

2017 DRAFTING REQUEST

Bill

For: Frank Lasee (608) 266-3512

Drafter: mkunkel

By: Rob

Secondary Drafters: kpleviak

Date: 8/3/2017

May Contact:

Same as LRB: -4090

Submit via email: YES
Requester's email: Sen.Lasee@legis.wisconsin.gov
Carbon copy (CC) to: krista.pleviak@legis.wisconsin.gov
mark.kunkel@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Eliminate Building Inspector Review Board and Contractor Certification Council and transfer duties to Uniform Dwelling Code Council

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	kpleviak 8/3/2017	anienaja 8/3/2017	dwalker 8/3/2017	dwalker 8/3/2017 per KRP	State

FE Sent For:

<END>

→ At Intro.

Pleviak, Krista

From: Kovach, Robert
Sent: Thursday, August 03, 2017 11:10 AM
To: Pleviak, Krista
Cc: Kunkel, Mark; Bellin, Charlie
Subject: RE: Please Jacket

confirmed

Rob Kovach

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

From: Pleviak, Krista
Sent: Thursday, August 03, 2017 10:56 AM
To: Kovach, Robert <Robert.Kovach@legis.wisconsin.gov>
Cc: Kunkel, Mark <Mark.Kunkel@legis.wisconsin.gov>; Bellin, Charlie <Charlie.Bellin@legis.wisconsin.gov>
Subject: RE: Please Jacket

Rob:

Will you please confirm that Sen. Lasee wants a companion for this draft and that it should be jacketed?

Krista R. Pleviak

Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266 - 7290
krista.pleviak@legis.wisconsin.gov

From: Kunkel, Mark
Sent: Thursday, August 03, 2017 10:13 AM
To: Pleviak, Krista <Krista.Pleviak@legis.wisconsin.gov>
Subject: Fwd: Please Jacket

Thanks

Begin forwarded message:

From: "Bellin, Charlie" <Charlie.Bellin@legis.wisconsin.gov>
Date: August 2, 2017 at 3:38:16 PM CDT
To: "Kunkel, Mark" <Mark.Kunkel@legis.wisconsin.gov>

Cc: "Kovach, Robert" <Robert.Kovach@legis.wisconsin.gov>

Subject: Please Jacket

Hello Mark,

Could you please have this bill jacketed for Rep. Jagler as well as Sen. Lasee?

Thank you.

*Charlie Bellin
Research Assistant
Rep. John Jagler
37th Assembly District
608-266-9650*



State of Wisconsin
2017 - 2018 LEGISLATURE

4093

LRB-4090/1

MDK:ahc

TODAY

2017 BILL

SA

Companion
RMR

No CHANGES

1 AN ACT *to repeal* 15.405 (1m), 15.407 (11), 101.596 (title), 101.596 (1), 101.596
2 (2) and 101.596 (3) (title); *to renumber and amend* 101.596 (3) and 101.625;
3 *to amend* 101.62 (title) of the statute, 101.63 (2) and 101.64 (3); and *to create*
4 101.62 (1) (title), 101.62 (2) (title), 101.62 (3) (title), 101.62 (4) (title), 101.62 (5)
5 (title), 101.62 (5) (a) and 101.62 (5) (b) of the statutes; **relating to:** eliminating
6 the Building Inspector Review Board and the Contractor Certification Council
7 and requiring the Uniform Dwelling Code Council to review complaints
8 regarding the inspection of one-family or two-family dwelling construction.

Analysis by the Legislative Reference Bureau

This bill eliminates the Building Inspector Review Board and the Contractor Certification Council and transfers their duties to the Uniform Dwelling Code Council.

Building Inspector Review Board. Under current law, the Department of Safety and Professional Services promulgates rules for the certification of persons who inspect construction of the following: 1) public buildings and places of employment, which are subject to the Commercial Building Code; and 2) one-family or two-family dwellings, which are subject to the Uniform Dwelling Code. Current law requires the Building Inspector Review Board to review complaints and revoke

BILL

the certification of a person who inspects either type of construction if the board finds that the person engaged in incompetent, negligent, or unethical conduct. Current law also requires the Uniform Dwelling Code Council to make recommendations to DSPS on certain matters relating to the Uniform Dwelling Code.

This bill eliminates the Building Inspector Review Board and requires the Uniform Dwelling Code Council to review complaints about a person who inspected the construction of a one-family or two-family dwelling. Under the bill, if the Uniform Dwelling Code Council determines that such a person engaged in incompetent, negligent, or unethical conduct, the bill requires the council to recommend that DSPS revoke the person's certification. Upon receipt of a recommendation, DSPS must revoke the certification if DSPS finds that the person engaged in incompetent, negligent, or unethical conduct.

Contractor Certification Council. Under current law, the Contractor Certification Council makes recommendations for DSPS to promulgate rules for certifying the financial responsibility of contractors who obtain building permits for one-family or two-family dwellings. The Contractor Certification Council also makes recommendations to and advises DSPS on continuing education and examination requirements for such contractors. The bill eliminates the Contractor Certification Council and transfers all of its duties to the Uniform Dwelling Code Council.

For further information see the *state* 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:

1 **SECTION 1.** 15.405 (1m) of the statutes is repealed.

2 **SECTION 2.** 15.407 (11) of the statutes is repealed.

3 **SECTION 3.** 101.596 (title) of the statutes is repealed.

4 **SECTION 4.** 101.596 (1) of the statutes is repealed.

5 **SECTION 5.** 101.596 (2) of the statutes is repealed.

6 **SECTION 6.** 101.596 (3) (title) of the statutes is repealed.

7 **SECTION 7.** 101.596 (3) of the statutes is renumbered 101.62 (5) (c), and 101.62
8 (5) (c) 1. (intro.) and a., 2. and 3., as renumbered, are amended to read:

9 101.62 (5) (c) 1. (intro.) If a permittee makes a complaint to the review board
10 council concerning a building inspector, the permittee may do one of the following:

BILL

1 a. Request that the complaint remain anonymous, subject to ~~par. (b)~~ subd. 2.

2 2. If the permittee chooses to request that the permittee's complaint remain
3 anonymous, the ~~board~~ council may not review the complaint ~~or modify or revoke the~~
4 permit unless the board council receives 2 additional anonymous complaints
5 regarding the inspector. If 2 or more additional complaints are made, the review
6 ~~board~~ council shall proceed with its review, and none of the complaints may continue
7 to be anonymous.

8 3. If the permittee allows ~~his~~ the permittee's complaint to be presented to the
9 building inspector without requesting anonymity, the ~~review board~~ council shall
10 proceed with the review.

11 **SECTION 8.** 101.62 (title) of the statutes is amended to read:

12 **101.62 (title) Uniform dwelling code council; power.**

13 **SECTION 9.** 101.62 (1) (title) of the statutes is created to read:

14 101.62 (1) (title) CONSTRUCTION STANDARDS AND RULES.

15 **SECTION 10.** 101.62 (2) (title) of the statutes is created to read:

16 101.62 (2) (title) ACCESSIBILITY.

17 **SECTION 11.** 101.62 (3) (title) of the statutes is created to read:

18 101.62 (3) (title) OTHER MATTERS.

19 **SECTION 12.** 101.62 (4) (title) of the statutes is created to read:

20 101.62 (4) (title) REPORTS.

21 **SECTION 13.** 101.62 (5) (title) of the statutes is created to read:

22 101.62 (5) (title) BUILDING INSPECTOR COMPLAINTS.

23 **SECTION 14.** 101.62 (5) (a) of the statutes is created to read:

24 101.62 (5) (a) In this subsection:

BILL**SECTION 14**

1 1. “Building inspector” means a person who is certified under rules
2 promulgated by the department to make inspections under this subchapter.

3 2. “Council” means the uniform dwelling code council.

4 3. “Permittee” means a person who is issued a building permit under this
5 subchapter.

6 **SECTION 15.** 101.62 (5) (b) of the statutes is created to read:

7 101.62 (5) (b) The council shall review complaints received from permittees
8 concerning possible incompetent, negligent, or unethical conduct by building
9 inspectors. After reviewing a complaint received under this paragraph, the council
10 shall recommend that the department revoke the certification of a building inspector
11 if the council determines that the building inspector has engaged in incompetent,
12 negligent, or unethical conduct.

13 **SECTION 16.** 101.625 of the statutes is renumbered 101.62 (6), and 101.62 (6)
14 (intro.) and (a), as renumbered, are amended to read:

15 101.62 (6) ~~CONTRACTOR CERTIFICATION COUNCIL; DUTIES~~ CONTRACTORS. (intro.)
16 The ~~contractor certification~~ uniform dwelling code council shall do all of the
17 following:

18 (a) Recommend for promulgation by the department rules for certifying the
19 financial responsibility of contractors under s. 101.654. These rules shall include
20 rules providing for the assessment of fees upon applicants for certification of
21 financial responsibility under s. 101.654 and for the suspension and revocation of
22 that certification. The amount of the fees recommended under this subsection
23 paragraph may not exceed an amount that is sufficient to defray the costs incurred
24 in certifying the financial responsibility of applicants under s. 101.654.

25 **SECTION 17.** 101.63 (2) of the statutes is amended to read:

BILL

1 101.63 (2) Adopt rules for the certification, including provisions for suspension
2 and revocation thereof, of inspectors for the purpose of inspecting building
3 construction, electrical wiring, heating, ventilating, air conditioning and other
4 systems, including plumbing, as defined in s. 145.01 (10), of one- and 2-family
5 dwellings under sub. (1). The rules shall specify that the department may suspend
6 or revoke the certification of an inspector under this subsection for knowingly
7 authorizing the issuance of a building permit to a contractor who is not in compliance
8 with s. 101.654. Upon receipt of a recommendation of the uniform dwelling code
9 council under s. 101.62 (5) (b) to revoke the certification of a building inspector, the
10 department shall revoke the certification if the department determines the building
11 inspector has engaged in incompetent, negligent, or unethical conduct. Persons
12 certified as inspectors may be employees of the department, a city, village, town,
13 county, or an independent inspection agency. The department may not adopt any
14 rule ~~which~~ that prohibits any city, village, town, or county from licensing persons for
15 performing work on a dwelling in which the licensed person has no legal or equitable
16 interest.

17 **SECTION 18.** 101.64 (3) of the statutes is amended to read:

18 101.64 (3) Revise the rules under this subchapter after consultation with the
19 uniform dwelling code council ~~or with the contractor certification council,~~ as
20 appropriate.

21 **SECTION 19. Nonstatutory provisions.**

22 (1) PENDING MATTERS.

23 (a) *Building inspector review board.* Any matter pending with the building
24 inspector review board on the effective date of this paragraph that is related to the
25 inspection of construction of a one-family or two-family dwelling is transferred to

BILL**SECTION 19**

1 the uniform dwelling code council, and all materials submitted to or actions taken
2 by the board with respect to the pending matter are considered as having been
3 submitted to or taken by the council.

4 (b) *Contractor certification council.* Any matter pending with the contractor
5 certification council on the effective date of this paragraph is transferred to the
6 uniform dwelling code council, and all materials submitted to or actions taken by the
7 contractor certification council with respect to the pending matter are considered as
8 having been submitted to or taken by the uniform dwelling code council.

9 (END)