



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 XII

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)

1 **SECTION 157.** 49.857 (2) (b) 1. of the statutes is amended to read:

2 49.857 (2) (b) 1. The circumstances under which the licensing authority or the
3 licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or
4 issue or refuse to renew or revalidate a license and guidelines for determining the
5 appropriate action to take. The memorandum of understanding with the
6 department of ~~regulation and licensing~~ safety and professional services shall include
7 the circumstances under which the department of ~~regulation and licensing~~ safety
8 and professional services shall direct a credentialing board to restrict, limit,
9 suspend, withhold, deny or refuse to grant a credential and guidelines for
10 determining the appropriate action to take. The guidelines under this subdivision
11 for determining the appropriate action to take shall require the consideration of
12 whether the action is likely to have an adverse effect on public health, safety or
13 welfare or on the environment, and of whether the action is likely to adversely affect
14 individuals other than the individual holding or applying for the license, such as
15 employees of that individual.

16 **SECTION 158.** 49.857 (2) (b) 2. a. of the statutes is amended to read:

17 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a
18 delinquency in support or a failure to comply with a subpoena or warrant. The
19 memorandum of understanding with the department of ~~regulation and licensing~~
20 safety and professional services shall include procedures for the department of
21 ~~regulation and licensing~~ safety and professional services to notify a credentialing
22 board that a certification of delinquency in support or failure to comply with a
23 subpoena or warrant has been made by the department of children and families with
24 respect to an individual who holds or applied for a credential granted by the
25 credentialing board.

1 **SECTION 159.** 49.857 (2) (b) 2. c. of the statutes is amended to read:

2 49.857 (2) (b) 2. c. Notifying the licensing authority or licensing agency that an
3 individual has paid delinquent support or made satisfactory alternative payment
4 arrangements or satisfied the requirements under a subpoena or warrant. The
5 memorandum of understanding with the department of ~~regulation and licensing~~
6 safety and professional services shall include procedures for the department of
7 ~~regulation and licensing~~ safety and professional services to notify a credentialing
8 board that an individual who holds or applied for a credential granted by the
9 credentialing board has paid delinquent support or made satisfactory alternative
10 payment arrangements or satisfied the requirements under a subpoena or warrant.

11 **SECTION 160.** 49.857 (2) (b) 3. a. of the statutes is amended to read:

12 49.857 (2) (b) 3. a. Restricting, limiting, suspending, withholding, denying,
13 refusing to grant or issue or refusing to renew or revalidate a license. The
14 memorandum of understanding with the department of ~~regulation and licensing~~
15 safety and professional services shall include procedures for the department of
16 ~~regulation and licensing~~ safety and professional services to direct a credentialing
17 board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

18 **SECTION 161.** 49.857 (2) (b) 3. c. of the statutes is amended to read:

19 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of children
20 and families notifies the licensing authority or licensing agency that an individual
21 who was delinquent in making court-ordered payments of support has paid the
22 delinquent support or made satisfactory alternative payment arrangements or that
23 an individual who failed to comply with a subpoena or warrant has satisfied the
24 requirements under the subpoena or warrant. The memorandum of understanding
25 with the department of ~~regulation and licensing~~ safety and professional services

1 shall include procedures for the department of ~~regulation and licensing~~ safety and
2 professional services to direct a credentialing board to grant or reinstate a credential
3 if the department of children and families notifies the department of ~~regulation and~~
4 ~~licensing~~ safety and professional services that an individual who holds or applied for
5 a credential granted by the credentialing board has paid the delinquent support or
6 made satisfactory alternative payment arrangements or that an individual who
7 failed to comply with a subpoena or warrant has satisfied the requirements under
8 the subpoena or warrant.

9 **SECTION 162.** 49.857 (3) (a) 1. of the statutes is amended to read:

10 49.857 (3) (a) 1. That a certification of delinquency in paying support will be
11 made to a licensing authority, a licensing agency or, with respect to a credential
12 granted by a credentialing board, the department of ~~regulation and licensing~~ safety
13 and professional services.

14 **SECTION 163.** 49.857 (3) (am) 1. of the statutes is amended to read:

15 49.857 (3) (am) 1. That the individual's name has been placed on a certification
16 list, which will be provided to a licensing authority, a licensing agency or, with respect
17 to a credential granted by a credentialing board, the department of ~~regulation and~~
18 ~~licensing~~ safety and professional services.

19 **SECTION 164.** 49.857 (3) (b) 1. of the statutes is amended to read:

20 49.857 (3) (b) 1. That a certification of the failure to comply with a subpoena
21 or warrant will be made to a licensing authority, a licensing agency or, with respect
22 to a credential granted by a credentialing board, the department of ~~regulation and~~
23 ~~licensing~~ safety and professional services.

24 **SECTION 165.** 49.857 (3) (c) (intro.) of the statutes is amended to read:

1 49.857 (3) (c) (intro.) If the department of children and families provides a
2 certification list to a licensing authority, a licensing agency or, with respect to a
3 credential granted by a credentialing board, the department of ~~regulation and~~
4 ~~licensing~~ safety and professional services, upon receipt of the list the licensing
5 authority if the licensing authority agrees, the licensing agency or, with respect to
6 a credential granted by a credentialing board, the department of ~~regulation and~~
7 ~~licensing~~ safety and professional services shall do all of the following:

8 **SECTION 166.** 49.857 (3) (d) 1. of the statutes is amended to read:

9 49.857 (3) (d) 1. Subject to sub. (2) (d), if an individual who, on the basis of
10 delinquent support, is denied a license or whose license, on the basis of delinquent
11 support, is restricted, limited, suspended, or refused renewal or revalidation under
12 a memorandum of understanding entered into under sub. (2) (b) pays the delinquent
13 amount of support in full or makes satisfactory alternative payment arrangements,
14 the department of children and families shall immediately notify the licensing
15 authority or licensing agency to issue or reinstate the individual's license as provided
16 in the memorandum of understanding. If the individual held or applied for a
17 credential granted by a credentialing board, the department of ~~regulation and~~
18 ~~licensing~~ safety and professional services shall, upon notice by the department of
19 children and families, notify the credentialing board to grant or reinstate the
20 individual's credential.

21 **SECTION 167.** 49.857 (3) (d) 2. of the statutes is amended to read:

22 49.857 (3) (d) 2. Subject to sub. (2) (d), if an individual who, on the basis of a
23 failure to comply with a subpoena or warrant, is denied a license or whose license,
24 on the basis of a failure to comply with a subpoena or warrant, is restricted, limited,
25 suspended, or refused renewal or revalidation under a memorandum of

1 understanding entered into under sub. (2) (b) satisfies the requirements under the
2 subpoena or warrant, the department of children and families shall immediately
3 notify the licensing authority or licensing agency to issue or reinstate the individual's
4 license as provided in the memorandum of understanding. If the individual held or
5 applied for a credential granted by a credentialing board, the department of
6 ~~regulation and licensing~~ safety and professional services shall, upon notice by the
7 department of children and families, notify the credentialing board to grant or
8 reinstate the individual's credential.

9 **SECTION 168.** 49.857 (4) of the statutes is amended to read:

10 49.857 (4) Each licensing agency shall enter into a memorandum of
11 understanding with the department of children and families under sub. (2) (b) and
12 shall cooperate with the department of children and families in its administration
13 of s. 49.22. The department of ~~regulation and licensing~~ safety and professional
14 services shall enter into a memorandum of understanding with the department of
15 children and families on behalf of a credentialing board with respect to a credential
16 granted by the credentialing board.

17 **SECTION 169.** 50.02 (1) of the statutes is amended to read:

18 50.02 (1) DEPARTMENTAL AUTHORITY. The department may provide uniform,
19 statewide licensing, inspection, and regulation of community-based residential
20 facilities and nursing homes as provided in this subchapter. The department shall
21 certify, inspect, and otherwise regulate adult family homes, as specified under ss.
22 50.031 and 50.032 and shall license adult family homes, as specified under s. 50.033.
23 Nothing in this subchapter may be construed to limit the authority of the department
24 of ~~commerce~~ safety and professional services or of municipalities to set standards of
25 building safety and hygiene, but any local orders of municipalities shall be consistent

1 with uniform, statewide regulation of community-based residential facilities. The
2 department may not prohibit any nursing home from distributing over-the-counter
3 drugs from bulk supply. The department may consult with nursing homes as needed
4 and may provide specialized consultations when requested by any nursing home,
5 separate from its inspection process, to scrutinize any particular questions the
6 nursing home raises. The department shall, by rule, define "specialized
7 consultation".

8 **SECTION 170.** 50.02 (2) (a) of the statutes is amended to read:

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

22 **SECTION 171.** 50.035 (2) (a) 3. of the statutes is amended to read:

23 50.035 (2) (a) 3. The department or the department of ~~commerce~~ safety and
24 professional services may waive the requirement under subd. 1. or 2. for a
25 community-based residential facility that has a smoke detection or sprinkler system

1 in place that is at least as effective for fire protection as the type of system required
2 under the relevant subdivision.

3 **SECTION 172.** 50.035 (2) (b) (intro.) of the statutes is amended to read:

4 50.035 (2) (b) (intro.) No facility may install a smoke detection system that fails
5 to receive the approval of the department or of the department of ~~commerce~~ safety
6 and professional services. At least one smoke detector shall be located at each of the
7 following locations:

8 **SECTION 173.** 50.065 (2) (am) 3. of the statutes is amended to read:

9 50.065 (2) (am) 3. Information maintained by the department of ~~regulation and~~
10 licensing safety and professional services regarding the status of the person's
11 credentials, if applicable.

12 **SECTION 174.** 50.065 (2) (b) 3. of the statutes is amended to read:

13 50.065 (2) (b) 3. Information maintained by the department of ~~regulation and~~
14 licensing safety and professional services regarding the status of the person's
15 credentials, if applicable.

16 **SECTION 175.** 50.065 (4m) (a) 5. of the statutes is amended to read:

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

21 **SECTION 176.** 50.065 (4m) (b) 5. of the statutes is amended to read:

22 50.065 (4m) (b) 5. That, in the case of a position for which the person must be
23 credentialed by the department of ~~regulation and licensing~~ safety and professional
24 services, the person's credential is not current or is limited so as to restrict the person
25 from providing adequate care to a client.

1 **SECTION 177.** 50.36 (1) of the statutes is amended to read:

2 50.36 (1) The department shall promulgate, adopt, amend and enforce such
3 rules and standards for hospitals for the construction, maintenance and operation
4 of the hospitals deemed necessary to provide safe and adequate care and treatment
5 of the patients in the hospitals and to protect the health and safety of the patients
6 and employees; and nothing contained herein shall pertain to a person licensed to
7 practice medicine and surgery or dentistry. The building codes and construction
8 standards of the department of ~~commerce~~ safety and professional services shall
9 apply to all hospitals and the department may adopt additional construction codes
10 and standards for hospitals, provided they are not lower than the requirements of
11 the department of ~~commerce~~ safety and professional services. Except for the
12 construction codes and standards of the department of ~~commerce~~ safety and
13 professional services and except as provided in s. 50.39 (3), the department shall be
14 the sole agency to adopt and enforce rules and standards pertaining to hospitals.

15 **SECTION 178.** 50.36 (6) of the statutes is amended to read:

16 50.36 (6) If the department receives a credible complaint that a pharmacy
17 located in a hospital has violated its duty to dispense contraceptive drugs and devices
18 under s. 450.095 (2), the department shall refer the complaint to the department of
19 ~~regulation and licensing~~ safety and professional services.

20 **SECTION 179.** 51.42 (7) (a) 7. of the statutes is amended to read:

21 51.42 (7) (a) 7. Develop a program in consultation with the department of
22 ~~regulation and licensing~~ safety and professional services to use voluntary,
23 uncompensated services of licensed or certified professionals to assist the
24 department of health services in evaluating community mental health programs in

1 exchange for continuing education credits for the professionals under ss. 448.40 (2)
2 (e) and 455.065 (5).

3 **SECTION 180.** 55.043 (4) (b) 5. of the statutes is amended to read:

4 55.043 (4) (b) 5. Refer the case to the department of ~~regulation and licensing~~
5 safety and professional services if the financial exploitation, neglect, self-neglect, or
6 abuse involves an individual who is required to hold a credential, as defined in s.
7 440.01 (2) (a), under chs. 440 to 460.

8 **SECTION 181.** 59.27 (10) of the statutes is amended to read:

9 59.27 (10) To enforce in the county all general orders of the department of
10 ~~commerce~~ safety and professional services relating to the sale, transportation and
11 storage of explosives.

12 **SECTION 182.** 59.691 (2) (b) 1. of the statutes is amended to read:

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

17 **SECTION 183.** 60.625 (2) (b) 1. of the statutes is amended to read:

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

22 **SECTION 184.** 60.71 (4) (b) of the statutes is amended to read:

23 60.71 (4) (b) The town board shall publish a class 2 notice, under ch. 985, of the
24 hearing. The notice shall contain an announcement of the hearing and a description
25 of the boundaries of the proposed town sanitary district. The town board shall mail

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1 the notice to the department of ~~commerce~~ safety and professional services and the
2 department of natural resources at least 10 days prior to the hearing.

3 **SECTION 185.** 60.71 (4) (c) of the statutes is amended to read:

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

12 **SECTION 186.** 61.352 (2) (b) 1. of the statutes is amended to read:

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

17 **SECTION 187.** 62.232 (2) (b) 1. of the statutes is amended to read:

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

22 **SECTION 188.** 66.0211 (5) of the statutes is amended to read:

23 66.0211 (5) CERTIFICATION OF INCORPORATION. If a majority of the votes in an
24 incorporation referendum are cast in favor of a village or city, the clerk of the circuit
25 court shall certify the fact to the secretary of state and supply the secretary of state

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1 with a copy of a description of the legal boundaries of the village or city and the
2 associated population and a copy of a plat of the village or city. Within 10 days of
3 receipt of the description and plat, the secretary of state shall forward 2 copies to the
4 department of transportation and one copy each to the department of
5 administration, and the department of revenue and the department of commerce.
6 The secretary of state shall issue a certificate of incorporation and record the
7 certificate.

8 **SECTION 189.** 66.0309 (3) (a) 3. of the statutes is repealed.

9 **SECTION 190.** 67.05 (6a) (bg) 2. of the statutes is amended to read:

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

15 **SECTION 191.** 67.12 (12) (e) 2r. b. of the statutes is amended to read:

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

21 **SECTION 192.** 71.07 (5j) (a) 2d. of the statutes is amended to read:

22 71.07 (5j) (a) 2d. "Diesel replacement renewable fuel" includes biodiesel and
23 any other fuel derived from a renewable resource that meets all of the applicable
24 requirements of the American Society for Testing and Materials for that fuel and that

1 the department of ~~commerce~~ safety and professional services designates by rule as
2 a diesel replacement renewable fuel.

3 **SECTION 193.** 71.07 (5j) (a) 2m. of the statutes is amended to read:

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

9 **SECTION 194.** 71.07 (5j) (c) 3. of the statutes is amended to read:

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

15 **SECTION 195.** 71.47 (5j) (a) 2d. of the statutes is amended to read:

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

21 **SECTION 196.** 71.47 (5j) (a) 2m. of the statutes is amended to read:

22 71.47 (5j) (a) 2m. "Gasoline replacement renewable fuel" includes ethanol and
23 any other fuel derived from a renewable resource that meets all of the applicable
24 requirements of the American Society for Testing and Materials for that fuel and that

1 the department of ~~commerce~~ safety and professional services designates by rule as
2 a gasoline replacement renewable fuel.

3 **SECTION 197.** 71.47 (5j) (c) 3. of the statutes is amended to read:

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

9 **SECTION 198.** 73.0301 (1) (b) of the statutes is amended to read:

10 73.0301 (1) (b) "Credentialing board" means a board, examining board or
11 affiliated credentialing board in the department of ~~regulation and licensing~~ safety
12 and professional services that grants a credential.

13 **SECTION 199.** 73.0301 (1) (e) of the statutes is amended to read:

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

22 **SECTION 200.** 73.0301 (2) (a) 1. of the statutes is amended to read:

23 73.0301 (2) (a) 1. Request the department of revenue to certify whether an
24 applicant for a license or license renewal or continuation is liable for delinquent
25 taxes. With respect to an applicant for a license granted by a credentialing board,

1 the department of ~~regulation and licensing~~ safety and professional services shall
2 make a request under this subdivision. This subdivision does not apply to the
3 department of transportation with respect to licenses described in sub. (1) (d) 7.

4 **SECTION 201.** 73.0301 (2) (a) 2. of the statutes is amended to read:

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

9 **SECTION 202.** 73.0301 (2) (b) 1. a. of the statutes is amended to read:

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

23 **SECTION 203.** 73.0301 (2) (b) 1. b. of the statutes is amended to read:

24 73.0301 (2) (b) 1. b. Mail a notice of suspension, revocation or denial under
25 subd. 1. a. to the license holder or applicant. The notice shall include a statement

1 of the facts that warrant the suspension, revocation or denial and a statement that
2 the license holder or applicant may, within 30 days after the date on which the notice
3 of denial, suspension or revocation is mailed, file a written request with the
4 department of revenue to have the certification of tax delinquency on which the
5 suspension, revocation or denial is based reviewed at a hearing under sub. (5) (a).
6 With respect to a license granted by a credentialing board, the department of
7 ~~regulation and licensing~~ safety and professional services shall mail a notice under
8 this subd. 1. b. With respect to a license to practice law, the department of revenue
9 shall mail a notice under this subd. 1. b. and the notice shall indicate that the license
10 holder or applicant may request a hearing under sub. (5) (a) and (am) and that the
11 department of revenue shall submit a certificate of delinquency to suspend, revoke,
12 or deny a license to practice law to the supreme court after the license holder or
13 applicant has exhausted his or her remedies under sub. (5) (a) and (am) or has failed
14 to make use of such remedies. A notice sent to a person who holds a license to practice
15 law or who is an applicant for a license to practice law shall also indicate that the
16 department of revenue may not submit a certificate of delinquency to the supreme
17 court if the license holder or applicant pays the delinquent tax in full or enters into
18 an agreement with the department of revenue to satisfy the delinquency.

19 **SECTION 204.** 73.0301 (2) (b) 2. of the statutes is amended to read:

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

1 respect to a license granted by a credentialing board, the department of ~~regulation~~
2 ~~and licensing~~ safety and professional services shall make an affirmation under this
3 subdivision.

4 **SECTION 205.** 73.0301 (2) (b) 3. of the statutes is amended to read:

5 73.0301 (2) (b) 3. If a person submits a nondelinquency certificate issued under
6 sub. (5) (b) 1., reinstate the license or grant the application for the license or license
7 renewal or continuation, unless there are other grounds for suspending or revoking
8 the license or for denying the application for the license or license renewal or
9 continuation. If reinstatement is required under this subdivision, a person is not
10 required to submit a new application or other material or to take a new test. No
11 separate fee may be charged for reinstatement of a license under this subdivision.

12 With respect to a license granted by a credentialing board, the department of
13 ~~regulation and licensing~~ safety and professional services shall reinstate a license or
14 grant an application under this subdivision.

15 **SECTION 206.** 73.0301 (2) (b) 4. of the statutes is amended to read:

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

25 **SECTION 207.** 77.22 (2) (d) of the statutes is amended to read:

1 77.22 (2) (d) If the real estate transferred is not subject to certification under
2 s. 101.122 (4) (a), waiver under s. 101.122 (4) (b) or stipulation under s. 101.122 (4)
3 (c), the reason why it is not so subject or the form prescribed by the department of
4 ~~eommerce~~ safety and professional services under s. 101.122 (6).

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5 **SECTION 208.** 93.80 of the statutes is amended to read:

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

10 **SECTION 209.** 100.20 (2) (c) of the statutes is created to read:

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

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

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

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

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

8 **SECTION 210.** 100.60 (1) (b) 2. of the statutes is amended to read:

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

14 **SECTION 211.** 100.60 (1) (c) 2. of the statutes is amended to read:

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

20 **SECTION 212.** 100.60 (3) (a) of the statutes is amended to read:

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

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

4 **SECTION 217.** 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 218.** 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 219.** 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 220.** 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 221.** 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 222.** 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 223.** 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 224.** 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 225.** 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 226.** 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 227.** 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 228.** 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 229.** 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 230.** 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 231.** 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 232.** 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 233.** 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 234.** 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 235.** 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 236.** 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 237.** 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 238.** 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 239.** 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 240.** 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 241.** 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 242.** 106.30 (2) of the statutes is amended to read:

14 106.30 (2) SURVEY FORM. Each odd-numbered year, the department of
15 workforce development shall develop and submit to the department of ~~regulation~~
16 ~~and licensing~~ safety and professional services a survey form to gather data under s.
17 441.01 (7) (a) 1. to assist the department of workforce development in evaluating the
18 supply of, demand for, and turnover among nurses in this state and in determining
19 whether there are any regional shortages of nurses, shortages of nurses in any
20 speciality areas, or impediments to entering the nursing profession in this state.

21 **SECTION 243.** 106.30 (5) (a) of the statutes is amended to read:

22 106.30 (5) (a) From the appropriation account under s. 20.445 (1) (km), the
23 department of workforce development shall award grants equal to the amount
24 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to
25 a nonprofit statewide nursing center that is comprised of and led by nurses and that

1 has demonstrated coordination with constituent groups within the nursing
2 community, including professional nursing organizations; organizations
3 representing nurse educators, staff nurses, and nurse managers or executives; labor
4 organizations representing nurses; the department of ~~regulation and licensing~~
5 safety and professional services; the department of health services; and legislators
6 who are concerned with issues affecting the nursing profession.

7 **SECTION 244.** 106.30 (5) (b) of the statutes is amended to read:

8 106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)
9 shall use the grant moneys to develop strategies to ensure that there is a nursing
10 workforce that is adequate to meet the current and future health care needs of this
11 state. The statewide nursing center may use those moneys to fund activities that are
12 aimed at ensuring such a nursing workforce, including monitoring trends in the
13 applicant pool for nursing education programs; evaluating the effectiveness of
14 nursing education programs in increasing access to those programs and in
15 enhancing career mobility for nurses, especially for populations that are
16 underrepresented in the nursing profession; and facilitating partnerships between
17 the nursing community and other health care providers, the department of
18 ~~regulation and licensing~~ safety and professional services, the business community,
19 the legislature, and educators to promote diversity within the nursing profession,
20 enhance career mobility and leadership development for nurses, and achieve
21 consensus regarding policies aimed at ensuring an adequate nursing workforce in
22 this state.

23 **SECTION 245.** 106.50 (6) (a) 3. of the statutes is amended to read:

24 106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an
25 interested person, by the department of workforce development under par. (b) or, if

1 the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~
2 safety and professional services. The department of workforce development shall,
3 upon request, provide appropriate assistance in completing and filing complaints.

4 **SECTION 246.** 106.50 (6) (b) of the statutes is amended to read:

5 106.50 (6) (b) *Powers and duties of department.* The department of workforce
6 development and its duly authorized agents may hold hearings, subpoena witnesses,
7 take testimony and make investigations as provided in this subsection. The
8 department of workforce development may test and investigate for the purpose of
9 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file
10 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department
11 of ~~commerce~~ safety and professional services may make, sign and file complaints
12 alleging violations of sub. (2r) (c). The department of workforce development shall
13 employ examiners to hear and decide complaints of discrimination under this
14 section, and to assist in the administration of this section. The examiners may make
15 findings and issue orders under this subsection. The department of workforce
16 development shall develop and implement an investigation manual for use in
17 conducting investigations under par. (c).

18 **SECTION 247.** 107.30 (4) of the statutes is amended to read:

19 107.30 (4) "Department" means the department of ~~commerce~~ safety and
20 professional services.

21 **SECTION 248.** 107.30 (10) of the statutes is amended to read:

22 107.30 (10) "Mining damage appropriation" means the appropriation under s.
23 ~~20.143 (3)~~ 20.165 (2) (a).

24 **SECTION 249.** 107.31 (5) (a) (intro.) of the statutes is amended to read:

1 107.31 (5) (a) *Calculation.* (intro.) The mining damage reserve accumulation
2 is calculated by subtracting the total amount of all mining damages awards paid
3 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
4 or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

5 **SECTION 250.** 108.02 (21e) (intro.) of the statutes is amended to read:

6 108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) “Professional
7 employer organization” means any person who is currently registered as a
8 professional employer organization with the department of ~~regulation and licensing~~
9 safety and professional services in accordance with ch. 461, who contracts to provide
10 the nontemporary, ongoing employee workforce of more than one client under a
11 written leasing contract, the majority of whose clients are not under the same
12 ownership, management, or control as the person other than through the terms of
13 the contract, and who under contract and in fact:

14 **SECTION 251.** 115.33 (2) (a) (intro.) of the statutes is amended to read:

15 115.33 (2) (a) (intro.) The state superintendent may request the department
16 of ~~commerce~~ safety and professional services to inspect a public school if any of the
17 following occurs:

18 **SECTION 252.** 115.33 (2) (b) of the statutes is amended to read:

19 115.33 (2) (b) The department of ~~commerce~~ safety and professional services
20 shall inspect the school within 30 days after receiving a request from the state
21 superintendent under par. (a).

22 **SECTION 253.** 115.33 (3) (a) of the statutes is amended to read:

23 115.33 (3) (a) If the state superintendent determines that a school is not in
24 compliance, and the department of ~~commerce~~ safety and professional services, based
25 on its inspection of the school, concurs in the determination, the state

1 superintendent may order the school board to repair, improve, remodel or close the
2 school by a stated date. An order issued under this paragraph constitutes a
3 preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

4 **SECTION 254.** 115.33 (3) (b) 1. of the statutes is amended to read:

5 115.33 (3) (b) 1. If the state superintendent determines that a school is not in
6 compliance and is not worth repairing, and the department of ~~commerce~~ safety and
7 professional services, based on its inspection of the school, concurs in the
8 determination, the state superintendent may order the school board to develop a
9 plan that describes how the school board will achieve compliance with the standard
10 under s. 121.02 (1) (i). The plan shall specify the time within which compliance with
11 the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall
12 hold a public hearing on the plan in the school district and may, as a result of the
13 hearing, recommend changes to the plan. The state superintendent may withhold
14 up to 25% of the school district's state aid if the school district fails to achieve
15 compliance with the standard under s. 121.02 (1) (i) within the period specified in the
16 plan.

17 **SECTION 255.** 118.07 (2) (b) of the statutes is amended to read:

18 118.07 (2) (b) In each community having a recognized fire department, the
19 person having direct charge of any public or private school shall annually file a report
20 pertaining to such drills, on a form furnished by the department of ~~commerce~~ safety
21 and professional services, with the chief of the fire department. When no fire drill
22 is held during any month, or when only one or no tornado or other hazard drill is held
23 in a year, the person having direct charge of the school shall state the reasons in the
24 report.

25 **SECTION 256.** 118.075 (2) (a) 2. of the statutes is amended to read:

1 118.075 (2) (a) 2. The secretary of ~~commerce~~ safety and professional services
2 or his or her designee.

3 **SECTION 257.** 118.135 (2) of the statutes is amended to read:

4 118.135 (2) A pupil who complies with a request under sub. (1) shall provide
5 evidence of an eye examination or evaluation by December 31 following the pupil's
6 enrollment in kindergarten. The school board or charter school shall provide pupils
7 with the form distributed by the department of ~~regulation and licensing~~ safety and
8 professional services under s. 440.03 (16) for that purpose.

9 **SECTION 258.** 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 259.** 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 260.** 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.

1 **SECTION 261.** 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 262.** 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 263.** 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 264.** 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 265.** 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 266.** 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 267.** 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 268.** 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 269.** 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 270.** 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 271.** 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 272.** 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 273.** 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 274.** 157.65 (1) (a) of the statutes is amended to read:

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 275.** 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 276.** 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 277.** 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 278.** 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 279.** 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 280.** 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 281.** 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.

1 **SECTION 282.** 167.10 (6m) (a) of the statutes is amended to read:

2 167.10 **(6m)** (a) No person may manufacture in this state fireworks or a device
3 listed under sub. (1) (e), (f) or (i) to (n) without a fireworks manufacturing license
4 issued by the department of ~~commerce~~ safety and professional services under par.
5 (d).

6 **SECTION 283.** 167.10 (6m) (b) of the statutes is amended to read:

7 167.10 **(6m)** (b) No person may manufacture in this state fireworks or a device
8 listed under sub. (1) (e), (f) or (i) to (n) unless the person complies with the rules of
9 the department of ~~commerce~~ safety and professional services promulgated under
10 par. (e).

11 **SECTION 284.** 167.10 (6m) (c) of the statutes is amended to read:

12 167.10 **(6m)** (c) Any person who manufactures in this state fireworks or a
13 device listed under sub. (1) (e), (f) or (i) to (n) shall provide the department of
14 ~~commerce~~ safety and professional services with a copy of each federal license issued
15 under 18 USC 843 to that person.

16 **SECTION 285.** 167.10 (6m) (d) of the statutes is amended to read:

17 167.10 **(6m)** (d) The department of ~~commerce~~ safety and professional services
18 shall issue a license to manufacture fireworks or devices listed under sub. (1) (e), (f)
19 or (i) to (n) to a person who complies with the rules of the department promulgated
20 under par. (e). The department may not issue a license to a person who does not
21 comply with the rules promulgated under par. (e). The department may revoke a
22 license under this subsection for the refusal to permit an inspection at reasonable
23 times by the department or for a continuing violation of the rules promulgated under
24 par. (e).

25 **SECTION 286.** 167.10 (6m) (e) of the statutes is amended to read:

1 167.10 (6m) (e) The department of ~~eommerce~~ safety and professional services
2 shall promulgate rules to establish safety standards for the manufacture in this state
3 of fireworks and devices listed under sub. (1) (e), (f) or (i) to (n).

4 **SECTION 287.** 167.10 (6m) (f) of the statutes is amended to read:

5 167.10 (6m) (f) The department of ~~eommerce~~ safety and professional services
6 may inspect at reasonable times the premises on which each person licensed under
7 this subsection manufactures fireworks or devices listed under sub. (1) (e), (f) or (i)
8 to (n).

9 **SECTION 288.** 167.21 (1) (b) of the statutes is amended to read:

10 167.21 (1) (b) "Department" means the department of ~~eommerce~~ safety and
11 professional services.

12 **SECTION 289.** 167.27 (5) of the statutes is amended to read:

13 167.27 (5) Whenever any mine shaft, exploration shaft or test well is
14 abandoned or its use discontinued, the operator or contractor shall promptly fill
15 same to grade or enclose the same with a fence of strong woven wire not less than 46
16 inches wide with one barbwire above or cap same with a reinforced concrete slab at
17 least 6 inches thick or with a native boulder at least 3 times the diameter of the top
18 of the shaft or test well bore. The strands of the woven wire shall not be smaller than
19 No. 12 wire and the cross wires and meshes shall not be smaller than No. 16 wire;
20 the strands shall not be more than 12 inches apart, and the meshes shall not exceed
21 8 inches square. All wires must be tightly stretched and securely fastened to
22 sufficient posts firmly set not more than 8 feet apart. In case any person shall neglect
23 to repair or rebuild such fence which the person is so required to build and maintain,
24 any person may complain to the department of ~~eommerce~~ safety and professional
25 services or to the local governing body, which shall give notice in writing to the person

1 who is required to build and maintain such fence. The department of ~~commerce~~
2 safety and professional services or the local governing body shall then proceed to
3 examine the fence, and if it shall determine that such fence is insufficient, it shall
4 notify the person responsible for its erection and maintenance and direct the person
5 to repair or rebuild the fence within such time as it shall deem reasonable. Any
6 person refusing to comply with such order shall be subject to the penalties provided.

7 **SECTION 290.** 167.27 (8) of the statutes is amended to read:

8 167.27 (8) Any violation of this section coming to the attention of the
9 department of ~~commerce~~ safety and professional services or municipal authorities
10 shall be reported to the attorney general or district attorney for prosecution.

11 **SECTION 291.** 167.31 (4) (a) 4. b. of the statutes is amended to read:

12 167.31 (4) (a) 4. b. He or she holds a certificate of proficiency to carry a firearm
13 issued by the department of ~~regulation and licensing~~ safety and professional
14 services.

15 **SECTION 292.** 167.31 (4) (a) 4. e. of the statutes is amended to read:

16 167.31 (4) (a) 4. e. His or her firearm is in plain view, as defined by rule by the
17 department of ~~regulation and licensing~~ safety and professional services.

18 **SECTION 293.** 167.35 (1) (b) of the statutes is amended to read:

19 167.35 (1) (b) "Department" means the department of ~~commerce~~ safety and
20 professional services unless the context requires otherwise.

21 **SECTION 294.** 167.35 (7) (b) of the statutes is amended to read:

22 167.35 (7) (b) The department of revenue, in the course of conducting any
23 inspection or examination authorized under s. 139.39, may inspect cigarettes to
24 determine if the cigarettes are marked as provided under sub. (4), and the

1 department of revenue shall notify the department of ~~commerce~~ safety and
2 professional services of any unmarked cigarettes.

3 **SECTION 295.** 167.35 (7) (c) of the statutes is amended to read:

4 167.35 (7) (c) Authorized personnel from the department of justice, from the
5 department of ~~commerce~~ safety and professional services, and from the department
6 of revenue, and any sheriff, police officer, or other law enforcement personnel, within
7 their respective jurisdictions, may enter and inspect any premises where cigarettes
8 are made, sold, offered for sale, or stored to determine if the cigarettes comply with
9 this section. An inspection under this paragraph includes examining the books,
10 papers, invoices, and other records of any person who is subject to this section and
11 who is in control, possession, or occupancy of the premises.

12 **SECTION 296.** 168.01 (1) of the statutes is amended to read:

13 168.01 (1) "Department" means the department of ~~commerce~~ safety and
14 professional services.

15 **SECTION 297.** 182.0175 (1m) (e) 2. of the statutes is amended to read:

16 182.0175 (1m) (e) 2. The department of ~~commerce~~ safety and professional
17 services may promulgate a rule that requires retail suppliers, as defined in s. 101.16
18 (1) (d), of propane to inform their customers each year of the obligation of owners of
19 transmission facilities under this section.

20 **SECTION 298.** 196.374 (2) (a) 4. of the statutes is amended to read:

21 196.374 (2) (a) 4. A person contracted to administer the programs under subd.
22 1. shall ensure coordination between the programs directed towards industrial and
23 manufacturing customers under subd. 1. and the program under s. 560.128.
24 Annually, a person contracted to administer the programs under subd. 1. shall

1 submit a report to the commission ~~and to the department of commerce~~ regarding the
2 programs directed towards industrial and manufacturing customers under subd. 1.

3 **SECTION 299.** 196.374 (3) (a) of the statutes is amended to read:

4 196.374 (3) (a) *In general.* The commission shall have oversight of programs
5 under sub. (2). The commission shall maximize coordination of program delivery,
6 including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)
7 and (7), ordered programs, low-income weatherization programs under s. 16.957,
8 renewable resource programs under s. 196.378, and other energy efficiency or
9 renewable resource programs. The commission shall cooperate with the department
10 of natural resources to ensure coordination of energy efficiency and renewable
11 resource programs with air quality programs and to maximize and document the air
12 quality improvement benefits that can be realized from energy efficiency and
13 renewable resource programs. ~~The commission shall cooperate with the department~~
14 ~~of commerce to ensure coordination of energy efficiency and renewable resource~~
15 ~~programs under sub. (2) (a) 2. e. with the loan program under s. 560.128 (1) (a).~~

16 **SECTION 300.** 196.491 (2) (b) 2. of the statutes is amended to read:

17 196.491 (2) (b) 2. Department of commerce safety and professional services.

18 **SECTION 301.** 214.48 (4) (a) of the statutes is amended to read:

19 214.48 (4) (a) An independent qualified appraiser, designated by the board of
20 directors, who is properly licensed and certified by the department of ~~regulation and~~
21 ~~licensing~~ safety and professional services or by another entity authorized to govern
22 appraisal licensure and certification and who meets the requirements of title XI of
23 the financial institutions reform, recovery and enforcement act of 1989, 12 USC 3331
24 to 3351 and regulations adopted pursuant to those sections.

25 **SECTION 302.** 227.116 (4) (intro.) of the statutes is amended to read:

1 227.116 (4) (intro.) If an agency fails to review and make a determination on
2 a permit application within the time period specified in a rule or law, for each such
3 failure the agency shall prepare a report and submit it to the department of
4 ~~commerce~~ safety and professional services within 5 business days of the last day of
5 the time period specified, setting forth all of the following:

6 **SECTION 303.** 227.116 (5) of the statutes is amended to read:

7 227.116 (5) If an agency fails to review and make a determination on a permit
8 application within the time period specified in a rule or law, upon completion of the
9 review and determination for that application, the agency shall notify the
10 department of ~~commerce~~ safety and professional services.

11 **SECTION 304.** 227.137 (1) of the statutes is amended to read:

12 227.137 (1) In this section, "agency" means the departments of agriculture,
13 trade, and consumer protection; ~~commerce~~ safety and professional services; natural
14 resources; transportation; and workforce development.

15 **SECTION 305.** 227.59 of the statutes is amended to read:

16 **227.59 Certification of certain cases from the circuit court of Dane**
17 **County to other circuits.** Any action or proceeding for the review of any order of
18 an administrative officer, commission, department or other administrative tribunal
19 of the state required by law to be instituted in or taken to the circuit court of Dane
20 County except an action or appeal for the review of any order of the department of
21 workforce development or the department of ~~commerce~~ safety and professional
22 services or findings and orders of the labor and industry review commission which
23 is instituted or taken and is not called for trial or hearing within 6 months after the
24 proceeding or action is instituted, and the trial or hearing of which is not continued
25 by stipulation of the parties or by order of the court for cause shown, shall on the

1 application of either party on 5 days' written notice to the other be certified and
 2 transmitted for trial to the circuit court of the county of the residence or principal
 3 place of business of the plaintiff or petitioner, where the action or proceeding shall
 4 be given preference. Unless written objection is filed within the 5-day period, the
 5 order certifying and transmitting the proceeding shall be entered without hearing.
 6 The plaintiff or petitioner shall pay to the clerk of the circuit court of Dane County
 7 a fee of \$2 for transmitting the record.

****NOTE: Please confirm that this change is consistent with your intent.

Insert 86 - 7 →
 8 **SECTION 306.** 230.08 (2) (e) 10. of the statutes is repealed.

9 **SECTION 307.** 230.08 (2) (e) 11m. of the statutes is created to read:

10 230.08 (2) (e) 11m. Safety and professional services — 7.

11 **SECTION 308.** 230.08 (2) (v) of the statutes is amended to read:

12 230.08 (2) (v) Not more than 5 10 bureau directors in the department of
 13 ~~regulation and licensing~~ safety and professional services.

14 **SECTION 309.** 230.339 of the statutes is created to read:

15 **230.339 Rights of certain employees of the department of safety and**
 16 **professional services.** (1) Notwithstanding s. 230.08 (2) (e) 11m. and (v), all of the
 17 employees holding the following positions in the classified service at the department
 18 of commerce on the day before the effective date of this subsection ... [LRB inserts
 19 date], who have achieved permanent status in class on or before that date shall, upon
 20 employment by the department of safety and professional services, retain, while
 21 serving in the unclassified service at the department of safety and professional
 22 services, those protections afforded employees in the classified service under ss.
 23 230.34 (1) (a) and 230.44 (1) (c) relating to demotion, suspension, discharge, layoff,
 24 or reduction in base pay:

1 (a) Administrator of the division of administrative services.

2 (b) Director of the bureau of petroleum environmental cleanup fund
3 administration in the division of environmental and regulatory services.

4 (c) Director of the bureau of petroleum products and tanks in the division of
5 environmental and regulatory services.

6 (d) Director of the bureau of integrated services in the division of safety and
7 buildings.

8 (e) Director of the bureau of program development in the division of safety and
9 buildings.

10 (2) Each employee specified under sub. (1) shall also have reinstatement
11 privileges to the classified service as provided under s. 230.33 (1).

12 SECTION 310. 231.20 of the statutes is amended to read:

13 **231.20 Waiver of construction and bidding requirements.** In exercising
14 its powers under s. 101.12, the department of ~~commerce~~ safety and professional
15 services or any city, village, town, or county may, within its discretion for proper
16 cause shown, waive any particular requirements relating to public buildings,
17 structures, grounds, works, and improvements imposed by law upon projects under
18 this chapter; the requirements of s. 101.13 may not be waived, however. If, however,
19 the prospective lessee so requests in writing, the authority shall, through the
20 participating health institution, participating educational institution, participating
21 research institution, or participating child care provider as its agent, call for
22 construction bids in such manner as is determined by the authority with the approval
23 of the lessee.

inse 17 87 - 23 →
24

SECTION 311. 236.12 (2) (a) of the statutes is amended to read:

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1 236.12 (2) (a) Two copies for each of the state agencies required to review the
2 plat to the department which shall examine the plat for compliance with ss. 236.15,
3 236.16, 236.20 and 236.21 (1) and (2). If the subdivision abuts or adjoins a state trunk
4 highway or connecting highway, the department shall transmit 2 copies to the
5 department of transportation so that agency may determine whether it has any
6 objection to the plat on the basis of its rules as provided in s. 236.13. If the subdivision
7 is not served by a public sewer and provision for that service has not been made, the
8 department shall transmit 2 copies to the department of ~~commerce~~ safety and
9 professional services so that that agency may determine whether it has any objection
10 to the plat on the basis of its rules as provided in s. 236.13. In lieu of this procedure
11 the agencies may designate local officials to act as their agents in examining the plats
12 for compliance with the statutes or their rules by filing a written delegation of
13 authority with the approving body.

14 **SECTION 312.** 236.13 (1) (d) of the statutes is amended to read:

15 236.13 (1) (d) The rules of the department of ~~commerce~~ safety and professional
16 services relating to lot size and lot elevation necessary for proper sanitary conditions
17 in a subdivision not served by a public sewer, where provision for public sewer service
18 has not been made;

19 **SECTION 313.** 236.13 (2m) of the statutes is amended to read:

20 236.13 (2m) As a further condition of approval when lands included in the plat
21 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake
22 or other body of navigable water or if land in the proposed plat involves lake or stream
23 shorelands referred to in s. 236.16, the department of natural resources, to prevent
24 pollution of navigable waters, or the department of ~~commerce~~ safety and professional
25 services, to protect the public health and safety, may require assurance of adequate

1 drainage areas for private sewage disposal systems and building setback
2 restrictions, or provisions by the owner for public sewage disposal facilities for
3 waters of the state, as defined in s. 281.01 (18), industrial wastes, as defined in s.
4 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public sewage disposal
5 facilities may consist of one or more systems as the department of natural resources
6 or the department of ~~eommerce~~ safety and professional services determines on the
7 basis of need for prevention of pollution of the waters of the state or protection of
8 public health and safety.

9 SECTION 314. 236.335 of the statutes is amended to read:

10 **236.335 Prohibited subdividing; forfeit.** No lot or parcel in a recorded plat
11 may be divided, or used if so divided, for purposes of sale or building development if
12 the resulting lots or parcels do not conform to this chapter, to any applicable
13 ordinance of the approving authority or to the rules of the department of ~~eommerce~~
14 safety and professional services under s. 236.13. Any person making or causing such
15 a division to be made shall forfeit not less than \$100 nor more than \$500 to the
16 approving authority, or to the state if there is a violation of this chapter or the rules
17 of the department of ~~eommerce~~ safety and professional services.

X
****NOTE: Please review these treatments of all of these ch. 236 provisions in this
draft.

Insert + 89-17 →

18 SECTION 315. 252.15 (5g) (c) of the statutes is amended to read:

19 252.15 (5g) (c) A physician, physician assistant, or advanced practice nurse
20 prescriber, based on information provided to the physician, physician assistant, or
21 advanced practice nurse prescriber, determines and certifies in writing that the
22 person has had contact that constitutes a significant exposure. The certification
23 shall accompany the request for HIV testing and disclosure. If the person is a

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1 physician, physician assistant, or advanced practice nurse prescriber, he or she may
2 not make this determination or certification. The information that is provided to a
3 physician, physician assistant, or advanced practice nurse prescriber to document
4 the occurrence of the contact that constitutes a significant exposure and the
5 physician's, physician assistant's, or advanced practice nurse prescriber's
6 certification that the person has had contact that constitutes a significant exposure,
7 shall be provided on a report form that is developed by the department of ~~commerce~~
8 safety and professional services under s. 101.02 (19) (a) or on a report form that the
9 department of ~~commerce~~ safety and professional services determines, under s.
10 101.02 (19) (b), is substantially equivalent to the report form that is developed under
11 s. 101.02 (19) (a).

12 **SECTION 316.** 253.15 (1) (c) of the statutes is amended to read:

13 253.15 (1) (c) "Health care provider" means any person who is licensed,
14 registered, permitted, or certified by the department of health services or the
15 department of ~~regulation and licensing~~ safety and professional services to provide
16 health care services in this state.

17 **SECTION 317.** 254.02 (3) (a) of the statutes is amended to read:

18 254.02 (3) (a) The department of agriculture, trade and consumer protection,
19 the department of corrections, the department of ~~commerce~~ safety and professional
20 services, and the department of natural resources shall enter into memoranda of
21 understanding with the department to establish protocols for the department to
22 review proposed rules of those state agencies relating to air and water quality,
23 occupational health and safety, institutional sanitation, toxic substances, indoor air
24 quality, food protection or waste handling and disposal.

25 **SECTION 318.** 254.176 (2) (e) of the statutes is amended to read:

1 254.176 (2) (e) A person who engages in the business of installing or servicing
2 heating, ventilating or air conditioning equipment if the person is registered with the
3 department of ~~commerce~~ safety and professional services and if the person engages
4 in activities that constitute lead hazard reduction, only to the extent that the
5 activities are within the scope of his or her registration.

6 **SECTION 319.** 254.22 (4) of the statutes is amended to read:

7 254.22 (4) Assist the department of ~~commerce~~ safety and professional services
8 with the enforcement of s. 101.123.

9 **SECTION 320.** 254.51 (2) of the statutes is amended to read:

10 254.51 (2) The department shall enter into memoranda of understanding with
11 the department of agriculture, trade and consumer protection, the department of
12 ~~commerce~~ safety and professional services, and the department of natural resources
13 regarding the investigation and control of animal-borne and vector-borne disease.

14 **SECTION 321.** 254.73 (1) of the statutes is amended to read:

15 254.73 (1) Every hotel with sleeping accommodations with more than 12
16 bedrooms above the first story shall, between the hours of 12 midnight and 6 a.m.
17 provide a system of security personnel patrol, or of mechanical and electrical devices,
18 or both, adequate, according to standards established by the department of
19 ~~commerce~~ safety and professional services, to warn all guests and employees in time
20 to permit their evacuation in case of fire.

21 **SECTION 322.** 254.74 (1) (am) of the statutes is amended to read:

22 254.74 (1) (am) Promulgate rules, in consultation with the department of
23 ~~commerce~~ safety and professional services, under which the department of health
24 services shall conduct regular inspections of sealed combustion units, as required
25 under s. 101.149 (5) (c), for carbon monoxide emissions in hotels, tourist rooming

1 houses, and bed and breakfast establishments. The rules shall specify conditions
2 under which it may issue orders as specified under s. 101.149 (8) (a). The rules may
3 not require the department of health services to inspect sealed combustion units
4 during the period in which the sealed combustion units are covered by a
5 manufacturer's warranty against defects.

6 **SECTION 323.** 254.78 of the statutes is amended to read:

7 **254.78 Authority of department of ~~commerce~~ safety and professional**
8 **services.** Nothing in this chapter shall affect the authority of the department of
9 ~~commerce~~ safety and professional services relative to places of employment,
10 elevators, boilers, fire escapes, fire protection, or the construction of public buildings.

11 **SECTION 324.** 254.79 of the statutes is amended to read:

12 **254.79 Joint employment.** The department and the department of ~~commerce~~
13 safety and professional services may employ experts, inspectors or other assistants
14 jointly.

15 **SECTION 325.** 281.33 (2) of the statutes is amended to read:

16 281.33 (2) STATE STORM WATER MANAGEMENT PLAN. The department, in
17 consultation with the department of ~~commerce~~ safety and professional services,
18 shall promulgate by rule a state storm water management plan. This state plan is
19 applicable to activities contracted for or conducted by any agency, as defined under
20 s. 227.01 (1) but also including the office of district attorney, unless that agency
21 enters into a memorandum of understanding with the department of natural
22 resources in which that agency agrees to regulate activities related to storm water
23 management. The department shall coordinate the activities of agencies, as defined
24 under s. 227.01 (1), in storm water management and make recommendations to
25 these agencies concerning activities related to storm water management.

1 **SECTION 326.** 281.344 (8) (a) of the statutes is amended to read:

2 281.344 (8) (a) *Goals and objectives.* The department shall specify water
3 conservation and efficiency goals and objectives for the waters of the state. The
4 department shall specify goals and objectives for the waters of the Great Lakes basin
5 that are consistent with the goals under s. 281.343 (4b) (a) and the objectives
6 identified by the regional body under Article 304 (1) of the Great Lakes — St.
7 Lawrence River Basin Sustainable Water Resources Agreement. In specifying these
8 goals and objectives, the department shall consult with the department of ~~commerce~~
9 safety and professional services and the public service commission.

10 **SECTION 327.** 281.344 (8) (b) (intro.) of the statutes is amended to read:

11 281.344 (8) (b) *Statewide program.* (intro.) In cooperation with the department
12 of ~~commerce~~ safety and professional services and the public service commission, the
13 department shall develop and implement a statewide water conservation and
14 efficiency program that includes all of the following:

15 **SECTION 328.** 281.344 (8) (b) 3. of the statutes is amended to read:

16 281.344 (8) (b) 3. Water conservation and efficiency measures that the
17 department of ~~commerce~~ safety and professional services requires or authorizes to
18 be implemented under chs. 101 and 145.

19 **SECTION 329.** 281.346 (8) (a) of the statutes is amended to read:

20 281.346 (8) (a) *Goals and objectives.* The department shall specify water
21 conservation and efficiency goals and objectives for the waters of the state and for the
22 waters of the Great Lakes basin. The department shall specify goals and objectives
23 for the waters of the Great Lakes basin that are consistent with the goals under s.
24 281.343 (4b) (a) and the objectives identified by the Great Lakes council under s.
25 281.343 (4b) (a) and (c). In specifying these goals and objectives, the department

1 shall consult with the department of ~~commerce~~ safety and professional services and
2 the public service commission and consider the water conservation and efficiency
3 goals and objectives developed in any pilot program conducted by the department in
4 cooperation with the regional body.

5 **SECTION 330.** 281.346 (8) (b) (intro.) of the statutes is amended to read:

6 281.346 (8) (b) *Statewide program.* (intro.) In cooperation with the department
7 of ~~commerce~~ safety and professional services and the public service commission, the
8 department shall develop and implement a statewide water conservation and
9 efficiency program that includes all of the following:

10 **SECTION 331.** 281.346 (8) (b) 3. of the statutes is amended to read:

11 281.346 (8) (b) 3. Water conservation and efficiency measures that the
12 department of ~~commerce~~ safety and professional services requires or authorizes to
13 be implemented under chs. 101 and 145.

14 **SECTION 332.** 281.57 (7) (c) 1. of the statutes is amended to read:

15 281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are
16 limited in each fiscal year to receiving total grant awards not to exceed 33% of the
17 sum of the amounts in the schedule for that fiscal year for the appropriation under
18 s. ~~20.143 (3)~~ 20.165 (2) (de) and the amount authorized under sub. (10) for that fiscal
19 year plus the unencumbered balance at the end of the preceding fiscal year for the
20 amount authorized under sub. (10). This subdivision is not applicable to grant
21 awards provided during fiscal years 1985-86, 1986-87, 1988-89 and 1989-90.

22 **SECTION 333.** 281.75 (18) of the statutes is amended to read:

23 281.75 (18) **SUSPENSION OR REVOCATION OF LICENSES.** The department may
24 suspend or revoke a license issued under ch. 280 if the department finds that the
25 licensee falsified information submitted under this section. The department of

1 ~~commerce~~ safety and professional services may suspend or revoke the license of a
2 plumber licensed under ch. 145 if the department of ~~commerce~~ safety and
3 professional services finds that the plumber falsified information submitted under
4 this section.

5 **SECTION 334.** 285.39 (4) of the statutes is amended to read:

6 285.39 (4) REPORT ON NEW REPLENISHMENT MECHANISMS. After expiration of the
7 replenishment implementation period, if the department reports under sub. (2) (b)
8 1. or determines at any other time that the growth accommodation is less than 3,500
9 tons, the department shall, with the advice of the department of ~~commerce~~ safety and
10 professional services, submit a report to the chief clerk of each house of the
11 legislature for distribution to the appropriate standing committees of the legislature
12 under s. 13.172 (3) on how to most effectively and equitably replenish the growth
13 accommodation. The report shall review existing studies and data to evaluate the
14 accuracy of this state's state implementation plan with respect to the effect of
15 emissions from inside and outside the volatile organic compound accommodation
16 area on the ambient air quality within the area.

17 **SECTION 335.** 292.11 (2) (e) of the statutes is amended to read:

18 292.11 (2) (e) The department shall report notifications that it receives under
19 this subsection related to discharges from petroleum storage tanks, as defined in s.
20 101.144 (1) (bm), to the department of ~~commerce~~ safety and professional services.

21 **SECTION 336.** 292.12 (1) (a) of the statutes is amended to read:

22 292.12 (1) (a) "Agency with administrative authority" means the department
23 of agriculture, trade and consumer protection with respect to a site over which it has
24 jurisdiction under s. 94.73 (2), the department of ~~commerce~~ safety and professional
25 services with respect to a site over which it has jurisdiction under s. 101.144 (2) (a),

1 or the department of natural resources with respect to a site over which it has
2 jurisdiction under s. 292.11 (7).

3 **SECTION 337.** 292.33 (6) of the statutes is amended to read:

4 292.33 (6) EXCEPTION. A local governmental unit may not recover costs under
5 this section for remedial activities conducted on a property or portion of a property
6 with respect to a discharge after the department of natural resources, the
7 department of ~~commerce~~ safety and professional services, or the department of
8 agriculture, trade and consumer protection has indicated that no further remedial
9 activities are necessary on the property or portion of the property with respect to the
10 discharge.

11 **SECTION 338.** 293.11 of the statutes is amended to read:

12 **293.11 Mine effect responsibility.** The department shall serve as the central
13 unit of state government to ensure that the air, lands, waters, plants, fish and
14 wildlife affected by prospecting or mining in this state will receive the greatest
15 practicable degree of protection and reclamation. The administration of
16 occupational health and safety laws and rules that apply to mining shall remain
17 exclusively the responsibility of the department of ~~commerce~~ safety and professional
18 services. The powers and duties of the geological and natural history survey under
19 s. 36.25 (6) shall remain exclusively the responsibility of the geological and natural
20 history survey. Nothing in this section prevents the department of ~~commerce~~ safety
21 and professional services and the geological and natural history survey from
22 cooperating with the department in the exercise of their respective powers and
23 duties.

24 **SECTION 339.** 299.13 (1m) (intro.) of the statutes is amended to read:

1 299.13 **(1m)** PROMOTION OF POLLUTION PREVENTION. (intro.) In carrying out the
2 duties under this section and ss. 36.25 (30) and 560.19, the department, the
3 department of ~~commerce~~ safety and professional services and the center shall
4 promote all of the following techniques for pollution prevention:

5 **SECTION 340.** 299.83 (8) (f) of the statutes is amended to read:

6 299.83 **(8)** (f) The department and the department of ~~commerce~~ safety and
7 professional services shall jointly provide information about participation contracts
8 and environmental management systems to potential participants in the program
9 and to other interested persons. The department shall consult with the department
10 of ~~commerce~~ safety and professional services about the administration of the
11 program.

12 **SECTION 341.** 346.503 (1m) (g) of the statutes is amended to read:

13 346.503 **(1m)** (g) This subsection does not affect the authority under s. 101.13
14 of the department of ~~commerce~~ safety and professional services to require by rule the
15 reservation of parking spaces for use by a motor vehicle used by a physically disabled
16 person.

17 **SECTION 342.** 346.503 (4) of the statutes is amended to read:

18 346.503 **(4)** The department, after consulting with the department of
19 ~~commerce~~ safety and professional services, shall promulgate rules governing the
20 design, size and installation of the official traffic signs required under sub. (2) or
21 (2m).

22 **SECTION 343.** Chapter 440 (title) of the statutes is amended to read:

23

CHAPTER 440