



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Testimony on Senate Bills 748, 749, 750 & 751

Senate Committee on Public Benefits, Licensing & State-Federal Relations

February 14, 2018

Thank you committee members for hearing testimony today on Senate Bills 748, 749, 750 & 751. I also want to thank Representative Ballweg for co-authoring this legislation on behalf of the department.

This legislation was drafted in consultation with the Department of Safety and Professional Services, who conducted extensive outreach to interested stakeholders to find consensus on each of these bills. I will keep my comments brief, as the department will be providing details on specific points in the legislation.

Senate Bill 748

Senate Bill 748 makes a number of changes to the department's regulation of buildings. First, SB 748 cleans up language from the 2013 establishment of the uniform commercial building code by applying the procedures to counties in the same manner as other units of government. The bill also updates building code standards for carbon monoxide detection in commercial residential buildings that will improve safety and reduce costs for building owners. Lastly, the bill eliminates a statutory conflict that exists for the applicants to several professions that will allow applicants to take the exam before the completion of their education requirements, thus allowing them to get into the workforce sooner after graduation.

Senate Bill 749

Senate Bill 749 primarily makes a number of remedial statutory changes identified by the department. The bill also provides greater uniformity to department operations and procedures across professions. Specifically, it outlines uniform procedures for conducting hearings, handling complaints, and disciplinary proceedings. This streamlining will ensure the agency able to operate more efficiently and that DSPS customers will be treated consistently across professions.

Senate Bill 750

Senate Bill 750 makes a number of sensible changes to the DSPS's enforcement authority that are designed to continuing upholding public safety, while allowing the department flexibility to correct disciplinary issues

without taking away someone's livelihood. The bill also removes third party logistics providers from the definition of prescription drug wholesalers, putting Wisconsin in line with recent federal law changes.

Senate Bill 751

Senate Bill 751 makes a number of changes to the membership requirements of various credentialing boards, making it easier to fill certain openings and for boards to conduct business without impacting the integrity of those boards. The bill also eliminates a number of outdated statutory requirements that will allow the agency to operate in a more efficient and effective manner. For example, the bill eliminates a provision that requires that certain Cemetery Board statements be notarized or that DSPS publish an annual list of liquefied petroleum retailers.

Thank you again committee members for hearing these bills today. I would be happy to answer any questions.



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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

Senate Bills 748, 749, 750, 751
Testimony of Representative Joan Ballweg
Senate Committee on Public Benefits, Licensing, and State-Federal Relations
February 14, 2018

Thank you, Chair Kapenga and members of the committee, for holding public hearings today on Senate Bills 748, 749, 750, and 751. These bills were introduced at the request of the Department of Safety and Professional Services (DPS).

In my role as co-chair of the Joint Committee for Review of Administrative Rules, I've been able to work closely with DPS and other agencies on administrative code and their relation to state statute. After 2011 Wisconsin Act 21 went into effect, our state agencies began to closely review both their rules and statute to ensure what was on the books was both up-to-date and enforceable through statute. The Assembly's Red Tape Review initiative has contributed to this effort. We want to make sure that any rules we have on book reflect law, are updated, and do not hurt the productivity of Wisconsin's citizens. The four bills before you today are the result of a collaborative review by the department and stakeholders to ensure these goals are met.

Additionally, the fiscal estimates for these bills show the department will need no additional funding to put forward the new rules and delete obsolete chapters.

Thank you again for considering this legislation.



DATE: February 14, 2018

TO: Members, Senate Committee on Public Benefits, Licensing and State-Federal Relations
The Honorable Chris Kapenga, Chair

FROM: Nate Yahn, Legislative Advisor
Wisconsin Department of Safety and Professional Services

SUBJECT: Senate Bill 748 (building code administration and certain licensure changes)

Chairman Kapenga and Committee Members:

The Wisconsin Department of Safety and Professional Services (DSPS) would like to provide some important background information and commentary to committee members as you consider 2017 Wisconsin Senate Bill 748 (SB 748). SB 748 includes various changes to existing state statutes governing the regulation of professions and buildings and safety that are administered by DSPS. The Department supports SB 748.

DSPS is focused on its mission of promoting economic growth and stability, while protecting the safety of Wisconsin's public. This sensible reform legislation will help make government operate more effectively and efficiently, reduce costs for small business owners, and remove certain unnecessary and burdensome barriers to employment for Wisconsin's workforce.

Specifically, SB 748 does the following:

- Requires DSPS to promulgate rules establishing uniform procedures for counties and municipalities (city, village, or town) to administer the commercial building code.
 - Necessary clean-up from 2013 Wisconsin Act 270, which established the uniform commercial building code.
 - By ensuring that the new uniform commercial building code also applies to the administration of the code, the process by which the code is administered throughout the state will be standardized – making it easier for customers when submitting plans.
- Prohibits counties and municipalities from enacting or enforcing an ordinance that does not strictly conform to the rules promulgated by DSPS relating to the administration of the commercial building code by local governments.
 - Many communities have different administrative requirements as it relates to the commercial building code. For example, when submitting building plans to DSPS for review, an architect or engineer is required to submit 4 copies; however, this number may not be the same amongst different communities.
 - This change ensures that the administration of the code will be standardized and consistent throughout the state.

- Specifies that the term “administration”, as it relates to the commercial building code provisions under the bill, includes the process that 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.
- Updates certain building code standards for carbon monoxide detection in commercial residential buildings that will help reduce costs to building owners and for both state and local government, while maintaining public safety.
- Eliminates an existing statutory provision requiring the completion of pre-credential education requirements prior to an individual becoming eligible to take the exam, which directly conflicts with 2013 Wisconsin Act 114 that had largely prohibited such practices.
 - By removing this burdensome mandate, applicants for licensure by the Marriage and Family Therapy, Professional Counseling, and Social Work (MPSW) Examining Board will be allowed to take the exam before completing their required education, without making modifications to any of the existing education requirements.

If you have any questions, please contact me at (608) 267-9794.



Alliance for Regulatory Coordination

Testimony in Support of Senate Bill 748

Before the Senate Committee on Public Benefits, Licensing and State-Federal Relations

February 14, 2018

Greetings! I am Bob DuPont, founder of the Alliance for Regulatory Coordination.

The ARC is a consortium of 18 organizations involved in building design, construction and regulatory services. Alliance membership consists of business, labor, professional, advocacy, and governmental groups; numbering thousands of members, all committed to promoting more coordinated and efficient regulatory services for citizens and businesses of Wisconsin.

The Alliance for Regulatory Coordination supports Senate Bill 748. We support consistent and coordinated administration of the Wisconsin Commercial Building Code. Regarding carbon monoxide detection, we believe this bill will maintain safety while further promoting economic growth and stability. If this legislation passes, we expect a 30% decrease in the number of required carbon monoxide detectors, and a significant reduction in false alarms caused by detectors presently installed in close proximity to fuel burning appliances or garages. Savings will accrue to building owners and fire departments as well. Attached is a White Paper with more information about the expected positive outcomes of SB 748 relative to carbon monoxide detection.

Thank you for this opportunity to offer testimony on this Bill. I would be happy to answer any questions you may have.

Please see reverse side for list of Alliance members.

Alliance for Regulatory Coordination

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Alliance for Regulatory Coordination

Classic Members

Associated Builders and Contractors of Wisconsin
International Association of Electrical Inspectors, Wisconsin Chapter
International Brotherhood of Electrical Workers, WI State Conf.
National Electrical Contractors Association, Wisconsin Chapter
Northwest Wisconsin Building Inspectors Association
Plumbers Union Local 75
Plumbing-Heating-Cooling Contractors, Wisconsin Association
Southwestern Wisconsin Building Inspectors Association
Water Quality Association of Wisconsin
Wisconsin Code Officials Alliance
Wisconsin Electrical Trades Council
Wisconsin Fire Protection Coalition
Wisconsin State Fire Chief's Association
Wisconsin State Fire Inspectors Association

Associate Members

Professional Fire Fighters of Wisconsin
Wisconsin Electric Cooperative Association
Wisconsin Propane Gas Association

Supporting Members

International Code Council

2017 Senate Bill 748

Improving Carbon Monoxide Detection in Residential Commercial Buildings

Background

In 2008, through enactment of 2007 Wis. Act 205, Wisconsin became one of the first states to require carbon monoxide detection in residential commercial buildings. In the ten years since Act 205 went into effect, national model code requirements have been developed for carbon monoxide detection in residential commercial buildings. These model code requirements, developed by life safety experts in cooperation with manufacturers of carbon monoxide detectors, reflect advances in carbon monoxide detection technology and methodology.

Support for Improvement

The Alliance for Regulatory Coordination supports 2017 Senate Bill 748 because it reflects the nationally recognized requirements of the 2015 edition of the *International Building Code* for carbon monoxide detection in residential commercial buildings.

We believe SB 748 will maintain public safety while reducing costs to building owners, and regulatory agencies at both the state and local level. Following are more details on cost savings and other improvements related to SB 748.

SB 748 Cost Savings

The Alliance for Regulatory Coordination conducted a case study of three new buildings comparing the provisions of SB 748 to current state law. Among the three buildings studied, 33% fewer carbon monoxide detection devices would be required if SB 748 were enacted.

SB 748 Focuses on Sleeping Areas

Over the past ten years, life safety experts have come to agree that placing detectors in sleeping areas should be the main focus of carbon monoxide detection. Rather than focusing on each source of carbon monoxide, new methodology focuses on people. This focus results in fewer detectors and reduces the number of costly and time-consuming false alarms caused by detectors placed too close to fuel burning appliances or placed in dusty environments such as parking garages.

Improvements to the Inspection Process

SB 748 requires inspections be performed by knowledgeable inspectors certified by the Department of Safety and Professional Services. It repeals the current unfunded mandate for carbon monoxide detection inspections; leaving the decision on when to inspect for carbon monoxide detection to building owners and local code officials.

The Alliance for Regulatory Coordination is a consortium of 18 organizations involved in building design, construction and regulatory services in Wisconsin. www.4arc.org.



formerly the
Wisconsin Innkeepers Association

Serving the lodging
industry for more than
100 years

February 14, 2018

To: Senate Committee on Public Benefits, Licensing and State-
Federal Relations
Senator Chris Kapenga, Chair

From: Trisha A. Pugal, CAE
President, CEO

RE: Consideration of Revision to SB 748 Relating to CO Detector
Requirements

The Wisconsin Hotel & Lodging Association represents lodging properties ranging in size and type from bed & breakfasts to small motels to large hotels and resorts. While we feel there are some positive aspects of the changes to Carbon Monoxide Detector requirements in SB 748, and appreciated the opportunity to provide some initial input during the consideration of changes, there is one component that will have a negative impact on some smaller properties that we ask for your support in revising.

On page 7, lines 16 to 23, there is a requirement that there be a CO Detector in all units of a structure with a forced-air furnace, with an exception for a structure with an installed alarm system (instead of individual detectors), provided the owner install a CO Detector in the first room/area served by each main duct leaving the furnace.

We respectfully ask that an alternative to the requirement of a costly installed alarm system, would be provided that would instead require a CO Detector in every fourth room/unit (instead of every unit), for the following reasons:

- In addition to the alarm going off in the first room for each vent, should a problem occur, alarms would be going off in additional rooms in the building. The noise from the detector alarm is quite loud, easily heard by other units, meaning that guests could hear the multiple alarms either in their own unit or from those nearby.
- Most smaller properties do not have the additional resources to purchase and have installed an electronic alarm system

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throughout the building. The current bill language would require them to have a separate battery operated CO Detector outside of each sleeping area (which can be multiple) in every unit.

- While some may say that battery operated detectors can be reasonably priced, this does not consider that someone on staff has to check regularly to make sure batteries are not removed, or the entire detector taken. And, in the case of either, the operator must go out and buy yet another detector plus regularly provide and check batteries.

This alternative can provide multiple loud alarms in an emergency without adding unnecessary expense and obligation for small property owners. We ask for your support in revising SB 748 accordingly.