



2013 SENATE BILL 617

1 **AN ACT** *to renumber* 101.12 (3) (am) 2. and 101.12 (3) (am) 4.; *to renumber and*
2 *amend* 101.12 (3) (am) 1., 101.12 (3) (am) 3. and 101.12 (3) (am) 5.; *to amend*
3 101.02 (15) (j) and 101.19 (1g) (am); and *to create* 15.407 (18), 101.02 (7r),
4 101.023, 101.12 (3) (bq), 101.12 (3m) (d), 101.12 (3r), 101.12 (4) and 101.14 (4r)
5 of the statutes; **relating to:** ordinances, variances, and rules relating to the
6 constructing or altering of, or adding to, public buildings and buildings that are
7 places of employment, the creation of a building code council, and inspections
8 of public buildings and buildings that are places of employment, and granting
9 rule-making authority.

Analysis by the Legislative Reference Bureau

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

10 **SECTION 1.** 15.407 (18) of the statutes is created to read:

SENATE BILL 617**SECTION 1**

1 15.407 (18) BUILDING CODE COUNCIL. (a) There is created in the department of
2 safety and professional services a building code council consisting of the following
3 members appointed for 3-year terms:

4 1. Two members representing the skilled building trades, each of whom is
5 actively engaged in his or her trade.

6 2. Two members representing local building inspectors, each of whom is
7 authorized to do inspections under s. 101.12 (4) and who is employed by a city, village,
8 or county.

9 3. Two members representing the fire services, each of whom is actively
10 engaged in fire service work and at least one of whom is a fire chief.

11 4. Two members representing building contractors, each of whom is actively
12 engaged in on-site construction of public buildings and buildings that are places of
13 employment.

14 5. Two members representing architects, engineers, and designers, each of
15 whom is actively engaged in the design or evaluation of public buildings and
16 buildings that are places of employment.

17 (b) An employee of the department shall serve as nonvoting secretary of the
18 council.

19 (c) The council shall meet at least 2 times annually.

20 (d) Six members of the council shall constitute a quorum. For the purpose of
21 conducting business a majority vote of the council is required, except that at least 8
22 members of the council are required to vote affirmatively to recommend changes in
23 the statutes or rules.

24 **SECTION 2.** 101.02 (7r) of the statutes is created to read:

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1 101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact
2 or enforce an ordinance that establishes minimum standards for constructing,
3 altering, or adding to public buildings or buildings that are places of employment
4 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),
5 except as provided in pars. (b) to (d).

6 (b) Notwithstanding par. (a), a town, village, or city may enforce an ordinance
7 establishing minimum standards for constructing, altering, or adding to public
8 buildings or buildings that are places of employment that does not strictly conform
9 to the applicable rules under sub. (15) (j) if all of the following apply:

10 1. The ordinance was enacted before May 1, 2013.

11 2. The ordinance was published by the town, village, or city in the manner
12 required under s. 60.80, 61.50, or 62.11 (4).

13 3. The ordinance relates to fire detection, prevention, or suppression
14 components of buildings.

15 4. The building is not a multifamily dwelling, as defined in s. 101.971 (2).

16 5. The ordinance is submitted to the department within 60 days after the
17 effective date of this subdivision [LRB inserts date].

18 6. The department determines that the ordinance requires standards that are
19 at least as strict as the rules promulgated by the department.

20 (c) A town, village, or city may amend an ordinance that is enforceable under
21 par. (b) if all of the following apply:

22 1. The amendment will not broaden the applicability of the ordinance to any
23 building components that are not subject to the ordinance under par. (b) 3.

24 2. The amendment will not change the specific subject matter regulated by the
25 ordinance.

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1 3. The town, village, or city submits a copy of the enacted amendment to the
2 department at least 120 days before the effective date of the amendment.

3 4. The town, village, or city publishes the enacted amendment in the manner
4 required under s. 60.80, 61.50, or 62.11 (4) at least 120 days before the effective date
5 of the amendment.

6 (d) 1. The department shall maintain a list of the ordinances that are
7 enforceable under par. (b) and of the amendments that are enforceable under par. (c).
8 The list shall be accessible to the public in electronic format, and shall include
9 electronically photographed or scanned copies of the ordinances and amendments.

10 2. For an amendment submitted to the department under par. (c) 3., the
11 department shall make it accessible as required under subd. 1. within 10 working
12 days after receiving the amendment.

13 (e) Notwithstanding par. (a), a town, village, or city may enact and enforce an
14 ordinance establishing a property maintenance code that is stricter than rules
15 promulgated by the department under sub. (15) (j).

16 (f) Notwithstanding par. (a), a city of the 1st or 2nd class may enact and enforce
17 an ordinance that relates to fire suppression that requires existing buildings to be
18 altered to comply with the rules for the construction of buildings that are
19 promulgated by the department under sub. (15) (j).

20 **SECTION 3.** 101.02 (15) (j) of the statutes is amended to read:

21 101.02 (15) (j) The department shall ascertain, fix and order such reasonable
22 standards or rules for ~~the construction, repair and maintenance of places of~~
23 ~~employment and~~ constructing, altering, adding to, repairing, and maintaining
24 public buildings, as shall and places of employment in order to render them safe.

25 **SECTION 4.** 101.023 of the statutes is created to read:

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1 **101.023 Building code council duties.** The building code council shall
2 review the rules relating to constructing, altering, adding to, repairing, and
3 maintaining public buildings and buildings that are places of employment. The
4 council shall consider and make recommendations to the department pertaining to
5 these rules and any other matters related to constructing, altering, adding to,
6 repairing, and maintaining public buildings and buildings that are places of
7 employment. In preparing rules under this chapter that relate to public buildings
8 and to buildings that are places of employment, the department shall consult with
9 the building code council.

10 **SECTION 5.** 101.12 (3) (am) 1. of the statutes is renumbered 101.12 (3) (am) and
11 amended to read:

12 101.12 (3) (am) Accept the examination of essential drawings, calculations and
13 specifications in accordance with sub. (1) performed by a 2nd class city ~~in conformity~~
14 ~~with the requirements of this paragraph~~ that is certified pursuant to sub. (3m).

15 **SECTION 6.** 101.12 (3) (am) 2. of the statutes is renumbered 101.12 (3m) (a).

16 **SECTION 7.** 101.12 (3) (am) 3. of the statutes is renumbered 101.12 (3m) (b) and
17 amended to read:

18 101.12 (3m) (b) A 2nd class city may apply for certification by the department
19 ~~for the purposes of this paragraph~~ under this subsection if that city employs at least
20 one architect or one professional engineer who has been granted a certificate of
21 registration under s. 443.10. The department shall certify a 2nd class city when the
22 department determines and certifies the competency of all examiners employed by
23 the city. The department shall review the competency of the examiners of a city that
24 is certified under this ~~paragraph~~ subsection on a regular basis and may revoke the

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1 certification of a city if the examiners do not meet standards specified by the
2 department.

3 **SECTION 8.** 101.12 (3) (am) 4. of the statutes is renumbered 101.12 (3m) (c).

4 **SECTION 9.** 101.12 (3) (am) 5. of the statutes is renumbered 101.12 (3m) (e) and
5 amended to read:

6 101.12 (3m) (e) The department shall by rule set fees, to be collected by the 2nd
7 class city and remitted to the department, to meet the department's costs in enforcing
8 and administering its duties under ~~this paragraph~~ sub. (3) (am) and this subsection.

9 **SECTION 10.** 101.12 (3) (bq) of the statutes is created to read:

10 101.12 (3) (bq) Accept the review and determination performed by 2nd class
11 cities that are certified pursuant to sub. (3m) on variances for buildings if the
12 variances are reviewed and decided on in a manner approved by the department.

13 **SECTION 11.** 101.12 (3m) (d) of the statutes is created to read:

14 101.12 (3m) (d) The department shall certify 2nd class cities to perform reviews
15 and determinations of variances under sub. (3) (bq) if the 2nd class city has been
16 certified for purposes of sub. (3) (b).

17 **SECTION 12.** 101.12 (3r) of the statutes is created to read:

18 101.12 (3r) An owner of a building may request, and the department may
19 grant, a variance from standards contained in a rule relating to constructing,
20 altering, and adding to public buildings and buildings that are places of employment
21 if the department finds that the requested variance will impose an equivalent
22 standard that meets the intent of the rule.

23 **SECTION 13.** 101.12 (4) of the statutes is created to read:

24 101.12 (4) (a) Except as provided in par. (b), any inspection performed to
25 determine compliance with the rules promulgated by the department that relate to

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1 constructing, altering, or adding to public buildings and buildings that are places of
2 employment may be performed only by a person who is certified under rules
3 promulgated by the department to make such inspections.

4 (b) The certification requirement under par. (a) does not apply to any of the
5 following:

6 1. An inspection performed under s. 101.14 (2) (b) or (c) by an inspector who is
7 designated under s. 101.14 (2) (d) to make such inspections.

8 2. An inspection performed by an inspector who has received certification
9 under s. 101.14 (4r).

10 **SECTION 14.** 101.14 (4r) of the statutes is created to read:

11 101.14 (4r) (a) In this subsection, “fire detection, prevention, and suppression
12 devices” has the meaning given in sub. (4) (g) 2.

13 (b) A person may perform inspections of fire detection, prevention, and
14 suppression devices being installed during the construction or alteration of, or the
15 addition to, public buildings and places of employment only if he or she has received
16 certification as an inspector from the department.

17 (c) 1. The department shall promulgate rules establishing procedures and
18 requirements for issuing certifications for purposes of par. (b). The department shall
19 include in the rules a requirement that the person hold a valid certification from the
20 national fire protection association qualifying him or her as a certified fire inspector
21 I or that he or she hold a valid equivalent certification.

22 2. The department shall determine which certifications issued by other entities
23 will qualify as valid equivalent certifications. Notwithstanding s. 227.10 (1),
24 determinations under this subdivision shall not be promulgated as rules.

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1 (d) The department shall provide assistance to any nationwide or statewide
2 organization that represents fire chiefs and that is engaged in providing training and
3 certification opportunities for persons seeking to receive certification by the
4 department under this subsection.

5 **SECTION 15.** 101.19 (1g) (am) of the statutes is amended to read:

6 101.19 (1g) (am) The services specified by s. 101.12 (3) (am) and (bq) and (3m).

7 **SECTION 16. Nonstatutory provisions.**

8 (1) COUNCIL; TERMS OF INITIAL MEMBERS. Notwithstanding the length of terms
9 specified in section 15.407 (18) (a) (intro.) of the statutes, as created by this act, the
10 initial members of the building code council under section 15.407 (18) of the statutes,
11 as created by this act, shall be appointed by the governor for the following terms:

12 (a) One member appointed under section 15.407 (18) (a) 2. of the statutes, as
13 created by this act, one member appointed under section 15.407 (18) (a) 3. of the
14 statutes, as created by this act, one member appointed under section 15.407 (18) (a)
15 4. of the statutes, as created by this act, and one member appointed under section
16 15.407 (18) (a) 5. of the statutes, as created by this act, for terms expiring on July 1,
17 2017.

18 (b) One member appointed under section 15.407 (18) (a) 1. of the statutes, as
19 created by this act, one member appointed under section 15.407 (18) (a) 2. of the
20 statutes, as created by this act, and one member appointed under section 15.407 (18)
21 (a) 4. of the statutes, as created by this act, for terms expiring on July 1, 2016.

22 (c) One member appointed under section 15.407 (18) (a) 1. of the statutes, as
23 created by this act, one member appointed under section 15.407 (18) (a) 3. of the
24 statutes, as created by this act, one member appointed under section 15.407 (18) (a)
25 5. of the statutes, as created by this act, for terms expiring on July 1, 2015.

