



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-6534/P3
KP&ZDW:skw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 101.12 (3) (b), 101.12 (3) (br), 101.12 (3g) (d) 1. and 101.19 (1g)
2 (am) of the statutes; **relating to:** local government review of commercial
3 building plans.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

Because this bill may increase or decrease, directly or indirectly, 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 report 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:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on the Commercial Building Permitting Process. To encourage more commercial building plan examinations at the local level, the bill: (1) increases the project size thresholds for local commercial plan review authority; (2) caps the amount of commercial plan review fees that local units of government must forward to the Department of Safety and Professional Services (DSPS); and (3) requires DSPS to submit a plan to the Legislature.

First, current law requires DSPS to accept examinations of essential drawings, calculations, and specifications (“plans”) for public buildings and places of employment (“commercial buildings”) performed by: (1) the City of Milwaukee; (2) a second class city, if DSPS has certified the city to conduct plan review; (3) a city, village, town, or county that has become an appointed agent of DSPS; and (4) any other city, village, town, or county (“a non-agent local unit of government”), subject to specified thresholds. Specifically, DSPS must accept an examination of a commercial building plan conducted by a non-agent local unit of government if the examination is for a building containing less than 50,000 cubic feet of volume or an alteration of a space involving less than 100,000 cubic feet of volume. DSPS’s current administrative rules further specify thresholds for the examination of plans for additions to existing buildings or structures by such local units of government.

The bill increases the thresholds for examinations of commercial building plans by non-agent local units of government. Under the bill, DSPS must accept examinations of commercial building plans by non-agent local units of government for: (1) new construction of buildings containing less than 100,000 cubic feet of volume; (2) additions to buildings or structures in which the addition results in the entire building or structure containing less than 100,000 cubic feet of volume; and (3) and alterations of spaces regardless of the total building volume. The bill retains requirements under current law that all such local examinations must be conducted in a manner approved by DSPS, and that DSPS must determine and certify the competency of local plan examiners.

Second, current law requires certified second class cities and local units of government that act as appointed agents of DSPS to forward a portion of the fees they collect for commercial building plan review to DSPS, according to a fee schedule established in the Commercial Building Code. The amount that must be forwarded to DSPS under the current fee schedule ranges from \$30 for a building with less than 2,500 square feet to \$2,000 for a building with over 500,000 square feet. Those amounts equal 10 percent of the fees that DSPS charges for plan review conducted by DSPS for property located in municipalities that do not conduct their own commercial building inspections.

The bill limits the amount of commercial building plan review fees that DSPS may require a certified second class city or appointed agent local unit of government to forward to DSPS to no more than eight percent of the amount of the fees collected by DSPS for reviewing commercial building plans for property located in municipalities that do not conduct inspections. The bill retains a requirement under current law that such fees must, as closely as possible, equal the cost of providing the services DSPS provides to oversee local commercial building plan review.

Finally, the bill requires DSPS to submit a plan to the Legislature by January 1, 2024. The plan must address how DSPS will: (1) encourage cities, villages, towns, and counties to conduct commercial building plan examinations and inspections; and (2) increase support to such cities, villages, towns, and counties.

1 **SECTION 1.** 101.12 (3) (b) of the statutes is amended to read:
2 101.12 (3) (b) Accept the examination of essential drawings, calculations, and
3 specifications in accordance with sub. (1) for new construction of buildings
4 containing less than 50,000 100,000 cubic feet of volume, for additions to buildings
5 or structures in which the addition results in the entire building or structure
6 containing less than 100,000 cubic feet of volume, and for alterations of spaces

1 ~~involving less than 100,000 cubic feet of~~ regardless of the total building volume
2 performed by cities, villages, towns, or counties, provided the same are examined in
3 a manner approved by the department. The department shall determine and certify
4 the competency of all such examiners.

5 **SECTION 2.** 101.12 (3) (br) of the statutes is amended to read:

6 101.12 **(3)** (br) Accept the review and determination on variances for new
7 construction of buildings containing less than 50,000 100,000 cubic feet of volume,
8 for additions to buildings or structures in which the addition results in the entire
9 building or structure containing less than 100,000 cubic feet of volume, and for
10 alterations of spaces involving less than 100,000 cubic feet of ~~regardless of the total~~
11 building volume performed by cities, villages, towns, and counties certified under
12 par. (b) if the department has certified the competency of the city, village, town, or
13 county to issue variances and if the variances are reviewed in a manner approved by
14 the department. Owners may submit variances to the city, village, town, or county
15 or to the department.

16 **SECTION 3.** 101.12 (3g) (d) 1. of the statutes is amended to read:

17 101.12 **(3g)** (d) 1. Submit to the department ~~the fees specified in s. SPS 302.31~~
18 ~~(1) (h), Wis. Adm. Code~~ the fee under s. 101.19 (1g) (am).

19 **SECTION 4.** 101.19 (1g) (am) of the statutes is amended to read:

20 101.19 **(1g)** (am) The services specified by s. 101.12 (3) (am) and (bq), ~~(3g)~~, and
21 ~~(3m).~~ The department may not fix fees under this paragraph that are more than 8
22 percent of the amount of the fees fixed by the department for examinations under par.
23 (a).

24 **SECTION 5. Nonstatutory provisions.**

