

BREAKING THE LOG JAM: Lawmakers hope to change law to speed up plan reviews

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A draft bill that's circulating in the Legislature would change what sorts of projects lead to reviews of commercial-construction plans in an attempt to alleviate an approval backlog that dogged the industry last summer.

The bill would generally raise the bar for submitting plans to the Wisconsin Department of Safety and Professional Services and change the standards used to determine exactly which proposals need the agency's approval to proceed. The lead author, state Senate President Roger Roth, R-Appleton, intends to begin seeking other sponsors of the bill within days, and could formally introduce his proposal within a week.

The legislation comes as state officials' latest attempt to break a logjam that has been frustrating contractors at least since last summer's building season. Bill proponents say they hope to see improvements ahead of what promises to be yet another busy construction season.

The delays have also been a source of frustration for some Republican Senators and have thrown the nomination of DSPS Secretary-designee Dawn Crim into question. The DSPS responded to the criticism in mid-January with various internal policy changes. But Roth and others contend more is needed.

"These productive meetings lead to several internal changes, but ultimately there were still concerns with the delays," Roth said in a statement. "This bill was crafted with diligence – pursuing fair and efficient solutions to the commercial plan review process."

Included in the bill are exemptions that would prevent certain building projects from having to be reviewed. Plan reviewers would have no need to sign off on single-story buildings with fewer than 200,000 square feet, or structures that contain 25 or fewer plumbing fixtures. But there would be some exceptions: The new rule, for instance, would not apply to churches, taverns and schools.

Additionally, the bill would require contractors to pay 50% of the fees they're charged for plan assessments up front. The money would be treated as a non-refundable deposit.

Such fees now can be entirely recovered by contractors that withdraw plans. By making only half of them refundable, lawmakers are hoping to give construction companies reason to think twice before swamping state officials with review requests.

Sen. Duey Stroebel, R-Cedarburg, said the legislation is needed to clear up the plan-review delay. "This bill makes practical changes to the process that will put projects across Wisconsin back on track," Stroebel said in a statement. "While DSPS had previously proposed ways the private sector could improve the process, reforms at DSPS are obviously needed."

The DSPS has already made various changes to prevent state officials from being inundated with requests for plan reviews. One policy requires contractors to pay fees before their plans are considered complete. The department's staff must also make sure plans are ready to be discussed at meetings with contractors by requiring reviews 48 hours in advance. If plans are found to be incomplete before a meeting, inspectors will toss them out and require contractors or architects to submit them again.

Jennifer Garrett, an agency spokeswoman, said in mid-January that only a third of the plans submitted to the department were ready by their scheduled review date in the fourth quarter of 2019.

On Friday, Garrett released a statement saying that although Crim shares Roth's and others' goal of speeding up reviews, she thinks industry representatives should have a chance to weigh in on any proposed legislative changes.

"While aspects of this draft legislation align with the secretary's goals and priorities, code changes can be complex and Secretary Crim believes the legislation would benefit from further input from building code councils," Garrett said in the statement.

Such delays aren't unique to Crim's time at the department. A similar backlog existed under former Gov. Scott Walker.

Bill Babcock, executive director of the American Institute of Architects of Wisconsin, said busy building seasons always bring about some delays, adding that his organization has yet to take a stance on the proposed legislative changes.

"When the economy's good and building is booming, it becomes an issue because the budget and position authorization doesn't follow the economic curves and the ups and downs in the construction industry," Babcock said.

John Schulze, legal and government affairs director for the Associated Builders and Contractors of Wisconsin, said getting a bill through the Legislature could prove difficult in what's expected to be a short session. For many contractors, though, change can't come soon enough.

"We got legislators that are charged up and want to solve this problem before they start meeting voters this summer and hearing about this," Schulze said.