



State of Wisconsin
2011 – 2012 LEGISLATURE



LRBs0287/en
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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 357**

1 **AN ACT** *to renumber and amend* 49.155 (1d) (a); *to amend* 43.09 (1), 48.67 (1),
2 48.67 (3) (a), 48.67 (3) (b), 48.67 (3) (c), 48.67 (3) (d), 146.40 (1) (aw), 146.40 (2m),
3 252.23 (4) (a), 252.24 (4) (a), 254.176 (1), 254.176 (3) (intro.), 254.178 (2) (intro.),
4 254.20 (3) (a), 256.15 (5) (b), 256.15 (6) (a) 2. and 256.15 (8) (b) 3.; and *to create*
5 49.45 (2) (a) 11. c., 94.705 (2m), 101.02 (24), 146.40 (2) (am), 250.06 (1m), 251.06
6 (1) (d), 252.23 (4m), 252.24 (4m), 253.15 (4) (e), 254.176 (3m), 254.178 (2m),
7 254.20 (4m), 254.62 (3), 254.71 (3m), 255.35 (3m) (b) 9., 299.09, 343.305 (6) (bm),
8 440.075 and 601.41 (11) of the statutes; **relating to:** applying a service

1 member's military training toward satisfying the training requirements for
2 various professional or occupational licenses.

Analysis by the Legislative Reference Bureau

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

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

4 43.09 (1) PUBLIC LIBRARIANS. The division shall issue certificates to public
5 librarians and promulgate, under ch. 227, necessary standards for public librarians.
6 The qualifications for public librarians shall be based on education, professional
7 training and experience. Any relevant instruction, as defined in s. 101.02 (24) (a) 1.,
8 that an applicant for a certificate has obtained in connection with any military
9 service, as defined in s. 111.32 (12g), counts toward satisfying any requirement for
10 instruction for a certificate under this subsection if the applicant demonstrates to the
11 satisfaction of the division that the instruction obtained by the applicant is
12 substantially equivalent to the instruction required for the certificate. Certificates
13 already granted prior to December 17, 1971, shall remain in effect.

14 **SECTION 2.** 48.67 (1) of the statutes is amended to read:

15 48.67 (1) That all child care center licensees, and all employees and volunteers
16 of a child care center, who provide care and supervision for children under one year
17 of age receive, before the date on which the license is issued or the employment or
18 volunteer work commences, whichever is applicable, training in the most current
19 medically accepted methods of preventing sudden infant death syndrome. The rules
20 shall provide that any training in those methods that a licensee has obtained in
21 connection with military service, as defined in s. 111.32 (12g), counts toward

1 satisfying the training requirement under this subsection if the licensee
2 demonstrates to the satisfaction of the department that the training obtained in that
3 connection is substantially equivalent to the training required under this subsection.

4 **SECTION 3.** 48.67 (3) (a) of the statutes is amended to read:

5 48.67 (3) (a) That all child care center licensees, and all employees of a child
6 care center, who provide care and supervision for children have current proficiency
7 in the use of an automated external defibrillator, as defined in s. 256.15 (1) (cr),
8 achieved through instruction provided by an individual, organization, or institution
9 of higher education that is approved under s. 46.03 (38) to provide such instruction
10 or through instruction obtained by the licensee in connection with military service,
11 as defined in s. 111.32 (12g), if the licensee demonstrates to the satisfaction of the
12 department that the instruction obtained in that connection is substantially
13 equivalent to the instruction provided by a person approved under s. 46.03 (38).

14 **SECTION 4.** 48.67 (3) (b) of the statutes is amended to read:

15 48.67 (3) (b) That all staff members of a group home who provide care for the
16 residents of the group home have current proficiency in the use of an automated
17 external defibrillator, as defined in s. 256.15 (1) (cr), achieved through instruction
18 provided by an individual, organization, or institution of higher education that is
19 approved under s. 46.03 (38) to provide such instruction or through instruction
20 obtained in connection with military service, as defined in s. 111.32 (12g), if the staff
21 member or group home demonstrates to the satisfaction of the department that the
22 instruction obtained in that connection is substantially equivalent to the instruction
23 provided by a person approved under s. 46.03 (38).

24 **SECTION 5.** 48.67 (3) (c) of the statutes is amended to read:

1 48.67 (3) (c) That all staff members of a shelter care facility who provide care
2 and supervision for children have current proficiency in the use of an automated
3 external defibrillator, as defined in s. 256.15 (1) (cr), achieved through instruction
4 provided by an individual, organization, or institution of higher education that is
5 approved under s. 46.03 (38) to provide such instruction or through instruction
6 obtained in connection with military service, as defined in s. 111.32 (12g), if the staff
7 member or shelter care facility demonstrates to the satisfaction of the department
8 that the instruction obtained in that connection is substantially equivalent to the
9 instruction provided by a person approved under s. 46.03 (38), and that all shelter
10 care facilities have readily available on the premises of the shelter care facility a staff
11 member or other person who has that proficiency.

12 **SECTION 6.** 48.67 (3) (d) of the statutes is amended to read:

13 48.67 (3) (d) That all child welfare agencies that operate a residential care
14 center for children and youth have in each building housing residents of the
15 residential care center for children and youth when those residents are present at
16 least one staff member who has current proficiency in the use of an automated
17 external defibrillator, as defined in s. 256.15 (1) (cr), achieved through instruction
18 provided by an individual, organization, or institution of higher education that is
19 approved under s. 46.03 (38) to provide such instruction or through instruction
20 obtained in connection with military service, as defined in s. 111.32 (12g), if the staff
21 member or child welfare agency demonstrates to the satisfaction of the department
22 that the instruction obtained in that connection is substantially equivalent to the
23 instruction provided by a person approved under s. 46.03 (38).

24 **SECTION 7.** 49.155 (1d) (a) of the statutes is renumbered 49.155 (1d) (a) (intro.)
25 and amended to read:

1 49.155 **(1d)** (a) (intro.) The department shall promulgate rules establishing
2 standards for the certification of child care providers under s. 48.651. The
3 department shall consult with the child abuse and neglect prevention board before
4 promulgating those rules. In establishing the requirements for certification under
5 this paragraph of a child care provider, the department shall include a requirement
6 that all providers and all employees and volunteers of a provider who provide care
7 and supervision for children receive, before the date on which the provider is certified
8 or the employment or volunteer work commences, whichever is applicable, ~~training~~
9 all of the following:

10 1. Training in the most current medically accepted methods of preventing
11 sudden infant death syndrome, if the provider, employee, or volunteer provides care
12 and supervision for children under one year of age, ~~and the training. The rules shall~~
13 provide that any training in those methods that a provider, employee, or volunteer
14 has obtained in connection with military service, as defined in s. 111.32 (12g), counts
15 toward satisfying the training requirement under this subdivision, if the provider,
16 employee, or volunteer demonstrates to the satisfaction of the department that the
17 training obtained in that connection is substantially equivalent to the training
18 required under this subdivision.

19 2. Training relating to shaken baby syndrome and impacted babies required
20 under s. 253.15 (4) (b) or (c), if the provider, employee, or volunteer provides care and
21 supervision for children under 5 years of age.

22 (am) In establishing the requirements for certification as a Level II certified
23 family child care provider, the department may not include any ~~other~~ requirement
24 for training for those providers other than the training required under par. (a).

25 **SECTION 8.** 49.45 (2) (a) 11. c. of the statutes is created to read:

1 49.45 (2) (a) 11. c. The department shall accept relevant education, training,
2 instruction, or other experience that an applicant obtained in connection with
3 military service, as defined in s. 111.32 (12g), to count toward the education, training,
4 instruction, or other experience that is required to certify providers of medical
5 assistance if the applicant demonstrates to the satisfaction of the department that
6 the education, training, instruction, or other experience that the applicant obtained
7 in connection with his or her military service is substantially equivalent to the
8 education, training, instruction, or other experience required for the certification.

9 **SECTION 9.** 94.705 (2m) of the statutes is created to read:

10 **94.705 (2m) MILITARY INSTRUCTION.** Any relevant training that an applicant for
11 certification under this section has obtained in connection with any military service,
12 as defined in s. 111.32 (12g), counts toward satisfying the requirements for training
13 for certification under this section if the applicant demonstrates to the satisfaction
14 of the department that the training obtained by the applicant is substantially
15 equivalent to the training required for certification.

16 **SECTION 10.** 101.02 (24) of the statutes is created to read:

17 **101.02 (24) (a)** In this subsection:

18 1. “Instruction” means any education, training, instruction or other experience
19 related to an occupation or profession.

20 2. “License” means a license, permit, or certificate of certification or
21 registration issued by the department for an occupation or profession under s. 101.09
22 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17,
23 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654, 101.73 (5)
24 or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3),

1 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or
2 167.10 (6m) or under rules promulgated under ch. 101 or 145.

3 (b) The department shall count any relevant instruction that an applicant for
4 a license has obtained in connection with any military service, as defined in s. 111.32
5 (12g), toward satisfying the requirements for instruction for that license if the
6 applicant demonstrates to the satisfaction of the department that the instruction
7 obtained by the applicant is substantially equivalent to the instruction required for
8 the license.

9 **SECTION 11.** 146.40 (1) (aw) of the statutes is amended to read:

10 146.40 (1) (aw) “Feeding assistant” means an individual who has completed a
11 state–approved training and testing program, as specified by the department by
12 rule, or training, as described in sub. (2m), that satisfies the state–approved training
13 requirement, to perform one nursing–related duty, as defined by the department by
14 rule.

15 **SECTION 12.** 146.40 (2) (am) of the statutes is created to read:

16 146.40 (2) (am) The individual has completed relevant education, training,
17 instruction, or other experience in connection with any military service, as defined
18 in s. 111.32 (12g), if the individual or the hospital, nursing home, intermediate care
19 facility, home health agency, or hospice demonstrates to the satisfaction of the
20 department that the education, training, instruction, or other experience is
21 substantially equivalent to an instructional program that is approved under sub. (3),
22 and the individual has successfully completed a competency evaluation program
23 that is approved under sub. (3m).

24 **SECTION 13.** 146.40 (2m) of the statutes is amended to read:

1 **146.40 (2m)** A nursing home or intermediate care facility for persons with
2 mental retardation, whether or not the nursing home or intermediate care facility
3 is a certified provider of medical assistance, may not employ or contract for the
4 services of an individual as a feeding assistant, regardless of the title under which
5 the individual is employed or contracted for, unless the individual has successfully
6 completed a state–approved training and testing program, as specified by the
7 department by rule. Any relevant education, training, instruction, or other
8 experience that an individual has obtained in connection with any military service,
9 as defined in s. 111.32 (12g), counts toward satisfying the requirement to complete
10 the state–approved training program under this subsection, if the individual or the
11 nursing home or intermediate care facility demonstrates to the satisfaction of the
12 department that the education, training, instruction, or other experience obtained
13 by the individual is substantially equivalent to the state–approved training
14 program.

15 **SECTION 14.** 250.06 (1m) of the statutes is created to read:

16 **250.06 (1m)** Notwithstanding sub. (1), any relevant education, training,
17 instruction, or other experience that an applicant obtained in connection with
18 military service, as defined in s. 111.32 (12g), counts toward satisfying the
19 requirements for education, training, instruction, or other experience to qualify as
20 a public health nurse if the applicant demonstrates to the satisfaction of the
21 department that the education, training, instruction, or other experience that the
22 applicant obtained in connection with his or her military service is substantially
23 equivalent to the education, training, instruction, or other experience that is
24 required to qualify as a public health nurse.

25 **SECTION 15.** 251.06 (1) (d) of the statutes is created to read:

1 251.06 **(1)** (d) Notwithstanding pars. (a) to (c), relevant education, training,
2 instruction, or other experience that an applicant obtained in connection with
3 military service, as defined in s. 111.32 (12g), counts toward satisfying the
4 requirements for education, training, instruction, or other experience to qualify as
5 a public health officer if the applicant demonstrates to the satisfaction of the
6 department that the education, training, instruction, or other experience that the
7 applicant obtained in connection with his or her military service is substantially
8 equivalent to the education, training, instruction, or other experience that is
9 required to qualify as a public health officer.

10 **SECTION 16.** 252.23 (4) (a) of the statutes is amended to read:

11 252.23 **(4)** (a) Except as provided in ss. 250.041 and 252.241 and subject to sub.
12 (4m), standards and procedures, including fee payment to offset the cost of licensing
13 tattooists and tattoo establishments, for the annual issuance of licenses as tattooists
14 or as tattoo establishments to applicants under this section.

15 **SECTION 17.** 252.23 (4m) of the statutes is created to read:

16 252.23 **(4m)** MILITARY EXPERIENCE. Any relevant education, training,
17 instruction, or other experience that an applicant has obtained in connection with
18 military service, as defined in s. 111.32 (12g), counts toward satisfying standards
19 related to education, training, instruction, or other experience for issuing a license
20 as a tattooist if the applicant demonstrates to the satisfaction of the department that
21 the education, training, instruction, or other experience that the applicant obtained
22 in connection with his or her military service is substantially equivalent to the
23 education, training, instruction, or other experience that is required for the issuance
24 of a license for a tattooist.

25 **SECTION 18.** 252.24 (4) (a) of the statutes is amended to read:

1 252.24 (4) (a) Except as provided in ss. 250.041 and 252.241 and subject to sub.
2 (4m), standards and procedures, including fee payment to offset the cost of licensing
3 body piercers and body–piercing establishments, for the annual issuance of licenses
4 as body piercers or as body–piercing establishments to applicants under this section.

5 **SECTION 19.** 252.24 (4m) of the statutes is created to read:

6 252.24 (4m) MILITARY EXPERIENCE. Any relevant education, training,
7 instruction, or other experience that an applicant has obtained in connection with
8 military service, as defined in s. 111.32 (12g), counts toward satisfying standards
9 related to education, training, instruction, or other experience for issuing a license
10 as a body piercer if the applicant demonstrates to the satisfaction of the department
11 that the education, training, instruction, or other experience that the applicant
12 obtained in connection with his or her military service is substantially equivalent to
13 the education, training, instruction, or other experience that is required for the
14 issuance of a license for a body piercer.

15 **SECTION 20.** 253.15 (4) (e) of the statutes is created to read:

16 253.15 (4) (e) Any training relating to shaken baby syndrome and impacted
17 babies that an individual obtains in connection with military service, as defined in
18 s. 111.32 (12g), counts toward satisfying the training requirements under par. (a), (b),
19 or (c), if the individual demonstrates to the satisfaction of the department that the
20 training obtained in that connection is substantially equivalent to the training
21 required under par. (a), (b), or (c).

22 **SECTION 21.** 254.176 (1) of the statutes is amended to read:

23 254.176 (1) Except as provided in sub. (2) and s. 250.041, and subject to sub.
24 (3m) and s. 254.115, the department may establish by rule certification requirements
25 for any person who performs lead hazard reduction or a lead management activity

1 or who supervises the performance of any lead hazard reduction or lead management
2 activity.

3 **SECTION 22.** 254.176 (3) (intro.) of the statutes is amended to read:

4 254.176 **(3)** (intro.) Except as provided in s. 250.041 and subject to sub. (3m)
5 and s. 254.115, the department may promulgate rules establishing certification
6 requirements for persons required to be certified under this section. Any rules
7 promulgated under this section:

8 **SECTION 23.** 254.176 (3m) of the statutes is created to read:

9 254.176 **(3m)** Any relevant education, training, instruction, or other
10 experience that an applicant has obtained in connection with military service, as
11 defined in s. 111.32 (12g), counts toward satisfying the requirements for education,
12 training, instruction, or other experience for certification under this section if the
13 applicant demonstrates to the satisfaction of the department that the education,
14 training, instruction, or other experience that the applicant obtained in connection
15 with his or her military service is substantially equivalent to the education, training,
16 instruction, or other experience that is required to be certified under this section.

17 **SECTION 24.** 254.178 (2) (intro.) of the statutes is amended to read:

18 254.178 **(2)** (intro.) The department shall promulgate rules establishing
19 requirements, except as provided in sub. (2m) and s. 250.041, for accreditation of lead
20 training courses and approval of lead instructors. These rules:

21 **SECTION 25.** 254.178 (2m) of the statutes is created to read:

22 254.178 **(2m)** Any relevant education, training, instruction, or other
23 experience that an applicant has obtained in connection with military service, as
24 defined in s. 111.32 (12g), counts toward satisfying the requirements for education,
25 training, instruction, or other experience to function as an instructor of a lead

1 training course accredited under this section if the applicant demonstrates to the
2 satisfaction of the department that the education, training, instruction, or other
3 experience that the applicant obtained in connection with his or her military service
4 is substantially equivalent to the education, training, instruction, or other
5 experience that is required to function as an instructor of a lead training course
6 accredited under this section.

7 **SECTION 26.** 254.20 (3) (a) of the statutes is amended to read:

8 254.20 (3) (a) Except as provided in s. 250.041 and subject to sub. (4m), the
9 department may establish by rule eligibility requirements for persons applying for
10 a certification card required under sub. (2). Any training required by the department
11 under this paragraph may be approved by the department or provided by the
12 department under sub. (8).

13 **SECTION 27.** 254.20 (4m) of the statutes is created to read:

14 254.20 (4m) MILITARY SERVICE. Any relevant education, training, instruction,
15 or other experience that an applicant has obtained in connection with military
16 service, as defined in s. 111.32 (12g), counts toward satisfying the requirements for
17 education, training, instruction, or other experience to obtain a certification card
18 under this section if the applicant demonstrates to the satisfaction of the department
19 that the education, training, instruction, or other experience that the applicant
20 obtained in connection with his or her military service is substantially equivalent to
21 the education, training, instruction, or other experience that is required to obtain a
22 certification card under this section.

23 **SECTION 28.** 254.62 (3) of the statutes is created to read:

24 254.62 (3) The department shall accept relevant education, training,
25 instruction, or other experience that an applicant has obtained in connection with

1 military service, as defined in s. 111.32 (12g), to count toward satisfying any
2 education, training, instruction, or other experience requirement in the food
3 sanitation manager certification program established under sub. (2) if the applicant
4 demonstrates to the satisfaction of the department that the education, training,
5 instruction, or other experience that the applicant obtained in connection with his
6 or her military service is substantially equivalent to the education, training,
7 instruction, or other experience that is required to obtain an initial certificate under
8 the food sanitation manager certification program.

9 **SECTION 29.** 254.71 (3m) of the statutes is created to read:

10 254.71 **(3m)** The department shall accept relevant education, training,
11 instruction, or other experience that an applicant has obtained in connection with
12 military service, as defined in s. 111.32 (12g), to count toward satisfying the
13 education, training, instruction, or other experience that is required to obtain a
14 certificate of food protection practices if the applicant demonstrates to the
15 satisfaction of the department that the education, training, instruction, or other
16 experience that the applicant obtained in connection with his or her military service
17 is substantially equivalent to the education, training, instruction, or other
18 experience that is required to obtain a certificate of food protection practices.

19 **SECTION 30.** 255.35 (3m) (b) 9. of the statutes is created to read:

20 255.35 **(3m)** (b) 9. A person who obtained relevant education, training,
21 instruction, or other experience in connection with military service, as defined in s.
22 111.32 (12g), if the person or the poison control center demonstrates to the
23 satisfaction of the department that the education, training, instruction, or other
24 experience that the person obtained in connection with his or her military service is
25 substantially equivalent to the education, training, instruction, or other experience

1 that is required to interpret poison exposure data and provide poison intervention
2 and management information for a poison control center.

3 **SECTION 31.** 256.15 (5) (b) of the statutes is amended to read:

4 256.15 (5) (b) The department shall promulgate rules establishing a system
5 and qualifications for issuance of training permits, except as provided in ss. 256.17
6 and 256.18, and specifying the period for which an individual may hold a training
7 permit. The department shall consider any relevant education, training,
8 instruction, or other experience that an applicant for a training permit has obtained
9 in connection with any military service, as defined in s. 111.32 (12g) to count toward
10 satisfying the education or training qualifications for issuance of training permits,
11 if the applicant demonstrates to the satisfaction of the department that the
12 education, training, instruction, or other experience obtained by the applicant is
13 substantially equivalent to the education or training qualifications required for the
14 training permit.

15 **SECTION 32.** 256.15 (6) (a) 2. of the statutes is amended to read:

16 256.15 (6) (a) 2. Have satisfactorily completed a course of instruction and
17 training, including training for response to acts of terrorism, prescribed by the
18 department or have presented evidence satisfactory to the department of sufficient
19 education and training in the field of emergency care. The department shall consider
20 as satisfactory evidence of education and training in the field of emergency care any
21 relevant education, training, instruction, or other experience that an applicant for
22 an initial license obtained in connection with any military service, as defined in s.
23 111.32 (12g), if the applicant demonstrates to the satisfaction of the department that
24 the education, training, instruction, or other experience obtained by the applicant is

1 substantially equivalent to the course of instruction and training required under this
2 subdivision.

3 **SECTION 33.** 256.15 (8) (b) 3. of the statutes is amended to read:

4 256.15 **(8)** (b) 3. The individual satisfactorily completes a first responder course
5 that meets or exceeds the guidelines issued by the National Highway Traffic Safety
6 Administration under 23 CFR 1205.3 (a) (5), that includes training for response to
7 acts of terrorism, and that is approved by the department. Any relevant education,
8 training, instruction, or other experience that an applicant for initial certification as
9 a first responder obtained in connection with any military service, as defined in s.
10 111.32 (12g), satisfies the completion of a first responder course, if the applicant
11 demonstrates to the satisfaction of the department that the education, training,
12 instruction, or other experience obtained by the applicant is substantially equivalent
13 to the first responder course.

14 **SECTION 34.** 299.09 of the statutes is created to read:

15 **299.09 Military training or experience. (1)** In this section, “approval”
16 means a well driller license under s. 280.15 (2m), certification for an incinerator
17 operator under s. 285.51 (2), or certification for an operator of a solid waste disposal
18 facility under s. 289.42 (1).

19 **(2)** Any relevant experience or training that an applicant for an approval has
20 obtained in connection with any military service, as defined in s. 111.32 (12g), counts
21 toward satisfying the requirements for experience or training for the approval if the
22 applicant demonstrates to the satisfaction of the department that the experience or
23 training obtained by the applicant is substantially equivalent to the education or
24 training required for the approval.

25 **SECTION 35.** 343.305 (6) (bm) of the statutes is created to read:

1 343.305 **(6)** (bm) Any relevant instruction, as defined in s. 101.02 (24) (a) 1.,
2 that an applicant for an approval, certification, or permit under par. (b) has obtained
3 in connection with any military service, as defined in s. 111.32 (12g), counts toward
4 satisfying any requirement for instruction for an approval, certification, or permit
5 under par. (b) if the applicant demonstrates to the satisfaction of the department of
6 transportation that the instruction obtained by the applicant is substantially
7 equivalent to the instruction required for the approval, certificate, or permit under
8 par. (b).

9 **SECTION 36.** 440.075 of the statutes is created to read:

10 **440.075 Military service education, training, instruction, or other**
11 **experience. (1)** In this section, “instruction” means any education, training,
12 instruction, or other experience related to an occupation or profession.

13 **(2)** The department, if the department issues the credential, or the
14 credentialing board, if a credentialing board issues the credential, shall count any
15 relevant instruction that an applicant for an initial credential has obtained in
16 connection with the applicant’s military service, as defined in s. 111.32 (12g), toward
17 satisfying any instruction requirements for that credential if the applicant
18 demonstrates to the satisfaction of the department or credentialing board that the
19 instruction obtained by the applicant is substantially equivalent to the instruction
20 required for the initial credential.

21 **SECTION 37.** 601.41 (11) of the statutes is created to read:

22 **601.41 (11) PRELICENSING TRAINING.** (a) In this subsection:

23 1. “Instruction” means education, training, instruction, or other experience
24 related to an occupation or profession.

