

2011 DRAFTING REQUEST

Bill

Received: 02/07/2012

Received By: tkuczens

Wanted: As time permits

Companion to LRB:

For: Roger Rivard (608) 266-2519

By/Representing: DJ Lundgren

May Contact:

Drafter: tkuczens

Subject: Occupational Reg. - misc
Occupational Reg. - prof lic
Buildings/Safety - bldg stndrds
Buildings/Safety - lic and reg
Buildings/Safety - misc.

Addl. Drafters: mgallagh
mglass
phurley
rkite
rnelson

Extra Copies:

Submit via email: YES

Requester's email: Rep.Rivard@legis.wi.gov

Carbon copy (CC:) to: tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

revisions to provisions regulating safety and professional services

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 02/07/2012	kfollett 02/07/2012		_____			S&L
/1			jfrantze 02/07/2012	_____	ggodwin 02/07/2012	ggodwin 02/07/2012	

FE Sent For:

*cut intro
2-8-12*

<END>

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/?	tkuczens	tkf 2/7	Jo	2/7			

FE Sent For:

<END>

Kuczenski, Tracy

From: Lundgren, Doug
Sent: Tuesday, February 07, 2012 12:47 PM
To: Kuczenski, Tracy
Subject: RE: DSPS bill draft

Hi Tracy,

Could you please prepare a version to be introduced in the Assembly?

Thanks,
deej

DJ Lundgren

Office of Representative Roger Rivard
75th State Assembly District
Phone: 608.266.2519
Fax: 608.282.3675
E-mail: dlundgre@legis.wi.gov

From: Kuczenski, Tracy
Sent: Monday, February 06, 2012 8:45 AM
To: Schoenfeldt, Eileen - GOV
Cc: Lundgren, Doug; Weigand, Jeffrey
Subject: RE: DSPS bill draft

Thanks, Eileen.

Tracy K. Kuczenski
Legislative Attorney
Wisconsin Legislative Reference Bureau
tracy.kuczenski@legis.wisconsin.gov
(608) 266-9867

From: Schoenfeldt, Eileen - GOV [mailto:Eileen.Schoenfeldt@wisconsin.gov]
Sent: Monday, February 06, 2012 8:18 AM
To: Kuczenski, Tracy
Cc: Lundgren, Doug; Weigand, Jeffrey
Subject: DSPS bill draft

Tracy,

Mary and Robin were able to get me a /2 of the DSPS bill draft on Friday. If you are contacted by Representative Rivard or Senator Leibham's offices, it is ok to release the draft to them. Thanks for all of your hard work on this one!

Eileen

2/7/2012



State of Wisconsin
2011 - 2012 LEGISLATURE

4043/1



LRB-3205/z

MGG/MG/PH/RK/RN/TK:all:ph

stays RMNR

2011 BILL

see aff'd ✓

2/7/12 TODAY (no changes)

Resen

1 AN ACT *to repeal* 15.407 (2) (a), 101.07, 101.177, 101.563, 145.08 (1m), 145.135
2 (title), 145.135 (1) (title), 145.19 (1) (title), 145.19 (5), 157.12 (1) and 457.02 (5);
3 *to renumber and amend* 15.407 (10), 101.01 (11), 101.01 (12), 101.985 (2) (a)
4 (intro.), 101.985 (2) (a) 2., 101.985 (2) (a) 3., 145.135 (1), 145.135 (2) (intro.),
5 145.135 (2) (a) to (f), 145.19 (1), 443.015, 443.03 (1) (b) 1., 443.08 (1), 443.08 (2),
6 443.08 (3) (a), 443.08 (4) (a), 443.08 (4) (b), 443.08 (5), 443.13, 443.14 (1) and
7 443.14 (4); *to amend* 15.407 (1m), 15.407 (2) (b), 15.407 (2) (c), 20.165 (2) (de),
8 20.165 (2) (j), 20.165 (2) (L), 20.320 (3) (title), 20.320 (3) (q), 59.70 (1), 59.70 (5)
9 (title), 59.70 (5) (a), 59.70 (5) (b), 60.70 (5), 60.72 (4), 60.726 (title), 60.726 (2),
10 60.77 (5) (b), 60.77 (5) (bm), 60.77 (5) (bs), 60.77 (5) (j), 101.02 (20) (a), 101.02
11 (21) (a), 101.145 (2), 101.745 (2), 101.952 (3), 101.985 (2) (title), 101.985 (2) (am),
12 101.985 (2) (b), 101.985 (2) (c), 101.985 (2) (d), 101.985 (4), 101.985 (5) (b) 1.,
13 101.985 (7) (a) (intro.), 145.01 (4m), 145.01 (5), 145.01 (10) (a) 2., 145.01 (12),
14 145.045 (1), 145.045 (3), 145.07 (3) (a), 145.07 (5), 145.14 (2) (a), 145.19 (2),

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1 145.19 (3), 145.19 (4), 145.19 (6), 145.195 (1), 145.195 (2), 145.20 (title), 145.20
2 (1) (a), 145.20 (1) (am), 145.20 (1) (b), 145.20 (2) (intro.), 145.20 (2) (a), 145.20
3 (2) (d), 145.20 (2) (e), 145.20 (2) (f), 145.20 (2) (g), 145.20 (2) (h), 145.20 (3) (a)
4 1., 145.20 (3) (a) 2., 145.20 (3) (b), 145.20 (3) (c), 145.20 (3) (d), 145.20 (4), 145.20
5 (5) (a), 145.20 (5) (am), 145.20 (5) (b), 145.20 (6) (a) 2., 145.24 (1), 145.24 (2),
6 145.24 (3), 145.245 (title), 145.245 (1) (a) 1., 145.245 (1) (ae), 145.245 (4) (intro.),
7 145.245 (4) (b), 145.245 (4) (e), 145.245 (4m) (intro.), 145.245 (4m) (a), 145.245
8 (4m) (b), 145.245 (4m) (c), 145.245 (5) (a) 1., 145.245 (5) (a) 2., 145.245 (5) (a) 3.,
9 145.245 (5m) (a), 145.245 (6) (a), 145.245 (6) (b), 145.245 (7) (a), 145.245 (7) (b),
10 145.245 (7) (c), 145.245 (7) (d), 145.245 (7) (e), 145.245 (8) (a), 145.245 (9) (b),
11 145.245 (9) (c), 145.245 (9) (e), 145.245 (11) (e), 145.245 (11m) (b), 145.245 (11m)
12 (c), 145.245 (11m) (d), 145.245 (13), 145.245 (14) (d), 160.255 (title), 160.255 (1),
13 160.255 (2), 160.255 (3), 160.255 (4), 160.255 (5), 168.11 (1) (b) 1., 200.21 (11),
14 200.29 (1) (c) 3. a., 236.13 (2m), 281.41 (3) (a), 281.41 (3) (b) 3., 281.41 (3) (b) 4.,
15 281.48 (2) (bm), 281.48 (2) (d), 281.48 (2) (f), 281.48 (2) (g), 281.48 (2m), 281.48
16 (3) (e), 281.48 (4g), 281.59 (1m) (c), 281.68 (3) (a) 2. f., 440.21 (4) (a), 440.21 (4)
17 (b), 440.26 (4), 440.91 (2) (intro.), 440.91 (2) (a), 440.91 (8), 443.01 (2), 443.015
18 (title), 443.03 (1) (intro.), 443.03 (1) (a), 443.03 (1) (b) 2., 443.03 (2), 443.035
19 (intro.), 443.035 (1), 443.04, 443.05 (1) (intro.), (a) and (b) and (2), 443.06 (1) (a),
20 443.06 (2) (intro.), 443.06 (3), 443.07 (1) (intro.), 443.07 (1) (a), 443.07 (3), 443.07
21 (5), 443.09 (4m), 443.09 (5), 443.10 (1) (a) to (d), 443.10 (2) (c), 443.10 (2) (d),
22 443.10 (2) (f), 443.10 (2) (h), 443.10 (3), 443.10 (4) (a) and (b), 443.11 (1) (intro.),
23 443.11 (1) (e), 443.11 (2), 443.11 (3), 443.11 (4), 443.11 (5), 443.11 (6), 443.18 (1)
24 (a), 443.18 (2) (a) and (b), 445.06, 448.63 (1) (d) 2., 450.02 (3m) (a) (intro.),
25 450.071 (1), 454.01 (5) (b), 454.08 (2) (a), 459.12 (1), 961.23 (5) and 961.23 (7);

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1 **to repeal and recreate** 101.985 (2) (a) (title) and 145.19 (title); and **to create**
2 15.407 (2) (d), 101.01 (11) (c), 101.01 (12) (c), 101.05 (5), 101.985 (2) (ab) (intro.),
3 101.985 (2) (ad), 440.03 (13) (am), 440.19, 440.26 (2) (c) 5., 440.26 (5m) (am),
4 440.26 (6) (a) 5., 443.015 (2), 443.03 (1) (b) (intro.), 443.08 (1) (b), 443.08 (2) (b),
5 443.08 (2) (c), 443.08 (3) (a) 2., 443.08 (3) (a) 3., 443.08 (4) (a) 2., 443.08 (4) (a)
6 3., 443.08 (4) (a) 4., 443.08 (4) (b) 2., 443.08 (4) (b) 3., 443.08 (4) (b) 4., 443.08
7 (5) (b), 443.08 (5) (c), 443.14 (1) (b), 443.14 (4) (b) and 450.02 (3m) (a) 4. of the
8 statutes; **relating to:** the authority and responsibility of the Department of
9 Safety and Professional Services, requirements for obtaining certain licenses
10 or other credentials from the Department of Safety and Professional Services,
11 weighing a product that contains opium or another controlled substance, and
12 granting rule-making authority.

Analysis by the Legislative Reference Bureau

DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

This bill makes various changes to the authority and responsibilities of the Department of Safety and Professional Services (DSPS).

BUILDINGS AND SAFETY

Under current law, with certain exceptions, DSPS has authority to regulate places of employment and public buildings in this state in order to protect the life, health, safety, and welfare of the employees and the public who use those places and buildings. Under this authority, DSPS promulgates building codes that establish standards for the construction, repair, and maintenance of places of employment and public buildings.

This bill specifies that, when used with relation to building codes, the terms “place of employment” and “public building” do not include home-based businesses.

Current law provides that DSPS authority to regulate places of employment does not include the regulation of places where persons are employed in farming. This bill specifies, similarly, that DSPS authority to regulate public buildings does not include the authority to regulate buildings used for farming.

Under current law, the Dwelling Code Council (council) reviews the standards and rules for the construction of one-family and two-family dwellings (dwellings) and for modular homes and recommends a uniform dwelling code and a statewide modular home code for adoption by DSPS.

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Current law requires that the council have 18 members and that each member serve a three-year term. Of those members, current law requires a specified number of members to represent certain interest groups, including building trade labor organizations, certified building inspectors, building contractors, and members of the public. This bill reduces the membership of the council from 18 to seven members. The bill provides that each member must represent at least one of the interest groups for which representation on the council is required under current law, but does not require that each interest group be represented on the council. The bill also reduces the terms of the members from three-year terms to two-year terms.

Under current law, DSPS regulates elevators, escalators, and similar conveyances that move people or things. Under current law, contractors and mechanics constructing, altering, replacing, repairing, or otherwise working with these conveyances, and inspectors of these conveyances, must be licensed by DSPS. With certain exceptions, to be licensed as an elevator mechanic, an individual must apply to DSPS and either must complete an apprenticeship program approved by the U.S. Department of Labor or by the Department of Workforce Development or must have sufficient work history during the three years preceding the application in working with these conveyances and have passed an elevator mechanic's examination that is administered by DSPS or that is administered by a nationally recognized training program that is approved by DSPS.

This bill creates alternative requirements that may be met in order to be issued an elevator mechanic's license. Under the bill, an individual is eligible for a license if he or she verifies to DSPS that he or she has successfully completed a four-year training program established by the National Elevator Industry Educational Program or an equivalent four-year training program that is approved by DSPS and that he or she has had a certain level of experience working with elevators and other conveyances. This experience requirement may be met by being employed during each of the five years immediately preceding the date of the license application for at least 1,000 hours as an elevator mechanic, or in another capacity that has allowed him or her to remain familiar with elevator equipment, technology, and industry practices. The experience requirement may alternatively be met by meeting the 1,000-hour requirement in any five years preceding the date of the license application if the applicant verifies that this alternative is due to the applicant's work being disrupted by high unemployment in the elevator industry, military service, illness, disability, or another factor beyond the applicant's control.

Current law requires every person who is licensed by DSPS to sell manufactured homes to consumers to carry his or her license when engaged in his or her business and to display the license upon request. Current law also requires the licensee's employer to be named on the license. Current law specifies that if the licensee changes employers, then the licensee must immediately mail the license to DSPS so that DSPS can endorse the change on the license. This bill eliminates the requirement that the licensee mail his or her license to DSPS when the licensee changes employers and the requirement that DSPS endorse that change on the license.

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Under current law, DSPS makes payments to eligible cities, villages, and towns (political subdivisions) for local fire prevention and protection from payments collected from insurers who insure against fire damage in this state. These payments from insurers are often referred to as “fire department dues.” A political subdivision must meet certain eligibility criteria in order to receive these payments such as having a fire chief and being able to immediately dispatch fire fighters and equipment. The use of the payment to the political subdivision is limited to activities such as fire inspection, the purchase of equipment, and training of fire fighters.

Beginning with calendar year 2000 and ending with calendar year 2004, the state was required to make these payments to each political subdivision without regard to eligibility of the political subdivision for the payments. This bill repeals this requirement.

Current law imposes requirements for smoke detectors that must be installed in public residential buildings, one-family and two-family dwellings, and in manufactured homes. One of those requirements is that the smoke detectors be approved by Underwriters Laboratories, Inc. This bill provides, instead, that the smoke detectors must bear an Underwriters Laboratories, Inc., listing mark or similar mark from an independent product safety certification organization.

Current law requires a device that dispenses a gasoline-ethanol fuel blend for sale at retail to be marked or labeled with the percentage of ethanol at all times when the product is offered for sale. Current law requires the marking or labeling to use one-half inch high letters with a stroke of not less than one-eighth inch in width.

This bill eliminates the requirements with regard to the lettering used on the marking or labeling.

Under current law, DSPS regulates persons who install or service a piece of refrigeration equipment (refrigeration equipment) that contains ozone-depleting refrigerant (refrigerant). Among other requirements, current law requires a person who installs or services a piece of refrigeration equipment that contains refrigerant to certify that the person does not use the refrigerant for cleaning purposes, transfers the refrigerant to storage containers using approved equipment, and does not knowingly or negligently release the refrigerant to the environment. DSPS also regulates persons who sell used, new, or reclaimed refrigerant. Refrigerants are also regulated under federal law.

This bill repeals current state law with regard to the regulation of persons who install or service most types of refrigeration equipment that contain refrigerant and with regard to the regulation of most sales of used, new, and reclaimed refrigerant. The bill does not repeal current state law that applies to the regulation of refrigerant in mobile air conditioners and in trailer refrigeration equipment.

Under current law, a sewage treatment and disposal system serving a single structure is defined as, or referred to, as a “private sewage system.” This bill changes the phrase “private sewage system” to “private on-site wastewater treatment system” throughout the statutes.

Under current law, no person may install a private sewage system on the person’s property without a valid sanitary permit issued by the applicable local governmental unit that issues sanitary permits. Current law requires the

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governmental unit to send a copy of each permit that it issues to DSPS. This bill eliminates this requirement and requires that the governmental unit submit to DSPS a period summary of the permits it issues at intervals to be determined by DSPS.

Current law specifies a minimum fee for the issuance of a sanitary permit for private sewage system. It also specifies the amount that a governmental unit must send with a permit when it forwards a copy of the permit to DSPS. However, under current law, DSPS may adjust these fees by rule. This bill eliminates the statutorily specified fees and maintains DSPS' authority to promulgate these fees by rule.

Current law requires DSPS to prescribe the information to be included in the sanitary permit and to furnish sanitary permit forms to local governmental units.

This bill eliminates the requirement that DSPS supply sanitary permit forms to local governmental units.

Under current law, to be eligible to take an examination for a master plumber license, the applicant for the license must have had no less than 1,000 hours per year experience in three or more consecutive years or must be an engineering graduate from a school or college approved by DSPS. This bill eliminates the requirement that the three or more years be consecutive.

DSPS may classify master and journeyman plumbers as being restricted as to the type of work they do. A state resident who has a restricted journeyman plumber license may take the examination for a restrictive master plumber license if he or she has been engaged in a restricted type of plumbing work for a period of not less than 1,000 hours per year for two or more consecutive years. This bill eliminates the requirement that the two or more years be consecutive.

Current law authorizes DSPS to administer license examinations to persons applying to DSPS for master and journeymen plumber licenses and licenses that relate to the design, installation, and maintenance or repair of automatic fire sprinkler systems. DSPS charges fees for these examinations and licenses. Under current law, if an applicant for a license fails to pay a license fee within 30 days after receiving notice that the applicant has passed the examination for the license, DSPS may not issue the license and the applicant again has to take the examination and pay the examination fee. This bill repeals this provision.

Under current law, DSPS may not promulgate any rule that prohibits the use of manual flushing devices for urinals. This bill repeals this provision.

OCCUPATIONAL REGULATION

Under current law, DSPS issues occupational and professional licenses, registrations, and similar approvals (licenses). Some of these licenses are referred to in specific statutes and others are issued pursuant to DSPS's rule-making authority. Under current law, DSPS may not issue or renew certain licenses that are specifically referred to in the statutes to applicants who are delinquent in family or child support payments or in payment of state taxes. This bill expands the scope of the types of licenses for which issuance or renewal must be denied due to support or tax delinquency to include all of the occupational and professional licenses issued by DSPS.

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Under current law, DSPS may conduct investigations, hold hearings, and make findings to determine whether a person has engaged in a practice or used a professional title without a required credential. If, after holding a hearing, DSPS determines that the person does not have the appropriate credential, DSPS may issue a special order prohibiting the person from continuing the practice or using the title. DSPS may issue a temporary restraining order in lieu of holding a hearing if DSPS has reason to believe that the person has engaged in a practice or used a title without a required credential. If a person against whom a special order has been issued violates that order, the person is subject to forfeitures. If a person against whom a temporary restraining order has been issued violates that order, the person is subject to fines or imprisonment or both.

Current law also authorizes certain boards, affiliated credentialing boards, and examining boards attached to DSPS, including the Board of Nursing, the Podiatry Affiliated Credentialing Board, and the Medical Examining Board, to fine or imprison, or both, persons who violate laws or regulations applicable to the professions regulated by those boards.

This bill clarifies that the authority granted to DSPS to impose fines or forfeitures against or imprison a person who has engaged in a practice or used a title without holding the appropriate credential is separate from and in addition to the authority granted to the various boards to enforce the laws and regulations applicable to the professions regulated by those boards.

Currently, DSPS requires by rule that a person who holds a credential issued by DSPS send a notice to DSPS within 48 hours of his or her conviction of a crime.

This bill places that requirement in the statutes.

Under current law, the Medical Examining Board may refuse to accept a person's voluntary surrender of his or her license if the board has received allegations of unprofessional conduct by the person.

This bill allows a person to voluntarily surrender his or her occupational license, permit, or certificate of certification or registration, but allows the licensing agency to refuse to accept that surrender if the agency has received a complaint against the person or has commenced disciplinary proceedings against the person.

Under current law, the Pharmacy Examining Board may grant a variance from a law or rule applicable to pharmacists or the practice of pharmacy if each of the following conditions is satisfied: 1) the Pharmacy Examining Board determines that a natural or man-made disaster or emergency exists or has occurred; 2) a pharmacist has requested the variance; and 3) the Pharmacy Examining Board determines that the variance is necessary to protect the public health, safety, or welfare. This bill adds as another condition that the law or rule either permits a variance or requires approval from the Pharmacy Examining Board prior to obtaining a variance.

Current law requires every wholesale distributor of a prescription drug to obtain a license from the Pharmacy Examining Board. This law applies to wholesale distributors of oxygen. This bill exempts wholesale distributors of oxygen from the requirement to obtain a license from the Pharmacy Examining Board.

Under current law, the Hearing and Speech Examining Board may promulgate rules governing hearing instrument specialists, but not speech-language

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pathologists or audiologists. This bill permits the Hearing and Speech Examining Board to promulgate rules governing speech-language pathologists and audiologists.

Current law, as affected by 2005 Wisconsin Act 334, requires an applicant to complete two years of postgraduate podiatrist training to be eligible for licensure as a podiatrist. Prior to that act, one year of postgraduate podiatrist training was required. The act first applied to persons submitting applications on June 1, 2010, but did not specify the treatment of those who had completed the one-year training requirement before that date.

This bill clarifies that an applicant who completed one year of postgraduate training in a program approved by the Podiatrist Affiliated Credentialing Board by June 1, 2010, is eligible for licensure as a podiatrist.

Under current law, members of the Respiratory Care Practitioners Examining Council, which serves the Medical Examining Board in an advisory capacity, may serve no more than two consecutive three-year terms. This bill eliminates the two-term limit.

Under current law, the membership of the Council on Physician Assistants (council) must include the vice chancellor for health sciences of the University of Wisconsin-Madison. Under this bill, the council position reserved for the vice chancellor is replaced with a position to be filled by the Medical Examining Board. The Medical Examining Board must select a person who teaches physician assistants, and that person serves a four-year term.

Under current law, members of the council serve two-year terms. This bill changes the terms of all members of the council to four years.

Current law prohibits an individual licensed as a marriage and family therapist, social worker, or professional counselor by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board from using the titles “alcohol and drug counselor” or “chemical dependency counselor” unless the individual is also certified through a separate certification process established by DSPS. This bill eliminates that prohibition.

Under current law, the Barbering and Cosmetology Examining Board, which regulates the combined practice of barbering or cosmetology, issues a license called a “barbering or cosmetology establishment license” for establishments where barbering or cosmetology and other related practices may be performed. However, certain existing statutory language refers to a “barber or cosmetologist establishment license” that does not exist under current law. This bill corrects that language so that it references the barbering or cosmetology establishment license.

Also under current law, the Barbering and Cosmetology Examining Board regulates the practice of aesthetics. Current law defines “aesthetics” as, for compensation, caring for or beautifying the skin of the human body, including cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics to or massaging, stimulating, wrapping, or exercising the skin of the human body. The definition of “barbering or cosmetology” under current law includes references to work performed upon the skin of any person, but does not reference the definition of aesthetics.

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The bill clarifies that barbering or cosmetology includes aesthetics.

Under current law, a person who applies for a funeral director's license and who is not doing business at a recognized funeral establishment at the time the person submits that application may receive a certificate from the Funeral Directors Examining Board to the effect that the applicant is in good standing as a funeral director. A person who receives a certificate of good standing is entitled to receive a renewal funeral director's license if the person becomes located at a recognized funeral establishment.

This bill eliminates the certificate of good standing.

This bill removes some inconsistencies in current laws regarding the licensure of private detectives, investigators, and security personnel. Currently, persons applying for those licenses must execute and file an approved bond or liability policy with DSPS, but are not required to maintain that bond or policy during the period of the licensure. This bill requires the person to maintain that bond or policy during the period of the licensure.

Current law allows DSPS to revoke, suspend, or limit the license of a private detective, investigator, or security personnel for certain reasons, including the commission of a misdemeanor, but prohibits the issuance of the license only if the person has been convicted of a felony and has not been pardoned. This bill allows, but does not require, DSPS to refuse to issue a license to a person who has committed an act that would result in the revocation, suspension, or limitation of the license, including the conviction of a misdemeanor or violation of a state or local law that resulted in a forfeiture.

Under a provision of current law, certain statutory requirements regarding real estate practice are applied to cemetery salespersons. This bill clarifies that those statutory requirements also apply to cemetery authorities. In addition, some of those statutory requirements regarding real estate practice, such as the disciplinary procedures for real estate brokers and salespersons, are incorrectly applied to cemetery salespersons. This bill corrects those errors.

Current law refers to the requirements that a person must satisfy to be licensed by the Cemetery Board to sell cemetery lots. The use of the word "person" has created some confusion because the Cemetery Board issues licenses only to individuals, not to cemetery authorities. This bill replaces "person" with "individual" to comply with current practice.

Current law grants authority to the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors (examining board) to regulate the practice of architecture, the practice of landscape architecture, the practice of professional engineering, the practice of designing, and the practice of land surveying by individuals and corporate entities. This bill makes a number of changes to current law to clarify that separate architect, landscape architect, professional engineer, designer, and land surveyor sections of the examining board exercise exclusive authority over the separate professions.

Current law permits the examining board to reprimand an architect, landscape architect, or professional engineer or limit, suspend, or revoke the certificate of registration of any registrant, and the certificate of record of any

BILL

engineer-in-training, who is found guilty of any violation of the rules of professional conduct promulgated by the examining board. Current law also permits the examining board, subject to rules promulgated by the examining board, to issue a new certificate of registration, certificate of record, or certificate of authorization, to replace any certificate that is revoked, lost, destroyed, or mutilated. Current law does not, however, explicitly grant authority to the examining board or to any section of the examining board to promulgate rules. This bill grants explicit authority to each section of the examining board to promulgate rules governing the professional conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

MEASUREMENT OF CONTROLLED SUBSTANCES

The bill also makes a change to the measurement of controlled substances. Current law imposes penalties on the sale, purchase, or possession of certain controlled substances. Current law measures controlled substances by grams and, generally, penalties increase with the amount of the controlled substance that is sold, purchased, or possessed.

Current law makes reference to possessing or purchasing more than a certain number of ounces of a product that contains opium or certain other controlled substances. This bill changes the reference from ounces to grams.

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.** 15.407 (1m) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is amended to read:

3 **15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL.** There is
4 created a respiratory care practitioners examining council in the department of
5 safety and professional services and serving the medical examining board in an
6 advisory capacity in the formulating of rules to be promulgated by the medical
7 examining board for the regulation of respiratory care practitioners. The respiratory
8 care practitioners examining council shall consist of 3 certified respiratory care
9 practitioners, each of whom shall have engaged in the practice of respiratory care for
10 at least 3 years preceding appointment, one physician and one public member. The

BILL

1 respiratory care practitioner and physician members shall be appointed by the
2 medical examining board. The members of the examining council shall serve 3-year
3 terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply to the respiratory care
4 practitioners examining council, except that members of the examining council may
5 serve more than 2 consecutive terms.

6 **SECTION 2.** 15.407 (2) (a) of the statutes is repealed.

7 **SECTION 3.** 15.407 (2) (b) of the statutes is amended to read:

8 15.407 (2) (b) One public member appointed by the governor for a ~~2-year~~
9 4-year term.

10 **SECTION 4.** 15.407 (2) (c) of the statutes is amended to read:

11 15.407 (2) (c) Three physician assistants selected by the medical examining
12 board for staggered ~~2-year~~ 4-year terms.

13 **SECTION 5.** 15.407 (2) (d) of the statutes is created to read:

14 15.407 (2) (d) One person who teaches physician assistants and is selected by
15 the medical examining board for a 4-year term.

16 **SECTION 6.** 15.407 (10) of the statutes, as affected by 2011 Wisconsin Act 32,
17 is renumbered 15.407 (10) (a) (intro.) and amended to read:

18 15.407 (10) (a) (intro.) There is created in the department of safety and
19 professional services, a dwelling code council, consisting of ~~18~~ 7 members appointed
20 for staggered ~~3-year~~ 2-year terms. ~~Four members~~ Each member shall be
21 representatives of building represent at least one of the following groups:

22 1. Building trade labor organizations; ~~4 members shall be certified.~~

23 2. Certified building inspectors employed by local units of government; ~~2~~
24 members shall be representatives of building.

BILL**SECTION 6**

1 3. Building contractors actively engaged in on-site construction of one- and
2 2-family housing; ~~2 members shall be representatives of manufacturers.~~

3 4. Manufacturers or installers of manufactured one- and 2-family housing;
4 ~~one member shall be an architect, engineer or designer.~~

5 5. Architects, engineers, or designers actively engaged in the design or
6 evaluation of one- and 2-family housing; ~~2 members shall represent the.~~

7 6. The construction material supply industry; ~~one member shall represent~~
8 ~~remodeling.~~

9 7. Remodeling contractors actively engaged in the remodeling of one-family
10 and 2-family housing; ~~and 2 members shall represent the public, one of whom shall~~
11 ~~represent persons.~~

12 8. Persons with disabilities, as defined in s. 106.50 (1m) (g).

13 (b) An employee of the department designated by the secretary of safety and
14 professional services shall serve as nonvoting secretary of the council. The council
15 shall meet at least twice a year. ~~Eleven~~ Five members of the council shall constitute
16 a quorum. For the purpose of conducting business a majority vote of the council is
17 required.

18 **SECTION 7.** 20.165 (2) (de) of the statutes, as affected by 2011 Wisconsin Act 32,
19 is amended to read:

20 20.165 (2) (de) *Private sewage on-site wastewater treatment system*
21 *replacement and rehabilitation.* As a continuing appropriation, the amounts in the
22 schedule for financial assistance under the private ~~sewage~~ on-site wastewater
23 treatment system replacement and rehabilitation program under s. 145.245.

24 **SECTION 8.** 20.165 (2) (j) of the statutes, as affected by 2011 Wisconsin Act 32,
25 is amended to read:

BILL

1 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
2 the purposes of chs. 101, 145, and 168 and ss. 167.35, 236.12 (2) (a), 236.13 (1) (d) and
3 (2m), and 236.335, for the purpose of transferring the amounts in the schedule under
4 par. (kg) to the appropriation account under par. (kg), and for the purpose of
5 transferring the amounts in the schedule under par. (km) to the appropriation
6 account under par. (km). All moneys received under ch. 145, ss. ~~101.177 (4) (a) 4,~~
7 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973
8 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred under 2005 Wisconsin
9 Act 45, section 76 (6), shall be credited to this appropriation.

10 **SECTION 9.** 20.165 (2) (L) of the statutes, as affected by 2011 Wisconsin Act 32,
11 is amended to read:

12 20.165 (2) (L) *Fire dues distribution.* All moneys received under ss. 101.573
13 (1) and 601.93, less the amounts transferred to par. (La) and s. 20.292 (1) (gm) and
14 (gr), for distribution under s. ~~101.563 or 101.573, as applicable.~~ The amount
15 transferred to par. (La) shall be the amount in the schedule under par. (La). The
16 amount transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under
17 s. 20.292 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount
18 in the schedule under s. 20.292 (1) (gr).

19 **SECTION 10.** 20.320 (3) (title) of the statutes is amended to read:

20 20.320 (3) (title) PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM
21 PROGRAM.

22 **SECTION 11.** 20.320 (3) (q) of the statutes is amended to read:

23 20.320 (3) (q) *Private sewage on-site wastewater treatment system loans.* From
24 the environmental improvement fund, as a continuing appropriation, the amounts

BILL**SECTION 11**

1 in the schedule for private sewage on-site wastewater treatment system
2 replacement or rehabilitation loans under s. 145.245 (12m).

3 **SECTION 12.** 59.70 (1) of the statutes is amended to read:

4 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and
5 sanitary codes, make necessary rules and regulations in relation thereto and provide
6 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The
7 codes, rules and regulations do not apply within municipalities which have enacted
8 ordinances or codes concerning the same subject matter. "Sanitary code" does not
9 include a private sewage on-site wastewater treatment system ordinance enacted
10 under sub. (5). "Building and sanitary codes" does not include well code ordinances
11 enacted under sub. (6).

12 **SECTION 13.** 59.70 (5) (title) of the statutes is amended to read:

13 59.70 (5) (title) PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM
14 ORDINANCE.

15 **SECTION 14.** 59.70 (5) (a) of the statutes is amended to read:

16 59.70 (5) (a) Every governmental unit responsible for the regulation of private
17 sewage on-site wastewater treatment systems, as defined under s. 145.01 (5), shall
18 enact an ordinance governing private sewage on-site wastewater treatment
19 systems, as defined in s. 145.01 (12), which conforms with the state plumbing code.
20 The ordinance shall apply to the entire area of the governmental unit responsible for
21 the regulation of private sewage on-site wastewater treatment systems, as defined
22 under s. 145.01 (5). After July 1, 1980, no municipality may enact or enforce a
23 private sewage on-site wastewater treatment system ordinance unless it is a
24 governmental unit responsible for the regulation of private sewage on-site
25 wastewater treatment systems, as defined under s. 145.01 (5).

BILL

1 **SECTION 15.** 59.70 (5) (b) of the statutes is amended to read:

2 59.70 (5) (b) The governmental unit responsible for the regulation of private
3 sewage on-site wastewater treatment systems, as defined under s. 145.01 (5), shall
4 administer the private sewage on-site wastewater treatment system ordinance
5 under s. 145.20 and the rules promulgated under s. 145.20.

6 **SECTION 16.** 60.70 (5) of the statutes is amended to read:

7 60.70 (5) “Private sewage on-site wastewater treatment system” has the
8 meaning given under s. 145.01 (12).

9 **SECTION 17.** 60.72 (4) of the statutes is amended to read:

10 60.72 (4) **FINDING.** Following the public hearing, the department shall
11 determine if private sewage on-site wastewater treatment systems or private
12 domestic water systems, or both, in the affected towns constitute a threat to public
13 health, safety, convenience or welfare or of pollution of waters of the state, and that
14 there is no local action to correct the situation. The department shall issue its
15 determination as written findings.

16 **SECTION 18.** 60.726 (title) of the statutes is amended to read:

17 **60.726 (title) Property with private sewage on-site wastewater**
18 **treatment system included.**

19 **SECTION 19.** 60.726 (2) of the statutes is amended to read:

20 60.726 (2) If a property owner installed on his or her property a private sewage
21 on-site wastewater treatment system, ~~as defined in s. 145.01 (12)~~, that conforms
22 with the state plumbing code, before a town sanitary district that encompasses that
23 property came into existence, that property shall be included in the town sanitary
24 district. If the private sewage on-site wastewater treatment system was installed
25 on or after 10 years before May 14, 1992, and if the property owner provides the town

BILL**SECTION 19**

1 sanitary district with any information about the cost of the private sewage on-site
2 wastewater treatment system required by the district, the town sanitary district,
3 when the district issues any assessment or charges or imposes property taxes to
4 construct a sewage service system, shall pay or credit the property owner an amount
5 equal to 10% of the cost of the private sewage on-site wastewater treatment system,
6 less any grants or aids received by the property owner for construction of the private
7 sewage on-site wastewater treatment system, multiplied by the number of years of
8 remaining life of the private sewage on-site wastewater treatment system. The
9 number of years of remaining life of the private sewage on-site wastewater
10 treatment system is equal to 10 minus the number of years that the private sewage
11 on-site wastewater treatment system has been in operation.

12 **SECTION 20.** 60.77 (5) (b) of the statutes is amended to read:

13 60.77 (5) (b) Require the installation of private sewage on-site wastewater
14 treatment systems.

15 **SECTION 21.** 60.77 (5) (bm) of the statutes is amended to read:

16 60.77 (5) (bm) Require the inspection of private sewage on-site wastewater
17 treatment systems that have been already installed to determine compliance with
18 the state plumbing code and may report violations of the state plumbing code to the
19 governmental unit responsible for the regulation of private sewage on-site
20 wastewater treatment systems for enforcement under s. 145.20.

21 **SECTION 22.** 60.77 (5) (bs) of the statutes is amended to read:

22 60.77 (5) (bs) Provide direct financial assistance for costs related to the
23 replacement of private sewage on-site wastewater treatment systems, ~~as defined in~~
24 ~~s. 145.01 (12)~~, that are failing.

25 **SECTION 23.** 60.77 (5) (j) of the statutes is amended to read:

BILL

1 60.77 (5) (j) Administer the private ~~sewage~~ on-site wastewater treatment
2 system program if authorized under s. 145.20 (1) (am).

3 **SECTION 24.** 101.01 (11) of the statutes is renumbered 101.01 (11) (intro.) and
4 amended to read:

5 101.01 (11) (intro.) “Place of employment” includes every place, whether
6 indoors or out or underground and the premises appurtenant thereto where either
7 temporarily or permanently any industry, trade, or business is carried on, or where
8 any process or operation, directly or indirectly related to any industry, trade, or
9 business, is carried on, and where any person is, directly or indirectly, employed by
10 another for direct or indirect gain or profit, but does not include any place where
11 persons are employed in private domestic service which does not involve the use of
12 mechanical power or in farming. “Farming” includes those activities specified in s.
13 102.04 (3), and also includes the transportation of farm products, supplies, or
14 equipment directly to the farm by the operator of the farm or employees for use
15 thereon, if such activities are directly or indirectly for the purpose of producing
16 commodities for market, or as an accessory to such production. When used with
17 relation to building codes, “place of employment” does not include ~~an~~ any of the
18 following:

19 (a) An adult family home, as defined in s. 50.01 (1), ~~or, except.~~

20 (b) Except for the purposes of s. 101.11, a previously constructed building used
21 as a community-based residential facility, as defined in s. 50.01 (1g), which serves
22 20 or fewer residents who are not related to the operator or administrator.

23 **SECTION 25.** 101.01 (11) (c) of the statutes is created to read:

24 101.01 (11) (c) A home-based business, as defined by the department by rule.

BILL**SECTION 26**

1 **SECTION 26.** 101.01 (12) of the statutes is renumbered 101.01 (12) (intro.) and
2 amended to read:

3 101.01 **(12)** (intro.) “Public building” means any structure, including exterior
4 parts of such building, such as a porch, exterior platform, or steps providing means
5 of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging,
6 trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in
7 relation to building codes, “public building” does not include ~~a~~ any of the following:

8 (a) A previously constructed building used as a community-based residential
9 facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not
10 related to the operator or administrator ~~or an~~.

11 (b) An adult family home, as defined in s. 50.01 (1).

12 **SECTION 27.** 101.01 (12) (c) of the statutes is created to read:

13 101.01 **(12)** (c) A home-based business, as defined by the department by rule.

14 **SECTION 28.** 101.02 (20) (a) of the statutes, as affected by 2011 Wisconsin Act
15 32, is amended to read:

16 101.02 **(20)** (a) For purposes of this subsection, “license” means a license,
17 permit, or certificate of certification or registration issued by the department for an
18 occupation or profession under ~~ss.~~ s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g),
19 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a),
20 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935,
21 101.95, 101.951, 101.952, ~~101.96 (2)~~, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,
22 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules
23 promulgated under ch. 101 or 145.

24 **SECTION 29.** 101.02 (21) (a) of the statutes, as affected by 2011 Wisconsin Act
25 32, is amended to read:

BILL

1 101.02 (21) (a) In this subsection, “license” means a license, permit, or
2 certificate of certification or registration issued by the department for an occupation
3 or profession under s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15
4 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a), 101.63 (2) or (2m),
5 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
6 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,
7 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under
8 ch. 101 or 145.

9 **SECTION 30.** 101.05 (5) of the statutes is created to read:

10 101.05 (5) No standard, rule, order, code, or regulation adopted, promulgated,
11 enforced, or administered by the department under this subchapter applies to a
12 building used for farming, as defined by the department by rule.

13 **SECTION 31.** 101.07 of the statutes is repealed.

14 **SECTION 32.** 101.145 (2) of the statutes is amended to read:

15 101.145 (2) APPROVAL. A smoke detector required under this section shall be
16 ~~approved by~~ bear an Underwriters Laboratories, Inc., listing mark or similar mark
17 from an independent product safety certification organization.

18 **SECTION 33.** 101.177 of the statutes, as affected by 2011 Wisconsin Act 10, is
19 repealed.

20 **SECTION 34.** 101.563 of the statutes, as affected by 2011 Wisconsin Act 32, is
21 repealed.

22 **SECTION 35.** 101.745 (2) of the statutes is amended to read:

23 101.745 (2) APPROVAL. A smoke detector required under this section shall be
24 ~~approved by underwriters laboratory~~ bear an Underwriters Laboratories, Inc.,

BILL**SECTION 35**

1 listing mark or similar mark from an independent product safety certification
2 organization.

3 **SECTION 36.** 101.952 (3) of the statutes is amended to read:

4 101.952 (3) Every licensee shall carry his or her license when engaged in his
5 or her business and display the same upon request. ~~The license shall name his or~~
6 ~~her employer, and, in case of a change of employer, the manufactured home~~
7 ~~salesperson shall immediately mail his or her license to the department, which shall~~
8 ~~endorse that change on the license without charge.~~

9 **SECTION 37.** 101.985 (2) (title) of the statutes is amended to read:

10 101.985 (2) (title) ELEVATOR MECHANIC MECHANICS' LICENSES.

11 **SECTION 38.** 101.985 (2) (a) (title) of the statutes is repealed and recreated to
12 read:

13 101.985 (2) (a) (title) *Issuance.*

14 **SECTION 39.** 101.985 (2) (a) (intro.) of the statutes is renumbered 101.985 (2)
15 (a) and amended to read:

16 101.985 (2) (a) ~~Except as provided in pars. (am) to (d), the~~ The department shall
17 issue an elevator mechanic's license to each individual who ~~satisfactorily completes~~
18 ~~an elevator mechanic's apprenticeship program that is approved by the U.S.~~
19 ~~department of labor or by the department of workforce development or who satisfies~~
20 ~~all of the following:~~ meets the requirements in either par. (ab) or (ad).

21 **SECTION 40.** 101.985 (2) (a) 2. of the statutes is renumbered 101.985 (2) (ab) 2.
22 and amended to read:

23 101.985 (2) (ab) 2. During the 3 years preceding the date of application, he or
24 she was continuously employed in a position requiring the individual to perform
25 work that is at a journeyman level and that is relevant to the erection, construction,

BILL

1 alteration, replacement, maintenance, repair, ~~removal, or dismantling or servicing~~
2 of conveyances, as verified by the individual's employers.

3 **SECTION 41.** 101.985 (2) (a) 3. of the statutes is renumbered 101.985 (2) (ab) 3.
4 and amended to read:

5 101.985 (2) (ab) 3. ~~Satisfactorily~~ He or she satisfactorily completes a written
6 examination administered by the department covering the provisions of this
7 subchapter, and rules promulgated under this subchapter, that are relevant to the
8 license applied for or satisfactorily completes an elevator mechanic's examination
9 approved by the department and administered by a nationally recognized training
10 program established by the elevator industry.

11 **SECTION 42.** 101.985 (2) (ab) (intro.) of the statutes is created to read:

12 101.985 (2) (ab) *Requirements; apprenticeship and journeyman level.* (intro.)
13 An individual is eligible for an elevator mechanic's license if he or she satisfactorily
14 completes an elevator mechanic's apprenticeship program that is approved by the
15 U.S. department of labor or by the department of workforce development or if he or
16 she satisfies all of the following requirements:

17 **SECTION 43.** 101.985 (2) (ad) of the statutes is created to read:

18 101.985 (2) (ad) *Requirements; training program.* 1. An individual is eligible
19 for an elevator mechanic's license if he or she satisfies all of the following
20 requirements:

21 a. He or she verifies to the department that he or she has been certified as
22 having successfully completed a 4-year program established by the National
23 Elevator Industry Educational Program or an equivalent nationally recognized
24 4-year training program that is approved by the department.

25 b. He or she meets one of the requirements specified in subd. 2.

BILL

1 2. In order to meet the requirement under subd. 1. b. for an elevator mechanic's
2 license, an individual applying for a license shall satisfy one of the following
3 requirements:

4 a. He or she verifies to the department that, during the 5 years immediately
5 preceding the date of the license application, he or she was employed for at least
6 1,000 hours in each of the 5 years performing work described under s. 101.984 (2) (a)
7 or (b).

8 b. He or she verifies to the department that he or she has continuous experience
9 in the elevator industry for at least 5 years immediately preceding the date of the
10 license application in a capacity, other than in the capacity of performing work
11 described under s. 101.984 (2) (a) or (b), that has allowed him or her to remain
12 familiar with elevator equipment, technology, and industry practices. This
13 experience may include performing management activities for a company that
14 engages in the sale, installation, repair, or maintenance of conveyances, being
15 involved in elevator industry labor relations, or supervising elevator mechanics.

16 c. He or she verifies to the department that he or she, during any 5 years
17 preceding the date of the license application, was employed for at least 1,000 hours
18 in each of those 5 years performing work that is relevant to the erection, construction,
19 alteration, replacement, maintenance, repair, or servicing of conveyances and that
20 this work included work described under s. 101.984 (2) (a) or (b). If the 5 years were
21 not the 5 years immediately preceding the date of application, the applicant shall
22 verify that this is due to the applicant's work being disrupted by high unemployment
23 in the elevator industry, military service, illness, disability, or another factor beyond
24 the applicant's control in order to meet the requirement under this subd. 2. c.

25 **SECTION 44.** 101.985 (2) (am) of the statutes is amended to read:

BILL

1 101.985 (2) (am) *Requirements for individuals with prior experience.* The
2 department shall promulgate rules that establish requirements for issuing an
3 elevator mechanic's license to an individual who has performed work described
4 under s. 101.984 (2) (a) or (b) within the scope of his or her employment before June
5 1, 2007, but who does not satisfy the requirements under par. ~~(a)~~ (ab) or (ad) to be
6 issued a license. The rules may contain a deadline before which an individual must
7 apply for a license issued under this paragraph.

8 **SECTION 45.** 101.985 (2) (b) of the statutes is amended to read:

9 101.985 (2) (b) *Licensing out-of-state mechanics.* The requirements under par.
10 ~~(a)~~ pars. (ab) and (ad) do not apply to an individual who is licensed as an elevator
11 mechanic under the laws of another state, if, in the opinion of the department, that
12 state's regulation of elevator mechanics is substantially the same as this state's. The
13 department may summarily issue an elevator mechanic's license to such an
14 individual.

15 **SECTION 46.** 101.985 (2) (c) of the statutes is amended to read:

16 101.985 (2) (c) *Emergency licensing.* If the governor declares that a state of
17 emergency exists in this state under s. 323.10 and the department determines that
18 the number of individuals in the state who hold an elevator mechanic's licenses
19 license issued by the department under this section on the date of the declaration is
20 insufficient to cope with the emergency, the department shall summarily issue an
21 emergency elevator mechanic's license to any individual who is certified by an
22 elevator contractor licensed under this subchapter as adequately qualified and able
23 to perform the work of an elevator mechanic without direct and immediate
24 supervision, who the department determines is so qualified and able, and who
25 applies for an emergency elevator mechanic's license on a form prescribed by the

BILL**SECTION 46**

1 department. An individual certified by a contractor under this paragraph may
2 perform work as an elevator mechanic for up to a total of 5 days preceding the date
3 the individual is issued the license. An emergency elevator mechanic's license has
4 a term of 30 days and may be renewed by the department in the case of a continuing
5 emergency. The department shall specify on an emergency elevator mechanic's
6 license the geographic area in which the licensee may provide services under the
7 license. The requirements under ~~par. (a)~~ pars. (ab) and (ad) do not apply to an
8 individual who applies for an emergency elevator mechanic's license.

9 **SECTION 47.** 101.985 (2) (d) of the statutes is amended to read:

10 101.985 (2) (d) *Temporary licensing.* If there are no elevator mechanics
11 licensed under this subchapter available to provide services contracted for by an
12 elevator contractor licensed under this subchapter, the elevator contractor may
13 notify the department and request the issuance of a temporary elevator mechanic's
14 license to any individual who is certified by the elevator contractor as adequately
15 qualified and able to perform the work of an elevator mechanic without direct and
16 immediate supervision and who applies for a temporary elevator mechanic's license
17 on a form prescribed by the department. A temporary elevator mechanic's license
18 has a term of 30 days and may be renewed by the department in the case of a
19 continuing shortage of licensed elevator mechanics. The department shall specify
20 on a temporary elevator mechanic's license the elevator contractor in whose employ
21 the licensee must remain to provide services under the temporary elevator
22 mechanic's license. The requirements under ~~par. (a)~~ pars. (ab) and (ad) do not apply
23 to an individual who applies for a temporary elevator mechanic's license.

24 **SECTION 48.** 101.985 (4) of the statutes is amended to read:

BILL

1 101.985 (4) CRIMINAL BACKGROUND CHECK. Upon receipt of an application for a
2 license under sub. (1), (2) ~~(a)~~, (ab) or (ad), or (3), the department, with the assistance
3 of the department of justice, shall conduct a background investigation of the
4 applicant to determine if the information provided by the applicant under sub. (7) (a)
5 10. is true and if the applicant has any arrests or convictions tending to indicate that
6 the applicant is not adequately qualified and able to provide services authorized
7 under the license applied for.

8 **SECTION 49.** 101.985 (5) (b) 1. of the statutes is amended to read:

9 101.985 (5) (b) 1. Except as otherwise provided in this subdivision, an applicant
10 for renewal of a license under sub. (1), (2) ~~(a)~~ (ab), (ad), or (b), or (3) shall provide to
11 the department a certificate indicating that, during the one-year period before the
12 date on which the applicant's license expires, the applicant has satisfactorily met
13 ~~with~~ the education requirements established by rule under subd. 2. If the applicant
14 is not an individual, the certificate shall indicate that the education requirements
15 were satisfactorily met by an individual who, as of the date of the application, is an
16 agent of the applicant.

17 **SECTION 50.** 101.985 (7) (a) (intro.) of the statutes is amended to read:

18 101.985 (7) (a) (intro.) Each application for a license under subs. (1), (2) ~~(a)~~ (ab)
19 or (ad), or (3) shall be made on a form prescribed by the department, and each
20 application shall contain at least the following information:

21 **SECTION 51.** 145.01 (4m) of the statutes is amended to read:

22 145.01 (4m) FAILING PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM.
23 "Failing private ~~sewage~~ on-site wastewater treatment system" has the meaning
24 specified under s. 145.245 (4).

25 **SECTION 52.** 145.01 (5) of the statutes is amended to read:

BILL**SECTION 52**

1 145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SEWAGE
2 ON-SITE WASTEWATER TREATMENT SYSTEMS. “Governmental unit responsible for the
3 regulation of private sewage on-site wastewater treatment systems” or
4 “governmental unit”, unless otherwise qualified, means the county except that in a
5 county with a population of 500,000 or more these terms mean the city, village or
6 town where the private sewage on-site wastewater treatment system is located.

7 **SECTION 53.** 145.01 (10) (a) 2. of the statutes is amended to read:

8 145.01 (10) (a) 2. The construction, connection, installation, service, or repair
9 of any drain or wastewater piping system that connects to the mains or other
10 terminal within the bounds of, or beneath an area subject to easement for highway
11 purposes, including private sewage on-site wastewater treatment systems and
12 stormwater treatment and dispersal systems, and the alteration of any such
13 systems, drains or wastewater piping.

14 **SECTION 54.** 145.01 (12) of the statutes is amended to read:

15 145.01 (12) PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM. “Private
16 sewage on-site wastewater treatment system” means a sewage treatment and
17 disposal system serving a single structure with a septic tank and soil absorption field
18 located on the same parcel as the structure. This term also means an alternative
19 sewage system approved by the department including a substitute for the septic tank
20 or soil absorption field, a holding tank, a system serving more than one structure or
21 a system located on a different parcel than the structure. A private sewage on-site
22 wastewater treatment system may be owned by the property owner or by a special
23 purpose district.

24 **SECTION 55.** 145.045 (1) of the statutes is amended to read:

BILL

1 145.045 (1) POWERS AND DUTIES. The department shall by rule establish an
2 examining program for the certification of soil testers, setting such standards as the
3 department finds necessary to accomplish the purposes of this chapter. Such
4 standards shall include formal written examinations for all applicants. The
5 department shall charge applicants for the cost of examination and certification.
6 After July 1, 1974, no person may construct soil bore holes or conduct soil percolation
7 tests or other similar tests specified by the department that relate to private sewage
8 on-site wastewater treatment systems unless the person holds a valid certificate
9 issued under this section.

10 **SECTION 56.** 145.045 (3) of the statutes is amended to read:

11 145.045 (3) PLUMBERS AND SEPTIC TANK INSTALLERS. A plumber or septic tank
12 installer may also be a soil tester and install any system after approval of the site or
13 project by the department or the governmental unit responsible for the regulation
14 of private sewage on-site wastewater treatment systems.

15 **SECTION 57.** 145.07 (3) (a) of the statutes is amended to read:

16 145.07 (3) (a) A specific record of not less than 1,000 hours per year experience
17 for 3 or more ~~consecutive~~ years as a licensed journeyman plumber in this state; or

18 **SECTION 58.** 145.07 (5) of the statutes is amended to read:

19 145.07 (5) Any resident who has been actively engaged in this state in a limited
20 type of plumbing installation work for a period of not less than 1,000 hours per year
21 for 2 or more ~~consecutive~~ years as a licensed journeyman plumber (restricted) may
22 be examined for licensure as a master plumber (restricted).

23 **SECTION 59.** 145.08 (1m) of the statutes is repealed.

24 **SECTION 60.** 145.135 (title) of the statutes is repealed.

25 **SECTION 61.** 145.135 (1) (title) of the statutes is repealed.

BILL**SECTION 62**

1 **SECTION 62.** 145.135 (1) of the statutes is renumbered 145.19 (1b) and amended
2 to read:

3 **145.19 (1b) DEFINITION.** In this section, "sanitary permit" means a permit
4 authorizing the installation of a private on-site wastewater treatment system that
5 is issued by the department or any governmental unit responsible for the regulation
6 of private sewage on-site wastewater treatment systems for the installation of a
7 private sewage system.

8 **(1g) PERMIT REQUIRED.** No person may purchase or install a private sewage
9 on-site wastewater treatment system unless the owner of the property on which the
10 private sewage on-site wastewater treatment system is to be installed holds a valid
11 sanitary permit issued under this section. No person may sell at retail, as defined
12 under s. 100.201 (1) (d), a septic tank for installation in this state unless the
13 purchaser holds a valid sanitary permit issued under this section.

14 **(7) PERIOD OF VALIDITY.** A sanitary permit is valid for 2 years from the date of
15 issue and renewable for similar periods thereafter. ~~A governmental unit responsible~~
16 ~~for the regulation of private sewage systems may not charge more than one fee for~~
17 ~~a sanitary permit or the renewal of a sanitary permit in any 12-month period. A~~
18 sanitary permit shall remain valid to the end of the established period,
19 notwithstanding any change in the state plumbing code or in any private sewage
20 on-site wastewater treatment system ordinance during that period.

21 **(8) TRANSFER OF PERMIT.** A sanitary permit may be transferred from the holder
22 to a subsequent owner of the land, except that the subsequent owner must obtain a
23 new copy of the sanitary permit from the issuing agent.

24 **(1r) TEST RESULTS.** The results of any percolation test or other test relating to
25 the disposal of liquid domestic wastes into the soil shall be retained by the

BILL

1 governmental unit ~~responsible for the regulation of private sewage systems~~ where
2 the property is located. The governmental unit ~~responsible for the regulation of~~
3 ~~private sewage systems~~ shall make the test results available to an applicant for a
4 sanitary permit and shall accept the test results as the basis for a sanitary permit
5 application unless the soil at the test site is altered to the extent that a new soil test
6 is necessary.

7 **SECTION 63.** 145.135 (2) (intro.) of the statutes is renumbered 145.19 (3m)
8 (intro.), and 145.19 (3m) (title), as renumbered, is amended to read:

9 145.19 (3m) (title) NOTICE IN PERMIT.

10 **SECTION 64.** 145.135 (2) (a) to (f) of the statutes are renumbered 145.19 (3m)
11 (a) to (f), and 145.19 (3m) (a), as renumbered, is amended to read:

12 145.19 (3m) (a) The purpose of the sanitary permit is to allow installation of
13 the private sewage on-site wastewater treatment system described in the permit.

14 **SECTION 65.** 145.14 (2) (a) of the statutes is amended to read:

15 145.14 (2) (a) *Systems or services.* Persons classified under this paragraph may
16 install septic tanks for private sewage on-site wastewater treatment systems, may
17 install drain fields designed to serve such septic tanks, and may install sewer service
18 from the septic tank or sewer extensions from mains to the immediate inside or
19 proposed inside foundation wall of the building. Such persons may also install water
20 services, stormwater use systems, and reclaimed water systems if the services or
21 systems are to be located outside the foundation wall of the building.

22 **SECTION 66.** 145.19 (title) of the statutes is repealed and recreated to read:

23 **145.19 (title) Sanitary permits.**

24 **SECTION 67.** 145.19 (1) (title) of the statutes is repealed.

BILL**SECTION 68**

1 **SECTION 68.** 145.19 (1) of the statutes is renumbered 145.19 (1m) and amended
2 to read:

3 **145.19 (1m) APPLICATION PROCESS.** ~~No septic tank may be purchased and no~~
4 ~~private sewage system may be installed unless the owner of the property on which~~
5 ~~the private sewage system is to be installed holds a valid sanitary permit from the~~
6 ~~governmental unit responsible for the regulation of private sewage systems in which~~
7 ~~the property is located.~~ The department shall prescribe the information to be
8 included in the an application for a sanitary permit and ~~furnish sanitary permit~~
9 ~~forms to the governmental unit.~~ The applicant shall submit the completed
10 application for a sanitary permit to the governmental unit. The governmental unit
11 shall approve or disapprove the sanitary permit according to the rules promulgated
12 by the department under this chapter. ~~No person may sell at retail, as defined under~~
13 ~~s. 100.201 (1) (d), a septic tank for installation in this state unless the purchaser~~
14 ~~holds a valid sanitary permit issued under this section.~~

15 **SECTION 69.** 145.19 (2) of the statutes is amended to read:

16 **145.19 (2) FEE.** No fee for a sanitary permit may be less than \$61, ~~or~~ the amount
17 determined under department rule. The governing body for the governmental unit
18 responsible for the regulation of private sewage on-site wastewater treatment
19 systems may establish a fee for a sanitary permit which is more than \$61, ~~or~~ the
20 amount determined under department rule. A governmental unit may not charge
21 more than one fee for a sanitary permit or the renewal of a sanitary permit in any
22 12-month period.

23 **SECTION 70.** 145.19 (3) of the statutes is amended to read:

24 **145.19 (3) COPY OF PERMIT FEES AND RECORDS OF PERMITS FORWARDED TO THE**
25 DEPARTMENT. The governmental unit responsible for the regulation of private sewage

BILL

1 ~~on-site wastewater treatment~~ systems shall forward ~~a copy of each valid sanitary~~
2 ~~permit and \$20, or the amount determined under department rule, of the fee to the~~
3 department within 90 days after ~~the~~ each valid permit is issued a copy of the permit
4 and a portion of the fee, as determined under department rule. The governmental
5 unit shall also compile a periodic summary of the permits that it has issued. The
6 summary shall contain the information required by the department by rule, and
7 shall be submitted by the governmental unit to the department at intervals to be
8 determined by the department by rule.

9 **SECTION 71.** 145.19 (4) of the statutes is amended to read:

10 145.19 (4) USE OF FEE. The portion of this fee retained by the governmental unit
11 responsible for the regulation of private sewage on-site wastewater treatment
12 systems shall be used for the administration of private sewage on-site wastewater
13 treatment system programs.

14 **SECTION 72.** 145.19 (5) of the statutes is repealed.

15 **SECTION 73.** 145.19 (6) of the statutes is amended to read:

16 145.19 (6) GROUNDWATER FEE. In addition to the fee under sub. (2), the
17 governmental unit responsible for the regulation of private sewage on-site
18 wastewater treatment systems shall collect a groundwater fee of \$25 for each
19 sanitary permit. The governmental unit shall forward this fee to the department
20 together with ~~the copy of the sanitary permit and the fee under sub. (3).~~ The moneys
21 collected under this subsection shall be credited to the environmental fund for
22 environmental management.

23 **SECTION 74.** 145.195 (1) of the statutes is amended to read:

24 145.195 (1) No county, city, town or village may issue a building permit for
25 construction of any structure requiring connection to a private sewage on-site

BILL**SECTION 74**

1 wastewater treatment system unless a private sewage on-site wastewater
2 treatment system satisfying all applicable regulations already exists to serve the
3 proposed structure or all permits necessary to install a private sewage on-site
4 wastewater treatment system have been obtained.

5 **SECTION 75.** 145.195 (2) of the statutes is amended to read:

6 145.195 (2) Before issuing a building permit for construction of any structure
7 on property not served by a municipal sewage treatment plant, the county, city, town
8 or village shall determine that the proposed construction does not interfere with a
9 functioning private sewage on-site wastewater treatment system. The county, city,
10 town or village may require building permit applicants to submit a detailed plan of
11 the owner's existing private sewage on-site wastewater treatment system.

12 **SECTION 76.** 145.20 (title) of the statutes is amended to read:

13 **145.20 (title) Private sewage on-site wastewater treatment systems.**

14 **SECTION 77.** 145.20 (1) (a) of the statutes is amended to read:

15 145.20 (1) (a) The governing body of the governmental unit responsible for the
16 regulation of private sewage on-site wastewater treatment systems may assign the
17 duties of administering the private sewage on-site wastewater treatment system
18 program to any office, department, committee, board, commission, position or
19 employee of that governmental unit.

20 **SECTION 78.** 145.20 (1) (am) of the statutes is amended to read:

21 145.20 (1) (am) The governing body of the governmental unit responsible for
22 the regulation of private sewage on-site wastewater treatment systems may
23 delegate the duties of administering the private sewage on-site wastewater
24 treatment system program to a town sanitary district or public inland lake protection
25 and rehabilitation district with the powers of a town sanitary district within the town

BILL

1 sanitary district or public inland lake protection and rehabilitation district if the
2 town sanitary district or public inland lake protection and rehabilitation district
3 agrees to assume those duties.

4 **SECTION 79.** 145.20 (1) (b) of the statutes is amended to read:

5 145.20 (1) (b) The governmental unit responsible for the regulation of private
6 sewage on-site wastewater treatment systems shall obtain the services of a certified
7 soil tester, either as an employee or under contract, to review and verify certified soil
8 tester reports under sub. (2).

9 **SECTION 80.** 145.20 (2) (intro.) of the statutes is amended to read:

10 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The governmental
11 unit responsible for the regulation of private sewage on-site wastewater treatment
12 systems shall:

13 **SECTION 81.** 145.20 (2) (a) of the statutes is amended to read:

14 145.20 (2) (a) Review certified soil tester reports for proposed private sewage
15 on-site wastewater treatment systems and verify the report at the proposed site, if
16 necessary.

17 **SECTION 82.** 145.20 (2) (d) of the statutes is amended to read:

18 145.20 (2) (d) Inspect all private sewage on-site wastewater treatment
19 systems after construction but before backfilling no later than the end of the next
20 workday, excluding Saturdays, Sundays and holidays, after receiving notice from the
21 plumber in charge.

22 **SECTION 83.** 145.20 (2) (e) of the statutes is amended to read:

23 145.20 (2) (e) File reports and conduct surveys and inspections as required by
24 the governmental unit responsible for the regulation of private sewage on-site
25 wastewater treatment systems or the department.

BILL**SECTION 84**

1 **SECTION 84.** 145.20 (2) (f) of the statutes is amended to read:

2 145.20 (2) (f) Investigate violations of the private sewage on-site wastewater
3 treatment system ordinance and s. 254.59 (2), issue orders to abate the violations and
4 submit orders to the district attorney, corporation counsel or attorney general for
5 enforcement.

6 **SECTION 85.** 145.20 (2) (g) of the statutes is amended to read:

7 145.20 (2) (g) Perform other duties regarding private sewage on-site
8 wastewater treatment systems as considered appropriate by the governmental unit
9 responsible for the regulation of private sewage on-site wastewater treatment
10 systems or as required by the rules of the department.

11 **SECTION 86.** 145.20 (2) (h) of the statutes is amended to read:

12 145.20 (2) (h) Inspect existing private sewage on-site wastewater treatment
13 systems to determine compliance with s. 145.195 if a building or structure is being
14 constructed which requires connection to an existing private sewage on-site
15 wastewater treatment system. The county is not required to conduct an on-site
16 inspection if a building or structure is being constructed which does not require
17 connection to an existing private sewage on-site wastewater treatment system.

18 **SECTION 87.** 145.20 (3) (a) 1. of the statutes is amended to read:

19 145.20 (3) (a) 1. The department may specify categories of private sewage
20 on-site wastewater treatment systems for which approval by the department is
21 required prior to issuance of sanitary permits by the governmental unit responsible
22 for the regulation of private sewage on-site wastewater treatment systems.

23 **SECTION 88.** 145.20 (3) (a) 2. of the statutes is amended to read:

24 145.20 (3) (a) 2. The department may exempt a governmental unit from any
25 category of private sewage on-site wastewater treatment systems for which

BILL

1 departmental approval is required prior to sanitary permit issuance under subd. 1.,
2 upon a determination, in accordance with rules promulgated by the department, that
3 past performance of the governmental unit on reviews and audits under par. (b) has
4 been satisfactory and that the governmental unit has the capacity to give the same
5 level of application and plan review as that provided by the department. The
6 department may revoke an exemption upon a finding that performance of the
7 governmental unit on a review or audit conducted subsequent to the granting of the
8 exemption is unsatisfactory or that the governmental unit is not giving the same
9 level of application and plan review as that provided by the department. Findings
10 in a revocation action may be made only after a public hearing upon 30 days' advance
11 notice to the clerk of the governmental unit. The department shall submit a report
12 under s. 13.172 (2) to the chief clerk of each house of the legislature, at the beginning
13 of each legislative session, describing the exemptions under this subdivision.

14 **SECTION 89.** 145.20 (3) (b) of the statutes is amended to read:

15 145.20 (3) (b) The department shall review the private sewage on-site
16 wastewater treatment system program in each governmental unit responsible for
17 the regulation of private sewage on-site wastewater treatment systems to ascertain
18 compliance with sub. (2) and with regulations issued by the department. This review
19 shall include a random audit of sanitary permits, including verification by on-site
20 inspection.

21 **SECTION 90.** 145.20 (3) (c) of the statutes is amended to read:

22 145.20 (3) (c) If the governing body for a governmental unit responsible for the
23 regulation of private sewage on-site wastewater treatment systems does not adopt
24 a private sewage on-site wastewater treatment system ordinance meeting the
25 requirements of s. 59.70 (5) or if the governmental unit does not appoint personnel

BILL**SECTION 90**

1 meeting the requirements of sub. (1) or if the governmental unit does not comply with
2 the requirements of sub. (2) or s. 145.19 (3), the department may conduct hearings
3 in the county seat upon 30 days' notice to the county clerk. As soon as practicable
4 after the public hearing, the department shall issue a written decision regarding
5 compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the department
6 determines that there is a violation of these provisions, the governmental unit may
7 not issue a sanitary permit for the installation of a private sewage on-site
8 wastewater treatment system until the violation is corrected.

9 **SECTION 91.** 145.20 (3) (d) of the statutes is amended to read:

10 145.20 (3) (d) The department shall conduct training and informational
11 programs for officials of the governmental unit responsible for the regulation of
12 private sewage on-site wastewater treatment systems and employees and persons
13 licensed under this chapter and s. 281.48 and certified as operators of septage
14 servicing vehicles under s. 281.17 (3) to improve the delivery of service under the
15 private sewage on-site wastewater treatment system program. The department
16 shall obtain the assistance of the Wisconsin counties association in planning and
17 conducting the training and informational programs.

18 **SECTION 92.** 145.20 (4) of the statutes is amended to read:

19 145.20 (4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A
20 governmental unit may assess the owner of a private sewage on-site wastewater
21 treatment system for costs related to the pumping of a septic or holding tank. The
22 governmental unit shall make any assessment in the same manner that a city, village
23 or town makes an assessment under s. 66.0703.

24 **SECTION 93.** 145.20 (5) (a) of the statutes is amended to read:

BILL

1 145.20 (5) (a) The department shall establish a maintenance program to be
2 administered by governmental units responsible for the regulation of private sewage
3 on-site wastewater treatment systems. The department shall determine the private
4 sewage on-site wastewater treatment systems to which the maintenance program
5 applies. At a minimum the maintenance program is applicable to all new or
6 replacement private sewage on-site wastewater treatment systems constructed in
7 a governmental unit after the date on which the governmental unit adopts this
8 program. The department may apply the maintenance program by rule to private
9 sewage on-site wastewater treatment systems constructed in a governmental unit
10 responsible for the regulation of private sewage on-site wastewater treatment
11 systems on or before the date on which the governmental unit adopts the program.
12 The department shall determine the private sewage on-site wastewater treatment
13 systems to which the maintenance program applies in governmental units that do
14 not meet the conditions for eligibility under s. 145.245 (9).

15 **SECTION 94.** 145.20 (5) (am) of the statutes is amended to read:

16 145.20 (5) (am) Each governmental unit responsible for the regulation of
17 private sewage on-site wastewater treatment systems shall adopt and begin the
18 administration of the program established under par. (a) before October 1, 2015. As
19 part of adopting and administering the program, the governmental unit shall
20 conduct and maintain an inventory of all the private sewage on-site wastewater
21 treatment systems located in the governmental unit and shall complete the initial
22 inventory before October 1, 2013. In order to be eligible for grant funding under s.
23 145.245, a governmental unit must comply with these deadlines.

24 **SECTION 95.** 145.20 (5) (b) of the statutes is amended to read:

BILL**SECTION 95**

1 145.20 (5) (b) The maintenance program shall include a requirement of
2 inspection or pumping of the private sewage on-site wastewater treatment system
3 at least once every 3 years if the private sewage on-site wastewater treatment
4 system does not have a maintenance plan as prescribed by rule by the department.
5 Inspections may be conducted by a master plumber, journeyman plumber or
6 restricted plumber licensed under this chapter, a person licensed under s. 281.48 or
7 by an employee of the state or governmental unit designated by the department, and
8 the department may determine by rule other persons who are qualified to undertake
9 required inspection, maintenance, or repairs. The department shall specify the
10 methods to establish the required frequency of inspection, maintenance, and
11 pumping for each type of private sewage on-site wastewater treatment system that
12 does not have a maintenance plan and shall periodically update the methods.

13 **SECTION 96.** 145.20 (6) (a) 2. of the statutes is amended to read:

14 145.20 (6) (a) 2. Install, design, maintain, repair, or sell a private sewage
15 on-site wastewater treatment system, component of a private sewage on-site
16 wastewater treatment system, drain field designed to serve a private sewage on-site
17 wastewater treatment system, or pipe from a private sewage on-site wastewater
18 treatment system to the immediate inside of the existing or proposed foundation wall
19 of the building served by the private sewage on-site wastewater treatment system.

20 **SECTION 97.** 145.24 (1) of the statutes is amended to read:

21 145.24 (1) If an existing private sewage on-site wastewater treatment system
22 either is not located in soil meeting the siting standards or is not constructed in
23 accordance with design standards promulgated under s. 145.02 or 145.13, the owner
24 of the private sewage on-site wastewater treatment system may petition the
25 department for a variance to the siting or design standards.

BILL

1 **SECTION 98.** 145.24 (2) of the statutes is amended to read:

2 145.24 (2) The department shall establish procedures for the review and
3 evaluation of existing private sewage on-site wastewater treatment systems which
4 do not comply with siting or design standards.

5 **SECTION 99.** 145.24 (3) of the statutes is amended to read:

6 145.24 (3) Upon receipt of a petition for a variance, the department shall
7 require the owner of the private sewage on-site wastewater treatment system to
8 submit information necessary to evaluate the request for a variance. If the
9 department determines that the existing private sewage on-site wastewater
10 treatment system is not a failing private sewage on-site wastewater treatment
11 system, and continued use of the existing private sewage on-site wastewater
12 treatment system will not pose a threat of contamination of waters of the state, then
13 the department may issue a variance to allow continued use of the existing private
14 sewage on-site wastewater treatment system. The department shall rescind the
15 variance if the existing private sewage on-site wastewater treatment system
16 becomes a failing private sewage on-site wastewater treatment system or
17 contaminates waters of the state.

18 **SECTION 100.** 145.245 (title) of the statutes is amended to read:

19 **145.245 (title) Private sewage on-site wastewater treatment system**
20 **replacement or rehabilitation.**

21 **SECTION 101.** 145.245 (1) (a) 1. of the statutes is amended to read:

22 145.245 (1) (a) 1. A determination that a private sewage on-site wastewater
23 treatment system is failing, according to the criteria under sub. (4), based on an
24 inspection of the private sewage on-site wastewater treatment system by an

BILL**SECTION 101**

1 employee of the state or a governmental unit who is certified to inspect private
2 sewage on-site wastewater treatment systems by the department.

3 **SECTION 102.** 145.245 (1) (ae) of the statutes is amended to read:

4 145.245 (1) (ae) “Governmental unit” means a governmental unit responsible
5 for the regulation of private sewage on-site wastewater treatment systems.
6 “Governmental unit” also includes a federally recognized American Indian tribe or
7 band.

8 **SECTION 103.** 145.245 (4) (intro.) of the statutes is amended to read:

9 145.245 (4) FAILING PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEMS.
10 (intro.) The department shall establish criteria for determining if a private sewage
11 on-site wastewater treatment system is a failing private sewage on-site wastewater
12 treatment system. A failing private sewage on-site wastewater treatment system
13 is one which causes or results in any of the following conditions:

14 **SECTION 104.** 145.245 (4) (b) of the statutes is amended to read:

15 145.245 (4) (b) The introduction of sewage into zones of saturation which
16 adversely affects the operation of a private sewage on-site wastewater treatment
17 system.

18 **SECTION 105.** 145.245 (4) (e) of the statutes is amended to read:

19 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage
20 into the structure served by the private sewage on-site wastewater treatment
21 system.

22 **SECTION 106.** 145.245 (4m) (intro.) of the statutes is amended to read:

23 145.245 (4m) CATEGORIES OF FAILING PRIVATE SEWAGE ON-SITE WASTEWATER
24 TREATMENT SYSTEMS. (intro.) For the purposes of this section, the department shall

BILL

1 establish the category of each failing private sewage on-site wastewater treatment
2 system for which a grant application is submitted, as follows:

3 **SECTION 107.** 145.245 (4m) (a) of the statutes is amended to read:

4 145.245 (4m) (a) Category 1: failing private sewage on-site wastewater
5 treatment systems described in sub. (4) (a) to (c).

6 **SECTION 108.** 145.245 (4m) (b) of the statutes is amended to read:

7 145.245 (4m) (b) Category 2: failing private sewage on-site wastewater
8 treatment systems described in sub. (4) (d).

9 **SECTION 109.** 145.245 (4m) (c) of the statutes is amended to read:

10 145.245 (4m) (c) Category 3: failing private sewage on-site wastewater
11 treatment systems described in sub. (4) (e).

12 **SECTION 110.** 145.245 (5) (a) 1. of the statutes is amended to read:

13 145.245 (5) (a) 1. A person is eligible for grant funds under this section if he or
14 she owns a principal residence which is served by a category 1 or 2 failing private
15 sewage on-site wastewater treatment system, if the private sewage on-site
16 wastewater treatment system was installed before July 1, 1978, if the family income
17 of the person does not exceed the income limitations under par. (c), if the amount of
18 the grant determined under sub. (7) is at least \$100, if the residence is not located
19 in an area served by a sewer and if determination of failure is made prior to the
20 rehabilitation or replacement of the failing private sewage on-site wastewater
21 treatment system.

22 **SECTION 111.** 145.245 (5) (a) 2. of the statutes is amended to read:

23 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
24 owns a small commercial establishment which is served by a category 1 or 2 failing
25 private sewage on-site wastewater treatment system, if the private sewage on-site

BILL**SECTION 111**

1 wastewater treatment system was installed before July 1, 1978, if the gross revenue
2 of the business does not exceed the limitation under par. (d), if the small commercial
3 establishment is not located in an area served by a sewer and if a determination of
4 failure is made prior to the rehabilitation or replacement of the private ~~sewage~~
5 on-site wastewater treatment system.

6 **SECTION 112.** 145.245 (5) (a) 3. of the statutes is amended to read:

7 145.245 (5) (a) 3. A person who owns a principal residence or small commercial
8 establishment which is served by a category 1 or 2 failing private ~~sewage~~ on-site
9 wastewater treatment system may submit an application for grant funds during the
10 3-year period after the determination of failure is made. Grant funds may be
11 awarded after work is completed if rehabilitation or replacement of the system meets
12 all requirements of this section and rules promulgated under this section.

13 **SECTION 113.** 145.245 (5m) (a) of the statutes is amended to read:

14 145.245 (5m) (a) The department or a governmental unit shall deny a grant
15 application under this section if the applicant or a person who would be directly
16 benefited by the grant intentionally caused the conditions which resulted in a
17 category 1 or 2 failing private ~~sewage~~ on-site wastewater treatment system. The
18 department or governmental unit shall notify the applicant in writing of a denial,
19 including the reason for the denial.

20 **SECTION 114.** 145.245 (6) (a) of the statutes is amended to read:

21 145.245 (6) (a) Except for grants under par. (b), funds available under a grant
22 under this section shall be applied to the rehabilitation or replacement of the private
23 ~~sewage~~ on-site wastewater treatment system. An existing private ~~sewage~~ on-site
24 wastewater treatment system may be replaced by an alternative private ~~sewage~~

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1 on-site wastewater treatment system or by a system serving more than one principal
2 residence.

3 **SECTION 115.** 145.245 (6) (b) of the statutes is amended to read:

4 145.245 (6) (b) Funds available under a grant under this section for
5 experimental private sewage on-site wastewater treatment systems shall be applied
6 to the installation and monitoring of the experimental private sewage on-site
7 wastewater treatment systems.

8 **SECTION 116.** 145.245 (7) (a) of the statutes is amended to read:

9 145.245 (7) (a) Except as provided in par. (e), costs allowable in determining
10 grant funding under this section may not exceed the costs of rehabilitating or
11 replacing a private sewage on-site wastewater treatment system which would be
12 necessary to allow the rehabilitated system or new system to meet the minimum
13 requirements of the state plumbing code promulgated under s. 145.13.

14 **SECTION 117.** 145.245 (7) (b) of the statutes is amended to read:

15 145.245 (7) (b) Except as provided in par. (e), costs allowable in determining
16 grant funding under this section may not exceed the costs of rehabilitating or
17 replacing a private sewage on-site wastewater treatment system by the least costly
18 methods, except that a holding tank may not be used as the measure of the least
19 costly method for rehabilitating or replacing a private sewage on-site wastewater
20 treatment system other than a holding tank.

21 **SECTION 118.** 145.245 (7) (c) of the statutes is amended to read:

22 145.245 (7) (c) Except as provided in pars. (d) and (e), the state grant share
23 under this section is limited to \$7,000 for each principal residence or small
24 commercial establishment to be served by the private sewage on-site wastewater
25 treatment system or to the amount determined by the department based upon

BILL**SECTION 118**

1 private ~~sewage~~ on-site wastewater treatment system grant funding tables,
2 whichever is less. The department shall prepare and publish private ~~sewage~~ on-site
3 wastewater treatment system grant funding tables which specify the maximum
4 state share limitation for various components and costs involved in the
5 rehabilitation or replacement of a private ~~sewage~~ on-site wastewater treatment
6 system based upon minimum size and other requirements specified in the state
7 plumbing code promulgated under s. 145.02. The maximum state share limitations
8 shall be designed to pay approximately 60% of the average allowable cost of private
9 ~~sewage~~ on-site wastewater treatment system rehabilitation or replacement based
10 upon estimated or actual costs of that rehabilitation or replacement. The
11 department shall revise the grant funding tables when it determines that 60% of
12 current costs of private ~~sewage~~ on-site wastewater treatment system rehabilitation
13 or replacement exceed the amounts in the grant funding tables by more than 10%,
14 except that the department may not revise the grant funding tables more often than
15 once every 2 years.

16 **SECTION 119.** 145.245 (7) (d) of the statutes is amended to read:

17 145.245 (7) (d) Except as provided in par. (e), if the income of a person who owns
18 a principal residence that is served by a category 1 or 2 failing private ~~sewage~~ on-site
19 wastewater treatment system is greater than \$32,000, the amount of the grant under
20 this section is limited to the amount determined under par. (c) less 30% of the amount
21 by which the person's income exceeds \$32,000.

22 **SECTION 120.** 145.245 (7) (e) of the statutes is amended to read:

23 145.245 (7) (e) Costs allowable for experimental private ~~sewage~~ on-site
24 wastewater treatment systems shall include the costs of installing and monitoring
25 experimental private ~~sewage~~ on-site wastewater treatment systems installed under

BILL

1 s. 145.02 (3) (b) and this section. The department shall promulgate rules that specify
2 how the department will select, monitor and allocate the state share for
3 experimental private sewage on-site wastewater treatment systems that the
4 department funds under this section.

5 **SECTION 121.** 145.245 (8) (a) of the statutes is amended to read:

6 145.245 (8) (a) In order to be eligible for a grant under this section, a
7 governmental unit shall make an application for replacement or rehabilitation of
8 private sewage on-site wastewater treatment systems of principal residences or
9 small commercial establishments and shall submit an application for participation
10 to the department. The application shall be in the form and include the information
11 the department prescribes. In order to be eligible for funds available in a fiscal year,
12 an application is required to be received by the department prior to February 1 of the
13 previous fiscal year.

14 **SECTION 122.** 145.245 (9) (b) of the statutes is amended to read:

15 145.245 (9) (b) Certify that grants will be used for private sewage on-site
16 wastewater treatment system replacement or rehabilitation for a principal
17 residence or small commercial establishment owned by a person who meets the
18 eligibility requirements under sub. (5), that the funds will be used as provided under
19 sub. (6) and that allowable costs will not exceed the amount permitted under sub. (7);

20 **SECTION 123.** 145.245 (9) (c) of the statutes is amended to read:

21 145.245 (9) (c) Certify that grants will be used for private sewage on-site
22 wastewater treatment systems which will be properly installed and maintained;

23 **SECTION 124.** 145.245 (9) (e) of the statutes is amended to read:

24 145.245 (9) (e) Establish a process for regulation and inspection of private
25 sewage on-site wastewater treatment systems;