

2001 DRAFTING REQUEST

Bill

Received: **02/08/2001**

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Rick Skindrud (608) 266-3520**

By/Representing: **AI**

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

Drafter: **rmarchan**

May Contact: **Jim Smith, Dept. of Commerce, 6-**

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Commercial building code

Instructions:

See Attached. Exempt horse boarding or training facilities from the commercial building code (treat them like other farm premises).

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>
/?	rmarchan 04/27/2001	wjackson 05/01/2001		_____			State
/1	rmarchan 05/04/2001	wjackson 05/07/2001	jfrantze 05/02/2001	_____	lrb_docadmin 05/02/2001		State
/2			martykr	_____	lrb_docadmin	lrb_docadmin	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			05/10/2001 _____		05/10/2001	05/16/2001	

FE Sent For:

<END>

At intro

2001 DRAFTING REQUEST

Bill

Received: 02/08/2001

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Rick Skindrud (608) 266-3520**

By/Representing: **Al**

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

Drafter: **rmarchan**

May Contact: **Jim Smith, Dept. of Commerce, 6-**

Addl. Drafters:

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

Extra Copies:

Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Commercial building code

Instructions:

See Attached. Exempt horse boarding or training facilities from the commercial building code (treat them like other farm premises).

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>
/?	rmarchan 04/27/2001	wjackson 05/01/2001		_____			State
/1	rmarchan 05/04/2001	wjackson 05/07/2001	jfrantze 05/02/2001	_____	lrb_docadmin 05/02/2001		State
/2			martykr	_____	lrb_docadmin		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			05/10/2001	_____	05/10/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 02/08/2001

Received By: rmarchan

Wanted: As time permits

Identical to LRB:

For: Rick Skindrud (608) 266-3520

By/Representing: AI

This file may be shown to any legislator: NO

Drafter: rmarchan

May Contact: Jim Smith, Dept. of Commerce, 6-

Addl. Drafters:

Subject: Buildings/Safety - bldg codes

Extra Copies:

Submit via email: NO

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Commercial building code

Instructions:

See Attached. Exempt horse boarding or training facilities from the commercial building code (treat them like other farm premises).

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>
/?	rmarchan 04/27/2001	wjackson 05/01/2001					State
/1		1/2 WJ 5/7	jfrantze 05/02/2001 RM 5/7	CK S-10 JK	lrb_docadmin 05/02/2001		

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 02/08/2001

Received By: **rmarchan**

Wanted: **As time permits**

Identical to LRB:

For: **Rick Skindrud (608) 266-3520**

By/Representing: **AI**

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

Drafter: **rmarchan**

May Contact: **Jim Smith, Dept. of Commerce, 6-**

Alt. Drafters:

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

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Commercial building code

Instructions:

See Attached. Exempt horse boarding or training facilities from the commercial building code (treat them like other farm premises).

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	1 wlg 5/11	Jb 5/11 *10/27	Jb 5/11 5/11			

FE Sent For:

<END>

Marchant, Robert

To: Colvin, Alan
Subject: Exemptions from commercial building code

Al--

I have begun working on Representative Skindrud's request to exempt horse training and horse boarding facilities from the commercial building code. Unfortunately, what appeared to be a straight-forward request has turned into a complicated little draft. Before I get any further into the draft, there are a couple of questions I need to ask you.

1. Numerous building codes apply to commercial buildings. Is it your intent to simply exempt these facilities from the plan submission and approval process that applies to commercial buildings or to exempt them from all or some of the applicable building codes?
2. If you intend to exempt these facilities from the applicable codes rather than just from the plan submission and approval process, I assume you want these facilities exempt from s. 101.02 (15) (j), which requires the department to promulgate rules for the safe construction of public buildings. Do you also want to exempt these facilities from any of the following applicable codes:
 - a. Ventilation systems (s. 101.025 (4))?
 - b. Energy conservation (s. 101.027 (1) (a))?
 - c. Erosion control at construction sites (s. 101.1205)?
 - d. Access for physically disabled persons (s. 101.13)?
 - e. Fire safety (s. 101.14 (2) and (4) (a))? *Keep inspectors, but exempt from fire suppression codes*
 - f. Machines and boilers (s. 101.17)?
 - g. Electrical construction (s. 101.82 (1))? *As it applies to horse facilities, codes not to same as any other standard.*
 - h. Plumbing (s. 145.02 (2))?
 - i. Sewage systems (ss. 145.135 (1), 145.19 (1), and 145.23)?

After you have had a chance to review these issues, please let me know how you would like to proceed. If you have any questions or would like to discuss any of these issues, please feel free to call.

Robert J. Marchant
Legislative Attorney
State of Wisconsin Legislative Reference Bureau
robert.marchant@legis.state.wi.us

Tcf Rep. Steward

■ Rural areas have lots of bldgs being rented as horse training facilities

■ Former ag. bldg, not upto comm. code

Treat these as ag. bldgs. (I made sure there's some code that applies to ag. bldgs) That way these facilities are like any other barn.

4/17/01

Marchant, Robert

To: Colvin, Alan
Subject: Farm buildings under the commercial building code

Al--

You have requested a bill that exempts buildings used in farming from the commercial building code. Currently, the commercial building code is contained primarily in the Wisconsin Administrative Code, chs. Comm. 50 to 64. Under Comm. 50.04 (2), Wis. Admin. Code, the following buildings are exempt from these chapters of the code:

(2) Buildings and structures that are on a farm premises and used exclusively for farming purposes, provided any use of the building or structure by the public consists only of consumers directly receiving farm commodities, substantially all of which have been planted or produced on the farm premises. In this application, "substantially all" means at least 90 percent of the commodities were planted or produced on the farm premises.

The term "farm premises" is defined broadly in s. 102.04 (3), stats., and covers horse training facilities, to the extent that horses are livestock. Thus, it appears as though the department's rules already accomplish the intent of your request.

Please let me know if you disagree or if you have any further questions.

Robert J. Marchant

Legislative Attorney
State of Wisconsin Legislative Reference Bureau
robert.marchant@legis.state.wi.us

70.11(34)(a)2.

2. Is a public building, as defined in s. 101.01 (12).

101.025 Ventilation requirements for public buildings and places of employment.

101.027 Energy conservation code for public buildings and places of employment.

101.12 Approval and inspection of public buildings and places of employment and components.

101.1205 Erosion control; construction of public buildings and buildings that are places of employment.

101.13 Physically disabled persons; place of employment and public building requirements.

101.01(6)

(6) "Frequenter" means every person, other than an employee, who may go in or be in a place of employment or public building under circumstances which render such person other than a trespasser. Such term includes a pupil or student when enrolled in or receiving instruction at an educational institution.

101.01(7)

(7) "General order" means such order as applies generally throughout the state to all persons, employments, places of employment or public buildings, or all persons, employments or places of employment or public buildings of a class under the jurisdiction of the department. All other orders of the department shall be considered special orders.

101.01(10)

(10) "Owner" means any person, firm, corporation, state, county, town, city, village, school district, sewer district, drainage district and other public or quasi-public corporations as well as any manager, representative, officer, or other person having ownership, control or custody of any place of employment or public building, or of the construction, repair or maintenance of any place of employment or public building, or who prepares plans for the construction of any place of employment or public building. This subchapter shall apply, so far as consistent, to all architects and builders.

101.01(12)

(12) "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

101.01(13)

(13) "Safe" or "safety", as applied to an employment or a place of employment or a public building, means such freedom from danger to the life, health, safety or welfare of employees or frequenters, or the public, or tenants, or fire fighters, and such reasonable means of notification,

egress and escape in case of fire, and such freedom from danger to adjacent buildings or other property, as the nature of the employment, place of employment, or public building, will reasonably permit.

101.02(5)(b)

(b) For the purpose of making any investigation with regard to any employment or place of employment or public building, the secretary may appoint, by an order in writing, any deputy who is a citizen of the state, or any other competent person as an agent whose duties shall be prescribed in such order.

101.02(7)(a)

(a) Nothing contained in this subchapter may be construed to deprive the common council, the board of alderpersons, the board of trustees or the village board of any village or city, or a local board of health, as defined in s. 250.01 (3), of any power or jurisdiction over or relative to any place of employment or public building, provided that, whenever the department shall, by an order, fix a standard of safety or any hygienic condition for employment or places of employment or public buildings, the order shall, upon the filing by the department of a copy of the order with the clerk of the village or city to which it may apply, be held to amend or modify any similar conflicting local order in any particular matters governed by the order of the department. Thereafter no local officer may make or enforce any order contrary to the order of the department.

101.02(15)(a)

*note
OK
to
keep?*

(a) The department has such supervision of every employment, place of employment and public building in this state as is necessary adequately to enforce and administer all laws and all lawful orders requiring such employment, place of employment or public building to be safe, and requiring the protection of the life, health, safety and welfare of every employee in such employment or place of employment and every frequenter of such place of employment, and the safety of the public or tenants in any such public building. This paragraph does not apply to occupational safety and health issues covered by standards established and enforced by the federal occupational safety and health administration. ~~This paragraph shall be repealed by the budget act~~

101.02(15)(c)

(c) Upon petition by any person that any employment or place of employment or public building is not safe, the department shall proceed, with or without notice, to make such investigation as may be necessary to determine the matter complained of.

101.02(15)(d)

(d) After such hearing as may be necessary, the department may enter such order relative thereto as may be necessary to render such employment or place of employment or public building safe.

101.02(15)(e)

(e) Whenever the department shall learn that any employment or place of employment or public building is not safe it may of its own motion, summarily investigate the same, with or without

notice, and enter such order as may be necessary relative thereto.

101.02(15)(f)

(f) The department shall investigate, ascertain and determine such reasonable classifications of persons, employments, places of employment and public buildings, as shall be necessary to carry out the purposes of this subchapter.

101.02(15)(g)

(g) The secretary or any deputy of the department may enter any place of employment or public building, for the purpose of collecting facts and statistics, examining the provisions made for the health, safety and welfare of the employees, frequenters, the public or tenants therein and bringing to the attention of every employer or owner any law, or any order of the department, and any failure on the part of such employer or owner to comply therewith. No employer or owner may refuse to admit the secretary or any deputy of the department to his or her place of employment or public building.

101.02(15)(j)

X (j) The department shall ascertain, fix and order such reasonable standards or rules for the construction, repair and maintenance of places of employment and public buildings, as shall render them safe.

, except rules don't apply to bldgs used in farming. "farming"

101.02 - ANNOT.

memo...

The department's authority to adopt rules covering the safety of frequenters engaged in recreational activities at youth camps is limited to orders relating to the construction of public buildings on the premises, but only as to the structural aspects thereof, and to places of employment, but only as to those camps operated for profit. 59 Atty. Gen. 35.

101.025

101.025 Ventilation requirements for public buildings and places of employment.

101.025(1)

(1) Notwithstanding s. 101.02 (1) and (15), any rule which requires the intake of outside air for ventilation in public buildings or places of employment shall establish minimum quantities of outside air that must be supplied based upon the type of occupancy, the number of occupants, areas with toxic or unusual contaminants and other pertinent criteria determined by the department. The department shall set standards where the mandatory intake of outside air may be waived. The department may waive the requirement for the intake of outside air where the owner has demonstrated that the resulting air quality is equivalent to that provided by outdoor air ventilation. The department may not waive the mandatory intake of outside air unless smoking is prohibited in the building or place of employment. In this subsection "smoking" means carrying any lighted tobacco product.

101.025(2)

(2) In the case where the intake of outside air is waived, any person may file a written complaint with the department requesting the enforcement of ventilation requirements for the intake of

outside air for a particular public building or place of employment. The complaints shall be processed in the same manner and be subject to the same procedures as provided in s. 101.02 (6) (e) to (i) and (8).

101.025(3)

(3) The department may order the owner of any public building or place of employment which is the subject of a complaint under sub. (2) to comply with ventilation requirements adopted under sub. (1) unless the owner can verify, in writing, that the elimination of the provision for outside air in the structure in question does not impose a significant detriment to the employees or frequenters of the structure and that the health, safety and welfare of the occupants is preserved. Upon receipt of a written verification from the owner, the department shall conduct an investigation, and the department may issue an order to comply with ventilation requirements under sub. (1) if it finds that the health, safety and welfare of the employees or frequenters of the structure in question is best served by reinstating the ventilation requirements for that structure.

101.025(4)

X (4) (intro.) For ventilation systems in public buildings and places of employment, the department shall adopt rules setting:

101.025(4)(b)

(b) Maintenance standards for ventilation systems in public buildings and places of employment existing on April 30, 1980.

- except that rule doesn't apply to bldg under way, as defined in...

101.027

X **101.027 Energy conservation code for public buildings and places of employment.**

101.027(1)(a)

(a) "Energy conservation code" means the energy conservation code promulgated by the department that sets design requirements for construction and equipment for the purpose of energy conservation in public buildings and places of employment.

other than...

101.11(1)

(1) Every employer shall furnish employment which shall be safe for the employees therein and shall furnish a place of employment which shall be safe for employees therein and for frequenters thereof and shall furnish and use safety devices and safeguards, and shall adopt and use methods and processes reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees and frequenters. Every employer and every owner of a place of employment or a public building now or hereafter constructed shall so construct, repair or maintain such place of employment or public building as to render the same safe.

*NOTE
OK
to keep
?*

101.11(2)(a)

(a) No employer shall require, permit or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide and use safety devices and safeguards, or fail to adopt and use methods and processes reasonably

PLEASE
O.K.
to keep
?

adequate to render such employment and place of employment safe, and no such employer shall fail or neglect to do every other thing reasonably necessary to protect the life, health, safety or welfare of such employees and frequenters; and no employer or owner, or other person shall hereafter construct or occupy or maintain any place of employment, or public building, that is not safe, nor prepare plans which shall fail to provide for making the same safe.

101.12

101.12 Approval and inspection of public buildings and places of employment and components.

101.12(1)

and except for plans...

(1) (intro.) Except for plans that are reviewed by the department of health and family services under ss. 50.02 (2) (b) and 50.36 (2), the department shall require the submission of essential drawings, calculations and specifications for public buildings, public structures and places of employment including the following components:

X

101.12(3)(h)

Need to make sure these key off of reviews permitted under (1)

(h) Require all local officers not authorized by the department to grant approvals as provided in pars. (a) and (b) to deny permits or licenses for construction or use of public buildings, public structures and places of employment until the required drawings and calculations have been examined by the department.

X

101.1205

101.1205 Erosion control; construction of public buildings and buildings that are places of employment.

*E-mail:
want to
keep this?*

101.1205(1)

(1) The department, in consultation with the department of natural resources, shall establish statewide standards for erosion control at building sites for the construction of public buildings and buildings that are places of employment.

101.1205(5m)

(5m) Notwithstanding subs. (1) and (5), a county, city, village or town that has in effect on January 1, 1994, an ordinance that establishes standards for erosion control at building sites for the construction of public buildings and buildings that are places of employment may continue to administer and enforce that ordinance if the standards in the ordinance are more stringent than the standards established under sub. (1).

101.125(1)(a)

(a) "Building" means a place of employment or a public building and includes, without limitation because of enumeration, wholesale and retail stores, storerooms, office buildings, factories, warehouses, governmental buildings, hotels, hospitals, motels, dormitories, sanatoriums, nursing homes, retirement homes, theaters, stadiums, gymnasiums, amusement park buildings, schools and other buildings used for educational purposes, places of worship and other places of public assembly and all residences including mobile homes, manufactured or industrialized housing, lodging homes and any other building used as a dwelling for one or more

persons.

101.125(1)(b)

(b) "Entrance and exit door" means a hinged, pivoting, revolving or sliding door which is used alone or in combination with other such doors on interior or exterior walls of a residential, commercial or public building for passage, ingress or egress.

101.125(1)(d)

(d) "Hazardous location" means the location of a structural element in a building which is used as an entrance and exit door to a compartment, room or building; the fixed or operating, flat panels immediately adjacent to an entrance or exit door; a sliding glass door unit; a storm or combination door; a shower and bathtub enclosure; and the adjacent sidelites of a door. In the case of a public building, the term also includes any other location designated by the department.

101.126(1)(a)

(a) The construction of a public building.

101.126(1)(b)

(b) An increase in the size of a public building by 50% or more.

101.126(1)(c)

(c) An alteration of 50% or more of the existing area of a public building that is 10,000 square feet or more in area.

101.13

101.13 Physically disabled persons; place of employment and public building requirements.

101.13(1)

*Edward
Comments
11/17/15*
(1) In this section, "access" means the physical characteristics of a place which allow persons with functional limitations caused by impairments of sight, hearing, coordination or perception or persons with semiambulatory or nonambulatory disabilities to enter, circulate within and leave a place of employment or public building and to use the public toilet facilities and passenger elevators in the place of employment or public building without assistance.

101.13(1m)(a)

(a) Except as provided in par. (b), the department shall by rule provide minimum requirements to facilitate the use of public buildings and places of employment by physically disabled persons where traffic might reasonably be expected by such persons.

101.13(1m)(b)

(b) The department may not promulgate a rule requiring that a unisex toilet room be provided in any public building or place of employment.

101.13(2)(a)

(a) (intro.) Any place of employment or public building, the initial construction of which is

commenced after July 1, 1970, but prior to May 27, 1976, shall be so designed and constructed as to provide reasonable means of ingress and egress by the physically disabled with the exception of:

101.13(2)(d)

(d) Any place of employment or public building, unless exempted by rule of the department, the initial construction of which is commenced on or after May 27, 1976, shall be designed and constructed so as to provide reasonable means of access. Buildings, as defined in s. 703.02 (5), 1975 stats., of 2 stories or less in height shall be exempt from requirements relating to parking space, ramps and grade-level entrances.

101.13(2)(f)1.

1. Except as provided in subd. 2., no governmental unit may issue any authorization to occupy any place of employment or public building prescribed in pars. (a) to (d) unless the owner thereof files with that governmental unit a true certification of compliance with the rules under par. (e) applicable to that place of employment or public building relating to the reservation and marking of parking spaces for use by a motor vehicle used by a physically disabled person.

101.13(2)(f)2.

2. An authorization to occupy a place of employment or public building prescribed in pars. (a) to (d) may be issued prior to the completion of parking facilities for that place of employment or public building if the owner files a true certification that upon completion of any parking facility for that place of employment or public building that parking facility shall comply with the rules under par. (e) applicable to that place of employment or public building as specified in subd. 1.

101.13(3)

(3) Any place of employment or public building subject to sub. (2) shall be so designed and constructed to allow physically disabled persons reasonable means of access from a parking lot, if any, ancillary to such buildings.

101.13(5)(a)

(a) (intro.) Every place of employment and public building, except those described in sub. (2) (a) 1. to 8., the construction of which is begun after May 24, 1974 but prior to May 27, 1976, on each floor that is accessible to disabled persons, including persons in wheelchairs, which has public toilets shall have:

101.13(6)(g)

(g) The owner of any public building who fails to comply with this subsection may be compelled to meet its requirements in a circuit court suit by any interested person. Such person shall be reimbursed, if successful, for all costs and disbursements plus such actual attorney fees as may be allowed by the court.

101.13(8)

(8) Every passenger elevator installed in a place of employment or public building after October

1, 1978 shall be equipped with raised letters and numerals on the operating panel and the external door frame on each floor, and the letters and numerals shall be designed and placed to maximize the ability of persons with functional limitations to use the passenger elevator without assistance.

101.13 - ANNOT.

While neither the U.S. nor Wisconsin Constitutions compel states to require that public buildings and seats of government be constructed and maintained as to be accessible to the physically handicapped, the legislature has an affirmative duty to address this problem and assure equal access to all constituted classes of citizens, including the physically handicapped.
63 Atty. Gen. 87.

101.132(2)(e)1.

1. The requirements under this subsection are in addition to, and do not supplant, the requirements under s. 101.13 relating to the use of public buildings by persons with disabilities. Any conflict between this subsection and s. 101.13 or the rules promulgated under s. 101.13 shall be resolved in favor of the provision providing the greatest degree of access by persons with disabilities, as determined by the department.

101.14(2)(b)

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

101.14(4)(a)

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

101.14(4)(c)1.

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

101.14(4)(c)2.a.

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

101.14(4)(c)2.b.

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

101.145(1)(a)

(a) "Residential building" means any public building which is used for sleeping or lodging purposes and includes any apartment house, rooming house, hotel, children's home, community-based residential facility or dormitory but does not include a hospital or nursing home.

101.17

101.17 Machines and boilers, safety requirement. No machine, mechanical device, or steam boiler shall be installed or used in this state which does not fully comply with the requirements of the laws of this state enacted for the safety of employees and frequenters in places of employment and public buildings and with the orders of the department adopted and published in conformity with this subchapter. Any person violating this section shall be subject to the forfeitures provided in s. 101.02 (12) and (13).

*Emend:
want to
keep?*

101.19(1)(a)

(a) The examination of plans for public buildings, public structures, places of employment and the components thereof.

101.80(2)

(2) "Public buildings" and "places of employment" include all exterior wiring except wiring owned, leased, operated or maintained by a public utility including any electrical cooperative, in the exercise of its utility function.

101.82(1)

(1) Adopt rules for the construction and inspection of electrical construction of public buildings and places of employment and for the inspection of electrical construction of places where farming, as defined in s. 101.01 (11), is conducted. Where feasible, the standards used shall be those nationally recognized. No rule may be adopted which does not take into account the conservation of energy in construction and maintenance of buildings.

*Emend:
want to
keep?*

101.82(2)

(2) Adopt rules for the certification, including provisions for suspension and revocation thereof, of electrical inspectors for the purpose of inspecting the electrical wiring of public buildings and places of employment. Persons certified as inspectors may be employees of the department, a municipality or private inspection agency.

101.84(2)

(2) At the request of the owner or tenant, enter, inspect and examine the exterior and interior wiring of a public building or place of employment necessary to ascertain compliance with the rules promulgated under this subchapter.

101.86(1)(a)

(a) Exercise jurisdiction over electrical construction and inspection of electrical construction in public buildings and places of employment by passage of ordinances, providing such ordinances

*Do we want to allow or prohibit application of ords to farming?
generally, however*

X

meet the minimum requirements of the department's rules adopted under this subchapter. A county ordinance shall apply in any city, village or town which has not enacted such an ordinance.

Email:
went to X Am 145.02 (2) Plumbing Code + other parts of
ch 145 (re: foreign, sewage systems?)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-2444¹

RJM:l:...

5-31-01

WLS
RM NR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

DUOTE

GEN

- 1 AN ACT ...; relating to: exempting horse boarding and horse training facilities
- 2 from state building codes, requiring the creation of a building code for horse
- 3 boarding and horse training facilities, and granting rule-making authority.

(department) Analysis by the Legislative Reference Bureau

With certain exceptions, current law gives the department of commerce jurisdiction over all buildings in this state that are used by the public (public buildings) and all places of employment for the purpose of ensuring that the buildings are safe. Current law requires the department to promulgate standards for the safe construction of public buildings. Currently, under these construction standards and under certain statutes, public buildings and places of employment are subject to numerous requirements with regard to their construction, including requirements with regard to ventilation, energy conservation, accessibility, fire safety, electrical construction, and plumbing construction. Plans for the construction of public buildings and places of employment currently must be approved by the department or by certain authorized local officials, ~~in order~~ to ensure that the public buildings or places of employment will be built in compliance with all applicable construction standards.

Currently, a horse boarding or horse training facility may be a public building and, unless the horse boarding or horse training is used in farming, it may be a place of employment.

This bill exempts horse boarding and horse training facilities from the definitions of "public building" and "place of employment." As a result, under this bill, horse boarding and horse training facilities are not subject to the construction

standards promulgated by the department or to construction-related statutes that generally apply to public buildings and places of employment. In addition, under the bill, the plan submission and approval process does not apply to the proposed construction of horse boarding and horse training facilities.

This bill also requires horse boarding and horse training facilities to be constructed in compliance with safety standards promulgated by the department. The bill requires the department to promulgate these standards and requires that, to the extent feasible, the standards be consistent with any national safety standards applicable to the construction of horse boarding and horse training facilities.

For further information see the *state* 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. 101.01 (11)[√] of the statutes is amended to read:

2 101.01 (11) "Place of employment" includes every place, whether indoors or out
3 or underground and the premises appurtenant thereto where either temporarily or
4 permanently any industry, trade[∧] or business is carried on, or where any process or
5 operation, directly or indirectly related to any industry, trade[∧] or business, is carried
6 on, and where any person is, directly or indirectly, employed by another for direct or
7 indirect gain or profit, but does not include any place where persons are employed
8 in private domestic service which does not involve the use of mechanical power or in
9 farming. "Farming" includes those activities specified in s. 102.04 (3), ~~and also~~
10 includes; the transportation of farm products, supplies[∧] or equipment directly to the
11 farm by the operator of ~~said~~ the farm or employees for use thereon, if such activities
12 are directly or indirectly for the purpose of producing commodities for market, or as
13 an accessory to such production; and the operation of a horse boarding facility or
14 horse training facility. When used with relation to building codes, "place of
15 employment" does not include an adult family home, as defined in s. 50.01 (1), or,
16 except for the purposes of s. 101.11, a previously constructed building used as a

1 community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or
2 fewer residents who are not related to the operator or administrator.

History: 1971 c. 185 ss. 1, 5; 1971 c. 228 ss. 15, 44; 1975 c. 413, 421; 1977 c. 29; 1983 a. 189 ss. 142, 143, 329 (4); 1985 a. 135 s. 83 (3); 1987 a. 161; 1993 a. 27, 184, 327; 1995 a. 27 ss. 3611 to 3629, 9116 (5); 1997 a. 237; 1999 a. 9.

3 SECTION 2. 101.01 (12) of the statutes is amended to read:

4 101.01 (12) (intro.) "Public building" means any structure, including exterior
5 parts of such building, such as a porch, exterior platform or steps providing means
6 of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging,
7 trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in
8 relation to building codes, "public building" does not include a horse boarding facility
9 or horse training facility or a previously constructed building used as a
10 community-based residential facility as defined in s. 50.01 (1g) which serves 20 or
11 fewer residents who are not related to the operator or administrator or an adult
12 family home, as defined in s. 50.01 (1).

History: 1971 c. 185 ss. 1, 5; 1971 c. 228 ss. 15, 44; 1975 c. 413, 421; 1977 c. 29; 1983 a. 189 ss. 142, 143, 329 (4); 1985 a. 135 s. 83 (3); 1987 a. 161; 1993 a. 27, 184, 327; 1995 a. 27 ss. 3611 to 3629, 9116 (5); 1997 a. 237; 1999 a. 9.

13 SECTION 3. 101.06 of the statutes is created to read:

14 101.06 Horse boarding and horse training facilities. (1) BUILDING CODE.
15 The department shall promulgate rules to ensure the safe construction of horse
16 boarding facilities and horse training facilities. To the extent feasible, the rules shall
17 be consistent with nationally recognized standards for the safe construction of horse
18 boarding facilities and horse training facilities.

19 (2) REQUIREMENT. Each horse boarding facility and horse training facility the
20 initial construction of which is commenced on or after the effective date of this
21 subsection [revisor inserts date], shall be constructed in compliance with the rules
22 promulgated under sub. (1).

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2444/1dn

RJM:/:....

Wlj

Representative Skindrud:

1. This bill exempts horse boarding and horse training facilities from the building codes that currently may apply to them. There is no agricultural building code that would apply to horse boarding and horse training facilities in the absence of the building codes that currently may apply. As a result, this bill also requires the department of commerce to promulgate a building code that applies specifically to horse boarding and horse training facilities. The code must be as consistent as possible with national standards for the construction of these facilities. I have been informed by the department that the provisions of the International Building Code (the prevailing national standard for safe construction) for agricultural use buildings are generally less stringent than the standards of Wisconsin's commercial building code. Please let me know if this treatment is not consistent with your intent.

2. As we discussed on the phone, there are various codes that, under this bill, will no longer apply to horse boarding and horse training facilities. In addition to the building code promulgated under s. 101.02 (15) (j), stats., none of the following codes will apply:

- a. Ventilation systems (s. 101.025 (4), stats.). ✓
- b. Energy conservation (s. 101.027 (1) (a), stats.). ✓
- c. Erosion control at construction sites (s. 101.1205, stats.). ✓
- d. Access for physically disabled persons (s. 101.13, stats.). ✓
- e. Fire safety (s. 101.14 (2) and (4) (a), stats.). ✓
- f. Machines and boilers (s. 101.17, stats.). ✓
- g. Electrical construction (s. 101.82 (1), stats.). ✓
- h. Plumbing (s. 145.02 (2), stats.). ✓
- i. Sewage systems (ss. 145.135 (1), 145.19 (1), and 145.23, stats.). ✓

3. I have included a delayed effective date ~~in order~~ to allow the department time to promulgate the new building code and have grandfathered in any construction that begins before the day the bill takes effect. Again, let me know if you desire any changes to the bill.

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2444/1dn
RJM:wlj:jf

May 1, 2001

Representative Skindrud:

1. This bill exempts horse boarding and horse training facilities from the building codes that currently may apply to them. There is no agricultural building code that would apply to horse boarding and horse training facilities in the absence of the building codes that currently may apply. As a result, this bill also requires the department of commerce to promulgate a building code that applies specifically to horse boarding and horse training facilities. The code must be as consistent as possible with national standards for the construction of these facilities. I have been informed by the department that the provisions of the International Building Code (the prevailing national standard for safe construction) for agricultural use buildings are generally less stringent than the standards of Wisconsin's commercial building code. Please let me know if this treatment is not consistent with your intent.

2. As we discussed on the phone, there are various codes that, under this bill, will no longer apply to horse boarding and horse training facilities. In addition to the building code promulgated under s. 101.02 (15) (j), stats., none of the following codes will apply:

- a. Ventilation systems (s. 101.025 (4), stats.).
- b. Energy conservation (s. 101.027 (1) (a), stats.).
- c. Erosion control at construction sites (s. 101.1205, stats.).
- d. Access for physically disabled persons (s. 101.13, stats.).
- e. Fire safety (s. 101.14 (2) and (4) (a), stats.).
- f. Machines and boilers (s. 101.17, stats.).
- g. Electrical construction (s. 101.82 (1), stats.).
- h. Plumbing (s. 145.02 (2), stats.).
- i. Sewage systems (ss. 145.135 (1), 145.19 (1), and 145.23, stats.).

3. I have included a delayed effective date to allow the department time to promulgate the new building code and have grandfathered in any construction that begins before the day the bill takes effect. Again, let me know if you desire any changes to the bill.

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

Tef Rep. Standard 5-4-01

① Keep horse b/t facilities that include seating for public to view a horse show subject to regulation as pub. b/t. / place of employment

② Delete Commercial's promulgating rule code for horse b/t facilities

SOON

RMAR

2001 BILL

1 AN ACT **to amend** **REGEN** 101.01 (11) and 101.01 (12); and **to create** 101.06 of the
 2 statutes; **relating to:** exempting horse boarding and horse training facilities
 3 from state building codes, ~~requiring the creation of a building code for horse~~
 4 ~~boarding and horse training facilities, and granting rule-making authority.~~

Analysis by the Legislative Reference Bureau

With certain exceptions, current law gives the department of commerce (department) jurisdiction over all buildings in this state that are used by the public (public buildings) and all places of employment for the purpose of ensuring that the buildings are safe. Current law requires the department to promulgate standards for the safe construction of public buildings. ~~Currently~~ under these construction standards and under certain statutes, public buildings and places of employment are subject to numerous requirements with regard to their construction, including requirements with regard to ventilation, energy conservation, accessibility, fire safety, electrical construction, and plumbing construction. Plans for the construction of public buildings and places of employment currently must be approved by the department or by certain authorized local officials, to ensure that the public buildings or places of employment will be built in compliance with all applicable construction standards.

Currently, a horse boarding or horse training facility may be a public building and, unless the horse boarding or horse training is used in farming, it may be a place of employment.

BILL

that do not contain an area for the public to view a horse show

all

these

This bill exempts all horse boarding and horse training facilities from the definitions of "public building" and "place of employment." As a result, under this bill, horse boarding and horse training facilities are not subject to the construction standards promulgated by the department or to construction-related statutes that generally apply to public buildings and places of employment. In addition, under the bill, the plan submission and approval process does not apply to the proposed construction of horse boarding and horse training facilities.

This bill also requires horse boarding and horse training facilities to be constructed in compliance with safety standards promulgated by the department. The bill requires the department to promulgate these standards and requires that, to the extent feasible, the standards be consistent with any national safety standards applicable to the construction of horse boarding and horse training facilities.

For further information see the *state* 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:

SECTION 1. 101.01 (11) of the statutes is amended to read:

101.01 (11) "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes; the transportation of farm products, supplies, or equipment directly to the farm by the operator of said the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production; and the operation of a horse boarding facility or horse training facility. When used with relation to building codes, "place of

that does not contain an area for the public to view a horse show

BILL

1 employment” does not include an adult family home, as defined in s. 50.01 (1), or,
2 except for the purposes of s. 101.11, a previously constructed building used as a
3 community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or
4 fewer residents who are not related to the operator or administrator.

5 **SECTION 2.** 101.01 (12) of the statutes is amended to read:

6 101.01 (12) “Public building” means any structure, including exterior parts of
7 such building, such as a porch, exterior platform, or steps providing means of ingress
8 or egress, used in whole or in part as a place of resort, assemblage, lodging, trade,
9 traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation
10 to building codes, “public building” does not include a horse boarding facility or horse
11 training facility or a previously constructed building used as a community-based
12 residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who
13 are not related to the operator or administrator or an adult family home, as defined
14 in s. 50.01 (1). that does not contain an area for the public to view a horse show

15 **SECTION 3.** 101.06 of the statutes is created to read:

16 **101.06 Horse boarding and horse training facilities. (1) BUILDING CODE.**

17 The department shall promulgate rules to ensure the safe construction of horse
18 boarding facilities and horse training facilities. To the extent feasible, the rules shall
19 be consistent with nationally recognized standards for the safe construction of horse
20 boarding facilities and horse training facilities.

21 (2) REQUIREMENT. Each horse boarding facility and horse training facility, the
22 initial construction of which is commenced on or after the effective date of this
23 subsection ... [revisor inserts date], shall be constructed in compliance with the rules
24 promulgated under sub. (1).

BILL

1
2
3
4
5

SECTION 4. Effective dates. This act takes effect on the first day of the 8th month beginning after publication, except as follows:

(1) BUILDING CODE. The treatment of section 101.06 (1) of the statutes takes effect on the day after publication.

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

May 10, 2001

MEMORANDUM

To: Representative Skindrud

From: Robert J. Marchant, Legislative Attorney

Re: LRB-2444/2 Commercial building code

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

A handwritten signature in dark ink, appearing to be "R. J. Marchant".

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 261-4454 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.

Barman, Mike

From: Barman, Mike
Sent: Thursday, May 17, 2001 9:22 AM
To: Rep.Skindrud
Subject: LRB-2444/2 (attached - requested by Allan)

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703