

2011 DRAFTING REQUEST

Bill

Received: **07/30/2010**

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB: **-3065**

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Tyler**

May Contact:

Drafter: **tdodge**

Subject: **Health - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Change definition of bed and breakfast

Instructions:

Repeal 254.61 (1) (f) from the definition of bed and breakfast. Something is amiss with the date.

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>
/?	tdodge 08/30/2010	wjackson 09/03/2010		_____			
/P1			phenry 09/03/2010	_____	cduerst 09/03/2010		S&L
/1	tdodge 09/22/2011	wjackson 09/26/2011	phenry 09/26/2011	_____	lparisi 09/26/2011		S&L
/2	tdodge 09/27/2011	wjackson 09/28/2011	rschluet 09/28/2011	_____	mbarman 09/28/2011	mbarman 10/10/2011	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

↳ At Intro.

<END>

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1/2 WLj 9/28

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/P1		1 wij 9/26	phenry 09/03/2010	ph	15 cduerst 09/03/2010		

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1/?	tdodge	/pl wlj 9/3	9/3 ph	9/3 ph / JFC			

FE Sent For:

<END>



2011-2012

State of Wisconsin
2009 - 2010 LEGISLATURE

0012
LRB-4777-01-P1
TJD: j:....
WJ
(Transfer from
09-4777)

In 8/18/10 (soon)
instruction added 8/30

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

LPS: Please
PWF

Gen Cat

1 AN ACT **Gen Cat** relating to: changing the definition of a bed and breakfast.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 101.63 (1) (b) of the statutes is amended to read:

3 101.63 (1) (b) A structural addition that is specified under s. 254.61 (1) (f) 2
4 made to a structure that was originally constructed at least 50 years before an initial
5 or renewal application for a permit under s. 254.64 (1) (b) is made and for which no
6 use other than as a bed and breakfast establishment is proposed.

History: 1975 c. 404; 1979 c. 221; 1981 c. 20; 1983 a. 27; 1983 a. 189 s. 329 (8); 1987 a. 343; 1993 a. 26, 126, 414; 1999 a. 9, 135; 2003 a. 90; 2005 a. 25, 200; 2007 a. 67.

****NOTE: Bed and breakfasts are exempt from rules regarding one-family and two-family dwellings, except for the structural additions that are referred to in s. 254.61 (1) (f) 2., which is repealed in this draft. Therefore, I transferred the wording of s. 254.61 (1) (f) 2. to this building code section. Is that okay?

7 SECTION 2. 254.61 (1) (intro.) and (a) to (e) of the statutes are amended to read:

1 254.61 (1) (intro.) "Bed and breakfast establishment" means any place of
2 lodging that satisfies all of the following:

3 (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or
4 transients;

5 (b) Provides no meals other than breakfast and provides the breakfast only to
6 renters of the place;

7 (c) Is the owner's personal residence;

8 (d) Is occupied by the owner at the time of rental;

9 (e) Was originally built and occupied as a single-family residence, or, prior to
10 use as a place of lodging, was converted to use and occupied as a single-family
11 residence; and.

History: 1973 c. 190; 1975 c. 189; 1975 c. 413 s. 13; Stats. 1975 s. 50.50; 1983 a. 163, 189, 203, 538; 1985 a. 135; 1987 a. 27, 307; 1989 a. 269, 354, 359; 1993 a. 27 s. 65; Stats. 1993 s. 254.61; 1993 a. 399; 1997 a. 27, 237; 1999 a. 135; 2005 a. 348; 2007 a. 67, 97.

****NOTE: I amended this section so it complies with our current drafting conventions. Is that okay?

12 **SECTION 3.** 254.61 (1) (f) of the statutes is repealed.

13 **SECTION 4.** 254.74 (1m) of the statutes is repealed.

****NOTE: Section 254.74 (1m) allows DHS to waive the renovation and addition requirements under s. 254.61 (1) (f) if the structure meets certain criteria. Since this draft repeals s. 254.61 (1) (f), I have also ~~deleted~~ the ability to waive that requirement.

14 repeals

repealed (END)

D-note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

60012
LRB-4777 P1dn
TJD:/:....

Wlj Transfer
from
09-477

Date

Please review this preliminary draft to ensure it complies with your intent. Please also review the notes embedded in the draft.

Tyler from your office requested that I repeal s. 254.61 (1) (f). Under current s. 254.74 (1m), the department may grant an applicant for a bed and breakfast permit a waiver of the requirement under s. 254.61 (1) (f) if the bed and breakfast meets certain requirements. You may want to review s. 254.74 (1m) to see if its application, or an amendment to the section, would resolve the issue.

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0012/P1dn
TJD:wlj:ph

September 3, 2010

Please review this preliminary draft to ensure it complies with your intent. Please also review the notes embedded in the draft.

Tyler from your office requested that I repeal s. 254.61 (1) (f). Under current s. 254.74 (1m), the department may grant an applicant for a bed and breakfast permit a waiver of the requirement under s. 254.61 (1) (f) if the bed and breakfast meets certain requirements. You may want to review s. 254.74 (1m) to see if its application, or an amendment to the section, would resolve the issue.

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

Dodge, Tamara

From: Moench, Lucas
Sent: Tuesday, September 20, 2011 3:24 PM
To: Dodge, Tamara
Subject: Revisions to LRB 0012/P1

Tamara-

We have reviewed LRB 0012/P1 and would like to move forward with a change. Generally, we are fine with what you did in the preliminary draft with one exception.

Under Section 1, we would like to amend this to cover all additions to a bed and breakfast that modify the additions of the original structure. I'm not sure of the exact grammar, but it would be something like this instead of what is currently in the draft:

Section 1. 101.63 (1) (b) of the statutes is amended to read:

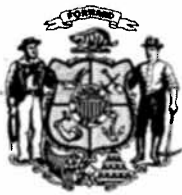
"A structural addition that is made to a bed and breakfast that alters the dimensions of the original structure."

Let me know if you have any questions.

Thanks,

Lucas Moench
Office of State Senator Joe Leibham
9th Senate District
608-266-2056

9/23
Friday or
Monday
9/26



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0012/P1
TJD:wlj:ph

In: 9/22/11

Due Friday
9/23/11 or
Monday am at
the latest

stays RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

and the applicability of one-family and two-family dwelling rules to

Regen

1 AN ACT to repeal 254.61 (1) (f) and 254.74 (1m); and to amend 101.63 (1) (b) and
2 254.61 (1) (intro.) and (a) to (e) of the statutes; relating to: changing the
3 definition of a bed and breakfast.

Insert analysis

Analysis by the Legislative Reference Bureau
This is a preliminary draft. An analysis will be provided in a later version.

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

4 SECTION 1. 101.63 (1) (b) of the statutes is amended to read:
5 101.63 (1) (b) A structural addition that is specified under s. 254.61 (1) (f) 2.
6 made to a structure that was originally constructed at least 50 years before an initial
7 or renewal application for a permit under s. 254.64 (1) (b) is made and for which no
8 use other than as a bed and breakfast establishment is proposed.

****NOTE. Bed and breakfasts are exempt from rules regarding one-family and two-family dwellings, except for the structural additions that are referred to in s. 254.61 (1) (f) 2., which is repealed in this draft. Therefore, I transferred the wording of s. 254.61 (1) (f) 2. to this building code section. Is that okay?

bed and breakfast establishment that alters the dimensions of the original structure

1 **SECTION 2.** 254.61 (1) (intro.) and (a) to (e) of the statutes are amended to read:

2 254.61 (1) (intro.) "Bed and breakfast establishment" means any place of
3 lodging that satisfies all of the following:

4 (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or
5 transients;

6 (b) Provides no meals other than breakfast and provides the breakfast only to
7 renters of the place;

8 (c) Is the owner's personal residence;

9 (d) Is occupied by the owner at the time of rental;

10 (e) Was originally built and occupied as a single-family residence, or, prior to
11 use as a place of lodging, was converted to use and occupied as a single-family
12 residence; and.

****NOTE: I amended this section so it complies with our current drafting conventions. Is that okay?

13 **SECTION 3.** 254.61 (1) (f) of the statutes is repealed.

14 **SECTION 4.** 254.74 (1m) of the statutes is repealed.

****NOTE: Section 254.74 (1m) allows DHS to waive the renovation and addition requirements under s. 254.61 (1) (f) if the structure meets certain criteria. Since this draft repeals s. 254.61 (1) (f), I have also repealed the ability to waive that requirement.

15

(END)

↓
D-note

1

INSERT ANALYSIS

Under current law, no person may maintain, manage, or operate a bed and breakfast for more than 10 nights in a year without obtaining a permit from the Department of Health Services (DHS). A bed and breakfast is defined as any place of lodging that provides 8 or fewer rooms for rent to no more than 20 individuals; provides no meals other than breakfast, which must be provided only to renters; is the owner's personal residence and is occupied by the owner at the time of rental; was originally built and occupied as a single-family residence, or was converted to use and occupied as a single-family residence, before use as a place of lodging; and has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation. The limitation on structural additions does not apply, under current law, to a structural addition, made to a structure that was originally constructed at least 50 years before a permit application was made and for which no use other than as a bed and breakfast is proposed as long as the addition complies with the rules for one-family and two-family dwelling construction and inspection, or to a structural addition made to a structure after May 11, 1990, that is within the dimensions of the original structure. Current law requires that bed and breakfasts be operated and maintained with strict regard to public health and safety and requires bed and breakfasts to comply with rules relating to public health and safety, as prescribed by DHS. The rules DHS prescribes for public health and safety in bed and breakfasts must be less stringent than similar rules for other establishments, such as hotels and restaurants, and cannot require a second exit from a floor above the first floor of the bed and breakfast. Bed and breakfasts are subject to laws similar to other establishments, including requiring a preinspection by DHS or a local health department before a permit to operate is issued. This bill changes the definition of a bed and breakfast to eliminate the requirement that a bed and breakfast has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure.

Under current law, the one-family and two-family dwelling construction and inspection rules do not apply to bed and breakfasts, except that the rules do apply to the third floor level of a bed and breakfast that uses that level other than as storage and to a structural addition that is made to a structure that was originally constructed at least 50 years before applying for a permit from DHS to operate the bed and breakfast and for which no use other than as a bed and breakfast is proposed. Under this bill, the one-family and two-family dwelling construction and inspection rules apply to a structural addition made to a bed and breakfast that alters the dimensions of the original structure instead of applying only to additions to structures that are at least 50 years old before the permit application to DHS is made.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

(END INSERT ANALYSIS)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0012/1dn
TJD:....

WJ

Date

To Senator Leibham:

* In the change made to s. 101.63 (1) (b) in this version of the draft, I am unsure what the word "original" adds to the provision. Why would the one-family and two-family dwelling code only apply to changes to the dimensions of the original structure and not apply to any addition to the dimensions of the structure that is standing at the time the addition is proposed?

I wonder if this draft now needs an initial applicability provision. The changes made in this version of the draft to s. 101.63 (1) (b) now expand the additions to which the one-family and two-family dwelling code apply. The language of the draft implies that the dwelling code applies to all additions to an original structure regardless when the addition was made, including additions made prior to the adoption of the dwelling code. ^{of}
Is this your intent?

Tamara J. Dodge
Legislative Attorney
Phone: (608) 267-7380
E-mail: tamara.dodge@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0012/1dn
TJD:wlj:ph

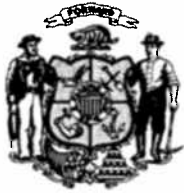
September 26, 2011

To Senator Leibham:

In the change made to s. 101.63 (1) (b) in this version of the draft, I am unsure what the word "original" adds to the provision. Why would the one-family and two-family dwelling code apply only to changes to the dimensions of the original structure and not apply to any addition to the dimensions of the structure that is standing at the time the addition is proposed?

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State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-0012(1) 2
TJD:wlj:ph

In: 9/27/11

Due
Fri 9/30
if possible

RMR
stays

2011 BILL

Regen

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2 254.61 (1) (intro.) and (a) to (e) of the statutes; **relating to:** changing the
3 definition of and the applicability of one-family and two-family dwelling rules
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Under current law, no person may maintain, manage, or operate a bed and breakfast for more than ten nights in a year without obtaining a permit from the Department of Health Services (DHS). A bed and breakfast is defined as any place of lodging that provides eight or fewer rooms for rent to no more than 20 individuals; provides no meals other than breakfast, which must be provided only to renters; is the owner's personal residence and is occupied by the owner at the time of rental; was originally built and occupied as a single-family residence, or was converted to use and occupied as a single-family residence, before use as a place of lodging; and has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation. The limitation on structural additions does not apply, under current law, to a structural addition, made to a structure that was originally constructed at least 50 years before a permit application was made and for which no use other than as a bed and breakfast is proposed as long as the addition complies with the rules for one-family and two-family dwelling construction and inspection, or to a structural addition made to a structure after May 11, 1990, that is within the dimensions of the original structure. Current law requires that bed and breakfasts be operated and maintained

BILL

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BILL

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9 **SECTION 4.** 254.74 (1m) of the statutes is repealed.

(END)

10

Insert 3-10^v

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0012/2ins
TJD:.....

1
2
3
4

INSERT 3-10 #

SECTION 1. Initial applicability.

(1) The treatment of section 101.63 (1) (b) of the statutes first applies to structural additions proposed on the effective date of this subsection.

(END INSERT 3-10)

Parisi, Lori

From: Moench, Lucas
Sent: Friday, October 07, 2011 4:34 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-0012/2 Topic: Change definition of bed and breakfast

Please Jacket LRB 11-0012/2 for the SENATE.