

2013 DRAFTING REQUEST

Bill

Received: 4/9/2013 Received By: mglass
Wanted: As time permits Same as LRB:
For: Sheila Harsdorf (608) 266-7745 By/Representing: Matt Wuebke
May Contact: Drafter: mglass
Subject: Buildings/Safety - bldg stndrds Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Harsdorf@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Plan review for building projects

Instructions:

See attached

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>
/?	mglass 4/15/2013			_____			
/P1	mglass 5/3/2013	evinz 4/17/2013	jfrantze 4/17/2013	_____	srose 4/17/2013		
/1	mglass 5/7/2013	evinz 5/7/2013	rschluet 5/7/2013	_____	sbasford 5/7/2013	srose 8/27/2013	

FE Sent For:

*None
Needed*

<END>

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/1	mglass 5/7/2013	evinz 5/7/2013	rschluet 5/7/2013	_____	sbasford 5/7/2013		

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Instructions:

See attached

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/?	mglass 4/15/2013						
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/P1	evinz 4/17/2013	jfrantze 4/17/2013			srose 4/17/2013		
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FE Sent For:

11 rev 5/6/13 and 5/7/13
11 rev 5/6/13
to the 5/6
<END>
373 JOP

2013 DRAFTING REQUEST

Bill

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For: Sheila Harsdorf (608) 266-7745 By/Representing: Matt Wuebke
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Pre Topic:

No specific pre topic given

Topic:

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Instructions:

See attached

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/?	mglass						
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1/pl eev 4/17/13 [Signature] [Signature]
4/19

FE Sent For:

<END>

Gibson-Glass, Mary

From: Wuebke, Matt
Sent: Friday, April 05, 2013 4:19 PM
To: Gibson-Glass, Mary
Subject: DSPS Plan Review

Hi Mary,

Here is the info we discussed regarding our bill draft request.

We are looking at taking SPS 361.32 and putting a modified version of it in statutes. We would replace SPS 361.32(3) with SPS 361.31(3)(a) for the 15 business day requirement for DSPS to respond to an applicant. I have attached our suggested edits below, please let me know if you have any concerns or suggestions to improve this (again, taken from SPS 361.32 - Permission to start construction):

- (1) A building owner may start construction for the footings and foundations upon submission of construction documents under s. SPS 361.31, if the documents are prepared by an architect or engineer licensed in Wisconsin, or in the case of fire suppression systems or alarms, by a fire protection systems designer registered by the Department.
- (2) A building owner who starts construction of the footings and foundations may proceed at the owner's own risk without assurance that the Department may not request changes to the plan.
- (3) A plan review application form shall be included with the construction documents and information submitted to the department for examination and approval. Pursuant to s. SPS 302.07 (3), the department shall review and make a determination on an application for plan review under this chapter within 15 business days. This requirement is applicable to all plan reviews required by the Department included under the application. (The reason for the final sentences is that we want to make sure this subsection is applicable to all the reviews performed by the Department on a given plan review application – building, HVAC, fire suppression, fire alarm, plumbing (site and building specific), POWTS, pools, and elevators.)

Thanks,

Matt Wuebke
Office of Sen. Sheila Harsdorf
800-862-1092 or 608-266-7745



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2132/P1
MGG:.....
Leev

EW
A/15

(D-N)

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAD
xref

gen cat

1 **AN ACT** relating to: reviews of plans for building projects.

Analysis by the Legislative Reference Bureau

✓ This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

2 **SECTION 1.** 101.02 (5) (b) of the statutes is amended to read:

3 101.02 (5) (b) For the purpose of making any investigation or reviewing any
4 plans with regard to any employment or place of employment or public building, the
5 secretary may appoint, by an order in writing, any deputy who is a citizen of the state,
6 or any other competent person as an agent whose duties shall be prescribed in such
7 order.

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 43, 203; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146.

8 **SECTION 2.** 101.028 of the statutes is created to read:

9 **101.028 Plan review for building projects. (1) DEFINITIONS.** In this section:

1 (a) "Building project" means a project to construct, add to, or alter a public
2 building or a building that is a place of employment.

3 (b) "Department" includes a city, village, town, or county that has been
4 appointed as an agent for the department for purposes of reviewing plans for
5 building projects.

6 (2) REVIEW REQUIRED. Except as provided in subs. (2) and (3), no person may
7 engage in a building project unless an application containing all of the plans,
8 specifications, and other documents, as required by rule, for the project have been
9 submitted for review, and have been approved, by the department.

10 (3) EXEMPTION. Subsection (2) does not apply to a building project that is
11 exempted by rule by the department.

12 (4) STARTING CONSTRUCTION. (a) Notwithstanding sub. (2), a person may start
13 construction for the footings and foundation for a building project if all of the
14 following apply:

15 1. The person has submitted to the department an application containing all of
16 the plans and specifications for the building project and all other documents required
17 by rule for purposes of reviewing the plans for the building project.

18 2. The plans, specifications, and documents specified in subd. 1. have been
19 prepared by an architect or engineer licensed to do business in this state, except as
20 provided in par. (b).

21 (b) Any plans, specifications, or documents that are prepared for a fire
22 suppression, alarm, or detection system for a building project shall be prepared by a
23 person who has received a permit issued by this state to design fire protection
24 systems pursuant to s. 443.07 (3).

1 (5) ASSUMPTION OF RISK. A person who elects to start construction as authorized
 2 under sub. (3) shall proceed at the person's own risk without assurance that the plans
 3 for the proposed building project will be approved by the department or that the
 4 plans will not be modified by the department.

5 (6) ACTION ON APPLICATION. Upon receipt of an application containing all of the
 6 plans, specifications, and documents required for the building project, the
 7 department shall make a determination either approving or denying the project within
 8 15 business days after receipt of the application.

9 **SECTION 3. Initial applicability.**

10 (1) This act first applies to applications that contain all of the required plans,
 11 specifications, and documents and that are submitted on the effective date of this
 12 subsection.

13 (END)

DN

date

Do you want parallel provisions drafted in ch. 145 for public swimming pools?

MGG

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2132/P1dn
MGG:eev:jf

April 17, 2013

Do you want parallel provisions drafted in ch. 145 for public swimming pools?

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



RMR

LRB-2132/P1-1

MGG:eev:jf

D-N

soon in 5/3

STATS

12-11

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

regen

1 AN ACT *to amend* 101.02 (5) (b); and *to create* 101.028 of the statutes; **relating**
2 **to:** reviews of plans for building projects.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft. ← INSERT ANAL

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

3 SECTION 1. 101.02 (5) (b) of the statutes is amended to read:
4 101.02 (5) (b) For the purpose of making any investigation or reviewing any
5 plans with regard to any employment or place of employment or public building, the
6 secretary may appoint, by an order in writing, any deputy who is a citizen of the state,
7 or any other competent person as an agent whose duties shall be prescribed in such
8 order.

9 SECTION 2. 101.028 of the statutes is created to read:

1 **101.028 Plan review for building projects. (1) DEFINITIONS.** In this section:

2 (a) “Building project” means a project to construct, add to, or alter a public
3 building or a building that is a place of employment.

4 (b) “Department” includes a city, village, town, or county that has been
5 appointed as an agent for the department for purposes of reviewing plans for
6 building projects.

7 **(2) REVIEW REQUIRED.** Except as provided in subs. (3) and (4), no person may
8 engage in a building project unless an application containing all of the plans,
9 specifications, and other documents, as required by rule, for the project have been
10 submitted for review, and have been approved, by the department.

11 **(3) EXEMPTION.** Subsection (2) does not apply to a building project that is
12 exempted by rule by the department.

13 **(4) STARTING CONSTRUCTION.** (a) Notwithstanding sub. (2), a person may start
14 *the placement of any or* construction ~~for the~~ footings and foundation for a building project if all of the
15 following apply:

16 1. The person has submitted to the department an application containing all
17 of the plans and specifications for the building project and all other documents
18 required by rule for purposes of reviewing the plans for the building project.

19 2. The plans, specifications, and documents specified in subd. 1. have been
20 prepared by an architect or engineer licensed to do business in this state, except as
21 provided in par. (b).

22 (b) Any plans, specifications, or documents that are prepared for a fire
23 suppression, alarm, or detection system for a building project shall be prepared by
24 a person who has received a permit issued by this state to design fire protection
25 systems pursuant to s. 443.07 (3).

← INSERT 2-10

← INSERT
2-19

start placement of footings or foundation

and the applicable fee,

1 (5) ASSUMPTION OF RISK. A person who elects to start construction as authorized
2 under sub. (4) shall proceed at the person's own risk without assurance that the plans
3 *and specifications* for the proposed building project will be approved by the department or that the
4 plans will not be modified by the department.

5 (6) ACTION ON APPLICATION. Upon receipt of an application containing all of the
6 plans, specifications, and documents required for *the review of* the building project, the
7 department shall make a determination either approving or denying the project
8 *plans and specifications* within 15 business days after receipt of the application.

9 **SECTION 3. Initial applicability.**

section 101.028 of the statutes
INSERT 3-6

10 (1) ~~This act~~ first applies to (applications that contain all of the required plans,
11 specifications, and documents and that are submitted on the effective date of this
12 subsection.

13

(END)

(2) The treatment of section 145.26 (4g) and (4r) of the statute first applies to plans and specifications that are submitted on the effective date of this subsection.

Insert ANL

Under rules promulgated by the Department of Safety and Professional Services (DSPS), the construction of, addition to, or alteration of a public building or a place of employment (building project) may not begin until plans for the building project have been reviewed and approved by DSPS, with limited exceptions. Under these rules, a person may start the construction of the footings and foundation of a public building or place of employment before the plans for the building project have been approved if DSPS authorizes the start of the construction. Under the rules, DSPS must make a determination whether to authorize the start of construction ^{three} within 3 business days after receiving the plans for review and must make a determination on the overall plans for the project within 15 business days after receiving the plans for review.

Under current statutory law administered by DSPS, no person ^{may} operate a public swimming pool or a water recreation attraction (water recreation facility) unless DSPS has approved the plans for the construction, alteration, or reconstruction of the water recreation facility. Under current law, there is no exemption for starting construction of any footing or foundation for a water recreation facility before the plans are reviewed and approved by DSPS. There also is no deadline imposed on DSPS for making a determination on whether to approve a plan for a water recreation facility.

This bill does the following:

1. Incorporates into the statutes parts of the rules ^{water recreation} on DSPS's review of plans for public buildings and places of employment. ^{regarding}
2. Allows a person to start construction of the footings and foundations as part of a building project or a water recreation facility without having DSPS's authorization to start the construction of the footings and foundations.
3. Requires DSPS to make a determination on the overall plans for ^a the building project or the recreational swimming facility within 15 days after receiving the plans for review. ^S

Also, under the bill, a person who elects to start construction on the footing or foundations, shall proceed at the person's own risk without assurance that the submitted plans for the building project or water recreation facility will be approved.

Insert 2-10

(2) REVIEW REQUIRED. Except as provided in subs. (3) and (4), no person may engage in a building project unless all of the following have taken place:

of a building project or water recreation facility

(a) An application containing all of the plans, specifications, and other documents, as required by rule, for the building project ~~have~~ ^{has} been submitted to the department for review.

(b) The department has reviewed and approved the submitted application.

(c) The applicable fee for the review of the plans and specifications, as established by the department by rule, has been paid.

Insert 2-19

1. The application as required under sub. (2) (a) has been submitted.

2. The fee specified in sub. (2) (c) has been paid.

3. ^{under sub. (2) (a)} 2. The plans, specifications and documents submitted with the application ^{placement of footings and foundations as part of} have been ^{the}

SECTION 1. 145.26 (4g) and (4r) of the statutes are created to read:

^{alteration} 145.26 (4g) (a) Notwithstanding sub. (4), a person may ^{placement of footings or foundation} start ^{the} constructing, ^{ion} altering, or reconstructing ^{of} a public swimming pool or water recreation attraction or ^{ion} altering swimming pool equipment if all of the following apply:

1. The person has submitted to the department the plans and specifications specified under sub. (2).

2. The plans and specifications have been prepared by an architect or engineer licensed to do business in this state.

3. The applicable fee under sub. (3) has been paid.

(b) A person who elects to start ^{placing footings or foundation} construction as authorized under par. (a) shall proceed at the person's own risk without assurance that the proposed plans and specifications for the public swimming pool ^{of} (water recreation attraction) or ^{or} swimming pool equipment will be approved by the department or that the proposed plans and specifications will not be modified by the department.

(4r) Upon receipt of all the plans and specifications required ^{for} the review of the public swimming pool, water ^{or} (recreation) attraction, ~~or the swimming pool~~ equipment, and the applicable fee, the department shall make a determination either approving or denying the plans and specifications within 15 business days after receipt of the plans and specifications.

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

LRB-2132/1dn
MGG:.....

Please review this draft carefully. Section 101.028 in this draft applies to construction, additions, and alterations. Section 145.26 (4g) and (4r) applies to construction, alterations, and reconstruction. This difference is because of the provisions in SPS ch 361 and s. 145.26 contain different wording.

stats.

Chapter

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2132/1
MGG:eev:jf

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CMT

soon
in 5/7

2013 BILL

d-note

SAJ
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or a local unit of government
appointed by DSPS

regen

1 AN ACT to amend 101.02 (5) (b); and to create 101.028 and 145.26 (4g) and (4r)
2 of the statutes; relating to: reviews of plans for building projects.

Analysis by the Legislative Reference Bureau

Under rules promulgated by the Department of Safety and Professional Services (DSPS), the construction of, addition to, or alteration of a public building or a place of employment (building project) may not begin until plans for the building project have been reviewed and approved by DSPS, with limited exceptions. Under these rules, a person may start the construction of the footings and foundation of a public building or place of employment before the plans for the building project have been approved if DSPS authorizes the start of the construction. Under the rules, DSPS must make a determination whether to authorize the start of construction within three business days after receiving the plans for review and must make a determination on the overall plans for the project within 15 business days after receiving the plans for review.

Under current statutory law administered by DSPS, no person may operate a public swimming pool or a water attraction (water recreation facility) unless DSPS has approved the plans for the construction, alteration, or reconstruction of the water recreation facility. Under current law, there is no exemption for starting construction of any footing or foundation for a water recreation facility before the plans are reviewed and approved by DSPS. There also is no deadline imposed on DSPS for making a determination on whether to approve a plan for a water recreation facility.

This bill does the following:

1. Incorporates into the statutes parts of the rules regarding DSPS's review of plans for public buildings and places of employment.

BILL

2. Allows a person to start construction of footings and foundations as part of a building project or a water recreation facility without having DSPS's authorization to start the construction of the footings and foundations.

3. Requires DSPS to make a determination on the overall plans for a building project or a water recreation facility within 15 days after receiving the plans for review.

Also under the bill, a person who elects to start construction on footings or foundations of a building project or water recreation facility shall proceed at the person's own risk without assurance that the submitted plans for the building project or water recreation facility will be approved.

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

1 SECTION 1. 101.02^x (5) (b) of the statutes is amended to read:

2 101.02 (5) (b) For the purpose of making any investigation or reviewing any
3 plans with regard to any employment or place of employment or public building, the
4 secretary may appoint, by an order in writing, any deputy who is a citizen of the state,
5 or any other competent person as an agent whose duties shall be prescribed in such
6 order.

7 SECTION 2. 101.028[✓] of the statutes is created to read:

8 **101.028 Plan review for building projects.** (1) DEFINITIONS. In this section:

9 (a) "Building project" means a project to construct, add to, or alter a public
10 building or a building that is a place of employment.

11 (b) "Department" includes a city, village, town, ^{or another entity} or county that has been
12 appointed as an agent for the department for purposes of reviewing plans for
13 building projects.

14 (2) REVIEW REQUIRED. Except as provided in subs. (3)[✓] and (4)[✓], no person may
15 engage in a building project unless all of the following have taken place:

BILL

1 (a) An application containing all of the plans, specifications, and other
2 documents, as required by rule, for the building project has been submitted to the
3 department for review.

4 (b) The department has reviewed and approved the submitted application.

5 (c) The applicable fee for the review of the plans and specifications, as
6 established by the department by rule, has been paid.

7 (3) EXEMPTION. Subsection (2) does not apply to a building project that is
8 exempted by rule by the department.

9 (4) STARTING CONSTRUCTION. (a) Notwithstanding sub. (2), a person may start
10 the placement of any footings or foundation for a building project if all of the following
11 apply:

12 1. The application as required under sub. (2) (a) has been submitted.

13 2. The fee specified in sub. (2) (c) has been paid.

14 3. The plans, specifications and documents submitted with the application
15 under sub. (2) (a) have been prepared by an architect or engineer licensed to do
16 business in this state, except as provided in par. (b).

17 (b) Any plans, specifications, or documents that are prepared for a fire
18 suppression, alarm, or detection system for a building project shall be prepared by
19 a person who has received a permit issued by this state to design fire protection
20 systems pursuant to s. 443.07 (3).

21 (5) ASSUMPTION OF RISK. A person who elects to start placement of footings or
22 foundation ^{as authorized under} under sub. (4) shall proceed at the person's own risk without assurance
23 that the proposed plans and specifications for the building project will be approved
24 by the department or that the plans and specifications will not be modified by the
25 department.

BILL**SECTION 2**

1 **(6) ACTION ON APPLICATION.** Upon receipt of an application containing all of the
2 plans, specifications, and documents required for the review of the building project,
3 and the applicable fee, the department shall make a determination either approving
4 or denying the plans and specifications within 15 business days after receipt of the
5 application.

6 **SECTION 3.** 145.26 (4g) and (4r) of the statutes are created to read:

7 145.26 **(4g)** (a) Notwithstanding sub. (4), a person may start ^{the} placement of
8 ^{any} footings ^{or} and foundation as part of the construction, alteration, or reconstruction of
9 a public swimming pool or water attraction if all of the following apply:

10 1. The person has submitted to the department the plans and specifications
11 specified under sub. (2).

12 2. The plans and specifications have been prepared by an architect or engineer
13 licensed to do business in this state.

14 3. The applicable fee under sub. (3) has been paid.

15 (b) A person who elects to start ^{the placement of} placing footings or foundation as authorized
16 under par. (a) shall proceed at the person's own risk without assurance that the
17 proposed plans and specifications for the public swimming pool or water attraction
18 will be approved by the department or that the proposed plans and specifications will
19 not be modified by the department.

20 **(4r)** Upon receipt of all the plans and specifications required for the review of
21 the public swimming pool or water attraction, and the applicable fee, the department
22 shall make a determination either approving or denying the plans and specifications
23 within 15 business days after receipt of the plans and specifications.

24 **SECTION 4. Initial applicability.**

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

LRB-2132/1dn
MGG:eev:jf

May 6, 2013 *date*

noting
noting the differences between sgs. 101.028
and s. 145.26. These differences include the
following:

1.

Please review this draft carefully. Section 101.028 in this draft applies to construction, additions, and alterations. Section 145.26 (4g) and (4r) applies to construction, alterations, and reconstruction. This difference is because the provisions in chapter SPS 361 and s. 145.26, stats., contain different wording.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov

For swimming pools,

2. I did not include the requirement for review by a "fire protection systems designer"
3. Note that under the draft, review plans for DSPS only under s. 101.028 and not under s. 145.26.

as agents

*cities, villages,
towns, and counties*

I could not find any DSPS rule that authorizes local units of government to do plan reviews.

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

LRB-2132/1dn
MGG:eev:rs

May 7, 2013

Please review this draft carefully, noting the differences between s. 101.028 and s. 145.26. These differences include the following:

1. Section 101.028 in this draft applies to construction, additions, and alterations. Section 145.26 (4g) and (4r) applies to construction, alterations, and reconstruction. This difference is because the provisions in chapter SPS 361 and s. 145.26, stats., contain different wording.
2. For swimming pools, I did not include the requirement for review by a "fire protection systems designer."
3. Note that under the draft cities, villages, towns, and counties may review plans as agents for DSPS only under s. 101.028 and not under s. 145.26. I could not find any DSPS rule that authorizes local units of government to do plan reviews.

Mary Gibson-Glass
Senior Legislative Attorney
Phone: (608) 267-3215
E-mail: mary.gibson-glass@legis.wisconsin.gov