



2013 SENATE BILL 379

October 29, 2013 - Introduced by Senator HARSDORF, cosponsored by Representatives T. LARSON, THIESFELDT and NASS. Referred to Committee on Judiciary and Labor.

- 1 **AN ACT** *to amend* 101.02 (5) (b); and *to create* 101.028 and 145.26 (4g) and (4r)
2 of the statutes; **relating to:** reviews of plans for building projects.

Analysis by the Legislative Reference Bureau

Under rules promulgated by the Department of Safety and Professional Services (DSPS), the construction of, addition to, or alteration of a public building or a place of employment (building project) may not begin until plans for the building project have been reviewed and approved by DSPS or a local unit of government appointed by DSPS, with limited exceptions. Under these rules, a person may start the construction of the footings and foundation of a public building or place of employment before the plans for the building project have been approved if DSPS authorizes the start of the construction. Under the rules, DSPS must make a determination whether to authorize the start of construction within three business days after receiving the plans for review and must make a determination on the overall plans for the project within 15 business days after receiving the plans for review.

Under current statutory law administered by DSPS, no person may operate a public swimming pool or a water attraction (water recreation facility) unless DSPS has approved the plans for the construction, alteration, or reconstruction of the water recreation facility. Under current law, there is no exemption for starting construction of any footing or foundation for a water recreation facility before the plans are reviewed and approved by DSPS. There also is no deadline imposed on DSPS for making a determination on whether to approve a plan for a water recreation facility.

This bill does the following:

SENATE BILL 379

1. Incorporates into the statutes parts of the rules regarding DSPS's review of plans for public buildings and places of employment.

2. Allows a person to start construction of footings and foundations as part of a building project or a water recreation facility without having DSPS's authorization to start the construction of the footings and foundations.

3. Requires DSPS to make a determination on the overall plans for a building project or a water recreation facility within 15 days after receiving the plans for review.

Also under the bill, a person who elects to start construction on footings or foundations of a building project or water recreation facility shall proceed at the person's own risk without assurance that the submitted plans for the building project or water recreation facility will be approved.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 101.02 (5) (b) of the statutes is amended to read:

2 101.02 (5) (b) For the purpose of making any investigation or reviewing any
3 plans with regard to any employment or place of employment or public building, the
4 secretary may appoint, by an order in writing, any deputy who is a citizen of the state,
5 or any other competent person as an agent whose duties shall be prescribed in such
6 order.

7 **SECTION 2.** 101.028 of the statutes is created to read:

8 **101.028 Plan review for building projects. (1) DEFINITIONS.** In this section:

9 (a) "Building project" means a project to construct, add to, or alter a public
10 building or a building that is a place of employment.

11 (b) "Department" includes a city, village, town, county, or other entity that has
12 been appointed as an agent for the department for purposes of reviewing plans for
13 building projects.

14 **(2) REVIEW REQUIRED.** Except as provided in subs. (3) and (4), no person may
15 engage in a building project unless all of the following have taken place:

SENATE BILL 379

1 (a) An application containing all of the plans, specifications, and other
2 documents, as required by rule, for the building project has been submitted to the
3 department for review.

4 (b) The department has reviewed and approved the submitted application.

5 (c) The applicable fee for the review of the plans and specifications, as
6 established by the department by rule, has been paid.

7 **(3) EXEMPTION.** Subsection (2) does not apply to a building project that is
8 exempted by rule by the department.

9 **(4) STARTING CONSTRUCTION.** (a) Notwithstanding sub. (2), a person may start
10 the placement of any footings or foundation for a building project if all of the following
11 apply:

12 1. The application as required under sub. (2) (a) has been submitted.

13 2. The fee specified in sub. (2) (c) has been paid.

14 3. The plans, specifications, and documents submitted with the application
15 under sub. (2) (a) have been prepared by an architect or engineer licensed to do
16 business in this state, except as provided in par. (b).

17 (b) Any plans, specifications, or documents that are prepared for a fire
18 suppression, alarm, or detection system for a building project shall be prepared by
19 a person who has received a permit issued by this state to design fire protection
20 systems pursuant to s. 443.07 (3).

21 **(5) ASSUMPTION OF RISK.** A person who elects to start the placement of footings
22 or foundation as authorized under sub. (4) shall proceed at the person's own
23 risk without assurance that the proposed plans and specifications for the building
24 project will be approved by the department or that the plans and specifications will
25 not be modified by the department.

SENATE BILL 379**SECTION 2**

1 **(6)** ACTION ON APPLICATION. Upon receipt of an application containing all of the
2 plans, specifications, and documents required for the review of the building project,
3 and the applicable fee, the department shall make a determination either approving
4 or denying the plans and specifications within 15 business days after receipt of the
5 application.

6 **SECTION 3.** 145.26 (4g) and (4r) of the statutes are created to read:

7 145.26 **(4g)** (a) Notwithstanding sub. (4), a person may start the placement of
8 any footings or foundation as part of the construction, alteration, or reconstruction
9 of a public swimming pool or water attraction if all of the following apply:

10 1. The person has submitted to the department the plans and specifications
11 specified under sub. (2).

12 2. The plans and specifications have been prepared by an architect or engineer
13 licensed to do business in this state.

14 3. The applicable fee under sub. (3) has been paid.

15 (b) A person who elects to start the placement of footings or foundation as
16 authorized under par. (a) shall proceed at the person's own risk without assurance
17 that the proposed plans and specifications for the public swimming pool or water
18 attraction will be approved by the department or that the proposed plans and
19 specifications will not be modified by the department.

20 **(4r)** Upon receipt of all the plans and specifications required for the review of
21 the public swimming pool or water attraction, and the applicable fee, the department
22 shall make a determination either approving or denying the plans and specifications
23 within 15 business days after receipt of the plans and specifications.

24 **SECTION 4. Initial applicability.**

