

### 2003 DRAFTING REQUEST

#### Senate Substitute Amendment (SSA-SB168)

Received: 07/09/2003

Received By: **rmarchan**

Wanted: **Soon**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**

By/Representing: **Katy**

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

Drafter: **rmarchan**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us**

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#### Pre Topic:

No specific pre topic given

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#### Topic:

SSA (enforcement of one- and two-family dwelling code in small municipalities) to SB-168 (same)

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#### Instructions:

See Attached

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#### 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 07/09/2003	kfollett 07/09/2003					
/1			pgreensl 07/09/2003		lrb_docadmin 07/09/2003	lrb_docadmin 07/09/2003	

FE Sent For:

**<END>**

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1?	rmarchan	11 kjf 2/19	7/9 ps	7/9 self			

FE Sent For:

<END>

## Marchant, Robert

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**From:** DuPont, Robert  
**Sent:** Tuesday, July 08, 2003 4:10 PM  
**To:** Marchant, Robert  
**Subject:** FW: Revisions to AB 347

Here is a copy of the original email to Scott. I think it's format is easier to read than the email string from Deschane.

I would be happy to answer any questions you might have or to discuss any additional improvements you might suggest.

-----Original Message-----

**From:** DuPont, Robert  
**Sent:** Thursday, June 26, 2003 11:48 AM  
**To:** Becher, Scott  
**Cc:** Olver, Aaron; Walker, Kimberly; Buchholz, Ron; Swaziek, Larry J.; Bresser, Debra; 'Jerry Deschane'; 'Jane Witt'  
**Subject:** Revisions to AB 347

Scott,

Here are the Commerce recommendations for revising AB 347. These changes do not affect the end result of the bill, that being the inspection of all new dwellings in municipalities of under 2500. Rather, these changes would streamline the inspection process in those towns that do not enforce the dwelling code themselves (or have the county do it on their behalf). Basically, under our recommendation, such non-participating municipalities would not have to do anything to have Commerce handle the enforcement of the dwelling code in their area; they would not have to contract with Commerce, nor would they have to pass any sort of resolution opting in or out of having Commerce enforce the code in their area.

We have tried to leave as much of s. 101.651, stats., in place as possible so that the smaller towns see that they still have some options customized for them.

**I would be happy to meet with you and/or the bill drafter to review and discuss our recommendations.**

**Section 1.** Leave this section as proposed in the original Bill. [Amending s.101.63 (3), stats.]

**Section 2.** Leave this section as proposed in the original Bill. [Amending title of s.101.651, stats.]

**Section 3.** Instead of repealing s.101.651(2m), stats. in it's entirety, repeal and recreate the title to read:

"Enforcement options". Also repeal s.101.651(2m) (b) and amend s.101.651(2m) (c), stats. to read:

(c) Under sub. (3) (b), the department enforces this subchapter ~~or an ordinance enacted under s. 101.65 (1) (a)~~ throughout the municipality and provides inspection services in the municipality to administer and enforce this subchapter ~~or an ordinance enacted under s. 101.65 (1) (a)~~.

Also, renumber s.101.651(2m) (c) to s. 101.651 (2m) (b).

**Section 4.** Instead of repealing s.101.651 (3), stats., amend s.101.651 (3) (b), stats. to read:

(b) The department shall provide inspection services and shall enforce this subchapter ~~or an ordinance enacted under s. 101.65 (1) (a)~~ throughout any municipality that does not exercise jurisdiction under sub. (2m) and that has not adopted a resolution under sub. (2m) (a) ~~or (b)~~.

**Sections 5 & 6.** Instead of repealing just s.101.651 (3m) (a), stats., and renumbering s.101.651 (3m) (b), stats., repeal all of s.101.651 (3m), stats.

**Section 7.** Leave this section as proposed in the original Bill. [Repealing s.101.651 (6), stats.]

**Discussion:**

The changes under Section 3. would eliminate the need/option for municipalities as defined in s. 101.651 (1), stats., to opt out of exercising jurisdiction over the construction and the inspection of new one-and 2 family dwellings. Also, references to the department enforcing local ordinances would be eliminated because Commerce should only be bound to enforce state law and state codes, not local ordinances.

The changes under Section 4 would reflect that Commerce would enforce the dwelling code where municipalities as defined in s. 101.651 (1), stats., do not enforce it themselves and where counties do not enforce it. Also, reference to local ordinances would be eliminated.

The changes under Sections 5 and 6 reflect the fact that under this proposal all municipalities will have the dwelling code enforced by either the local government, the county or Commerce. Enforcement of the dwelling code and soil erosion regulations go hand in hand.

SODW

EmMR

**ASSEMBLY SUBSTITUTE AMENDMENT,  
TO 2003 ASSEMBLY BILL 347**

SSA to SB-168

Reyer

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

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

6 SECTION 1. 101.63 (3) of the statutes is amended to read:  
7 101.63 (3) Contract to provide inspection services, at municipal expense, to any  
8 municipality which requires such service under s. 101.65 or 101.651.

9 SECTION 2. 101.651 (title) of the statutes is amended to read:  
10 101.651 (title) **Certain Special requirements for smaller municipalities**  
11 **exempted.**

12 SECTION 3. 101.651 (2m) (title) of the statutes is repealed and recreated to read:

1 101.651 (2m) (title) ENFORCEMENT OPTIONS.

2 SECTION 4. 101.651 (2m) (b) of the statutes is repealed.

3 SECTION 5. 101.651 (2m) (c) of the statutes is amended to read:

4 101.651 (2m) (c) Under sub. (3) (b), the department enforces this subchapter  
5 ~~or an ordinance enacted under s. 101.65 (1) (a)~~ throughout the municipality and  
6 provides inspection services in the municipality to administer and enforce this  
7 subchapter ~~or an ordinance enacted under s. 101.65 (1) (a)~~.

8 SECTION 6. 101.651 (3) (a) of the statutes is amended to read:

9 101.651 (3) (a) Except as provided in par. (b) ~~or sub. (3m)~~, the department or  
10 a county may not enforce this subchapter ~~or an ordinance enacted under s. 101.65~~  
11 ~~(1) (a)~~ or provide inspection services in a municipality unless requested to do so by  
12 a person with respect to a particular dwelling or by the municipality. A request by  
13 a person or a municipality with respect to a particular dwelling does not give the  
14 department or a county authority with respect to any other dwelling. Costs shall be  
15 collected under s. 101.65 (1) (c) or ss. 101.63 (9) and 101.65 (2) from a person or  
16 municipality making a request under this subsection.

17 SECTION 7. 101.651 (3) (b) of the statutes is amended to read:

18 101.651 (3) (b) The department shall provide inspection services and shall  
19 enforce this subchapter ~~or an ordinance enacted under s. 101.65 (1) (a)~~ throughout  
20 any municipality that does not exercise jurisdiction under sub. (2m) and that has not  
21 adopted a resolution under sub. (2m) (a) ~~or (b)~~.

22 SECTION 8. 101.651 (3m) of the statutes is repealed.

23 SECTION 9. 101.651 (6) of the statutes is repealed.

24 (END)