

**2017 DRAFTING REQUEST****Assembly Amendment (AA-AB904)**For: **Joan Ballweg (608) 266-8077**Drafter: **kpleviak**By: **Bethany**

Secondary Drafters:

Date: **2/13/2018**

May Contact:

Same as LRB:

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

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Authority of state building inspectors in political subdivision

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kpleviak 2/13/2018	aernstr 2/13/2018			
/P1	kpleviak 2/13/2018		dwalker 2/13/2018		
/1		anienaja 2/13/2018	dwalker 2/13/2018	dwalker 2/13/2018	

FE Sent For:

&lt;END&gt;

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



02/13/18 Per Bethany in Rep. Ballweg's office, prepare an amendment to AB 904 based on LRB-5362. (Alicia in Rep. Vos's office has granted access to the drafting file.)

-KRP



State of Wisconsin  
2017 - 2018 LEGISLATURE

IN: 02/13/18  
DUE: 02/14/18 A.M.  
(Wed.)

(H)

LRBa2072/2

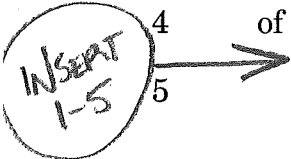
KRP:...

PI  
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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL 904**

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 10: after "requirements;" insert "the authority of the  
3 Department of Safety and Professional Services to inspect public buildings, places  
4 of employment, and one-family and two-family dwellings;"

5 

(END)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-5362/P1  
KRP:amn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

INSERT

1 **AN ACT to renumber and amend** 101.64; **to amend** 101.645 (4), 101.647 (4) and  
2 101.651 (3) (a); and **to create** 101.12 (3c), 101.64 (2m) and 101.651 (3) (am) of  
3 the statutes; **relating to:** the authority of the Department of Safety and  
4 Professional Services to inspect public buildings, places of employment, and  
5 one-family and two-family dwellings.

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

This bill provides that the Department of Safety and Professional Services generally may not inspect a structure within a city, village, town, or county (political subdivision) that has assumed responsibility for inspections of that type of structure.

Under current law, DSPS has general authority to supervise places of employment and public buildings (public buildings) and enforce and administer safety laws for public buildings, including laws related to the construction of, alteration of, or addition to public buildings. Currently, DSPS must examine essential drawings, calculations, and specifications (plans) for construction of, alteration of, or addition to public buildings, except that DSPS accepts examinations performed by a political subdivision under certain circumstances. Under current law, DSPS also accepts inspections of public buildings or of equipment performed by a political subdivision's inspector that is certified by DSPS.

The bill provides that, if DSPS has delegated authority to perform inspection services related to the construction of, alteration of, or addition to public buildings to a political subdivision and the political subdivision has assumed that

Sa ✓

responsibility, DSPS generally may not perform building inspection services within the scope of that delegation in the political subdivision.

Under current law, a political subdivision may exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings (dwellings) by passing ordinances that meet the requirements of the uniform dwelling code. For any inspection services a political subdivision does not perform, the political subdivision must contract with DSPS for those services. Under current law, regardless of whether a political subdivision exercises that jurisdiction, DSPS may inspect a dwelling in the political subdivision for compliance with the uniform dwelling code, including requirements related to smoke detectors and carbon monoxide detectors, at the request of the owner or renter or if requested by the political subdivision.

The bill provides that, if a political subdivision exercises jurisdiction over the construction and inspection of new dwellings, DSPS generally may not inspect a dwelling within the political subdivision unless the political subdivision has contracted with DSPS to provide that service.

Because this bill may increase or decrease the cost of the development, construction, financing, purchasing, sale, ownership, or availability of housing in this state, the Department of Administration, as required by law, will prepare a housing impact analysis to be printed as an appendix to this bill.

For further information see the **state and 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:*

START  
INSERT  
1-5

COMPONENT: item: after line: #. Page 6, line 22: after that line insert:

1 SECTION 1. 101.12 (3c) of the statutes is created to read:  
2 101.12 (3c) If the department has delegated authority to perform building  
3 inspection services under this section to a city, village, town, or county and the city,  
4 village, town, or county has assumed that responsibility, the department may not  
5 perform building inspection services within the scope of that delegation in the city,  
6 village, town, or county. ✓ 0 29c. (B)

7 SECTION 2. 101.64 of the statutes is renumbered 101.64 (1), and 101.64 (1) (b),  
8 as renumbered, is amended to read:  
9 101.64 (1) (b) At Except as provided under sub. (2m), at the request of the owner  
10 or renter, enter, inspect, and examine dwellings a dwelling, dwelling units unit, or

COMPONENT: item: after line: #. Page 10, line 14: after that line insert:



1 premises necessary to ascertain compliance with the rules and special orders under  
2 this subchapter. 29g. (B)

3 SECTION 3 101.64 (2m) of the statutes is created to read:

4 101.64 (2m) The department may not inspect a dwelling, dwelling unit, or  
5 premises located in a city, village, town, or county that exercises jurisdiction under  
6 s. 101.65 (1) (a) or (b) or 101.651 (2m) (a), unless the city, village, town, or county has  
7 entered into a contract with the department under s. 101.65 (2) that authorizes the  
8 department to conduct the inspection.

\*\*\*\*NOTE: Under ss. 101.63 (3) and 101.65 (2), stats., if a city, village, town, or county does not perform certain inspection services, the city, village, town, or county must contract with DSPS to perform those inspection services. This provision retains that allocation of inspection authority but eliminates the authority of DSPS to conduct an inspection in response to a specific complaint with respect to a building in a city, village, town, or county that exercises jurisdiction.

9 SECTION 4 101.645 (4) of the statutes is amended to read:

10 101.645 (4) INSPECTION. The Except as provided under s. 101.64 (2m), the  
11 department or a municipal authority may inspect a new dwellings dwelling, may  
12 inspect the common areas of dwellings a dwelling, and, at the request of the owner  
13 or renter, may inspect the interior of a dwelling unit in a dwelling to ensure  
14 compliance with this section. 29p. (B)

15 SECTION 5 101.647 (4) of the statutes is amended to read:

16 101.647 (4) INSPECTION. The Except as provided under s. 101.64 (2m), the  
17 department or person authorized by state law or by city, village, town, or county  
18 ordinance or resolution to exercise powers or duties involving inspection of real or  
19 personal property may inspect a new dwellings dwelling and, at the request of the  
20 owner or renter, may inspect the interior of a dwelling unit in a dwelling to ensure  
21 compliance with this section.

22 SECTION 6 101.651 (3) (a) of the statutes is amended to read:

29t. (B)



1           101.651 (3) (a) ~~Except as provided in par. (b), the department or a~~ A county may  
 2 not enforce this subchapter or provide inspection services in a municipality unless  
 3 requested to do so by a person with respect to a particular dwelling or by the  
 4 municipality. A request by a person or a municipality with respect to a particular  
 5 dwelling does not give the ~~department or a~~ county authority with respect to any  
 6 other dwelling. ~~Costs~~ For any services provided under this paragraph, the county  
 7 ~~shall be collected~~ collect costs under s. 101.65 (1) (c) ~~or ss. 101.63 (9) and 101.65 (2)~~  
 8 from ~~a~~ the person or municipality ~~making a request under this subsection that~~  
 9 requests the service. 29x. (B)

10

**SECTION 7.** 101.651 (3) (am) of the statutes is created to read:

11           101.651 (3) (am) Except as provided in s. 101.64 (2m), if a municipality  
 12 exercises jurisdiction under sub. (2m) or adopts a resolution under sub. (2m) (a), the  
 13 department may not enforce this subchapter in the municipality unless requested  
 14 to do so by the municipality. For any services provided under this paragraph, the  
 15 department shall collect costs under s. 101.63 (9) from the municipality. 23

\*\*\*\*NOTE: As currently drafted, this provision eliminates DSPS's authority to take any enforcement action, not just to conduct inspections, in a small city, village, or town that exercises jurisdiction with respect to the uniform dwelling code unless the small city, village, or town asks DSPS to provide that service. Let me know if that is not consistent with your intent.

16

(END)

(END INSERT 1-5)

WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



2/13/18 Bethany - needs / 1 of

17a2072 ASAP.

-KRP





NOW

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**  
**ASSEMBLY AMENDMENT ,**  
**TO ASSEMBLY BILL 904**

RMR

SA

NO CHANGES

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 10: after “requirements,” insert “the authority of the  
3 Department of Safety and Professional Services to inspect public buildings, places  
4 of employment, and one-family and two-family dwellings;”.

5 **2.** Page 6, line 22: after that line insert:

6 “**SECTION 13m.** 101.12 (3c) of the statutes is created to read:

7 101.12 (3c) If the department has delegated authority to perform building  
8 inspection services under this section to a city, village, town, or county and the city,  
9 village, town, or county has assumed that responsibility, the department may not  
10 perform building inspection services within the scope of that delegation in the city,  
11 village, town, or county.”.

12 **3.** Page 10, line 14: after that line insert:

1           **SECTION 29c.** 101.64 of the statutes is renumbered 101.64 (1), and 101.64 (1)  
2 (b), as renumbered, is amended to read:

3           101.64 (1) (b) At Except as provided under sub. (2m), at the request of the owner  
4 or renter, enter, inspect, and examine ~~dwelling~~ a dwelling, dwelling units unit, or  
5 premises necessary to ascertain compliance with the rules and special orders under  
6 this subchapter.

7           **SECTION 29g.** 101.64 (2m) of the statutes is created to read:

8           101.64 (2m) The department may not inspect a dwelling, dwelling unit, or  
9 premises located in a city, village, town, or county that exercises jurisdiction under  
10 s. 101.65 (1) (a) or (b) or 101.651 (2m) (a), unless the city, village, town, or county has  
11 entered into a contract with the department under s. 101.65 (2) that authorizes the  
12 department to conduct the inspection.

13           **SECTION 29L.** 101.645 (4) of the statutes is amended to read:

14           101.645 (4) INSPECTION. ~~The~~ Except as provided under s. 101.64 (2m), the  
15 department or a municipal authority may inspect ~~a new dwelling~~ dwelling, may  
16 inspect the common areas of ~~dwelling~~ a dwelling, and, at the request of the owner  
17 or renter, may inspect the interior of a dwelling unit in a dwelling to ensure  
18 compliance with this section.

19           **SECTION 29p.** 101.647 (4) of the statutes is amended to read:

20           101.647 (4) INSPECTION. ~~The~~ Except as provided under s. 101.64 (2m), the  
21 department or person authorized by state law or by city, village, town, or county  
22 ordinance or resolution to exercise powers or duties involving inspection of real or  
23 personal property may inspect ~~a new dwelling~~ dwelling and, at the request of the  
24 owner or renter, may inspect the interior of a dwelling unit in a dwelling to ensure  
25 compliance with this section.

1           **SECTION 29t.** 101.651 (3) (a) of the statutes is amended to read:

2           101.651 (3) (a) ~~Except as provided in par. (b), the department or a~~ A county may  
3           not enforce this subchapter or provide inspection services in a municipality unless  
4           requested to do so by a person with respect to a particular dwelling or by the  
5           municipality. A request by a person or a municipality with respect to a particular  
6           dwelling does not give the department ~~or a~~ county authority with respect to any  
7           other dwelling. ~~Costs~~ For any services provided under this paragraph, the county  
8           ~~shall be collected~~ collect costs under s. 101.65 (1) (c) ~~or ss. 101.63 (9) and 101.65 (2)~~  
9           ~~from a~~ the person or municipality making a request under this subsection that  
10           requests the service.

11           **SECTION 29x.** 101.651 (3) (am) of the statutes is created to read:

12           101.651 (3) (am) Except as provided in s. 101.64 (2m), if a municipality  
13           exercises jurisdiction under sub. (2m) or adopts a resolution under sub. (2m) (a), the  
14           department may not enforce this subchapter in the municipality unless requested  
15           to do so by the municipality. For any services provided under this paragraph, the  
16           department shall collect costs under s. 101.63 (9) from the municipality.”.

17

(END)