



State of Wisconsin
2017 - 2018 LEGISLATURE

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2017 SENATE BILL 748

January 29, 2018 - Introduced by Senator KAPENGA, cosponsored by Representative BALLWEG, by request of Department of Safety and Professional Services. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT** *to repeal* 97.625 (1) (am), 101.149 (2) (a), 101.149 (2) (b), 101.149 (2) (c),
2 101.149 (5) (a), 101.149 (6) (b), 457.09 (3) (b) and 457.16 (3); *to renumber*
3 101.149 (6) (a); *to amend* 97.625 (1g), 101.02 (7e) (a), 101.02 (7e) (b), 101.02
4 (7m), 101.02 (7r) (a), 101.02 (7r) (b) (intro.), 101.02 (7r) (b) 2., 101.02 (7r) (c)
5 (intro.), 101.02 (7r) (c) 3., 101.02 (7r) (c) 4., 101.02 (7r) (e), 101.149 (1) (am),
6 101.149 (5) (intro.), 101.149 (7) and 457.09 (3) (a); *to repeal and recreate*
7 101.149 (5); and *to create* 101.02 (7r) (g), 101.149 (1) (as), 101.149 (2) (ac),
8 101.149 (2) (ag) to (ax), 101.149 (2) (d) (title), 101.149 (2) (e) (title) and 101.149
9 (3) (am) of the statutes; **relating to:** commercial building code administration;
10 county authority regarding certain buildings and safety requirements; carbon
11 monoxide detection in commercial residential buildings; examination
12 requirements for marriage and family therapy, professional counseling, and

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- 1 social work credentials; social worker training certificate term; and granting
2 rule-making authority.

Analysis by the Legislative Reference Bureau

This bill makes changes regarding the following: 1) administration of the commercial building code; 2) county authority regarding certain buildings and safety requirements; 3) carbon monoxide detection in commercial residential buildings; 4) examination requirements for marriage and family therapy, professional counseling, and social work credentials; and 5) the term of a social worker training certificate.

Commercial building code. The bill requires the Department of Safety and Professional Services to promulgate rules establishing uniform procedures for a county, city, village, or town (municipality) to administer the commercial building code and prohibits a municipality from enacting or enforcing an ordinance that does not strictly conform to the rules. Under the bill, “administration” includes the process an owner must follow when applying for a permit for constructing, altering, or adding to a public building or a building that is a place of employment.

County authority. The bill subjects counties to the same prohibitions and requirements under current law that apply to cities, villages, and towns with respect to the following: 1) placement of Christmas trees in the state capitol or a church; 2) standards for constructing, altering, or making additions to public buildings or places of employment; and 3) property maintenance codes.

Carbon monoxide detection. The bill changes requirements under current law regarding carbon monoxide detectors in “residential buildings,” which are public buildings, other than hospitals and nursing homes, that are used for sleeping or lodging purposes. Under current law, with certain exceptions, prior to occupation of a residential building, the owner must install carbon monoxide detectors in the following locations: basements that have a fuel-burning appliance; within 15 feet of sleeping areas that have a fuel-burning appliance or that are immediately adjacent to residential units that have a fuel-burning appliance; rooms that are not used as a sleeping area and that have a fuel-burning appliance; and hallways that lead from residential units that have a fuel-burning appliance. However, if a residential unit is not part of a multiunit building, current law allows the owner to install only one carbon monoxide detector in the unit. The foregoing requirements do not apply to a residential building that does not have any fuel-burning appliances. Also, the requirements do not apply if all of the fuel-burning appliances in a building have sealed combustion units that are either covered by the manufacturer’s warranty or are inspected as provided in rules promulgated by the Department of Agriculture, Trade and Consumer Protection or the Department of Safety and Professional Services.

This bill repeals the location requirements described above and imposes requirements that are similar to those under the International Building Code adopted by the International Code Council. Under the bill, if certain conditions are satisfied, the owner of a residential building must provide carbon monoxide detectors

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for units. As defined under current law and not affected by the bill, a “unit” is the part of a residential building that is occupied as a home, residence, or sleeping place. The bill requires an owner to provide carbon monoxide detectors for a unit that contains a fuel-burning appliance, which the bill defines as a device that burns fossil or carbon-based fuel and produces carbon monoxide. In addition, subject to specified exceptions, the bill requires an owner to provide carbon monoxide detectors for a unit that satisfies any of the following conditions: 1) the unit is served by a fuel-burning, forced-air furnace; 2) the unit is located in a building that contains a fuel-burning appliance; or 3) the unit is in a building with an attached private garage.

If an owner is required to provide carbon monoxide detectors under the bill, the owner must install them at locations specified in the bill. In units, the bill requires an owner to install carbon monoxide detectors outside each separate sleeping area in the immediate vicinity of the sleeping rooms. In sleeping rooms, the owner must install carbon monoxide detectors if a fuel-burning appliance is located within the sleeping room or within a bathroom attached to the sleeping room.

With two exceptions, the requirements described above apply to residential buildings on the bill’s effective date. The first exception applies to a residential building in which all of the fuel-burning appliances are inspected as provided under DATCP or DSPS rules. If a residential building is subject to that exception, the bill’s requirements do not apply until approximately 18 months after the bill’s effective date. The second exception maintains the exception under current law for a residential building in which all of the fuel-burning appliances have sealed combustion units that are covered under the manufacturer’s warranty. Under that exception, the bill’s requirements do not apply to such a residential building.

The bill also makes the following changes:

1. The bill allows DSPS and DATCP to inspect buildings under their jurisdiction for compliance with carbon monoxide detection requirements. Current law requires, instead of allows, the inspections.

2. Current law requires building inspectors certified by DSPS to inspect residential buildings for compliance with carbon monoxide detection requirements. The bill eliminates the reference to building inspectors and allows, instead of requires, a person to make an inspection if he or she is certified under DSPS rules to inspect public buildings, places of employment, or fire detection, prevention, and suppression devices.

3. If an inspector described above gives written notice to a residential building owner that a carbon monoxide detector is not functional, then, within five days of receipt of the notice, the bill requires the owner to provide any maintenance that is necessary to make the carbon monoxide detector functional.

Examinations. The bill also eliminates certain prerequisite degree requirements to sit for an examination for licensure by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. The bill does not alter the education requirements for licensure by that board but, instead, allows applicants for licensure to take the examination before completion of those education requirements.

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Training certificate. The bill provides that the term for which a social worker training certificate is valid is 24 months. Current law includes an exception that provides for a shorter term based on a certificate holder's receipt of his or her national social worker examination results. The bill eliminates that exception.

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:

1 **SECTION 1.** 97.625 (1) (am) of the statutes is repealed.

2 **SECTION 2.** 97.625 (1g) of the statutes is amended to read:

3 97.625 (**1g**) The department ~~shall~~ may inspect hotels, tourist rooming houses,
4 and bed and breakfast establishments to ensure compliance with s. 101.149 (2) and
5 (3).

6 **SECTION 3.** 101.02 (7e) (a) of the statutes is amended to read:

7 101.02 (**7e**) (a) Notwithstanding sub. (7) (a), no county, city, village, or town
8 may enact or enforce an ordinance related to fire safety that prohibits the seasonal
9 placement of a Christmas tree in the rotunda of the state capitol building or in a
10 church.

11 **SECTION 4.** 101.02 (7e) (b) of the statutes is amended to read:

12 101.02 (**7e**) (b) If a county, city, village, or town has in effect on April 1, 2016,
13 an ordinance that prohibits the seasonal placement of a Christmas tree in the
14 rotunda of the state capitol building or in a church, the ordinance does not apply and
15 may not be enforced.

16 **SECTION 5.** 101.02 (7m) of the statutes is amended to read:

17 101.02 (**7m**) Notwithstanding sub. (7) (a), no county, city, village, or town may
18 make or enforce any ordinance that is applied to any multifamily dwelling, as defined
19 in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary

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1 to an order of the department under this subchapter. Any provision of a contract
2 between a county, city, village, or town and a property owner of a multifamily
3 dwelling that requires the property owner to comply with an ordinance that does not
4 conform to subch. VI and this section or is contrary to an order of the department
5 under this subchapter may be waived by the property owner and if waived is void and
6 unenforceable.

7 **SECTION 6.** 101.02 (7r) (a) of the statutes is amended to read:

8 101.02 (7r) (a) Notwithstanding sub. (7) (a), no county, city, village, or town may
9 enact or enforce an ordinance that establishes minimum standards for constructing,
10 altering, or adding to public buildings or buildings that are places of employment
11 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),
12 except as provided in pars. (b) to (d) and sub. (7m).

13 **SECTION 7.** 101.02 (7r) (b) (intro.) of the statutes is amended to read:

14 101.02 (7r) (b) (intro.) Notwithstanding par. (a), a county, city, village, or town,
15 village, or city may enforce an ordinance establishing minimum standards for
16 constructing, altering, or adding to public buildings or buildings that are places of
17 employment that does not strictly conform to the applicable rules under sub. (15) (j)
18 if all of the following apply:

19 **SECTION 8.** 101.02 (7r) (b) 2. of the statutes is amended to read:

20 101.02 (7r) (b) 2. The ordinance was published by the county, city, village, or
21 town, village, or city in the manner required under s. 59.14, 60.80, 61.50, or 62.11 (4).

22 **SECTION 9.** 101.02 (7r) (c) (intro.) of the statutes is amended to read:

23 101.02 (7r) (c) (intro.) A county, city, village, or town, ~~village, or city~~ may amend
24 an ordinance that is enforceable under par. (b) if all of the following apply:

25 **SECTION 10.** 101.02 (7r) (c) 3. of the statutes is amended to read:

SENATE BILL 748**SECTION 10**

1 101.02 (7r) (c) 3. The county, city, village, or town, ~~village, or city~~ submits a copy
2 of the enacted amendment to the department at least 120 days before the effective
3 date of the amendment.

4 **SECTION 11.** 101.02 (7r) (c) 4. of the statutes is amended to read:

5 101.02 (7r) (c) 4. The county, city, village, or town, ~~village, or city~~ publishes the
6 enacted amendment in the manner required under s. ~~59.14~~, 60.80, 61.50, or 62.11 (4)
7 at least 120 days before the effective date of the amendment.

8 **SECTION 12.** 101.02 (7r) (e) of the statutes is amended to read:

9 101.02 (7r) (e) Notwithstanding par. (a), a county, city, village, or town, ~~village,~~
10 ~~or city~~ may enact and enforce an ordinance establishing a property maintenance code
11 that is stricter than rules promulgated by the department under sub. (15) (j).

12 **SECTION 13.** 101.02 (7r) (g) of the statutes is created to read:

13 101.02 (7r) (g) 1. The department shall promulgate rules that establish
14 procedures for the administration of the rules promulgated by the department under
15 this subchapter. For purposes of this paragraph, “administration” includes the
16 process an owner must follow when applying for a permit for constructing, altering,
17 or adding to a public building or a building that is a place of employment.

18 2. Notwithstanding sub. (7) (a), no county, city, village, or town may enact or
19 enforce an ordinance that establishes minimum standards for the administration of
20 the rules promulgated by the department under this subchapter unless that
21 ordinance strictly conforms to the rules promulgated by the department under subd.
22 1.

23 **SECTION 14.** 101.149 (1) (am) of the statutes is amended to read:

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1 101.149 (1) (am) “Carbon monoxide detector” means an electronic or
2 battery-operated device or system that sounds an alarm when an unsafe level of
3 carbon monoxide is in the air.

4 **SECTION 15.** 101.149 (1) (as) of the statutes is created to read:

5 101.149 (1) (as) “Fuel-burning appliance” means a device that burns fossil fuel
6 or carbon-based fuel and that produces carbon monoxide as a combustion
7 by-product.

8 **SECTION 16.** 101.149 (2) (a) of the statutes is repealed.

9 **SECTION 17.** 101.149 (2) (ac) of the statutes is created to read:

10 101.149 (2) (ac) *Carbon monoxide detectors required.* Except as provided in
11 sub. (5), the owner of a residential building shall provide carbon monoxide detectors
12 at the locations specified in par. (ax) as required under pars. (ag) to (at).

13 **SECTION 18.** 101.149 (2) (ag) to (ax) of the statutes are created to read:

14 101.149 (2) (ag) *Fuel-burning appliances.* Carbon monoxide detectors shall be
15 provided in units that contain a fuel-burning appliance.

16 (aL) *Forced-air furnaces.* Carbon monoxide detectors shall be provided in units
17 served by a fuel-burning, forced-air furnace, except that carbon monoxide detectors
18 are not required in a unit if a carbon monoxide detector is provided in the first room
19 or area served by each main duct leaving the furnace, and the carbon monoxide alarm
20 signals are automatically transmitted to all units served by the furnace and to a
21 designated location at a facility staffed by trained personnel on a continuous basis
22 where alarm and supervisory signals are monitored and facilities are provided for
23 notification of the fire department.

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1 (ap) *Fuel-burning appliances outside of units.* Carbon monoxide detectors
2 shall be provided in units located in residential buildings that contain fuel-burning
3 appliances, except as follows:

4 1. Carbon monoxide detectors are not required in units where there are no
5 openings between the fuel-burning appliance and the unit through which carbon
6 monoxide can get into the unit.

7 2. Carbon monoxide detectors are not required in units where a carbon
8 monoxide detector is provided in one of the following locations:

9 a. Between the fuel-burning appliance and the unit.

10 b. On the ceiling of the room containing the fuel-burning appliance.

11 (at) *Private garages.* Carbon monoxide detectors shall be provided in units in
12 buildings with attached private garages, except as follows:

13 1. Carbon monoxide detectors are not required where there are no openings
14 between the private garage and the unit through which carbon monoxide can get into
15 the unit.

16 2. Carbon monoxide detectors are not required in units located more than one
17 story above or below the private garage.

18 3. Carbon monoxide detectors are not required where the private garage
19 connects to the building through an open-ended corridor.

20 4. Where carbon monoxide detectors are provided between openings to the
21 private garage and units, carbon monoxide detectors are not required in the units.

22 5. Carbon monoxide detectors are not required where the private garage has
23 openings designed to provide natural ventilation, or is mechanically ventilated, in
24 accordance with rules for natural and mechanical ventilation in public parking
25 garages promulgated by the department.

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1 (ax) *Locations.* If required under pars. (ag) to (at), carbon monoxide detectors
2 shall be installed in the following locations:

3 1. 'Units.' In units, outside of each separate sleeping area in the immediate
4 vicinity of the sleeping rooms.

5 2. 'Sleeping rooms.' In sleeping rooms, if a fuel-burning appliance is located
6 within the sleeping room or its attached bathroom.

7 **SECTION 19.** 101.149 (2) (b) of the statutes is repealed.

8 **SECTION 20.** 101.149 (2) (c) of the statutes is repealed.

9 **SECTION 21.** 101.149 (2) (d) (title) of the statutes is created to read:

10 101.149 (2) (d) (title) *Certification.*

11 **SECTION 22.** 101.149 (2) (e) (title) of the statutes is created to read:

12 101.149 (2) (e) (title) *Manufacturer directions and specifications.*

13 **SECTION 23.** 101.149 (3) (am) of the statutes is created to read:

14 101.149 (3) (am) If any person certified under s. 101.12 (4) or 101.14 (4r) gives
15 written notice to an owner of a residential building that a carbon monoxide detector
16 in the residential building is not functional, the owner shall provide, within 5 days
17 after receipt of that notice, any maintenance necessary to make that carbon
18 monoxide detector functional.

19 **SECTION 24.** 101.149 (5) (intro.) of the statutes is amended to read:

20 101.149 (5) EXCEPTIONS. (intro.) Subsections (2) and (3) do not apply to the
21 owner of a residential building if the residential building ~~does not have an attached~~
22 ~~garage and~~ satisfies any of the following applies:

23 **SECTION 25.** 101.149 (5) of the statutes, as affected by 2017 Wisconsin Act

24 (this act), is repealed and recreated to read:

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1 101.149 (5) EXCEPTION. Subsections (2) and (3) do not apply to the owner of a
2 residential building if all of the fuel-burning appliances in the residential building
3 have sealed combustion units that are covered by the manufacturer's warranty
4 against defects.

5 **SECTION 26.** 101.149 (5) (a) of the statutes is repealed.

6 **SECTION 27.** 101.149 (6) (a) of the statutes is renumbered 101.149 (6).

7 **SECTION 28.** 101.149 (6) (b) of the statutes is repealed.

8 **SECTION 29.** 101.149 (7) of the statutes is amended to read:

9 101.149 (7) INSPECTION. To ensure compliance with subs. (2) and (3), the
10 department, or a ~~building inspector certified by the department, shall person~~
11 ~~certified under s. 101.12 (4) or 101.14 (4r) may~~ inspect the common area of residential
12 buildings ~~other than hotels, tourist rooming houses, and bed and breakfast~~
13 ~~establishments~~ and may inspect a unit within such buildings at the request of the
14 owner or occupant of the unit to be inspected.

15 **SECTION 30.** 457.09 (3) (a) of the statutes is amended to read:

16 457.09 (3) (a) ~~Except as provided in par. (b), a~~ A social worker training
17 certificate is valid for 24 months.

18 **SECTION 31.** 457.09 (3) (b) of the statutes is repealed.

19 **SECTION 32.** 457.16 (3) of the statutes is repealed.

20 **SECTION 33. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) The repeal of sections 97.625 (1) (am) and 101.149 (6) (b) of the statutes, the
23 renumbering of section 101.149 (6) (a) of the statutes, and the repeal and recreation

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1 of section 101.149 (5) of the statutes take effect on the first day of the 19th month
2 beginning after publication.

3 (END)