



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0566/1
KP&ZDW:skw

2023 BILL

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

First, the bill increases the thresholds for local authority to conduct commercial building plan review. Current law requires the Department of Safety and Professional Services (DSPA) to accept examinations of essential drawings, calculations, and

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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.

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.

Second, the bill repeals a fee forwarding requirement. 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 bill repeals the requirement to forward those fees.

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

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

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1 101.12 **(3)** (br) Accept the review and determination on variances for new
2 construction of buildings containing less than ~~50,000~~ 100,000 cubic feet of volume,
3 for additions to buildings or structures in which the addition results in the entire
4 building or structure containing less than 100,000 cubic feet of volume, and for
5 alterations of spaces ~~involving less than 100,000 cubic feet of~~ regardless of the total
6 building volume performed by cities, villages, towns, and counties certified under
7 par. (b) if the department has certified the competency of the city, village, town, or
8 county to issue variances and if the variances are reviewed in a manner approved by
9 the department. Owners may submit variances to the city, village, town, or county
10 or to the department.

11 **SECTION 3.** 101.12 (3g) (d) 1. of the statutes is repealed.

12 **SECTION 4.** 101.12 (3m) (e) of the statutes is repealed.

13 **SECTION 5.** 101.19 (1g) (am) of the statutes is repealed.

14 **SECTION 6.** SPS Table 302.31-3 of the administrative code is repealed.

15 **SECTION 7.** SPS 302.31 (1) (g) of the administrative code is repealed.

16 **SECTION 8.** SPS 302.31 (1) (h) of the administrative code is repealed.

17 **SECTION 9.** SPS 361.60 (2) (c) (intro.) of the administrative code is amended to
18 read:

19 SPS 361.60 **(2)** (c) (intro.) Second class cities intending to perform the expanded
20 plan examination and inspection specified in sub. (5) (b) shall comply with pars. (a)
21 1. to 6. and (b) 3. and 4., ~~sub. (7) (b),~~ and all of the following:

22 **SECTION 10.** SPS 361.60 (7) (a) of the administrative code is renumbered SPS
23 361.60 (7).

24 **SECTION 11.** SPS 361.60 (7) (b) of the administrative code is repealed.

25 **SECTION 12. Nonstatutory provisions.**

