

**2009 DRAFTING REQUEST**

**Assembly Amendment (AA-AB607)**

Received: **01/12/2010**

Received By: **rkite**

Wanted: **As time permits**

Identical to LRB:

For: **Gordon Hintz (608) 266-2254**

By/Representing: **Cecely Castillo**

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

Drafter: **rkite**

May Contact:

Addl. Drafters:

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

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Hintz@legis.wisconsin.gov**

Carbon copy (CC:) to: **annie@martinschreiber.com**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Exemption for garages; remodeled dwellings; effective date

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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>
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FE Sent For:

<END>

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FE Sent For:

<END>

**Kite, Robin**

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**From:** Castillo, Cecely  
**Sent:** Tuesday, January 12, 2010 1:44 PM  
**To:** Kite, Robin  
**Subject:** RE: Carbon Monoxide Amendment - Rush?

Thank you! And please do share it with Annie.

-Cecely

Cecely Castillo  
Office of Representative Gordon Hintz  
322 West, State Capitol  
608-266-2254 or  
888-534-0054 toll-free  
cecely.castillo@legis.wisconsin.gov

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**From:** Kite, Robin  
**Sent:** Tuesday, January 12, 2010 1:41 PM  
**To:** Castillo, Cecely  
**Subject:** RE: Carbon Monoxide Amendment - Rush?

Cecely:

I just talked to Annie and should be able to get this amendment to your office in the next few days. Is it O.K. if I send a copy of the amendment to Annie for her review when I finish the amendment?

Robin

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**From:** Castillo, Cecely  
**Sent:** Tuesday, January 12, 2010 1:22 PM  
**To:** Kite, Robin  
**Cc:** 'Annie Early'  
**Subject:** Carbon Monoxide Amendment - Rush?

Robin,

Annie will be calling you soon to go over the details of an amendment that is needed for AB 607. The Consumer Protection Committee will be holding an exec. on 1/26 and if possible we would like to exec on this bill as amended.

Can you get the amendment done in time?

Thank you,  
Cecely

Cecely Castillo  
Office of Representative Gordon Hintz

01/12/2010

1/12/09



Per Annie Early - hard-wiring not later required

exclude tourist rooming houses

change effective date to Feb. 1, 2011

make clear that if dwelling would <sup>not</sup> have required  
hard-wiring when constructed.

**Comments**  
**On**  
**LRB – 1844/7 Carbon Monoxide Alarms for**  
**One- and 2- Family Dwellings**

1. This bill would overlap with s. 101.149, Stats., for certain types of one- and 2- family dwellings serving as a “tourist rooming house” (the stand-alone resort cabin). In light of our current rules under s. Comm 21.097, there may be some confusion created as to when the “hard-wiring” of carbon alarms would start with respect to “tourist rooming houses”. 
2. The bill does not dictate or specifically authorize the department to promulgate rules. Is a problem if we need to “interpret” something by rule or we could just use a broad general authority to promulgate rules for the construction of one- and 2- family dwellings under s. 101.63 (1), Stats.
3. Note, the UL standard 2034 refers to the devices as “carbon monoxide alarms”; while s. 101.149, calls it a “detector”.
4. The requirement under s. 101.647 (2), Stats., may be too limiting in dictating only a UL label; there may be other testing agencies listing the devices.
5. Should there be a specific listing standard (UL 2034) referenced or is the department to cover this by rule?
6. Under 101.647 (3) (a), Stats., should an attached garage also be excluded? Is it assumed that a depressed or sunken floor area, e.g. sunken living, wouldn’t be considered a separate floor level? There also may be some unique tri-level designs where a floor level is just an entry point into the dwelling.
7. Under 101.647 (4), Stats., provides inspection authorization for only “new” dwellings”, but not existing dwellings.
8. Under the detector exception of s. 101.647 (7), Stats., if subsequently a fuel-burning appliance were installed or an attached garage added onto the dwelling, a carbon monoxide detector/alarm would need to be installed and possibly “hard-wired” depending upon the dwelling was originally constructed. Since the provision refers to a dwelling, is it assumed that the criteria are applied separately to each dwelling of duplex, in the event that there some type of different duplex-configuration? Note, a “fireplace” is a type of fuel-burning appliance. 

**Kite, Robin**

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**From:** Annie Early [annie@martinschreiber.com]  
**Sent:** Tuesday, January 12, 2010 3:33 PM  
**To:** Wadd, Jay; Castillo, Cecely  
**Cc:** Kite, Robin  
**Subject:** Technical amendments to SB 415 and AB 607  
**Importance:** High

Jay and Cecely;

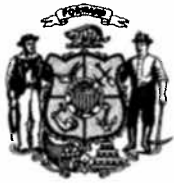
I spoke with Robin Kite this afternoon, the drafter of the carbon monoxide legislation. With your approval, she and I went over the need for technical amendments to the legislation based much in part to input by the Department of Commerce.

She is going to draft amendments to AB 607 first in case there are additional modifications that are needed rather than having to then make modifications to both bills more than once.

Please let me know if you have any questions or concerns; I will set up meetings with both of you to review the amendments. Robin also wanted permission to include me on the email sending out the draft amendment once she has completed it.

Thanks!  
Annie

**Annie M. Early**  
Partner  
Martin Schreiber & Associates, Inc.  
608.259.1212 ext. 3  
[www.martinschreiber.com](http://www.martinschreiber.com)



**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**ASSEMBLY AMENDMENT ,  
TO 2009 ASSEMBLY BILL 607**

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

2 ↓ 1. Page 2, line 6: after that line insert:

3 “(am) Notwithstanding s. 101.61 (1), “dwelling” does not include a tourist  
4 rooming house, as defined in s. 254.61 (6).”.

5 2. Page 2, line 16: delete the material beginning with that line and ending <sup>with</sup> ~~on~~

6 page 3, line 7 <sup>5</sup> and substitute:

7 **No B** “(3) REQUIREMENTS. (a) The owner of a dwelling shall install a functional  
8 carbon monoxide detector in the basement of the dwelling and on each floor level  
9 except the attic, garage, or storage area of each dwelling unit. This paragraph does  
10 not apply to the owner of a dwelling that has no attached garage, no fireplace, and  
11 no fuel-burning appliance.

1 (am) 1. If the building permit for the initial construction of a dwelling was  
 2 issued on or after the effective date of this subdivision ... [LRB inserts date], and the  
 3 electrical service for the dwelling is provided by a public utility, as defined in s. 196.01  
 4 (5), the owner of the dwelling shall install each carbon monoxide detector required  
 5 under <sup>par. (a)</sup> ~~this subsection~~ so that it is powered by the dwelling's electrical wiring system,  
 6 except as provided under subd. 2.

7 2. The requirement that each carbon monoxide detector be installed in the  
 8 manner provided under subd. 1. does not apply to a dwelling if the dwelling, when  
 9 initially constructed, had no attached garage, no fireplace, and no fuel-burning  
 10 appliance."

11 ✓ 3. Page 4, line 6: delete lines 6 to 10.

12 ✓ 4. Page 4, line 20: delete lines 20 and 21 and substitute:

13 "(1) This act takes effect on February 1, 2011."

14 (END)

EFF.  
Date

m  
 (1)