



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0347/PZ

DAK:kjf:rs

D-NOTE

1/5

DOA:.....Jablonsky, BB0032 - Transfer sanitarian registration to DRL  
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHFS must establish minimum standards for, register, and otherwise regulate sanitarians (persons who apply environmental control measures under the public health laws to prevent and control preventable diseases).

This bill transfers the duty to regulate sanitarians from DHFS to DRL.

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:*

2 SECTION 1. 20.435 (1) (gm) of the statutes is amended to read:  
3 20.435 (1) (gm) *Licensing, review and certifying activities; fees; supplies and*  
4 *services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8),  
5 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8),

1 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) and ch. 69, for the  
2 purchase and distribution of medical supplies and to analyze and provide data under  
3 s. 250.04. All moneys received under ss. 146.50 (5) (f) and (8) (d), 250.04 (3m), ~~250.05~~  
4 ~~(6)~~, 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5)  
5 and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) (b) and ch.  
6 69 and as reimbursement for medical supplies shall be credited to this appropriation  
7 account.

8 **SECTION 2.** 21.72 (1) (a) 4. of the statutes is amended to read:

9 21.72 (1) (a) 4. A license, certificate of approval, provisional license, conditional  
10 license, certification, certification card, registration, permit, training permit, or  
11 approval specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a), 146.50 (5) (a)  
12 or (b), (6g) (a), (7), or (8) (a) or (f), ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176, 254.178  
13 (2) (a), 254.20 (2), (3), or (4), 254.64 (1) (a) or (b), 254.71 (2), 255.08 (2) (a), or 343.305  
14 (6) (a) or a permit for the operation of a campground specified in s. 254.47 (1).

15 **SECTION 3.** 49.857 (1) (d) 4. of the statutes is amended to read:

16 49.857 (1) (d) 4. A certification, license, training permit, registration, approval  
17 or certificate issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a),  
18 ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3)  
19 or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

20 **SECTION 4.** 73.0301 (1) (d) 3. of the statutes is amended to read:

21 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,  
22 conditional license, certification, certification card, registration, permit, training  
23 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)  
24 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3) or (3m), 146.50 (5) (a) or (b), (6g) (a), (7) or

1 (8) (a) or (f), 250.05 (5), 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2) (a) or  
2 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

3 SECTION 5. 250.041 (1) (a) of the statutes is repealed.

4 SECTION 6. 250.05 (title) of the statutes is renumbered 440.70 (title).

5 SECTION 7. 250.05 (1) of the statutes is renumbered 440.70 (1).

6 SECTION 8. 250.05 (2) of the statutes is renumbered 440.70 (2).

7 SECTION 9. 250.05 (3) of the statutes is renumbered 440.70 (3) and amended  
8 to read:

9 440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of  
10 the state may employ or contract for the services of sanitarians, registered under this  
11 section, who shall enforce the public health statutes under chs. 250 to 255 or rules  
12 promulgated under those statutes.

13 SECTION 10. 250.05 (5) of the statutes is renumbered 440.70 (5) and amended  
14 to read:

15 440.70 (5) REGISTRATION. Except as provided in ~~sub. (8m) and s. 250.041 s.~~  
16 440.12 or 440.13, the department, upon application on forms prescribed by it and  
17 payment of the prescribed fee, shall register as a sanitarian any person who has  
18 presented evidence satisfactory to the department that standards and qualifications  
19 of the department, as established by rule, have been met.

20 SECTION 11. 250.05 (6) of the statutes is renumbered 440.70 (6) and amended  
21 to read:

22 440.70 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. ~~A~~  
23 ~~fee fixed by rule of the department shall accompany the application under sub. (5)~~  
24 ~~and, beginning January 1, 1988, a biennial fee of \$25 shall be paid by every~~  
25 ~~registered sanitarian who desires to continue registration. The amounts~~ <sup>✓</sup> ~~amount~~ <sup>✓</sup> ~~of~~ <sup>✓</sup>

15

1 the fees ~~fee~~ may be adjusted by the department by rule. All certificates of registration  
 2 shall expire on December ~~31~~ in each odd-numbered year. Except as provided in sub.  
 3 (8m) and s. 250.041 s. ~~440.12 or 440.13~~, the department may renew registrations  
 4 upon application made after January 1 of each even-numbered year if it is satisfied  
 5 that the applicant has good cause for not making application in December of the  
 6 immediately preceding year and upon payment of the biennial fee and any additional  
 7 fees prescribed by the department ~~fee specified in s. 440.08 (3) (a)~~ strike

8 SECTION 12. 250.05 (7) of the statutes is renumbered 440.70 (7).

9 SECTION 13. 250.05 (8) of the statutes is renumbered 440.70 (8) and amended  
10 to read: professional negligence, or limit deny

11 440.70 (8) REVOCATION OF REGISTRATION. The department may, after a hearing  
 12 held in conformance with ch. 227, except as provided in sub. (8m) (e), revoke ~~or~~  
 13 suspend under this section subchapter the registration of any sanitarian for practice  
 14 of fraud or deceit in obtaining the registration or any ~~gross professional negligence,~~  
 15 incompetence <sup>2</sup> or misconduct. unprofessional conduct

INSERTIVE

16 SECTION 14. 250.05 (8m) of the statutes is repealed.

17 SECTION 15. 250.05 (9) of the statutes is repealed.

18 SECTION 16. 440.03 (13) (b) 66d. of the statutes is created to read:

19 440.03 (13) (b) 66d. Sanitarian.

20 SECTION 17. 440.05 (intro.) of the statutes is amended to read:

21 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
 22 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.70 (6),  
 23 440.9935, 444.03, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18:

24 SECTION 18. 440.08 (2) (a) 68b. of the statutes is created to read:

25 440.08 (2) (a) 68b. Sanitarian: ~~January 1~~ of each even-numbered year, ~~\$25~~ \$58  
December 16



1 specified expiration date or until modified or rescinded by the department of  
2 regulation and licensing.

3 (c) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
4 liabilities of the department of health and family services relating to the registration  
5 of sanitarians, as determined by the secretary of administration, shall become the  
6 assets and liabilities of the department of regulation and licensing.

7 (d) *Tangible personal property.* On the effective date of this paragraph, all  
8 tangible personal property, including records, of the department of health and family  
9 services relating to the registration of sanitarians, as determined by the secretary  
10 of administration, is transferred to the department of regulation and licensing.

11 (e) *Contracts.* All contracts entered into by the department of health and family  
12 services relating to the registration of sanitarians in effect on the effective date of this  
13 paragraph remain in effect and are transferred to the department of regulation and  
14 licensing. The department of regulation and licensing shall carry out any obligations  
15 under such a contract until the contract is modified or rescinded by the department  
16 of regulation and licensing to the extent allowed under the contract.

17 (f) *Pending matters.* Any matter pending with the department of health and  
18 family services relating to the regulation of sanitarians on the effective date of this  
19 paragraph is transferred to the department of regulation and licensing and all  
20 materials submitted to or actions taken by the department of health and family  
21 services with respect to the pending matter are considered as having been submitted  
22 to or taken by the department of regulation and licensing.

23 **SECTION 9321. Initial applicability; health and family services.**

24 (1) TRANSFER OF SANITARIAN REGISTRATION. The treatment of sections 21.72 (1)  
25 (a) 4., 49.857 (1) (d) 4., 73.0301 (1) (d) 3., 250.041 (1) (a), 250.05, 440.03 (13) (b) 66d.,

20.435(1)(gm),

440.70 (9),

1

440.05 (intro.), 440.08 (2) (a) 68b., 440.23 (1), and subchapter VI of chapter 440 of the statutes first applies to applications for sanitarian registration or for renewal of sanitarian registration made on the effective date of this subsection.

2

3

4

(END)

D-NOTE

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0347/lins  
DAK:kjf:rs

INSERT 4-15

1  
2  
3  
4  
5  
6

SECTION ~~1~~ 440.70 (9) of the statutes is created to read:

440.70 (9) FORFEITURE. In addition to or in lieu of a reprimand or a denial, limitation, suspension, or revocation of a registration under sub. (8), the department may assess against any person a forfeiture of not less than \$100 nor more than \$1,000 for each violation under sub. (8).

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

05-0347/1dn

DAK:kjf/ks

*Date*

To Sue Jablonsky:

I have received comments by the Department of Regulation and Licensing on 05-0347/P1. Of those comments, the ones referring to bill SECTIONS 1, 14, and 15 were corrected in 05-0347/P2. Of the remaining comments, I have addressed those referring to bill SECTIONS 11, 13, and 20; please review, especially the creation of s. 440.70 (9), the language of which is based in part on ss. 440.475 (2) and 440.64 (3) (c), stats. Lastly, the comment referring to bill SECTION 19 was, I believe, in fact referring to bill SECTION 18. In response, in 05-0347/P2, I repealed s. 250.05 (9), stats., because it appears to me that it would be duplicative of s. 440.21, stats; does that drafting decision meet your intent?

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: debora.kennedy@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

05-0347/1dn

DAK:kjf:rs

January 4, 2005

To Sue Jablonsky:

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Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debora.kennedy@legis.state.wi.us](mailto:debora.kennedy@legis.state.wi.us)



TODAY  
State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0347/2

DAK:kjf:rs

D-NOTE

DOA:.....Jablonsky, BB0032 - Transfer sanitarian registration to DRL  
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Don't Gen

1 AN ACT ...; relating to: the budget.

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**OTHER HEALTH AND HUMAN SERVICES**

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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:*

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4 *services.* The amounts in the schedule for the purposes specified in ss. 146.50 (8),  
5 250.05 (6), 252.23, 252.24, 252.245, 254.176, 254.178, 254.179, 254.20 (5) and (8),

1 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) and ch. 69, for the  
2 purchase and distribution of medical supplies and to analyze and provide data under  
3 s. 250.04. All moneys received under ss. 146.50 (5) (f) and (8) (d), 250.04 (3m), 250.05  
4 (6), 252.23 (4) (a), 252.24 (4) (a), 252.245 (9), 254.176, 254.178, 254.181, 254.20 (5)  
5 and (8), 254.31 to 254.39, 254.41, 254.47, 254.61 to 254.88, and 255.08 (2) (b) and ch.  
6 69 and as reimbursement for medical supplies shall be credited to this appropriation  
7 account.

8 **SECTION 2.** 21.72 (1) (a) 4. of the statutes is amended to read:

9 21.72 (1) (a) 4. A license, certificate of approval, provisional license, conditional  
10 license, certification, certification card, registration, permit, training permit, or  
11 approval specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a), 146.50 (5) (a)  
12 or (b), (6g) (a), (7), or (8) (a) or (f), 250.05 (5), 252.23 (2), 252.24 (2), 254.176, 254.178  
13 (2) (a), 254.20 (2), (3), or (4), 254.64 (1) (a) or (b), 254.71 (2), 255.08 (2) (a), or 343.305  
14 (6) (a) or a permit for the operation of a campground specified in s. 254.47 (1).

15 **SECTION 3.** 49.857 (1) (d) 4. of the statutes is amended to read:

16 49.857 (1) (d) 4. A certification, license, training permit, registration, approval  
17 or certificate issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a),  
18 250.05 (5), 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3)  
19 or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

20 **SECTION 4.** 73.0301 (1) (d) 3. of the statutes is amended to read:

21 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,  
22 conditional license, certification, certification card, registration, permit, training  
23 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)  
24 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3) or (3m), 146.50 (5) (a) or (b), (6g) (a), (7) or

1 (8) (a) or (f), 250.05 (5), 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2) (a) or  
2 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

3 **SECTION 5.** 250.041 (1) (a) of the statutes is repealed.

4 **SECTION 6.** 250.05 (title) of the statutes is renumbered 440.70 (title).

5 **SECTION 7.** 250.05 (1) of the statutes is renumbered 440.70 (1).

6 **SECTION 8.** 250.05 (2) of the statutes is renumbered 440.70 (2).

7 **SECTION 9.** 250.05 (3) of the statutes is renumbered 440.70 (3) and amended  
8 to read:

9 440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of  
10 the state may employ or contract for the services of sanitarians, registered under this  
11 section, who shall enforce the public health statutes under chs. 250 to 255 or rules  
12 promulgated under those statutes.

13 **SECTION 10.** 250.05 (5) of the statutes is renumbered 440.70 (5) and amended  
14 to read:

15 440.70 (5) REGISTRATION. Except as provided in ~~sub. (8m) and s. 250.041 s.~~  
16 440.12 or 440.13, the department, upon application on forms prescribed by it and  
17 payment of the prescribed fee, shall register as a sanitarian any person who has  
18 presented evidence satisfactory to the department that standards and qualifications  
19 of the department, as established by rule, have been met.

20 **SECTION 11.** 250.05 (6) of the statutes is renumbered 440.70 (6) and amended  
21 to read:

22 440.70 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. ~~A~~  
23 ~~fee fixed by rule of the department shall accompany the application under sub. (5)~~  
24 ~~and, beginning January 1, 1988, a biennial fee of \$25 shall be paid by every~~  
25 ~~registered sanitarian who desires to continue registration. The amounts of the fees~~

1 ~~may be adjusted by the department by rule. All certificates of registration shall~~  
2 ~~expire on December 31 in each odd-numbered year. Except as provided in sub. (8m)~~  
3 ~~and s. 250.041, the department may renew registrations upon application made after~~  
4 ~~January 1 of each even-numbered year if it is satisfied that the applicant has good~~  
5 ~~cause for not making application in December of the immediately preceding year and~~  
6 ~~upon payment of the biennial fee and any additional fees prescribed by the~~  
7 ~~department).~~

8 **SECTION 12.** 250.05 (7) of the statutes is renumbered 440.70 (7).

9 **SECTION 13.** 250.05 (8) of the statutes is renumbered 440.70 (8) and amended  
10 to read:

11 440.70 (8) REVOCATION OF REGISTRATION. The department may, after a hearing  
12 held in conformance with ch. 227, ~~except as provided in sub. (8m) (e), revoke or, deny,~~  
13 ~~suspend, or limit~~ under this section subchapter the registration of any sanitarian,  
14 or reprimand the sanitarian, for practice of fraud or deceit in obtaining the  
15 registration or any ~~gross professional negligence~~ unprofessional conduct,  
16 ~~incompetence, or misconduct~~ professional negligence.

17 **SECTION 14.** 250.05 (8m) of the statutes is repealed.

18 **SECTION 15.** 250.05 (9) of the statutes is repealed.

19 **SECTION 16.** 440.03 (13) (b) 66d. of the statutes is created to read:

20 440.03 (13) (b) 66d. Sanitarian.

21 **SECTION 17.** 440.05 (intro.) of the statutes is amended to read:

22 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
23 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.70 (6),  
24 440.9935, 444.03, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18:

25 **SECTION 18.** 440.08 (2) (a) 68b. of the statutes is created to read:



1           (b) *Rules and orders.* All rules of the department of health and family services  
2 regulating registration of sanitarians that are in effect before the effective date of  
3 this paragraph remain in effect until their specified expiration date or until amended  
4 or repealed by the department of regulation and licensing. All orders of the  
5 department of health and family services regulating registered sanitarians that are  
6 in effect before the effective date of this paragraph remain in effect until their  
7 specified expiration date or until modified or rescinded by the department of  
8 regulation and licensing.

9           (c) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
10 liabilities of the department of health and family services relating to the registration  
11 of sanitarians, as determined by the secretary of administration, shall become the  
12 assets and liabilities of the department of regulation and licensing.

13           (d) *Tangible personal property.* On the effective date of this paragraph, all  
14 tangible personal property, including records, of the department of health and family  
15 services relating to the registration of sanitarians, as determined by the secretary  
16 of administration, is transferred to the department of regulation and licensing.

17           (e) *Contracts.* All contracts entered into by the department of health and family  
18 services relating to the registration of sanitarians in effect on the effective date of this  
19 paragraph remain in effect and are transferred to the department of regulation and  
20 licensing. The department of regulation and licensing shall carry out any obligations  
21 under such a contract until the contract is modified or rescinded by the department  
22 of regulation and licensing to the extent allowed under the contract.

23           (f) *Pending matters.* Any matter pending with the department of health and  
24 family services relating to the regulation of sanitarians on the effective date of this  
25 paragraph is transferred to the department of regulation and licensing and all

1 materials submitted to or actions taken by the department of health and family  
2 services with respect to the pending matter are considered as having been submitted  
3 to or taken by the department of regulation and licensing.

4 **SECTION 9321. Initial applicability; health and family services.**

5 (1) TRANSFER OF SANITARIAN REGISTRATION. The treatment of sections 20.435 (1)

6 (gm), 21.72 (1) (a) 4., 49.857 (1) (d) 4., 73.0301 (1) (d) 3., 250.041 (1) (a), 250.05, 440.03  
7 (13) (b) 66d., 440.05 (intro.), 440.08 (2) (a) 68b., 440.23 (1), 440.70 (9), and subchapter  
8 VI of chapter 440 of the statutes first applies to applications for sanitarian  
9 registration or for renewal of sanitarian registration made on the effective date of  
10 this subsection.

11 **INSERT 7-10**

(END)

*(with respect to the transfer of the  
duty to regulate sanitarians)*

**D-NOTE**

INSERT 7-10

\*\*\* NOTE: This is reconciled SECTION 9321<sup>✓</sup>

(1). This SECTION has been affected by LRB-0316/2.

Date

DAK: kjf

D-NOTE

This draft reconciles LRB-0347/1 and LRB-0314/2.

Both LRB-0347 and LRB-0314 should continue to appear in the compiled bill.

DAK

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0347/2dn  
DAK:kjf:rs

January 26, 2005

This draft reconciles LRB-0347/1 and LRB-0316/2. Both LRB-0347 and LRB-0316 should continue to appear in the compiled bill.

Debora A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debora.kennedy@legis.state.wi.us](mailto:debora.kennedy@legis.state.wi.us)

**TELEPHONE DRAFTING INSTRUCTIONS**

**Drafting instructions received by Debora Kennedy.**

**DATE:**

2/3/05

**CONVERSATION  
WITH:**

Sue Jablonsky

**OF:**

DOA

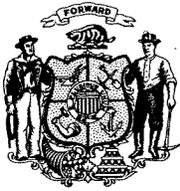
**TELEPHONE NO:**

**REGARDING LRB #  
OR DRAFT TOPIC:**

-0347

**INSTRUCTIONS:**

Change amt of fee in  
440.08 (2) (a) 686. to \$25-



TODAY, if possible  
State of Wisconsin  
2005 - 2006 LEGISLATURE  
D-NOTE

LRB-0347/33

DAK:kjf

DOA:.....Jablonsky, BB0032 - Transfer sanitarian registration to DRL  
FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

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1 or (b), (6g) (a), (7), or (8) (a) or (f), ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176, 254.178  
2 (2) (a), 254.20 (2), (3), or (4), 254.64 (1) (a) or (b), 254.71 (2), 255.08 (2) (a), or 343.305  
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7 ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3)  
8 or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

9 **SECTION 3.** 73.0301 (1) (d) 3. of the statutes is amended to read:

10 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,  
11 conditional license, certification, certification card, registration, permit, training  
12 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)  
13 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3) or (3m), 146.50 (5) (a) or (b), (6g) (a), (7) or  
14 (8) (a) or (f), ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2) (a) or  
15 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

16 **SECTION 4.** 250.041 (1) (a) of the statutes is repealed.

17 **SECTION 5.** 250.05 (title) of the statutes is renumbered 440.70 (title).

18 **SECTION 6.** 250.05 (1) of the statutes is renumbered 440.70 (1).

19 **SECTION 7.** 250.05 (2) of the statutes is renumbered 440.70 (2).

20 **SECTION 8.** 250.05 (3) of the statutes is renumbered 440.70 (3) and amended  
21 to read:

22 440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of  
23 the state may employ or contract for the services of sanitarians, registered under this  
24 section, who shall enforce the public health statutes under chs. 250 to 255 or rules  
25 promulgated under those statutes.

1           **SECTION 9.** 250.05 (5) of the statutes is renumbered 440.70 (5) and amended  
2 to read:

3           440.70 (5) REGISTRATION. Except as provided in sub. ~~(8m)~~ and s. 250.041 s.  
4 440.12 or 440.13, the department, upon application on forms prescribed by it and  
5 payment of the prescribed fee, shall register as a sanitarian any person who has  
6 presented evidence satisfactory to the department that standards and qualifications  
7 of the department, as established by rule, have been met.

8           **SECTION 10.** 250.05 (6) of the statutes is renumbered 440.70 (6) and amended  
9 to read:

10           440.70 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. ~~A~~  
11 ~~fee fixed by rule of the department shall accompany the application under sub. (5)~~  
12 ~~and, beginning January 1, 1988, a biennial fee of \$25 shall be paid by every~~  
13 ~~registered sanitarian who desires to continue registration. The amounts of the fees~~  
14 ~~may be adjusted by the department by rule. All certificates of registration shall~~  
15 ~~expire on December 31 in each odd-numbered year. Except as provided in sub. (8m)~~  
16 ~~and s. 250.041, the department may renew registrations upon application made after~~  
17 ~~January 1 of each even-numbered year if it is satisfied that the applicant has good~~  
18 ~~cause for not making application in December of the immediately preceding year and~~  
19 ~~upon payment of the biennial fee and any additional fees prescribed by the~~  
20 ~~department).~~

21           **SECTION 11.** 250.05 (7) of the statutes is renumbered 440.70 (7).

22           **SECTION 12.** 250.05 (8) of the statutes is renumbered 440.70 (8) and amended  
23 to read:

24           440.70 (8) REVOCATION OF REGISTRATION. The department may, after a hearing  
25 held in conformance with ch. 227, ~~except as provided in sub. (8m) (e)~~, revoke ~~or, deny~~,

1 suspend, or limit under this ~~section~~ subchapter the registration of any sanitarian,  
2 or reprimand the sanitarian, for practice of fraud or deceit in obtaining the  
3 registration or any ~~gross professional negligence~~ unprofessional conduct,  
4 incompetence, or ~~misconduct~~ professional negligence.

5 SECTION 13. 250.05 (8m) of the statutes is repealed.

6 SECTION 14. 250.05 (9) of the statutes is repealed.

7 SECTION 15. 440.03 (13) (b) 66d. of the statutes is created to read:

8 440.03 (13) (b) 66d. Sanitarian.

9 SECTION 16. 440.05 (intro.) of the statutes is amended to read:

10 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
11 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.70 (6),  
12 440.9935, 444.03, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18:

13 SECTION 17. 440.08 (2) (a) 68b. of the statutes is created to read:

14 440.08 (2) (a) 68b. Sanitarian: December 16 of each even-numbered year, \$~~50~~. 25

15 SECTION 18. 440.23 (1) of the statutes is amended to read:

16 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)  
17 or (6), 440.08, 440.70 (6), 444.03, or 444.11 by check or debit or credit card and the  
18 check is not paid by the financial institution upon which the check is drawn or if the  
19 demand for payment under the debit or credit card transaction is not paid by the  
20 financial institution upon which demand is made, the department may cancel the  
21 credential on or after the 60th day after the department receives the notice from the  
22 financial institution, subject to sub. (2).

23 SECTION 19. Subchapter VI of chapter 440 [precedes 440.70] of the statutes is  
24 created to read:

## SUBCHAPTER VI

## SANITARIANS

**SECTION 20.** 440.70 (9) of the statutes is created to read:

440.70 (9) FORFEITURE. In addition to or in lieu of a reprimand or a denial, limitation, suspension, or revocation of a registration under sub. (8), the department may assess against any person a forfeiture of not less than \$100 nor more than \$1,000 for each violation under sub. (8).

**SECTION 9121. Nonstatutory provisions; health and family services.**

(1) TRANSFER OF SANITARIAN REGISTRATION.

(a) *Registered sanitarians.* All persons who were registered as sanitarians under section 250.05 of the statutes, as affected by this act, immediately before the effective date of this paragraph are registered under section 440.70 of the statutes, as affected by this act.

(b) *Rules and orders.* All rules of the department of health and family services regulating registration of sanitarians that are in effect before the effective date of this paragraph remain in effect until their specified expiration date or until amended or repealed by the department of regulation and licensing. All orders of the department of health and family services regulating registered sanitarians that are in effect before the effective date of this paragraph remain in effect until their specified expiration date or until modified or rescinded by the department of regulation and licensing.

(c) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the department of health and family services relating to the registration of sanitarians, as determined by the secretary of administration, shall become the assets and liabilities of the department of regulation and licensing.

1 (d) *Tangible personal property.* On the effective date of this paragraph, all  
2 tangible personal property, including records, of the department of health and family  
3 services relating to the registration of sanitarians, as determined by the secretary  
4 of administration, is transferred to the department of regulation and licensing.

5 (e) *Contracts.* All contracts entered into by the department of health and family  
6 services relating to the registration of sanitarians in effect on the effective date of this  
7 paragraph remain in effect and are transferred to the department of regulation and  
8 licensing. The department of regulation and licensing shall carry out any obligations  
9 under such a contract until the contract is modified or rescinded by the department  
10 of regulation and licensing to the extent allowed under the contract.

11 (f) *Pending matters.* Any matter pending with the department of health and  
12 family services relating to the regulation of sanitarians on the effective date of this  
13 paragraph is transferred to the department of regulation and licensing and all  
14 materials submitted to or actions taken by the department of health and family  
15 services with respect to the pending matter are considered as having been submitted  
16 to or taken by the department of regulation and licensing.

17 **SECTION 9321. Initial applicability; health and family services.**

18 (1) **TRANSFER OF SANITARIAN REGISTRATION.** The treatment of sections 20.435 (1)  
19 (gm) (with respect to the transfer of the duty to regulate sanitarians), 21.72 (1) (a)  
20 4., 49.857 (1) (d) 4., 73.0301 (1) (d) 3., 250.041 (1) (a), 250.05, 440.03 (13) (b) 66d.,  
21 440.05 (intro.), 440.08 (2) (a) 68b., 440.23 (1), and 440.70 (9) and subchapter VI of  
22 chapter 440 of the statutes first applies to applications for sanitarian registration or  
23 for renewal of sanitarian registration made on the effective date of this subsection.

\*\*\*\*NOTE: This is reconciled SECTION 9321 (1). This SECTION has been affected by LRB-0316/2.

1

(END)

D-NOTE

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0347/2dn  
DAK:kjf:as

3

January 26, 2005

*continues to  
reconcile*

This draft ~~reconciles~~ LRB-0347/1 and LRB-0316/2. Both LRB-0347 and LRB-0316 should continue to appear in the compiled bill.

Debora A. Kennedy  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0347/3dn  
DAK:kjf:pg

February 3, 2005

This draft continues to reconcile LRB-0347/1 and LRB-0316/2. Both LRB-0347 and LRB-0316 should continue to appear in the compiled bill.

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State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0347/3

DAK:kjf:pg

DOA:.....Jablonsky, BB0032 - Transfer sanitarian registration to DRL

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

Under current law, DHFS must establish minimum standards for, register, and otherwise regulate sanitarians (persons who apply environmental control measures under the public health laws to prevent and control preventable diseases).

This bill transfers the duty to regulate sanitarians from DHFS to DRL.

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

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

2 SECTION 1. 21.72 (1) (a) 4. of the statutes is amended to read:

3 21.72 (1) (a) 4. A license, certificate of approval, provisional license, conditional  
4 license, certification, certification card, registration, permit, training permit, or  
5 approval specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a), 146.50 (5) (a)

1 or (b), (6g) (a), (7), or (8) (a) or (f), ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176, 254.178  
2 (2) (a), 254.20 (2), (3), or (4), 254.64 (1) (a) or (b), 254.71 (2), 255.08 (2) (a), or 343.305  
3 (6) (a) or a permit for the operation of a campground specified in s. 254.47 (1).

4 **SECTION 2.** 49.857 (1) (d) 4. of the statutes is amended to read:

5 49.857 (1) (d) 4. A certification, license, training permit, registration, approval  
6 or certificate issued under s. 49.45 (2) (a) 11., 146.50 (5) (a) or (b), (6g) (a) or (8) (a),  
7 ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3)  
8 or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2) or 255.08 (2).

9 **SECTION 3.** 73.0301 (1) (d) 3. of the statutes is amended to read:

10 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,  
11 conditional license, certification, certification card, registration, permit, training  
12 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)  
13 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3) or (3m), 146.50 (5) (a) or (b), (6g) (a), (7) or  
14 (8) (a) or (f), ~~250.05 (5)~~, 252.23 (2), 252.24 (2), 254.176, 254.20 (3), 255.08 (2) (a) or  
15 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

16 **SECTION 4.** 250.041 (1) (a) of the statutes is repealed.

17 **SECTION 5.** 250.05 (title) of the statutes is renumbered 440.70 (title).

18 **SECTION 6.** 250.05 (1) of the statutes is renumbered 440.70 (1).

19 **SECTION 7.** 250.05 (2) of the statutes is renumbered 440.70 (2).

20 **SECTION 8.** 250.05 (3) of the statutes is renumbered 440.70 (3) and amended  
21 to read:

22 440.70 (3) SANITARIANS; EMPLOYMENT OR CONTRACTUAL SERVICES. Any agency of  
23 the state may employ or contract for the services of sanitarians, registered under this  
24 section, who shall enforce the public health statutes under chs. 250 to 255 or rules  
25 promulgated under those statutes.

1           **SECTION 9.** 250.05 (5) of the statutes is renumbered 440.70 (5) and amended  
2 to read:

3           440.70 (5) REGISTRATION. Except as provided in sub. ~~(8m)~~ and s. 250.041 s.  
4 440.12 or 440.13, the department, upon application on forms prescribed by it and  
5 payment of the prescribed fee, shall register as a sanitarian any person who has  
6 presented evidence satisfactory to the department that standards and qualifications  
7 of the department, as established by rule, have been met.

8           **SECTION 10.** 250.05 (6) of the statutes is renumbered 440.70 (6) and amended  
9 to read:

10           440.70 (6) FEES: RENEWAL OF REGISTRATION; DELINQUENCY AND REINSTATEMENT. ~~A~~  
11 ~~fee fixed by rule of the department shall accompany the application under sub. (5)~~  
12 ~~and, beginning January 1, 1988, a biennial fee of \$25 shall be paid by every~~  
13 ~~registered sanitarian who desires to continue registration. The amounts of the fees~~  
14 ~~may be adjusted by the department by rule. All certificates of registration shall~~  
15 ~~expire on December 31 in each odd-numbered year. Except as provided in sub. (8m)~~  
16 ~~and s. 250.041, the department may renew registrations upon application made after~~  
17 ~~January 1 of each even-numbered year if it is satisfied that the applicant has good~~  
18 ~~cause for not making application in December of the immediately preceding year and~~  
19 ~~upon payment of the biennial fee and any additional fees prescribed by the~~  
20 ~~department).~~

21           **SECTION 11.** 250.05 (7) of the statutes is renumbered 440.70 (7).

22           **SECTION 12.** 250.05 (8) of the statutes is renumbered 440.70 (8) and amended  
23 to read:

24           440.70 (8) REVOCATION OF REGISTRATION. The department may, after a hearing  
25 held in conformance with ch. 227, ~~except as provided in sub. (8m) (e)~~, revoke or deny,

1 suspend, or limit under this ~~section~~ subchapter the registration of any sanitarian,  
2 or reprimand the sanitarian, for practice of fraud or deceit in obtaining the  
3 registration or any ~~gross professional negligence~~ unprofessional conduct,  
4 incompetence, or ~~misconduct~~ professional negligence.

5 **SECTION 13.** 250.05 (8m) of the statutes is repealed.

6 **SECTION 14.** 250.05 (9) of the statutes is repealed.

7 **SECTION 15.** 440.03 (13) (b) 66d. of the statutes is created to read:

8 440.03 (13) (b) 66d. Sanitarian.

9 **SECTION 16.** 440.05 (intro.) of the statutes is amended to read:

10 **440.05 Standard fees.** (intro.) The following standard fees apply to all initial  
11 credentials, except as provided in ss. 440.42, 440.43, 440.44, 440.51, 440.70 (6),  
12 440.9935, 444.03, 444.11, 447.04 (2) (c) 2., 449.17, and 449.18:

13 **SECTION 17.** 440.08 (2) (a) 68b. of the statutes is created to read:

14 440.08 (2) (a) 68b. Sanitarian: December 16 of each even-numbered year, \$25.

15 **SECTION 18.** 440.23 (1) of the statutes is amended to read:

16 440.23 (1) If the holder of a credential pays a fee required under s. 440.05 (1)  
17 or (6), 440.08, 440.70 (6), 444.03, or 444.11 by check or debit or credit card and the  
18 check is not paid by the financial institution upon which the check is drawn or if the  
19 demand for payment under the debit or credit card transaction is not paid by the  
20 financial institution upon which demand is made, the department may cancel the  
21 credential on or after the 60th day after the department receives the notice from the  
22 financial institution, subject to sub. (2).



1           (c) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
2 liabilities of the department of health and family services relating to the registration  
3 of sanitarians, as determined by the secretary of administration, shall become the  
4 assets and liabilities of the department of regulation and licensing.

5           (d) *Tangible personal property.* On the effective date of this paragraph, all  
6 tangible personal property, including records, of the department of health and family  
7 services relating to the registration of sanitarians, as determined by the secretary  
8 of administration, is transferred to the department of regulation and licensing.

9           (e) *Contracts.* All contracts entered into by the department of health and family  
10 services relating to the registration of sanitarians in effect on the effective date of this  
11 paragraph remain in effect and are transferred to the department of regulation and  
12 licensing. The department of regulation and licensing shall carry out any obligations  
13 under such a contract until the contract is modified or rescinded by the department  
14 of regulation and licensing to the extent allowed under the contract.

15           (f) *Pending matters.* Any matter pending with the department of health and  
16 family services relating to the regulation of sanitarians on the effective date of this  
17 paragraph is transferred to the department of regulation and licensing and all  
18 materials submitted to or actions taken by the department of health and family  
19 services with respect to the pending matter are considered as having been submitted  
20 to or taken by the department of regulation and licensing.

21           **SECTION 9321. Initial applicability; health and family services.**

22           (1) **TRANSFER OF SANITARIAN REGISTRATION.** The treatment of sections 20.435 (1)  
23 (gm) (with respect to the transfer of the duty to regulate sanitarians), 21.72 (1) (a)  
24 4., 49.857 (1) (d) 4., 73.0301 (1) (d) 3., 250.041 (1) (a), 250.05, 440.03 (13) (b) 66d.,  
25 440.05 (intro.), 440.08 (2) (a) 68b., 440.23 (1), and 440.70 (9) and subchapter VI of

1 chapter 440 of the statutes first applies to applications for sanitarian registration or  
2 for renewal of sanitarian registration made on the effective date of this subsection.

\*\*\*NOTE: This is reconciled SECTION 9321 (1). This SECTION has been affected by  
LRB-0316/2.

3 (END)