
Wisconsin Legislative Council

REPORT TO THE LEGISLATURE



STUDY COMMITTEE ON THE COMMERCIAL BUILDING PERMITTING PROCESS

[2023 Senate Bill 186 and 2023 Assembly Bill 197;
2023 Senate Bill 187 and 2023 Assembly Bill 198; and
2023 Senate Bill 188 and 2023 Assembly Bill 199]

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The Wisconsin Legislative Council is a nonpartisan legislative service agency. Among other services provided to the Wisconsin Legislature, staff of the Wisconsin Legislative Council conduct study committees under the direction of the Joint Legislative Council.

Established in 1947, the Joint Legislative Council directs study committees to study and recommend legislation regarding major policy questions facing the state. Study committee members are selected by the Joint Legislative Council and include both legislators and citizen members who are knowledgeable about a study committee's topic.

This document summarizes committee activity and presents study committee recommendations to the Joint Legislative Council.

Contents

Part I Executive Summary	5
Background	5
Study Committee’s Meetings and Recommendations	5
Introduction by the Joint Legislative Council	6
Part II Committee Activity	7
Assignment	7
Summary of Meetings	7
Part III Recommendations	13
2023 Senate Bill 186 and 2023 Assembly Bill 197	13
Background	13
DSPS Commercial Building Plan Review	13
DSPS Plumbing Plan Review	13
Description	13
DSPS Commercial Building Plan Review	13
DSPS Plumbing Plan Review	13
2023 Senate Bill 187 and 2023 Assembly Bill 198	14
Background	14
Local Government Commercial Building Plan Review Authority	14
Local Government Commercial Building Plan Review Fees	14
Description	14
Local Government Commercial Building Plan Review Authority	14
Local Government Commercial Building Plan Review Fees	14
Plan to Encourage More Commercial Building Plan Review at the Local Level	14
2023 Senate Bill 188 and 2023 Assembly Bill 199	15
Background	15
Description	15
Part IV Study Committee Votes	17
Appendix 1 List of Committee Members	19
Appendix 2 List of Committee Materials	21

PART I | EXECUTIVE SUMMARY

The Study Committee on the Commercial Building Permitting Process, chaired by Senator Duey Stroebel, was directed to review the commercial building permitting process, including the commercial plan review process, permitting timelines, and the role of the Commercial Building Code Council, during the 2022 interim. The study committee completed its assignment in November 2022 and recommended three bills for introduction in the 2023 legislative session.

BACKGROUND

For many commercial building projects, Wisconsin law requires government approval of the proposed building and plumbing plans. Responsibility for reviewing plans is shared by the state and some local governments through delegation of plan review authority.

State-level law and policy changes have addressed the plan review process over the last 10 years, with a goal of increasing efficiency and predictability. Legislation enacted in 2014 provided for state plan review and established a uniform state commercial building code. More recently, the Department of Safety and Professional Services (DSPS) introduced new software and internal procedures to decrease the timeline for state plan review.

Legislators and industry stakeholders have proposed additional steps to streamline the commercial building permitting process. The study committee continued that effort, with a particular focus on procedures for plan review. During its review of the issue, the study committee learned that DSPS's current "first in, first out" system for state plan review has decreased turnaround times for state plan review but creates lag time between when final plans are submitted and when they are reviewed.

The study committee also noted that, where local governments have the capacity to conduct quality plan review, local review can be processed expeditiously, and local officials can sometimes increase efficiency by facilitating local oversight for multiple types of local permits at once.

Although construction may not begin until DSPS or the local authority has examined plans for compliance with applicable requirements, the current statutes allow DSPS to grant permission to start construction of footings and foundations in advance of approval of the entire application. The study committee learned that, in practice, permission is sometimes also granted to start construction of certain plumbing components.

STUDY COMMITTEE'S MEETINGS AND RECOMMENDATIONS

The study committee met four times throughout the summer and fall of 2022. It heard testimony from DSPS, local building code officials responsible for plan review, and architects, engineers, and builders with experience preparing and submitting plans to DSPS and local governments for review. The study committee discussed numerous policy options to expedite the commercial building permitting process, with a focus on streamlined plan review, while ensuring the continued safety of commercial buildings.

The committee recommended the following three bill drafts for introduction by the Joint Legislative Council:

- LRB-0565/1, relating to procedures for reviewing commercial building plans, directs DSPS to provide an option to submit plans up to three business days prior to a scheduled plan

review appointment and creates an exception from plan review requirements for certain plumbing plans.

- LRB-0566/1, relating to local government review of commercial building plans, increases building size thresholds for local plan review authority and requires DSPS to submit a plan for encouraging local review.
- LRB-0567/1, relating to permission to start construction of a commercial building before plan approval, provides statutory authority for extending permission to start construction to underground plumbing and exterior plumbing, in addition to footings and foundations.

All three bill drafts were unanimously approved, with modifications, by those in attendance at the study committee's final meeting. Final, modified versions of the bill drafts were approved by mail ballot in November, 2022, with no study committee member voting no.

In addition to those recommendations for legislation, the study committee chair and vice chair sent a letter to the DSPS secretary-designee on behalf of the study committee. The letter suggested internal reforms that could be undertaken by the department to improve the commercial building plan review process. The secretary-designee sent a response letter on December 12, 2022.

INTRODUCTION BY THE JOINT LEGISLATIVE COUNCIL

At its March 23, 2023 meeting, the Joint Legislative Council voted to approve all of the committee's recommendations and introduce the following three bills in the 2023-24 Legislative Session:

- 2023 Senate Bill 186 and 2023 Assembly Bill 197, relating to procedures for reviewing commercial building plans.
- 2023 Senate Bill 187 and 2023 Assembly Bill 198, relating to local government review of commercial building plans.
- 2023 Senate Bill 188 and 2023 Assembly Bill 199, relating to permission to start construction of a commercial building before plan approval.

The remainder of this report includes the following parts:

Part II provides a summary of the testimony and committee discussion at each meeting, and outlines the three bill drafts that were recommended for introduction by the Study Committee on the Commercial Building Permitting Process.

Part III provides background information on, and a detailed description of, the three bills introduced by the Joint Legislative Council.

Part IV records the votes taken by the study committee to recommend the bills for introduction and the votes taken by the Joint Legislative Council to introduce the bills.

PART II | COMMITTEE ACTIVITY

ASSIGNMENT

The Joint Legislative Council established the Study Committee on the Commercial Building Permitting Process and appointed the chairperson by a mail ballot dated April 8, 2022. The study committee was directed to review the current commercial building permitting process. The study committee's charge was as follows:

The study committee is directed to review the current commercial building permitting process. This review shall focus on the commercial plan review process within the Department of Safety and Professional Services and municipalities, timelines for environmental permitting, and the role of the Commercial Building Code Council. As part of its review, the study committee shall also evaluate approaches in other states and identify innovative and exemplary policies that could serve as a model for Wisconsin. Following this review, the committee shall recommend legislation to improve the commercial building permitting process.

To assist in completing this charge, the Joint Legislative Council appointed the study committee's membership by mail ballot dated May 31, 2022. The final committee membership consisted of one senator, three representatives, and nine public members. **Appendix 1** lists the committee members.

SUMMARY OF MEETINGS

The committee held four meetings on the following dates:

- July 19, 2022.
- August 24, 2022.
- September 28, 2022.
- October 20, 2022.

July 19, 2022

At its first meeting on July 19, 2022, the study committee received an overview of background information by Legislative Council staff and invited testimony from several speakers.

Anna Henning and **Ethan Lauer**, Senior Staff Attorneys, Legislative Council staff, provided an overview of state law relevant to the committee's scope, as provided in the Legislative Council Staff Brief 2022-02, [Study Committee on the Commercial Building Permitting Process](#) (July 12, 2022).

Michael Tierney, Legislative Liaison, and **Branden Piper**, Administrator of the Division of Industry Service, DSPS, provided a brief overview of the commercial building permitting process in Wisconsin, with particular focus on the process by which DSPS examines plans for proposed commercial building projects. They described various reforms instituted by DSPS in recent years to expedite that plan review, including a new internet-based plan submission system known as eSLA. They also described the new practice of conducting plan reviews in the order in which finalized plans are submitted, instead of the prior reservation system where a potential applicant

could schedule a future plan review date prior to finalizing and submitting a plan. Finally, they stated that plans are now reviewed by the next available reviewer, instead of the prior reservation system where an applicant could select a particular plan reviewer.

John Mielke, President of Associated Builders and Contractors of Wisconsin, Inc., **Steve Klessig**, Vice President of Architecture and Engineering, Keller, Inc., and **Andy Wagner**, Commercial Plumbing and HVAC Director, Dave Jones, Inc., provided testimony from the perspective of a commercial builder regarding code development, commercial plan review, wetland permitting, and code enforcement. They expressed support for the prior reservation system utilized by DSPS and for the development of local expertise and capacity so that more local governments could assume plan review responsibility from DSPS.

Pete Schneider, Registered Architect and Partner, GROTH Design Group, Inc., presented information on past improvements implemented by DSPS in commercial building permitting and on current challenges in the areas of timeline uncertainty, eSLA implementation issues, plan review conducted by the Department of Health Services (DHS) for certain health care facilities, and plan review conducted by a private contractor on behalf of a local government.

Following the invited testimony, study committee members generally discussed the day's testimony and the committee's assignment. The comments touched on a desire to expedite the conduct of commercial building and plumbing plan review, the need to reduce the number of errors contained in submitted plans, and a preference for restoring some form of plan review appointment system at DSPS.

August 24, 2022

At the meeting on August 24, 2022, the study committee received testimony from invited speakers and discussed its assignment.

John T. Crook, Director, Building Inspection Services, City of Fitchburg, and **John Zarate**, Chief Building Official, Inspection Services Division, City of Oshkosh, presented to the committee regarding their experiences as building officials in municipalities that have received delegated authority to conduct plan review for commercial buildings. Among other observations and information, they described their relatively short turnaround times for plan review and their experiences utilizing third-party contractors for both plan review and inspection services. They noted that the fees that municipalities must forward to DSPS may deter some municipalities from choosing to exercise delegated plan review authority, particularly if DSPS does not have sufficient staff to provide resources and support to local officials with the revenue from those fees. Finally, they suggested that the study committee could consider raising the threshold for the types of plan review that may be conducted at the municipal level.

Henry Kosarzycki, Code Architect, Flad Architects, described his prior experience as a commercial building official at both DHS and the former Department of Commerce. In addition, Mr. Kosarzycki emphasized importance of commercial developers engaging relevant local officials early in the process.

Peter A. Tomasi, Of Counsel, Foley & Lardner, LLP, provided an overview of zoning and environmental approvals that may be needed for a commercial building project. Among other information, he noted that Wisconsin Pollutant Discharge Elimination System permits do not typically cause a time delay for commercial construction projects, whereas wetlands permitting can cause delays, partly because it entails study during the warm seasons of the year.

Following the invited testimony, Legislative Council staff provided an overview of Memo No. 1, [Topics for Committee Discussion](#) (August 17, 2022), noting that it compiles legislative

options that were presented to the committee through testimony, committee discussion, and other correspondence with committee staff. Following this overview, Chair Stroebel led the committee through a discussion of the options memo, as organized by subject matter categories including: (1) exemption of certain commercial buildings from plan review; (2) a plan review appointment system; (3) the eSLA system; (4) delegated plan review authority for local units of government; (5) resources for applicants for plan review; (6) “permission to start” letters; (7) commercial building code flexibility for minor variations; (8) commercial building inspection requirements; and (9) wetlands permitting.

Study committee members discussed several possible ideas for legislation. Members expressed broad agreement regarding several topics. First, committee members agreed that state policy should encourage more municipalities to exercise delegated authority for plan review, and they discussed several proposals to achieve that goal. Second, study committee members generally agreed that “permission to start” letters could be expanded to allow projects to proceed with more stages of project work than are currently allowed while plan review is pending. Third, they suggested revisions to DSPS’s plan review procedures for commercial building plans that are not reviewed at the local level, including allowing appointments and preliminary plan review meetings. Fourth, several study committee members suggested that alternative, more streamlined approval processes could be offered for certain types of commercial building plans, such as interior alterations and building plans that are identical to plans that previously have been approved. Finally, Chair Stroebel suggested that inspection requirements could be evaluated to determine whether current inspection requirements are necessary.

September 28, 2022

At the meeting on September 28, 2022, Legislative Council staff provided an overview of Memo No. 2, [*Options for Committee Discussion*](#) (September 21, 2022), and Memo No. 3, [*Information Relating to Plan Review for Health Care Facilities*](#) (September 21, 2022). The study committee reviewed four preliminary bill drafts and discussed the committee’s assignment.

First, the study committee discussed LRB-6532/P2, relating to procedures for reviewing commercial building plans, which requires DSPS to offer an applicant the choice of either reserving a future plan examination appointment or receiving the next available appointment, prohibits DSPS from issuing a plan review fee refund if an applicant cancels an appointment less than six weeks in advance, and allows an applicant to arrange a preliminary meeting with DSPS for a fee.

The study committee generally approved of the approach taken by the bill draft of allowing a plan review applicant the option of either reserving a future plan review appointment or requesting the next available appointment. However, the committee requested modifications to the bill draft regarding the forfeiture of a fee for an applicant who cancels a future appointment within six weeks of the appointment. First, the committee asked that the “grace period” be shortened from six weeks to 20 business days. Second, committee members agreed to cap the fee forfeiture at no more than \$5,000. Third, the committee asked that the same refund scheme apply also to an applicant who had opted to request the next available appointment rather than a future appointment.

In addition, the study committee requested that there should be no fee for the first 15 minutes of a preliminary meeting and a reasonable hourly fee, to be determined by DSPS based on agency costs, for any amount of time beyond 15 minutes. The study committee additionally requested two modifications to the bill draft during its discussion of LRB-6533/P1, discussed below.

The study committee also discussed whether several miscellaneous modifications to DSPS’s plan review procedures should be addressed in LRB-6532/P2. Members suggested that those issues

may be better addressed through internal practice changes, rather than through legislation. Legislative Council staff suggested that Chair Stroebel and Vice Chair Summerfield could send a letter to DSPS on the committee's behalf to address the following internal administrative improvements that committee members had raised at this and prior meetings: (1) elimination of the credit card fee as a separate charge when a commercial plan is submitted for review; (2) inclusion of a tracking number in all correspondence between DSPS and an applicant; (3) minimization of avoidable errors and omissions in plan review submissions by publicizing common issues; (4) distribution of a periodic newsletter informing stakeholders of recent notable commercial building code interpretations; and (5) more expeditious communication between DSPS and delegated local governments regarding division of responsibility for review of plumbing plans.

Second, the study committee discussed LRB-6533/P1, relating to expedited review of certain commercial building plans and exemptions from examination of plumbing plans. Committee members overwhelmingly desired faster review of the three types of plans addressed by the bill draft: (1) plans that are identical or nearly identical to previously approved plans; (2) plans for interior build outs within existing buildings; and (3) plans for plumbing systems involving between 16 and 25 fixtures. The committee, however, did not reach agreement on the approach taken by the bill draft of creating a new expedited process within DSPS for the review of the first two items. It also did not reach agreement on creating a plan review exemption for the third item as provided in the bill draft. Therefore, the committee reached general agreement to table LRB-6533/P1.

Instead, the committee requested that LRB-6532/P2, discussed above, be modified in order to address the first and third items as follows. On identical plans, the committee asked that LRB-6532/P2 be modified so that an applicant could, when submitting plans, identify for DSPS any similar prior projects, with the hope that these relevant benchmarks might save time for the DSPS reviewer. On plumbing plans, the committee asked that LRB-6532/P2 be modified to require expedited plumbing plan review for projects with between 16 and 25 fixtures.

Third, committee discussed LRB-6534/P1, relating to local government review of commercial building plans and making an appropriation. Committee members appreciated that the bill draft required DSPS to use some of its fee revenue to conduct outreach and training relating to plan review by local governments, but they asked that the bill draft be modified to require DSPS to conduct the outreach and training out of existing funding streams rather than from a new appropriation that would be funded by the fees a local government currently forwards to DSPS for each plan reviewed by the local government. In addition, the committee asked that the outreach encourage more local governments to assume plan review responsibility from DSPS. Most committee members agreed to support the portion of the bill draft that limits the amount of the fee that DSPS may collect from a local government.

The committee also discussed the portions of the bill draft addressing thresholds for plan review by a local government that is neither a second-class city nor a delegated agent of DSPS. For plans for a new building, members favored the increase from 50,000 to 100,000 cubic feet of volume represented in the bill draft. For alterations, the committee favored eliminating the size restriction in lieu of the 100,000 to 150,000 cubic feet increase in the bill draft. Committee members also requested the elimination of a limitation in existing DSPS administrative rules for an addition containing no more than 2,500 square feet of total floor area, no more than one floor level, a roof span not exceeding 18 feet, and an exterior wall height not exceeding 12 feet.

Finally, the committee discussed LRB-6535/P1, relating to permission to start construction of a commercial building before plan approval. Committee members agreed with codifying in statute the authority currently in the administrative code that a builder may ask for and receive a

“permission to start” letter authorizing construction of footings and foundations in advance of plan approval. The members also agreed that additional types of construction should be added to that list. Most members agreed with adding underground plumbing, as contained in the bill draft, and also wanted exterior plumbing added to the list. Members did not agree on whether to add the building slab as a construction item that may receive a permission to start letter. Members also did not agree with allowing permission to start a building shell, as contained in the bill draft, due in part to concerns about flammability. Chair Stroebel asked the Legislative Council staff to research how other states handle permission to start construction of non-flammable building shell materials.

Committee members agreed with the approach in the bill draft of specifying that permission to start does not relieve the designer who prepared the building plans of responsibility regarding the building plans. However, committee members requested that the bill draft refer to a licensed architect or engineer rather than the more general term “designer.”

October 20, 2022

At the study committee’s final meeting on October 20, 2022, Legislative Council staff provided an overview of Memo No. 4, [Survey of Authority in Other States for “Permission to Start” Building Shell](#) (October 13, 2022) and a draft letter to DSPS Secretary-Designee Hereth from the study committee chair and vice chair. The study committee then reviewed three revised preliminary bill drafts and discussed the committee’s assignment.

First, the study committee discussed LRB-6532/P5, relating to reviewing commercial building plans. Committee members agreed to revise the bill draft to remove its provisions regarding preliminary meetings, and to revise the draft letter to encourage DSPS to allow an applicant for plan review to request that the person who conducted a preliminary consultation also conduct the plan review. With regard to review of plumbing plans, study committee members agreed to revise the bill draft to remove its provisions relating to expedited review. Instead, members agreed to establish the threshold for state review of plumbing plans at more than 20 fixtures per project, an increase from the threshold in current administrative rules of 16 or more fixtures. They also agreed to retain DSPS authority to require examination of certain categories of plumbing plans, such as grease interceptors, garage catch basins, and mixed wastewater holding devices, regardless of number, and to authorize DSPS to require by rule the examination of any other type of plumbing installation, addition, or alteration that DSPS determines to pose a unique risk to the waters of the state or to public health or safety.

Second, the study committee discussed LRB-6534/P3, relating to local government review of commercial building plans. Committee members agreed to revise the bill draft to repeal, rather than reduce, the fees that are currently required to be submitted to DSPS by second-class cities and counties and municipalities acting as appointed agents of DSPS.

Third, the study committee discussed LRB-6535/P4, relating to permission to start construction of a commercial building before plan approval. Committee members agreed to revise the bill draft to remove the language prohibiting granting permission for covering plumbing with a concrete slab.

Finally, the study committee discussed the draft letter to the DSPS Secretary-Designee, and the new additions that had been suggested at the previous meeting. Legislative Council staff summarized new additions to the letter that had been mentioned earlier in the day, including: (1) encouraging DSPS to offer consultations on interpretational questions without requiring the inquiring party to supply the level of documentation that is currently required; and (2) a suggestion that DSPS could allow an applicant for commercial plan review to request that the plan reviewer who conducted a plan review consultation also conduct the final plan review,

when appropriate. There was general consensus that the letter should be sent after those revisions had been incorporated.¹

¹ Chair Stroebel and Vice Chair Summerfield sent the finalized letter to DSPS Secretary-Designee Hereth on November 16, 2022. On December 12, 2022, the Secretary-Designee sent a reply letter to the Chair and Vice Chair. Both letters are listed in Appendix 2 of this report.

PART III | RECOMMENDATIONS

This Part of the report provides background information on, and a description of, the bills as recommended by the Study Committee on the Commercial Building Permitting Process and introduced by the Joint Legislative Council.

2023 SENATE BILL 186 AND 2023 ASSEMBLY BILL 197

Background

DSPS Commercial Building Plan Review

Under current law, DSPS examines essential drawings, calculations, and specifications (“plans”) for public buildings, public structures, and places of employment (“commercial buildings”) before construction on those buildings may begin.

Testimony before the committee indicated that DSPS currently schedules appointments for plan examination in the order in which finalized plans are received, but previously had allowed an owner to schedule a future appointment for examination of plans that would be finalized and submitted at some point before the appointment.

DSPS Plumbing Plan Review

DSPS also examines plumbing plans and specifications (“plumbing plans”) before the installation, addition, or alteration of certain types of plumbing and plumbing systems. DSPS’s current administrative rules generally do not require examination of plumbing plans for a new installation, addition, or alteration involving less than 16 plumbing fixtures. However, those rules require examination of certain categories of plumbing plans, such as grease interceptors, garage catch basins, and mixed wastewater holding devices, regardless of number.

Description

DSPS Commercial Building Plan Review

The bill allows a building owner either to submit finalized plans to DSPS and schedule the next available appointment for examination of those plans, or to schedule a future appointment and submit the finalized plans for that appointment no later than three business days before the appointment. In either event, the bill requires that the owner pay the full examination fee when an appointment is scheduled. The bill requires DSPS to refund an examination fee if an owner cancels an appointment at least 20 business days before the appointment. If an owner cancels an appointment within 20 business days of the appointment, DSPS must refund only that part of a plan examination fee above \$5,000.

The bill also requires DSPS to allow an owner, when submitting plans for examination, to identify for DSPS any previously approved plans that are substantially similar to those plans.

DSPS Plumbing Plan Review

The bill creates an exemption from DSPS plumbing plan examination requirements. The bill prohibits DSPS from requiring the examination of plumbing plans for an installation, addition, or alteration involving not more than 20 plumbing fixtures, if the plumbing plans are prepared by a person holding one of five specified credentials. However, the bill allows DSPS to require

the examination of plumbing plans for certain types of plumbing for which DSPS's administrative rules currently require plan submission regardless of number.

The bill also enables DSPS to require by rule the examination of any other type of plumbing installation, addition, or alteration that DSPS determines to pose a unique risk to the waters of the state or to public health or safety.

2023 SENATE BILL 187 AND 2023 ASSEMBLY BILL 198

Background

Local Government Commercial Building Plan Review Authority

Current law requires DSPS to accept examinations of essential drawings, calculations, and specifications ("plans") for public buildings, public structures, 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.

Local Government Commercial Building Plan Review Fees

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.

Description

Local Government Commercial Building Plan Review Authority

The bill increases the thresholds for local authority to conduct commercial building plan review. 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) 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.

Local Government Commercial Building Plan Review Fees

The bill repeals the requirement that a local government forward these fees to DSPS.

Plan to Encourage More Commercial Building Plan Review at the Local Level

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.

2023 SENATE BILL 188 AND 2023 ASSEMBLY BILL 199

Background

Current law requires the submission of certain building plans to DSPS or to a local government exercising plan review authority. Generally, construction on those buildings may not begin until DSPS or the local authority has examined the plans for compliance with applicable requirements and has returned a statement of examination to the building owner.

Administrative rules adopted by DSPS currently allow a building owner who has submitted commercial building plans for examination by DSPS or a local unit of government to request permission to start construction of footings and foundations while plan review is pending. In practice, DSPS issues a “permission to start” letter to convey approval for this type of construction to begin. DSPS’s rules require a plan reviewer to make a determination on a permission to start request within three business days after receiving all required documents, plan review fees, and an additional fee of \$75.

The rules specify that a building owner who is granted permission to start construction of footings and foundations may proceed at the owner’s own risk, without assurance that a conditional approval will be granted for the building. The current statutes do not directly address permission to start construction while plan review is pending, but they specify that nothing in the section of the statutes relating to commercial building plan review relieves a building designer of the responsibility for designing a safe building, structure, or component.

Description

The bill codifies the authority for “permission to start” letters in the statutes and expands the scope of construction activities that DSPS or a local unit of government may allow to proceed while plan review is pending.

Under the bill, DSPS or a local unit of government may authorize a building owner to start construction of underground plumbing and exterior plumbing, in addition to footings and foundations. The bill retains a building designer’s responsibility for designing a safe building, structure, or component. The bill also specifies that permission to start construction does not relieve a licensed architect or professional engineer who prepared commercial building plans of responsibility regarding the plans.

PART IV | STUDY COMMITTEE VOTES

COMMITTEE VOTES

The study committee voted by a November 16, 2022 mail ballot to recommend the following bill drafts to the Joint Legislative Council for introduction in the 2023-2024 Session of the Legislature. The votes on the bill drafts were as follows:

- **LRB-0565/1**, relating to procedures for reviewing commercial building plans, passed by a vote of Ayes, 11 (Sen. Stroebel; Reps. Summerfield, Baldeh, and Conley; and Public Members Destree, Gorham, Hoerth, Klessig, Piotrowicz, Procter, and Scheidler); Noes, 0; and Not Voting, 2 (Public Members Brandherm and Tomasi).
- **LRB-0566/1**, relating to local government review of commercial building plans, passed by a vote of Ayes, 11 (Sen. Stroebel; Reps. Summerfield, Baldeh, and Conley; and Public Members Destree, Gorham, Hoerth, Klessig, Piotrowicz, Procter, and Scheidler); Noes, 0; and Not Voting, 2 (Public Members Brandherm and Tomasi).
- **LRB-0567/1**, relating to permission to start construction of a commercial building before plan approval, passed by a vote of Ayes, 11 (Sen. Stroebel; Reps. Summerfield, Baldeh, and Conley; and Public Members Destree, Gorham, Hoerth, Klessig, Piotrowicz, Procter, and Scheidler); Noes, 0; and Not Voting, 2 (Public Members Brandherm and Tomasi).

JOINT LEGISLATIVE COUNCIL VOTES

At its March 23, 2023 meeting, the Joint Legislative Council received the recommendations of the study committee and voted to approve all of the study committee's recommendations and introduce the following bills:

- **LRB-0565/1**, relating to procedures for reviewing commercial building plans, be approved for introduction by the Joint Legislative Council. The motion passed by a vote of Ayes, 16 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Born, Duchow, Petersen, Plumer, and Vos); Noes, 5 (Sen. Spreitzer; and Reps. Billings, Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). [**LRB-0565/1 was introduced as 2023 Senate Bill 186 and 2023 Assembly Bill 197.**]
- **LRB-0566/1**, relating to local government review of commercial building plans, be approved for introduction by the Joint Legislative Council. The motion passed by a vote of Ayes, 17 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Billings, Born, Duchow, Petersen, Plumer, and Vos); Noes, 4 (Sen. Spreitzer; and Reps. Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). [**LRB-0566/1 was introduced as 2023 Senate Bill 187 and 2023 Assembly Bill 198.**]
- **LRB-0567/1**, relating to permission to start construction of a commercial building before plan approval, be approved for introduction by the Joint Legislative Council. The motion passed by a vote of Ayes, 16 (Sens. Kapenga, Agard, Felzkowski, Jagler, LeMahieu, Marklein, Quinn, Smith, and Testin; and Reps. VanderMeer, August, Born, Duchow, Petersen, Plumer, and Vos); Noes, 5 (Sen. Spreitzer; and Reps. Billings, Goyke, Haywood, and Neubauer); and Excused, 1 (Sen. Johnson). [**LRB-0567/1 was introduced as 2023 Senate Bill 188 and 2023 Assembly Bill 199.**]

APPENDIX 1 | LIST OF COMMITTEE MEMBERS

Study Committee on the Commercial Building Permitting Process

Chair Duey Stroebel , Senator Saukville, WI 53080	Vice Chair Rob Summerfield , Representative Bloomer, WI 54724
Samba Baldeh , Representative Madison, WI 53704	Robert Brandherm , Professional Engineer NAIOP Lake Mills, WI 53551
Sue Conley , Representative Janesville, WI 53545	Melissa Destree , Architect/Interior Designer Destree Design Architects, Inc. Madison, WI 53703
Frank Gorham , Project Manager Ideal Builders Waunakee, WI 53597	Doug Hoerth , Chief Building Inspector City of Fond du Lac Malone, WI 53049
Steve Klessig , Architect Keller Inc. Brillion, WI 54110	Mark Piotrowicz , Director, Department of Development City of West Bend West Bend, WI 53095
Robert Procter , Attorney Axley Brynerson, LLP Madison, WI 53703	Cory Scheidler , Director of Architecture Cedar Corporation Menomonie Falls, WI 54751
Peter Tomasi , Lawyer Foley & Lardner, LLP (Milwaukee office) Milwaukee, WI 53202	

STUDY ASSIGNMENT: The study committee is directed to review the current commercial building permitting process. This review shall focus on the commercial plan review process within the Department of Safety and Professional Services and municipalities, timelines for environmental permitting, and the role of the Commercial Building Code Council. As part of its review, the study committee shall also evaluate approaches in other states and identify innovative and exemplary policies that could serve as a model for Wisconsin. Following this review, the committee shall recommend legislation to improve the commercial building permitting process.

13 MEMBERS: 1 Senator; 3 Representatives; and 9 Public Members.

LEGISLATIVE COUNCIL STAFF: Anna Henning, Principal Attorney, Ethan Lauer, Senior Staff Attorney, and Julie Learned, Administrative Staff.

APPENDIX 2 | LIST OF COMMITTEE MATERIALS

July 19, 2022 Meeting

- Staff Brief 2022-02, “Study Committee on the Commercial Building Permitting Process” (July 12, 2022).
- Presentation by Anna Henning and Ethan Lauer, Senior Staff Attorneys, Legislative Council Staff
- Presentation by Associated Builders and Contractors of Wisconsin: “The Commercial Building Permitting Process: Four Critical Sections.”
- “Plan Review Process Flow,” presented by the Department of Safety and Professional Services.
- Presentation from Michael Tierney, Legislative Liaison, Department of Safety and Professional Services (July 19, 2022).
- Presentation by Pete Schneider, AIA, LEED AP, Registered Architect and Partner, GROTH Design Group, Inc.
- Minutes of the July 19, 2022 meeting.

August 24, 2022 Meeting

- Presentation from Henry Kosarzycki, Code Architect, Flad Architects.
- Handout, Information in Response to Committee Requests at July 19, 2022 Meeting, submitted by Department of Safety and Professional Services.
- Presentation by Peter Tomasi, Foley & Lardner, LLP (August 24, 2022).
- Memo No. 1, “Topics for Committee Discussion” (August 17, 2022).
- Minutes of the August 24, 2022 meeting.

September 28, 2022 Meeting

- LRB-6532/P2, relating to procedures for reviewing commercial building plans.
- LRB-6533/P1, relating to expedited review of certain commercial building plans and exemptions from examination of plumbing plans.
- LRB-6534/P1, relating to local government review of commercial building plans and making an appropriation.
- LRB-6535/P1, relating to permission to start construction of a commercial building before plan approval.
- Memo No. 2, "Options for Committee Discussion" (September 21, 2022).
- Memo No. 3, "Information Relating to Plan Review for Health Care Facilities" (September 21, 2022).
- Memo to Members of the Study Committee on the Commercial Building Permitting Process, from Mike Tierney, Legislative Liaison, Department of Safety and Professional Services (Sept. 23, 2022).
- Minutes of the September 28, 2022 meeting.

October 20, 2022 Meeting

- LRB-6532/P5, relating to procedures for reviewing commercial building plans.
- LRB-6534/P3, relating to local government of commercial building plans.
- LRB-6535/P4, relating to permission to start construction of a commercial building before a plan approval.
- Draft Letter to Secretary-Designee Hereth, Department of Safety and Professional Services.
- Memo No. 4, “Survey of Authority in Other States for “Permission to Start” Building Shell” (October 20, 2022).
- Memorandum, submitted by Michael Tierney, Legislative Liaison, Department of Safety and Professional Services, regarding comments on bill draft proposals being considered by the study committee.
- Minutes of the October 20, 2022 meeting.

Recommendation of the Study Committee

- Letter to Secretary-Designee Hereth, Department of Safety and Professional Services (November 16, 2022).
- Response letter from Secretary-Designee Hereth, Department of Safety and Professional Services (December 12, 2022).

November 16, 2022 Mail Ballot

- LRB-0565/1, relating to procedures for reviewing commercial building plans.
- LRB-0566/1, relating to local government review of commercial building plans.
- LRB-0567/1, relating to permission to start construction of a commercial building before plan approval.
- Results of the November 16, 2022 Mail Ballot.

Recommendations to the Joint Legislative Council

- CR-2023-01, Study Committee on the Commercial Building Permitting Process (February 3, 2023).
- LRB-0565/1, relating to procedures for reviewing commercial building plans.
- LRB-0566/1, relating to local government review of commercial building plans.
- LRB-0567/1, relating to permission to start construction of a commercial building before plan approval.

Joint Legislative Council Recommendations to the 2023-24 Legislature

- RL-2023-01, Study Committee on the Commercial Building Permitting Process (April 26, 2023).
- 2023 Senate Bill 186 and 2023 Assembly Bill 197.
- 2023 Senate Bill 187 and 2023 Assembly Bill 198.
- 2023 Senate Bill 188 and 2023 Assembly Bill 199.

[Copies of documents are available at www.legis.wisconsin.gov/lc.]