

SENATE BILL 28 (LRB -0890)

An Act to renumber and amend 101.977; to amend 101.66 (1); and to create 101.66 (1m) and 101.977 (2) of the statutes; relating to: exemption from construction standards for certain load-bearing dimension lumber. (FE)

2007

02-07.	S.	Introduced by Senators Breske, Schultz and Lassa ; cosponsored by Representatives Hubler, Hahn, Hines, Albers, Mursau, Ballweg, Nygren and Seidel .	
02-07.	S.	Read first time and referred to committee on Economic Development, Job Creation, Family Prosperity and Housing	78
02-14.	S.	Fiscal estimate received.	
02-14.	S.	Public hearing held.	
02-20.	S.	Executive action taken.	
02-21.	S.	Report passage recommended by committee on Economic Development, Job Creation, Family Prosperity and Housing, Ayes 7, Noes 0	107
02-21.	S.	Available for scheduling.	
02-26.	S.	Referred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0	114
02-26.	S.	Withdrawn from joint committee on Finance and made Available for Scheduling by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 5, Noes 0	114
02-26.	S.	Emergency statement attached by committee on Senate Organization, pursuant to s. 16.47 (2) Wisconsin Statutes, Ayes 5, Noes 0.	
02-26.	S.	Placed on calendar 2-27-2007 by committee on Senate Organization.	
02-27.	S.	Read a second time	117
02-27.	S.	Ordered to a third reading	117
02-27.	S.	Rules suspended	117
02-27.	S.	Read a third time and passed , Ayes 32, Noes 1	117
02-27.	S.	Ordered immediately messaged	117
03-05.	A.	Received from Senate	84
03-05.	A.	Read first time and referred to committee on Housing	84
05-03.	A.	Public hearing held.	

2008

01-23.	A.	Assembly amendment 1 offered by Representative Hubler (LRB a0442)	456
01-24.	A.	Executive action taken.	
01-29.	A.	Report Assembly Amendment 1 adoption recommended by committee on Housing, Ayes 7, Noes 0	472
01-29.	A.	Report concurrence as amended recommended by committee on Housing, Ayes 7, Noes 0	472
01-29.	A.	Referred to committee on Rules	472
03-10.	A.	Placed on calendar 3-12-2008 by committee on Rules.	
03-11.	A.	Made a special order of business at 11:20 A.M. on 3-12-2008 pursuant to Assembly Resolution 18	659
03-12.	A.	Read a second time.	
03-12.	A.	Assembly amendment 1 adopted.	
03-12.	A.	Assembly amendment 2 offered by Representative Albers (LRB a1680).	
03-12.	A.	Assembly amendment 2 laid on table, Ayes 58, Noes 39.	
03-12.	A.	Ordered to a third reading.	
03-12.	A.	Rules suspended.	
03-12.	A.	Read a third time and concurred in .	
03-12.	A.	Ordered immediately messaged.	
03-13.	S.	Received from Assembly amended and concurred in as amended, Assembly amendment 1 adopted.	
03-13.	S.	Available for scheduling.	
03-13.	S.	Rules suspended and taken up.	
03-13.	S.	Assembly amendment 1 concurred in .	
03-13.	S.	Action ordered immediately messaged.	

**2007
ENROLLED BILL**

07en 5 B-28 ✓

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

07 0890/1 ✓

Amendments to above (if none, write "NONE"): AA1 - a 0442/3 ✓

Corrections - show date (if none, write "NONE"): None ✓

Topic Rel

3-14-08
Date

JR Miller
Enrolling Drafter

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2007 SENATE BILL 28

February 7, 2007 - Introduced by Senators BRESKE, SCHULTZ and LASSA, cosponsored by Representatives HUBLER, HAHN, HINES, ALBERS, MURSAU, BALLWEG, NYGREN and SEIDEL. Referred to Committee on Economic Development, Job Creation, Family Prosperity and Housing.

1 **AN ACT to renumber and amend** 101.977; **to amend** 101.66 (1); and **to create**
 2 101.66 (1m) and 101.977 (2) of the statutes; **relating to:** exemption from ✓
 3 construction standards for certain load-bearing dimension lumber. INS. AA1-1

Analysis by the Legislative Reference Bureau

Under current law, the Department of Commerce has authority to establish construction standards for one- and two-family dwellings and for multifamily dwellings. Under current law, all building materials used in these dwellings must conform to applicable construction standards.

Under the bill, load-bearing dimension lumber that has not been tested and approved for conformance with these construction standards may be authorized for use if the lumber, once milled, is certified to meet or exceed these standards and if the lumber has either been milled at the request of the owner of the lumber for use in his or her dwelling sold directly to the person constructing his or her own dwelling or to the person's building contractor. The bill requires the person milling the lumber to provide a written certification that the lumber meets or exceeds the construction standards. Once the lumber is certified a building inspector may approve or reject use of the lumber or may impose additional construction restrictions for its use.

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:

SENATE BILL 28

SECTION 1

INS. AAI-2 ✓

INSERT AAI-3 ✓

1 SECTION 1. 101.66 (1) of the statutes is amended to read:

2 101.66 (1) ~~Every~~ Except as provided in sub. (1m), every builder, designer, and
3 owner shall use building materials, methods, and equipment which are in
4 conformance with the one- and 2-family dwelling code.

5 SECTION 2. 101.66 (1m) of the statutes is created to read:

6 101.66 (1m) (a) No person may use in a one- or 2-family dwelling load-bearing
7 dimension lumber that has not been tested and approved for conformance as
8 required by the department unless the lumber is approved for use under par. (c) and
9 one of the following applies:

10 1. The lumber has been milled at the request of the person owning the lumber
11 for use in the construction of the dwelling, and the dwelling will be inhabited by the
12 person owning the lumber.

13 2. The person milling the lumber sells the lumber directly to a person who will
14 inhabit the dwelling or to a person acting on his or her behalf and for whom a building
15 permit has been issued for the dwelling.

16 (b) The lumber shall be milled so that it meets or exceeds the requirements of
17 the one- and 2-family dwelling code. The person milling the lumber shall provide
18 to the person receiving the lumber a written certification that the lumber meets or
19 exceeds these requirements. The department shall design and provide forms for this
20 purpose.

INSERT AAI-4 ✓

21 (c) Upon receipt of a copy of the certification required under par. (b) an inspector
22 who is certified under sub. (2) may either authorize the use of the lumber, reject the
23 use of the lumber, or authorize its use subject to more restrictive construction
24 requirements, including requirements as to size, spacing, length of spans, and
25 design.

SENATE BILL 28

1 **SECTION 3.** 101.977 of the statutes is renumbered 101.977 (1) and amended to
2 read:

3 101.977 (1) ~~A~~ Except as provided in sub. (2), a person who constructs a
4 multifamily dwelling shall use building materials, methods, and equipment that are
5 in conformance with the standards prescribed under s. 101.973 (1).

6 **SECTION 4.** 101.977 (2) of the statutes is created to read:

7 101.977 (2) (a) No person may use in a multifamily dwelling load-bearing
8 dimension lumber that has not been tested and approved for conformance as
9 required by the department unless the lumber is approved for use as provided under
10 par. (c) and if one of the following applies:

11 1. The lumber has been milled at the request of the person owning the lumber
12 for use in the construction of the multifamily dwelling, a dwelling unit of which will
13 be inhabited by that person.

14 2. The person milling the lumber sells the lumber directly to a person who will
15 inhabit the dwelling unit in the multifamily dwelling, or to a person acting on his or
16 her behalf and for whom a building permit has been issued for the multifamily
17 dwelling.

18 (b) The lumber shall be milled so that it meets or exceeds the requirements of
19 the standards prescribed in s. 101.973. The person milling the lumber shall provide
20 to the person receiving the lumber a written certification that the lumber meets or
21 exceeds these requirements. The department shall design and provide forms for this
22 purpose.

INS AAI-5 ✓

23 (c) Upon receipt of a copy of the certification required under par. (b), an
24 inspector who inspects multifamily dwellings for compliance with this subchapter
25 may either authorize the use of the lumber, reject the use of the lumber, or authorize

SENATE BILL 28

SECTION 4

1 its use subject to more restrictive construction requirements, including
2 requirements as to size, spacing, length of spans, and design.

3 (END)

**ASSEMBLY AMENDMENT 1,
TO 2007 SENATE BILL 28**

January 23, 2008 - Offered by Representative HUBLER.

AAI-1 ✓✓

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

2 **1.** Page 1, line 3: after "lumber" insert "and establishing a training program
3 in the grading of lumber".

AAI-2 ✓✓

4 **2.** Page 2, line 1: before that line insert:

5 "SECTION 1b. 36.25 (47) of the statutes is created to read:

6 36.25 (47) LUMBER GRADING TRAINING PROGRAM. (a) In this subsection:

7 1. "Department" means the department of natural resources.

8 2. "Department employee" means an employee of the department who is
9 knowledgeable in the marketing of forest products and who is selected by the
10 secretary to act under this subsection.

11 (b) The forest products outreach program at the University of
12 Wisconsin-Stevens Point, in cooperation with the department, shall establish a
13 basic lumber grading training program for individuals and establish the general

AA1-2

1 requirements for successfully completing the training program, including
2 requirements for initial certification and recertification. The training program shall
3 be offered in the extension on an annual basis. The faculty at the forestry outreach
4 program, in cooperation with the department employee, shall develop and establish
5 the content of the training program and shall determine the certification
6 requirements for instructors teaching the training program. Instructors shall be
7 certified by the department.

8 (c) The department, in cooperation with the board, shall establish a procedure
9 under which the department determines successful completion of the training
10 program and issues certifications of accomplishment to the individuals who are
11 certified or recertified as having successfully completed the training program.
12 Under the procedure, the department employee may delegate to the program
13 instructors the process of determining successful completion and issuing certificates
14 of accomplishment.

15 (d) An individual holding an initial certificate of accomplishment shall be
16 recertified under the training program every 5 years.

17 (e) The department employee may exempt from the training program an
18 individual who has any of the following:

19 1. A bachelor's or postgraduate degree in forest products or wood science and
20 technology.

21 2. A degree that is equivalent to a degree specified in subd. 1.

22 3. A level of experience or background in understanding wood properties,
23 construction, and design that the department employee determines to be equivalent
24 to the level of understanding held by an individual who successfully completes the
25 training program.

AA1-2

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(f) The department employee shall issue a certificate of accomplishment to each individual who meets the requirement under par. (e). A certificate of accomplishment issued under this subdivision applies only to the initial certification requirement and an individual receiving such a certificate must be recertified as required under par. (d)."

AA1-3 ✓

3. Page 2, line 1: substitute "SECTION 1m" for "SECTION 1".

AA1-4 ✓

4. Page 2, line 20: after that line insert:

"(bn) A person may not provide a written certification under par. (b) unless the person has been issued a certificate of accomplishment evidencing certification or recertification under the lumber grading training program under s. 36.25 (47) and the person has received the certificate within the 5 years before providing the written certification. The person shall attach to the written certification a copy of his or her certificate of accomplishment."

AA1-5 ✓

5. Page 3, line 22: after that line insert:

"(bn) A person may not provide a written certification under par. (b) unless the person has been issued a certificate of accomplishment evidencing certification or recertification under the lumber grading training program under s. 36.25 (47) and the person has received the certificate within the 5 years before providing the written certification. The person shall attach to the written certification a copy of his or her certificate of accomplishment."

(END)