



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 03/04/2011 (Per: CMH)

- A ☞ The 2011 drafting file for LRB-0805
- B ☞ The 2011 drafting file for LRB-0808
- C ☞ The 2011 drafting file for LRB-1059
- D ☞ The 2011 drafting file for LRB-1369

☞ Compile Draft – Appendix B ... segment IX

has been tranfered to the drafting file for

**2011 LRB-1465\***

\* One of the compile drafts used in the creation of AB 40 & SB 27 (2011 Budget Bill)

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1 ~~SECTION 165.~~ 44.53 (1) (h) of the statutes is amended to read:

2 44.53 (1) (h) ~~Annually, award an amount equal to at least 5% of all state and~~  
3 ~~federal funds received by the board in that year for grants to artists and arts~~  
4 ~~organizations to artists who are minority group members and arts groups composed~~  
5 ~~principally of minority group members. In this paragraph, "minority group member"~~  
6 ~~has the meaning specified in s. 560.036 490.04 (1) (f).~~

7 SECTION 166. 46.29 (3) (e) of the statutes is amended to read:

8 46.29 (3) (e) The secretary of ~~commerce~~ safety and professional services.

9 SECTION 167. 46.90 (1) (gr) 3. of the statutes is amended to read:

10 46.90 (1) (gr) 3. The department of ~~regulation and licensing~~ safety and  
11 professional services.

12 SECTION 168. 46.90 (5m) (br) 5. of the statutes is amended to read:

13 46.90 (5m) (br) 5. Refer the case to the department of ~~regulation and licensing~~  
14 safety and professional services if the financial exploitation, neglect, self-neglect, or  
15 abuse involves an individual who is required to hold a credential, as defined in s.  
16 440.01 (2) (a), under chs. 440 to 460.

17 SECTION 169. 48.67 (intro.) of the statutes is amended to read:

18 **48.67 Rules governing child welfare agencies, child care centers,**  
19 **foster homes, group homes, shelter care facilities, and county departments.**

20 (intro.) The department shall promulgate rules establishing minimum  
21 requirements for the issuance of licenses to, and establishing standards for the  
22 operation of, child welfare agencies, child care centers, foster homes, group homes,  
23 shelter care facilities, and county departments. Those rules shall be designed to  
24 protect and promote the health, safety, and welfare of the children in the care of all  
25 licensees. The department shall consult with the department of ~~commerce~~ safety

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1 and professional services, the department of public instruction, and the child abuse  
2 and neglect prevention board before promulgating those rules. For foster homes,  
3 those rules shall include the rules promulgated under s. 48.62 (8). Those rules shall  
4 include rules that require all of the following:

5 **SECTION 170.** 48.685 (2) (am) 3. of the statutes is amended to read:

6 48.685 (2) (am) 3. Information maintained by the department of ~~regulation and~~  
7 licensing safety and professional services regarding the status of the person's  
8 credentials, if applicable.

9 **SECTION 171.** 48.685 (2) (b) 1. c. of the statutes is amended to read:

10 48.685 (2) (b) 1. c. Information maintained by the department of ~~regulation and~~  
11 licensing safety and professional services regarding the status of the person's  
12 credentials, if applicable.

13 **SECTION 172.** 48.685 (4m) (a) 5. of the statutes is amended to read:

14 48.685 (4m) (a) 5. That, in the case of a position for which the person must be  
15 credentialed by the department of ~~regulation and licensing~~ safety and professional  
16 services, the person's credential is not current or is limited so as to restrict the person  
17 from providing adequate care to a client.

18 **SECTION 173.** 48.685 (4m) (b) 5. of the statutes is amended to read:

19 48.685 (4m) (b) 5. That, in the case of a position for which the person must be  
20 credentialed by the department of ~~regulation and licensing~~ safety and professional  
21 services, the person's credential is not current or is limited so as to restrict the person  
22 from providing adequate care to a client.

23 **SECTION 174.** 48.78 (2) (g) of the statutes is amended to read:

24 48.78 (2) (g) Paragraph (a) does not prohibit an agency from disclosing  
25 information about an individual in its care or legal custody on the written request

1 of the department of ~~regulation and licensing~~ safety and professional services or of  
2 any interested examining board or affiliated credentialing board in that department  
3 for use in any investigation or proceeding relating to any alleged misconduct by any  
4 person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457.  
5 Unless authorized by an order of the court, the department of ~~regulation and~~  
6 ~~licensing~~ safety and professional services and any examining board or affiliated  
7 credentialing board in that department shall keep confidential any information  
8 obtained under this paragraph and may not disclose the name of or any other  
9 identifying information about the individual who is the subject of the information  
10 disclosed, except to the extent that redisclosure of that information is necessary for  
11 the conduct of the investigation or proceeding for which that information was  
12 obtained.

13 **SECTION 175.** 49.165 (2) (c) (intro.) of the statutes is amended to read:

14 49.165 (2) (c) (intro.) No grant may be made to an organization which provides  
15 or will provide shelter facilities unless the department of ~~commerce~~ safety and  
16 professional services determines that the physical plant of the facility will not be  
17 dangerous to the health or safety of the residents when the facility is in operation.  
18 No grant may be given to an organization which provides or will provide shelter  
19 facilities or private home shelter care unless the organization ensures that the  
20 following services will be provided either by that organization or by another  
21 organization, person or agency:

22 **SECTION 176.** 49.47 (4) (i) 1. of the statutes is amended to read:

23 49.47 (4) (i) 1. The department shall request a waiver from the secretary of the  
24 federal department of health and human services to permit the application of subd.  
25 2. The waiver shall request approval to implement the waiver on a statewide basis,

1 unless the department of health services determines that statewide implementation  
2 of the waiver would present an obstacle to the approval of the waiver by the secretary  
3 of the federal department of health and human services, in which case the waiver  
4 shall request approval to implement the waiver in 48 pilot counties to be selected by  
5 the department of health services. Within 30 days after August 12, 1993, the  
6 department of ~~regulation and licensing~~ safety and professional services shall notify  
7 funeral directors licensed under ch. 445, cemetery associations, as defined in s.  
8 157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of  
9 the waiver required to be requested under this subdivision. If the waiver is approved  
10 by the secretary of the federal department of health and human services and if the  
11 waiver remains in effect, subd. 2. shall apply.

12 **SECTION 177.** 49.857 (1) (c) of the statutes is amended to read:

13 49.857 (1) (c) "Credentialing board" means a board, examining board or  
14 affiliated credentialing board in the department of ~~regulation and licensing~~ safety  
15 and professional services that grants a credential.

16 **SECTION 178.** 49.857 (2) (b) 1. of the statutes is amended to read:

17 49.857 (2) (b) 1. The circumstances under which the licensing authority or the  
18 licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or  
19 issue or refuse to renew or revalidate a license and guidelines for determining the  
20 appropriate action to take. The memorandum of understanding with the  
21 department of ~~regulation and licensing~~ safety and professional services shall include  
22 the circumstances under which the department of ~~regulation and licensing~~ safety  
23 and professional services shall direct a credentialing board to restrict, limit,  
24 suspend, withhold, deny or refuse to grant a credential and guidelines for  
25 determining the appropriate action to take. The guidelines under this subdivision

1 for determining the appropriate action to take shall require the consideration of  
2 whether the action is likely to have an adverse effect on public health, safety or  
3 welfare or on the environment, and of whether the action is likely to adversely affect  
4 individuals other than the individual holding or applying for the license, such as  
5 employees of that individual.

6 **SECTION 179.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

7 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a  
8 delinquency in support or a failure to comply with a subpoena or warrant. The  
9 memorandum of understanding with the department of ~~regulation and licensing~~  
10 safety and professional services shall include procedures for the department of  
11 ~~regulation and licensing~~ safety and professional services to notify a credentialing  
12 board that a certification of delinquency in support or failure to comply with a  
13 subpoena or warrant has been made by the department of children and families with  
14 respect to an individual who holds or applied for a credential granted by the  
15 credentialing board.

16 **SECTION 180.** 49.857 (2) (b) 2. c. of the statutes is amended to read:

17 49.857 (2) (b) 2. c. Notifying the licensing authority or licensing agency that an  
18 individual has paid delinquent support or made satisfactory alternative payment  
19 arrangements or satisfied the requirements under a subpoena or warrant. The  
20 memorandum of understanding with the department of ~~regulation and licensing~~  
21 safety and professional services shall include procedures for the department of  
22 ~~regulation and licensing~~ safety and professional services to notify a credentialing  
23 board that an individual who holds or applied for a credential granted by the  
24 credentialing board has paid delinquent support or made satisfactory alternative  
25 payment arrangements or satisfied the requirements under a subpoena or warrant.

1           **SECTION 181.** 49.857 (2) (b) 3. a. of the statutes is amended to read:

2           49.857 (2) (b) 3. a. Restricting, limiting, suspending, withholding, denying,  
3 refusing to grant or issue or refusing to renew or revalidate a license. The  
4 memorandum of understanding with the department of ~~regulation and licensing~~  
5 safety and professional services shall include procedures for the department of  
6 ~~regulation and licensing~~ safety and professional services to direct a credentialing  
7 board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

8           **SECTION 182.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

9           49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of children  
10 and families notifies the licensing authority or licensing agency that an individual  
11 who was delinquent in making court-ordered payments of support has paid the  
12 delinquent support or made satisfactory alternative payment arrangements or that  
13 an individual who failed to comply with a subpoena or warrant has satisfied the  
14 requirements under the subpoena or warrant. The memorandum of understanding  
15 with the department of ~~regulation and licensing~~ safety and professional services  
16 shall include procedures for the department of ~~regulation and licensing~~ safety and  
17 professional services to direct a credentialing board to grant or reinstate a credential  
18 if the department of children and families notifies the department of ~~regulation and~~  
19 ~~licensing~~ safety and professional services that an individual who holds or applied for  
20 a credential granted by the credentialing board has paid the delinquent support or  
21 made satisfactory alternative payment arrangements or that an individual who  
22 failed to comply with a subpoena or warrant has satisfied the requirements under  
23 the subpoena or warrant.

24           **SECTION 183.** 49.857 (3) (a) 1. of the statutes is amended to read:

**SECTION 183**

1           49.857 (3) (a) 1. That a certification of delinquency in paying support will be  
2           made to a licensing authority, a licensing agency or, with respect to a credential  
3           granted by a credentialing board, the department of ~~regulation and licensing~~ safety  
4           and professional services.

5           **SECTION 184.** 49.857 (3) (am) 1. of the statutes is amended to read:

6           49.857 (3) (am) 1. That the individual's name has been placed on a certification  
7           list, which will be provided to a licensing authority, a licensing agency or, with respect  
8           to a credential granted by a credentialing board, the department of ~~regulation and~~  
9           licensing safety and professional services.

10          **SECTION 185.** 49.857 (3) (b) 1. of the statutes is amended to read:

11          49.857 (3) (b) 1. That a certification of the failure to comply with a subpoena  
12          or warrant will be made to a licensing authority, a licensing agency or, with respect  
13          to a credential granted by a credentialing board, the department of ~~regulation and~~  
14          licensing safety and professional services.

15          **SECTION 186.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

16          49.857 (3) (c) (intro.) If the department of children and families provides a  
17          certification list to a licensing authority, a licensing agency or, with respect to a  
18          credential granted by a credentialing board, the department of ~~regulation and~~  
19          licensing safety and professional services, upon receipt of the list the licensing  
20          authority if the licensing authority agrees, the licensing agency or, with respect to  
21          a credential granted by a credentialing board, the department of ~~regulation and~~  
22          licensing safety and professional services shall do all of the following:

23          **SECTION 187.** 49.857 (3) (d) 1. of the statutes is amended to read:

24          49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of  
25          delinquent support, is denied a license or whose license, on the basis of delinquent

1 support, is restricted, limited, suspended, or refused renewal or revalidation under  
2 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent  
3 amount of support in full or makes satisfactory alternative payment arrangements,  
4 the department of children and families shall immediately notify the licensing  
5 authority or licensing agency to issue or reinstate the individual's license as provided  
6 in the memorandum of understanding. If the individual held or applied for a  
7 credential granted by a credentialing board, the department of ~~regulation and~~  
8 licensing safety and professional services shall, upon notice by the department of  
9 children and families, notify the credentialing board to grant or reinstate the  
10 individual's credential.

11 **SECTION 188.** 49.857 (3) (d) 2. of the statutes is amended to read:

12 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a  
13 failure to comply with a subpoena or warrant, is denied a license or whose license,  
14 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,  
15 suspended, or refused renewal or revalidation under a memorandum of  
16 understanding entered into under sub. (2) (b) satisfies the requirements under the  
17 subpoena or warrant, the department of children and families shall immediately  
18 notify the licensing authority or licensing agency to issue or reinstate the individual's  
19 license as provided in the memorandum of understanding. If the individual held or  
20 applied for a credential granted by a credentialing board, the department of  
21 ~~regulation and licensing~~ safety and professional services shall, upon notice by the  
22 department of children and families, notify the credentialing board to grant or  
23 reinstate the individual's credential.

24 **SECTION 189.** 49.857 (4) of the statutes is amended to read:

1           49.857 (4) Each licensing agency shall enter into a memorandum of  
2 understanding with the department of children and families under sub. (2) (b) and  
3 shall cooperate with the department of children and families in its administration  
4 of s. 49.22. The department of ~~regulation and licensing~~ safety and professional  
5 services shall enter into a memorandum of understanding with the department of  
6 children and families on behalf of a credentialing board with respect to a credential  
7 granted by the credentialing board.

8           **SECTION 190.** 50.02 (1) of the statutes is amended to read:

9           50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,  
10 statewide licensing, inspection, and regulation of community-based residential  
11 facilities and nursing homes as provided in this subchapter. The department shall  
12 certify, inspect, and otherwise regulate adult family homes, as specified under ss.  
13 50.031 and 50.032 and shall license adult family homes, as specified under s. 50.033.  
14 Nothing in this subchapter may be construed to limit the authority of the department  
15 of ~~commerce~~ safety and professional services or of municipalities to set standards of  
16 building safety and hygiene, but any local orders of municipalities shall be consistent  
17 with uniform, statewide regulation of community-based residential facilities. The  
18 department may not prohibit any nursing home from distributing over-the-counter  
19 drugs from bulk supply. The department may consult with nursing homes as needed  
20 and may provide specialized consultations when requested by any nursing home,  
21 separate from its inspection process, to scrutinize any particular questions the  
22 nursing home raises. The department shall, by rule, define "specialized  
23 consultation".

24           **SECTION 191.** 50.02 (2) (a) of the statutes is amended to read:

1           50.02 (2) (a) The department, by rule, shall develop, establish and enforce  
2 regulations and standards for the care, treatment, health, safety, rights, welfare and  
3 comfort of residents in community-based residential facilities and nursing homes  
4 and for the construction, general hygiene, maintenance and operation of those  
5 facilities which, in the light of advancing knowledge, will promote safe and adequate  
6 accommodation, care and treatment of residents in those facilities; and promulgate  
7 and enforce rules consistent with this section. Such standards and rules shall  
8 provide that intermediate care facilities, which have 16 or fewer beds may, if  
9 exempted from meeting certain physical plant, staffing and other requirements of  
10 the federal regulations, be exempted from meeting the corresponding provisions of  
11 the department's standards and rules. The department shall consult with the  
12 department of ~~commerce~~ safety and professional services when developing  
13 exemptions relating to physical plant requirements.

14           **SECTION 192.** 50.035 (2) (a) 3. of the statutes is amended to read:

15           50.035 (2) (a) 3. The department or the department of ~~commerce~~ safety and  
16 professional services may waive the requirement under subd. 1. or 2. for a  
17 community-based residential facility that has a smoke detection or sprinkler system  
18 in place that is at least as effective for fire protection as the type of system required  
19 under the relevant subdivision.

20           **SECTION 193.** 50.035 (2) (b) (intro.) of the statutes is amended to read:

21           50.035 (2) (b) (intro.) No facility may install a smoke detection system that fails  
22 to receive the approval of the department or of the department of ~~commerce~~ safety  
23 and professional services. At least one smoke detector shall be located at each of the  
24 following locations:

25           **SECTION 194.** 50.065 (2) (am) 3. of the statutes is amended to read:

1           50.065 (2) (am) 3. Information maintained by the department of ~~regulation and~~  
2 ~~licensing~~ safety and professional services regarding the status of the person's  
3 credentials, if applicable.

4           **SECTION 195.** 50.065 (2) (b) 3. of the statutes is amended to read:

5           50.065 (2) (b) 3. Information maintained by the department of ~~regulation and~~  
6 ~~licensing~~ safety and professional services regarding the status of the person's  
7 credentials, if applicable.

8           **SECTION 196.** 50.065 (4m) (a) 5. of the statutes is amended to read:

9           50.065 (4m) (a) 5. That, in the case of a position for which the person must be  
10 credentialed by the department of ~~regulation and licensing~~ safety and professional  
11 services, the person's credential is not current or is limited so as to restrict the person  
12 from providing adequate care to a client.

13           **SECTION 197.** 50.065 (4m) (b) 5. of the statutes is amended to read:

14           50.065 (4m) (b) 5. That, in the case of a position for which the person must be  
15 credentialed by the department of ~~regulation and licensing~~ safety and professional  
16 services, the person's credential is not current or is limited so as to restrict the person  
17 from providing adequate care to a client.

18           **SECTION 198.** 50.36 (1) of the statutes is amended to read:

19           50.36 (1) The department shall promulgate, adopt, amend and enforce such  
20 rules and standards for hospitals for the construction, maintenance and operation  
21 of the hospitals deemed necessary to provide safe and adequate care and treatment  
22 of the patients in the hospitals and to protect the health and safety of the patients  
23 and employees; and nothing contained herein shall pertain to a person licensed to  
24 practice medicine and surgery or dentistry. The building codes and construction  
25 standards of the department of ~~commerce~~ safety and professional services shall

1 apply to all hospitals and the department may adopt additional construction codes  
2 and standards for hospitals, provided they are not lower than the requirements of  
3 the department of ~~commerce~~ safety and professional services. Except for the  
4 construction codes and standards of the department of ~~commerce~~ safety and  
5 professional services and except as provided in s. 50.39 (3), the department shall be  
6 the sole agency to adopt and enforce rules and standards pertaining to hospitals.

7 **SECTION 199.** 50.36 (6) of the statutes is amended to read:

8 50.36 (6) If the department receives a credible complaint that a pharmacy  
9 located in a hospital has violated its duty to dispense contraceptive drugs and devices  
10 under s. 450.095 (2), the department shall refer the complaint to the department of  
11 ~~regulation and licensing~~ safety and professional services.

12 **SECTION 200.** 51.42 (7) (a) 7. of the statutes is amended to read:

13 51.42 (7) (a) 7. Develop a program in consultation with the department of  
14 ~~regulation and licensing~~ safety and professional services to use voluntary,  
15 uncompensated services of licensed or certified professionals to assist the  
16 department of health services in evaluating community mental health programs in  
17 exchange for continuing education credits for the professionals under ss. 448.40 (2)  
18 (e) and 455.065 (5).

19 **SECTION 201.** 55.043 (4) (b) 5. of the statutes is amended to read:

20 55.043 (4) (b) 5. Refer the case to the department of ~~regulation and licensing~~  
21 safety and professional services if the financial exploitation, neglect, self-neglect, or  
22 abuse involves an individual who is required to hold a credential, as defined in s.  
23 440.01 (2) (a), under chs. 440 to 460.

24 **SECTION 202.** 59.27 (10) of the statutes is amended to read:

1           59.27 (10) To enforce in the county all general orders of the department of  
2 ~~commerce~~ safety and professional services relating to the sale, transportation and  
3 storage of explosives.

4           ~~SECTION 203. 59.57 (1) (b) of the statutes is amended to read:~~

5           ~~59.57 (1) (b) If a county with a population of 500,000 or more appropriates~~  
6 ~~money under par. (a) to fund nonprofit agencies, the county shall have a goal of~~  
7 ~~expending 20% of the money appropriated for this purpose to fund a nonprofit agency~~  
8 ~~that is actively managed by minority group members, as defined in s. ~~560.036~~ 490.04~~  
9 (1) (f), and that principally serves minority group members.

10          SECTION 204. 59.691 (2) (b) 1. of the statutes is amended to read:

11          59.691 (2) (b) 1. A county is not required to give the notice under par. (a) at the  
12 time that it issues a building permit if the county issues the building permit on a  
13 standard building permit form prescribed by the department of ~~commerce~~ safety and  
14 professional services.

15          SECTION 205. 60.625 (2) (b) 1. of the statutes is amended to read:

16          60.625 (2) (b) 1. A town is not required to give the notice under par. (a) at the  
17 time that it issues a building permit if the town issues the building permit on a  
18 standard building permit form prescribed by the department of ~~commerce~~ safety and  
19 professional services.

20          SECTION 206. 60.71 (4) (b) of the statutes is amended to read:

21          60.71 (4) (b) The town board shall publish a class 2 notice, under ch. 985, of the  
22 hearing. The notice shall contain an announcement of the hearing and a description  
23 of the boundaries of the proposed town sanitary district. The town board shall mail  
24 the notice to the department of ~~commerce~~ safety and professional services and the  
25 department of natural resources at least 10 days prior to the hearing.

1           **SECTION 207.** 60.71 (4) (c) of the statutes is amended to read:

2           60.71 (4) (c) Any person may file written comments on the formation of the  
3           district with the town clerk. Any owner of property within the boundary of the  
4           proposed district may appear at the hearing and offer objections, criticisms or  
5           suggestions as to the necessity of the proposed district and the question of whether  
6           his or her property will be benefited by the establishment of the district. A  
7           representative of the department of ~~commerce~~ safety and professional services and  
8           of the department of natural resources may attend the hearing and advise the town  
9           board.

10          **SECTION 208.** 61.352 (2) (b) 1. of the statutes is amended to read:

11          61.352 (2) (b) 1. A village is not required to give the notice under par. (a) at the  
12          time that it issues a building permit if the village issues the building permit on a  
13          standard building permit form prescribed by the department of ~~commerce~~ safety and  
14          professional services.

15          **SECTION 209.** 62.232 (2) (b) 1. of the statutes is amended to read:

16          62.232 (2) (b) 1. A city is not required to give the notice under par. (a) at the time  
17          that it issues a building permit if the city issues the building permit on a standard  
18          building permit form prescribed by the department of ~~commerce~~ safety and  
19          professional services.

20          **SECTION 210.** 66.0211 (5) of the statutes is amended to read:

21          66.0211 (5) CERTIFICATION OF INCORPORATION. If a majority of the votes in an  
22          incorporation referendum are cast in favor of a village or city, the clerk of the circuit  
23          court shall certify the fact to the secretary of state and supply the secretary of state  
24          with a copy of a description of the legal boundaries of the village or city and the  
25          associated population and a copy of a plat of the village or city. Within 10 days of

1 receipt of the description and plat, the secretary of state shall forward 2 copies to the  
2 department of transportation and one copy each to the department of  
3 administration, and the department of revenue ~~and the department of commerce~~.  
4 The secretary of state shall issue a certificate of incorporation and record the  
5 certificate.

6 **SECTION 211.** 66.0309 (3) (a) 3. of the statutes is repealed.

7 **SECTION 212.** 67.05 (6a) (bg) 2. of the statutes is amended to read:

8 67.05 (6a) (bg) 2. The department of ~~commerce~~ safety and professional services  
9 shall determine for each grade level in which pupils attended school in a building  
10 described in subd. 1., the average cost per square foot for, and the average number  
11 of square feet per pupil included in, 2 recently constructed school buildings that were  
12 designed to serve pupils of that grade level, as selected by that department.

13 **SECTION 213.** 67.12 (12) (e) 2r. b. of the statutes is amended to read:

14 67.12 (12) (e) 2r. b. The department of ~~commerce~~ safety and professional  
15 services shall determine, for each grade level in which pupils attended school in a  
16 building described in subd. 2r. a., the average cost per square foot for, and the average  
17 number of square feet per pupil included in, 2 recently constructed school buildings  
18 that were designed to serve pupils of that grade level, as selected by that department.

19 **SECTION 214.** 71.07 (5j) (a) 2d. of the statutes is amended to read:

20 71.07 (5j) (a) 2d. "Diesel replacement renewable fuel" includes biodiesel and  
21 any other fuel derived from a renewable resource that meets all of the applicable  
22 requirements of the American Society for Testing and Materials for that fuel and that  
23 the department of ~~commerce~~ safety and professional services designates by rule as  
24 a diesel replacement renewable fuel.

25 **SECTION 215.** 71.07 (5j) (a) 2m. of the statutes is amended to read:

1           71.07 (5j) (a) 2m. “Gasoline replacement renewable fuel” includes ethanol and  
2 any other fuel derived from a renewable resource that meets all of the applicable  
3 requirements of the American Society for Testing and Materials for that fuel and that  
4 the department of ~~commerce~~ safety and professional services designates by rule as  
5 a gasoline replacement renewable fuel.

6           **SECTION 216.** 71.07 (5j) (c) 3. of the statutes is amended to read:

7           71.07 (5j) (c) 3. The department of ~~commerce~~ safety and professional services  
8 shall establish standards to adequately prevent, in the distribution of conventional  
9 fuel to an end user, the inadvertent distribution of fuel containing a higher  
10 percentage of renewable fuel than the maximum percentage established by the  
11 federal environmental protection agency for use in conventionally-fueled engines.

12           **SECTION 217.** 71.47 (5j) (a) 2d. of the statutes is amended to read:

13           71.47 (5j) (a) 2d. “Diesel replacement renewable fuel” includes biodiesel and  
14 any other fuel derived from a renewable resource that meets all of the applicable  
15 requirements of the American Society for Testing and Materials for that fuel and that  
16 the department of ~~commerce~~ safety and professional services designates by rule as  
17 a diesel replacement renewable fuel.

18           **SECTION 218.** 71.47 (5j) (a) 2m. of the statutes is amended to read:

19           71.47 (5j) (a) 2m. “Gasoline replacement renewable fuel” includes ethanol and  
20 any other fuel derived from a renewable resource that meets all of the applicable  
21 requirements of the American Society for Testing and Materials for that fuel and that  
22 the department of ~~commerce~~ safety and professional services designates by rule as  
23 a gasoline replacement renewable fuel.

24           **SECTION 219.** 71.47 (5j) (c) 3. of the statutes is amended to read:

**SECTION 219**

1           71.47 (5j) (c) 3. The department of ~~commerce~~ safety and professional services  
2 shall establish standards to adequately prevent, in the distribution of conventional  
3 fuel to an end user, the inadvertent distribution of fuel containing a higher  
4 percentage of renewable fuel than the maximum percentage established by the  
5 federal environmental protection agency for use in conventionally-fueled engines.

6           **SECTION 220.** 73.0301 (1) (b) of the statutes is amended to read:

7           73.0301 (1) (b) “Credentialing board” means a board, examining board or  
8 affiliated credentialing board in the department of ~~regulation and licensing~~ safety  
9 and professional services that grants a credential.

10          **SECTION 221.** 73.0301 (1) (e) of the statutes is amended to read:

11          73.0301 (1) (e) “Licensing department” means the department of  
12 administration; the board of commissioners of public lands; ~~the department of~~  
13 ~~commerce~~; the department of children and families; the government accountability  
14 board; the department of financial institutions; the department of health services;  
15 the department of natural resources; the department of public instruction; the  
16 department of regulation and licensing; the department of safety and professional  
17 services; the department of workforce development; the office of the commissioner  
18 of insurance; or the department of transportation.

19          **SECTION 222.** 73.0301 (2) (a) 1. of the statutes is amended to read:

20          73.0301 (2) (a) 1. Request the department of revenue to certify whether an  
21 applicant for a license or license renewal or continuation is liable for delinquent  
22 taxes. With respect to an applicant for a license granted by a credentialing board,  
23 the department of ~~regulation and licensing~~ safety and professional services shall  
24 make a request under this subdivision. This subdivision does not apply to the  
25 department of transportation with respect to licenses described in sub. (1) (d) 7.

1           **SECTION 223.** 73.0301 (2) (a) 2. of the statutes is amended to read:

2           73.0301 (2) (a) 2. Request the department of revenue to certify whether a  
3 license holder is liable for delinquent taxes. With respect to a holder of a license  
4 granted by a credentialing board, the department of ~~regulation and licensing~~ safety  
5 and professional services shall make a request under this subdivision.

6           **SECTION 224.** 73.0301 (2) (b) 1. a. of the statutes is amended to read:

7           73.0301 (2) (b) 1. a. If, after a request is made under par. (a) 1. or 2., the  
8 department of revenue certifies that the license holder or applicant for a license or  
9 license renewal or continuation is liable for delinquent taxes, revoke the license or  
10 deny the application for the license or license renewal or continuation. The  
11 department of transportation may suspend licenses described in sub. (1) (d) 7. in lieu  
12 of revoking those licenses. A suspension, revocation or denial under this subd. 1. a.  
13 is not subject to administrative review or, except as provided in subd. 2. and sub. (5)  
14 (am), judicial review. With respect to a license granted by a credentialing board, the  
15 department of ~~regulation and licensing~~ safety and professional services shall make  
16 a revocation or denial under this subd. 1. a. With respect to a license to practice law,  
17 the department of revenue shall not submit a certification under this subd. 1. a. to  
18 the supreme court until after the license holder or applicant has exhausted his or her  
19 remedies under sub. (5) (a) and (am) or has failed to make use of such remedies.

20           **SECTION 225.** 73.0301 (2) (b) 1. b. of the statutes is amended to read:

21           73.0301 (2) (b) 1. b. Mail a notice of suspension, revocation or denial under  
22 subd. 1. a. to the license holder or applicant. The notice shall include a statement  
23 of the facts that warrant the suspension, revocation or denial and a statement that  
24 the license holder or applicant may, within 30 days after the date on which the notice  
25 of denial, suspension or revocation is mailed, file a written request with the

1 department of revenue to have the certification of tax delinquency on which the  
2 suspension, revocation or denial is based reviewed at a hearing under sub. (5) (a).  
3 With respect to a license granted by a credentialing board, the department of  
4 ~~regulation and licensing~~ safety and professional services shall mail a notice under  
5 this subd. 1. b. With respect to a license to practice law, the department of revenue  
6 shall mail a notice under this subd. 1. b. and the notice shall indicate that the license  
7 holder or applicant may request a hearing under sub. (5) (a) and (am) and that the  
8 department of revenue shall submit a certificate of delinquency to suspend, revoke,  
9 or deny a license to practice law to the supreme court after the license holder or  
10 applicant has exhausted his or her remedies under sub. (5) (a) and (am) or has failed  
11 to make use of such remedies. A notice sent to a person who holds a license to practice  
12 law or who is an applicant for a license to practice law shall also indicate that the  
13 department of revenue may not submit a certificate of delinquency to the supreme  
14 court if the license holder or applicant pays the delinquent tax in full or enters into  
15 an agreement with the department of revenue to satisfy the delinquency.

16 **SECTION 226.** 73.0301 (2) (b) 2. of the statutes is amended to read:

17 73.0301 (2) (b) 2. Except as provided in subd. 2m., if notified by the department  
18 of revenue that the department of revenue has affirmed a certification of tax  
19 delinquency after a hearing under sub. (5) (a), affirm a suspension, revocation or  
20 denial under subd. 1. a. A license holder or applicant may seek judicial review under  
21 ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane  
22 County, of an affirmation of a revocation or denial under this subdivision. With  
23 respect to a license granted by a credentialing board, the department of ~~regulation~~  
24 ~~and licensing~~ safety and professional services shall make an affirmation under this  
25 subdivision.

1           **SECTION 227.** 73.0301 (2) (b) 3. of the statutes is amended to read:

2           73.0301 (2) (b) 3. If a person submits a nondelinquency certificate issued under  
3 sub. (5) (b) 1., reinstate the license or grant the application for the license or license  
4 renewal or continuation, unless there are other grounds for suspending or revoking  
5 the license or for denying the application for the license or license renewal or  
6 continuation. If reinstatement is required under this subdivision, a person is not  
7 required to submit a new application or other material or to take a new test. No  
8 separate fee may be charged for reinstatement of a license under this subdivision.  
9 With respect to a license granted by a credentialing board, the department of  
10 ~~regulation and licensing~~ safety and professional services shall reinstate a license or  
11 grant an application under this subdivision.

12           **SECTION 228.** 73.0301 (2) (b) 4. of the statutes is amended to read:

13           73.0301 (2) (b) 4. If a person whose license has been suspended or revoked or  
14 whose application for a license or license renewal or continuation has been denied  
15 under subd. 1. a. submits a nondelinquency certificate issued under sub. (3) (a) 2.,  
16 reinstate the license or grant the person's application for the license or license  
17 renewal or continuation, unless there are other grounds for not reinstating the  
18 license or for denying the application for the license or license renewal or  
19 continuation. With respect to a license granted by a credentialing board, the  
20 department of ~~regulation and licensing~~ safety and professional services shall  
21 reinstate a license or grant an application under this subdivision.

22           **SECTION 229.** 77.22 (2) (d) of the statutes is amended to read:

23           77.22 (2) (d) If the real estate transferred is not subject to certification under  
24 s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4)

1 (c), the reason why it is not so subject or the form prescribed by the department of  
2 ~~commerce~~ safety and professional services under s. 101.122 (6).

3 **SECTION 230.** 84.075 (1c) (a) of the statutes is amended to read:

4 84.075 (1c) (a) "~~Disabled veteran-owned business~~" means a business certified  
5 by the department of ~~commerce~~ safety and professional services under s. 560.0335  
6 490.02 (3).

7 **SECTION 231.** 84.075 (1c) (b) of the statutes is amended to read:

8 84.075 (1c) (b) "~~Minority business~~" means a business certified by the  
9 department of ~~commerce~~ safety and professional services under s. 560.036 490.04 (2).

10 **SECTION 232.** 84.075 (3) of the statutes is amended to read:

11 84.075 (3) The department shall at least semiannually, or more often if  
12 required by the department of administration, report to the department of  
13 administration the total amount of money it has paid to contractors, subcontractors,  
14 and vendors that are minority businesses and that are disabled veteran-owned  
15 businesses under ss. 84.01 (13), 84.06, and 84.07 and the number of contacts with  
16 minority businesses and disabled veteran-owned businesses in connection with  
17 proposed purchases and contracts. In its reports, the department shall include only  
18 amounts paid to businesses certified by the department of ~~commerce~~ safety and  
19 professional services as minority businesses or disabled veteran-owned businesses.

20 **SECTION 233.** 84.076 (1) (c) of the statutes is amended to read:

21 84.076 (1) (c) "~~Minority business~~" has the meaning given under s. 560.036  
22 490.04 (1) (e) 1.

23 **SECTION 234.** 84.076 (1) (d) of the statutes is amended to read:

24 84.076 (1) (d) "~~Minority group member~~" has the meaning given under s.  
25 ~~560.036~~ 490.04 (1) (f).

1 **SECTION 235.** ~~85.25 (2) (c) 1m. b. of the statutes is amended to read:~~

2 ~~85.25 (2) (c) 1m. b. It is currently performing a useful business function as~~  
3 ~~defined in s. ~~560.036~~ 490.04 (1) (h).~~

4 **SECTION 236.** 93.80 of the statutes is amended to read:

5 **93.80 Arsenic in wood.** The department, jointly with the department of  
6 ~~commerce~~ safety and professional services, shall review scientific evidence to  
7 determine whether there is a substantial likelihood that wood treated with copper,  
8 chromium, and arsenic is harmful to the environment or to human health.

9 **SECTION 237.** 100.20 (2) (c) of the statutes is created to read:

10 100.20 (2) (c) 1. Notwithstanding par. (a), beginning on the effective date of this  
11 subdivision .... [LRB inserts date], the department may not issue any order or  
12 promulgate any rule, or enforce any order or rule, that regulates unfair methods of  
13 competition or unfair trade practices relating to any of the following activities:

- 14 a. Remodeling or otherwise improving residential or noncommercial property.  
15 b. Basement waterproofing.  
16 c. Real estate advertising.  
17 d. Renting of mobile home sites and sales of mobile homes.  
18 e. Renting of residential dwelling units and mobile homes.

19 2. Beginning of the effective date of this subdivision .... [LRB inserts date], the  
20 department of safety and professional services may promulgate rules and issue  
21 orders regulating the unfair methods and practices described in subd. 1.

22 3. All rules promulgated by the department of agriculture, trade and consumer  
23 protection regulating the unfair methods or practices as described in subd. 1. that  
24 are in effect on the effective date of this subdivision .... [LRB inserts date], remain  
25 in effect until their specified expiration date or until amended or repealed by the

1 department of safety and professional services. All orders issued by the department  
2 of agriculture, trade and consumer protection regulating the unfair methods or  
3 practices as described in subd. 1. that are in effect on the effective date of this  
4 subdivision .... [LRB inserts date], remain in effect until their specified expiration  
5 date or until modified or rescinded by the department of safety and professional  
6 services and shall be enforced by the department of safety and professional services.

7 **SECTION 238.** 100.60 (1) (b) 2. of the statutes is amended to read:

8 100.60 (1) (b) 2. Any other fuel that can substitute for petroleum-based diesel  
9 fuel, that is derived from a renewable resource, that meets all of the applicable  
10 requirements of the American Society for Testing and Materials for that fuel, and  
11 that the department of ~~commerce~~ safety and professional services designates as a  
12 diesel-replacement renewable fuel under sub. (7) (a).

13 **SECTION 239.** 100.60 (1) (c) 2. of the statutes is amended to read:

14 100.60 (1) (c) 2. Any other fuel that can substitute for gasoline, that is derived  
15 from a renewable resource, that meets all of the applicable requirements of the  
16 American Society for Testing and Materials for that fuel, and that the department  
17 of ~~commerce~~ safety and professional services designates as a gasoline-replacement  
18 renewable fuel under sub. (7) (b).

19 **SECTION 240.** 100.60 (3) (a) of the statutes is amended to read:

20 100.60 (3) (a) Annually, beginning in 2011, the department, in cooperation with  
21 and with assistance from the department of ~~commerce~~ safety and professional  
22 services, the department of revenue, and the office of energy independence, shall  
23 determine whether the annual goals for sales of renewable fuels in sub. (2) (b) and  
24 (c), for the previous year, were met in the state in that year.

25 **SECTION 241.** 100.60 (6) (a) of the statutes is amended to read:



1                    **DEPARTMENT OF COMMERCE SAFETY AND**  
2                    **PROFESSIONAL SERVICES — REGULATION OF**  
3                    **INDUSTRY, BUILDINGS AND SAFETY**

4                    **SECTION 245.** 101.01 (1m) of the statutes is amended to read:

5                    101.01 (1m) “Department” means the department of ~~commerce~~ safety and  
6                    professional services.

7                    **SECTION 246.** 101.01 (14) of the statutes is amended to read:

8                    101.01 (14) “Secretary” means the secretary of ~~commerce~~ safety and  
9                    professional services.

10                  **SECTION 247.** 101.02 (18m) of the statutes is amended to read:

11                  101.02 (18m) The department may perform, or contract for the performance  
12                  of, testing of petroleum products other than testing provided under ch. 168. The  
13                  department may establish a schedule of fees for such petroleum product testing  
14                  services. The department shall credit all revenues received from fees established  
15                  under this subsection to the appropriation account under s. ~~20.143(3)~~ 20.165(2) (ga).  
16                  Revenues from fees established under this subsection may be used by the  
17                  department to pay for testing costs, including laboratory supplies and equipment  
18                  amortization, for such products.

19                  **SECTION 248.** 101.02 (20) (b) of the statutes is amended to read:

20                  101.02 (20) (b) Except as provided in par. (e), the department of ~~commerce~~  
21                  safety and professional services may not issue or renew a license unless each  
22                  applicant who is an individual provides the department of ~~commerce~~ safety and  
23                  professional services with his or her social security number and each applicant that  
24                  is not an individual provides the department of ~~commerce~~ safety and professional  
25                  services with its federal employer identification number. The department of

1 ~~commerce~~ safety and professional services may not disclose the social security  
2 number or the federal employer identification number of an applicant for a license  
3 or license renewal except to the department of revenue for the sole purpose of  
4 requesting certifications under s. 73.0301.

5 **SECTION 249.** 101.02 (20) (c) of the statutes is amended to read:

6 101.02 (20) (c) The department of ~~commerce~~ safety and professional services  
7 may not issue or renew a license if the department of revenue certifies under s.  
8 73.0301 that the applicant or licensee is liable for delinquent taxes.

9 **SECTION 250.** 101.02 (20) (d) of the statutes is amended to read:

10 101.02 (20) (d) The department of ~~commerce~~ safety and professional services  
11 shall revoke a license if the department of revenue certifies under s. 73.0301 that the  
12 licensee is liable for delinquent taxes.

13 **SECTION 251.** 101.02 (21) (b) of the statutes is amended to read:

14 101.02 (21) (b) As provided in the memorandum of understanding under s.  
15 49.857 and except as provided in par. (e), the department of ~~commerce~~ safety and  
16 professional services may not issue or renew a license unless the applicant provides  
17 the department of ~~commerce~~ safety and professional services with his or her social  
18 security number. The department of ~~commerce~~ safety and professional services may  
19 not disclose the social security number except that the department of ~~commerce~~  
20 safety and professional services may disclose the social security number of an  
21 applicant for a license under par. (a) or a renewal of a license under par. (a) to the  
22 department of children and families for the sole purpose of administering s. 49.22.

23 **SECTION 252.** 101.02 (21) (e) 1. of the statutes is amended to read:

24 101.02 (21) (e) 1. If an applicant who is an individual does not have a social  
25 security number, the applicant, as a condition of applying for or applying to renew

1 a license shall submit a statement made or subscribed under oath or affirmation to  
2 the department of ~~commerce~~ safety and professional services that the applicant does  
3 not have a social security number. The form of the statement shall be prescribed by  
4 the department of children and families.

5 **SECTION 253.** 101.143 (2) (d) of the statutes is amended to read:

6 101.143 (2) (d) The department shall reserve a portion, not to exceed 20%, of  
7 the amount annually appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) for awards under  
8 this section to be used to fund emergency remedial action and claims that exceed the  
9 amount initially anticipated.

10 **SECTION 254.** 101.143 (2) (L) of the statutes is amended to read:

11 101.143 (2) (L) The department may promulgate rules for the assessment and  
12 collection of fees to recover its costs for providing approval under sub. (3) (c) 4. and  
13 for providing other assistance requested by applicants under this section. Any  
14 moneys collected under this paragraph shall be credited to the appropriation account  
15 under s. ~~20.143 (3)~~ 20.165 (2) (Lm).

16 **SECTION 255.** 101.143 (4) (a) 6. of the statutes is amended to read:

17 101.143 (4) (a) 6. In any fiscal year, the department may not award more than  
18 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for  
19 petroleum product storage systems described in par. (ei).

20 **SECTION 256.** 101.143 (4) (a) 7. of the statutes is amended to read:

21 101.143 (4) (a) 7. In any fiscal year, the department may not award more than  
22 5% of the amount appropriated under s. ~~20.143 (3)~~ 20.165 (2) (v) as awards for  
23 petroleum product storage systems that are owned by school districts and that are  
24 used for storing heating oil for consumptive use on the premises where stored.

25 **SECTION 257.** 101.149 (6) (b) of the statutes is amended to read:

1           101.149 (6) (b) The department shall promulgate rules, in consultation with  
2 the department of health services, under which the department of ~~commerce~~ safety  
3 and professional services shall authorize certified heating, ventilating, and air  
4 conditioning inspectors to conduct regular inspections of sealed combustion units, as  
5 required under par. (5) (c), for carbon monoxide emissions in residential buildings  
6 other than hotels, tourist rooming houses, and bed and breakfast establishments.  
7 The rules shall specify conditions under which it may issue orders as specified under  
8 sub. (8) (a). The rules may not require the department of ~~commerce~~ safety and  
9 professional services to authorize inspection of sealed combustion units during the  
10 period in which the sealed combustion units are covered by a manufacturer's  
11 warranty against defects.

12           **SECTION 258.** 101.149 (8) (a) of the statutes is amended to read:

13           101.149 (8) (a) If the department of ~~commerce~~ safety and professional services  
14 or the department of health services determines after an inspection of a building  
15 under this section or s. 254.74 (1g) that the owner of the building has violated sub.  
16 (2) or (3), the respective department shall issue an order requiring the person to  
17 correct the violation within 5 days or within such shorter period as the respective  
18 department determines is necessary to protect public health and safety. If the person  
19 does not correct the violation within the time required, he or she shall forfeit \$50 for  
20 each day of violation occurring after the date on which the respective department  
21 finds that the violation was not corrected.

22           **SECTION 259.** 101.563 (2) (b) 1. of the statutes is amended to read:

23           101.563 (2) (b) 1. 'Payments from calendar year 2001 dues.' Notwithstanding  
24 s. 101.573 (3) (a), by the 30th day following July 30, 2002, the department shall  
25 compile the fire department dues paid by all insurers under s. 601.93 and the dues

1 paid by the state fire fund under s. 101.573 (1) and funds remaining under s. 101.573  
2 (3) (b), subtract the total amount due to be paid under par. (a), withhold 0.5%, and  
3 certify to the secretary of administration the proper amount to be paid from the  
4 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town entitled  
5 to a proportionate share of fire department dues as provided under sub. (1) (b) and  
6 s. 101.575. If the department has previously certified an amount to the secretary of  
7 administration under s. 101.573 (3) (a) during calendar year 2002, the department  
8 shall recertify the amount in the manner provided under this subdivision. On or  
9 before August 1, 2002, the secretary of administration shall pay the amounts  
10 certified or recertified by the department under this subdivision to each city, village,  
11 and town entitled to a proportionate share of fire department dues as provided under  
12 sub. (1) and s. 101.575. The secretary of administration may combine any payment  
13 due under this subdivision with any amount due to be paid on or before August 1,  
14 2002, to the same city, village, or town under par. (a).

15 **SECTION 260.** 101.563 (2) (b) 2. of the statutes is amended to read:

16 101.563 (2) (b) 2. 'Payments from dues for calendar years 2002 to 2004.'  
17 Notwithstanding s. 101.573 (3) (a) and except as otherwise provided in this  
18 subdivision, on or before May 1 in each year, the department shall compile the fire  
19 department dues paid by all insurers under s. 601.93 and the dues paid by the state  
20 fire fund under s. 101.573 (1) and funds remaining under s. 101.573 (3) (b), withhold  
21 0.5% and certify to the secretary of administration the proper amount to be paid from  
22 the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, and town  
23 entitled to a proportionate share of fire department dues as provided under sub. (1)  
24 (b) and s. 101.575. Annually, on or before August 1, the secretary of administration  
25 shall pay the amounts certified by the department to each such city, village, and

1 town. This paragraph applies only to payment of a proportionate share of fire  
2 department dues collected for calendar years 2002 to 2004.

3 **SECTION 261.** 101.573 (3) (a) of the statutes is amended to read:

4 101.573 (3) (a) On or before May 1 in each year, the department shall compile  
5 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
6 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%  
7 and certify to the secretary of administration the proper amount to be paid from the  
8 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (L) to each city, village, or town entitled  
9 to fire department dues under s. 101.575. Annually, on or before August 1, the  
10 secretary of administration shall pay the amounts certified by the department to the  
11 cities, villages and towns eligible under s. 101.575.

12 **SECTION 262.** 101.573 (5) of the statutes is amended to read:

13 101.573 (5) The department shall promulgate a rule defining “administrative  
14 expenses” for purposes of s. ~~20.143 (3)~~ 20.165 (2) (La).

15 **SECTION 263.** 101.657 (5) of the statutes is amended to read:

16 101.657 (5) From the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j), beginning  
17 with fiscal year 2005-06, the department shall allocate \$100,000 annually for the  
18 contract required under sub. (2) and at least \$600,000 annually for the contract  
19 required under sub. (3).

20 **SECTION 264.** 101.935 (2) (e) of the statutes is amended to read:

21 101.935 (2) (e) Section 254.69 (2), as it applies to an agent for the department  
22 of health services in the administration of s. 254.47, applies to an agent for the  
23 department of ~~commerce~~ safety and professional services in the administration of  
24 this section.

25 **SECTION 265.** 101.951 (7) (a) of the statutes is amended to read:

1           101.951 (7) (a) The department of ~~commerce~~ safety and professional services  
2 may, without notice, deny the application for a license within 60 days after receipt  
3 thereof by written notice to the applicant, stating the grounds for the denial. Within  
4 30 days after such notice, the applicant may petition the department of  
5 administration to conduct a hearing to review the denial, and a hearing shall be  
6 scheduled with reasonable promptness. The division of hearings and appeals shall  
7 conduct the hearing. This paragraph does not apply to denials of applications for  
8 licenses under s. 101.02 (21).

9           **SECTION 266.** 101.951 (7) (b) of the statutes is amended to read:

10           101.951 (7) (b) No license may be suspended or revoked except after a hearing  
11 thereon. The department of ~~commerce~~ safety and professional services shall give the  
12 licensee at least 5 days' notice of the time and place of the hearing. The order  
13 suspending or revoking such license shall not be effective until after 10 days' written  
14 notice thereof to the licensee, after such hearing has been had; except that the  
15 department of ~~commerce~~ safety and professional services, when in its opinion the  
16 best interest of the public or the trade demands it, may suspend a license upon not  
17 less than 24 hours' notice of hearing and with not less than 24 hours' notice of the  
18 suspension of the license. Matters involving suspensions and revocations brought  
19 before the department of ~~commerce~~ safety and professional services shall be heard  
20 and decided upon by the department of administration. The division of hearings and  
21 appeals shall conduct the hearing. This paragraph does not apply to licenses that  
22 are suspended or revoked under s. 101.02 (21).

23           **SECTION 267.** 101.951 (7) (c) of the statutes is amended to read:

24           101.951 (7) (c) The department of ~~commerce~~ safety and professional services  
25 may inspect the pertinent books, records, letters and contracts of a licensee. The

1 actual cost of each such examination shall be paid by such licensee so examined  
2 within 30 days after demand therefor by the department, and the department may  
3 maintain an action for the recovery of such costs in any court of competent  
4 jurisdiction.

5 **SECTION 268.** 101.953 (1) (a) of the statutes is amended to read:

6 101.953 (1) (a) A statement that the manufactured home meets those  
7 standards prescribed by law or administrative rule of the department of  
8 administration or of the department of ~~commerce~~ safety and professional services  
9 that are in effect at the time of the manufacture of the manufactured home.

10 **SECTION 269.** 101.973 (8) of the statutes is amended to read:

11 101.973 (8) Deposit the moneys received from the fees under sub. (7) in the  
12 appropriation under s. ~~20.143 (3)~~ 20.165 (2) (j).

13 **SECTION 270.** ~~106.20 (1) (e) of the statutes is amended to read:~~

14 106.20 (1) (e) "Minority business" has the meaning given in s. ~~560.036~~ 490.04  
15 (1) (e).

16 **SECTION 271.** 106.30 (2) of the statutes is amended to read:

17 106.30 (2) SURVEY FORM. Each odd-numbered year, the department of  
18 workforce development shall develop and submit to the department of ~~regulation~~  
19 ~~and licensing~~ safety and professional services a survey form to gather data under s.  
20 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the  
21 supply of, demand for, and turnover among nurses in this state and in determining  
22 whether there are any regional shortages of nurses, shortages of nurses in any  
23 speciality areas, or impediments to entering the nursing profession in this state.

24 **SECTION 272.** 106.30 (5) (a) of the statutes is amended to read:

1           106.30 (5) (a) From the appropriation account under s. 20.445 (1) (km), the  
2 department of workforce development shall award grants equal to the amount  
3 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to  
4 a nonprofit statewide nursing center that is comprised of and led by nurses and that  
5 has demonstrated coordination with constituent groups within the nursing  
6 community, including professional nursing organizations; organizations  
7 representing nurse educators, staff nurses, and nurse managers or executives; labor  
8 organizations representing nurses; the department of ~~regulation and licensing~~  
9 safety and professional services; the department of health services; and legislators  
10 who are concerned with issues affecting the nursing profession.

11           **SECTION 273.** 106.30 (5) (b) of the statutes is amended to read:

12           106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)  
13 shall use the grant moneys to develop strategies to ensure that there is a nursing  
14 workforce that is adequate to meet the current and future health care needs of this  
15 state. The statewide nursing center may use those moneys to fund activities that are  
16 aimed at ensuring such a nursing workforce, including monitoring trends in the  
17 applicant pool for nursing education programs; evaluating the effectiveness of  
18 nursing education programs in increasing access to those programs and in  
19 enhancing career mobility for nurses, especially for populations that are  
20 underrepresented in the nursing profession; and facilitating partnerships between  
21 the nursing community and other health care providers, the department of  
22 ~~regulation and licensing~~ safety and professional services, the business community,  
23 the legislature, and educators to promote diversity within the nursing profession,  
24 enhance career mobility and leadership development for nurses, and achieve

1 consensus regarding policies aimed at ensuring an adequate nursing workforce in  
2 this state.

3 **SECTION 274.** 106.50 (6) (a) 3. of the statutes is amended to read:

4 106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an  
5 interested person, by the department of workforce development under par. (b) or, if  
6 the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~  
7 safety and professional services. The department of workforce development shall,  
8 upon request, provide appropriate assistance in completing and filing complaints.

9 **SECTION 275.** 106.50 (6) (b) of the statutes is amended to read:

10 106.50 (6) (b) *Powers and duties of department.* The department of workforce  
11 development and its duly authorized agents may hold hearings, subpoena witnesses,  
12 take testimony and make investigations as provided in this subsection. The  
13 department of workforce development may test and investigate for the purpose of  
14 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file  
15 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department  
16 of ~~commerce~~ safety and professional services may make, sign and file complaints  
17 alleging violations of sub. (2r) (c). The department of workforce development shall  
18 employ examiners to hear and decide complaints of discrimination under this  
19 section, and to assist in the administration of this section. The examiners may make  
20 findings and issue orders under this subsection. The department of workforce  
21 development shall develop and implement an investigation manual for use in  
22 conducting investigations under par. (c).

23 **SECTION 276.** 107.30 (4) of the statutes is amended to read:

24 107.30 (4) "Department" means the department of ~~commerce~~ safety and  
25 professional services.

1           **SECTION 277.** 107.30 (10) of the statutes is amended to read:

2           107.30 (10) "Mining damage appropriation" means the appropriation under s.  
3           ~~20.143 (3)~~ 20.165 (2) (a).

4           **SECTION 278.** 107.31 (5) (a) (intro.) of the statutes is amended to read:

5           107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation  
6           is calculated by subtracting the total amount of all mining damages awards paid  
7           from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980  
8           or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

9           **SECTION 279.** 108.02 (21e) (intro.) of the statutes is amended to read:

10           108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional  
11           employer organization" means any person who is currently registered as a  
12           professional employer organization with the department of ~~regulation and licensing~~  
13           safety and professional services in accordance with ch. 461, who contracts to provide  
14           the nontemporary, ongoing employee workforce of more than one client under a  
15           written leasing contract, the majority of whose clients are not under the same  
16           ownership, management, or control as the person other than through the terms of  
17           the contract, and who under contract and in fact:

18           **SECTION 280.** 115.33 (2) (a) (intro.) of the statutes is amended to read:

19           115.33 (2) (a) (intro.) The state superintendent may request the department  
20           of ~~commerce~~ safety and professional services to inspect a public school if any of the  
21           following occurs:

22           **SECTION 281.** 115.33 (2) (b) of the statutes is amended to read:

23           115.33 (2) (b) The department of ~~commerce~~ safety and professional services  
24           shall inspect the school within 30 days after receiving a request from the state  
25           superintendent under par. (a).

1           **SECTION 282.** 115.33 (3) (a) of the statutes is amended to read:

2           115.33 (3) (a) If the state superintendent determines that a school is not in  
3 compliance, and the department of ~~commerce~~ safety and professional services, based  
4 on its inspection of the school, concurs in the determination, the state  
5 superintendent may order the school board to repair, improve, remodel or close the  
6 school by a stated date. An order issued under this paragraph constitutes a  
7 preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

8           **SECTION 283.** 115.33 (3) (b) 1. of the statutes is amended to read:

9           115.33 (3) (b) 1. If the state superintendent determines that a school is not in  
10 compliance and is not worth repairing, and the department of ~~commerce~~ safety and  
11 professional services, based on its inspection of the school, concurs in the  
12 determination, the state superintendent may order the school board to develop a  
13 plan that describes how the school board will achieve compliance with the standard  
14 under s. 121.02 (1) (i). The plan shall specify the time within which compliance with  
15 the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall  
16 hold a public hearing on the plan in the school district and may, as a result of the  
17 hearing, recommend changes to the plan. The state superintendent may withhold  
18 up to 25% of the school district's state aid if the school district fails to achieve  
19 compliance with the standard under s. 121.02 (1) (i) within the period specified in the  
20 plan.

21           **SECTION 284.** 118.07 (2) (b) of the statutes is amended to read:

22           118.07 (2) (b) In each community having a recognized fire department, the  
23 person having direct charge of any public or private school shall annually file a report  
24 pertaining to such drills, on a form furnished by the department of ~~commerce~~ safety  
25 and professional services, with the chief of the fire department. When no fire drill

1 is held during any month, or when only one or no tornado or other hazard drill is held  
2 in a year, the person having direct charge of the school shall state the reasons in the  
3 report.

4 SECTION 285. 118.075 (2) (a) 2. of the statutes is amended to read:

5 118.075 (2) (a) 2. The secretary of ~~commerce~~ safety and professional services  
6 or his or her designee.

7 SECTION 286. 118.135 (2) of the statutes is amended to read:

8 118.135 (2) A pupil who complies with a request under sub. (1) shall provide  
9 evidence of an eye examination or evaluation by December 31 following the pupil's  
10 enrollment in kindergarten. The school board or charter school shall provide pupils  
11 with the form distributed by the department of ~~regulation and licensing~~ safety and  
12 professional services under s. 440.03 (16) for that purpose. ✓

13 SECTION ~~287~~. 119.495 (2) of the statutes is amended to read:

14 119.495 (2) The board shall include in its budget transmitted to the common  
15 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing  
16 to be authorized in the budget for the ensuing year. The common council shall issue  
17 the notes and levy a direct annual irrepealable tax sufficient to pay the principal and  
18 interest on the notes as they become due. The common council may issue the notes  
19 by private sale. The common council shall make every effort to involve a minority  
20 investment firm certified under s. ~~560.036~~ 490.04 as managing underwriter of the  
21 notes or to engage a minority financial adviser certified under s. ~~560.036~~ 490.04 to  
22 advise the city regarding any public sale of the notes. ✓

23 SECTION 288. 119.496 (2) of the statutes is amended to read:

24 119.496 (2) The board shall include in its budget transmitted to the common  
25 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing

1 to be authorized in the budget for the ensuing year. The common council shall issue  
2 the notes and levy a direct annual irrevocable tax sufficient to pay the principal and  
3 interest on the notes as they become due. The common council may issue the notes  
4 by private sale. The common council shall establish goals of involving minority  
5 investment firms certified under s. ~~560.036~~ 490.04 as managing underwriters for at  
6 least 50% of the total amount financed by the notes and of engaging a minority  
7 financial adviser certified under s. ~~560.036~~ 490.04 to advise the city regarding any  
8 public sale of the notes.

9 **SECTION 289.** 145.01 (4) of the statutes is amended to read:

10 145.01 (4) DEPARTMENT. "Department" means the department of ~~commerce~~  
11 safety and professional services.

12 **SECTION 290.** 145.02 (4) (a) of the statutes is amended to read:

13 145.02 (4) (a) The department shall prescribe rules as to the qualifications,  
14 examination and licensing of master and journeyman plumbers and restricted  
15 plumber licensees, for the licensing of utility contractors, for the registration of  
16 plumbing apprentices and pipe layers and for the registration and training of  
17 registered learners. The plumbers council, created under s. ~~15.157 (6)~~ 15.407 (16),  
18 shall advise the department in formulating the rules.

19 **SECTION 291.** 145.17 (2) of the statutes is amended to read:

20 145.17 (2) The department shall prescribe rules as to the qualifications,  
21 examination and licensing of journeymen automatic fire sprinkler system fitters and  
22 automatic fire sprinkler contractors and for the registration and training of  
23 automatic fire sprinkler system apprentices. The automatic fire sprinkler system  
24 contractors and journeymen council, created under s. ~~15.157 (9)~~ 15.407 (17), shall  
25 advise the department in formulating the rules.

**SECTION 292**

1           **SECTION 292.** 145.20 (5) (c) of the statutes is amended to read:

2           145.20 (5) (c) The department of natural resources may suspend or revoke a  
3 license issued under s. 281.48 or a certificate issued under s. 281.17 (3) to the  
4 operator of a septage servicing vehicle if the department of natural resources finds  
5 that the licensee or operator falsified information on inspection forms. The  
6 department of ~~commerce~~ safety and professional services may suspend or revoke the  
7 license of a plumber licensed under this chapter if the department finds that the  
8 plumber falsified information on inspection forms.

9           **SECTION 293.** 145.245 (12m) (e) of the statutes is amended to read:

10           145.245 (12m) (e) The department of ~~commerce~~ safety and professional  
11 services and the department of administration may enter into a financial assistance  
12 agreement with a governmental unit that applies for a loan under this subsection  
13 and meets the eligibility requirements for a loan, including the requirements under  
14 par. (d).

15           **SECTION 294.** 145.245 (12m) (f) of the statutes is amended to read:

16           145.245 (12m) (f) The department of administration, in consultation with the  
17 department of ~~commerce~~ safety and professional services, may establish those terms  
18 and conditions of a financial assistance agreement that relate to its financial  
19 management, including what type of municipal obligation is required for the  
20 repayment of the financial assistance. In setting the terms and conditions, the  
21 department of administration may consider factors that the department of  
22 administration finds are relevant, including the type of obligation evidencing the  
23 loan, the pledge of security for the obligation and the applicant's creditworthiness.

24           **SECTION 295.** 145.245 (12m) (g) of the statutes is amended to read:

1           145.245 (12m) (g) The department of administration shall make and disburse  
2 a loan to an applicant that has entered into a financial assistance agreement under  
3 par. (e). The department of administration, in consultation with the department of  
4 ~~commerce~~ safety and professional services, shall establish procedures for disbursing  
5 loans.

6           **SECTION 296.** 145.245 (12m) (h) of the statutes is amended to read:

7           145.245 (12m) (h) If a governmental unit fails to make a principal repayment  
8 after its due date, the department of administration shall place on file a certified  
9 statement of all amounts due under this subsection. After consulting the  
10 department of ~~commerce~~ safety and professional services, the department of  
11 administration may collect all amounts due by deducting those amounts from any  
12 state payments due the governmental unit or may add a special charge to the amount  
13 of taxes apportioned to and levied upon the county under s. 70.60. If the department  
14 of administration collects amounts due, it shall remit those amounts to the fund to  
15 which they are due and notify the department of ~~commerce~~ safety and professional  
16 services of that action.

17           **SECTION 297.** 146.085 (3) of the statutes is amended to read:

18           146.085 (3) ENFORCEMENT. The department, the department of ~~commerce~~  
19 safety and professional services, and the public service commission shall enforce this  
20 section within their respective jurisdictions.

21           **SECTION 298.** 146.40 (4r) (em) of the statutes is amended to read:

22           146.40 (4r) (em) If the department receives a report under par. (a) or (am) and  
23 determines that an individual who is the subject of the report holds a credential that  
24 is related to the individual's employment at, or contract with, the entity, the

1 department shall refer the report to the department of ~~regulation and licensing~~  
2 safety and professional services.

3 **SECTION 299.** 150.84 (3) of the statutes is amended to read:

4 150.84 (3) "Health care provider" means any person licensed, registered,  
5 permitted or certified by the department or by the department of ~~regulation and~~  
6 ~~licensing~~ safety and professional services to provide health care services in this state.

7 **SECTION 300.** 153.60 (1) of the statutes is amended to read:

8 153.60 (1) The department shall, by the first October 1 after the  
9 commencement of each fiscal year, estimate the total amount of expenditures under  
10 this subchapter for the department for that fiscal year for data collection, database  
11 development and maintenance, generation of data files and standard reports,  
12 orientation and training provided under s. 153.05 (9) (a) and contracting with the  
13 data organization under s. 153.05 (2r). The department shall assess the estimated  
14 total amount for that fiscal year, less the estimated total amount to be received for  
15 purposes of administration of this subchapter under s. 20.435 (1) (hi) during the  
16 fiscal year and the unencumbered balance of the amount received for purposes of  
17 administration of this subchapter under s. 20.435 (1) (hi) from the prior fiscal year,  
18 to health care providers, other than hospitals and ambulatory surgery centers, who  
19 are in a class of health care providers from whom the department collects data under  
20 this subchapter in a manner specified by the department by rule. The department  
21 shall work together with the department of ~~regulation and licensing~~ safety and  
22 professional services to develop a mechanism for collecting assessments from health  
23 care providers other than hospitals and ambulatory surgery centers. No health care  
24 provider that is not a facility may be assessed under this subsection an amount that

1 exceeds \$75 per fiscal year. All payments of assessments shall be credited to the  
2 appropriation under s. 20.435 (1) (hg).

3 **SECTION 301.** 157.061 (5) of the statutes is amended to read:

4 157.061 (5) "Department" means the department of ~~regulation and licensing~~  
5 safety and professional services.

6 **SECTION 302.** 157.11 (9m) of the statutes is amended to read:

7 157.11 (9m) ACTION BY DISTRICT ATTORNEY. If any money or property is not  
8 turned over when required by this section, or default occurs under a bond, the district  
9 attorney, upon the request of the department of ~~regulation and licensing~~ safety and  
10 professional services, shall bring action to recover.

11 **SECTION 303.** 157.12 (1) of the statutes is amended to read:

12 157.12 (1) DEFINITION. Notwithstanding s. 157.061 (5), in this section,  
13 "department" means the department of ~~commerce~~ safety and professional services.

14 **SECTION 304.** 157.12 (3) (b) of the statutes is amended to read:

15 157.12 (3) (b) The cemetery's treasurer is the custodian of the fund. The  
16 treasurer shall file with the cemetery, at the cemetery's expense, a bond with sureties  
17 approved by the department of ~~regulation and licensing~~ safety and professional  
18 services to indemnify the cemetery against loss if the treasurer fails to maintain the  
19 fund. No indemnity is required if the terms of sale of a mausoleum space require the  
20 purchaser to pay directly to a trust company in the state, designated by the cemetery  
21 as custodian of the fund. The fund shall be invested as provided in s. 157.19. Income  
22 from investment may be used only to maintain the mausoleum, except that if the  
23 amount of income exceeds the amount necessary to properly maintain the  
24 mausoleum the excess amount may be used to maintain any portion of the cemetery.

25 **SECTION 305.** 157.65 (1) (a) of the statutes is amended to read:

**SECTION 305**

1           157.65 (1) (a) If the department of ~~regulation and licensing~~ safety and  
2 professional services has reason to believe that any person is violating or has violated  
3 this subchapter or any rule promulgated under this subchapter and that the  
4 continuation of that activity might cause injury to the public interest, the  
5 department of ~~regulation and licensing~~ safety and professional services may  
6 investigate.

7           **SECTION 306.** 157.65 (1) (b) of the statutes is amended to read:

8           157.65 (1) (b) If the department of ~~commerce~~ safety and professional services  
9 has reason to believe that any person is violating s. 157.12 or any rule promulgated  
10 under s. 157.12 and that the continuation of that activity might cause injury to the  
11 public interest, the department of commerce may investigate.

12           **SECTION 307.** 157.65 (2) of the statutes is amended to read:

13           157.65 (2) The department of justice or any district attorney, upon informing  
14 the department of justice, may commence an action in circuit court in the name of  
15 the state to restrain by temporary or permanent injunction any violation of this  
16 subchapter. The court may, prior to entry of final judgment, make such orders or  
17 judgments as may be necessary to restore to any person any pecuniary loss suffered  
18 because of the acts or practices involved in the action, if proof of such loss is submitted  
19 to the satisfaction of the court. The department of justice may subpoena persons and  
20 require the production of books and other documents, and may request the board  
21 described in s. 15.405 (3m) or the department of ~~commerce~~ safety and professional  
22 services to exercise its authority under sub. (1) to aid in the investigation of alleged  
23 violations of this subchapter.

24           **SECTION 308.** 160.01 (7) of the statutes is amended to read:

1           160.01 (7) "Regulatory agency" means the department of agriculture, trade and  
2 consumer protection, the department of ~~commerce~~ safety and professional services,  
3 the department of transportation, the department of natural resources and other  
4 state agencies which regulate activities, facilities or practices which are related to  
5 substances which have been detected in or have a reasonable probability of entering  
6 the groundwater resources of the state.

7           **SECTION 309.** 165.25 (4) (ag) of the statutes is amended to read:

8           165.25 (4) (ag) The department of justice shall furnish legal services upon  
9 request of the department of ~~commerce~~ safety and professional services under s.  
10 167.35 (7).

11           **SECTION 310.** 165.25 (4) (am) of the statutes is amended to read:

12           165.25 (4) (am) The department of justice shall furnish legal services to the  
13 department of ~~regulation and licensing~~ safety and professional services in all  
14 proceedings under s. 440.21 (3), together with any other services, including  
15 stenographic and investigational, as are necessarily connected with the legal  
16 services.

17           **SECTION 311.** 165.825 of the statutes is amended to read:

18           **165.825 Information link; department of health services.** The  
19 department of justice shall cooperate with the departments of ~~regulation and~~  
20 ~~licensing~~ safety and professional services and health services in developing and  
21 maintaining a computer linkup to provide access to the information obtained from  
22 a criminal history search.

23           **SECTION 312.** 167.10 (3) (b) 2. of the statutes is amended to read:

24           167.10 (3) (b) 2. The possession or use of explosives in accordance with rules  
25 or general orders of the department of ~~commerce~~ safety and professional services.