



State of Wisconsin  
1999 - 2000 LEGISLATURE

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LRB-4078/RS  
RJM:cmh:jf

Monday 2-7 2:00 PM

RMJR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DRAFT

re-ger.

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

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automatic fire sprinklers and fire-resistant construction

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

**Analysis by the Legislative Reference Bureau**

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

INSERT ANALYSIS

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

**SECTION 1.** 15.157 (12) (d) of the statutes is renumbered 15.157 (12) (d) (intro.)

and amended to read:

15.157 (12) (d) (intro.) 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~~ as follows:

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

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

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

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

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

	<b>1999-00</b>	<b>2000-01</b>
<b>20.143 Commerce, department of</b>		
(3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS		
(e) Fire safety and injury prevention		
education program	GPR    A       -O-	-O-

14           **SECTION 4.** 20.143 (3) (e) of the statutes is created to read:  
15           20.143 (3) (e) *Fire safety and injury prevention education program.* The  
16 amounts in the schedule for the purpose of administering the fire safety and injury  
17 prevention education program under s. 101.139.

18           **SECTION 5.** 20.143 (3) (L) of the statutes is amended to read:  
19           20.143 (3) (L) ~~the~~ *dues distribution.* All moneys received under ss. ~~101.573~~  
20 ~~(1) and~~ 601.93 and 604.04 (3) (b), less the amounts transferred to par. (La) and s.  
21 20.292 (1) (gm) and (gr), for distribution under s. 101.573. The amount transferred  
22 to par. (La) shall be the amount in the schedule under par. (La). The amount  
23 transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292

1 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount in the  
2 schedule under s. 20.292 (1) (gr).

3 **SECTION 6.** 20.143 (3) (La) of the statutes is amended to read:  
4 20.143 (3) (La) *Fire prevention and fire dues administration.* The amounts in  
5 the schedule for administrative expenses under ss. 101.14, ~~101.141~~ and 101.573. All  
6 moneys transferred from par. (L) to this appropriation shall be credited to this  
7 appropriation. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June  
8 30 of each year shall revert to the appropriation under par. (L).

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

10 20.145 (3) (v) **Specified payments, fire dues and reinsurance.** After deducting  
11 the amounts appropriated under par. (u), the balance of moneys in the local  
12 government property insurance fund, for the payment of insurance losses, payments  
13 to the investment board under s. 20.536, payments to the general fund under s.  
14 ~~101.573 (1)~~ 604.04 (3) (b), loss adjustment expenses, fire rating bureau dues and the  
15 cost to purchase reinsurance under s. 604.04 (6).

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

17 101.02 (15) (am) The department has jurisdiction over and supervision of all  
18 buildings, structures and premises in this state for the purpose of administering all  
19 laws of this state relating to fire inspections, fire prevention, fire detection and fire  
20 suppression.

21 **SECTION 9.** 101.139 of the statutes is created to read:

22 **101.139 Fire safety and injury prevention education program.** The  
23 department ~~shall~~ <sup>may</sup> develop and administer a fire safety and injury prevention  
24 education program, designed to educate the public regarding fire prevention, fire  
25 detection, fire suppression, injury prevention and any other related subject matter.

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The department may make grants to support the purposes of the program. ~~the department shall adopt rules to implement this section.~~

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

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

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6

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

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101.14 (1) (b) The Except as otherwise provided in this paragraph, the secretary ~~and or~~ any deputy may, at all any reasonable ~~hours time~~, enter ~~into and upon all buildings, premises and public thoroughfares excepting only the interior of private dwellings, any building, premises or public thoroughfare~~ for the purpose of

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ascertaining and causing to be corrected any condition liable to cause fire, or any

11

violation of any law or order relating to the a fire hazard or relating to the prevention

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of fire. This paragraph does not provide the secretary or any deputy with authority

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to enter the interior of a private dwelling.

14

(bm) The secretary ~~and or~~ any deputy may, at all any reasonable ~~hours time~~,

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enter the interior of a private dwellings dwelling at the request of the owner or renter

16

for the purpose of ~~s. 101.145 (6) or 101.645 (4)~~ verifying the proper installation of fire

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suppression devices ~~@~~ and fire detection devices.

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SECTION 12. 101.14 (1) (c) of the statutes is renumbered 101.14 (3) (b) and

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amended to read:

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101.14 (3) (b) The department ~~is hereby empowered and directed to~~ shall

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provide the form of a course of study in fire prevention for use in the public schools,

22

~~dealing.~~ The course of study shall deal with the protection of lives and property

23

against loss or damage as a result of preventable fires, ~~and.~~ The dewartment shall

24

transmit the ~~same by the first day~~ form of the course of study

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

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

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

6 SECTION 14. 101.14 (2) (a) of the statutes is ~~renumbered 101.14 (2) (a)~~ and  
7 amended to read: (a)

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

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

16 101.14 (2) (d) The chief of every fire department, or, in 1st class cities, the  
17 building inspector appointed by the department under par. (a) (a), shall designate  
18 a sufficient number of inspectors to make the inspections required under pars. (b)  
19 and (c).

20 SECTION 16. 101.14 (2) (f) of the statutes is renumbered 101.14 (1) (cm) and  
21 amended to read:

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

Each city, village and town shall ensure that all duties established

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

3 SECTION 17. 101.14 (3) (title) of the statutes is created to read:

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

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

6 SECTION 19. 101.14 (4) (title) of the statutes is created to read:

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

9 SECTION 20. 101.14 (4m) ~~title~~ of the statutes is ~~created to read~~ repealed.

10 ~~101.14 (4m) (title) AUTOMATIC FIRE SRRINKLER SYSTEMS AND FIRE RESISTANCE,~~  
11 ~~MULTIFAMILY DWELLINGS.~~

12 SECTION 21. 101.14 (5) (title) of the statutes is created to read:

13 101.14 (5) (title) PLAN REVIEW FEES; FLAMMABLE, COMBUSTIBLE OR HAZARDOUS  
14 MATERIALS.

15 SECTION 22. 101.141 of the statutes is amended to read:

16 **101.141 Record keeping and reporting of fires.** ~~The department~~ Each fire  
17 ~~department~~ shall maintain records a record of all fires occurring in this state. Such  
18 records shall be open to public inspection during normal business hours within the  
19 territory served by the fire department. The department of commerce, by rule, may  
20 require a fire department to provide the department of commerce with a copy of any  
21 record maintained under this section.

22 SECTION 23. 101.145 of the statutes is repealed.

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

24 **101.573 (title) Distribution of fire department dues.**

25 SECTION 25. 101.573 (1) of the statutes is repealed.

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SECTION 26. 101.573 (3) of the statutes is amended to read:

101.573 (3) DETERMINATION AND DISTRIBUTION OF FIRE DEPARTMENT DUES. (a) ~~On~~ <sup>[plain text]</sup>

~~or before~~ <sup>(15)</sup> No later than May 1 of each year, the department shall ~~compile~~ <sup>[ ]</sup> ~~the~~ total of all 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 together with any balance remaining under par. (b), ~~and the amount charged to the property insurance fund~~ under s. 604.04 (3) (b). The department shall withhold .5% and ~~certify to the state~~ treasurer the proper amount from this total for use under par. (b) and shall determine the amount to be paid ~~from the appropriation under s. 20.143 (3) (L) from the balance~~ to each city, village or town entitled to fire department dues under s. 101.575. ~~Annually,~~

~~on or before~~ No later than August 1 of each year, the ~~state treasurer~~ <sup>department</sup> shall pay the ~~amounts certified by the department~~ <sup>proper amount</sup> ~~to the cities, villages and~~ towns eligible <sup>each city, village and town that is entitled to fire department dues</sup> ~~under s. 101.575.~~ <sup>[under s. 101.575]</sup>

(b) The amount withheld under par. (a) shall be disbursed to correct ~~errors~~ any error of the department or ~~of~~ of the commissioner of insurance or ~~for payments to cities,~~ villages or towns which are to make a payment to any city, village or town that is first determined to be ~~eligible for payments under par. (a)~~ entitled to fire department dues under s. 101.575 after May 1. The department shall ~~certify to the state treasurer~~ pay to each applicable city, village or town, as near as is practical, the amount ~~which that~~ would have been payable to the ~~municipality~~ city, village or town if payment had been properly disbursed under par. (a) on or ~~prior to~~ before May 1, except ~~that~~ that the amount payable to any ~~municipality~~ city, village or town that is first eligible entitled to fire department dues after May 1 shall be reduced by 1.5% for each month or portion of a month ~~which that~~ which that expires after May 1 and ~~prior to~~ before the eligibility



1 determination. ~~The state treasurer shall pay the amount certified to the city, village~~  
 2 ~~or town.~~ The ~~department shall include any remaining~~ balance of the amount  
 3 withheld in a calendar year under par. (a) ~~which~~ that is not disbursed under this  
 4 paragraph ~~shall be included~~ in the total compiled by the department under par. (a)  
 5 for the next calendar year. If ~~errors in payments exceed~~ the amount that is necessary  
 6 to correct any error of the denartment or of the commissioner of insurance exceeds  
 7 the available balance of the amount) withheld, under par.  
 8 (a), the denartment shall make adjustments ~~shall be made~~ in the distribution for the  
 9 next year to correct the error.

10 **SECTION 27.** 101.573 (4) (title) of the statutes is created to read:

11 101.573 (4) (title) **REPORTING REQUIREMENTS; DEPARTMENT AND COMMISSIONER OF**  
 12 **INSURANCE.**

13 **SECTION 28.** 101.573 (4) of the statutes is renumbered 101.573 (4) (a) and  
 14 amended to read:

15 101.573 (4) (a) The department shall transmit to the ~~treasurer~~ clerk of each  
 16 city, village and town that is entitled to fire department dues under s. 101.575, a  
 17 statement of the amount of dues payable to ~~it~~ the city, village or town under this  
 18 section ~~and the.~~

19 ~~(b) The commissioner of insurance shall~~ [ t r a n s m i t  
 20 to the desartment, upon request, a list ~~of the~~ containing the names of all insurers  
 21 paying fire department dues under s. 601.93 and the amount paid by each listed  
 22 insurer.

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

24 **101.575 (title) Entitlement to and use of fire department dues.**

1 SECTION 30. 101.575 (1) (a) of the statutes is renumbered 101.575 (1) and  
2 amended to read:

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

12 SECTION 31. 101.575 (1) (am) of the statutes is renumbered 101.575 (7) and  
13 amended to read:

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

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

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

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

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

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

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

SECTION 36. 101.575 (3) (a) of the statutes ~~is~~ renumbered 101.14 (2) (a) and 101.14 (2) (ag) (intro.) and as renumbered amended to read:

22 101.14 (2) (ag) (intro.) ~~No~~ Every city, village or ~~and~~ town may receive fire  
 23 ~~department dues under this section unless it has shall maintain or contract with a~~ has sufficient personnel ready for service at all times and that  
 24 ~~volunteer fire department that holds a meeting at least once each month or with a~~ or fire company  
 25 ~~paid or partly paid fire department with sufficient personnel ready for service at all~~

shall maintain

INSET 11-8

INSET 11-22

(4) (a) 5. to 8.

and (a) Intro. are  
1. to 4. are 101.575

1 times. Every city, village and town shall ensure that all services required under this  
 2 subsection are provided for in the city, village or town and shall ensure that the city,  
 3 village or town receives services from a fire department which that satisfies all of the  
 4 following requirements:

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

8 3. Provides a training program as prescribed by rule of the department by rule,  
 9 to fire fighters and inspectors who provide fire suppression services, fire prevention  
 10 inspections or public education with regard to fire safety.

11 SECTION 37. 101.575 (3) (b) of the statutes is ~~repealed~~ (renumbered 101.575 (4) (a) 9.  
 12 and amended to read:

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

14 101.575 (4) (title) **ELIGIBILITY; WITHHELD PAYMENTS.**

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

16 101.575 (4) (a) ~~The department may not pay any fire department dues for any~~  
 17 year to a Except as provided in sub. (7), a city, village, or town or fire department  
 18 unless is eligible to receive fire department dues only if all of the following conditions  
 19 are satisfied:

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

24 2. The city, village or town ~~has submitted a~~ submits an audit form which is ,  
 25 provided by the denartment and 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

who please fix component  
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(renumbered 101.575 (4) (a) 9.  
 and amended to read:

1 ~~services to that the~~ city, village or town, ~~which is provided by the department by rule~~  
 2 ~~and whic certifies certifying~~ that the ~~fire department has complied with~~ city, village  
 3 ~~or town satisfies the reauirements of this section or the departme~~ ~~is audited the~~  
 4 ~~city, village, town or fire department and determined~~ that it complies with sub (6)  
 5 and s. 101.14 (2), except that. for the purposes this subdivision. the audit form shall  
 6 certify that at least 95% of the inspections required under s. 101.14 (2) were provided  
 7 for in the city, village or town.

other than or in addition to a mutual aid agreement

8 SECTION 40. 101.575 (4) (am) of the statutes is created to read:

9 101.575 (4) (am) If a city, village or town receives fire protection and fire  
 10 prevention services under a contract ~~or agreement with another city, village or town,~~  
 11 both municipalities may receive fire department dues if otherwise eligible.

12 SECTION 41. 101.575 (5) of the statutes is renumbered 101.575 (4) (a) 4. and  
 13 amended to read:

14 ~~101.575 (4) (a) 4. No If the city, village or town which has contracted contracts~~  
 15 ~~or agrees with another city, village or town, or any part thereof for the provision of~~  
 16 ~~fire protection may be paid any fire department dues unless and fire prevention~~  
 17 ~~services, the contract or contracts are or agreements are sufficient to provide fire~~  
 18 ~~protection to the entire city, village or town for which the fire protection service is and~~  
 19 ~~fire prevention services are being provided.~~

INSERT 13-13

20 SECTION 42. 101.575 (6) (title) of the statutes is created to read:

21 101.575 (6) (title) **USE OF FIRE DEPARTMENT DUES .**

22 SECTION 43. 101.575 (6) (a) (intro.) of the statutes is amended to read:

23 101.575 (6) (a) (intro.) No city, village or town ~~maintaining a fire department~~  
 24 ~~under this section~~ may use any fire department dues received under s. 101.573 and  
 25 ~~this section~~ for any purpose except the direct provision of the following:

or in addition to

other than a mutual aid agreement

1 SECTION 44. 101.575 (6) (b) of the statutes is amended to read:

2 101.575 (6) (b) Any city, village or town that ~~contracts for~~ receives fire

3 protection service services under a contract ~~or agreement with another city, village~~

4 ~~or town~~ shall give all fire department dues received under s. 101.573 and this section

5 to the fire department ~~city, village or town~~ providing the fire protection service

6 services. That fire department ~~city, village or town~~ shall use those fire department

7 dues for any of the purposes specified in par. (a) 1. to 4.

8 SECTION 45. 101.577 (title) of the statutes is created to read:

9 **101.577 (title) Liability of city or village for fire department services**  
10 **outside of boundaries.**

11 SECTION 46. 101.645 (1) of the statutes is repealed and recreated to read:

12 101.645 (1) DEFINITION. In this section, "smoke detector" means a device that  
13 detects particles or products of combustion other than heat.

14 SECTION 47. 101.645 (2) of the statutes is amended to read:

15 101.645 (2) ~~APPROVAL AND INSTALLATION~~ SMOKE DETECTORS APPROVED FOR USE.

16 ~~A~~ Only a smoke detector required that is approved by Underwriters Laboratory, Inc.,  
17 or any other independent testing laboratory, may be used to satisfy the requirements  
18 under this section shall be approved and installed as required under s. 101.145 (2)  
19 and (3) (a) sub. (3).

20 SECTION 48. 101.645 (3) of the statutes is amended to read:

21 101.645 (3) ~~REQUIREMENT~~ REQUIREMENTS. The owner of a dwelling shall install  
22 a functional smoke detector in the basement of the dwelling and on each floor level  
23 except the attic or storage area of each dwelling unit. The owner shall install each  
24 smoke detector required under this subsection according to the directions and  
25 specifications of the manufacturer of the smoke detector. Except as otherwise

(plain text)

(plain text)

under the contract

strike space

1 ~~provided in this subsection. the~~ occupant of such a dwelling unit shall maintain any  
2 smoke detector in that unit, ~~except that if.~~ If any occupant ~~who is not other than~~ the  
3 owner, or if any state, county, city, village or town officer, agent or employe charged  
4 under statute or municipal ordinance with powers or duties involving inspection of  
5 real or personal property, gives written notice to the owner that the smoke detector  
6 is not functional the owner shall provide, within 5 days after receipt of that notice,  
7 any maintenance necessary to make that smoke detector functional.

8 **SECTION 49.** 101.745 (1) of the statutes is repealed and recreated to read:

9 101.745 ( 1 ) **DEFINITION.** In this section, "smoke detector" has the meaning given  
10 in s. 101.645 (1).

11 **SECTION 50.** 101.745 (2) of the statutes is amended to read:

12 101.745 (2) ~~APPROVAL~~ SMOKE DETECTORS APPROVED FOR USE. ~~A- Only a smoke~~  
13 detector ~~required under this section shall be that is~~ approved by ~~underwriters~~  
14 ~~laboratory~~ Underwriters Laboratory. Inc., or any other independent testing  
15 laboratory. may be used to satisfy the reauirement under sub. (4).

16 **SECTION 51.** 101.925 (1) of the statutes is repealed and recreated to read:

17 101.925 (1) **DEFINITION.** In this section, "smoke detector" has the meaning given  
18 in s. 101.645 (1).

19 **SECTION 52.** 101.925 (2) of the statutes is amended to read:

20 101.925 (2) ~~APPROVAL~~ SMOKE DETECTORS APPROVED FOR USE. ~~A- Onlp 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. may be used to satisfy the requirement under sub. (4).

24 **SECTION 53.** 101.972 of the statutes is amended to read:

1           **101.972 Multifamily dwelling code council duties.** The multifamily  
2 dwelling code council shall review the rules for multifamily dwelling construction  
3 and recommend a uniform multifamily dwelling code for promulgation by the  
4 department. To the extent feasible, the council shall recommend a uniform  
5 multifamily dwelling code that is consistent with nationally recognized standards for  
6 building heights and areas; means of egress, fire protection and the use of  
7 fire-resistant materials and construction methods. The council shall consider and  
8 make recommendations to the department pertaining to rules and any other matters  
9 related to this subchapter. The council shall identify, consider and make  
10 recommendations to the department regarding variances in the rules for different  
11 climate and soil conditions and the variable conditions created by building and  
12 population densities.

13           **SECTION 54.** 101.973 (1) of the statutes is amended to read:

14           101.973 (1) Promulgate rules that establish standards for the construction of  
15 multifamily dwellings and their components. The department shall obtain the  
16 recommendation of the multifamily dwelling code council under s. 101.972 before  
17 promulgating a rule that is inconsistent with nationally recognized standards and  
18 that relates to building heights and areas, means of egress, fire protection or the use  
19 of fire-resistant materials and construction methods.

20           **SECTION 55.** 601.93 (2) of the statutes is amended to read:

21           601.93 (2) Every insurer doing a fire insurance business in this state shall,  
22 before March 1 in each year, file with the commissioner a statement, showing the  
23 amount of premiums upon fire insurance due for the preceding calendar year.  
24 Return premiums may be deducted in determining the premium on which the fire  
25 department dues are computed. Payments of quarterly instalments of the total

To the extent feasible, the rules shall be consistent with nationally recognized standards for building heights and areas, means of egress,

fire protection and the use of fire-resistant materials and construction methods.



1 estimated payment for the then current calendar year under this subsection are due  
2 on or before April 15, June 15, September 15 and December 15. On March 1 the  
3 insurer shall pay any additional amounts due for the preceding calendar year.  
4 Overpayments will be credited on the amount due April 15. The commissioner shall,  
5 ~~prior to~~ before May 1 each year, report to the department of commerce the amount  
6 of dues paid under this subsection and to be paid under s. ~~101.573 (1)~~ 604.04 (3) (b).

7 **SECTION 66.** 604.04 (3) of the statutes is renumbered 604.04 (3) (a).

8 **SECTION 57.** 604.04 (3) (b) of the statutes is created to read:

9 604.04 (3) (b) Before May 1 of each year, the local government property  
10 insurance fund shall be charged fire department dues equal to 2% of the amount of  
11 all premiums that, during the preceding calendar year, have been paid into the state  
12 treasury for the benefit of the local government property insurance fund.

13 **SECTION 58.** 607.21 (intro.) of the statutes is amended to read:

14 **607.21 Payments from life fund.** (intro.) In addition to the payments under  
15 s. 604.04 (3) (a), and the payments which become due under its policies, the life fund  
16 shall pay:

17 **(END)**

LEGISLATIVE REFERENCE BUREAU

INSERT ANALYSIS

of commerce (department)

certain

FIRE DUES PROGRAM AND FIRE SAFETY LAWS

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

An amount that is

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

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cl  
rll

Note to page 2

Procedure for funding the fire dues program

Currently, the commissioner of insurance collects the amount derived both from private insurance premiums and premiums paid to the local government property insurance fund and reports these amounts to the department. Current law requires the department then to notify the state treasurer of the amount derived from premiums paid to the local government property insurance fund and requires the state treasurer to charge the amount to the local government property insurance fund. This amount is then appropriated to the department.

The bill removes the requirement that the department report to the state treasurer the amount derived from the local government property insurance fund. Rather, under the bill, the manager of the local government property insurance fund must charge this amount directly to the fund.

Eligibility for a grant from the fire dues program

With certain exceptions, in order for a municipality to be eligible to receive a grant from the fire dues program, the chief of the municipal fire department currently must provide a fire inspection for every public building and place of employment in the fire department's territory. Generally, in every municipality other than the city of Milwaukee, these inspections must be performed at least once every 6 months. A municipality must certify to the department that all required inspections were provided. Furthermore, in order to be eligible to receive a grant, a municipality must receive services from a fire department that provides a training program prescribed by rule of the department.

six

This amount must be certified by the commissioner of insurance, amount by the department and paid by the treasurer out of the fund.

The bill changes these eligibility requirements. Under the bill, a municipality may be eligible to receive a grant if the municipality ensures that at least 95% of the required fire inspections are provided for in the municipality and if the municipality certifies to the department that these inspections were provided. In addition, the bill specifies that the training program that is required for eligibility must train fire fighters and inspectors who provide fire suppression services, fire prevention inspections or public education with regard to fire safety

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

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

*mutual aid agreement*

**Municipal and fire department duties**

*laws*

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

*laws*

*followed*

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

*designated individuals*

*those requiring*

*laws*

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

*of commerce*

*rather than the department of commerce*

*of commerce*

**Jurisdiction and authority of the department under the fire safety laws**

Under current law, the department generally has jurisdiction over places of employment and public buildings, as well as certain residential buildings. In addition, the department may perform a fire inspection in any building, premises or public thoroughfare. In certain circumstances, the department may also enter a private dwelling to determine whether the dwelling contains all required smoke detectors. Current law is ambiguous regarding whether the department must obtain the consent of an owner or renter to enter a private dwelling.

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

automatic

**Fire safety and injury prevention program of commerce**

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

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

**Smoke detectors, automatic fire sprinklers and fire-resistant construction**

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

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

→

impose

sprinkler system and fire-resistant construction requirements by rule. In addition, if the department promulgates a rule relating to automatic fire sprinkler systems and fire-resistant construction in manufactured buildings, a municipality or county, with the approval of the department, may enact an ordinance that is in strict conformance to the rule.

MULTIFAMILY DWELLING CODE

Under current law, the multifamily dwelling code council (council) reviews rules relating to the construction of multifamily dwellings and recommends rules that the department may promulgate to create a uniform multifamily dwelling code. Under current law, the council has 17 members, 9 of which constitute a quorum for the purpose of conducting business. ~~Currently~~, a majority vote of the council is required to conduct business.

The bill specifies that, to the extent ~~feasible~~ <sup>ten</sup>, the council must ~~recommend~~ <sup>recommending</sup> a uniform multifamily dwelling code that is consistent with nationally recognized standards for building heights and areas, means of egress, fire protection and the use of fire-resistant materials and construction methods (national standards). In addition, under the bill, at least ~~10~~ members of the council must vote affirmatively in order to recommend a change in a statute or rule. If the council considers a change in a statute or rule that would make the statute or rule inconsistent with national standards, the council may not recommend the change if more than one member votes against the recommendation. Furthermore, if the council considers a change in ~~an~~ <sup>any</sup> rule that is inconsistent with national standards and that the department initially promulgated based upon a recommendation of the council, the council may not recommend the change if more than one member votes against the recommendation.

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

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

INSERT 4-15

SECTION 1. 101.01 (5m) of the statutes is created to read:

101.01 (5m) "Fire department" means a fire company under ch. 213 <sup>that provides fire protection services to a city, village or town.</sup> ~~or a~~ department established by a ~~town, village or city,~~ <sup>village or town</sup> that provides fire protection services to a ~~town, village or city,~~ <sup>village or town</sup> under s. 60.55, 61.65, 61.66, 62.13 or 62.50. <sup>#1.</sup>

"Fire department" <sup>#3.</sup> includes a joint fire department ~~and, notwithstanding any other~~ <sup>that provides fire protection services to a city, village or town.</sup>

74.

~~provision of this subsection,~~ a person that contracts to provide fire protection services to a town under s. 60.55 (I) (a) 3.

**INSERT 6-19**

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

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

**INSERT 7-15**

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

**INSERT 11-8**

101.575 (4) (a) 3. Every If the city, village or town that contracts ~~for~~ to receive fire protection and fire prevention services ~~that comply with s. 101.14 (2) from another city, village or town is entitled to the dues specified in par. (a) if, the department determines that the~~ each contract other than a mutual aid agreement is sufficient to allow each fire department furnishing the protection ~~and provide the agreed that provides fire protection and fire prevention services to do so without~~

endangering property within ~~its own limits and the fire prevention services comply~~  
with ~~1.14(2)~~ the fire department's own territory.

**INSERT 11-22**

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

6. ~~Singly~~ The city, village or town receives services from a tire department that  
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.

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

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

**INSERT 12-12**

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

**INSERT 13-13**

INS: 13-13

101.575 (4) (a) 4. ~~No~~ If the city, village or town which has contracted with & contracts to receive fire protection may be paid any fire department dues unless the contract or and fire prevention services. the department determines that all contracts, exclusive of any mutual aid agreements, together are sufficient to provide fire protection to the entire city, village or town for which the fire protection ~~service is~~ and fire prevention services are being provided.

(END)



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

LRB-4078/1dn

RJM:.....

*Crn/ht*

✓

Representative Porter:

1. The attached bill incorporates changes per my discussions with the department of commerce. However, you may want the department to review the draft to ensure that I have accurately accomplished the department's intent. In particular, please note the following issues.

2. The department asked for clarification as to whether the department may refuse donations and **gifts** to the education program created in proposed s. ~~101.139~~ and whether the department may use donations and gifts it accepts for the purpose of administering that program. It is my opinion that the department is under no obligation to accept donations ~~or~~ gifts. In addition, it is my opinion that the appropriation under s. 20.143 (3) (g), stats., permits the department to use gifts and donations given for the purpose of funding the public education program to cover the administrative expenses of the program.

3. The definition of "fire department" in proposed s. ~~101.01~~ (5m) covers all entities authorized to provide fire protection services to a city, village or town. In addition, because a town may contract with "any person" for fire protection services, the definition covers any person that provides these ~~services~~ under contract with a town,

This definition also applies to s. 101.055 (3) (d), stats., which prohibits the department from adopting public employe safety standards that require a member of a volunteer or paid fire department maintained by a city, village, town or county to complete more than 60 hours of training before participating in structural fire fighting. Please have the department review this provision to make sure that the definition properly applies.

4. In proposed s. 101.14 (2) (a), the bill retains the requirement, contained in the previous draft, that each city, village and town must ensure that all duties established under s. 101.14 (2), stats., (fire inspection, record keeping and public education) are carried out in the city, village or town. My notes were not clear regarding the department's intent on this issue. Please let me know if any changes are needed.

5. Proposed s. ~~101.141~~ governs record keeping and reporting of fires. Due to the fact that a private fire company may provide fire protection services to towns and certain villages, it is necessary to clarify that the open records law applies to records maintained under this section. Otherwise, it is possible that records maintained by a

The term "mutual aid agreement" is currently undefined in the statutes, and it may be difficult for a court or municipality to discern the difference between a contract for fire protection services and a mutual aid agreement.

private fire company may not be subject to public inspection. I **should** have included this provision in the previous draft. I apologize for any inconvenience.

6. The fire dues eligibility requirements under proposed s. 101.575 (4) (a) specify that a mutual aid agreement may not be used to satisfy the fire protection and fire prevention services requirements, except with regard to ensuring adequate response to a first-alarm fire. Please let me know if these provisions are inconsistent with your intent. *you intend to define "mutual aid agreement" or if*

7. In order to further clarify the role of mutual aid agreements under the fire dues program, I amended s. 101.575 (6) (b), stats., and changed the language of proposed s. 101.575 (4) (am). Neither of these treatments was discussed at my meeting with the department. Please call if any changes are necessary.

8. The department ~~had~~ asked whether the department of revenue is required to provide the department with the equalized valuation of each municipality that is eligible to receive fire dues. I was unable to locate any current statutory requirement that the department of revenue provide this information. However, because it is unclear whether the department has had difficulty obtaining the information, I did not create a new requirement in the bill.

Robert J. Marchant  
Legislative Attorney  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-4078/1dn  
RJM:cmh:jf

February 4, 2000

Representative Porter:

1. The attached bill incorporates changes per my discussions with the department of commerce. However, you may want the department to review the draft to ensure that I have accurately accomplished the department's intent. In particular, please note the following issues.

2. The department asked for clarification as to whether the department may refuse donations and gifts to the education program created in proposed s. 101.139 and whether the department may use donations and gifts it accepts for the purpose of administering that program. It is my opinion that the department is under no obligation to accept donations or gifts. In addition, it is my opinion that the appropriation under s. 20.143 (3) (g), stats., permits the department to use gifts and donations given for the purpose of funding the public education program to cover the administrative expenses of the program.

3. The definition of "fire department" in proposed s. 101.01 (5m) covers all entities authorized to provide fire protection services to a city, village or town. In addition, because a town may contract with "any person" for fire protection services, the definition covers any person that provides these services under contract with a town.

This definition also applies to s. 101.055 (3) (d), stats., which prohibits the department from adopting public employe safety standards that require a member of a volunteer or paid fire department maintained by a city, village, town or county to complete more than 60 hours of training before participating in structural fire fighting. Please have the department review this provision to make sure that the definition properly applies.

4. In proposed s. 101.14 (2) (a), the bill retains the requirement, contained in the previous draft, that each city, village and town must ensure that all duties established under s. 101.14 (2), stats., (fire inspection, record keeping and public education) are carried out in the city, village or town. My notes were not clear regarding the department's intent on this issue. Please let me know if any changes are needed.

5. Proposed s. 101.141 governs record keeping and reporting of fires. Due to the fact that a private fire company may provide fire protection services to towns and certain villages, it is necessary to clarify that the open records law applies to records maintained under this section. Otherwise, it is possible that records maintained by a

private fire company may not be subject to public inspection. I should have included this provision in the previous draft. I apologize for any inconvenience.

6. The fire dues eligibility requirements under proposed s. 101.575 (4) (a) specify that a mutual aid agreement may not be used to satisfy the fire protection and fire prevention services requirements, except with regard to ensuring adequate response to a first-alarm fire. The term "mutual aid agreement" is currently undefined in the statutes, and it may be difficult for a court or municipality to discern the difference between a contract for fire protection services and a mutual aid agreement. Please let me know if you intend to define "mutual aid agreement" or if these provisions are inconsistent with your intent.

7. In order to further clarify the role of mutual aid agreements under the fire dues program, I amended s. 101.575 (6) (b), stats., and changed the language of proposed s. 101.575 (4) (am). Neither of these treatments was discussed at my meeting with the department. Please call if any changes are necessary.

8. The department asked whether the department of revenue is required to provide the department with the equalized valuation of each municipality that is eligible to receive fire dues. I was unable to locate any current statutory requirement that the department of revenue provide this information. However, because it is unclear whether the department has had difficulty obtaining the information, I did not create a new requirement in the bill.

Robert J. Marchant  
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*SON*

*PM NR*

**1999 BILL**

*DNOTE*

*leg*

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

**BILL**

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

---

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

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

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

***Eligibility for a grant from the fire dues program***

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

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

**BILL**

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

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

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

***Municipal and fire department duties***

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

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

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

***Jurisdiction and authority of the department under the fire safety laws***

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

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

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

***Fire safety and injury prevention program***

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

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

***Smoke detectors, automatic fire sprinklers and fire-resistant construction***

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

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



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

14  
**MULTIFAMILY DWELLING CODE**

Under current law, the multifamily dwelling code council (council) reviews rules relating to the construction of multifamily dwellings and recommends rules that the department may promulgate to create a uniform multifamily dwelling code. Under current law, the council has 14 members, 9 of which constitute a quorum for the purpose of conducting business. Currently, a majority vote of the council is required to conduct business.

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

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

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

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

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

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1        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:

	1999-00	2000-01
20 <b>20.143 Commerce, department of</b>		
21        (3) REGULATION OF INDUSTRY, SAFETY AND BUILDINGS		
22        (e) Fire safety and injury prevention		
23        education program	GPR A	-0-
24 <b>SECTION 4.</b> 20.143 (3) (e) of the statutes is created to read:		-0-

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

13           20.145 (3) (v) *Specified payments, fire dues and reinsurance.* After deducting  
14 the amounts appropriated under par. (u), the balance of moneys in the local  
15 government property insurance fund, for the payment of insurance losses, payments  
16 to the investment board under s. 20.536, payments to the general fund under s.  
17 ~~101.573 (1)~~ 604.04 (3) (b), loss adjustment expenses, fire rating bureau dues and the  
18 cost to purchase reinsurance under s. 604.04 (6).

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

20           101.01 (5m) "Fire department" means any of the following:

- 21           1. A fire company under ch. 213 that provides fire protection services to a city,  
22 village or town.
- 23           2. A department established by a city, village or town that provides fire  
24 protection services to a city, village or town.

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

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

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

6           101.02 (15) (am) The department has jurisdiction over and supervision of all  
7 buildings, structures and premises in this state for the purpose of administering all  
8 laws of this state relating to fire inspections, fire prevention, fire detection and fire  
9 suppression.

10          **SECTION 9.** 101.139 of the statutes is created to read:

11          **101.139 Fire safety and injury prevention education program.** The  
12 department may develop and administer a fire safety and injury prevention  
13 education program, designed to educate the public regarding fire prevention, fire  
14 detection, fire suppression, injury prevention and any other related subject matter.  
15 The department may make grants to support the purposes of the program.

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

17          101.14 (1) (title) **AUTHORITY AND DUTIES OF DEPARTMENT; GENERALLY.**

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

19          101.14 (1) (b) ~~The~~ Except as otherwise provided in this paragraph, the  
20 secretary and or any deputy may, at all any reasonable ~~hours time~~, enter ~~into and~~  
21 ~~upon all buildings, premises and public thoroughfares excepting only the interior of~~  
22 ~~private dwellings, any building, nremises or public thoroughfare~~ for the purpose of  
23 ascertaining and causing to be corrected any condition liable to cause fire, or any  
24 violation of any law or order relating to ~~the a~~ fire hazard or relating to the prevention

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1 of fire. This paragraph does not provide the secretary or any deputy with authority  
2 to enter the interior of a private dwelling.

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

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

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

1 6 **SECTION 13.** 101.14 (2) (title) of the statutes is created to read:

17 101.14 (2) (title) **AUTHORITY AND DUTIES OF LOCAL GOVERNMENTS AND THEIR**  
18 **AGENTSAND CONTRACTORS.**

19 **SECTION 14.** 101.14 (2) (a) of the statutes is amended to read:

20 101.14 (2) (a) Each city, village and town shall ensure that all duties  
21 established under this subsection are carried out in the city, village or town. The  
22 chief of the fire department in every each city, village or town-  
23 class, other than a 1st class city is constituted a deputy of the department, subject  
24 to the right of the department to relieve ~~any such~~ the chief from his or her duties as  
25 ~~such a~~ deputy for cause, and upon ~~such~~ the suspension to appoint some other person

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1 to perform the duty imposed upon ~~such the~~ deputy. ~~The~~ In a 1st class city, the  
2 department may appoint ~~either~~ the chief of the fire department or the building  
3 inspector as ~~its the department's~~ deputy in cities of the 1st class.

4 **SECTION 15.** 101.14 (2) (e) of the statutes is amended to read:

5 101.14 (2) (e) Written reports of inspection shall be made and kept on file by  
6 the local authority ~~having with~~ jurisdiction to conduct inspections, or its designee,  
7 in the manner and form required by the department.

8 **SECTION 16.** 101.14 (2) (f) of the statutes is renumbered 101.14 (1) (cm) and  
9 amended to read:

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

15 **SECTION 17.** 101.14 (3) (title) of the statutes is created to read:

16 101.14 (3) (title) EDUCATION AND TRAINING.

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

18 **SECTION 19.** 101.14 (4) (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 20.** 101.14 (4m) of the statutes is repealed.

22 **SECTION 21.** 101.14 (5) (title) of the statutes is created to read:

23 101.14 (5) (title) PLAN REVIEW FEES; FLAMMABLE, COMBUSTIBLE OR HAZARDOUS  
24 MATERIALS.

25 **SECTION 22.** 101.141 of the statutes is amended to read:

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1           **101.141 Record keeping and reporting of fires.** ~~The department~~ Each fire  
 2 ~~department~~ shall maintain ~~records~~ a record of all fires occurring ~~in this state.~~ Such  
 3 ~~records shall be~~ within the territory served by the fire department. The record shall  
 4 be open to public inspection during normal business hours under s. 19.35 and, for the  
 5 purposes of a record maintained under this section, the fire department maintaining  
 6 the record shall be considered an authority under s. 19.32 (1). This section does not  
 7 limit the number of persons that qualify as an authority under s. 19.32 (1). The  
 8 denartment of commerce, by rule, may require a fire department to provide the  
 9 department of commerce with anv information maintained under this section.

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

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

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

13           **SECTION 25.** 101.573 (1) of the statutes is repealed.

14           **SECTION 26.** 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~~ 15 of each year, the department shall compile the  
 17 total of all fire department dues paid by all insurers under s. 601.93 ~~and the dues paid~~  
 18 ~~by the state fire fund under sub. (1) and funds~~ together with any balance remaining  
 19 under par. (b), and the amount charged to the nronerty insurance fund under s.  
 20 604.04 (3) (b). The department shall withhold .5% and certify to the ~~state treasurer~~  
 21 ~~the proper~~ from this total for use under nar. (b) and shall determine the amount to  
 22 be paid from the appropriation under s. 20.143 (3) (L) from the balance to each city,  
 23 village or town entitled to fire department dues under s. 101.575. ~~Annually, on or~~  
 24 ~~before~~ No later than August 1 of each year, the ~~state treasurer~~ department shall pay  
 25 the ~~amounts certified by the department~~ proner amount under s. 101.575 to the

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

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~~ which are to make a payment 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<sup>IS</sup>. 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 that~~  
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<sup>IS</sup> except that the amount  
11 payable to any municipality city, village or town that is first eligible <sup>determined to be</sup> entitled to fire

12 department dues after May 1<sup>IS</sup> shall be reduced by 1.5% for each month or portion of  
13 a month ~~which that~~ expires after May 1<sup>IS</sup> 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 any error of the department or of the commissioner of insurance, exceeds~~

20 the available balance of the amount set aside for error payments withheld, under par.  
21 (a), the department shall make <sup>reasonable</sup> adjustments shall be made in the <sup>applicable distributions</sup> distribution for the

22 next year ~~to correct the error~~

23 SECTION 27. 101.573 (4) (title) of the statutes is created to read:

24 101.573 (4) (title) REPORTING REQUIREMENTS; DEPARTMENT AND COMMISSIONER OF  
25 INSURANCE.

of disbursements under this paragraph



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1           **SECTION 28.** 101.573 (4) of the statutes is renumbered 101.573 (4) (a) and  
2 amended to read:

3           101.573 (4) (a) The department shall transmit to the ~~treasurer~~ clerk of each  
4 city, village and town that is entitled to fire department dues under s. 101.575, a  
5 statement of the amount of dues payable to ~~it the city, village or town~~ under this  
6 section ~~and the~~.

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

11           **SECTION 29.** 191.575 (title) of the statutes is amended to read:

12           **101.575 (title) Entitlement to and use of fire department dues.**

13           **SECTION 30.** 101.575 (1) (a) of the statutes is renumbered 101.575 (1) and  
14 amended to read:

15           101.575 **(1) ENTITLEMENT GENERALLY.** ~~Except as provided in par. (am), every~~  
16 Every city, village or town ~~maintaining a fire department that complies with this~~  
17 ~~subsection and the requirements of subs. (3) to (6)~~ that is eligible to receive fire  
18 department dues under sub. (4) is entitled to a proportionate share of all fire  
19 department dues collected under ss. ~~101.573~~ and 601.93 ~~and 604.04 (3) (b)~~, after  
20 deducting the administrative expenses of the department under s. 101.573, based on  
21 the equalized valuation of real property improvements upon land within the city,  
22 village or town, but not less than the amount the municipality received under s.  
23 601.93 (3), 1977 stats., and chapter 26, laws of 1979, in calendar year 1979.

24           **SECTION 31.** 101.575 (1) (am) of the statutes is renumbered 101.575 (7) and  
25 amended to read:

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1           101.575 (7) ~~NONCOMPLIANCE PROCEDURE, If Except as otherwise provided in this~~  
2 ~~subsection, if the department determines that a city, village or town fire department~~  
3 ~~has failed to satisfy the requirements of this subsection or subs. (3) to (6) is not~~  
4 ~~eligible to receive fire denartment dues under sub. (4), the department shall~~  
5 ~~nonetheless pay fire denartment dues for that calendar year to that the city, village~~  
6 ~~or town. The department and shall issue a notice of noncompliance to the chief of the~~  
7 ~~fire department, and the applicable governing body& the highest elected official of~~  
8 ~~the city, village or town. If mayor, village nresident or town chairperson, as~~  
9 ~~applicable, and to each fire denartment providing fire protection or fire nrevention~~  
10 ~~services to the city, village or town. After the department issues a notice of~~  
11 ~~noncompliance to a city, village or town. the city, village or town is not entitled to fire~~  
12 ~~department dues until the fire department cannot demonstrate city, village or town~~  
13 ~~demonstrates to the department that the fire department has met all requirements~~  
14 ~~within one year after receipt of the notice or prior to the next audit by the~~  
15 ~~department, whichever is later, the city, village or town shall not be entitled to dues~~  
16 ~~under par. (a) for that year in which the city, village or town becomes not entitled to~~  
17 ~~dues and for all subsequent calendar years until the requirements are met city,~~  
18 ~~village or town is eligible to receive fire denartment dues under sub. (4).~~

19           **SECTION 32.** 101.575 (1)(b) of the statutes is renumbered 101.575 (4) (a) 3. and  
20 amended to read: The department determines that, if the

21           101.575 (4) (a) 3. Every ~~city,~~ city, village or town that contracts ~~for~~ to receive  
22 fire protection and fire prevention services ~~that comply with s. 101.14 (2) from~~  
23 ~~another city, village or town is entitled to the dues specified in par. (a) if the~~  
24 ~~department determines that the each contract other than a mutual aid agreement~~  
25 is sufficient to allow each fire department ~~furnishing the protection can provide the~~

*add scored comma*

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1 agreed ~~that provides fire protection and fire prevention services to do so~~ without  
2 endangering property within ~~its own limits and the fire prevention services comply~~  
3 ~~with s. 101.14 (2) the fire department's own territory.~~

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

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

6 SECTION 35. 101.575 (3) (intro.) and (a) (intro.) of the statutes are repealed.

7 SECTION 36. 101.575 (3) (a) 1. to 4. of the statutes are renumbered 101.575 (4)

8 (a) 5. to 8. and amended to read:

9 101.575 (4) (a) 5. Is ~~The city, village or town receives services from a fire~~  
10 ~~denartment that is~~ organized to provide continuous fire protection in that city, village  
11 or town and has a designated chief.

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

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

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

23 SECTION 37. 101.575 (3) (b) of the statutes is renumbered 101.575 (4) (a) 9. and  
24 amended to read:

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1           101.575 (4) (a) 9. ~~Each~~ The city, village or town ~~eligible for dues under this~~  
2 ~~section shall maintain~~ ~~either~~ maintains or contracts with a voluntary volunteer fire  
3 department that has sufficient personnel ready for service at all times and that holds  
4 a meeting at least once each month, or with a paid or partly paid fire department with  
5 sufficient personnel ready for service at all times.

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

7           101.575 (4) (title) **ELIGIBILITY; WITHHELD PAYMENTS.**

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

9           101.575 (4) (a) ~~The department may not pay any fire department dues for any~~  
10 ~~year~~ Except as provided in sub. (7), a city, village, or town or fire department  
11 unless is eligible to receive fire department dues only if all of the following conditions  
12 are satisfied:

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

17           2. The city, village or town ~~has submitted a~~ submits an audit form which is,  
18 provided by the department and signed by the clerk of the city, village or town and  
19 by the chief of the each fire department providing fire protection and fire prevention  
20 services to that the city, village or town, ~~which is provided by the department by rule~~  
21 ~~and which certifies~~ certifying that the fire department has complied with city, village  
22 or town satisfies the requirements of this section or the department has audited the  
23 ~~city, village, town or fire department and determined that it complies with sub. (6)~~  
24 and s. 101.14 (2), except that, for the purposes this subdivision, the audit form shall

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1 certify that at least 95% of the inspections required under s. 101.14 (2) were provided  
2 for in the city, village or town.

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

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

8 **SECTION 41.** 101.575 (5) of the statutes is renumbered 101.575 (4) (a) 4. and  
9 amended to read:

10 The department determines that, if the  
10 101.575 (4) (a) 4. ~~No~~ one city, village or town ~~which has contracted with~~  
11 ~~another city, village or town or any part thereof for contracts to receive fire protection~~

12 ~~may be paid any fire department dues unless the contract or and fire prevention~~  
13 ~~services, the department determines that all contracts, exclusive of any mutual aid~~

14 ~~agreements, together are sufficient to provide fire protection to the entire city, village~~  
15 ~~or town for which the fire protection service is and fire prevention services are being~~  
16 provided.

17 **SECTION 42.** 101.575 (6) (title) of the statutes is created to read:

18 101.575 (6) (title) **USE OF FIRE DEPARTMENT DUES.**

19 **SECTION 43.** 101.575 (6) (a) (intro.) of the statutes is amended to read:

20 101.575 (6) (a) (intro.) No city, village or town ~~maintaining a fire department~~  
21 ~~under this section~~ may use any fire department dues received under s. 101.573 and  
22 ~~this section~~ for any purpose except the direct provision of the following:

23 **SECTION 44.** 101.575 (6) (b) of the statutes is amended to read:

24 101.575 (6) (b) Any city, village or town that ~~contracts for~~ receives fire  
25 protection ~~service~~ and fire prevention services under a contract other than or in

## BILL

1 addition to a mutual aid agreement shall give all fire department dues received  
2 under s. 101.573 and this section to the fire department ~~and fire prevention~~ providing  
3 the fire protection ~~service~~ and fire prevention services under the contract. That fire  
4 department shall use those fire department dues for any of the purposes specified in  
5 par. (a) 1. to 4.

6 SECTION 45. 101.577 (title) of the statutes is created to read:

7 **101.577 (title) Liability of city or village for fire department services**  
8 **outside of boundaries.**

9 SECTION 46. 101.645 (1) of the statutes is repealed and recreated to read:

10 101.645 (1) DEFINITION. In this section, "smoke detector" means a device that  
11 detects particles or products of combustion other than heat.

12 SECTION 47. 101.645 (2) of the statutes is amended to read:

13 101.645 (2) ~~APPROVAL AND INSTALLATION SMOKE DETECTORS APPROVED FOR USE.~~  
14 A Only a smoke detector required that is approved by Underwriters Laboratory, Inc.  
15 or any other independent testing laboratory, may be used to satisfy the requirements  
16 under this section shall be approved and installed as required under s. 101.145 (2)  
17 and (3) (a) sub. (3).

18 SECTION 48. 101.645 (3) of the statutes is amended to read:

19 101.645 (3) ~~REQUIREMENT REQUIREMENTS.~~ The owner of a dwelling shall install  
20 a functional smoke detector in the basement of the dwelling and on each floor level  
21 except the attic or storage area of each dwelling unit. The owner shall install each  
22 smoke detector required under this subsection according to the directions and  
23 specifications of the manufacturer of the smoke detector. Except as otherwise  
24 provided in this subsection, the occupant of such a dwelling unit shall maintain any  
25 smoke detector in that unit, ~~except that if.~~ If any occupant ~~who is not other than the~~

**BILL**

1 owner, or if any state, county, city, village or town officer, agent or employe charged  
2 under statute or municipal ordinance with powers or duties involving inspection of  
3 real or personal property, gives written notice to the owner that the smoke detector  
4 is not functional the owner shall provide, within 5 days after receipt of that notice,  
5 any maintenance necessary to make that smoke detector functional.

6 **SECTION 49.** 101.745 (1) of the statutes is repealed and recreated to read:

7 101.745 (1) **DEFINITION.** In this section, "smoke detector" has the meaning given  
8 in s. 101.645 (1).

9 **SECTION 50.** 101.745 (2) of the statutes is amended to read:

10 101.745 (2) **APPROVAL SMOKE DETECTORS APPROVED FOR USE.** ~~A~~ Only a smoke  
11 detector required under this section shall be that is approved by ~~underwriters~~  
12 ~~laboratory~~ Underwriters Laboratory Inc., or any other independent testing  
13 laboratory! may be used to satisfy the requirement under sub. (4).

14 **SECTION 51.** 101.925 (1) of the statutes is repealed and recreated to read:

15 101.925 (1) **DEFINITION.** In this section, "smoke detector" has the meaning given  
16 in s. 101.645 (1).

17 **SECTION 52.** 101.925 (2) of the statutes is amended to read:

18 101.925 (2) **APPROVAL SMOKE DETECTORS APPROVED FOR USE.** ~~A~~ Only a smoke  
19 detector required under this section shall be that is approved by ~~underwriters~~  
20 ~~laboratory~~ Underwriters Laboratory, Inc.? or any other independent testing  
21 laboratory: may be used to satisfy the requirement under sub. (4).

22 **SECTION 53.** 101.972 of the statutes is amended to read:

23 **101.972 Multifamily dwelling code council duties.** The multifamily  
24 dwelling code council shall review the rules for multifamily dwelling construction  
25 and recommend a uniform multifamily dwelling code for promulgation by the

**BILL**

1 department. To the extent feasible, the council shall recommend a uniform  
2 multifamily dwelling code that is consistent with nationally recognized standards for  
3 building heights and areas, means of egress, fire protection and the use of  
4 fire-resistant materials and construction methods. The council shall consider and  
5 make recommendations to the department pertaining to rules and any other matters  
6 related to this subchapter. The council shall identify, consider and make  
7 recommendations to the department regarding variances in the rules for different  
8 climate and soil conditions and the variable conditions created by building and  
9 population densities.

10 **SECTION 54.** 101.973 (1) of the statutes is amended to read:

11 101.973 (1) Promulgate rules that establish standards for the construction of  
12 multifamily dwellings and their components. To the extent feasible, the rules shall  
13 be consistent with nationally recognized standards for building heights and areas,  
14 means of egress, fire protection and the use of fire-resistant materials and  
15 construction methods. The denartment shall obtain the recommendation of the  
16 multifamily dwelling code council under s. 101.972 before promulgating a rule that  
17 is inconsistent with nationally recognized standards and that relates to building  
18 heights and areas, means of egress, fire protection or the use of fire-resistant  
19 materials and construction methods.

20 **SECTION 55.** 601.93 (2) of the statutes is amended to read:

21 601.93 (2) Every insurer doing a fire insurance business in this state shall,  
22 before March 1 in each year, file with the commissioner a statement, showing the  
23 amount of premiums upon fire insurance due for the preceding calendar year.  
24 Return premiums may be deducted in determining the premium on which the fire  
25 department dues are computed. Payments of quarterly instalments of the total



**BILL**

1 estimated payment for the then current calendar year under this subsection are due  
2 on or before April 15, June 15, September 15 and December 15. On March 1 the  
3 insurer shall pay any additional amounts due for the preceding calendar year.  
4 Overpayments will be credited on the amount due April 15. The commissioner shall,  
5 ~~prior to~~ before May 1 each year, report to the department of commerce the amount  
6 of dues paid under this subsection and to be paid under s. ~~101.573(1)~~ 604.04 (3) (b).

7 **SECTION 56.** 604.04 (3) of the statutes is renumbered 604.04 (3) (a).

8 **SECTION 57.** 604.04 (3) (b) of the statutes is created to read:

9 604.04 (3) (b) Before May 1 of each year, the local government property  
10 insurance fund shall be charged fire department dues equal to 2% of the amount of  
11 all premiums that, during the preceding calendar year, have been paid into the state  
12 treasury for the benefit of the local government property insurance fund.

13 **SECTION 58.** 607.21 (intro.) of the statutes is amended to read:

14 **607.21 Payments from life fund.** (intro.) In addition to the payments under  
15 s. 604.04 (3) (a), and the payments which become due under its policies, the life fund  
16 shall pay:

17 **(END)**

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

LRB-4078/261  
RJM:cmh:jf

*2 dn*

~~February 4, 2000~~  
*new date*

Representative Porter:

1. The attached bill incorporates changes per my discussions with the department of commerce. However, you may want the department to review the draft to ensure that I have accurately accomplished the department's intent. In particular, please note the following issues.

2. The department asked for clarification as to whether the department may refuse donations and gifts to the education program created in proposed s. 101.139 and whether the department may use donations and gifts it accepts for the purpose of administering that program. It is my opinion that the department is under no obligation to accept donations or gifts. In addition, it is my opinion that the appropriation under s. 20.143 (3) (g), stats., permits the department to use gifts and donations given for the purpose of funding the public education program to cover the administrative expenses of the program.

3. The definition of "fire department" in proposed s. 101.01 (5m) covers all entities authorized to provide fire protection services to a city, village or town. In addition, because a town may contract with "any person" for fire protection services, the definition covers any person that provides these services under contract with a town.

This definition also applies to s. 101.055 (3) (d), stats., which prohibits the department from adopting public employe safety standards that require a member of a volunteer or paid fire department maintained by a city, village, town or county to complete more than 60 hours of training before participating in structural fire fighting. Please have the department review this provision to make sure that the definition properly applies.

4. In proposed s. 101.14 (2) (a), the bill retains the requirement, contained in the previous draft, that each city, village and town must ensure that all duties established under s. 101.14 (2), stats., (fire inspection, record keeping and public education) are carried out in the city, village or town. My notes were not clear regarding the department's intent on this issue. Please let me know if any changes are needed.

5. Proposed s. 101.141 governs record keeping and reporting of fires. Due to the fact that a private fire company may provide fire protection services to towns and certain villages, it is necessary to clarify that the open records law applies to records **maintained under this section**. Otherwise, it is possible that records maintained by a

private fire company may not be subject to public inspection. I should have included this provision in the previous draft. I apologize for any inconvenience.

X The fire dues eligibility requirements under proposed s. 101.575 (4) (a) specify that a mutual aid agreement may not be used to satisfy the fire protection and fire prevention services requirements, except with regard to ensuring adequate response to a first-alarm fire. The term "mutual aid agreement" is currently undefined in the statutes, and it may be difficult for a court or municipality to discern the difference between a contract for fire protection services and a mutual aid agreement. Please let me know if you intend to define "mutual aid agreement" or if these provisions are inconsistent with your intent.

~~7. In order to further clarify the role of mutual aid agreements under the fire dues program, I amended s. 101.575 (6) (b), stats., and changed the language of proposed s. 101.575 (4) (am). Neither of these treatments was discussed at my meeting with the department. Please call if any changes are necessary.~~

~~8. The department asked whether the department of revenue is required to provide the department with the equalized valuation of each municipality that is eligible to receive fire dues. I was unable to locate any current statutory requirement that the department of revenue provide this information. However, because it is unclear whether the department has had difficulty obtaining the information, I did not create a new requirement in the bill.~~

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

LRB-4078/2dn  
RJM:cmh:jf

February 14, 2000

Representative Porter:

The fire dues eligibility requirements under proposed s. 101.575 (4) (a) specify that a mutual aid agreement may not be used to satisfy the fire protection and fire prevention services requirements, except with regard to ensuring adequate response to a first-alarm fire. The term "mutual aid agreement" is currently undefined in the statutes, and it may be difficult for a court or municipality to discern the difference between a contract for fire protection services and a mutual aid agreement. Please let me know if you intend to define "mutual aid agreement" or if these provisions are inconsistent with your intent.

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**SUBMITTAL  
'FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 02/14/2000

To: Representative Porter

Relating to LRB drafting number: LRB-4078

**Topic**

Fire department dues and fire safety program

**Subject(s)**

Buildings/Safety - fire safety, Munis - miscellaneous

1. **JACKET** the draft for introduction LRB 4078/2dn

in the Senate or the Assembly  (check only 'one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Robert J. Marchant, Legislative Attorney  
Telephone: (608) 261-4454