



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3799/1
KRP&MPG:emw

2015 SENATE BILL 698

February 2, 2016 - Introduced by Senator STROEBEL, cosponsored by Representative VORPAGEL. Referred to Committee on Government Operations and Consumer Protection.

1 **AN ACT to repeal** 15.07 (3) (bm) 3., 15.07 (3) (bm) 6., 15.08 (3) (c), 15.085 (3) (b),
2 15.405 (1m), 15.405 (10r) (c), 15.407 (18) (c), 66.1019 (3), 101.02 (7m), 101.02
3 (12), 101.02 (20), 101.02 (21), 101.02 (24), 101.12 (6) (a), 101.125 (2), (3) (b) and
4 (c) and (4m), 101.14 (4m) (a) 3., 101.16 (3g) (b), 101.19 (1r), 101.596 (1) (a),
5 101.596 (2) (c), 101.596 (3), 101.957, subchapter VI (title) of chapter 101
6 [precedes 101.971], 101.971 (intro.), (1), (3) and (4), 101.973, 101.974 (intro.),
7 (1), (3) and (5), 101.974 (2), 101.975, 101.976, 101.977 and 101.978, 101.985 (4),
8 chapter 145 (title), 145.035, 145.045 (2), 145.13, 440.03 (16), 440.04 (9), 440.11
9 (3), 445.08 (4), 457.09 (3) (b) and 457.16 (3); **to renumber** 145.04, 145.045 (title)
10 and (1), 145.05, 145.06, 145.14, 145.16, 145.17, 145.175, 145.18, 145.19,
11 145.195 and 145.23; **to renumber and amend** 15.085 (3) (a), 15.09 (3), 101.02
12 (1), 101.12 (6) (b), 101.16 (3g) (a), 101.971 (2), 101.974 (4), 145.01, 145.02,
13 145.045 (3), 145.07, 145.08, 145.09, 145.10, 145.11, 145.12, 145.15, 145.165,
14 145.20, 145.24, 145.245, 145.26, 440.20 (4), 440.20 (5) and 445.08 (1); **to**

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1 **consolidate, renumber and amend** 101.125 (3) (intro.) and (a); **to amend**
2 15.07 (3) (b), 15.08 (3) (a), 15.085 (5) (b) 1., 15.405 (2) (a), 15.405 (2m) (b), 15.405
3 (10r) (b), 15.406 (6) (a) 2., 15.407 (10) (b), 15.407 (13) (b), 15.407 (14) (b), 20.165
4 (2) (a), 20.165 (2) (j), 20.165 (2) (ke), 20.165 (2) (ma), 20.320 (3) (q), 25.46 (5c),
5 43.09 (1), 45.44 (1) (a) 6., 45.44 (1) (a) 16., 49.857 (1) (b), 49.857 (1) (d) 7., 59.70
6 (5) (a), 59.70 (5) (b), 60.70 (5), 60.77 (5) (bm), 60.77 (5) (j), 67.12 (12) (a), 73.0301
7 (1) (d) 5., 100.21 (1) (a), 101.02 (7r) (a), 101.02 (7r) (b) 4., 101.02 (13) (a), 101.10
8 (4) (a), 101.10 (4) (b), 101.10 (4) (c), 101.12 (1) (a), 101.121 (3) (a), 101.121 (3) (b),
9 101.125 (4) (a), 101.125 (5), 101.14 (4) (g) 1., 101.14 (4m) (a) 1., 101.1472 (2),
10 101.17, 101.596 (2) (a) and (b), 101.63 (1) (intro.), 101.63 (2), 101.642 (2),
11 101.648 (1) (b), 101.653 (5) (b) 2., 101.654 (1) (c) 1., 101.66 (3), 101.73 (2), 101.77,
12 101.84 (1), 101.862 (4) (p), 101.88 (3), 101.94 (8) (a), 101.951 (7) (a), 101.951 (7)
13 (b), 101.952 (5), 101.965 (1p), 101.985 (5) (a), 101.988 (3), 108.227 (1) (e) 5.,
14 115.33 (1) (a), 118.135 (2), 160.255 (1), 200.21 (11), 200.29 (1) (c) 3. a., 234.49 (1)
15 (e), 254.176 (2) (d), 281.17 (3), 281.344 (8) (b) 3., 281.346 (8) (b) 3., 281.48 (2)
16 (bm), 281.48 (5) (a) 4., 281.48 (5m) (c), 281.59 (1m) (c), 281.75 (18), 321.60 (1)
17 (a) 7., 321.60 (1) (a) 18., 343.305 (6) (bm), 440.03 (3m), 440.03 (7), 440.03 (7m),
18 440.03 (11m) (a) (intro.), 440.03 (13) (a), 440.03 (13) (am), 440.08 (2) (a) 59.,
19 440.19, 440.205, 440.22 (1), 440.22 (2), 440.92 (9) (b) 3., 443.07 (4), 445.04 (3)
20 (a), 445.04 (3) (b) (intro.), 445.045 (1) (g), 446.02 (7) (d) 1., 446.02 (7) (d) 2.,
21 448.02 (8) (a), 448.07 (1) (a), 448.13 (1) (a) (intro.), 448.13 (2), 448.13 (3), 457.09
22 (3) (a), 470.05 and 632.10 (1); **to repeal and recreate** 101.596 (title), 101.63
23 (1) (intro.), 448.02 (8) (a) and 448.07 (1) (a); and **to create** 15.07 (3) (c), 15.09
24 (3) (b), 101.02 (1) (a), 101.02 (1) (c), 101.02 (7r) (g), 101.022, 101.125 (2m),
25 101.148 (3), 101.94 (5), subchapter VIII (title) of chapter 101 [precedes

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1 101.9911], 440.20 (4) (b), 440.20 (5) (b) and 445.04 (3) (c) of the statutes;
2 **relating to:** duties and powers of the Department of Safety and Professional
3 Services concerning certain credentialing and occupational licensing functions;
4 mandatory meeting requirements for various boards and councils; membership
5 and rules procedures of certain boards; discipline and examination and other
6 licensure requirements for certain professionals; plumbing and fire protection
7 systems and swimming pool plan review; requiring the exercise of rule-making
8 authority; making appropriations; and providing penalties.

Analysis by the Legislative Reference Bureau

This bill makes numerous changes to the laws governing professional regulation and buildings and safety in this state.

**UNIFORM PROFESSIONAL CREDENTIALING AND OCCUPATIONAL LICENSING
PROCEDURES**

The bill makes uniform many of the standards and procedures that apply to the following approvals that are under the authority of the Department of Safety and Professional Services:

1. Licenses, permits, and certificates of certification or registration issued by DSPS, an examining board, or an affiliated credentialing board with respect to various professions, including cosmetology, accounting, architecture, boxing, mixed martial arts, and health professions (professional credentials).

2. Licenses, permits, certificates, registrations, or other approvals issued by DSPS with respect to trades (occupational licenses).

Specifically, this bill requires that any rules promulgated by DSPS that define uniform procedures for the following must conform with rules related to professional credentials: receiving, filing, and investigating complaints against holders of occupational licenses; commencing disciplinary proceedings against holders of occupational licenses; and conducting hearings on matters relating to occupational licenses.

This bill also provides that many laws that apply to professional credentials also apply to occupational licenses, including laws that do all of the following:

1. Govern how and when an application for an initial professional credential or a renewal is granted or denied.

2. Prescribe standards and procedures for how a person may file a complaint against a professional credential holder.

3. Set forth standards and procedures for conducting investigations, commencing disciplinary proceedings, holding hearings, and making findings regarding violations of laws and rules governing professional credential holders.

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4. Prescribe the process and procedure for issuing administrative warnings to professional credential holders, reprimanding professional credential holders, and denying, limiting, suspending, and revoking professional credentials.

5. Set forth certain rights and obligations of professional credential holders.

MULTIFAMILY DWELLING CODE

The bill repeals the statutes, and the authority of DSPS to promulgate rules, that establish standards for the construction of multifamily dwellings and their components. Those statutes and rules are commonly known as the multifamily dwelling code.

Under current law, a county, city, village, or town (municipality) is prohibited from enforcing any ordinance that does not comply with the multifamily dwelling code, except with respect to a preexisting stricter sprinkler ordinance that meets certain requirements. The bill repeals the multifamily dwelling code, including the exception for preexisting stricter sprinkler ordinances, but retains certain powers of DSPS which are incorporated into the provisions that regulate public buildings and buildings that are places of employment (commercial building code).

Under the bill, a multifamily dwelling is subject to the commercial building code if the multifamily dwelling is a "public building," which current law defines to include a building used by the public or by three or more tenants for lodging or occupancy.

COMMERCIAL BUILDING CODE

The bill requires DSPS to promulgate rules establishing uniform procedures for municipalities to administer the commercial building code and prohibits municipalities from enacting or enforcing an ordinance that does not strictly conform to the rules. Under the bill, administration includes the process an owner must follow when applying for a permit for constructing, altering, or adding to a public building or a building that is a place of employment.

BUILDING INSPECTOR REVIEW BOARD

The bill eliminates the Building Inspector Review Board and transfers most of the board's authority over building inspectors to DSPS. Under the bill, DSPS, rather than the board, receives and reviews complaints regarding building inspectors and has the authority to revoke a building inspector's certification. The bill also provides that DSPS's authority is not limited to revocation. Under the bill, DSPS also may reprimand a building inspector or deny, limit, suspend, or revoke a building inspector's certification.

The bill eliminates, rather than transfers to DSPS, the authority of the board to modify or reverse erroneous decisions of a building inspector. The bill also eliminates procedures related to how complaints are received, processed, and kept confidential that are specific to complaints against building inspectors.

PENALTIES FOR VIOLATIONS OF LAW

The bill increases the monetary penalties for certain violations of laws and rules that regulate various aspects of industry, buildings, and safety, including the following: safe storage and handling of anhydrous ammonia; safety glazing material used in hazardous locations; construction standards and inspection procedures for

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one-family and two-family dwellings; manufacture and installation of modular homes; installation, repair, and maintenance of electrical wiring; manufacture, distribution, and sale of manufactured homes and mobile homes; and installation and operation of elevators, escalators, and other conveyances. The bill also clarifies that certain violations constitute a separate offense for each day of continued violation and creates a penalty for violations by a contractor of notice requirements related to construction or remodeling of a dwelling.

SAFETY GLAZING MATERIAL IN HAZARDOUS LOCATIONS

The bill repeals existing statutory requirements related to labeling, installing, and selling safety glazing material located or to be located in hazardous locations. Under the bill, DSPS must promulgate rules regulating safety glazing material manufactured, distributed, imported, sold, or installed for use in a hazardous location.

AGING SCHOOLS PROGRAM

The bill repeals an outdated requirement under the aging schools program that DSPS inspect all public schools constructed prior to January 1, 1950, for compliance with certain safety and building requirements.

LIST OF VARIANCES UNDER THE HISTORIC BUILDING CODE

The bill eliminates the requirement that DSPS maintain a list of all variances from the historic building code granted to owners of qualified historic buildings. Under current law, DSPS may create an historic building code to provide alternative standards for the preservation or restoration of buildings or structures designated as historic buildings, and DSPS may grant variances to any rules or alternative rules if the owner demonstrates that an alternative proposed by the owner accomplishes the same purpose. Under the bill, DSPS is not required to maintain a list of all variances DSPS grants.

LIST OF LICENSED RETAIL SUPPLIERS OF LIQUEFIED PETROLEUM GAS

The bill eliminates the requirement that DSPS publish an annual list of all retail suppliers licensed by DSPS to distribute liquefied petroleum gas.

FREQUENCY OF REVIEW OF MUNICIPAL CONSTRUCTION SITE EROSION CONTROL PROGRAMS

The bill reduces the frequency with which DSPS must issue a written determination regarding whether a municipality's construction site erosion control program is in compliance with state standards. Under current law, if a municipality elects to exercise jurisdiction over the construction and inspection of new dwellings, DSPS must periodically review the municipality's ordinances related to construction site erosion control for compliance with state standards. As part of the review, DSPS must perform an audit of the municipality's construction site erosion control program and make a written determination regarding whether the municipality is in compliance. The bill changes the frequency of the DSPS written determination from three years to five years.

SENATE BILL 698**ALTERNATIVE DISPUTE RESOLUTION FOR MANUFACTURED HOUSING INDUSTRY
DISPUTES**

The bill eliminates the requirement that DSPS establish by rule an alternative dispute resolution program for disputes concerning defects in or installation of manufactured homes. Under current law, the ADR program must provide for the timely, nonjudicial resolution of disputes among manufacturers, salespersons, dealers, and installers of manufactured homes if those disputes are reported to DSPS within one year of the date on which a manufactured home is installed.

MANUFACTURED HOME CONSTRUCTION AND SAFETY REPORTS

The bill requires DSPS to prepare and submit all reports required under federal law related to manufactured home construction and safety. Under current law, manufactured homes must be manufactured, assembled, distributed, and sold in compliance with federal statutes and regulations. Those federal laws require reporting by states related to manufactured home construction and safety, and the bill requires DSPS to prepare and submit all required reports.

TEMPORARY REVOCABLE PERMITS FOR MASTER AND JOURNEYMAN PLUMBERS

The bill eliminates the authority of DSPS to issue temporary revocable permits to master and journeyman plumbers pending an examination. The bill also eliminates the authority of DSPS to promulgate rules governing the issuance of those permits.

SEPTIC TANK INSTALLERS

The bill eliminates references under current law to “septic tank installers” in requirements related to installation of private on-site wastewater treatment systems.

DEFINITION OF PUBLIC SWIMMING POOLS

The bill changes the definition of public swimming pool to exclude an inflated mobile structure, a swim pond, or an individual therapeutic pod, tub, or bath. Under current law, DSPS must review and approve any plans for the construction, alteration, or reconstruction of a public swimming pool, and no one may maintain, manage, or operate a public swimming pool unless DSPS has approved the plans and the public swimming pool conforms to those plans.

**REORGANIZATION OF PLUMBING, FIRE PROTECTION SYSTEMS, AND SWIMMING POOL
PLAN REVIEW LAW**

The bill reorganizes the statutes so that the laws related to plumbing, fire protection systems, and swimming pool plan review are located in a separate subchapter within the chapter that covers regulation of industry, buildings, and safety.

MANDATORY MEETING REQUIREMENTS

The bill eliminates mandatory annual and semiannual meeting requirements of the examining boards, affiliated credentialing boards, and other boards and councils under DSPS, except for the Medical Examining Board, which is required to meet 12 times each year. Instead, under the bill, those boards and councils are generally required to meet on the call of the chairperson or a majority of the members of the board or council.

SENATE BILL 698**ADMINISTRATIVE WARNINGS**

The bill provides that DSPS and the examining boards, affiliated credentialing boards, and other boards under DSPS that have disciplinary authority over professional credential holders may issue an administrative warning regardless of whether the minor violation for which the administrative warning is issued is a first occurrence for the credential holder. Under current law, an administrative warning may be issued only if DSPS or the relevant board finds that the professional credential holder's violation is a first occurrence of a minor violation.

COMPOUNDED INTEREST CHARGED FOR COSTS OF DISCIPLINARY PROCEEDINGS

The bill provides that the interest charged for costs of disciplinary proceedings is compounded annually. Under current law, DSPS and the examining boards, affiliated credentialing boards, and other boards under DSPS that have disciplinary authority over professional credential holders may charge the credential holder for all or a part of the costs of a disciplinary proceeding involving that credential holder. Interest upon those costs accrues at the rate of 12 percent annually.

REGISTRATION OF LICENSED MEDICAL PROFESSIONALS

The bill removes the specific time by which a licensed physician or other credentialed medical professional must register with the Medical Examining Board. Under current law, each licensed physician or other credentialed medical professional must register with the board by November 1 of each odd-numbered year following initial licensure. Under the bill, the board determines the time and manner of registration.

JURISPRUDENCE EXAMINATION FOR FUNERAL DIRECTORS

The bill requires a jurisprudence examination for applicants for licensure as a funeral director that tests an applicant's knowledge of state law relating to funeral directing. The bill does not otherwise affect current examination requirements.

ELIMINATION OF DEGREE REQUIREMENT FOR SITTING FOR CERTAIN EXAMS

The bill eliminates certain prerequisite degree requirements to sit for an examination for licensure by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. The bill does not alter the education requirements for licensure by that board, but, instead, allows applicants for licensure to take the examination before completion of those education requirements.

Because this bill directly or substantially affects the development, construction, cost or availability of housing in this state, the Department of Administration, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 698**SECTION 1**

1 **SECTION 1.** 15.07 (3) (b) of the statutes is amended to read:

2 15.07 (3) (b) Except as provided in ~~par. pars.~~ (bm) and (c), each board not
3 covered under par. (a) shall meet annually, and may meet at other times on the call
4 of the chairperson or a majority of its members. ~~The auctioneer board, the cemetery~~
5 ~~board, and the real estate appraisers board shall also meet on the call of the secretary~~
6 ~~of safety and professional services or his or her designee within the department.~~

7 **SECTION 2.** 15.07 (3) (bm) 3. of the statutes is repealed.

8 **SECTION 3.** 15.07 (3) (bm) 6. of the statutes is repealed.

9 **SECTION 4.** 15.07 (3) (c) of the statutes is created to read:

10 15.07 (3) (c) Paragraph (b) does not apply to a board in the department of safety
11 and professional services. A board in the department of safety and professional
12 services shall meet on the call of the chairperson or a majority of its members. The
13 auctioneer board, the cemetery board, and the real estate appraisers board shall also
14 meet on the call of the secretary of safety and professional services or his or her
15 designee within the department.

16 **SECTION 5.** 15.08 (3) (a) of the statutes is amended to read:

17 15.08 (3) (a) Every examining board shall meet ~~annually and may meet at other~~
18 ~~times~~ on the call of the chairperson or of a majority of its members.

19 **SECTION 6.** 15.08 (3) (c) of the statutes is repealed.

20 **SECTION 7.** 15.085 (3) (a) of the statutes is renumbered 15.085 (3) and amended
21 to read:

22 15.085 (3) FREQUENCY OF MEETINGS. Every affiliated credentialing board shall
23 meet ~~annually and may meet at other times~~ on the call of the chairperson or of a
24 majority of its members.

25 **SECTION 8.** 15.085 (3) (b) of the statutes is repealed.

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1 **SECTION 9.** 15.085 (5) (b) 1. of the statutes is amended to read:

2 15.085 **(5)** (b) 1. Submit the proposed rule to the examining board to which the
3 affiliated credentialing board is attached. The proposed rule shall be submitted
4 under this subdivision at least 60 days before the proposed rule is submitted to the
5 legislative council staff under s. 227.15 (1), except that the medical examining board
6 may waive that 60-day waiting period.

7 **SECTION 10.** 15.09 (3) of the statutes is renumbered 15.09 (3) (a) and amended
8 to read:

9 15.09 **(3)** (a) Unless otherwise provided by law, and except as provided in par.
10 (b), every council shall meet at least annually and shall also meet on the call of the
11 head of the department or independent agency in which it is created, and may meet
12 at other times on the call of the chairperson or a majority of its members. ~~A~~

13 (c) Unless otherwise provided by law, a council shall meet at such locations as
14 may be determined by it unless the constitutional officer or secretary heading the
15 department or the chief executive officer of the independent agency in which it is
16 created determines a specific meeting place.

17 **SECTION 11.** 15.09 (3) (b) of the statutes is created to read:

18 15.09 **(3)** (b) Paragraph (a) does not apply to a council in the department of
19 safety and professional services. Unless otherwise provided by law, a council in the
20 department of safety and professional services shall meet on the call of the secretary
21 of safety and professional services or on the call of the chairperson or a majority of
22 its members.

23 **SECTION 12.** 15.405 (1m) of the statutes is repealed.

24 **SECTION 13.** 15.405 (2) (a) of the statutes is amended to read:

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1 15.405 (2) (a) In operation, the examining board shall be divided into an
2 architect section, a landscape architect section, a professional engineer section, a
3 designer section, and a professional land surveyor section. Each section shall consist
4 of the 3 members of the named profession appointed to the examining board and 2
5 public members appointed to the section. ~~The examining board shall elect its own
6 officers and shall meet at least twice annually.~~

7 **SECTION 14.** 15.405 (2m) (b) of the statutes is amended to read:

8 15.405 (2m) (b) In operation, the examining board shall be divided into a
9 professional geologist section, a professional hydrologist section, and a professional
10 soil scientist section. Each section shall consist of the 3 members of the named
11 profession appointed to the examining board and one public member appointed to the
12 section. ~~The examining board shall elect its own officers, and shall meet at least
13 twice annually.~~

14 **SECTION 15.** 15.405 (10r) (b) of the statutes is amended to read:

15 15.405 (10r) (b) ~~Of the All appraiser members of the board, one shall be
16 certified under s. 458.06 as a general appraiser, one shall be certified under s. 458.06
17 as a residential appraiser and one shall be or licensed under s. 458.08 as an
18 appraiser. No public member of the board may be connected with or have any
19 financial interest in an appraisal business or in any other real estate-related
20 business. Section 15.08 (1m) (am) applies to the public members of the board. No
21 member of the board may serve more than 2 consecutive terms.~~

22 **SECTION 16.** 15.405 (10r) (c) of the statutes is repealed.

23 **SECTION 17.** 15.406 (6) (a) 2. of the statutes is amended to read:

24 15.406 (6) (a) 2. One public member ~~who satisfies the requirements under s.
25 460.03 (2m) (b).~~

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1 **SECTION 18.** 15.407 (10) (b) of the statutes is amended to read:

2 15.407 **(10)** (b) An employee of the department of safety and professional
3 services designated by the secretary of safety and professional services shall serve
4 as secretary, but shall not be a member, of the uniform dwelling code council. ~~The~~
5 ~~council shall meet at least twice a year.~~ Seven members of the uniform dwelling code
6 council shall constitute a quorum. For the purpose of conducting business a majority
7 vote of the uniform dwelling code council is required.

8 **SECTION 19.** 15.407 (13) (b) of the statutes is amended to read:

9 15.407 **(13)** (b) ~~The council shall meet at least twice a year.~~ An employee of the
10 department of safety and professional services designated by the secretary of ~~the~~
11 ~~department~~ safety and professional services shall serve as nonvoting secretary of the
12 manufactured housing code council.

13 **SECTION 20.** 15.407 (14) (b) of the statutes is amended to read:

14 15.407 **(14)** (b) ~~The council shall meet at least twice a year.~~ The employee of
15 the department of safety and professional services designated by the secretary of
16 safety and professional services under par. (a) 10. shall serve as nonvoting secretary
17 of the conveyance safety code council.

18 **SECTION 21.** 15.407 (18) (c) of the statutes is repealed.

19 **SECTION 22.** 20.165 (2) (a) of the statutes is amended to read:

20 20.165 **(2)** (a) *General program operations.* The amounts in the schedule for
21 general program operations relating to the regulation of industry, buildings, and
22 safety under chs. 101, and 107, ~~and 145~~ and ss. 167.10 and 167.27.

23 **SECTION 23.** 20.165 (2) (j) of the statutes, as affected by 2015 Wisconsin Act 55,
24 is amended to read:

SENATE BILL 698**SECTION 23**

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

9 **SECTION 24.** 20.165 (2) (ke) of the statutes, as affected by 2015 Wisconsin Act
10 55, is amended to read:

11 20.165 (2) (ke) *Private on-site wastewater treatment system replacement and*
12 *rehabilitation.* As a continuing appropriation, the amounts in the schedule for
13 financial assistance under the private on-site wastewater treatment system
14 replacement and rehabilitation program under s. ~~145.245~~ 101.9937. All moneys
15 transferred from par. (j) shall be credited to this appropriation account.

16 **SECTION 25.** 20.165 (2) (ma) of the statutes is amended to read:

17 20.165 (2) (ma) *Federal aid-program administration.* All moneys received
18 from the federal government, as authorized by the governor under s. 16.54, to fund
19 the state's administrative costs for general program operations relating to the
20 regulation of industry, buildings and safety under chs. 101, and 107, ~~and 145~~ and ss.
21 32.19 to 32.27, 167.10, and 167.27.

22 **SECTION 26.** 20.320 (3) (q) of the statutes is amended to read:

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

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1 schedule for private on-site wastewater treatment system replacement or
2 rehabilitation loans under s. ~~145.245~~ 101.9937 (12m).

3 **SECTION 27.** 25.46 (5c) of the statutes is amended to read:

4 25.46 (5c) The moneys collected under s. ~~145.19~~ 101.9932 (6) for environmental
5 management.

6 **SECTION 28.** 43.09 (1) of the statutes is amended to read:

7 43.09 (1) PUBLIC LIBRARIANS. The division shall issue certificates to public
8 librarians and promulgate, under ch. 227, necessary standards for public librarians.
9 The qualifications for public librarians shall be based on education, professional
10 training and experience. Any relevant instruction, as defined in s. ~~101.02 (24) (a) 1.~~
11 440.075 (1), that an applicant for a certificate has obtained in connection with any
12 military service, as defined in s. 111.32 (12g), counts toward satisfying any
13 requirement for instruction for a certificate under this subsection if the applicant
14 demonstrates to the satisfaction of the division that the instruction obtained by the
15 applicant is substantially equivalent to the instruction required for the certificate.
16 Certificates already granted prior to December 17, 1971, shall remain in effect.

17 **SECTION 29.** 45.44 (1) (a) 6. of the statutes is amended to read:

18 45.44 (1) (a) 6. ~~A~~ An occupational license, permit, certificate, or registration
19 specified as defined in s. ~~101.19 (1r)~~ 101.02 (1) (a) 2.

20 **SECTION 30.** 45.44 (1) (a) 16. of the statutes is amended to read:

21 45.44 (1) (a) 16. A license, permit, or certificate of certification or registration
22 issued under chs. 440 to 480 credential, as defined in s. 440.01 (2) (a).

23 **SECTION 31.** 49.857 (1) (b) of the statutes is amended to read:

24 49.857 (1) (b) "Credential" means ~~a license, permit, certificate or registration~~
25 ~~that is granted under chs. 440 to 480~~ has the meaning given in s. 440.01 (2) (a).

SENATE BILL 698**SECTION 32**

1 **SECTION 32.** 49.857 (1) (d) 7. of the statutes is amended to read:

2 49.857 (1) (d) 7. ~~A An occupational license, permit or certificate of certification~~
3 ~~or registration specified as defined in s. 101.02 (21) (1) (a) 2.~~

4 **SECTION 33.** 59.70 (5) (a) of the statutes is amended to read:

5 59.70 (5) (a) Every governmental unit responsible for the regulation of private
6 on-site wastewater treatment systems, as defined under s. ~~145.01~~ 101.9911 (5), shall
7 enact an ordinance governing private on-site wastewater treatment systems, as
8 defined in s. ~~145.01~~ 101.9911 (12), which conforms with the state plumbing code. The
9 ordinance shall apply to the entire area of the governmental unit responsible for the
10 regulation of private on-site wastewater treatment systems, as defined under s.
11 ~~145.01~~ 101.9911 (5). After July 1, 1980, no municipality may enact or enforce a
12 private on-site wastewater treatment system ordinance unless it is a governmental
13 unit responsible for the regulation of private on-site wastewater treatment systems,
14 as defined under s. ~~145.01~~ 101.9911 (5).

15 **SECTION 34.** 59.70 (5) (b) of the statutes is amended to read:

16 59.70 (5) (b) The governmental unit responsible for the regulation of private
17 on-site wastewater treatment systems, as defined under s. ~~145.01~~ 101.9911 (5), shall
18 administer the private on-site wastewater treatment system ordinance under s.
19 ~~145.20~~ 101.9934 and the rules promulgated under s. ~~145.20~~ 101.9934.

20 **SECTION 35.** 60.70 (5) of the statutes is amended to read:

21 60.70 (5) "Private on-site wastewater treatment system" has the meaning
22 given under s. ~~145.01~~ 101.9911 (12).

23 **SECTION 36.** 60.77 (5) (bm) of the statutes is amended to read:

24 60.77 (5) (bm) Require the inspection of private on-site wastewater treatment
25 systems that have been already installed to determine compliance with the state

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1 plumbing code and may report violations of the state plumbing code to the
2 governmental unit responsible for the regulation of private on-site wastewater
3 treatment systems for enforcement under s. ~~145.20~~ 101.9934.

4 **SECTION 37.** 60.77 (5) (j) of the statutes is amended to read:

5 60.77 (5) (j) Administer the private on-site wastewater treatment system
6 program if authorized under s. ~~145.20~~ 101.9934 (1) (am).

7 **SECTION 38.** 66.1019 (3) of the statutes is repealed.

8 **SECTION 39.** 67.12 (12) (a) of the statutes is amended to read:

9 67.12 (12) (a) Any municipality may issue promissory notes as evidence of
10 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not
11 limited to paying any general and current municipal expense, and refunding any
12 municipal obligations, including interest on them. Each note, plus interest if any,
13 shall be repaid within 10 years after the original date of the note, except that notes
14 issued under this section for purposes of ss. 101.9937 (12m), 119.498, ~~145.245 (12m)~~,
15 281.58, 281.59, 281.60, 281.61, and 292.72, issued to raise funds to pay a portion of
16 the capital costs of a metropolitan sewerage district, or issued by a 1st class city or
17 a county having a population of 500,000 or more, to pay unfunded prior service
18 liability with respect to an employee retirement system, shall be repaid within 20
19 years after the original date of the note.

20 **SECTION 40.** 73.0301 (1) (d) 5. of the statutes is amended to read:

21 73.0301 (1) (d) 5. ~~A~~ An occupational license, as defined in s. 101.02 ~~(20)~~ (1) (a)
22 2.

23 **SECTION 41.** 100.21 (1) (a) of the statutes is amended to read:

24 100.21 (1) (a) "Dwelling unit" means a dwelling, as defined under s. 101.61 (1),
25 a modular home, as defined under s. 101.71 (6), a manufactured home, as defined

SENATE BILL 698**SECTION 41**

1 under s. 101.91 (2), or a multifamily dwelling, as defined under s. ~~101.971 (2)~~ 101.01
2 (8m).

3 **SECTION 42.** 101.02 (1) of the statutes is renumbered 101.02 (1) (b) and
4 amended to read:

5 101.02 (1) (b) The department shall adopt reasonable and proper rules and
6 regulations relative to the exercise of its powers and authorities and proper rules to
7 govern its proceedings and to regulate the mode and manner of all investigations and
8 hearings, subject to par. (c).

9 **SECTION 43.** 101.02 (1) (a) of the statutes is created to read:

10 101.02 (1) (a) In this subsection:

11 1. "Credential" has the meaning given in s. 440.01 (2) (a).

12 2. "Occupational license" means a license, permit, certificate, registration, or
13 other approval for an occupation, trade, or profession issued by the department
14 under this chapter, under rules promulgated under this chapter, or under s. 167.10
15 (6m).

16 **SECTION 44.** 101.02 (1) (c) of the statutes is created to read:

17 101.02 (1) (c) If the department promulgates rules under s. 440.03 (1) defining
18 uniform procedures to be used by the department for receiving, filing, and
19 investigating complaints against holders of credentials, for commencing disciplinary
20 proceedings against holders of credentials, and for conducting hearings on matters
21 relating to credentials, the department's rules under par. (b) with respect to
22 occupational licenses shall conform with the rules promulgated under s. 440.03 (1).

23 **SECTION 45.** 101.02 (7m) of the statutes is repealed.

24 **SECTION 46.** 101.02 (7r) (a) of the statutes, as affected by 2015 Wisconsin Act
25 55, is amended to read:

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1 101.02 **(7r)** (a) Notwithstanding sub. (7) (a), no city, village, or town may enact
2 or enforce an ordinance that establishes minimum standards for constructing,
3 altering, or adding to public buildings or buildings that are places of employment
4 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),
5 except as provided in pars. (b) to (d) ~~and sub. (7m)~~.

6 **SECTION 47.** 101.02 (7r) (b) 4. of the statutes is amended to read:

7 101.02 **(7r)** (b) 4. The building is not a multifamily dwelling, ~~as defined in s.~~
8 ~~101.971 (2)~~.

9 **SECTION 48.** 101.02 (7r) (g) of the statutes is created to read:

10 101.02 **(7r)** (g) 1. The department shall promulgate rules that establish
11 procedures for the administration of the rules promulgated by the department under
12 this subchapter. For purposes of this paragraph, “administration” includes the
13 process an owner must follow when applying for a permit for constructing, altering,
14 or adding to a public building or a building that is a place of employment.

15 2. Notwithstanding sub. (7) (a), no city, village, or town may enact or enforce
16 an ordinance that establishes minimum standards for the administration of the
17 rules promulgated by the department under this subchapter unless that ordinance
18 strictly conforms to the rules promulgated by the department under subd. 1.

19 **SECTION 49.** 101.02 (12) of the statutes is repealed.

20 **SECTION 50.** 101.02 (13) (a) of the statutes is amended to read:

21 101.02 **(13)** (a) If any employer, employee, owner, or other person violates this
22 subchapter, or fails or refuses to perform any duty specified under this subchapter,
23 within the time prescribed by the department, for which no penalty has been
24 specifically provided, or fails, neglects, or refuses to obey any lawful order given or
25 made by the department, or any judgment or decree made by any court in connection

SENATE BILL 698**SECTION 50**

1 with this subchapter, for each such violation, failure, or refusal, ~~such~~ the employer,
2 employee, owner, or other person shall forfeit and pay into the state treasury a sum
3 not less than \$10 nor more than ~~\$100~~ \$5,000 for each ~~such~~ offense. Each day of
4 continued violation constitutes a separate offense.

5 **SECTION 51.** 101.02 (20) of the statutes is repealed.

6 **SECTION 52.** 101.02 (21) of the statutes is repealed.

7 **SECTION 53.** 101.02 (24) of the statutes is repealed.

8 **SECTION 54.** 101.022 of the statutes is created to read:

9 **101.022 Certain laws applicable to occupational licenses.** Sections
10 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.075, 440.09 (2), 440.11,
11 440.12, 440.121, 440.13, 440.14, 440.15, 440.19, 440.20 (1), (3), (4) (a), and (5) (a),
12 440.205, 440.21, and 440.22, and the requirements imposed on the department
13 under those statutes, apply to occupational licenses, as defined in s. 101.02 (1) (a) 2.,
14 in the same manner as those statutes apply to credentials, as defined in s. 440.01 (2)
15 (a).

16 **SECTION 55.** 101.10 (4) (a) of the statutes is amended to read:

17 101.10 (4) (a) Any person who violates a rule of the department promulgated
18 under sub. (2) may be required to forfeit not less than \$10 nor more than ~~\$100~~ \$1,000
19 for each violation. Each day of continued violation constitutes a separate offense.

20 **SECTION 56.** 101.10 (4) (b) of the statutes is amended to read:

21 101.10 (4) (b) Except as provided in par. (c), any person who violates sub. (3)
22 is guilty of a Class I felony. ~~Notwithstanding s. 101.02 (12), each~~ Each act in violation
23 of sub. (3) constitutes a separate offense.

24 **SECTION 57.** 101.10 (4) (c) of the statutes is amended to read:

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1 101.10 (4) (c) Any person who violates sub. (3) (a) or (b) while performing an
2 agricultural activity or while performing an activity related to the construction,
3 repair, alteration, location, installation, inspection, or operation of anhydrous
4 ammonia equipment with the consent of the owner of the anhydrous ammonia
5 equipment may be required to forfeit not less than \$10 nor more than \$100 \$1,000
6 for each violation. Each day of continued violation constitutes a separate offense.

7 **SECTION 58.** 101.12 (1) (a) of the statutes is amended to read:

8 101.12 (1) (a) ~~Heating, Plumbing, heating,~~ ventilation, air conditioning, and
9 fire detection, prevention, or suppression systems.

10 **SECTION 59.** 101.12 (6) (a) of the statutes is repealed.

11 **SECTION 60.** 101.12 (6) (b) of the statutes is renumbered 101.12 (6) and
12 amended to read:

13 101.12 (6) The department shall promulgate rules relating to the enforcement
14 of this subchapter and ~~subch. subchs. IV and ch. 145 VIII~~ for public schools
15 constructed before 1930 and establishing life-safety plans for all public schools.

16 **SECTION 61.** 101.121 (3) (a) of the statutes is amended to read:

17 101.121 (3) (a) For any rule under this chapter ~~or ch. 145~~ which applies to
18 buildings, the department may provide an alternative rule which accomplishes the
19 same general purpose and applies only to qualified historic buildings. These
20 alternative rules shall permit, to the maximum extent possible, the use of original
21 or duplicates of original materials, the maintenance of the original appearance of all
22 components of a historic building and the use of original construction techniques.
23 The department shall consult with the historic building code council regarding the
24 development of alternative rules. All alternative rules taken together constitute the
25 historic building code.

SENATE BILL 698**SECTION 62**

1 **SECTION 62.** 101.121 (3) (b) of the statutes is amended to read:

2 101.121 (3) (b) In order to permit the proper preservation or restoration of a
3 qualified historic building, the department may grant a variance to any rule or
4 alternative rule under this chapter ~~or ch. 145~~ if the owner demonstrates that an
5 alternative proposed by the owner accomplishes the same purpose as the rule or
6 alternative rule. With respect to any variances requested under this chapter ~~or ch.~~
7 ~~145~~, the department shall give priority to processing variance requests by owners of
8 qualified historic buildings. ~~The department shall maintain a list of variances~~
9 ~~granted under this paragraph to owners of qualified historic buildings.~~

10 **SECTION 63.** 101.125 (2), (3) (b) and (c) and (4m) of the statutes are repealed.

11 **SECTION 64.** 101.125 (2m) of the statutes is created to read:

12 101.125 (2m) **RULES.** The department shall promulgate rules regulating safety
13 glazing material manufactured, distributed, imported, sold, or installed for use in a
14 hazardous location.

15 **SECTION 65.** 101.125 (3) (intro.) and (a) of the statutes are consolidated,
16 renumbered 101.125 (3) and amended to read:

17 101.125 (3) **SAFETY GLAZING MATERIALS REQUIRED.** No material supplier, builder,
18 contractor, or subcontractor may knowingly install, cause to be installed, consent to
19 the installation, or sell for installation in any hazardous location, transparent or
20 translucent materials other than safety glazing materials, except that: ~~(a) In in~~
21 buildings contracted for or existing on or before November 30, 1976, the department
22 may by rule require the installation of a vertical or horizontal bar, rail, grill, or screen
23 as a protective device in lieu of safety glazing material in hazardous locations where
24 safety glazing would be impractical because of the size of the lite required.

25 **SECTION 66.** 101.125 (4) (a) of the statutes is amended to read:

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1 101.125 (4) (a) No employee of a person responsible for compliance with this
2 section or the rules promulgated under sub. (2m) is liable for the employer's failure
3 to comply.

4 **SECTION 67.** 101.125 (5) of the statutes is amended to read:

5 101.125 (5) PENALTY. Whoever violates this section or the rules promulgated
6 under sub. (2m) may be required to forfeit not less than \$100 nor more than \$500
7 \$1,000. Each day of continued violation constitutes a separate offense.

8 **SECTION 68.** 101.14 (4) (g) 1. of the statutes is amended to read:

9 101.14 (4) (g) 1. "Automatic fire sprinkler system" has the meaning provided
10 in s. ~~145.01~~ 101.9911 (2).

11 **SECTION 69.** 101.14 (4m) (a) 1. of the statutes is amended to read:

12 101.14 (4m) (a) 1. "Automatic fire sprinkler system" has the meaning given in
13 s. ~~145.01~~ 101.9911 (2).

14 **SECTION 70.** 101.14 (4m) (a) 3. of the statutes is repealed.

15 **SECTION 71.** 101.1472 (2) of the statutes is amended to read:

16 101.1472 (2) The department may not promulgate or enforce any rule that
17 requires that a person who is engaged, or who offers to be engaged, in a business to
18 do construction work hold a license issued under this chapter ~~or ch. 145~~ unless the
19 rule relates to a license specifically required by this chapter ~~or ch. 145~~.

20 **SECTION 72.** 101.148 (3) of the statutes is created to read:

21 101.148 (3) PENALTY. Any person who violates this section shall forfeit not more
22 than \$1,000 for each offense. Each day of continued violation constitutes a separate
23 offense.

24 **SECTION 73.** 101.16 (3g) (a) of the statutes is renumbered 101.16 (3g) and
25 amended to read:

SENATE BILL 698**SECTION 73**

1 101.16 (3g) No retail supplier may distribute liquefied petroleum gas without
2 holding a license issued by the department. The department, subject to s. 101.02 (20)
3 ~~and (21)~~ ss. 440.12 and 440.13, shall issue a license to be a retail supplier upon
4 receiving the fee established under s. 101.19 (1g) (L) or (1m) and upon obtaining proof
5 of financial responsibility as required under sub. (3r) (c). The term of the license shall
6 be set by the department, not to exceed 2 years.

7 **SECTION 74.** 101.16 (3g) (b) of the statutes is repealed.

8 **SECTION 75.** 101.17 of the statutes is amended to read:

9 **101.17 Machines and boilers, safety requirement.** No machine,
10 mechanical device, or steam boiler shall be installed or used in this state which does
11 not fully comply with the requirements of the laws of this state enacted for the safety
12 of employees and frequenters in places of employment and public buildings and with
13 the orders of the department adopted and published in conformity with this
14 subchapter. Any person violating this section shall be subject to the forfeitures
15 provided in s. 101.02 (12) and (13).

16 **SECTION 76.** 101.19 (1r) of the statutes is repealed.

17 **SECTION 77.** 101.596 (title) of the statutes is repealed and recreated to read:

18 **101.596 (title) Review of building inspectors.**

19 **SECTION 78.** 101.596 (1) (a) of the statutes is repealed.

20 **SECTION 79.** 101.596 (2) (a) and (b) of the statutes are amended to read:

21 101.596 (2) (a) The ~~review board~~ department shall review complaints received
22 from permittees concerning possible incompetent, negligent, or unethical conduct by
23 building inspectors.

24 (b) After reviewing a complaint received under par. (a), the ~~review board~~
25 department may reprimand a building inspector or deny, limit, suspend, or revoke

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1 the certification of a building inspector if the ~~board~~ department determines that the
2 building inspector has engaged in incompetent, negligent, or unethical conduct.

3 **SECTION 80.** 101.596 (2) (c) of the statutes is repealed.

4 **SECTION 81.** 101.596 (3) of the statutes is repealed.

5 **SECTION 82.** 101.63 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
6 Act 49, is amended to read:

7 101.63 (1) (intro.) Adopt rules which establish standards for the construction
8 and inspection of one- and 2-family dwellings and components thereof. The rules
9 shall include separate standards, established in consultation with the uniform
10 dwelling code council, that apply only to the construction and inspection of camping
11 units that are set in a fixed location in a campground for which a permit is issued
12 under s. 254.47, that contain a sleeping place, and that are used for seasonal
13 overnight camping. Where feasible, the standards used shall be those nationally
14 recognized and shall apply to the dwelling and to its electrical, heating, ventilating,
15 air conditioning and other systems, including plumbing, as defined in s. 145.01
16 101.9911 (10). No set of rules may be adopted which has not taken into account the
17 conservation of energy in construction and maintenance of dwellings and the costs
18 of specific code provisions to home buyers in relationship to the benefits derived from
19 the provisions. Rules promulgated under this subsection do not apply to a bed and
20 breakfast establishment, as defined under s. 254.61 (1), except that the rules apply
21 to all of the following:

22 **SECTION 83.** 101.63 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
23 Acts 55 and (this act), is repealed and recreated to read:

24 101.63 (1) (intro.) Adopt rules which establish standards for the construction
25 and inspection of one- and 2-family dwellings and components thereof. The rules

SENATE BILL 698**SECTION 83**

1 shall include separate standards, established in consultation with the uniform
2 dwelling code council, that apply only to the construction and inspection of camping
3 units that are set in a fixed location in a campground for which a permit is issued
4 under s. 254.47, that contain a sleeping place, and that are used for seasonal
5 overnight camping. Where feasible, the standards used shall be those nationally
6 recognized and shall apply to the dwelling and to its electrical, heating, ventilating,
7 air conditioning and other systems, including plumbing, as defined in s. 101.9911
8 (10). No set of rules may be adopted which has not taken into account the
9 conservation of energy in construction and maintenance of dwellings and the costs
10 of specific code provisions to home buyers in relationship to the benefits derived from
11 the provisions. Rules promulgated under this subsection do not apply to a bed and
12 breakfast establishment, as defined under s. 97.01 (1g), except that the rules apply
13 to all of the following:

14 **SECTION 84.** 101.63 (2) of the statutes is amended to read:

15 101.63 (2) Adopt rules for the certification, including provisions for suspension
16 and revocation thereof, of inspectors for the purpose of inspecting building
17 construction, electrical wiring, heating, ventilating, air conditioning and other
18 systems, including plumbing, as defined in s. ~~145.01~~ 101.9911 (10), of one- and
19 2-family dwellings under sub. (1). The rules shall specify that the department may
20 suspend or revoke the certification of an inspector under this subsection for
21 knowingly authorizing the issuance of a building permit to a contractor who is not
22 in compliance with s. 101.654. Persons certified as inspectors may be employees of
23 the department, a city, village, town, county or an independent inspection agency.
24 The department may not adopt any rule which prohibits any city, village, town or

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1 county from licensing persons for performing work on a dwelling in which the
2 licensed person has no legal or equitable interest.

3 **SECTION 85.** 101.642 (2) of the statutes, as created by 2015 Wisconsin Act 55,
4 is amended to read:

5 101.642 (2) The department may not promulgate or enforce a rule that requires
6 that any one- or 2-family dwelling contain an automatic fire sprinkler system, as
7 defined in s. ~~145.01~~ 101.9911 (2).

8 **SECTION 86.** 101.648 (1) (b) of the statutes, as created by 2015 Wisconsin Act
9 55, is amended to read:

10 101.648 (1) (b) “Dwelling construction standard” means a requirement
11 imposed under s. 101.645 (3) or 101.647 (3) or a requirement imposed under any
12 provision of ~~ch. 101 or 145~~ this chapter or under any ordinance of a political
13 subdivision relating to standards for electrical wiring or plumbing in one- and
14 2-family dwellings.

15 **SECTION 87.** 101.653 (5) (b) 2. of the statutes is amended to read:

16 101.653 (5) (b) 2. A written determination by the department, issued every ~~3~~
17 5 years, of whether or not the county, city, village, or town complies with par. (a).

18 **SECTION 88.** 101.654 (1) (c) 1. of the statutes is amended to read:

19 101.654 (1) (c) 1. In this paragraph, “license” ~~has the meaning given~~ means an
20 occupational license, as defined in s. 101.02 (21) (a) (1) (a) 2.

21 **SECTION 89.** 101.66 (3) of the statutes is amended to read:

22 101.66 (3) Whoever violates this subchapter shall forfeit to the state not less
23 than ~~\$25~~ \$100 nor more than ~~\$500~~ \$5,000 for each violation. Each day ~~that such~~ of
24 continued violation ~~continues~~ constitutes a separate offense.

25 **SECTION 90.** 101.73 (2) of the statutes is amended to read:

SENATE BILL 698**SECTION 90**

1 101.73 (2) Adopt rules for the examination of plans and specifications and for
2 periodic in-plant and on-site inspections of manufacturing facilities, processes,
3 fabrication, assembly and installation of modular homes to ensure that
4 examinations and inspections are made in compliance with the rules adopted for
5 construction, electrical wiring, heating, ventilating, air conditioning and other
6 systems under ss. 101.70 to 101.77 and with the rules for indoor plumbing adopted
7 by the department under ~~ch. 145~~ subch. VIII.

8 **SECTION 91.** 101.77 of the statutes is amended to read:

9 **101.77 Penalties.** Whoever violates this subchapter shall forfeit to the state
10 not less than ~~\$25~~ \$100 nor more than ~~\$500~~ \$5,000 for each violation and ~~each~~. Each
11 ~~day that such~~ of continued violation ~~continues~~ constitutes a separate offense.

12 **SECTION 92.** 101.84 (1) of the statutes is amended to read:

13 101.84 (1) Hold hearings on any matter relating to this subchapter and issue
14 subpoenas to compel the attendance of witnesses and the production of evidence at
15 the hearings, except that hearings related to occupational licenses, as defined in s.
16 101.02 (1) (a) 2., shall be conducted as provided in s. 101.022.

17 **SECTION 93.** 101.862 (4) (p) of the statutes, as created by 2015 Wisconsin Act
18 55, is amended to read:

19 101.862 (4) (p) A person engaged in installing, repairing, or maintaining a
20 private on-site wastewater treatment system, as defined in s. ~~145.01~~ 101.9911 (12),
21 if the activity only involves installing or modifying a conductor going from the
22 system's junction, pull, or device box to the nearest disconnecting point and the
23 conductor is buried with the system.

24 **SECTION 94.** 101.88 (3) of the statutes is amended to read:

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1 101.88 (3) Any person who violates this subchapter or any rule promulgated
2 under this subchapter shall forfeit to the state not less than ~~\$25~~ \$100 nor more than
3 ~~\$500~~ \$5,000 for each violation. Each day of continued violation constitutes a
4 separate offense.

5 **SECTION 95.** 101.94 (5) of the statutes is created to read:

6 101.94 (5) The department shall prepare and submit all reports required under
7 federal law related to manufactured home construction and safety including reports
8 to the federal department of housing and urban development.

9 **SECTION 96.** 101.94 (8) (a) of the statutes is amended to read:

10 101.94 (8) (a) Except as provided in par. (c), a person who violates this
11 subchapter, a rule promulgated under this subchapter, or an order issued under this
12 subchapter shall forfeit not more than ~~\$1,000~~ \$1,100 for each violation. Each
13 violation of this subchapter constitutes a separate violation with respect to each
14 manufactured home or with respect to each failure or refusal to allow or perform an
15 act required by this subchapter, except the maximum forfeiture under this
16 subsection may not exceed ~~\$1,000,000~~ \$1,375,000 for a related series of violations
17 occurring within one year of the first violation.

18 **SECTION 97.** 101.951 (7) (a) of the statutes is amended to read:

19 101.951 (7) (a) The department of safety and professional services may, without
20 notice, deny the application for a license within 60 days after receipt ~~thereof~~ of the
21 application by written notice to the applicant, stating the grounds for the denial.
22 Within 30 days after such the notice, the applicant may petition the department of
23 administration to conduct a hearing to review the denial, and a hearing shall be
24 scheduled with reasonable promptness. The division of hearings and appeals shall

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1 conduct the hearing. This paragraph does not apply to denials of applications for
2 licenses under s. ~~101.02 (21)~~ 440.13.

3 **SECTION 98.** 101.951 (7) (b) of the statutes is amended to read:

4 101.951 (7) (b) No license may be suspended or revoked except after a hearing
5 ~~thereon~~. The department of safety and professional services shall give the licensee
6 at least 5 days' notice of the time and place of the hearing. The order suspending or
7 revoking ~~such a~~ license shall not be effective until after 10 days' written notice
8 ~~thereof~~ to the licensee, after ~~such~~ the hearing has been had; except that the
9 department of safety and professional services, when in its opinion the best interest
10 of the public or the trade demands it, may suspend a license upon not less than 24
11 hours' notice of hearing and with not less than 24 hours' notice of the suspension of
12 the license. Matters involving suspensions and revocations brought before the
13 department of safety and professional services shall be heard and decided upon by
14 the department of administration. The division of hearings and appeals shall
15 conduct the hearing. This paragraph does not apply to licenses that are suspended
16 or revoked under s. ~~101.02 (21)~~ 440.13.

17 **SECTION 99.** 101.952 (5) of the statutes is amended to read:

18 101.952 (5) The provision of s. 218.0116 relating to the denial, suspension, and
19 revocation of a motor vehicle salesperson's license shall apply to the denial,
20 suspension, and revocation of a manufactured home salesperson's license so far as
21 applicable, except that such provision does not apply to the denial, suspension, or
22 revocation of a license under s. ~~101.02 (21) (b)~~ 440.13.

23 **SECTION 100.** 101.957 of the statutes is repealed.

24 **SECTION 101.** 101.965 (1p) of the statutes is amended to read:

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1 101.965 **(1p)** Any person who violates s. 101.96 or any rule promulgated under
2 that section may be required to forfeit not less than ~~\$25~~ \$100 nor more than \$500
3 \$5,000 for each violation. Each day of continued violation constitutes a separate
4 violation offense.

5 **SECTION 102.** Subchapter VI (title) of chapter 101 [precedes 101.971] of the
6 statutes is repealed.

7 **SECTION 103.** 101.971 (intro.), (1), (3) and (4) of the statutes are repealed.

8 **SECTION 104.** 101.971 (2) of the statutes is renumbered 101.01 (8m) and
9 amended to read:

10 101.01 **(8m)** “Multifamily dwelling” means an apartment building, rowhouse,
11 town house, condominium, or modular home, as defined in s. 101.71 (6), that does not
12 exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling
13 units, as defined in s. 101.61 (1), the initial construction of which is begun on or after
14 January 1, 1993. “Multifamily dwelling” does not include a facility licensed under
15 ch. 50.

16 **SECTION 105.** 101.973 of the statutes is repealed.

17 **SECTION 106.** 101.974 (intro.), (1), (3) and (5) of the statutes are repealed.

18 **SECTION 107.** 101.974 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
19 is repealed.

20 **SECTION 108.** 101.974 (4) of the statutes is renumbered 101.02 (25) and
21 amended to read:

22 101.02 **(25)** ~~Promulgate~~ The department may promulgate rules prescribing
23 procedures for approving new building materials, methods, and equipment.

24 **SECTION 109.** 101.975, 101.976, 101.977 and 101.978 of the statutes are
25 repealed.

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1 **SECTION 115.** 115.33 (1) (a) of the statutes is amended to read:

2 115.33 (1) (a) “In compliance” means in compliance with subchs. I and, IV, and
3 VIII of ch. 101, ~~ch. 145~~ and ss. 254.11 to 254.178 and the rules promulgated under
4 subchs. I and, IV, and VIII of ch. 101, ~~ch. 145~~ and ss. 254.11 to 254.178.

5 **SECTION 116.** 118.135 (2) of the statutes is amended to read:

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

11 **SECTION 117.** Chapter 145 (title) of the statutes is repealed.

12 **SECTION 118.** 145.01 of the statutes is renumbered 101.9911, and 101.9911
13 (4m), (9), (14) and (15), as renumbered, are amended to read:

14 101.9911 (4m) FAILING PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM. “Failing
15 private on-site wastewater treatment system” has the meaning specified under s.
16 ~~145.245~~ 101.9937 (4).

17 (9) PIPELAYER. “Pipelayer” means a person registered under s. ~~145.07~~ 101.9918
18 (11).

19 (14) RESTRICTED PLUMBER LICENSEE. “Restricted plumber licensee” means any
20 person licensed as a master plumber (restricted) or a journeyman plumber
21 (restricted) under s. ~~145.14~~ 101.9925.

22 (15) UTILITY CONTRACTOR. “Utility contractor” means a person licensed under
23 s. ~~145.07~~ 101.9918 (10).

SENATE BILL 698**SECTION 119**

1 **SECTION 119.** 145.02 of the statutes, as affected by 2015 Wisconsin Act 49, is
2 renumbered 101.9912, and 101.9912 (2) (a) and (3) (f), as renumbered, are amended
3 to read:

4 101.9912 (2) (a) The department shall have general supervision of all such
5 plumbing and under sub. (1). The department shall after public hearing prescribe
6 ~~and publish and enforce reasonable standards therefor which promulgate rules that~~
7 ~~shall be uniform and of statewide concern so far as practicable uniformly apply to all~~
8 ~~types of buildings, private or public, rural or urban, including buildings owned by the~~
9 ~~state or any political subdivision. Any employee designated by the department may~~
10 ~~act for the department in holding the public hearing required under this subsection.~~
11 The rules promulgated by the department shall constitute the state plumbing code.
12 To the extent that the historic building code applies to the subject matter of these
13 standards, the standards do not apply to a qualified historic building if the owner
14 elects to be subject to s. 101.121.

15 **(3) (f)** Issue special orders directing and requiring compliance with the rules
16 and standards of the department promulgated under this chapter whenever, in the
17 judgment of the department, the rules or standards are threatened with violation,
18 are being violated or have been violated, except that orders related to occupational
19 licenses, as defined in s. 101.02 (1) (a) 2., shall be issued as provided in s. 101.022.
20 The circuit court for any county where violation of such an order occurs has
21 jurisdiction to enforce and shall enforce any order brought before it by injunctive and
22 other appropriate relief. The attorney general or the district attorney of the county
23 where the violation of the order occurs shall bring action for its enforcement. The
24 department may issue an order under this paragraph to abate a violation of s. 254.59.

25 **SECTION 120.** 145.035 of the statutes is repealed.

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1 **SECTION 121.** 145.04 of the statutes is renumbered 101.9914.

2 **SECTION 122.** 145.045 (title) and (1) of the statutes are renumbered 101.9915
3 (title) and (1).

4 **SECTION 123.** 145.045 (2) of the statutes is repealed.

5 **SECTION 124.** 145.045 (3) of the statutes is renumbered 101.9915 (3) and
6 amended to read:

7 101.9915 **(3)** ~~PLUMBERS AND SEPTIC TANK INSTALLERS.~~ A plumber ~~or septic tank~~
8 ~~installer may also be a soil tester and~~ install any system after approval of the site or
9 project by the department or the governmental unit responsible for the regulation
10 of private on-site wastewater treatment systems.

11 **SECTION 125.** 145.05 of the statutes is renumbered 101.9916.

12 **SECTION 126.** 145.06 of the statutes is renumbered 101.9917.

13 **SECTION 127.** 145.07 of the statutes is renumbered 101.9918, and 101.9918 (9),
14 (10), (11) and (12), as renumbered, are amended to read:

15 101.9918 **(9)** Master plumbers, journeyman plumbers and apprentices are not
16 subject to the restrictions under s. ~~145.14~~ 101.9925.

17 **(10)** An application for a utility contractor's license shall be made to the
18 department with fees required by the department under s. ~~145.08~~ 101.9919 (1) (o).
19 The department shall issue a utility contractor's license to any person who is skilled
20 in the planning, superintending and practical installation, within public or private
21 premises, of piping which conveys sewage, rain water or other liquid wastes to a legal
22 point of disposal and who is skilled in the design, planning, superintending and
23 practical installation of water service piping from the street main to the immediate
24 inside building perimeter.

SENATE BILL 698**SECTION 127**

1 **(11)** An application for registration as a pipelayer shall be made to the
2 department with the fees required by the department under s. ~~145.08~~ 101.9919 (1)
3 (q). The department shall approve the registration of any person as a pipelayer if the
4 person is employed by a utility contractor and if the person is engaged in the practical
5 installation, within public or private premises, of piping which conveys sewage, rain
6 water or other liquid wastes to a legal point of disposal or engages in the practical
7 installation of water service piping from the street main to the immediate inside
8 building perimeter.

9 **(12)** An applicant for registration as a cross-connection control tester shall
10 submit an application and registration fee to the department as prescribed by the
11 rules promulgated under s. ~~145.02~~ 101.9912 (4) (b).

12 **SECTION 128.** 145.08 of the statutes is renumbered 101.9919, and 101.9919
13 (1g), as renumbered, is amended to read:

14 **101.9919 (1g)** The department may not charge a plumbing supervisor
15 employed by the department in accord with s. ~~145.02~~ 101.9912 (3) (a) a fee for the
16 appropriate 4-year license for which the plumbing supervisor has previously
17 qualified.

18 **SECTION 129.** 145.09 of the statutes is renumbered 101.992, and 101.992
19 (intro.), as renumbered, is amended to read:

20 **101.992 State comity.** (intro.) Any person may be accepted for examination
21 for the appropriate classification of license without submitting evidence required
22 under s. ~~145.07~~ 101.9918, if:

23 **SECTION 130.** 145.10 of the statutes is renumbered 101.9921, and 101.9921 (1)
24 (c), as renumbered, is amended to read:

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1 101.9921 (1) (c) Falsified information on an inspection form under s. ~~145.20~~
2 101.9934 (5).

3 **SECTION 131.** 145.11 of the statutes is renumbered 101.9922, and 101.9922 (4),
4 as renumbered, is amended to read:

5 101.9922 (4) Subsection (1) does not apply to any person who advertises as
6 providing services for which no license is required under s. ~~145.06~~ 101.9917, unless
7 the person holds himself or herself out as providing services for which a license is
8 required.

9 **SECTION 132.** 145.12 of the statutes is renumbered 101.9923, and 101.9923 (4)
10 and (5) (a), as renumbered, are amended to read:

11 101.9923 (4) Any person who violates any order under s. ~~145.02~~ 101.9912 (3)
12 (f) or ~~145.20~~ 101.9934 (2) (f) or any rule or standard adopted under s. ~~145.13~~ 101.9912
13 shall forfeit not less than \$10 nor more than \$1,000 for each violation. Each violation
14 of an order under s. ~~145.02~~ 101.9912 (3) (f) or ~~145.20~~ 101.9934 (2) (f) or a rule or
15 standard under s. ~~145.13~~ 101.9912 constitutes a separate offense and each day of
16 continued violation is a separate offense.

17 (5) (a) In lieu of any other penalty under this section, the department may
18 directly assess a forfeiture by issuing an order against any person who violates s.
19 ~~145.06~~ 101.9917 or ~~145.20~~ 101.9934 (6). The department may not assess a forfeiture
20 exceeding \$2,000 for each violation.

21 **SECTION 133.** 145.13 of the statutes is repealed.

22 **SECTION 134.** 145.14 of the statutes is renumbered 101.9925.

23 **SECTION 135.** 145.15 of the statutes is renumbered 101.9926, and 101.9926 (1),
24 (2) and (3), as renumbered, are amended to read:

SENATE BILL 698**SECTION 135**

1 101.9926 (1) No city, village, town or county may require the licensing of any
2 person licensed or registered under ss. ~~145.15 to 145.18~~ 101.9926 to 101.9931 for any
3 activity regulated under ss. ~~145.15 to 145.18~~ 101.9926 to 101.9931 or rules adopted
4 thereunder.

5 (2) All licenses issued under ss. ~~145.15 to 145.18~~ 101.9926 to 101.9931 shall be
6 issued by the department. The department shall not restrict the work done by any
7 licensed journeyman sprinkler system fitter of any automatic fire sprinkler
8 contractor or apprentice to any geographical territory.

9 (3) Any person not licensed under this chapter prior to April 26, 1972, who was
10 regularly engaged in the occupation of installing automatic fire sprinkler systems on
11 or before March 1, 1967, shall be licensed under ss. ~~145.15 to 145.18~~ 101.9926 to
12 101.9931 without being required to pass any written, oral or practical examination
13 qualifying the person for a license under ss. ~~145.15 to 145.18~~ 101.9926 to 101.9931.
14 Any such person shall apply for the appropriate license and pay the appropriate
15 license fee.

16 **SECTION 136.** 145.16 of the statutes is renumbered 101.9927.

17 **SECTION 137.** 145.165 of the statutes is renumbered 101.9928, and 101.9928
18 (1) and (2), as renumbered, are amended to read:

19 101.9928 (1) An automatic fire sprinkler fitter-maintenance only registration
20 certificate is required for any person who is employed to maintain automatic fire
21 sprinkler systems by a business establishment registered under s. ~~145.175~~ 101.993.
22 The department shall, by rule, specify the requirements for issuing an automatic fire
23 sprinkler fitter-maintenance only registration certificate and specify the activities
24 in which a person holding a certificate under this section may engage.

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1 **(2)** This section does not apply to any person registered under s. ~~145.16~~
2 ~~101.9927~~ or licensed under s. ~~145.17~~ 101.9929 (2).

3 **SECTION 138.** ~~145.17~~ of the statutes is renumbered 101.9929.

4 **SECTION 139.** ~~145.175~~ of the statutes is renumbered 101.993.

5 **SECTION 140.** ~~145.18~~ of the statutes is renumbered 101.9931.

6 **SECTION 141.** ~~145.19~~ of the statutes is renumbered 101.9932.

7 **SECTION 142.** ~~145.195~~ of the statutes is renumbered 101.9933.

8 **SECTION 143.** ~~145.20~~ of the statutes is renumbered 101.9934, and 101.9934 (2)
9 (h), (3) (c), (5) (a) and (am) and (6) (a) 1., as renumbered, are amended to read:

10 101.9934 **(2)** (h) Inspect existing private on-site wastewater treatment
11 systems to determine compliance with s. ~~145.195~~ 101.9933 if a building or structure
12 is being constructed which requires connection to an existing private on-site
13 wastewater treatment system. The county is not required to conduct an on-site
14 inspection if a building or structure is being constructed which does not require
15 connection to an existing private on-site wastewater treatment system.

16 **(3)** (c) If the governing body for a governmental unit responsible for the
17 regulation of private on-site wastewater treatment systems does not adopt a private
18 on-site wastewater treatment system ordinance meeting the requirements of s.
19 59.70 (5) or if the governmental unit does not appoint personnel meeting the
20 requirements of sub. (1) or if the governmental unit does not comply with the
21 requirements of sub. (2) or s. ~~145.19~~ 101.9932 (3), the department may conduct
22 hearings in the county seat upon 30 days' notice to the county clerk. As soon as
23 practicable after the public hearing, the department shall issue a written decision
24 regarding compliance with s. 59.70 (5) or ~~145.19~~ 101.9932 (3) or sub. (1) or (2). If the
25 department determines that there is a violation of these provisions, the

SENATE BILL 698**SECTION 143**

1 governmental unit may not issue a sanitary permit for the installation of a private
2 on-site wastewater treatment system until the violation is corrected.

3 (5) (a) The department shall establish a maintenance program to be
4 administered by governmental units responsible for the regulation of private on-site
5 wastewater treatment systems. The department shall determine the private on-site
6 wastewater treatment systems to which the maintenance program applies. At a
7 minimum the maintenance program is applicable to all new or replacement private
8 on-site wastewater treatment systems constructed in a governmental unit after the
9 date on which the governmental unit adopts this program. The department may
10 apply the maintenance program by rule to private on-site wastewater treatment
11 systems constructed in a governmental unit responsible for the regulation of private
12 on-site wastewater treatment systems on or before the date on which the
13 governmental unit adopts the program. The department shall determine the private
14 on-site wastewater treatment systems to which the maintenance program applies
15 in governmental units that do not meet the conditions for eligibility under s. ~~145.245~~
16 101.9937 (9).

17 (am) Each governmental unit responsible for the regulation of private on-site
18 wastewater treatment systems shall adopt and begin the administration of the
19 program established under par. (a) before October 1, 2019. As part of adopting and
20 administering the program, the governmental unit shall conduct and maintain an
21 inventory of all the private on-site wastewater treatment systems located in the
22 governmental unit and shall complete the initial inventory before October 1, 2017.
23 In order to be eligible for grant funding under s. ~~145.245~~ 101.9937, a governmental
24 unit must comply with these deadlines.

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1 **(6)** (a) 1. Conduct any activities for which certification is required under s.
2 ~~145.045~~ 101.9915 (1), except that the employee may review and verify soil tester
3 reports as provided in sub. (2) (a).

4 **SECTION 144.** 145.23 of the statutes is renumbered 101.9935.

5 **SECTION 145.** 145.24 of the statutes is renumbered 101.9936, and 101.9936 (1),
6 as renumbered, is amended to read:

7 101.9936 **(1)** If an existing private on-site wastewater treatment system either
8 is not located in soil meeting the siting standards or is not constructed in accordance
9 with design standards promulgated under s. ~~145.02 or 145.13~~ 101.9912, the owner
10 of the private on-site wastewater treatment system may petition the department for
11 a variance to the siting or design standards.

12 **SECTION 146.** 145.245 of the statutes is renumbered 101.9937, and 101.9937
13 (1) (a) 2., (7) (a), (c) and (e) and (9) (a), as renumbered, are amended to read:

14 101.9937 **(1)** (a) 2. A written enforcement order issued under s. ~~145.02~~ 101.9912
15 (3) (f), ~~145.20~~ 101.9934 (2) (f) or 281.19 (2).

16 **(7)** (a) Except as provided in par. (e), costs allowable in determining grant
17 funding under this section may not exceed the costs of rehabilitating or replacing a
18 private on-site wastewater treatment system which would be necessary to allow the
19 rehabilitated system or new system to meet the minimum requirements of the state
20 plumbing code promulgated under s. ~~145.13~~ 101.9912.

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

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1 prepare and publish private on-site wastewater treatment system grant funding
2 tables which specify the maximum state share limitation for various components and
3 costs involved in the rehabilitation or replacement of a private on-site wastewater
4 treatment system based upon minimum size and other requirements specified in the
5 state plumbing code promulgated under s. ~~145.02~~ 101.9912. The maximum state
6 share limitations shall be designed to pay approximately 60% of the average
7 allowable cost of private on-site wastewater treatment system rehabilitation or
8 replacement based upon estimated or actual costs of that rehabilitation or
9 replacement. The department shall revise the grant funding tables when it
10 determines that 60% of current costs of private on-site wastewater treatment
11 system rehabilitation or replacement exceed the amounts in the grant funding tables
12 by more than 10%, except that the department may not revise the grant funding
13 tables more often than once every 2 years.

14 (e) Costs allowable for experimental private on-site wastewater treatment
15 systems shall include the costs of installing and monitoring experimental private
16 on-site wastewater treatment systems installed under s. ~~145.02~~ 101.9912 (3) (b) and
17 this section. The department shall promulgate rules that specify how the
18 department will select, monitor and allocate the state share for experimental private
19 on-site wastewater treatment systems that the department funds under this
20 section.

21 (9) (a) Adopt and administer the maintenance program established under s.
22 ~~145.20~~ 101.9934 (5);

23 **SECTION 147.** 145.26 of the statutes is renumbered 101.9938, and 101.9938 (1),
24 as renumbered, is amended to read:

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1 101.9938 (1) In this section, “public swimming pool” means a fixed or mobile
2 structure, basin, chamber, or tank and appurtenant buildings and equipment that
3 serve or are installed for use by the state, a political subdivision of the state, a motel,
4 a hotel, a resort, a camp, a club, an association, a housing development, a school, a
5 religious, charitable, or youth organization, an educative or rehabilitative facility, or
6 another entity. “Public swimming pool” does not mean an inflated mobile structure,
7 basin, chamber, or tank; a swim pond; an individual therapeutic pod, tub, or bath;
8 or a fixed or mobile structure, basin, chamber, or tank that only serves fewer than
9 3 individual residences.

10 **SECTION 148.** 160.255 (1) of the statutes is amended to read:

11 160.255 (1) In this section, “private on-site wastewater treatment system” has
12 the meaning given in s. ~~145.01~~ 101.9911 (12).

13 **SECTION 149.** 200.21 (11) of the statutes is amended to read:

14 200.21 (11) “Sewerage system” means all facilities of the district for collection,
15 transportation, storage, pumping, treatment and final disposition of sewage.
16 “Sewerage system” does not include any private on-site wastewater treatment
17 system, as defined in s. ~~145.01~~ 101.9911 (12), or any local sewer.

18 **SECTION 150.** 200.29 (1) (c) 3. a. of the statutes is amended to read:

19 200.29 (1) (c) 3. a. The weight to be given to the need for private on-site
20 wastewater treatment systems, as defined in s. ~~145.01~~ 101.9911 (12), to maintain the
21 public health and welfare in any area located within the district prior to a
22 redefinition of the boundary but located outside the district after any redefinition of
23 the boundary.

24 **SECTION 151.** 234.49 (1) (e) of the statutes is amended to read:

SENATE BILL 698**SECTION 151**

1 234.49 (1) (e) "Housing" means a residential structure having not more than
2 4 dwelling units in which at least one unit is occupied by the owner as a principal
3 residence and, if a housing rehabilitation loan is granted for the property to
4 implement energy conservation improvements, the structure is not subject to rules
5 adopted under s. 101.02, 101.63, or 101.73, ~~or 101.973~~.

6 **SECTION 152.** 254.176 (2) (d) of the statutes is amended to read:

7 254.176 (2) (d) A person licensed, certified or registered under ~~ch. 145~~ subch.
8 VIII of ch. 101 who engages in activities that constitute lead hazard reduction, only
9 to the extent that these activities are within the scope of his or her license,
10 certification or registration.

11 **SECTION 153.** 281.17 (3) of the statutes is amended to read:

12 281.17 (3) The department shall promulgate rules establishing an examining
13 program for the certification of operators of water systems, wastewater treatment
14 plants and septage servicing vehicles operated under a license issued under s. 281.48
15 (3), setting such standards as the department finds necessary to accomplish the
16 purposes of this chapter and chs. 285 and 289 to 299, including requirements for
17 continuing education. The department may charge applicants a fee for certification,
18 except that the department may not require an individual who is eligible for the
19 veterans fee waiver program under s. 45.44 to pay a fee. All moneys collected under
20 this subsection for the certification of operators of water systems, wastewater
21 treatment plants and septage servicing vehicles shall be credited to the
22 appropriation under s. 20.370 (4) (bL). No person may operate a water systems,
23 wastewater treatment plant or septage servicing vehicle without a valid certificate
24 issued under this subsection. The department may suspend or revoke a certificate
25 issued under this subsection for a violation of any statute or rule relating to the

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1 operation of a water system or wastewater treatment plant or to septage servicing,
2 for failure to fulfill the continuing education requirements or as provided under s.
3 ~~145.20~~ 101.9934 (5). The owner of any wastewater treatment plant shall be, or shall
4 employ, an operator certified under this subsection who shall be responsible for plant
5 operations, unless the department by rule provides otherwise. In this subsection,
6 “wastewater treatment plant” means a system or plant used to treat industrial
7 wastewater, domestic wastewater or any combination of industrial wastewater and
8 domestic wastewater.

9 **SECTION 154.** 281.344 (8) (b) 3. of the statutes is amended to read:

10 281.344 (8) (b) 3. Water conservation and efficiency measures that the
11 department of safety and professional services requires or authorizes to be
12 implemented under ~~chs.~~ ch. 101 and ~~145~~.

13 **SECTION 155.** 281.346 (8) (b) 3. of the statutes is amended to read:

14 281.346 (8) (b) 3. Water conservation and efficiency measures that the
15 department of safety and professional services requires or authorizes to be
16 implemented under ~~chs.~~ ch. 101 and ~~145~~.

17 **SECTION 156.** 281.48 (2) (bm) of the statutes is amended to read:

18 281.48 (2) (bm) “Private on-site wastewater treatment system” has the
19 meaning given in s. ~~145.01~~ 101.9911 (12).

20 **SECTION 157.** 281.48 (5) (a) 4. of the statutes is amended to read:

21 281.48 (5) (a) 4. Violated any provisions of this section or any rule prescribed
22 by the department or falsified information on inspection forms under s. ~~145.20~~
23 101.9934 (5).

24 **SECTION 158.** 281.48 (5m) (c) of the statutes is amended to read:

SENATE BILL 698**SECTION 158**

1 281.48 **(5m)** (c) The site criteria and disposal procedures in a county ordinance
2 shall be identical to the corresponding portions of rules promulgated by the
3 department under this section. The county shall require the person engaged in
4 septage disposal to submit the results of a soil test conducted by a soil tester certified
5 under s. ~~145.045~~ 101.9915 and to obtain a site approval for each location where the
6 person disposes of septage on land. The county shall maintain records of soil tests,
7 site approvals, county inspections and enforcement actions under this subsection.
8 A county may not require licensing or registration for any person or vehicle engaged
9 in septage disposal. The county may establish a schedule of fees for site approvals
10 under this paragraph if the department determines that the fees are no more than
11 is necessary to fund the county program under this paragraph. The county may
12 require a bond or other method of demonstrating the financial ability to comply with
13 the septage disposal ordinance. The county shall provide for the enforcement of the
14 septage disposal ordinance by penalties identical to those in s. 281.98.

15 **SECTION 159.** 281.59 (1m) (c) of the statutes is amended to read:

16 281.59 **(1m)** (c) There is established a private on-site wastewater treatment
17 system replacement and rehabilitation loan program, administered under s. ~~145.245~~
18 101.9937 (12m).

19 **SECTION 160.** 281.75 (18) of the statutes is amended to read:

20 281.75 **(18)** SUSPENSION OR REVOCATION OF LICENSES. The department may
21 suspend or revoke a license issued under ch. 280 if the department finds that the
22 licensee falsified information submitted under this section. The department of
23 safety and professional services may suspend or revoke the license of a plumber
24 licensed under ~~ch. 145~~ subch. VIII of ch. 101 if the department of safety and

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1 professional services finds that the plumber falsified information submitted under
2 this section.

3 **SECTION 161.** 321.60 (1) (a) 7. of the statutes is amended to read:

4 321.60 (1) (a) 7. ~~A~~ An occupational license, as defined in s. 101.02 ~~(20)~~ (a) (1)
5 (a) 2.

6 **SECTION 162.** 321.60 (1) (a) 18. of the statutes is amended to read:

7 321.60 (1) (a) 18. ~~A license, permit, certificate, or registration that is granted~~
8 ~~under chs. 440 to 480~~ credential, as defined in s. 440.01 (2) (a).

9 **SECTION 163.** 343.305 (6) (bm) of the statutes is amended to read:

10 343.305 (6) (bm) Any relevant instruction, as defined in s. 101.02 ~~(24)~~ (a) 1.
11 440.075 (1), that an applicant for an approval, certification, or permit under par. (b)
12 has obtained in connection with any military service, as defined in s. 111.32 (12g),
13 counts toward satisfying any requirement for instruction for an approval,
14 certification, or permit under par. (b) if the applicant demonstrates to the satisfaction
15 of the department of transportation that the instruction obtained by the applicant
16 is substantially equivalent to the instruction required for the approval, certificate,
17 or permit under par. (b).

18 **SECTION 164.** 440.03 (3m) of the statutes is amended to read:

19 440.03 (3m) The department may investigate complaints made against a
20 person who has been issued a credential ~~under chs. 440 to 480.~~

21 **SECTION 165.** 440.03 (7) of the statutes is amended to read:

22 440.03 (7) The department shall establish the style, content, and format of all
23 credentials and of all forms for applying for any initial credential ~~issued or renewed~~
24 ~~under chs. 440 to 480~~ or credential renewal. All forms shall include a place for the
25 information required under sub. (11m) (a). Upon request of any person who holds

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1 a credential and payment of a \$10 fee, the department may issue a wall certificate
2 signed by the governor.

3 **SECTION 166.** 440.03 (7m) of the statutes is amended to read:

4 440.03 (7m) The department may promulgate rules that establish procedures
5 for submitting an application for a credential or credential renewal by electronic
6 transmission. Any rules promulgated under this subsection shall specify procedures
7 for complying with any requirement that a fee be submitted with the application.
8 The rules may also waive any requirement in chs. 440 to 480 that an application
9 submitted to the department, an examining board, or an affiliated credentialing
10 board be executed, verified, signed, sworn, or made under oath, notwithstanding ss.
11 440.26 (2) (b), 440.91 (2) (intro.), 443.06 (1) (a), 443.10 (2) (a), 445.04 (2), 445.08 (4),
12 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1), and 480.08 (2m).

13 **SECTION 167.** 440.03 (11m) (a) (intro.) of the statutes is amended to read:

14 440.03 (11m) (a) (intro.) Each application form for ~~a~~ an initial credential
15 issued or renewed under chs. 440 to 480 credential renewal shall provide a space for
16 the department to require each of the following, other than an individual who does
17 not have a social security number and who submits a statement made or subscribed
18 under oath or affirmation as required under par. (am), to provide his or her social
19 security number:

20 **SECTION 168.** 440.03 (13) (a) of the statutes is amended to read:

21 440.03 (13) (a) The department may conduct an investigation to determine
22 whether an applicant for a credential issued under chs. 440 to 480 satisfies any of
23 the eligibility requirements specified for the credential, including whether the
24 applicant does not have an arrest or conviction record. In conducting an
25 investigation under this paragraph, the department may require an applicant to

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1 provide any information that is necessary for the investigation, except that, for an
2 investigation of an arrest or conviction record, the department shall comply with the
3 requirements of pars. (b) and (c).

4 **SECTION 169.** 440.03 (13) (am) of the statutes is amended to read:

5 440.03 (13) (am) A person holding a credential ~~under chs. 440 to 480~~ who is
6 convicted of a felony or misdemeanor anywhere shall send a notice of the conviction
7 by 1st class mail to the department within 48 hours after the entry of the judgment
8 of conviction. The department shall by rule determine what information and
9 documentation the person holding the credential shall include with the written
10 notice.

11 **SECTION 170.** 440.03 (16) of the statutes is repealed.

12 **SECTION 171.** 440.04 (9) of the statutes is repealed.

13 **SECTION 172.** 440.08 (2) (a) 59. of the statutes is amended to read:

14 440.08 (2) (a) 59. Physician assistant: March 1 of each ~~odd-numbered~~
15 even-numbered year.

16 **SECTION 173.** 440.11 (3) of the statutes is repealed.

17 **SECTION 174.** 440.19 of the statutes is amended to read:

18 **440.19 Voluntary surrender of license, permit, or certificate.** A person
19 who holds a ~~license, permit, or certificate of certification or registration issued under~~
20 ~~chs. 440 to 480~~ credential may voluntarily surrender that ~~license, permit, or~~
21 ~~certificate of certification or registration~~ credential. The department, examining
22 board, affiliated credentialing board, or board of the department that issued the
23 ~~license, permit, or certificate of certification or registration~~ credential may refuse to
24 accept that surrender if a complaint has been filed or disciplinary proceeding has
25 been commenced against the person under s. 440.20.

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1 **SECTION 175.** 440.20 (4) of the statutes is renumbered 440.20 (4) (a) and
2 amended to read:

3 440.20 (4) (a) ~~In addition to any grounds for discipline specified in chs. 440 to~~
4 ~~480, the~~ The department or appropriate examining board, affiliated credentialing
5 board, or board in the department may reprimand the holder of a credential or deny,
6 limit, suspend, or revoke the credential of any person who intentionally violates s.
7 252.14 (2) or intentionally discloses the results of a blood test in violation of s. 252.15
8 (3m) (b) or (f) or (5m).

9 **SECTION 176.** 440.20 (4) (b) of the statutes is created to read:

10 440.20 (4) (b) The grounds for discipline specified under par. (a) are in addition
11 to any grounds for discipline specified in chs. 440 to 480.

12 **SECTION 177.** 440.20 (5) of the statutes is renumbered 440.20 (5) (a) and
13 amended to read:

14 440.20 (5) (a) ~~In addition to any grounds for discipline specified in chs. 440 to~~
15 ~~480, the~~ The department, or the appropriate credentialing board or other board in
16 the department, may reprimand a credential holder, or may deny, limit, suspend, or
17 revoke a credential, if the credential holder fails to respond, to the satisfaction of the
18 department, credentialing board, or other board in the department, within 30 days
19 to a request for information from the department, credentialing board, or other board
20 in the department in connection with an investigation of alleged misconduct of the
21 credential holder.

22 **SECTION 178.** 440.20 (5) (b) of the statutes is created to read:

23 440.20 (5) (b) The grounds for discipline specified under par. (a) are in addition
24 to any grounds for discipline specified in chs. 440 to 480.

25 **SECTION 179.** 440.205 of the statutes is amended to read:

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1 **440.205 Administrative warnings.** If the department or a board, examining
2 board, or affiliated credentialing board in the department determines during an
3 investigation that there is evidence of misconduct by a credential holder, the
4 department, board, examining board, or affiliated credentialing board may close the
5 investigation by issuing an administrative warning to the credential holder. The
6 department or a board, examining board, or affiliated credentialing board may issue
7 an administrative warning under this section only if the department or board,
8 examining board, or affiliated credentialing board determines that no further action
9 is warranted because the complaint involves ~~a first occurrence of~~ a minor violation
10 and the issuance of an administrative warning adequately protects the public by
11 putting the credential holder on notice that any subsequent violation may result in
12 disciplinary action. If an administrative warning is issued, the credential holder
13 may obtain a review of the administrative warning through a personal appearance
14 before the department, board, examining board, or affiliated credentialing board
15 that issued the administrative warning. Administrative warnings do not constitute
16 an adjudication of guilt or the imposition of discipline and may not be used as
17 evidence that the credential holder is guilty of the alleged misconduct. However, if
18 a subsequent allegation of misconduct by the credential holder is received by the
19 department or a board, examining board, or affiliated credentialing board in the
20 department, the matter relating to the issuance of the administrative warning may
21 be reopened and disciplinary proceedings may be commenced on the matter, or the
22 administrative warning may be used in any subsequent disciplinary proceeding as
23 evidence that the credential holder had actual knowledge that the misconduct that
24 was the basis for the administrative warning was contrary to law. The record that
25 an administrative warning was issued shall be a public record. The contents of the

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1 administrative warning shall be private and confidential. The department shall
2 promulgate rules establishing uniform procedures for the issuance and use of
3 administrative warnings.

4 **SECTION 180.** 440.22 (1) of the statutes is amended to read:

5 440.22 (1) In this section, “costs of the proceeding” means the compensation
6 and reasonable expenses of hearing examiners and of prosecuting attorneys for the
7 department, examining board ~~or~~, affiliated credentialing board, or other board, a
8 reasonable disbursement for the service of process or other papers, amounts actually
9 paid out for certified copies of records in any public office, postage, telephoning,
10 adverse examinations and depositions and copies, expert witness fees, witness fees
11 and expenses, compensation and reasonable expenses of experts, paralegals, real
12 estate specialists, and investigators, and compensation and expenses of a reporter
13 for recording and transcribing testimony.

14 **SECTION 181.** 440.22 (2) of the statutes is amended to read:

15 440.22 (2) In any disciplinary proceeding against a holder of a credential in
16 which the department or an examining board, affiliated credentialing board, or other
17 board in the department orders suspension, limitation, or revocation of the
18 credential, assesses a forfeiture, or reprimands the holder, the department,
19 examining board, affiliated credentialing board, or other board may, in addition to
20 imposing discipline, assess all or part of the costs of the proceeding against the
21 holder. Costs assessed under this subsection are payable to the department. Interest
22 shall accrue on costs assessed under this subsection at a rate of ~~12%~~ 12 percent per
23 year compounded annually beginning on the date that payment of the costs are due
24 as ordered by the department, examining board, affiliated credentialing board, or
25 other board. Upon the request of the department of safety and professional services,

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1 the department of justice may commence an action to recover costs assessed under
2 this subsection and any accrued interest.

3 **SECTION 182.** 440.92 (9) (b) 3. of the statutes is amended to read:

4 440.92 (9) (b) 3. A ~~notarized~~ statement of a person who is legally authorized to
5 act on behalf of the religious society under this subsection that, during the 12-month
6 period immediately preceding the date on which the certification is filed with the
7 department, each employee specified under subd. 2. and the cemetery authority have
8 either fully complied or have substantially complied with subs. (2), (3) (a) and (b), and
9 (5).

10 **SECTION 183.** 443.07 (4) of the statutes is amended to read:

11 443.07 (4) A master plumber's license under ~~ch. 145 subch. VIII of ch. 101~~ shall
12 be considered equivalent to the work experience and satisfactory completion of a
13 written examination in the field of plumbing systems, and the holder of a master
14 plumber's license shall be issued a permit as a designer of plumbing systems upon
15 the making of an application and the payment of the permit fee.

16 **SECTION 184.** 445.04 (3) (a) of the statutes is amended to read:

17 445.04 (3) (a) Written examinations for a funeral director's license under pars.
18 (b) and (c) shall be held at least once a year and shall be conducted by the examining
19 board at a time and place to be designated by the examining board.

20 **SECTION 185.** 445.04 (3) (b) (intro.) of the statutes is amended to read:

21 445.04 (3) (b) (intro.) The comprehensive examination shall include the
22 subjects of:

23 **SECTION 186.** 445.04 (3) (c) of the statutes is created to read:

24 445.04 (3) (c) The jurisprudence examination shall test the applicant's
25 knowledge of state law relating to funeral directing.

SENATE BILL 698**SECTION 187**

1 **SECTION 187.** 445.045 (1) (g) of the statutes is amended to read:

2 445.045 (1) (g) The person must have successfully passed a comprehensive
3 examination conducted by the examining board as required by under s. 445.04 (3) (b)
4 and a jurisprudence examination under s. 445.04 (3) (c).

5 **SECTION 188.** 445.08 (1) of the statutes is renumbered 445.08 and amended to
6 read:

7 **445.08 Reciprocity in issuance of licenses.** Any person holding a valid
8 license as a funeral director or embalmer in another state having requirements
9 substantially equal to those in this state for a funeral director's license may apply
10 for a license to practice in this state by filing with the examining board a certified
11 statement from an authorized official of the that state in which the applicant holds
12 a license, showing the qualifications upon which said license was granted. that
13 verifies the person's licensure in that state. An applicant for licensure under this
14 section shall pass the jurisprudence examination under s. 445.04 (3) (c) and shall
15 satisfy the requirement under s. 445.045 (1) (b). Thereupon the examining board
16 may, upon the payment of the required fee, issue a funeral director's license.

17 **SECTION 189.** 445.08 (4) of the statutes is repealed.

18 **SECTION 190.** 446.02 (7) (d) 1. of the statutes is amended to read:

19 446.02 (7) (d) 1. Beginning on July 1, 2010, a chiropractor may delegate X-ray
20 services only to a chiropractic radiological ~~technologist~~ technician.

21 **SECTION 191.** 446.02 (7) (d) 2. of the statutes is amended to read:

22 446.02 (7) (d) 2. Beginning on July 1, 2010, a chiropractor may delegate
23 adjunctive services only to a chiropractic ~~technologist~~ technician.

24 **SECTION 192.** 448.02 (8) (a) of the statutes is amended to read:

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1 448.02 (8) (a) After an investigation by the board under sub. (3) (a) or by the
2 department under s. 440.03 (3m) or (5), the board may issue a private and
3 confidential administrative warning to a holder of a license, certificate, or limited
4 permit if the board determines that there is evidence of misconduct by him or her.
5 The board may issue an administrative warning under this paragraph only if the
6 board determines that no further action is warranted because the matter involves
7 ~~a first occurrence of~~ minor misconduct and the issuance of an administrative
8 warning adequately protects the public by putting the holder of the license,
9 certificate, or limited permit on notice that any subsequent misconduct may result
10 in disciplinary action. The board shall review the determination if the holder of the
11 license, certificate, or limited permit makes a personal appearance before the board.
12 Following the review, the board may affirm, rescind, or modify the administrative
13 warning. A holder of a license, certificate, or limited permit may seek judicial review
14 under ch. 227 of an affirmation or modification of an administrative warning by the
15 board.

16 **SECTION 193.** 448.02 (8) (a) of the statutes, as affected by 2013 Wisconsin Act
17 240 and 2015 Wisconsin Act (this act), is repealed and recreated to read:

18 448.02 (8) (a) After an investigation by the board under sub. (3) (a) or by the
19 department under s. 440.03 (3m) or (5), the board may issue a private and
20 confidential administrative warning to a holder of a license or certificate if the board
21 determines that there is evidence of misconduct by him or her. The board may issue
22 an administrative warning under this paragraph only if the board determines that
23 no further action is warranted because the matter involves minor misconduct and
24 the issuance of an administrative warning adequately protects the public by putting
25 the holder of the license or certificate on notice that any subsequent misconduct may

SENATE BILL 698**SECTION 193**

1 result in disciplinary action. The board shall review the determination if the holder
2 of the license or certificate makes a personal appearance before the board. Following
3 the review, the board may affirm, rescind, or modify the administrative warning. A
4 holder of a license or certificate may seek judicial review under ch. 227 of an
5 affirmation or modification of an administrative warning by the board.

6 **SECTION 194.** 448.07 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
7 116, is amended to read:

8 448.07 (1) (a) Every person licensed or certified under this subchapter shall
9 register ~~on or before November 1 of each odd-numbered year~~ following issuance of
10 the license or certificate with the board. Registration shall be completed at such time
11 and in such manner as the board shall designate and upon forms the board shall
12 provide, except that registration with respect to a compact license shall be governed
13 by the renewal provisions in s. 448.980 (7). ~~The secretary of the board, on or before~~
14 ~~October 1 of each odd-numbered year, shall mail or cause to be mailed to every~~
15 ~~person required to register a registration form.~~ The board shall furnish to each
16 person registered under this section a certificate of registration, and the person shall
17 display the registration certificate conspicuously in the office at all times. No person
18 may exercise the rights or privileges conferred by any license or certificate granted
19 by the board unless currently registered as required under this subsection.

20 **SECTION 195.** 448.07 (1) (a) of the statutes, as affected by 2015 Wisconsin Acts
21 116 and (this act), is repealed and recreated to read:

22 448.07 (1) (a) Every person licensed or certified under this subchapter shall
23 register following issuance of the license or certificate with the board. Registration
24 shall be completed at such time and in such manner as the board shall designate and
25 upon forms the board shall provide. The board shall furnish to each person

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1 registered under this section a certificate of registration, and the person shall display
2 the registration certificate conspicuously in the office at all times. No person may
3 exercise the rights or privileges conferred by any license or certificate granted by the
4 board unless currently registered as required under this subsection.

5 **SECTION 196.** 448.13 (1) (a) (intro.) of the statutes is amended to read:

6 448.13 (1) (a) (intro.) Except as provided in par. (b), each physician shall, ~~in no~~
7 ~~later than November 1 of each 2nd odd-numbered year at the time of application for~~
8 ~~a certificate of registration under s. 448.07,~~ submit proof of attendance at and
9 completion of all of the following:

10 **SECTION 197.** 448.13 (2) of the statutes is amended to read:

11 448.13 (2) Each person licensed as a perfusionist shall, ~~in no later than~~
12 ~~November 1 of each 2nd odd-numbered year at the time of application for a~~
13 ~~certificate of registration under s. 448.07,~~ submit proof of completion of continuing
14 education requirements promulgated by rule by the board.

15 **SECTION 198.** 448.13 (3) of the statutes is amended to read:

16 448.13 (3) Each person licensed as an anesthesiologist assistant shall, ~~in no~~
17 ~~later than November 1 of each 2nd odd-numbered year at the time of application for~~
18 ~~a certificate of registration under s. 448.07,~~ submit proof of meeting the criteria for
19 recertification by the National Commission on Certification of Anesthesiologist
20 Assistants or by a successor entity, including any continuing education
21 requirements.

22 **SECTION 199.** 457.09 (3) (a) of the statutes is amended to read:

23 457.09 (3) (a) ~~Except as provided in par. (b),~~ a A social worker training
24 certificate is valid for 24 months.

25 **SECTION 200.** 457.09 (3) (b) of the statutes is repealed.

SENATE BILL 698**SECTION 201**

1 **SECTION 201.** 457.16 (3) of the statutes is repealed.

2 **SECTION 202.** 470.05 of the statutes is amended to read:

3 **470.05 Examination.** ~~Beginning no later than January 1, 2000, the~~
4 ~~appropriate section of the examining board shall conduct or arrange for~~
5 ~~examinations for licensure as a professional geologist, hydrologist or soil scientist at~~
6 ~~least semiannually and at times and places determined by the section.~~
7 Examinations for licensure under this section chapter shall require an applicant to
8 demonstrate minimum competency in the principles and practice of subjects
9 substantially related to the practice of professional geology, hydrology, or soil science
10 and may consist of one or more written or oral tests, or both.

11 **SECTION 203.** 632.10 (1) of the statutes is amended to read:

12 632.10 (1) "Building and safety standards" means the requirements of ~~chs. ch.~~
13 ~~101 and 145~~ and of any rule promulgated by the department of safety and
14 professional services under ch. 101 ~~or 145~~, and standards of a 1st class city relating
15 to the health and safety of occupants of buildings.

16 **SECTION 204. Initial applicability.**

17 (1) PENALTIES FOR CERTAIN VIOLATIONS. The treatment of sections 101.02 (13) (a),
18 101.10 (4) (a) and (c), 101.125 (5), 101.148 (3), 101.66 (3), 101.77, 101.88 (3), 101.94
19 (8) (a), 101.965 (1p), and 101.988 (3) of the statutes first applies to violations
20 occurring on the effective date of this subsection.

21 (2) EXAMINATIONS FOR FUNERAL DIRECTING. The treatment of sections 445.04 (3)
22 (a), (b) (intro.), and (c), 445.045 (1) (g), and 445.08 of the statutes first applies to an
23 application for a funeral director's license received by the funeral directors
24 examining board on the effective date of this subsection.

