

2001 DRAFTING REQUEST

Bill

Received: 10/05/2000

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Walker**

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

Drafter: **rmarchan**

May Contact:

Alt. Drafters:

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

Extra Copies:

Pre Topic:

DOA:.....Walker -

Topic:

Inspections under the uniform dwelling code in municipalities with populations of 2,500 or less

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rmarchan 10/11/2000	jdye 10/12/2000		_____			S&L
/1			martykr 10/13/2000	_____	lrb_docadmin 10/13/2000		

FE Sent For:

<END>

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FE Sent For:

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231 E.

One and Two Family Dwelling Code Inspection

The 1999-2001 budget expanded the Uniform Dwelling Code program to require inspections in municipalities with populations of 2,500 or less. One method of providing inspection will be through private, third party inspectors. The current practice of the Department is to contract directly with third party, private inspectors, who collect and remit directly to the Department a seal fee, rather than have the municipality contract with the inspectors and remit fees to the Department.

Remove "at municipal expense" from s. 101.63 (3), Stats. Add an allowance for the Department to do the inspections themselves.

O.K.

Currently allowed under
101.625 (2) + 101.651 (3) (b)



LPS -
please fix
request sheet

BUDGET

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Rmk
Dwote

DOA:.....walker - Inspections under the uniform dwelling code in municipalities with populations of 2,500 or less

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

SOON

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AN ACT ...; relating to: the budget

Analysis by the Legislative Reference Bureau
✓ COMMERCE AND ECONOMIC DEVELOPMENT
✓ BUILDINGS AND SAFETY

Under current law, a city, village, town, or county (municipality) may, by ordinance, enforce the uniform one- and 2-family dwelling code (code) to ensure that minimum standards are met for the construction of one- and 2-family dwellings in the municipality. Generally, inspections must be performed to enforce the code (building code inspections). Current law permits a municipality to perform building code inspections and, with certain exceptions, requires the department of commerce to perform building code inspections that are not otherwise provided for in the municipality. Current law also requires the department of commerce to contract, at municipal expense, to perform any building code inspections that a municipality requires. It is unclear, however, whether this contracting requirement permits the department of commerce to perform required building code inspections directly or requires the building code inspections to be performed by a third party under contract with the department of commerce.

Under this bill, the department of commerce may perform building code inspections in a municipality directly or may contract with a third party for the inspections. The bill also removes the requirement that a municipality pay for any

(department)

building code inspections that are provided by the department under contract. However, under the bill, the department retains the authority to establish a fee, by rule, to defray the cost of performing building code inspections in a municipality.

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. 101.63 (3) of the statutes is repealed.

2 SECTION 2. 101.64 (9) of the statutes is created to read:

3 101.64 (9) Contract with any person to provide inspection services, or may
4 provide inspection services directly, in any city, village, town, or county ^{that} ~~which~~
5 requires the services pursuant to s. 101.65 (2) or in which the department is required
6 or authorized to provide the services under s. 101.651 (3) or (3m) (a).

7 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0678/10

ADN
PJM
JLD

101.63(3) ✓

Bill Walker:

Currently, s. ~~101.65~~ stats., requires the department of commerce (department) to contract to provide required inspections under s. 101.65 or 101.651, stats. This draft repeals s. ~~101.65~~ stats. and, instead, specifies that the department may perform inspections required or authorized under s. 101.65 (2) or 101.651 (3) or (3m) (a), stats., directly or by contracting with a third party. I assume that you intend to allow the department this flexibility for both required and authorized inspections. Compare, for example, s. 101.651 (3) (b), stats. (required inspections), with s. 101.651 (3) (a) or (3m) (a), stats. (authorized inspections). Please let me know if I have misunderstood your intent.

Robert J. Marchant
Legislative Attorney
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E-mail: robert.marchant@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0678/1dn
RJM:jld:km

October 12, 2000

Bill Walker:

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Robert J. Marchant
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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0678/1

RJM:jld:km

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FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

COMMERCE AND ECONOMIC DEVELOPMENT

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