

1999 DRAFTING REQUEST**Assembly Amendment (AA-AB133)**Received: **05/3/99**Received By: **rmarchan**Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**By/Representing: **Bonderud**This file may be shown to any legislator: **NO**Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Enforcement of one- and 2-family dwelling code in municipality with population of 2,500 or less

Instructions:

See Attached. Require these municipalities to enforce code or adopt resolution that (a) requests county to administer code, (b) requests department of commerce to administer code or (c) opts municipality out of code altogether.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 05/6/99	chanaman 05/6/99	martykr 05/7/99	_____	lrb_docadmin 05/7/99		
/2	rmarchan 06/4/99	chanaman 06/4/99	jfrantze 06/4/99	_____	lrb_docadmin 06/4/99		
/3	rmarchan 06/4/99	chanaman 06/6/99	jfrantze 06/6/99	_____	lrb_docadmin 06/7/99		

Vers. Drafted Reviewed Typist Proofed Submitted Jacketed Required

FE Sent For:

<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/3/99

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bondcrud**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Enforcement of one-~~family~~⁹¹ and 2-family dwelling code in municipality with population of 2,500 or less

Instructions:

See Attached. Require these municipalities to enforce code or adopt resolution that (a) requests county to administer code, (b) requests department of commerce to administer code or (c) opts municipality out of code altogether.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 05/6/99	chanaman 05/6/99	martykr 05/7/99	_____	lrb_docadmin 05/7/99		
/2	rmarchan 06/4/99	chanaman 06/4/99	jfrantze 06/4/99	_____	lrb_docadmin 06/4/99		

FE Sent For:

cmw
6/4
13

Jo
6/4/99

Jo / Kim
6/6
<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/3/99

Received By: rmarchan

Wanted: Soon

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Bonderud

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact:

Alt. Drafters:

Subject: Buildings/Safety - bldg codes

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Enforcement of one-family and 2-family dwelling code in municipality with population of 2,500 or less

Instructions:

See Attached. Require these municipalities to enforce code or adopt resolution that (a) requests county to administer code, (b) requests department of commerce to administer code or (c) opts municipality out of code altogether.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	rmarchan 05/6/99	chanaman 05/6/99	martykr 05/7/99	_____	lrb_docadmin 05/7/99		

FE Sent For:

06/4
of mrc
4
<END>

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 05/3/99

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Legislative Fiscal Bureau**

By/Representing: **Bonderud**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

Subject: **Buildings/Safety - bldg codes**

Extra Copies:

Pre Topic:

LFB:.....Bonderud -

Topic:

Enforcement of one-^{family} and 2-family dwelling code in municipality with population ~~less than~~ ^{of} 2,500 or less

Instructions:

See Attached. Require these municipalities to enforce code or adopt resolution that (a) requests county to administer code, (b) requests department of commerce to administer code or (c) opts municipality out of code altogether.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	rmarchan	cmr /1 5/4	rm 5/4	JG 5/4 cm 5/4			
FE Sent For:							

<END>

JFC 4/29/99
Approved 15-1
Senator Shibilski

COMMERCE - BUILDING AND ENVIRONMENTAL REGULATION

Inspection of All New Homes

Motion:

Move to require that all new one- and two-family dwellings be inspected to determine compliance with the state one- and two-family dwelling code (also known as the Uniform Dwelling Code, s. 101.60 to s. 101.66 of the Wisconsin Statutes). Cities, villages or towns with a population of 2,500 or less, which are currently exempt from the code, would be required to administer the one- and two-family dwelling code in the municipality unless the local governing body adopts a resolution to take one of the following actions: (a) request the county to administer the code in the municipality; (b) request the Department of Commerce to administer the code in the municipality; or (c) decide to have no administration of the code in the municipality. The municipality would be authorized to charge fees for permit and inspection activities (the same authorization as municipalities with a population over 2,500 currently have). The provision would be effective January 1, 2000.

Provide Commerce with \$50,000 PR in 1999-00 and \$100,000 PR in 2000-01 and direct the Department to use the funds to contract with a private, nonprofit organization to conduct education of home builders statewide.

Note:

Cities, villages or towns with a population of more than 2,500 are required administer the construction and inspection of new one- and two-family dwellings by passing an ordinance that meets the requirements of the state one- and two-family dwelling code. A county ordinance applies in any city, village or town which has not enacted an ordinance. If there is no county ordinance and a city, village or town with a population of more than 2,500 does not enact an ordinance, Commerce administers the code in the municipality. Commerce currently provides permit and inspection services in the City of Park Falls, Town of Minocqua and Town of Pelican Lake through contracts with private inspection agencies. The Counties of Eau Claire, Adams and Chippewa administer county ordinances.

Commerce estimates that there are 8,500 housing starts annually that are not currently covered by a building permit and inspection program. Commerce anticipates that if cities, villages or towns with a population of 2,500 or less would be required to administer the one- and two-family dwelling code unless they opt out, approximately 90% of the 8,500 housing starts would secure building permits, increasing building permit fee program revenue to Commerce by \$191,300 annually. Inspecting authorities would purchase permit seals for \$25 per permit from Commerce.

[Change to Base: \$150,000 PR, \$286,900 PR-REV]

[Change to Bill: \$150,000 PR, \$286,900 PR-REV]

Tradewell, Becky

From: Bonderud, Kendra
Sent: Thursday, April 29, 1999 8:03 PM
To: Tradewell, Becky
Cc: Hinz, Daryl
Subject: JFC 4/29/99 Action on Environmental Improvement Fund

Becky -

JFC took the following actions related to the Environmental Improvement Fund today. Please begin drafting changes as it fits into your schedule. On Friday morning, I will fax you any of the motions that I refer to in this email that need drafting. Thanks.

Paper 430, no vote passed = Governor, no LRB draft needed (fyi Alternative 1 and 2 each failed on an 8-8 vote)

Paper 431, approved Alternative A.2 (which includes the Alt. A1 technical corrections and needs an LRB draft) and approved Alternative B.1 and B.2, which needs an LRB draft for the B.2 effective date change. Motion 606 was also approved, which affects the priority classification of the grant program. I don't care whether you draft the loan and grant program changes as one or two drafts, whichever is easier for you in drafting.

Paper 432, no vote passed = Governor, no LRB draft needed (fyi Alternative 2 failed on an 8-8 vote)

Motion 633 passed to give the Village of Hatley a 0% loan from the old Wisconsin Fund like was provided for the Lake Tomahawk Sanitary District in the 1997-99 budget.

Also -

JFC talked about PECFA for 1 ½ hours and deadlocked 8-8 on a big Sen. Burke motion. The stalemate relates to groundwater law exemptions. JFC will take up PECFA again Tuesday morning at the beginning of the agenda. If you would like to hear about the JFC discussions, give me a call. Do not start any PECFA drafting yet - stay tuned for next Tuesday's discussions.

JFC finished the rest of Commerce - Building and Environmental Regulation. Two motions need drafting, one related to manufactured housing (transfer responsibilities from DOA and DOT to Commerce, hopefully simpler than last year's efforts) and one related to new home inspection in municipalities with less than 2,500 population, related to the one- and two-family dwelling code. I know Lonnie was working on manufactured housing a year ago, but I am not sure who would be drafting each of these this year. Would you ask the appropriate LRB drafter to contact me? I can then fax the motions and work directly with that person.

Thanks for your help.

Kendra Bonderud
Legislative Fiscal Bureau
(608) 266-3847
Kendra.Bonderud@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

1
LRBb0222
RJM:.....
cmH

SOON

family of

LFB:.....Bonderud - Enforcement of one- and 2-family dwelling code in municipality with population ~~less than~~ 2,500 or less

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

PMR
DUOTE

WPO: Please fix request sheet

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

2 1. Page 970, line 12: after that line insert:

3 "SECTION 1998m. 101.651 (title) of the statutes is amended to read:

4 101.651 (title) Certain municipalities ~~excepted~~ exempted.

5 SECTION 1998mc. 101.651 (1) (title) of the statutes is created to read:

6 101.651 (1) (title) DEFINITION.

7 SECTION 1998me. 101.651 (2) of the statutes is repealed.

8 SECTION 1998mg. 101.651 (2m) of the statutes is created to read:

9 101.651 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise

10 jurisdiction over the construction and inspection of new one- and 2-family dwellings

11 by enacting ordinances under s. 101.65 (1) (a) or shall exercise ^{family} jurisdiction jointly

granted under s. 101.65(1)(a)

1 ~~with at least one other political subdivision~~ under s. 101.65 (1) (b), unless the
2 municipality does any of the following by resolution:

3 (a) Requests under sub. (3) that the department or a county enforce this
4 subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout the
5 municipality and ^{that the department or a county} provide inspection services in the municipality to administer and
6 enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a).

7 (b) Determines not to exercise jurisdiction over the construction and inspection
8 of new one-^{family} and 2-family dwellings under s. 101.65 (1) (a), not to exercise jurisdiction
9 jointly under s. 101.65 (1) (b), not to request under sub. (3) that the department or
10 a county enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a)
11 throughout the municipality and not to request under sub. (3) that the department
12 or a county provide inspection services in the municipality to administer and enforce
13 this subchapter or an ordinance enacted under s. 101.65 (1) (a).

14 **SECTION 1998mi.** 101.651 (3) of the statutes is amended to read:

15 101.651 (3) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES: GENERALLY.
16 Except as provided in sub. (3m) or (3s), the department or a county may not enforce
17 this subchapter or an ordinance enacted under s. 101.65 (1) (a) or provide inspection
18 services in a municipality unless requested to do so by a person with respect to a
19 particular dwelling or by the municipality. A request by a person or a municipality
20 with respect to a particular dwelling does not give the department or a county
21 authority with respect to any other dwelling. Costs shall be collected under s. 101.65
22 (1) (c) or ss. 101.63 (9) and 101.65 (2) from the a person or municipality making the
23 a request under this subsection.

24 **SECTION 1998mk.** 101.651 (3m) (title) of the statutes is created to read:

1 101.651 (3m) (title) AUTHORITY OVER EROSION CONTROL IN TOWNS,
2 UNINCORPORATED AREAS AND CERTAIN EXEMPTED MUNICIPALITIES.

3 **SECTION 1998mm.** 101.651 (3m) of the statutes is renumbered 101.651 (3m)
4 (a) and amended to read:

5 101.651 (3m) (a) The department may enforce s. 101.653 in a municipality that
6 ~~does not perform or contract for inspection services under s. 101.65 (1) (a) or (b)~~
7 adopts a resolution under sub. (2m) (b). A county may enforce those provisions of an
8 ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in any
9 city or village that ~~does not perform or contract for inspection services under s. 101.65~~
10 (1) (a) or (b) adopts a resolution under sub. (2m) (b). The department or the county
11 shall collect a fee for the inspection services under this subsection.

12 **SECTION 1998mp.** 101.651 (3s) of the statutes is renumbered 101.651 (3m) (b).

13 **SECTION 1998mr.** 101.651 (4) (title) of the statutes is created to read:
14 101.651 (4) (title) DATA RELATING TO HOUSING STARTS IN MUNICIPALITIES.

15 **SECTION 1998mt.** 101.651 (5) (title) of the statutes is created to read:
16 101.651 (5) (title) EFFECT OF SECTION ON CERTAIN LAWS.

17 **SECTION 1998mv.** 101.651 (6) (title) of the statutes is created to read:
18 101.651 (6) (title) ENERGY CONSERVATION RULES; CONTINUING EFFECT.”.

19 **2.** Page 1402, line 21: after that line insert:

20 “(3m) BUILDING PERMITS FOR CONSTRUCTION OF CERTAIN ONE- AND 2-FAMILY
21 DWELLINGS. Notwithstanding section 101.651 (2m) of the statutes, as created by this
22 act, a person is not required to obtain a building permit for construction that begins
23 before the effective date of this subsection if, at the time that the construction begins,
24 the municipality where the construction is located is exempt under section 101.651

letter
"g"
nonstats

close space

FAMILY
65

1 (2), 1997 stats., the municipality has not enacted an ordinance requiring a building
 2 permit for the construction, the municipality does not jointly exercise jurisdiction
 3 with a political subdivision that requires a building permit for the construction and
 4 the municipality has not requested a county or the department of commerce to
 5 provide building permit services under section 101.651 (3) of the statutes.”.

6 **3.** Page 1469, line 5: after that line insert:

7 “(3m) ONE ^g AND 2-FAMILY DWELLING CODE. The treatment of sections 101.651 ^g
 8 (title), ~~101.651~~ (1) (title), 101.651 (2), ~~101.651~~ (2m), ~~101.651~~ (3), ~~101.651~~ (3a) (title),
 9 ~~101.651~~ (3s), ~~101.651~~ (4) (title), ~~101.651~~ (5) (title) and ~~101.651~~ (6) (title)
 10 of the statutes and SECTION 9110 (3m) of this act take effect on January 1, 2000.”

11 (END)

, the renumbering and amendment of section 101.651 (3m)
 of the statutes, ~~and~~ the creation of section 101.651
 (3m) (title) of the statutes

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

LRBb0222/1dn

RJM:.....

cmj

Kendra Bonderud:

family
1. Attached is the budget amendment you requested regarding the applicability of the one- ~~and~~ 2-family dwelling code to cities, villages and towns with a population of 2,500 or less. Please note that I also have tried to make these statutes more readable by adding titles in s. 101.651, stats. If you prefer that these titles not be included, please let me know and I will redraft the budget amendment to remove them.

2. Please review the nonstatutory provision regarding building permits. Hopefully, it is clear that this provision only grandfathers in a person who has begun construction without obtaining a building permit in a community where ~~the~~ building permit was not required. You may want to show this provision to one of your contacts at the department of commerce to ensure that it accomplishes your intent. There may be other methods for a municipality to require a building permit that I have not found but that need to be included in this provision.

family
3. In s. 101.761, stats., the manufactured building code provides an exception for certain municipalities that mirrors the exception in the one- ~~and~~ 2-family dwelling code being revised by this budget amendment. If the committee intended this budget amendment also to revise the exception in s. 101.761, stats., please let me know.

Thanks.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0222/1dn
RJM:cmh:km

May 7, 1999

Kendra Bonderud:

1. Attached is the budget amendment you requested regarding the applicability of the one-family and 2-family dwelling code to cities, villages and towns with a population of 2,500 or less. Please note that I also have tried to make these statutes more readable by adding titles in s. 101.651, stats. If you prefer that these titles not be included, please let me know and I will redraft the budget amendment to remove them.

2. Please review the nonstatutory provision regarding building permits. Hopefully, it is clear that this provision only grandfathers in a person who has begun construction without obtaining a building permit in a community where a building permit was not required. You may want to show this provision to one of your contacts at the department of commerce to ensure that it accomplishes your intent. There may be other methods for a municipality to require a building permit that I have not found but that need to be included in this provision.

3. In s. 101.761, stats., the manufactured building code provides an exception for certain municipalities that mirrors the exception in the one-family and 2-family dwelling code being revised by this budget amendment. If the committee intended this budget amendment also to revise the exception in s. 101.761, stats., please let me know.

Thanks.

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0222/9²
RJM:cmh:km

50010

RMB
DNOTE

LFB:.....Bonderud - Enforcement of one-family and 2-family dwelling code
in municipality with population of 2,500 or less

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

INSECT
1-2

1

At the locations indicated, amend the bill as follows:

2

1. Page 970, line 12: after that line insert:

3

91

~~SECTION 1998m.~~ 101.651 (title) of the statutes is amended to read:

4

101.651 (title) Certain municipalities excepted exempted.

5

SECTION 1998mc. 101.651 (1) (title) of the statutes is created to read:

6

101.651 (1) (title) DEFINITION.

7

SECTION 1998me. 101.651 (2) of the statutes is repealed.

8

SECTION 1998mg. 101.651 (2m) of the statutes is created to read:

9

101.651 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise

10

jurisdiction over the construction and inspection of new one-family and 2-family

11

dwellings by enacting ordinances under s. 101.65 (1) (a) or shall exercise the

1 jurisdiction granted under s. 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless the
2 municipality does any of the following by resolution:

3 (a) Requests under sub. (3) that the department or a county enforce this
4 subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout the
5 municipality and that the department or a county provide inspection services in the
6 municipality to administer and enforce this subchapter or an ordinance enacted
7 under s. 101.65 (1) (a).

8 (b) Determines not to exercise jurisdiction over the construction and inspection
9 of new one-family and 2-family dwellings under s. 101.65 (1) (a), not to exercise
10 jurisdiction jointly under s. 101.65 (1) (b), not to request under sub. (3) that the
11 department or a county enforce this subchapter or an ordinance enacted under s.
12 101.65 (1) (a) throughout the municipality and not to request under sub. (3) that the
13 department or a county provide inspection services in the municipality to administer
14 and enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a).

15 **SECTION 1998mi.** 101.651 (3) of the statutes is amended to read:

16 101.651 (3) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES: GENERALLY.

17 Except as provided in sub. (3m) ~~or (3s)~~, the department or a county may not enforce
18 this subchapter or an ordinance enacted under s. 101.65 (1) (a) or provide inspection
19 services in a municipality unless requested to do so by a person with respect to a
20 particular dwelling or by the municipality. A request by a person or a municipality
21 with respect to a particular dwelling does not give the department or a county
22 authority with respect to any other dwelling. Costs shall be collected under s. 101.65
23 (1) (c) or ss. 101.63 (9) and 101.65 (2) from the a person or municipality making the
24 a request under this subsection.

25 **SECTION 1998mk.** 101.651 (3m) (title) of the statutes is created to read:

1 101.651 (3m) (title) AUTHORITY OVER EROSION CONTROL IN TOWNS,
2 UNINCORPORATED AREAS AND CERTAIN EXEMPTED MUNICIPALITIES.

3 **SECTION 1998mm.** 101.651 (3m) of the statutes is renumbered 101.651 (3m)
4 (a) and amended to read:

5 101.651 (3m) (a) The department may enforce s. 101.653 in a municipality that
6 ~~does not perform or contract for inspection services under s. 101.65 (1) (a) or (b)~~
7 adopts a resolution under sub. (2m) (b). A county may enforce those provisions of an
8 ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in any
9 city or village that ~~does not perform or contract for inspection services under s. 101.65~~
10 (1) (a) or (b) adopts a resolution under sub. (2m) (b). The department or the county
11 shall collect a fee for the inspection services under this subsection.

12 **SECTION 1998mp.** 101.651 (3s) of the statutes is renumbered 101.651 (3m) (b).

13 **SECTION 1998mr.** 101.651 (4) (title) of the statutes is created to read:

14 101.651 (4) (title) DATA RELATING TO HOUSING STARTS IN MUNICIPALITIES.

15 **SECTION 1998mt.** 101.651 (5) (title) of the statutes is created to read:

16 101.651 (5) (title) EFFECT OF SECTION ON CERTAIN LAWS.

17 **SECTION 1998mv.** 101.651 (6) (title) of the statutes is created to read:

18 101.651 (6) (title) ENERGY CONSERVATION RULES; CONTINUING EFFECT”.

19 **2.** Page 1402, line 21: after that line insert:

20 “(3g) BUILDING PERMITS FOR CONSTRUCTION OF CERTAIN ONE-FAMILY AND 2-FAMILY
21 DWELLINGS. Notwithstanding section 101.651 (2m) of the statutes, as created by this
22 act, a person is not required to obtain a building permit for construction that begins
23 before the effective date of this subsection if, at the time that the construction begins,
24 the municipality where the construction is located is exempt under section 101.651

1 (2), 1997 stats., the municipality has not enacted an ordinance requiring a building
2 permit for the construction, the municipality does not jointly exercise jurisdiction
3 with a political subdivision that requires a building permit for the construction and
4 the municipality has not requested a county or the department of commerce to
5 provide building permit services under section 101.651 (3) of the statutes.”.

6 **3.** Page 1469, line 5: after that line insert:

7 “(3g) ONE-FAMILY AND 2-FAMILY DWELLING CODE. The treatment of section 101.651
8 (title), (1) (title), (2), (2m), (3), (3s), (4) (title), (5) (title) and (6) (title) of the statutes,
9 the renumbering and amendment of section 101.651 (3m) of the statutes, the
10 creation of section 101.651 (3m) (title) of the statutes and SECTION 9110 (3g) of this
11 act take effect on January 1, 2000.”.

12 (END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0222/2ins
RJM:.....

INSERT 1-2

1998K
"SECTION 101.63 (3m) of the statutes is created to read:

101.63 (3m) Contract with a private organization to provide education to builders of dwellings in this state regarding construction standards and inspection requirements contained in this subchapter and rules promulgated under this subchapter. The department may only contract with an organization under this subsection if the organization is described in section 501 (c) (3) of the Internal Revenue Code and is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

move text

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

LRBb0222/2dn
RJM:.....

cmf

Kendra Bonderud:

Attached is the redraft of the one-~~1~~ and ~~2~~-family dwelling code draft. Please review the content of proposed s. 101.63 (3m) to ensure that it is consistent with the intent of the joint committee on finance. In particular, let me know if you think either the pool of eligible students (builders of one-~~1~~ or ~~2~~-family dwellings in this state) or the proposed subject matter of the instruction (the construction standards and inspection requirements of the one-~~1~~ and ~~2~~-family dwelling code) need to be expanded.

~~THANKS~~

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

Also, I have not included a delayed effective date for proposed s. 101.63 (3m). ✓

O.K.?

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0222/2dn
RJM:cmh:jf

June 4, 1999

Kendra Bonderud:

Attached is the redraft of the one-family and two-family dwelling code draft. Please review the content of proposed s. 101.63 (3m) to ensure that it is consistent with the intent of the joint committee on finance. In particular, let me know if you think either the pool of eligible students (builders of one-family or two-family dwellings in this state) or the proposed subject matter of the instruction (the construction standards and inspection requirements of the one-family and two-family dwelling code) need to be expanded.

Also, I have not included a delayed effective date for proposed s. 101.63 (3m). O.K.?

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0222/3
RJM:cmh:jf

SOON

RMR
NOTE

LFB:.....Bonderud - Enforcement of one-~~unit~~ and 2-family dwelling code
in municipality with population of 2,500 or less

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

W.P.D.
please
fix
request cover
sheet

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

2 1. Page 970, line 12: after that line insert:

3 "SECTION 1998k. 101.63 (3m) of the statutes is created to read:

4 101.63 (3m) Contract with a private organization to provide education
5 regarding construction standards and inspection requirements under this
6 subchapter and under rules promulgated under this subchapter to builders of
7 dwellings in this state. The department may only contract with an organization
8 under this subsection if the organization is described in section 501 (c) (3) of the
9 Internal Revenue Code and is exempt from federal income tax under section 501 (a)
10 of the Internal Revenue Code.

11 SECTION 1998m. 101.651 (title) of the statutes is amended to read:

1 **101.651** (title) **Certain municipalities ~~excepted~~ exempted.**

2 **SECTION 1998mc.** 101.651 (1) (title) of the statutes is created to read:

3 101.651 (1) (title) DEFINITION.

4 **SECTION 1998me.** 101.651 (2) of the statutes is repealed.

5 **SECTION 1998mg.** 101.651 (2m) of the statutes is created to read:

6 101.651 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise
7 jurisdiction over the construction and inspection of new one-~~family~~ and 2-family
8 dwellings by enacting ordinances under s. 101.65 (1) (a) or shall exercise the
9 jurisdiction granted under s. 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless the
10 municipality does any of the following by resolution:

11 (a) Requests under sub. (3) that the department or a county enforce this
12 subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout the
13 municipality and that the department or a county provide inspection services in the
14 municipality to administer and enforce this subchapter or an ordinance enacted
15 under s. 101.65 (1) (a).

16 (b) Determines not to exercise jurisdiction over the construction and inspection
17 of new one-~~family~~ and 2-family dwellings under s. 101.65 (1) (a), not to exercise
18 jurisdiction jointly under s. 101.65 (1) (b), not to request under sub. (3) that the
19 department or a county enforce this subchapter or an ordinance enacted under s.
20 101.65 (1) (a) throughout the municipality and not to request under sub. (3) that the
21 department or a county provide inspection services in the municipality to administer
22 and enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a).

23 **SECTION 1998mi.** 101.651 (3) of the statutes is amended to read:

24 101.651 (3) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES: GENERALLY.

25 Except as provided in sub. (3m) ~~or (3s)~~, the department or a county may not enforce

1 this subchapter or an ordinance enacted under s. 101.65 (1) (a) or provide inspection
2 services in a municipality unless requested to do so by a person with respect to a
3 particular dwelling or by the municipality. A request by a person or a municipality
4 with respect to a particular dwelling does not give the department or a county
5 authority with respect to any other dwelling. Costs shall be collected under s. 101.65
6 (1) (c) or ss. 101.63 (9) and 101.65 (2) from ~~the a~~ person or municipality making the
7 a request under this subsection.

8 **SECTION 1998mk.** 101.651 (3m) (title) of the statutes is created to read:

9 101.651 (3m) (title) AUTHORITY OVER EROSION CONTROL IN TOWNS,
10 UNINCORPORATED AREAS AND CERTAIN EXEMPTED MUNICIPALITIES.

11 **SECTION 1998mm.** 101.651 (3m) of the statutes is renumbered 101.651 (3m)
12 (a) and amended to read:

13 101.651 (3m) (a) The department may enforce s. 101.653 in a municipality that
14 ~~does not perform or contract for inspection services under s. 101.65 (1) (a) or (b)~~
15 adopts a resolution under sub. (2m) (b). A county may enforce those provisions of an
16 ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in any
17 city or village that ~~does not perform or contract for inspection services under s. 101.65~~
18 ~~(1) (a) or (b)~~ adopts a resolution under sub. (2m) (b). The department or the county
19 shall collect a fee for the inspection services under this subsection.

20 **SECTION 1998mp.** 101.651 (3s) of the statutes is renumbered 101.651 (3m) (b).

21 **SECTION 1998mr.** 101.651 (4) (title) of the statutes is created to read:

22 101.651 (4) (title) DATA RELATING TO HOUSING STARTS IN MUNICIPALITIES.

23 **SECTION 1998mt.** 101.651 (5) (title) of the statutes is created to read:

24 101.651 (5) (title) EFFECT OF SECTION ON CERTAIN LAWS.

25 **SECTION 1998mv.** 101.651 (6) (title) of the statutes is created to read:

1 101.651 (6) (title) ENERGY CONSERVATION RULES; CONTINUING EFFECT.”.

2 **2.** Page 1402, line 21: after that line insert:

3 (3g) BUILDING PERMITS FOR CONSTRUCTION OF CERTAIN ONE-~~UNIT~~ AND 2-FAMILY
4 DWELLINGS. Notwithstanding section 101.651 (2m) of the statutes, as created by this
5 act, a person is not required to obtain a building permit for construction that begins
6 before the effective date of this subsection if, at the time that the construction begins,
7 the municipality where the construction is located is exempt under section 101.651
8 (2), 1997 stats., the municipality has not enacted an ordinance requiring a building
9 permit for the construction, the municipality does not jointly exercise jurisdiction
10 with a political subdivision that requires a building permit for the construction and
11 the municipality has not requested a county or the department of commerce to
12 provide building permit services under section 101.651 (3) of the statutes.”.

13 **3.** Page 1469, line 5: after that line insert:

14 (3g) ONE-~~UNIT~~ AND 2-FAMILY DWELLING CODE. The treatment of section 101.651
15 (title), (1) (title), (2), (2m), (3), (3s), (4) (title), (5) (title) and (6) (title) of the statutes,
16 the renumbering and amendment of section 101.651 (3m) of the statutes, the
17 creation of section 101.651 (3m) (title) of the statutes and SECTION 9110 (3g) of this
18 act take effect on January 1, 2000.”.

19

(END)

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

LRBb0222/2dn
RJM:cmh:jf

June 4, 1999

Kendra Bonderud:

Attached is the redraft of the one-~~family~~ and two-family dwelling code draft. Please review the content of proposed s. 101.63 (3m) to ensure that it is consistent with the intent of the joint committee on finance. In particular, let me know if you think either the pool of eligible students (builders of one-~~family~~ or two-family dwellings in this state) or the proposed subject matter of the instruction (the construction standards and inspection requirements of the one-~~family~~ and two-family dwelling code) need to be expanded.

Also, I have not included a delayed effective date for proposed s. 101.63 (3m). O.K.?

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0222/3dn
RJM:cmh:jf

June 6, 1999

Kendra Bonderud:

Attached is the redraft of the one- and two-family dwelling code draft. Please review the content of proposed s. 101.63 (3m) to ensure that it is consistent with the intent of the joint committee on finance. In particular, let me know if you think either the pool of eligible students (builders of one- or two-family dwellings in this state) or the proposed subject matter of the instruction (the construction standards and inspection requirements of the one- and two-family dwelling code) need to be expanded.

Also, I have not included a delayed effective date for proposed s. 101.63 (3m). O.K.?

Robert J. Marchant
Legislative Attorney
Phone: (608) 261-4454
E-mail: Robert.Marchant@legis.state.wi.us



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0222/3
RJM:cmh:jf

LFB:.....Bonderud - Enforcement of one- and 2-family dwelling code in
municipality with population of 2,500 or less

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 **1.** Page 970, line 12: after that line insert:

3 **"SECTION 1998k.** 101.63 (3m) of the statutes is created to read:

4 101.63 (3m) Contract with a private organization to provide education
5 regarding construction standards and inspection requirements under this
6 subchapter and under rules promulgated under this subchapter to builders of
7 dwellings in this state. The department may only contract with an organization
8 under this subsection if the organization is described in section 501 (c) (3) of the
9 Internal Revenue Code and is exempt from federal income tax under section 501 (a)
10 of the Internal Revenue Code.

11 **SECTION 1998m.** 101.651 (title) of the statutes is amended to read:

1 **101.651 (title) Certain municipalities ~~excepted~~ exempted.**

2 **SECTION 1998mc.** 101.651 (1) (title) of the statutes is created to read:

3 101.651 (1) (title) DEFINITION.

4 **SECTION 1998me.** 101.651 (2) of the statutes is repealed.

5 **SECTION 1998mg.** 101.651 (2m) of the statutes is created to read:

6 101.651 (2m) EXEMPTION BY RESOLUTION. A municipality shall exercise
7 jurisdiction over the construction and inspection of new one- and 2-family dwellings
8 by enacting ordinances under s. 101.65 (1) (a) or shall exercise the jurisdiction
9 granted under s. 101.65 (1) (a) jointly under s. 101.65 (1) (b), unless the municipality
10 does any of the following by resolution:

11 (a) Requests under sub. (3) that the department or a county enforce this
12 subchapter or an ordinance enacted under s. 101.65 (1) (a) throughout the
13 municipality and that the department or a county provide inspection services in the
14 municipality to administer and enforce this subchapter or an ordinance enacted
15 under s. 101.65 (1) (a).

16 (b) Determines not to exercise jurisdiction over the construction and inspection
17 of new one- and 2-family dwellings under s. 101.65 (1) (a), not to exercise jurisdiction
18 jointly under s. 101.65 (1) (b), not to request under sub. (3) that the department or
19 a county enforce this subchapter or an ordinance enacted under s. 101.65 (1) (a)
20 throughout the municipality and not to request under sub. (3) that the department
21 or a county provide inspection services in the municipality to administer and enforce
22 this subchapter or an ordinance enacted under s. 101.65 (1) (a).

23 **SECTION 1998mi.** 101.651 (3) of the statutes is amended to read:

24 101.651 (3) DEPARTMENTAL AND COUNTY AUTHORITY IN MUNICIPALITIES: GENERALLY

25 Except as provided in sub. (3m) ~~or (3s)~~, the department or a county may not enforce

1 this subchapter or an ordinance enacted under s. 101.65 (1) (a) or provide inspection
2 services in a municipality unless requested to do so by a person with respect to a
3 particular dwelling or by the municipality. A request by a person or a municipality
4 with respect to a particular dwelling does not give the department or a county
5 authority with respect to any other dwelling. Costs shall be collected under s. 101.65
6 (1) (c) or ss. 101.63 (9) and 101.65 (2) from ~~the a~~ person or municipality making ~~the~~
7 a request under this subsection.

8 **SECTION 1998mk.** 101.651 (3m) (title) of the statutes is created to read:

9 101.651 (3m) (title) AUTHORITY OVER EROSION CONTROL IN TOWNS,
10 UNINCORPORATED AREAS AND CERTAIN EXEMPTED MUNICIPALITIES.

11 **SECTION 1998mm.** 101.651 (3m) of the statutes is renumbered 101.651 (3m)

12 (a) and amended to read:

13 101.651 (3m) (a) The department may enforce s. 101.653 in a municipality that
14 ~~does not perform or contract for inspection services under s. 101.65 (1) (a) or (b)~~
15 adopts a resolution under sub. (2m) (b). A county may enforce those provisions of an
16 ordinance enacted under s. 101.65 (1) (a) related to construction site erosion in any
17 city or village that ~~does not perform or contract for inspection services under s. 101.65~~
18 ~~(1) (a) or (b)~~ adopts a resolution under sub. (2m) (b). The department or the county
19 shall collect a fee for the inspection services under this subsection.

20 **SECTION 1998mp.** 101.651 (3s) of the statutes is renumbered 101.651 (3m) (b).

21 **SECTION 1998mr.** 101.651 (4) (title) of the statutes is created to read:

22 101.651 (4) (title) DATA RELATING TO HOUSING STARTS IN MUNICIPALITIES.

23 **SECTION 1998mt.** 101.651 (5) (title) of the statutes is created to read:

24 101.651 (5) (title) EFFECT OF SECTION ON CERTAIN LAWS.

25 **SECTION 1998mv.** 101.651 (6) (title) of the statutes is created to read:

