2003 DRAFTING REQUEST

Bill

Received: 04/18/2003 Wanted: Soon				Received By: rmarchan				
				Identical to LRB:				
For: Ronald Brown (608) 266-8546					By/Representing	: Katie		
This file may be shown to any legislator: NO					Drafter: rmarch	an	,	
May Co	ntact:				Addl. Drafters:			
Subject: Buildings/Safety - bldg codes				Extra Copies:				
Submit v	via email: YES							
Requesto	er's email:	Sen.Brown	n@legis.state	e.wi.us				
Carbon o	copy (CC:) to:	robert.ma	rchant@legi	is.state.wi.us	3			
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No speci	ific pre topic gi	ven						
Topic:	·							
Municip	al enforcement	of one- and tw	o-family dw	elling code				
Instruct	tions:	-						
See Atta	ched							
Drafting	g History:							
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Municipal enforcement of one- and two-family dwelling code								
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Carbon copy (CC:) to: robert.marchant@legis.state.wi.us	s			
Pre Topic:				
No specific pre topic given				
Topic:				
Municipal enforcement of one- and two-family dwelling code				
Instructions:				
See Attached				
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/? rmarchan / Line / Proofed				
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2003 – 2004 LEGISLATURE

LRB-1962/1 RJM:kjf:pg

2003

AN ACT to repeal 101.651 (2m), 101.651 (3), 101.651 (3m) (a) and 101.651 (6); to renumber 101.651 (3m) (b); and to amend 101.63 (3) and 101.651 (title) of the statutes; relating to: enforcement of the one- and two-family dwelling code in certain cities, villages, and towns.

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Analysis by the Legislative Reference Bureau

Under current law, with certain limited exceptions, any city, village, town, or county (municipality) may provide for the enforcement of the one- and two-family dwelling code throughout the municipality. With certain exceptions, current law requires any municipality that does not provide for this enforcement to contract with the Department of Commerce (department) for necessary building inspection services under the one- and two-family dwelling code. However, a city, village, or town with a population of 2,500 or less may adopt a resolution generally exempting the city, village, or town from any enforcement of the one- and two-family dwelling code, including inspections by the department.

This bill repeals the authority for a city, village, or town with a population of 2,500 or less to exempt itself from enforcement of the one- and two-family dwelling code. Thus, under this bill, such a city, village, or town is subject to the general requirement to provide for the enforcement of the one- and two-family dwelling code or contract with the department for necessary building inspection services.

BILL

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, d	la
enact as follows:		_			_

1	SECTION 1. 101.63 (3) of the statutes is amended to read:
2	101.63 (3) Contract to provide inspection services, at municipal expense, to any
3	municipality which requires such service under s. 101.65 or 101.651.
4	SECTION 2. 101.651 (title) of the statutes is amended to read:
5	101.651 (title) Certain Special requirements for smaller municipalities
6	exempted.
7	SECTION 3. 101.651 (2m) of the statutes is repealed.
8	Section 4. 101.651 (3) of the statutes is repealed.
9	SECTION 5. 101.651 (3m) (a) of the statutes is repealed.
10	SECTION 6. 101.651 (3m) (b) of the statutes is renumbered 101.651 (3m).
11	SECTION 7. 101.651 (6) of the statutes is repealed.
12	(END)

(END)



State of Misconsin

LEGISLATIVE REFERENCE BUREAU

LEGAL SECTION: REFERENCE SECTION: FAX:

(608) 266-3561 (608) 266-0341 (608) 266-5648 100 NORTH HAMILTON STREET P. O. BOX 2037 MADISON, WI 53701-2037

STEPHEN R. MILLER CHIEF

July 1, 2003

MEMORANDUM

To:

Senator Brown

From:

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

Subject:

Technical Memorandum to 2003 SB 168 (LRB-2567/1)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

Technical Memo Regarding SB 168

SB 168 would remove the ability of municipalities with a population of 2,500 or less to opt out of enforcement of the one- and two-family dwelling code. There are currently 906 municipalities that have opted out of administration/enforcement of the code. SB 168 would result in the inspection of one- and two-family home building throughout Wisconsin, including homes in those municipalities. Although municipalities can exercise jurisdiction over the code per s. 101.65, Stats., the Department estimates that it would be responsible for administering the code in the 906 municipalities that have currently opted out.

S. 101.65 (2), Stats., indicates that a municipality shall contract with the Department to provide inspection services it does not provide or contract for. This language indicates that the contract shall be between the Department and the municipality that does not exercise jurisdiction. SB 168 would result in the application of this language to municipalities with populations of 2,500 or less in which the Department is responsible for providing services. The Department currently provides services in 165 such municipalities by utilizing registered private inspection agencies. This is per s. 101.651 (3) (b), Stats. There are no contracts between the Department and smaller municipalities.

The Department's current practice of utilizing private inspection agencies to provide inspection in smaller municipalities that do not exercise jurisdiction over the one- and two-family dwelling code is the most efficient method of providing services in those municipalities. The cost of inspection is covered through a direct transaction between the private agency and the building permit applicant and does not involve the smaller municipality. There are no costs incurred by these municipalities. Implementation of contracts between the Department and municipalities would result in significant increased administrative costs by the Department and effected municipalities.