, including those built prior to 1978. This revision reflects the elimination of s. 101.145. The current statutory definition under s. 101.645 cross-referenced the definition that existed under s. 101.145(1); that definition is now found here. )*

**SECTION.** 101.645 (2) is amended to read:

1 0 1 . 6 4 5 ( 2 ) A P P R O V A L - . A smoke detector required under this section shall be ~~approved and installed as required under s. 101.145 (2) and (3) (a)~~ listed by an independent testing laboratory, including but not limited to underwriters laboratory.

*(Section of 101.645 pertains to smoke detectors for all one- and 2-family dwellings, including those built prior to 1978. This revision reflects the elimination of s. 101.145. The current statutory provision under s. 101.645(2) cross-referenced that which existed under 101.145(2). The statute has also been revised to be technically accurate and recognize other listing agencies not just one.)*

DRAFT--NOT FOR DISTRIBUTION

*This is a draft document. It is subject to frequent changes based on additional information and further editing. Until issued as a final document by the Department of Commerce, this document represents only the personal opinion of its authors or contributors at this time (12/20/99 12:55 PM).*

**SECTION.** 101.645 (2m) is created to read:

101.645 (2m) INSTALLATION. The owner of a dwelling shall install any smoke detector required under this section according to the directions and specifications of the manufacturer of the smoke detector.

*(Section of 101.645 pertains to smoke detectors for all one- and 2-family dwellings, including those built prior to 1978. This revision reflects the elimination of s. 101.145. The current statutory provision under s. 101.645(2) cross-referenced that which existed under 101.145(3)(a).)*

**SECTION.** 101.745 (1) and (2) are amended to read:

101.745 (1) DEFINITION. The definition of smoke detector under s. ~~101.145(1)(e)~~ 101.645 (1) also applies to this section.

*(Section of 101.745 pertains to smoke detectors for all manufactured buildings, including those, built prior to 1978. This revision reflects the elimination of s. 101.145. The current statutory definition under s. 101.745 cross-referenced the definition that existed under s. 101.145(1); that definition is now found under s. 101.64.5.)*

(2) APPROVAL A smoke detector required under this section shall be ~~approved listed~~ by an independent testing laboratory, including but not limited to underwriters laboratory.

*(The statute has been revised to be technically accurate and recognize other listing agencies not just one.)*

**SECTION.** 101.925 (1) and (2) are amended to read:

101.925 (1) DEFINITION. The definition of smoke detector under s. ~~101.145(1)(e)~~ 101.645 (1) also applies to this section.

*(Section of 101.925 pertains to smoke detectors for all manufactured homes built on or after 1978. This revision reflects the elimination of s. 101.145. The current statutory definition under s. 101.745 cross-referenced the definition that existed under s. 101.145(1); that definition is now found under s. 101.645.)*

(2) APPROVAL A smoke detector required under this section shall be ~~approved listed~~ by an independent testing laboratory, including but not limited to underwriters laboratory.

*(The statute has been revised to be technically accurate and recognize other listing agencies not just one.)*

DRAFT--NOT FOR DISTRIBUTION

*This is a draft document. It is subject to frequent changes based on additional information and further editing. Until issued as a final document by the Department of Commerce, this document represents only the personal opinion of its authors or contributors at this time (12/20/99 12:55 PM).*

**SECTION.** 101.972 is amended to read:

**101.972 Multifamily dwelling code council duties.** The multifamily dwelling code council shall review the rules for multifamily dwelling construction and recommend a uniform multifamily dwelling code for promulgation by the department. Where feasible, the code standards recommended by the committee shall be those nationally recognized for fire protection, building heights and areas, fire resistant materials and construction and means of egress. The council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter. The council shall identify, consider and make recommendations to the department regarding variances in the rules for different climate and soil conditions and the variable conditions created by building and population densities.

*(This revision is coordinated with the revision proposed under s 15.157(12) (d), Stats. The additional language, that underlined, is intended to reflect that a national building code, such as the IBC, is to be utilized.)*

**SECTION.** 10 1.973 (1) is amended to read:

101.973 (1) Promulgate rules that establish standards for the construction of multifamily dwellings and their components. The standards for the construction of multifamily dwellings relative to fire protection, building heights and areas, fire resistant materials and construction, and means of egress shall reflect nationally recognized standards unless the multifamily council has recommended a deviation for those standards pursuant to s. 15.157 (12) (d).

*(This revision limits the department's ability to enact rules that deviate from a national building code, such as the IBC, unless there is recommendation from the multifamily council.)*



State of Wisconsin  
1999 - 2000 LEGISLATURE

PL  
LRB-40787

RJM:.....  
cmt

Tuesday  
1-25-00

PMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NOTE

enact.

1 AN ACT ~~relating~~ relating to: the collection and distribution of fire department dues;  
2 fire inspection, fire fighting and related services in cities, villages and towns;  
3 creating a fire safety and injury prevention education program; repealing  
4 provisions requiring smoke detectors in certain residential buildings; uniform  
5 standards under the multifamily dwelling code; multifamily dwelling code  
6 council duties ~~and powers~~ and granting rule making authority

and  
mode of  
operation;

**Analysis by the Legislative Reference Bureau**

This is a preliminary draft. An analysis will be provided in a later version.

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

7 SECTION 1. 15.157 (12) (d) of the statutes is renumbered 15.157 (12) (d) (intro.)  
8 and amended to read:

9 15.157 (12) (d) <sup>(intra)</sup> Nine members of the council shall constitute a quorum. For the  
10 purpose of conducting business a majority vote of the council is required, except ~~that~~  
11 at as follows:

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. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
 18 the following amounts for the purposes indicated:

19 (3) \_\_\_\_\_ 1999-00 2000-01

20 20.143 Commerce, department PC

21 (3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS

22 (e) Fire safety and injury prevention

23 education program GPR A

*add hyphens*  
 ↙ ↘ -0-  
 ↙ ↘ -0-

24 SECTION 4. 20.143 (3) (e) of the statutes is created to read:

1           20.143 (3) (e) *Fire safety and injury prevention education program*. The  
2 amounts in the schedule for the purpose of administering the fire safety and injury  
3 prevention education program under s. 101.139.

4           SECTION 5. 20.143 (3) (L) of the statutes is amended to read:

5           20.143 (3) (L) *Fire dues distribution*. All moneys received under ss. ~~101.573~~  
6 ~~(1) and~~ 601.93 and 604.04 (3) (b), less the amounts transferred to par. (La) and s.  
7 20.292 (1) (gm) and (gr), for distribution under s. 101.573. The amount transferred  
8 to par. (La) shall be the amount in the schedule under par. (La). The amount  
9 transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292  
10 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount in the  
11 schedule under s. 20.292 (1) (gr).

12           SECTION 6. 20.143 (3) (La) of the statutes is amended to read:

13           20.143 (3) (La) *Fire prevention and fire dues administration*. The amounts in  
14 the schedule for administrative expenses under ss. 101.14, ~~X1.141~~ and 101.573. All  
15 moneys transferred from par. (L) to this appropriation shall be credited to this  
16 appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June  
17 30 of each year shall revert to the appropriation under par. (L).

18           SECTION 7. 20.145 (3) (v) of the statutes is amended to read:

19           20.145 (3) (v) *Specified payments, fire dues and reinsurance*. After deducting  
20 the amounts appropriated under par. (u), the balance of moneys in the local  
21 government property insurance fund, for the payment of insurance losses, payments  
22 to the investment board under s. 20.536, payments to the general fund under s.  
23 ~~101.573~~ (1) 604.04 (3) (b), loss adjustment expenses, fire rating bureau dues and the  
24 cost to purchase reinsurance under s. 604.04 (6).

25           SECTION 8. 101.02 (15) (am) of the statutes is created to read:

1           101.02 **(15)** (am) The department has jurisdiction over and supervision of all  
2 buildings, structures and premises in this state for the purpose of administering all  
3 laws of this state relating to fire inspections, fire prevention, fire detection and fire  
4 suppression.

5           **SECTION 9.** 101.139<sup>✓</sup> of the statutes is created to read:

6           **101.139 Fire safety and injury prevention education program.** The  
7 department shall develop and administer a fire safety and injury prevention  
8 education program, designed to educate the public regarding fire prevention, fire  
9 detection, fire suppression, injury prevention and any other related subject matter.  
10 The department may make grants to support the purposes of the program. The  
11 department shall adopt rules to implement this section.

12           **SECTION 10.** 101.14 (1) (title) of the statutes is created to read: ✓

13           101.14 **(1)** (title) ~~AUTHORITY AND DUTIES OF DEPARTMENT; GENERALLY.~~

14           **SECTION 11.** 101.14 (1) (b) and (bm) of the statutes are amended to read:

15           101.14 **(1)** (b) The ~~Except as otherwise provided in this paragraph?~~<sup>✓</sup> the  
16 secretary ~~and or~~ any deputy may, at ~~all any~~ reasonable ~~hours time~~, enter ~~into and~~  
17 ~~upon all buildings, premises and public thoroughfares excepting only the interior of~~  
18 ~~private dwellings,~~ any building, nremises or public thoroughfare for the purpose of  
19 ascertaining and causing to be corrected any condition liable to cause fire, or any  
20 violation of any law or order relating to the a fire hazard or relating to the prevention  
21 of fire. ~~This paragraph does not provide the secretary or any denuty with authority~~<sup>✓</sup>  
22 to enter the interior of a nprivate dwelling.

23           (bm) The secretary and ~~or~~ any deputy may, at ~~all any~~ reasonable ~~hours time~~,  
24 enter the interior of ~~a private dwellings~~ dwellling at the request of the owner or renter

1 for the purpose of ~~s. 101.145 (6) or 101.645 (4)~~ <sup>✓</sup> verifying the proper installation of fire  
2 sunnression devices.

3 SECTION 12. 101.14 (1) (c) of the statutes is renumbered 101.14 (3) (b) and  
4 amended to read:

5 101.14 (3) (b) The department ~~is hereby empowered and directed to~~ shall  
6 provide the form of a course of <sup>✓</sup> study in fire prevention for use in the public schools,  
7 ~~dealing.~~ <sup>✓</sup> The course of study shall deal with the protection of lives and property  
8 against loss or damage as a result of preventable fires, ~~and.~~ The department shall  
9 transmit the ~~same by the first day of August in each year~~ form of the course of study  
10 to the state superintendent of public instruction no later than the first day of August  
11 of each year. ✓

12 SECTION 13. 101.14 (2) (title) of the statutes is created to read:

13 101.14 (2) (title) <sup>✓</sup> AUTHORITY AND DUTIES OF LOCAL GOVERNMENTS AND THEIR  
14 AGENTS.

15 SECTION 14. 101.14 (2) (a) of the statutes is renumbered 101.14 (2) (ar) and  
16 amended to read:

17 101.14 (2) (ar) The chief of <sup>1st class</sup> the fire department in every each city, village or  
18 town, ~~except cities other than a city of the 1st class,~~ is constituted a deputy of the  
19 department, subject to the right of the department to relieve ~~any such~~ the chief from  
20 his or her duties as ~~such a~~ deputy for cause, and upon ~~such the~~ suspension to appoint  
21 some other person to perform the duty imposed upon ~~such the~~ deputy. The In a city  
22 of the 1st class, <sup>gn</sup> the department may appoint ~~either~~ either the chief of the fire department  
23 or the building inspector as <sup>stamp</sup> its the denartment's deputy <sup>plan spare</sup> in cities of the 1st class.

24 SECTION 15. 101.14 (2) (d) of the statutes is amended to read:



1 101.14 (2) (d) The chief of every fire department, or, in 1st class cities, the  
2 building inspector appointed by the department under par. (a) <sup>✓</sup>(ar), shall designate  
3 a sufficient number of inspectors to make the inspections required under pars. (b)  
4 and (c).

5 **SECTION 16.** 101.14 (2) <sup>✓</sup>(f) of the statutes is renumbered 101.14 <sup>✓</sup>(1) (cm) and  
6 amended to read:

7 101.14 (1) (cm) Every inspection required under ~~pars. sub. (2)~~ <sup>✓</sup>(b) and (c) is  
8 subject to the supervision and direction of the department, ~~which shall, after audit,~~  
9 ~~certify to the commissioner of insurance after the expiration of each calendar year~~  
10 ~~each city, village or town where the inspections for the year have been made, and~~  
11 ~~where records have been made and kept on file as required under par. (e).~~ <sup>✓</sup>

12 **SECTION 17.** 101.14 (3) <sup>✓</sup>(title) of the statutes is created to read:

13 101.14 (3) (title) EDUCATION AND TRAINING.

14 **SECTION 18.** 101.14 (3) of the statutes is renumbered 101.14 (3) (a).

15 **SECTION 19.** 101.14 (3) (c) of the statutes is created to read:

16 101.14 (3) (c) The department may establish a fire safety program for the  
17 purpose of reducing the loss of life and property as a result of fires.

18 **SECTION 20.** 101.14 (4) <sup>✓</sup>(title) of the statutes is created to read:

19 101.14 (4) (title) FIRE DETECTION, PREVENTION AND SUPPRESSION DEVICES IN PLACES  
20 OF EMPLOYMENT AND PUBLIC BUILDINGS.

21 **SECTION 21.** 101.14 (4m) <sup>✓</sup>(title) of the statutes is created to read:

22 101.14 (4m) <sup>✓</sup>(title) AUTOMATIC FIRE SPRINKLER SYSTEMS AND FIRE RESISTANCE;  
23 MULTIFAMILY DWELLINGS.

24 **SECTION 22.** 101.14 (5) <sup>✓</sup>(title) of the statutes is created to read:

1 101.14 (5) (title) PLAN REVIEW FEES; FLAMMABLE, COMBUSTIBLE OR HAZARDOUS  
2 MATERIALS.

3 SECTION 23. 101.141 of the statutes is amended to read:

4 **101.141 Record keeping and reporting of fires.** ~~The department~~ Each fire  
5 ~~department~~ shall maintain records ~~Suchard~~ of all fires occurring in this state. —  
6 ~~records shall be open to public inspection during normal business hours within the~~  
7 ~~territory served by the fire department. The department of commerce, by rule, may~~  
8 ~~reuire a fire denartment to nrovide the denartment of commerce with a copy of any~~  
9 ~~record maintained under this section.~~

10 SECTION 24. 101.145 of the statutes is repealed.

11 SECTION 25. 101.573 (title) of the statutes is repealed and recreated to read:

12 **101.573 (title) Distribution of fire department dues.**

13 SECTION 26. 101.573 (1) of the statutes is repealed.

14 SECTION 27. 101.573 (3) of the statutes is amended to read:

15 101.573 (3) DETERMINATIONANDDISTRIBUTIONOFFIREDEPARTMENTDUES. (a) ~~On~~  
16 ~~or before~~ No later than May 1 ~~in~~ of each year, the department shall ~~compile~~ compute  
17 the total of all fire department dues paid by all insurers under s. 601.93 and the dues  
18 paid by the state fire fund under sub. (1) and funds <sup>together with any balance</sup> remaining under par. (b), <sup>plain / no str. king</sup> together  
19 with any balance remaining under par. (b) and the amount charged to the property  
20 fund under s. 604.04 (3) (b). The department shall withhold .5% <sup>insurance</sup> and certify to the  
21 state treasurer the proper amount from this total for use under par. (b) and shall determine  
22 the amount to be paid from the appropriation under s. 70.143 (3) (L) from the balance  
23 to each city, village or town entitled to fire department dues under s. 101.575.  
24 ~~Annually, on or before~~ No later than August 1 ~~of each year, the state treasurer~~  
25 ~~denartment~~ shall pay the ~~amounts certified~~ the department proper amount to the

1 ~~cities, villages and towns eligible~~ each city, village and town that is entitled to fire  
2 denartment dues under s. 101.575.

3 (b) The amount withheld under par. (a) shall be disbursed to correct ~~errors any~~  
4 error of the department or of the commissioner of insurance or ~~for payments to cities,~~  
5 ~~villages or towns which are~~ to make a navment to any city, village or town that is first  
6 determined to be eligible for payments under par. (a) entitled to fire department dues  
7 under s. 101.575 after May 1. The department shall ~~certify to the state treasurer pay~~

8 to each applicable city, village or town, as near as is practical, the amount which <sup>that</sup>  
9 would have been payable to the municipality city, village or town if payment had been  
10 properly disbursed under par. (a) on or ~~prior to before~~ May 1, except &&the amount  
11 payable to any municipality city, village or town that is first eligible entitled to fire  
12 department dues after May 1 shall be reduced by 1.5% for each month or portion of  
13 a month ~~which that~~ that expires after May 1 and ~~prior to before~~ the eligibility

14 determination. ~~The state treasurer shall pay the amount certified to the city, village~~  
15 ~~or town.~~ The department shall include any remaining balance of the amount  
16 withheld in a calendar year under par. (a) ~~which that~~ is not disbursed under this  
17 paragraph ~~shall be included~~ in the total compiled by the department under par. (a)

18 for the next calendar year. If ~~errors in payments exceed~~ the amount that is necessary  
19 to correct anv error of the denartment or of the commissioner of insurance exceeds  
20 the available balance of the amount ~~set aside for error payments~~ wit hheld under par.

21 (a) the denartment shall make adjustments shall be made in the distribution for the  
22 next year to correct the error.

23 SECTION 28. 101.573 (4) of the statutes is <sup>renumbered 101.573 (4) (a) and</sup> amended to read:

24 101.573 (4) REPORTING REQUIREMENTS: DEPARTMENT AND COMMISSIONER OF  
25 INSURANCE. (a) The department shall transmit to the treasurer clerk of each city,

Sections #. 101.573 (4) (title) <sup>is created to read:</sup>  
101.573 (4) (title) <sup>of the statutes</sup>

add stricken comma

wpo please fix comment

no bold

don't score

no H

1 village and town that is entitled to fire department dues under s. 101.575, a  
2 statement of the amount of dues payable to ~~it~~ the city, village or town under this  
3 section ~~and the~~.

4 ~~The~~ commissioner of insurance shall ~~furnish to the state treasurer~~ transmit  
5 to the denartment, upon request, a list ~~of the~~ containing the names of all insurers  
6 paying fire department dues under s. 601.93 and the amount paid by each listed  
7 insurer.

8 **SECTION 29.** 101.575 (title) of the statutes is amended to read:

9 **101.575 (title) Entitlement to and use of fire department dues.**

10 **SECTION 30.** 101.575 (1) (a) of the statutes is renumbered 101.575 (1) and

11 amended to read:

12 ~~101.575 (1) ELIGIBILITY GENERALLY. Except as provided in par. (am) sub. (7),~~  
13 ~~every~~ city, village or town maintaining a fire department ~~that complies with this~~  
14 subsection and the requirements of subs. (3) to (6) that is eligible to receive fire  
15 denartment dues under sub. (4) is entitled to a proportionate share of all fire  
16 department dues collected under ss. ~~101.573~~ and 601.93 and 604.04 (3) (b), after  
17 deducting the administrative expenses of the department under s. 101.573, based on  
18 the equalized valuation of real property improvements upon land within the city,  
19 village or town, but not less than the amount the municipality received under s.  
20 601.93 (3), 1977 stats., and chapter 26, laws of 1979, in calendar year 1979.

21 **SECTION 31.** 101.575 (1) (am) of the statutes is renumbered 101.575 (7) and

22 amended to read:

23 ~~101.575 (7) NONCOMPLIANCE PROCEDURE. If~~ the department determines that a  
24 city, village or town fire department has failed to satisfy the requirements of this  
25 subsection or subs. (3) to (6) is not eligible to receive fire denartment dues under sub.

✓  
 1 (4), the department shall nonetheless pay fire department dues for that calendar  
 2 ~~year to that the city, village or town for the year in which those fire department dues~~  
 3 ~~were paid.~~ The department shall <sup>and</sup> issue a notice of noncompliance to the chief  
 4 of the ~~f i n~~, the applicable governing body & the highest elected  
 5 official of the city, village or town. If mayor, village president or town chairperson,  
 6 as applicable! and to each fire department providing fire protection or fire prevention  
 7 services to the city, village or town. After the department issues a notice of  
 8 noncompliance to a city, village or town, the city, village or town is not entitled to fire  
 9 department dues until the fire department cannot demonstrate city, village or town  
 10 demonstrates to the department that the fire department ~~is not~~ requirements  
 11 within one year after receipt of the notice or prior to the next audit by the  
 12 department, whichever is later, the city, village or town shall not be entitled to dues  
 13 under par. (a) for that year in which the city, village or town becomes not entitled to  
 14 dues and for all subsequent calendar years until the requirements are met city,  
 15 village or town is eligible to receive fire denartment dues under sub. (4).

16 SECTION 32. 101.575 (1) (b) of the statutes is renumbered 101.575 (4) (a) 3. and  
 17 amended to read:

18 101.575 (4) (a) 3. ~~Every~~ If the city, village or town that contracts or agrees with  
 19 another city, village or town for <sup>the provision of</sup> fire protection and fire prevention services that  
 20 comply with s. 101.14 (2) from another city, village or town is entitled to the dues  
 21 specified in par. (a) <sup>[Comm.]</sup> if the department determines that <sup>[plain text]</sup> the <sup>is</sup> each fire department  
 22 furnishing the protection can ~~be~~ able to provide the  
 23 agreed protection services without endangering property within its the fire  
 24 department's own limits territory and the fire prevention services comply with s.  
 25 101.14 (2).

*connect*

1 SECTION 33. 101.575 (1) (c) of the statutes is repealed.

2 SECTION 34. 101.575 (2) of the statutes is renumbered 101.577. ✓

3 SECTION 35. 101.575 (3) (intro.) of the statutes is repealed. ✓

4 SECTION 36. 101.575 (3) (a) of the statutes is renumbered 101.14 (2) (ag) and ✓  
5 101.14 (2) (ag) (intro.), 2. and 3., as renumbered, are amended to read: volunteer

6 101.14 (2) (ag) <sup>(intro.)</sup> ~~No~~ Every city, village or and town may receive fire department  
7 ~~dues under this section unless it has~~ shall maintain or contract with a ~~volunteer~~ fire  
8 department that holds a meeting at least once each month or <sup>with</sup> a paid or partly paid  
9 fire denartment with sufficient nersonnel ready for service at all times. Every city,  
10 village and town shall ensure that all services reauired under this subsection are  
11 provided for in the city, village or town and shall ensure that the city, village or town  
12 receives services from a fire department ~~which~~ that satisfies all of the following  
13 requirements: ✓

14 2. Singly, or in combination with another fire department under a contract or  
15 mutual aid agreement, can ensure the response of at least 4 fire fighters, none of  
16 whom is the chief, to a first alarm for a building.

17 3. Provides a training program, as prescribed by rule of the t m e nt <sup>by rule,</sup>  
18 to fire fighters and inspectors who nrovide fire sunnression services. fire nrevention  
19 inspections or public education with regard to fire safety. <sup>plain space</sup>

20 SECTION 37. 101.575 (3) <sup>x</sup> (b) of the statutes is repealed.

21 SECTION 38. 101.575 (4) (title) of the statutes is created to read:

22 101.575 (4) (title) ELIGIBILITY ~~FOR FIREMEN'S~~ WITHHELD PAYMENTS.

23 SECTION 39. 101.575 (4) (a) of the statutes is amended to read:

24 101.575 (4) (a) ~~The department may not pay any fire department dues for any~~  
25 yea&o-a Except as nrovided in sub. (7), a city, village, or town or fire department ✓

1 unless is eligible to receive fire department dues only if all of the following conditions  
2 are satisfied:

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

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

INSERT  
12-16

17 SECTION 40. 101.575 (5) of the statutes is renumbered 101.575 (4) (a) 4. and  
18 amended to read:

19 101.575 (4) (a) 4. ~~No~~ If the city, village or town which has contracted contracts  
20 or agrees with another city, village or town, or any part thereof, for fire protection  
21 may be paid any fire department dues unless and fire prevention services, the  
22 contract or contracts <sup>are</sup> ~~shall be~~ sufficient to provide fire protection  
23 to the entire city, village or town for which the fire protection ~~service is~~ and fire  
24 prevention services are being provided.

the provision of

25 SECTION 41. 101.575 (6) (title) of the statutes is created to read:

1 101.575 (6) (title) USE OF FIRE DEPARTMENT DUES.

2 SECTION 42. 101.575 (6) (a) (intro.) of the statutes is amended to read:

3 101.575 (6) (a) (intro.) No city, village or town ~~maintaining a fire department~~  
4 ~~under this section~~ may use any fire denartment dues received under s. 101.573 ~~and~~  
5 ~~this section~~ for any purpose except the direct provision of the following:

6 SECTION 43. 101.575 (6) (b) of the statutes is amended to read:

7 101.575 (6) (b) ~~If a city, village or town receives fire protection and fire~~  
8 ~~prevention services under a contract or agreement with another city, village or town,~~  
9 ~~both municipalities may receive fire department dues under sub. (1) (a).~~ Any city,  
10 village or town that ~~contracts for~~ receives fire protection ~~service~~ services under a  
11 contract or agreement with another city, village or town shall give all fire denartment  
12 dues received under s. 101.573 and this section to the ~~fire department~~ city, village  
13 or town providing the fire protection ~~service~~ services. That ~~fire department~~ city,  
14 village or town shall use those fire department dues for any of the purposes specified  
15 in par. (a) 1. to 4.

16 SECTION 44. 101.577 (title) of the statutes is created to read:

17 **101.577 (title) Liability of city or village for fire department services**  
18 **outside of boundaries.**

19 SECTION 45. 101.645 (1) of the statutes is repealed and recreated to read:

20 101.645 (1) DEFINITION. In this section, "smoke detector" means a device that  
21 detects particles or products of combustion other than heat.

22 SECTION 46. 101.645 (2) of the statutes is amended to read:

23 101.645 (2) ~~APPROVAL AND INSTALLATION SMOKE DETECTORS APPROVED FOR USE.~~  
24 Only a smoke detector required that is approved by Underwriters Laboratory, Inc.  
25 or any other indeoendent testing laboratory. may be used to satisfy the reauirements

strike  
spaces  
A  
and  
scored  
comma



1 under ~~this section shall be approved and installed as required under s. 101.145 (2)~~  
 2 ~~and (3) (a) sub. (3).~~

3 SECTION 47. 101.645 (3) of the statutes is amended to read:

4 101.645 (3) ~~REQUIREMENT~~ <sup>✓</sup> REQUIREMENTS. The owner of a dwelling shall install  
 5 a functional smoke detector in the basement of the dwelling and on each floor level  
 6 except the attic or storage area of each dwelling unit. The owner shall install each  
 7 smoke detector required under this subsection according to the directions and  
 8 specifications of the manufacturer of the smoke detector. Except as otherwise  
 9 provided in this subsection, <sup>✓</sup> the occupant of such <sup>↖ connect scoring</sup> a dwelling unit shall maintain any  
 10 smoke detector in that unit, ~~except that if~~ <sup>✓</sup> if any occupant who is not other than the  
 11 owner, or if any state, county, city, village or town officer, agent or employe charged  
 12 under statute or municipal ordinance with powers or duties involving inspection of  
 13 real or personal property, gives written notice to the owner that the smoke detector  
 14 is not functional the owner shall provide, within 5 days after receipt of that notice,  
 15 any maintenance necessary to make that smoke detector functional.

16 SECTION 48. 101.745 (1) of the statutes is repealed and recreated to read:

17 101.745 (1) <sup>✓</sup> DEFINITION. In this section, "smoke detector" has the meaning given  
 18 in s. <sup>✓</sup> 101.645 (1).

19 SECTION 49. 101.745 (2) of the statutes is amended to read:

20 101.745 (2) ~~APPROVAL~~ SMOKE DETECTORS APPROVED FOR USE. <sup>↖ strike spaces</sup> Only a smoke  
 21 detector ~~required under this section shall~~ be that is approved by underwriters  
 22 laboratory Underwriters Laboratory, Inc., or any other independent testing  
 23 laboratory. <sup>↖ add comma</sup> may be used to satisfy the requirement under sub. (4).

24 SECTION 50. 101.925 (1) <sup>✓</sup> of the statutes is repealed and recreated to read:

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

3           SECTION 51. 101.925 (2) of the statutes is amended to read:

4           101.925 (2) ~~APPROVAL SMOKE DETECTORS APPROVED FOR USE.~~ <sup>strike spaces</sup> Only a smoke  
5 detector required under this section shall be that is approved by ~~underwriters~~  
6 laboratory Underwriters Laboratory, Inc. or any other indenendent testing  
7 laboratory. may be used to satisfv the requirement under sub. (4). <sup>add scored comma</sup>

8           SECTION 52. 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 multifamilv dwelling code that is consistent with nationally recognized standards for  
14 building heights and areas! means of egress, fire protection and the use of fire-  
15 resistant materials and construction methods. <sup>add scored hyphen</sup> The council shall consider and make  
16 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 53. 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. The denartment shall obtain the  
24 recommendation of the multifamilv dwelling code council under s. 101.972 before  
25 promulgating a rule that is inconsistent with nationally recognized standards and

1 that relates to building heights and areas, means of egress, fire protection or the use  
2 of fire resistant materials and construction methods.

3 *add s word hyphen*  
SECTION 54. 601.93<sup>2</sup> of the statutes is amended to read:

4 601.93 (2) Every insurer doing a fire insurance business in this state shall,  
5 before March 1 in each year, file with the commissioner a statement, showing the  
6 amount of premiums upon fire insurance due for the preceding calendar year.  
7 Return premiums may be deducted in determining the premium on which the <sup>✓</sup>fire  
8 department dues are computed. Payments of quarterly instalments of the total  
9 estimated payment for the then current calendar year under this subsection are due  
10 on or before April 15, June 15, September 15 and December 15. On March 1 the  
11 insurer shall pay any additional amounts due for the preceding calendar year.  
12 Overpayments will be credited on the amount due April 15. The commissioner shall,  
13 ~~prior to before~~ May 1 each year, report to the department of commerce the amount  
14 of dues paid under this subsection and to be paid under s. ~~101.573 (1)~~ <sup>✓</sup>604.04<sup>✓</sup> (3) (b).

15 SECTION 55. 604.04 (3) of the statutes is renumbered 604.04 (3) (a).

16 SECTION 56. 604.04 (3) (b) of the statutes is created to read:

17 604.04 (3) (b) Before May 1 of each year, the local government property  
18 insurance fund shall be charged fire department dues equal to 2% of the amount of  
19 all premiums that, during the preceding calendar year, have been paid into the state  
20 treasury for the benefit of the local government property insurance fund.

21 SECTION 57. 607.21 (intro.) of the statutes is amended to read:

22 **607.21 Payments from life fund.** (intro.) In addition to the payments under  
23 s. 604.04 <sup>✓</sup>(3) (a), and the payments which become due under its policies, the life fund  
24 shall pay:

25 (END)

(B)

B-16

Sec# CR: 101.575(4) (am)

101.575(4) (am) If a city, village or town receives fire protection and fire prevention services under a contract or agreement with another city, village or town, both municipalities may receive fire department dues if otherwise eligible.

(END OF INSERT)

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

LRB-4078/P1dn

RJM:.....

*cm ft*

Representative Porter:

1. Attached is a preliminary draft of a bill generally relating to fire safety and the multifamily dwelling code. Although the language submitted by the department of commerce (department) was helpful in completing this bill, due to the confusing state of the underlying statutes, the bill contains numerous differences from the submitted language. These differences are primarily due to my efforts to make these statutes readable. I have highlighted some of the major differences and issues below. I have tried to accomplish the intent of the submitted language but, as is often the case with a bill of this size, additional changes may be needed to make the bill conform to your and the department's intent. Please let me know if you desire any changes. After you approve of the draft, I will complete an introducible version.

2. The fire safety and injury prevention education program is established in proposed s. 101.139. I did not include a separate authorization to establish a fire safety program under s. 101.14 (1) (a), stats., as requested by the department, because the program established in proposed s. 101.139 appears to include this authorization. As currently drafted, the fire safety and injury prevention education program may be funded out of applicable grants and donations, safety and buildings operations program revenue or any general purpose revenue that the legislature allocates to the new appropriation account under proposed s. 20.143 (3) (e). As I previously discussed with John Lippitt at the department, this new appropriation account is not funded in the bill.

3. The bill repeals that portion of the appropriation currently in s. 20.143 (3) (La), stats., relating to administrative expenses under s. 101.141, stats., because the bill transfers the record maintenance duties under s. 101.141, stats., from the department to fire departments.

4. Generally, the department has jurisdiction over places of employment and public buildings, as well as certain residential buildings. The language submitted by the department amended s. 101.14 (1) (a), stats., to include a general statement of the department's authority and jurisdiction over fire inspections, fire prevention, fire detection and fire suppression in all buildings. The jurisdiction and powers of the department are primarily in s. 101.02, stats., and, thus, I have placed this grant of authority in proposed s. 101.02 (15) (am). Please review this section and let me know if it is inconsistent with your intent.

5. The bill places the duties of cities, villages and towns in s. 101.14 (2), stats., and the eligibility requirements for receiving fire department dues, in s. 101.575, stats. Currently, a city, village or town must comply with s. 101.575 (3), stats., in order to be eligible to receive fire department dues. However, under the language submitted by the department, the requirements under s. 101.573 (3), stats., are a mandate rather than simply an eligibility requirement. Thus, the bill moves those provisions to proposed s. 101.14 (2) (ag). In addition, under proposed s. 101.575 (4), a city, village or town still must satisfy these requirements in order to be eligible to receive fire department dues.

Does the new language in proposed s. 101.14 (2) (ag) 3. clearly describe what is intended by the term "public fire education"?

6. The language submitted by the department cleared up an ambiguity in s. 101.141, stats., by indicating that certain fire department records are open to the public as specified in ch. 19 (open records law). Because the applicable fire department records fall within the definition of "record" in s. 19.32 (2) and, thus, are subject to the open records law, the bill deletes any reference to the records being open to public inspection in s. 101.141, stats.

7. Per my understanding of the department's intent, the bill conforms the procedure for collecting and distributing fire department dues with the current practice of the department and the commissioner of insurance. See proposed ss. 101.573 (3) (a), 601.93 (2) and 604.04 (3) (b). You may want to have both the commissioner of insurance and the department review these provisions to ensure that the provisions are adequate.

8. The language submitted by the department contained an amendment to s. 101.575 (1) (b) and (c), stats., to account for the possibility that a city, village or town may contract for fire protection or fire prevention services from a fire department rather than with another city, village or town. However, under current law only a city, village or town may operate a fire department. As a result, the bill does not include the requested language.

The bill repeals s. 101.575 (1) (c), stats., because the requirement in that paragraph is covered by proposed ss. 101.575 (4) (a) 1. and 101.575 (4) (am).

9. Under the bill, all eligibility requirements for receiving fire department dues are consolidated in one location, proposed s. 101.575 (4) (a). In consolidating these eligibility requirements, I tried to use consistent terminology with regard to those municipalities that receive fire protection and fire prevention services, under a contract or agreement with another municipality. See proposed s. 101.575 (4) (a) 3. and 4., stats. The department should review these provisions to ensure that they are consistent with the department's understanding of current law.

Currently, s. 101.575 (4) (a) 1., stats., requires a city, village, town or fire department to comply with "sub. (6) and s. 101.14 (2)." Although the language submitted by the department did not treat this section, the bill requires a city, village or town to comply with all of s. 101.575, rather than just sub. (6). This treatment seems consistent with the intent of the department.

✓  
10. The bill amends s. 101.575 (6) (b), stats., to account for the provision of services under a mutual aid agreement. Although this change seems consistent with the general intent of the department, you may want the department to review this provision to ensure that the provision rightly includes mutual aid agreements.

↪ 11. Regarding the smoke detectors that are approved for use under proposed ss. 101.645 (2), 101.745 (2) and 101.925 (2), you may want to require that a smoke detector be approved by Underwriter's Laboratory or any other independent testing laboratory *approved by the department*.

12. The language submitted by the department ~~would~~ have prohibited the department from promulgating certain rules under s. 101.973 (1), stats., unless the rules were recommended by the multifamily dwelling code council. In effect, the council would have the authority to prevent the department from promulgating these rules. With certain limited exceptions, a "council" under current law is an advisory body that may make recommendations but that otherwise ~~does not~~ have powers to compel or prohibit agency activities. I drafted proposed s. 101.973 (1) in order to be consistent with current law regarding the powers of a council. Under the bill, the department is required to obtain the recommendation of the council before promulgating these rules but is not bound by the recommendation. See proposed s. 101.973 (1). If this provision is not sufficient, please let me know and we can discuss other options for addressing this issue.

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**

LRB-4078/P1dn  
RJM:cmh:jf

January 24, 2000

Representative Porter:

1. Attached is a preliminary draft of a bill generally relating to fire safety and the multifamily dwelling code. Although the language submitted by the department of commerce (department) was helpful in completing this bill, due to the confusing state of the underlying statutes, the bill contains numerous differences from the submitted language. These differences are primarily due to my efforts to make these statutes readable. I have highlighted some of the major differences and issues below. I have tried to accomplish the intent of the submitted language but, as is often the case with a bill of this size, additional changes may be needed to make the bill conform to your and the department's intent. Please let me know if you desire any changes. After you approve of the draft, I will complete an introducible version.

2. The fire safety and injury prevention education program is established in proposed s. 101.139. I did not include a separate authorization to establish a fire safety program under s. 101.14 (1) (a), stats., as requested by the department, because the program established in proposed s. 101.139 appears to include this authorization. As currently drafted, the fire safety and injury prevention education program may be funded out of applicable grants and donations, safety and buildings operations program revenue or any general purpose revenue that the legislature allocates to the new appropriation account under proposed s. 20.143 (3) (e). As I previously discussed with John Lippitt at the department, this new appropriation account is not funded in the bill.

3. The bill repeals that portion of the appropriation currently in s. 20.143 (3) (La), stats., relating to administrative expenses under s. 101.141, stats., because the bill transfers the record maintenance duties under s. 101.141, stats., from the department to fire departments.

4. Generally, the department has jurisdiction over places of employment and public buildings, as well as certain residential buildings. The language submitted by the department amended s. 101.14 (1) (a), stats., to include a general statement of the department's authority and jurisdiction over fire inspections, fire prevention, fire detection and fire suppression in all buildings. The jurisdiction and powers of the department are primarily in s. 101.02, stats., and, thus, I have placed this grant of authority in proposed s. 101.02 (15) (am). Please review this section and let me know if it is inconsistent with your intent.



5. The bill places the duties of cities, villages and towns in s. 101.14 (2), stats., and the eligibility requirements for receiving fire department dues in s. 101.575, stats. Currently, a city, village or town must comply with s. 101.575 (3), stats., in order to be eligible to receive fire department dues. However, under the language submitted by the department, the requirements under s. 101.573 (3), stats., are a mandate rather than simply an eligibility requirement. Thus, the bill moves those provisions to proposed s. 101.14 (2) (ag). In addition, under proposed s. 101.575 (4), a city, village or town still must satisfy these requirements in order to be eligible to receive fire department dues.

Does the new language in proposed s. 101.14 (2) (ag) 3. clearly describe what is intended by the term “public fire education”?

6. The language submitted by the department cleared up an ambiguity in s. 101.141, stats., by indicating that certain fire department records are open to the public as **specified in ch. 19** (open records law). Because the applicable fire department records fall within the definition of “record” in s. 19.32 (2), stats., and, thus, are subject to the open records law, the bill deletes any reference to the records being open to public inspection in s. 101.141, stats.

7. Per my understanding of the department’s intent, the bill conforms the procedure for collecting and distributing fire department dues with the current practice of the department and the commissioner of insurance. See proposed ss. 101.573 (3) (a), 601.93 (2) and 604.04 (3) (b). You may want to have both the commissioner of insurance and the department review these provisions to ensure that the provisions are adequate.

8. The language submitted by the department contained an amendment to s. 101.575 (1) (b) and (c), stats., to account for the possibility that a city, village or town may contract for fire protection or fire prevention services from a fire department rather than with another city, village or town. However, under current law only a city, village or town may operate a fire department. As a result, the bill does not include the requested language.

The bill repeals s. 101.575 (1) (c), stats., because the requirement in that paragraph is covered by proposed s. 101.575 (4) (a) 1. and (am).

9. Under the bill, all eligibility requirements for receiving fire department dues are consolidated in one location, proposed s. 101.575 (4) (a). In consolidating these eligibility requirements, I tried to use consistent terminology with regard to those municipalities that receive fire protection and fire prevention services under a contract or agreement with another municipality. See proposed s. 101.575 (4) (a) 3. and 4., stats. The department should review these provisions to ensure that they are consistent with the department’s understanding of current law.

Currently, s. 101.575 (4) (a) 1., stats., requires a city, village, town or fire department to comply with “sub. (6) and s. 101.14 (2).” Although the language submitted by the department did not treat this section, the bill requires a city, village or town to comply with all of s. 101.575, rather than just sub. (6). This treatment seems consistent with the intent of the department.

10. The bill amends s. 101.575 (6) (b), stats., to account for the provision of services under a mutual aid agreement. Although this change seems consistent with the general intent of the department, you may want the department to review this provision to ensure that the provision rightly includes mutual aid agreements.

11. Regarding the smoke detectors that are approved for use under proposed ss. 101.645 (2), 101.745 (2) and 101.925 (2), you may want to require that a smoke detector be approved by Underwriters Laboratory or any other independent testing laboratory ***approved by the department.***

12. The language submitted by the department would have prohibited the department from promulgating certain rules under s. 101.973 (1), stats., unless the rules were recommended by the multifamily dwelling code council. In effect, the council would have the authority to prevent the department from promulgating these rules. With certain limited exceptions, a "council" under current law is an advisory body that may make recommendations but that otherwise does not have powers to compel or prohibit agency activities. I drafted proposed s. 101.973 (1) in order to be consistent with current law regarding the powers of a council. Under the bill, the department is required to obtain the recommendation of the council before promulgating these rules but is not bound by the recommendation. See proposed s. 101.973 (1). If this provision is not sufficient, please let me know and we can discuss other options for addressing this issue.

Robert J. Marchant  
Legislative Attorney  
Phone: (608) 2614454  
E-mail: Robert.Marchant@legis.state.wi.us

TOWNS

**60.55 Fire protection.**

60.55(1)

**(1) General authority.**

60.55(1)(a)

(a) (intro.) The town board shall provide for fire protection for the town. Fire protection for the town, or any portion of the town, may be provided in any manner, including:

60.55(1)(a)1.

1. Establishing a town fire department.

60.55(1)(a)2.

2. Joining with another town, village or city to establish a joint fire department. If the town board establishes a joint fire department with a village under s. 61.65 (2) (a) 3., the town board shall create a joint board of fire commissioners with the village under s. 61.65 (2) (b) 2.

60.55(1)(a)3.

3. Contracting with any person,

60.55(1)(a)4.

4. Utilizing a **fire company** organized under ch. 213.

Move the new fire protection requirements back to 60.575 & make them ~~an~~ eligibility requirements.

4.01 (1)(a) def. for apt.

11.00

VILLAGES

61.65(2)(a)

(a) (intro.) Except as provided under s. 61.66, each village with a population of 5,500 or more shall provide fire protection services by one of the following methods:

61.65(2)(a)1.

1. Creating its own fire department.

61.65(2)(a)2:

2. Contracting for fire protection services with a city or town or with another village. A village that contracts for fire protection services shall pay the full cost of services provided.

61.65(2)(a)3.

3. Creating a joint fire department with a city or town or with another village.

61.65(2)(a)4.

4. Utilizing a fire company organized under ch. 213, except that this subdivision does not apply in a village that provides fire protection services under subd. 1. on December 9, 1993.

61.66

**61.66 Combined protective services.**

61.66(1)

(1) (intro.) Notwithstanding s. 61.65 (1) (a), (2) (a) and (3g) (d) 2., any village with a population of less than 20,000 may provide police and fire protection services by any of the following:

61.66(1)(a)

(a) A department which is neither a police department under s. 61.65 (1) (a) nor a fire department under s. 61.65 (2) (a), which was created prior to January 1, 1987, and in which the same person may be required to perform police protection and fire protection duties without being required to perform police protection duties for more than 8 hours in each 24 hours except in emergency situations, as specified under s. 62.13 (7n).

61.66(1)(b)

(b) Persons in a police department or fire department who, alone or in combination with persons designated as police officers or fire fighters, may be required to perform police protection and fire protection duties without being required to perform police protection duties for more than 8 hours in each 24 hours except in emergency situations, as specified under s. 62.13 (7n), if those persons were required to perform those duties prior to January 1, 1987.

61.66(2)

(2) The governing body of a village acting under sub. (1) may designate any person required to perform police protection and fire protection duties under sub. (1) as primarily a police officer or fire fighter for purposes of s. 891.45 or 891.455.

62.13

CHIEFS

**62.13 Police and fire departments.**

**62.13(1)**

**(1) Commissioners.** Except as provided in sub. (2m), each city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of whom shall constitute a quorum. The mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of 5 years. No appointment shall be made which will result in more than 3 members of the board belonging to the same political party. The board shall keep a record of its proceedings.

**62.13(2)**

**(2) Exception.**

**62.13(2)(a)**

(a) Except as provided under sub. (6m), subs. (1) to (6) shall not apply to cities of less than 4,000 population except by ordinance adopted by a majority of all the members of the council. A repealing ordinance may be adopted by a like vote.

**62.13(2)(b)**

(b) A city that creates a joint police or fire department with a village under s. 61.65 is not required to create a separate board of police and fire commissioners under this section. The city shall create a joint board of commissioners to govern the joint department, as required in s. 61.65. ~~If the~~ city also creates one separate protective services department in addition to the joint protective services department, the city shall create a separate board of commissioners to govern that department. A city's joint board of commissioners is subject to s. 61.65 (3g)(d). A city's separate board of commissioners is subject to this section.

62.13(u)  
62.13(8)

**62.13(2m)**

**(2m) Joint departments, contract services.**

**62.13(2m)(a)**

(a) A city may create a joint police department or a joint fire department, or both, with another city.

**62.13(2m)(b)**

(b) A city that creates a joint police department or a joint fire department, or both, with another city under par. (a) is not required to create a separate board of police and fire commissioners under this section. The cities shall create a joint board of commissioners to govern the joint department. If only one joint department is created, each city shall retain its existing board of police and fire commissioners to govern the separate department. The cities may jointly determine the number of commissioners to be appointed to the joint board by each city and the length of the commissioners' terms. A majority of the commissioners is a quorum. A joint board of commissioners that is created under this paragraph to govern a joint police department is subject to the provisions of subs. (3) to (7n), a joint board of commissioners that is created under this paragraph to govern a joint fire department is subject to the provisions of subs. (8) to (12) and a joint board of commissioners that is created under this paragraph to govern a joint police and fire department is subject to the provisions of subs. (2) to (12).

62.13(3)

(3) **Chiefs.** The board shall appoint the chief of police and the chief of the fire department, who shall hold their offices during good behavior, subject to suspension or removal by the board for cause.

~~66.069(2)(e)~~

~~(e) Any town, village or city owning a public utility, or the board of any municipal utility appointed under s. 66.068, may enter into agreements with any other such towns, villages or cities, or any other such boards of municipal utilities, for mutual aid in the event of an emergency or disaster in any of their respective service areas. Such agreements may include, but are not limited to, provisions for the movement of employees and equipment in and between the service areas of the various participating municipalities for the purpose of rendering such aid and, for the reimbursement of a municipality rendering such aid by the municipality receiving the aid.~~

Multi-Family Provisions

✓ DP 101.14 (4m) (+ take out CE title)

✓ Pg 5-17

~~XXXXXXXXXXXX~~

✓ Copy affirmative duty re: uniform code provisions (101.43 (1)). Add to 101.973 (1)

Other Provisions

✓ 101.14 (2) (e) local authority

✓ Double check that Commerce can turn down donations + gifts under current law.

✓ 20.143 (3) (g) language enough to cover administration of fire safety programs

✓ Delete section 6.

✓ 4-23 "shall" to "may"

✓ Delete rule-making language on 5-1 + 2

✓ 8-3 restore compile

✓ Cross-X on 8-12 to 14

family and 2-family dwellings that are accessible to persons with disabilities, as defined in s. 106.04 (1m) (g), and shall make recommendations to the department for any changes to the uniform dwelling code that may be needed to ensure an adequate supply of one-family and 2-family dwellings. Upon its own initiative or at the request of the department, the council shall consider and make recommendations to the department pertaining to rules and any other matters related to this subchapter. The council shall recommend variances for different climate and soil conditions throughout the state.

History: 1975 c. 404; 1991 a. 295; 1995 a. 27.

**101.625 Contractor financial responsibility council; duties.** The contractor financial responsibility council shall recommend for promulgation by the department rules for certifying the financial responsibility of contractors under s. 101.654. These rules shall include rules providing for the assessment of fees upon applicants for certification of financial responsibility under s. 101.654 and for the suspension and revocation of that certification. The amount of the fees recommended under this section may not exceed an amount that is sufficient to defray the costs incurred in certifying the financial responsibility of applicants under s. 101.654.

History: 1993 a. 126.

**101.63 Departmental duties.** The department shall:

(1) Adopt rules which establish standards for the construction and inspection of one- and 2-family dwellings and components thereof. Where feasible, the standards used shall be those nationally recognized and shall apply to the dwelling and to its electrical, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (10). No set of rules may be adopted which has not taken into account the conservation of energy in construction and maintenance of dwellings and the costs of specific code provisions to home buyers in relationship to the benefits derived from the provisions.

(1m) Adopt a rule which requires any one- and 2-family dwelling which uses electricity for space heating to be superinsulated.

(2) Adopt rules for the certification, including provisions for suspension and revocation thereof, of inspectors for the purpose of inspecting building construction, electrical wiring, heating, ventilating, air conditioning and other systems, including plumbing, as defined in s. 145.01 (1o), of one- and 2-family dwellings under sub. (1). Persons certified as inspectors may be employees of the department, a city, village, town, county or an independent inspection agency. The department may not adopt any rule which prohibits any city, village, town or county from licensing persons for performing work on a dwelling in which the licensed person has no legal or equitable interest.

(2m) Promulgate rules for certifying the financial responsibility of contractors under s. 101.654. These rules shall include rules providing for the assessment of fees upon applicants for certification of financial responsibility under s. 101.654 and for the suspension and revocation of that certification. The amount of the fees assessed under this subsection may not exceed an amount that is sufficient to defray the costs incurred in certifying the financial responsibility of applicants under s. 101.654.

(3) Contract to provide inspection services, at municipal expense, to any municipality which requires such service under s. 101.65 or 101.651.

(3m) Contract with a private organization to provide education regarding construction standards and inspection requirements under this subchapter and under rules promulgated under this subchapter to builders of dwellings in this state. The department may only contract with an organization under this subsection if the organization is described in section 501 (c) (6) of the Internal Revenue Code and is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

(5) Biennially review the rules adopted under this subchapter.

(6) Issue special orders which it deems necessary to secure compliance with this subchapter and enforce the same by all appropriate administrative and judicial proceedings.

(7) Prescribe and furnish to municipalities a standard building permit form for all new one- and 2-family dwellings. The standard permit form shall include a space in which the municipal authority issuing the permit shall insert the name and license number of the master plumber engaged in supervising the installation of plumbing or installing the plumbing at a new one- or 2-family dwelling.

(8) Hear petitions regarding the dwelling code, rules and special orders in accordance with s. 101.02 (6) (e) to (i) and (8).

(9) Establish by rule a schedule of fees sufficient to defray the costs incurred under this subchapter.

History: 1975 c. 404; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (8); 1987 a. 343; 1993 a. 26, 126, 414; 1999 a. 9.

**101.64 Departmental powers.** The department may:

(1) Hold hearings on any matter relating to this subchapter and issue subpoenas to compel the attendance of witnesses and the production of evidence at such hearings.

(2) At the request of the owner or renter enter, inspect and examine dwellings, dwelling units or premises necessary to ascertain compliance with the rules and special orders under this subchapter.

(3) Revise the rules under this subchapter after consultation with the dwelling code council or with the contractor financial responsibility council, as appropriate.

(4) Provide for or engage in the testing, approval and certification of materials, devices and methods of construction.

(5) Collect and publish data secured from the building permits.

(6) Adopt rules prescribing procedures for approving new building materials, methods and equipment.

(7) Enter into reciprocal agreements with other states regarding the approval of building materials and methods where the standards of the other state meet the intent of the dwelling code and the rules promulgated under this subchapter.

(8) Study the operation of the dwelling construction code and other laws related to the construction of dwelling units to determine their impact upon the cost of building construction and their effectiveness upon the health, safety and welfare of the occupants.

History: 1975 c. 404; 1993 a. 126.

**101.645 Smoke detectors. (1) DEFINITION.** The definition of "smoke detector" under s. 101.145 (1) (c) also applies to this section.

(2) APPROVAL AND INSTALLATION. A smoke detector required under this section shall be approved and installed as required under s. 101.145 (2) and (3) (a).

(3) REQUIREMENT. The owner of a dwelling shall install a functional smoke detector in the basement of the dwelling and on each floor level except the attic or storage area of each dwelling unit. The occupant of such a dwelling unit shall maintain any smoke detector in that unit, except that if any occupant who is not the owner, or any state, county, city, village or town officer, agent or employee charged under statute or municipal ordinance with powers or duties involving inspection of real or personal property, gives written notice to the owner that the smoke detector is not functional the owner shall provide, within 5 days after receipt of that notice, any maintenance necessary to make that smoke detector functional.

(4) INSPECTION. The department or a municipal authority may inspect new dwellings, may inspect the common areas of dwellings and, at the request of the owner or renter, may inspect the interior of a dwelling unit in a dwelling to ensure compliance with this section.

History: 1977 c. 388; 1983 a. 189 s. 329 (4); 1987 a. 376; 1989 a. 109.

This section is a safety statute the violation of which constitutes negligence per se. Johnson v. Blackburn, 220 Wis. 2d 260, 582 N.W.2d 488 (Ct. App. 1998).



the same by the first day of August in each year to the state superintendent of public instruction.

(d) The department may prepare and provide suitable forms for distribution to the school systems in the state, for the purpose of providing uniform reports on fire drills conducted during the year in accordance with s. 118.07 (2).

(2) (a) The chief of the fire department in every city, village or town, except cities of the 1st class, is constituted a deputy of the department, subject to the right of the department to relieve any such chief from duties as such deputy for cause, and upon such suspension to appoint some other person to perform the duty imposed upon such deputy. The department may appoint either the chief of the fire department or the building inspector as its deputy in cities of the 1st class.

(b) The chief of every fire department shall provide for the inspection of every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires.

(c) 1. Except as provided under **subd. 2.**, the chief of every fire department shall provide that the inspections required under par. (b) be made at least once in each nonoverlapping 6-month period per calendar year in all of the territory served by his or her fire department. The chief of a fire department may require more frequent inspections than required under this subdivision. The department by rule shall provide for general exceptions, based on the type of occupancy or use of the premises, where less frequent inspections are required. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections than required under this subdivision.

2. In 1st class cities, the fire chief may establish the schedule of fire inspections in that city. The fire chief shall base the frequency of the inspections on hazardous classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

(cm) In addition to the requirements of pars. (b) and (c), a fire department shall provide public fire education services.

(d) The chief of every fire department, or, in 1st class cities, the building inspector appointed by the department under par. (a), shall designate a sufficient number of inspectors to make the inspections required under pars. (b) and (c).

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

(f) Every inspection required under pars. (b) and (c) is subject to the supervision and direction of the department, which shall, after audit, certify to the commissioner of insurance after the expiration of each calendar year each city, village or town where the inspections for the year have been made, and where records have been made and kept on file as required under par. (e).

(3) The department shall annually conduct training sessions and provide manuals and other materials and services to assist deputies and inspectors in the fulfillment of their duties under sub. (2).

(4) (a) The department shall make rules, pursuant to ch. 227, requiring owners of places of employment and public buildings to install such fire detection, prevention or suppression devices as will protect the health, welfare and safety of all employers, employes and frequenters of places of employment and public buildings.

(b) 1. Except as provided in subd. 2., the rules of the department shall require all such places and buildings over 60 feet in height, the construction of which is begun after July 3, 1974, to contain an automatic fire sprinkler system on each floor.

2. a. Subdivision 1. does not apply to any open parking structure, as defined by the department.

b. If the department determines that water would cause irreparable damage and undue economic loss if discharged in such places or buildings, it shall require a suppression device which has a substance other than water.

c. Subdivision 1. does not apply to any building over 60 feet in height the construction of which is completed or is begun prior to July 3, 1974.

(c) 1. The rules of the department governing such places and buildings under 60 feet in height shall be based upon but may vary from those provisions in the Building Officials and Code Administrators International, Inc., building code which relate to fire detection, prevention and suppression in public buildings and places of employment.

2. Before the effective date of the rules promulgated under **subd. 1.**, as affected by 1983 Wisconsin Act 295, section 3, the department may grant a variance to any rule relating to automatic fire sprinklers and mandated under chapter 320, laws of 1981, if the department first does both of the following:

a. Consults with the chief of the fire department having authority over the place of employment or public building.

b. Determines that the variance provides protection, substantially equivalent to that of the rules mandated by chapter 320, laws of 1981, of the health, safety and welfare of employers, employes and frequenters of the place of employment or public building.

(d) To the extent that the historic building code applies to the subject matter of this subsection, each qualified historic building, as defined under s. 101.121 (2) (c), is exempt from this subsection if the owner elects to be subject to s. 101.121.

(dm) Each building required by rule under this subsection to contain fire detection, prevention and suppression devices shall have the necessary devices installed at the time of its construction.

(e) Whoever violates this subsection may be fined not less than \$100 but not more than \$500 for each day of violation.

(f) The department may inspect all buildings covered by this subsection and may issue such orders as may be necessary to assure compliance with it.

(g) As used in this subsection:

1. "Automatic fire sprinkler system" has the meaning provided in s. 145.01 (2).

2. "Fire detection, prevention and suppression devices" include but are not limited to manual fire alarm systems, smoke and heat detection devices, fire extinguishers, standpipes, automatic fire suppression systems and automatic fire sprinkler systems.

(4m) (a) In this subsection:

1. "Automatic fire sprinkler system" has the meaning given in s. 145.01 (2).

2. "Dwelling unit" has the meaning given in s. 101.61 (1).

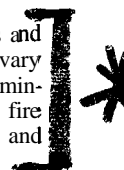
3. "Multifamily dwelling" has the meaning given in s. 101.971 (2).

4. "Nondwelling unit portions" means the common use areas of a multifamily dwelling, including corridors, stairways, basements, cellars, vestibules, atriums, community rooms, laundry rooms or swimming pool rooms.

5. "Political subdivision" means a county, city, village or town.

5m. "Two-hour fire resistance" means 2-hour fire separations for all walls that separate dwelling units, exit corridors and exit stair enclosures and for all floors and ceilings, so that the specified walls, floors and ceilings are capable of resisting fire for a period not shorter than 2 hours.

(am) A political subdivision may enact ordinances, as provided in this paragraph, that require an automatic fire sprinkler system or 2-hour fire resistance in every multifamily dwelling. Any ordinance enacted under this paragraph shall meet the standards established under pars. (b) and (c) or under pars. (d) and (e).



## Marchant, Robert

---

**From:** Lippitt, John  
**Sent:** Wednesday, February 02, 2000 5:16 PM  
**To:** Marchant, Robert  
**cc:** DuPont, Robert; Starzyk, Samantha; Spooner, Christopher  
**Subject:** RE: Fire dues bill

Rob:

Thank you for bringing these issues to our attention. We do not want to create any new mandates in ch. 60, 61, 62 or 66, Stats., at this time. The public policy issues concerning villages providing fire protection and fire prevention services may be addressed at another time. Please revise the proposal so the cities, villages and towns must ensure the services are provided as a condition to be eligible for a fire dues payment.

Call me at 6-I 036 if you would like to discuss this further, thanks.

John

-----Original Message-----

**From:** Marchant, Robert  
**Sent:** Tuesday, February 01, 2000 11:44 AM  
**To:** Lippitt, John  
**cc:** DuPont, Robert; Starzyk, Samantha; Spooner, Christopher  
**Subject:** Fire dues bill

John--

I have discovered an issue that I need some help with. I apologize for the length of the **email** but the issue is complicated. I will outline the issue and then offer a potential solution.

As we discussed yesterday, the bill places all municipal requirements in s. 101 .14 (2). Several of these requirements are in proposed s. 101 .14 (2) (ag) (see Section 36 of the bill). Although these requirements are consistent with the fire protection requirements applicable to cities under ch. 62, I am concerned that the requirements in proposed s. 101 .14 (2) (ag) in some cases are inconsistent with and, in limited instances, conflict with current town and village fire protection requirements in chs. 60 and 61.

For example, s. 60.55 (1) (a) requires every town to provide for fire protection services. Section 60.55 (1) (a) 3. and 4. authorize a town to obtain fire protection under contract with any person or through a fire company. Should s. 60.55 (1) (a) be amended to require a town to provide for fire protection and fire prevention services? Should the authority of a town to contract with any person be repealed, in light of proposed s. 101 .14 (2) (ag)'s requirement that a town maintain or contract with a volunteer fire department or with a paid or partly paid fire department? Should proposed s. 101 .14 (2) (ag) be changed to allow for a town to receive services from a fire **company**?

Different problems arise when you look at s. 61.65 (2) (a), which requires a village with a population of 5,500 or more to provide fire protection services. Under s. 61.65 (2) (a) 4., a village may provide these services through a fire company, unless the village had its own fire department on December 9, 1993. Again, should every village, regardless of population, be required to provide fire protection **and prevention** services under s. 61.65 (2) (a)? Should the bill incorporate the exception to a village's general authority to utilize a fire company if the village had a fire department on December 9, 1993? Also, should proposed s. 101 .14 (2) (ag) be changed to allow for a village to receive services from a fire company consistent with s. 61.65 (2) (a)?

If the requirements in proposed s. 101 .14 (2) (ag) are intended to apply to every city, village and town, then I will need to amend the relevant provisions in chs. 60 to 66 to make the requirements consistent. If the requirements in proposed s. 101 .14 (2) (ag) are not intended to apply to every city, village or town, then the language in that section will need to be changed to reflect the department's actual intent.

If it is consistent with the department's intent, one option would be to delete the "maintain or contract with a volunteer or paid department" language and replace it with "provide for fire protection and fire prevention services as required under s. 60.XX, 61 .XX or 62.XX." I think you need to amend proposed s. 101 .14 (2) (ag) 1. to read more like proposed s. 101 .14 (2) (ag) 2. (as amended, it would read something like "has a designated chief and singly, or in combination, provides continuous fire protection in the city, village or town"). Each of the provisions in chs. 60 to 62

could then be amended to require a city, village and town to provide for fire protection and fire prevention services as required under **s. 101.14 (2) (ag)**.

When you can make the time, could you review the sections noted above and let me know how the department intends to proceed? Please feel free to call if you have any questions.

Thanks.

**Robert J. Marchant**  
Legislative Attorney  
State of Wisconsin Legislative Reference Bureau  
[robert.marchant@legis.state.wi.us](mailto:robert.marchant@legis.state.wi.us)