




# State of Wisconsin


LEGISLATIVE REFERENCE BUREAU


## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**


Date Transfer Requested: 08/31/2015 (Per: MED)


### **Compile Draft – Appendix C**

**Appendix A**  The 2015 drafting file for LRB-1676

**Appendix B**  The 2015 drafting file for LRB-1684

**Appendix C**  The 2015 drafting file for LRB-2087

**Appendix D**  The 2015 drafting file for LRB-2122

**Appendix E**  The 2015 drafting file for LRB-2260

has been copied/added to the drafting file for

**2015 LRB-3011**

**2015 DRAFTING REQUEST**

**Bill**

Received: 3/26/2015 Received By: **mgallagh**  
Wanted: **As time permits** Same as LRB:  
For: **Frank Lasee (608) 266-3512** By/Representing: **Rob**  
May Contact: Drafter: **mgallagh**  
Subject: **Buildings/Safety - fire safety** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email: **Sen.Lasee@legis.wisconsin.gov**  
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**  
**robin.kite@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Repeal mandatory retrofit of sprinkler systems.

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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>
/?	mgallagh 4/11/2015	kfollett 4/15/2015		_____			
/P1	mgallagh 4/28/2015	kfollett 4/29/2015		_____	lparisi 4/15/2015		Local
/P2				_____	srose 4/29/2015		Local

FE Sent For:

<END>

L

**Gallagher, Michael**

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**From:** Barman, Mike  
**Sent:** Tuesday, March 24, 2015 11:37 AM  
**To:** Kite, Robin; Gallagher, Michael  
**Subject:** FW: Bill Draft request--mandatory Sprinkler retrofits

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**From:** Kovach, Robert  
**Sent:** Tuesday, March 24, 2015 11:27 AM  
**To:** LRB.Legal  
**Subject:** Bill Draft request--mandatory Sprinkler retrofits

Dear LRB Legal,

Can you please have a bill drafted according to the attached drafting instructions? The instructions are in a format for a budget motion, but I would like this drafted as a stand-alone bill.



**Mandatory**  
Sprinkler Retrofi...

Thanks!

**Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

*Joint Committee on Finance*  
**2015-2017 Budget Motion Request**

Date: 2/20/15

Legislator: Frank Lasee

Staff Contact: Rob Kovach

Legislator's JFC Designee: Howard Marklein

Statement of Motion Intent:

**Budget request – Repeal of s.101.975 (3) mandatory retrofit of sprinkler systems**  
Create budget language that would repeal s.101.975 (3) and include a clause that would render unenforceable any contracts entered into with a local unit of government that requires the retrofit of sprinkler systems.

Agency/Agencies Impacted: NONE, this has minor impact to some local units of government.

Summary: In the early 1990s the legislature created s.101.975 (3) which allowed municipalities to keep existing ordinances relating to the mandatory retrofit of sprinkler systems in apartment complexes of 20 or less units. Of the ordinances that we know of, the apartment complexes that have not been retrofit are grandfathered unless the property owner remodels the complex in an amount over \$10,000. This creates an unintended consequence that the economics of retrofitting the apartment buildings with sprinklers are not economical, so the owners are compelled to avoid maintaining the buildings to ensure they do not remodel the building over \$10,000. That creates a downward spiral as the condition of the buildings demand lower and lower rents, and the economics become even more unfavorable. This regulation is creating slums with poor conditions for the tenants and loss of property value for the owners.

Fiscal Impact: None

Funding Source (if applicable): None

Support/Opposition: Support: Landlords and the tenants that live in the apartments that are deteriorating as a result of this regulation.

Opposition: Sprinkler system installers. Fitchburg Fire Dept.





**Frank Lasee**

**WISCONSIN STATE SENATOR**  
FIRST SENATE DISTRICT



**MEMORANDUM**

**DATE:** February 19, 2015  
**TO:** Senator Howard Marklein  
**FROM:** Senator Frank Lasee  
**RE:** Budget request – Repeal of s.101.975 (3) mandatory retrofit of sprinkler systems

In the early 1990s the legislature created s.101.975 (3) which allowed municipalities to keep existing ordinances relating to the mandatory retrofit of sprinkler systems in apartment complexes of 20 or less units. Of the ordinances that we know of, the apartment complexes that have not been retrofit are grandfathered unless the property owner remodels the complex in an amount over \$10,000. This creates an unintended consequence that the economics of retrofitting the apartment buildings with sprinklers are not economical, so the owners are compelled to avoid maintaining the buildings to ensure they do not remodel the building over \$10,000. That creates a downward spiral as the condition of the buildings demand lower and lower rents, and the economics become even more unfavorable. This regulation is creating slums with poor conditions for the tenants and loss of property value for the owners.

**REQUEST:**

Create budget language that would repeal s.101.975 (3) and include a clause that would render unenforceable any contracts entered into with a local unit of government that requires the retrofit of sprinkler systems.

**Repeal all of s. 101.975(3).**

**“S. 101.975(3) No sprinkler ordinance enacted by any political subdivision which is stricter than is required by this chapter shall have any further force or effect, following repeal and recreation of this section. Any agreement between any political subdivision and any property owner based on any such stricter sprinkler ordinance shall be unenforceable.”**

**(Note: This will also require amending sec. 101.02(7m).)**

**From:** Kovach, Robert  
**Sent:** Wednesday, March 25, 2015 4:33 PM  
**To:** LRB.Legal  
**Cc:** Kovach, Robert  
**Subject:** FW: Bill Draft request--mandatory Sprinkler retrofits

Please see these additional instructions for this draft:

I was referring either to chapter 990 (CONSTRUCTION OF STATUTES) or chapter 991 (ACTS AND STATUTES — EFFECTIVE DATE, NUMBERING, CITATION AND REPEAL). The annotations contained in each of those chapters cite to case law reciting the general presumption that legislation is presumptively prospective unless the statutory language expresses the legislature's clear intent that the provision is to apply retroactively:

- 990.001 Annotation and 991.07 Annotation Generally, legislation is presumptively prospective unless statutory language reveals an intent that the statute apply retroactively. Procedural or remedial, rather than substantive, statutes are generally given retroactive effect unless contracts would be impaired or vested rights disturbed. Statutes of limitations are substantive. *Bethhauser v. Medical Protective Co.* 172 Wis. 2d 141, 493 N.W.2d 40 (1992).
- 991.07 Annotation When a statute of limitations is replaced or amended, a cause of action that has accrued prior to the effective date of the new statute or amendment is governed by the prior statute, unless the legislature specifies otherwise. A cause of action that has not accrued prior to the effective date of the new statute or amendment is governed by the new language, unless otherwise specified. *State v. Hamilton*, 2002 WI App 89, 253 Wis. 2d 805, 644 N.W.2d 243, 01-1014.
- 991.11 Annotation Establishment of the effective date does not determine whether a statute will apply retroactively. *Salzman v. DNR*, 168 Wis. 2d 523, 484 N.W.2d 337 (Ct. App. 1992).

## **Rob Kovach**

Policy Advisor/Committee Clerk  
Office of Senator Frank Lasee  
(608) 266-3512

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**From:** Kovach, Robert  
**Sent:** Tuesday, March 24, 2015 11:27 AM  
**To:** [lrb.legal@legis.wisconsin.gov](mailto:lrb.legal@legis.wisconsin.gov)  
**Subject:** Bill Draft request--mandatory Sprinkler retrofits

Dear LRB Legal,



Can you please have a bill drafted according to the attached drafting instructions? The instructions are in a format for a budget motion, but I would like this drafted as a stand-alone bill.

Thanks!

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1/11

that are stricter than the multifamily dwelling code

Gen

1 AN ACT ...; relating to: preexisting stricter sprinkler ordinances

(DSFS)

**Analysis by the Legislative Reference Bureau**

Under current law, the Department of Safety and Professional Services administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Under current law, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSFS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

For further information see the *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:**

2 SECTION 1. 66.1019 (3) (a) of the statutes is renumbered 66.1019(3) and  
3 amended to read:

4 66.1019 (3) ~~Except as provided in par. (b), any~~ Any ordinance enacted by a  
5 county, city, village or town relating to the construction or inspection of multifamily

1 dwellings, as defined in s. 101.971 (2), shall conform to subch. VI of ch. 101 and s.  
2 101.02 (7m).

3 History: 1999 a. 150 ss. 266, 358 to 360; Stats. 1999 s. 66.1019; 2005 a. 45; 2007 a. 11.

3 SECTION 2. 66.1019 (3) (b) of the statutes is repealed.

4 SECTION 3. 101.02 (7m) of the statutes is amended to read:

5 101.02 (7m) Notwithstanding sub. (7) (a), no city, village, or town may make  
6 or enforce any ordinance that is applied to any multifamily dwelling, as defined in  
7 s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary  
8 to an order of the department under this subchapter, except that if a city, village or  
9 town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a),  
10 that ordinance remains in effect, except that the city, village or town may take any  
11 action with regard to that ordinance that a political subdivision may take under s.

12 101.975 (3) (b) and any contract between a city, village, or town and a property owner  
13 based on such an ordinance is unenforceable.

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. 63, 203; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146; 2013 a. 20, 36; 2013 a. 151 s. 28; 2013 a. 168, 270.

14 SECTION 4. 101.975 of the statutes is repealed.

15 (END)



✓ NEW 7/19 100K  
State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2087  
MPG:kjf:kf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

192

Regen

1 **AN ACT to repeal** 66.1019 (3) (b) and 101.975; **to renumber and amend** 66.1019  
2 (3) (a); and **to amend** 101.02 (7m) of the statutes; **relating to:** preexisting  
3 sprinkler ordinances that are stricter than the multifamily dwelling code.

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Safety and Professional Services (DSPS) administers the multifamily dwelling code, including requirements concerning automatic sprinklers. Under current law, a city, village, or town generally may not enact or enforce an ordinance that does not conform to the multifamily dwelling code or that is contrary to an order of DSPS enforcing the multifamily dwelling code, except that certain preexisting sprinkler ordinances that are stricter than the multifamily dwelling code may remain in effect.

This bill repeals that exception for preexisting stricter sprinkler ordinances. The bill also provides that any contract between a city, village, or town pursuant to such an ordinance is unenforceable.

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

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State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-2087/P2  
MPG:kjf:kf

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1    **AN ACT to repeal** 66.1019 (3) (b) and 101.975 (3); **to renumber and amend**  
2           66.1019 (3) (a); and **to amend** 101.02 (7m) of the statutes; **relating to:**  
3           preexisting sprinkler ordinances that are stricter than the multifamily  
4           dwelling code.

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7           **SECTION 2.** 66.1019 (3) (b) of the statutes is repealed.

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10 or enforce any ordinance that is applied to any multifamily dwelling, as defined in  
11 s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary  
12 to an order of the department under this subchapter, ~~except that if a city, village or~~  
13 ~~town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a),~~  
14 ~~that ordinance remains in effect, except that the city, village or town may take any~~  
15 ~~action with regard to that ordinance that a political subdivision may take under s.~~  
16 ~~101.975 (3) (b). Any contract between a city, village, or town and a property owner~~  
17 ~~of a multifamily dwelling that requires the property owner to comply with an~~  
18 ~~ordinance that does not conform to subch. VI and this section or is contrary to an~~  
19 ~~order of the department under this subchapter is void and unenforceable.~~

20           **SECTION 4.** 101.975 (3) of the statutes is repealed.

21

(END)