



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3205/1 Z

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2011 BILL

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1 AN ACT *to repeal* 15.405 (1m), 15.407 (2) (a), 101.07, 101.177, 101.563, 101.596,
2 145.08 (1m), 145.135 (title), 145.135 (1) (title), 145.19 (1) (title), 145.19 (5),
3 157.12 (1) and 457.02 (5); *to renumber and amend* 15.407 (10), 101.01 (11),
4 101.01 (12), 101.985 (2) (a) (intro.), 101.985 (2) (a) 2., 101.985 (2) (a) 3., 145.135
5 (1), 145.135 (2) (intro.), 145.135 (2) (a) to (f), 145.19 (1), 443.015, 443.03 (1) (b)
6 1., 443.08 (1), 443.08 (2), 443.08 (3) (a), 443.08 (4) (a), 443.08 (4) (b), 443.08 (5),
7 443.13, 443.14 (1) and 443.14 (4); *to amend* 15.407 (1m), 15.407 (2) (b), 15.407
8 (2) (c), 20.165 (2) (de), 20.165 (2) (j), 20.165 (2) (L), 20.320 (3) (title), 20.320 (3)
9 (q), 59.70 (1), 59.70 (5) (title), 59.70 (5) (a), 59.70 (5) (b), 60.70 (5), 60.72 (4),
10 60.726 (title), 60.726 (2), 60.77 (5) (b), 60.77 (5) (bm), 60.77 (5) (bs), 60.77 (5) (j),
11 101.02 (20) (a), 101.02 (21) (a), 101.027 (2), 101.027 (3) (a) 1., 101.027 (3) (b) 1.,
12 101.145 (2), 101.745 (2), 101.952 (3), 101.985 (2) (title), 101.985 (2) (am),
13 101.985 (2) (b), 101.985 (2) (c), 101.985 (2) (d), 101.985 (4), 101.985 (5) (b) 1.,
14 101.985 (7) (a) (intro.), 145.01 (4m), 145.01 (5), 145.01 (10) (a) 2., 145.01 (12),

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1 145.045 (1), 145.045 (3), 145.07 (3) (a), 145.07 (5), 145.14 (2) (a), 145.19 (2),
2 145.19 (3), 145.19 (4), 145.19 (6), 145.195 (1), 145.195 (2), 145.20 (title), 145.20
3 (1) (a), 145.20 (1) (am), 145.20 (1) (b), 145.20 (2) (intro.), 145.20 (2) (a), 145.20
4 (2) (d), 145.20 (2) (e), 145.20 (2) (f), 145.20 (2) (g), 145.20 (2) (h), 145.20 (3) (a)
5 1., 145.20 (3) (a) 2., 145.20 (3) (b), 145.20 (3) (c), 145.20 (3) (d), 145.20 (4), 145.20
6 (5) (a), 145.20 (5) (am), 145.20 (5) (b), 145.20 (6) (a) 2., 145.24 (1), 145.24 (2),
7 145.24 (3), 145.245 (title), 145.245 (1) (a) 1., 145.245 (1) (ae), 145.245 (4) (intro.),
8 145.245 (4) (b), 145.245 (4) (e), 145.245 (4m) (intro.), 145.245 (4m) (a), 145.245
9 (4m) (b), 145.245 (4m) (c), 145.245 (5) (a) 1., 145.245 (5) (a) 2., 145.245 (5) (a) 3.,
10 145.245 (5m) (a), 145.245 (6) (a), 145.245 (6) (b), 145.245 (7) (a), 145.245 (7) (b),
11 145.245 (7) (c), 145.245 (7) (d), 145.245 (7) (e), 145.245 (8) (a), 145.245 (9) (b),
12 145.245 (9) (c), 145.245 (9) (e), 145.245 (11) (e), 145.245 (11m) (b), 145.245 (11m)
13 (c), 145.245 (11m) (d), 145.245 (13), 145.245 (14) (d), 160.255 (title), 160.255 (1),
14 160.255 (2), 160.255 (3), 160.255 (4), 160.255 (5), 168.11 (1) (b) 1., 200.21 (11),
15 200.29 (1) (c) 3. a., 236.13 (2m), 281.41 (3) (a), 281.41 (3) (b) 3., 281.41 (3) (b) 4.,
16 281.48 (2) (bm), 281.48 (2) (d), 281.48 (2) (f), 281.48 (2) (g), 281.48 (2m), 281.48
17 (3) (e), 281.48 (4g), 281.59 (1m) (c), 281.68 (3) (a) 2. f., 440.21 (4) (a), 440.21 (4)
18 (b), 440.26 (4), 440.91 (2) (intro.), 440.91 (2) (a), 440.91 (8), 441.07 (1) (intro.),
19 443.01 (2), 443.015 (title), 443.03 (1) (intro.), 443.03 (1) (a), 443.03 (1) (b) 2.,
20 443.03 (2), 443.035 (intro.), 443.035 (1), 443.04, 443.05 (1) (intro.), (a) and (b)
21 and (2), 443.06 (1) (a), 443.06 (2) (intro.), 443.06 (3), 443.07 (1) (intro.), 443.07
22 (1) (a), 443.07 (3), 443.07 (5), 443.09 (4m), 443.09 (5), 443.10 (1) (a) to (d), 443.10
23 (2) (c), 443.10 (2) (d), 443.10 (2) (f), 443.10 (2) (h), 443.10 (3), 443.10 (4) (a) and
24 (b), 443.11 (1) (intro.), 443.11 (1) (e), 443.11 (2), 443.11 (3), 443.11 (4), 443.11 (5),
25 443.11 (6), 443.18 (1) (a), 443.18 (2) (a) and (b), 445.06, 447.07 (title), 447.07 (3)

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1 (intro.), 448.63 (1) (d) 2., 450.02 (3m) (a) (intro.), 450.071 (1), 454.01 (5) (b),
 2 454.08 (2) (a), 456.10 (title), 456.10 (1) (intro.), 456.10 (2), 459.12 (1), 961.23 (5)
 3 and 961.23 (7); **to repeal and recreate** 101.985 (2) (a) (title), 145.19 (title) and
 4 441.07 (title); and **to create** 15.407 (2) (d), 101.01 (11) (c), 101.01 (12) (c), 101.05
 5 (5), 101.985 (2) (ab) (intro.), 101.985 (2) (ad), 440.03 (13) (am), 440.19, 440.26
 6 (2) (c) 5., 440.26 (5m) (am), 440.26 (6) (a) 5., 443.015 (2), 443.03 (1) (b) (intro.),
 7 443.08 (1) (b), 443.08 (2) (b), 443.08 (2) (c), 443.08 (3) (a) 2., 443.08 (3) (a) 3.,
 8 443.08 (4) (a) 2., 443.08 (4) (a) 3., 443.08 (4) (a) 4., 443.08 (4) (b) 2., 443.08 (4)
 9 (b) 3., 443.08 (4) (b) 4., 443.08 (5) (b), 443.08 (5) (c), 443.14 (1) (b), 443.14 (4) (b)
 10 and 450.02 (3m) (a) 4. of the statutes; **relating to:** the authority and
 11 responsibility of the Department of Safety and Professional Services,
 12 requirements for obtaining certain licenses or other credentials from the
 13 Department of Safety and Professional Services, weighing a product that
 14 contains opium or another controlled substance, and granting rule-making
 15 authority.

Analysis by the Legislative Reference Bureau**DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

This bill makes various changes to the authority and responsibilities of the Department of Safety and Professional Services (DPS).

BUILDINGS AND SAFETY

Under current law, with certain exceptions, DPS has authority to regulate places of employment and public buildings in this state in order to protect the life, health, safety, and welfare of the employees and the public who use those places and buildings. Under this authority, DPS promulgates building codes that establish standards for the construction, repair, and maintenance of places of employment and public buildings.

This bill specifies that, when used with relation to building codes, the terms "place of employment" and "public building" do not include home-based businesses.

Current law provides that DPS authority to regulate places of employment does not include the regulation of places where persons are employed in farming.

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This bill specifies, similarly, that DSPS authority to regulate public buildings does not include the authority to regulate buildings used for farming.

Under current law, the Dwelling Code Council (council) reviews the standards and rules for the construction of one-family and two-family dwellings (dwellings) and for modular homes and recommends a uniform dwelling code and a statewide modular home code for adoption by DSPS.

Current law requires that the council have 18 members and that each member serve a three-year term. Of those members, current law requires a specified number of members to represent certain interest groups, including building trade labor organizations, certified building inspectors, building contractors, and members of the public. This bill reduces the membership of the council from 18 to seven members. The bill provides that each member must represent at least one of the interest groups for which representation on the council is required under current law, but does not require that each interest group be represented on the council. The bill also reduces the terms of the members from three-year terms to two-year terms.

~~Under current law, DSPS is required to promulgate an energy conservation code that sets design requirements for construction and equipment for the purpose of energy conservation in public buildings and places of employment. DSPS must consider incorporating into the energy conservation code design requirements from the most current national energy efficiency design standards, including the International Energy Conservation Code (IECC) or another energy efficiency code that is generally accepted and used by engineers and the construction industry. Current law requires that DSPS review the code on a regular basis, including whenever there is a revision of the IECC, and update the code accordingly.~~

~~This bill requires DSPS to incorporate into the energy conservation code a standard that is based upon a specific standard of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) and eliminates the requirement to use other standards specified under current law. As with the revision requirements under current law, the bill requires DSPS to update the code whenever the ASHRAE standard is revised.~~

~~Under current law the Building Inspector Review Board (board) reviews complaints received from persons who are issued a building permit concerning possible incompetent, negligent, or unethical conduct by building inspectors. After reviewing a complaint, the board may modify or reverse a decision made by a building inspector if the board finds that the decision of the building inspector was made in error.~~

~~This bill eliminates the board~~

Under current law, DSPS regulates elevators, escalators, and similar conveyances that move people or things. Under current law, contractors and mechanics constructing, altering, replacing, repairing, or otherwise working with these conveyances, and inspectors of these conveyances, must be licensed by DSPS. With certain exceptions, to be licensed as an elevator mechanic, an individual must apply to DSPS and either must complete an apprenticeship program approved by the U.S. Department of Labor or by the Department of Workforce Development or must have sufficient work history during the three years preceding the application in

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working with these conveyances and have passed an elevator mechanic's examination that is administered by DSPS or that is administered by a nationally recognized training program that is approved by DSPS.

This bill creates alternative requirements that may be met in order to be issued an elevator mechanic's license. Under the bill, an individual is eligible for a license if he or she verifies to DSPS that he or she has successfully completed a four-year training program established by the National Elevator Industry Educational Program or an equivalent four-year training program that is approved by DSPS and that he or she has had a certain level of experience working with elevators and other conveyances. This experience requirement may be met by being employed during each of the five years immediately preceding the date of the license application for at least 1,000 hours as an elevator mechanic, or in another capacity that has allowed him or her to remain familiar with elevator equipment, technology, and industry practices. The experience requirement may alternatively be met by meeting the 1,000-hour requirement in any five years preceding the date of the license application if the applicant verifies that this alternative is due to the applicant's work being disrupted by high unemployment in the elevator industry, military service, illness, disability, or another factor beyond the applicant's control.

Current law requires every person who is licensed by DSPS to sell manufactured homes to consumers to carry his or her license when engaged in his or her business and to display the license upon request. Current law also requires the licensee's employer to be named on the license. Current law specifies that if the licensee changes employers, then the licensee must immediately mail the license to DSPS so that DSPS can endorse the change on the license. This bill eliminates the requirement that the licensee mail his or her license to DSPS when the licensee changes employers and the requirement that DSPS endorse that change on the license.

Under current law, DSPS makes payments to eligible cities, villages, and towns (political subdivisions) for local fire prevention and protection from payments collected from insurers who insure against fire damage in this state. These payments from insurers are often referred to as "fire department dues." A political subdivision must meet certain eligibility criteria in order to receive these payments such as having a fire chief and being able to immediately dispatch fire fighters and equipment. The use of the payment to the political subdivision is limited to activities such as fire inspection, the purchase of equipment, and training of fire fighters.

Beginning with calendar year 2000 and ending with calendar year 2004, the state was required to make these payments to each political subdivision without regard to eligibility of the political subdivision for the payments. This bill repeals this requirement.

Current law imposes requirements for smoke detectors that must be installed in public residential buildings, one-family and two-family dwellings, and in manufactured homes. One of those requirements is that the smoke detectors be approved by Underwriters Laboratories, Inc. This bill provides, instead, that the smoke detectors must bear an Underwriters Laboratories, Inc., listing mark or similar mark from an independent product safety certification organization.

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Current law requires a device that dispenses a gasoline-ethanol fuel blend for sale at retail to be marked or labeled with the percentage of ethanol at all times when the product is offered for sale. Current law requires the marking or labeling to use one-half inch high letters with a stroke of not less than one-eighth inch in width.

This bill eliminates the requirements with regard to the lettering used on the marking or labeling.

Under current law, DSPS regulates persons who install or service a piece of refrigeration equipment (refrigeration equipment) that contains ozone-depleting refrigerant (refrigerant). Among other requirements, current law requires a person who installs or services a piece of refrigeration equipment that contains refrigerant to certify that the person does not use the refrigerant for cleaning purposes, transfers the refrigerant to storage containers using approved equipment, and does not knowingly or negligently release the refrigerant to the environment. DSPS also regulates persons who sell used, new, or reclaimed refrigerant. Refrigerants are also regulated under federal law.

This bill repeals current state law with regard to the regulation of persons who install or service most types of refrigeration equipment that contain refrigerant and with regard to the regulation of most sales of used, new, and reclaimed refrigerant. The bill does not repeal current state law that applies to the regulation of refrigerant in mobile air conditioners and in trailer refrigeration equipment.

Under current law, a sewage treatment and disposal system serving a single structure is defined as, or referred to, as a "private sewage system." This bill changes the phrase "private sewage system" to "private on-site wastewater treatment system" throughout the statutes.

Under current law, no person may install a private sewage system on the person's property without a valid sanitary permit issued by the applicable local governmental unit that issues sanitary permits. Current law requires the governmental unit to send a copy of each permit that it issues to DSPS. This bill eliminates this requirement and requires that the governmental unit submit to DSPS a period summary of the permits it issues at intervals to be determined by DSPS.

Current law specifies a minimum fee for the issuance of a sanitary permit for private sewage system. It also specifies the amount that a governmental unit must send with a permit when it forwards a copy of the permit to DSPS. However, under current law, DSPS may adjust these fees by rule. This bill eliminates the statutorily specified fees and maintains DSPS' authority to promulgate these fees by rule.

Current law requires DSPS to prescribe the information to be included in the sanitary permit and to furnish sanitary permit forms to local governmental units.

This bill eliminates the requirement that DSPS supply sanitary permit forms to local governmental units.

Under current law, to be eligible to take an examination for a master plumber license, the applicant for the license must have had no less than 1,000 hours per year experience in three or more consecutive years or must be an engineering graduate from a school or college approved by DSPS. This bill eliminates the requirement that the three or more years be consecutive.

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DSPS may classify master and journeyman plumbers as being restricted as to the type of work they do. A state resident who has a restricted journeyman plumber license may take the examination for a restrictive master plumber license if he or she has been engaged in a restricted type of plumbing work for a period of not less than 1,000 hours per year for two or more consecutive years. This bill eliminates the requirement that the two or more years be consecutive.

Current law authorizes DSPS to administer license examinations to persons applying to DSPS for master and journeymen plumber licenses and licenses that relate to the design, installation, and maintenance or repair of automatic fire sprinkler systems. DSPS charges fees for these examinations and licenses. Under current law, if an applicant for a license fails to pay a license fee within 30 days after receiving notice that the applicant has passed the examination for the license, DSPS may not issue the license and the applicant again has to take the examination and pay the examination fee. This bill repeals this provision.

Under current law, DSPS may not promulgate any rule that prohibits the use of manual flushing devices for urinals. This bill repeals this provision.

OCCUPATIONAL REGULATION

Under current law, DSPS issues occupational and professional licenses, registrations, and similar approvals (licenses). Some of these licenses are referred to in specific statutes and others are issued pursuant to DSPS's rule-making authority. Under current law, DSPS may not issue or renew certain licenses that are specifically referred to in the statutes to applicants who are delinquent in family or child support payments or in payment of state taxes. This bill expands the scope of the types of licenses for which issuance or renewal must be denied due to support or tax delinquency to include all of the occupational and professional licenses issued by DSPS.

Under current law, DSPS may conduct investigations, hold hearings, and make findings to determine whether a person has engaged in a practice or used a professional title without a required credential. If, after holding a hearing, DSPS determines that the person does not have the appropriate credential, DSPS may issue a special order prohibiting the person from continuing the practice or using the title. DSPS may issue a temporary restraining order in lieu of holding a hearing if DSPS has reason to believe that the person has engaged in a practice or used a title without a required credential. If a person against whom a special order has been issued violates that order, the person is subject to forfeitures. If a person against whom a temporary restraining order has been issued violates that order, the person is subject to fines or imprisonment or both.

Current law also authorizes certain boards, affiliated credentialing boards, and examining boards attached to DSPS, including the Board of Nursing, the Podiatry Affiliated Credentialing Board, and the Medical Examining Board, to fine or imprison, or both, persons who violate laws or regulations applicable to the professions regulated by those boards.

This bill clarifies that the authority granted to DSPS to impose fines or forfeitures against or imprison a person who has engaged in a practice or used a title without holding the appropriate credential is separate from and in addition to the

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authority granted to the various boards to enforce the laws and regulations applicable to the professions regulated by those boards.

Under current law, the Nursing Home Administrator Examining Board, the Board of Nursing, and the Dentistry Examining Board are authorized to conduct disciplinary hearings and make investigations of individuals licensed or certified by the specific board. Also under current law, under certain circumstances, each board may revoke, limit, or suspend a license or certificate issued by that board or deny the renewal of a license or certificate granted by that board. This bill permits each board to deny under certain circumstances a license or certificate to an applicant seeking licensure or certification from that board.

Currently, DSPS requires by rule that a person who holds a credential issued by DSPS send a notice to DSPS within 48 hours of his or her conviction of a crime.

This bill places that requirement in the statutes.

Under current law, the Medical Examining Board may refuse to accept a person's voluntary surrender of his or her license if the board has received allegations of unprofessional conduct by the person.

This bill allows a person to voluntarily surrender his or her occupational license, permit, or certificate of certification or registration, but allows the licensing agency to refuse to accept that surrender if the agency has received a complaint against the person or has commenced disciplinary proceedings against the person.

Under current law, the Pharmacy Examining Board may grant a variance from a law or rule applicable to pharmacists or the practice of pharmacy if each of the following conditions is satisfied: 1) the Pharmacy Examining Board determines that a natural or man-made disaster or emergency exists or has occurred; 2) a pharmacist has requested the variance; and 3) the Pharmacy Examining Board determines that the variance is necessary to protect the public health, safety, or welfare. This bill adds as another condition that the law or rule either permits a variance or requires approval from the Pharmacy Examining Board prior to obtaining a variance.

Current law requires every wholesale distributor of a prescription drug to obtain a license from the Pharmacy Examining Board. This law applies to wholesale distributors of oxygen. This bill exempts wholesale distributors of oxygen from the requirement to obtain a license from the Pharmacy Examining Board.

Under current law, the Hearing and Speech Examining Board may promulgate rules governing hearing instrument specialists, but not speech-language pathologists or audiologists. This bill permits the Hearing and Speech Examining Board to promulgate rules governing speech-language pathologists and audiologists.

Current law, as affected by 2005 Wisconsin Act 334, requires an applicant to complete two years of postgraduate podiatrist training to be eligible for licensure as a podiatrist. Prior to that act, one year of postgraduate podiatrist training was required. The act first applied to persons submitting applications on June 1, 2010, but did not specify the treatment of those who had completed the one-year training requirement before that date.

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This bill clarifies that an applicant who completed one year of postgraduate training in a program approved by the Podiatrist Affiliated Credentialing Board by June 1, 2010, is eligible for licensure as a podiatrist.

Under current law, members of the Respiratory Care Practitioners Examining Council, which serves the Medical Examining Board in an advisory capacity, may serve no more than two consecutive three-year terms. This bill eliminates the two-term limit.

Under current law, the membership of the Council on Physician Assistants (council) must include the vice chancellor for health sciences of the University of Wisconsin-Madison. Under this bill, the council position reserved for the vice chancellor is replaced with a position to be filled by the Medical Examining Board. The Medical Examining Board must select a person who teaches physician assistants, and that person serves a four-year term.

Under current law, members of the council serve two-year terms. This bill changes the terms of all members of the council to four years.

Current law prohibits an individual licensed as a marriage and family therapist, social worker, or professional counselor by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board from using the titles "alcohol and drug counselor" or "chemical dependency counselor" unless the individual is also certified through a separate certification process established by DSPS. This bill eliminates that prohibition.

Under current law, the Barbering and Cosmetology Examining Board, which regulates the combined practice of barbering or cosmetology, issues a license called a "barbering or cosmetology establishment license" for establishments where barbering or cosmetology and other related practices may be performed. However, certain existing statutory language refers to a "barber or cosmetologist establishment license" that does not exist under current law. This bill corrects that language so that it references the barbering or cosmetology establishment license.

Also under current law, the Barbering and Cosmetology Examining Board regulates the practice of aesthetics. Current law defines "aesthetics" as, for compensation, caring for or beautifying the skin of the human body, including cleaning, applying cosmetics, oils, lotions, clay, creams, antiseptics, powders, or tonics to or massaging, stimulating, wrapping, or exercising the skin of the human body. The definition of "barbering or cosmetology" under current law includes references to work performed upon the skin of any person, but does not reference the definition of aesthetics.

The bill clarifies that barbering or cosmetology includes aesthetics.

Under current law, a person who applies for a funeral director's license and who is not doing business at a recognized funeral establishment at the time the person submits that application may receive a certificate from the Funeral Directors Examining Board to the effect that the applicant is in good standing as a funeral director. A person who receives a certificate of good standing is entitled to receive a renewal funeral director's license if the person becomes located at a recognized funeral establishment.

This bill eliminates the certificate of good standing.

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This bill removes some inconsistencies in current laws regarding the licensure of private detectives, investigators, and security personnel. Currently, persons applying for those licenses must execute and file an approved bond or liability policy with DSPS, but are not required to maintain that bond or policy during the period of the licensure. This bill requires the person to maintain that bond or policy during the period of the licensure.

Current law allows DSPS to revoke, suspend, or limit the license of a private detective, investigator, or security personnel for certain reasons, including the commission of a misdemeanor, but prohibits the issuance of the license only if the person has been convicted of a felony and has not been pardoned. This bill allows, but does not require, DSPS to refuse to issue a license to a person who has committed an act that would result in the revocation, suspension, or limitation of the license, including the conviction of a misdemeanor or violation of a state or local law that resulted in a forfeiture.

Under a provision of current law, certain statutory requirements regarding real estate practice are applied to cemetery salespersons. This bill clarifies that those statutory requirements also apply to cemetery authorities. In addition, some of those statutory requirements regarding real estate practice, such as the disciplinary procedures for real estate brokers and salespersons, are incorrectly applied to cemetery salespersons. This bill corrects those errors.

Current law refers to the requirements that a person must satisfy to be licensed by the Cemetery Board to sell cemetery lots. The use of the word "person" has created some confusion because the Cemetery Board issues licenses only to individuals, not to cemetery authorities. This bill replaces "person" with "individual" to comply with current practice.

Current law grants authority to the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors (examining board) to regulate the practice of architecture, the practice of landscape architecture, the practice of professional engineering, the practice of designing, and the practice of land surveying by individuals and corporate entities. This bill makes a number of changes to current law to clarify that separate architect, landscape architect, professional engineer, designer, and land surveyor sections of the examining board exercise exclusive authority over the separate professions.

Current law permits the examining board to reprimand an architect, landscape architect, or professional engineer or limit, suspend, or revoke the certificate of registration of any registrant, and the certificate of record of any engineer-in-training, who is found guilty of any violation of the rules of professional conduct promulgated by the examining board. Current law also permits the examining board, subject to rules promulgated by the examining board, to issue a new certificate of registration, certificate of record, or certificate of authorization, to replace any certificate that is revoked, lost, destroyed, or mutilated. Current law does not, however, explicitly grant authority to the examining board or to any section of the examining board to promulgate rules. This bill grants explicit authority to each section of the examining board to promulgate rules governing the professional

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conduct of individuals, firms, partnerships, and corporations registered, permitted, certified, or granted a certificate of authorization by that section.

MEASUREMENT OF CONTROLLED SUBSTANCES

The bill also makes a change to the measurement of controlled substances. Current law imposes penalties on the sale, purchase, or possession of certain controlled substances. Current law measures controlled substances by grams and, generally, penalties increase with the amount of the controlled substance that is sold, purchased, or possessed.

Current law makes reference to possessing or purchasing more than a certain number of ounces of a product that contains opium or certain other controlled substances. This bill changes the reference from ounces to grams.

For further information see the *state and local* 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:

1 **SECTION 1.** 15.405 (1m) of the statutes, as affected by 2011 Wisconsin Act 32,
2 is repealed.

3 **SECTION 2.** 15.407 (1m) of the statutes, as affected by 2011 Wisconsin Act 32,
4 is amended to read:

5 15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is
6 created a respiratory care practitioners examining council in the department of
7 safety and professional services and serving the medical examining board in an
8 advisory capacity in the formulating of rules to be promulgated by the medical
9 examining board for the regulation of respiratory care practitioners. The respiratory
10 care practitioners examining council shall consist of 3 certified respiratory care
11 practitioners, each of whom shall have engaged in the practice of respiratory care for
12 at least 3 years preceding appointment, one physician and one public member. The
13 respiratory care practitioner and physician members shall be appointed by the
14 medical examining board. The members of the examining council shall serve 3-year

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1 terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply to the respiratory care
2 practitioners examining council, except that members of the examining council may
3 serve more than 2 consecutive terms.

4 **SECTION 3.** 15.407 (2) (a) of the statutes is repealed.

5 **SECTION 4.** 15.407 (2) (b) of the statutes is amended to read:

6 15.407 (2) (b) One public member appointed by the governor for a ~~2-year~~
7 4-year term.

8 **SECTION 5.** 15.407 (2) (c) of the statutes is amended to read:

9 15.407 (2) (c) Three physician assistants selected by the medical examining
10 board for staggered ~~2-year~~ 4-year terms.

11 **SECTION 6.** 15.407 (2) (d) of the statutes is created to read:

12 15.407 (2) (d) One person who teaches physician assistants and is selected by
13 the medical examining board for a 4-year term.

14 **SECTION 7.** 15.407 (10) of the statutes, as affected by 2011 Wisconsin Act 32,
15 is renumbered 15.407 (10) (a) (intro.) and amended to read:

16 15.407 (10) (a) (intro.) There is created in the department of safety and
17 professional services, a dwelling code council, consisting of ~~18~~ 7 members appointed
18 for staggered ~~3-year~~ 2-year terms. ~~Four members~~ Each member shall be
19 representatives of building represent at least one of the following groups:

20 1. Building trade labor organizations; ~~4 members shall be certified.~~

21 2. Certified building inspectors employed by local units of government; ~~2~~
22 members shall be representatives of building.

23 3. Building contractors actively engaged in on-site construction of one- and
24 2-family housing; ~~2 members shall be representatives of manufacturers.~~

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1 4. Manufacturers or installers of manufactured one- and 2-family housing;
2 ~~one member shall be an architect, engineer or designer.~~

3 5. Architects, engineers, or designers actively engaged in the design or
4 evaluation of one- and 2-family housing; ~~2 members shall represent the.~~

5 6. The construction material supply industry; ~~one member shall represent~~
6 ~~remodeling.~~

7 7. Remodeling contractors actively engaged in the remodeling of one-family
8 and 2-family housing; ~~and 2 members shall represent the public, one of whom shall~~
9 ~~represent persons.~~

10 8. Persons with disabilities, as defined in s. 106.50 (1m) (g).

11 (b) An employee of the department designated by the secretary of safety and
12 professional services shall serve as nonvoting secretary of the council. The council
13 shall meet at least twice a year. ~~Eleven~~ Five members of the council shall constitute
14 a quorum. For the purpose of conducting business a majority vote of the council is
15 required.

16 **SECTION 8.** 20.165 (2) (de) of the statutes, as affected by 2011 Wisconsin Act 32,
17 is amended to read:

18 20.165 (2) (de) *Private sewage on-site wastewater treatment system*
19 *replacement and rehabilitation.* As a continuing appropriation, the amounts in the
20 schedule for financial assistance under the private sewage on-site wastewater
21 treatment system replacement and rehabilitation program under s. 145.245.

22 **SECTION 9.** 20.165 (2) (j) of the statutes, as affected by 2011 Wisconsin Act 32,
23 is amended to read:

24 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
25 the purposes of chs. 101, 145, and 168 and ss. 167.35, 236.12 (2) (a), 236.13 (1) (d) and

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1 (2m), and 236.335, for the purpose of transferring the amounts in the schedule under
2 par. (kg) to the appropriation account under par. (kg), and for the purpose of
3 transferring the amounts in the schedule under par. (km) to the appropriation
4 account under par. (km). All moneys received under ch. 145, ss. ~~101.177 (4) (a) 4,~~
5 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973
6 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred under 2005 Wisconsin
7 Act 45, section 76 (6), shall be credited to this appropriation.

8 **SECTION 10.** 20.165 (2) (L) of the statutes, as affected by 2011 Wisconsin Act
9 32, is amended to read:

10 20.165 (2) (L) *Fire dues distribution.* All moneys received under ss. 101.573
11 (1) and 601.93, less the amounts transferred to par. (La) and s. 20.292 (1) (gm) and
12 (gr), for distribution under s. ~~101.563 or 101.573, as applicable.~~ The amount
13 transferred to par. (La) shall be the amount in the schedule under par. (La). The
14 amount transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under
15 s. 20.292 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount
16 in the schedule under s. 20.292 (1) (gr).

17 **SECTION 11.** 20.320 (3) (title) of the statutes is amended to read:

18 20.320 (3) (title) PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM
19 PROGRAM.

20 **SECTION 12.** 20.320 (3) (q) of the statutes is amended to read:

21 20.320 (3) (q) *Private ~~sewage~~ on-site wastewater treatment system loans.* From
22 the environmental improvement fund, as a continuing appropriation, the amounts
23 in the schedule for private sewage on-site wastewater treatment system
24 replacement or rehabilitation loans under s. 145.245 (12m).

25 **SECTION 13.** 59.70 (1) of the statutes is amended to read:

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1 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and
2 sanitary codes, make necessary rules and regulations in relation thereto and provide
3 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The
4 codes, rules and regulations do not apply within municipalities which have enacted
5 ordinances or codes concerning the same subject matter. "Sanitary code" does not
6 include a private sewage on-site wastewater treatment system ordinance enacted
7 under sub. (5). "Building and sanitary codes" does not include well code ordinances
8 enacted under sub. (6).

9 **SECTION 14.** 59.70 (5) (title) of the statutes is amended to read:

10 59.70 (5) (title) PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM
11 ORDINANCE.

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

13 59.70 (5) (a) Every governmental unit responsible for the regulation of private
14 sewage on-site wastewater treatment systems, as defined under s. 145.01 (5), shall
15 enact an ordinance governing private sewage on-site wastewater treatment
16 systems, as defined in s. 145.01 (12), which conforms with the state plumbing code.
17 The ordinance shall apply to the entire area of the governmental unit responsible for
18 the regulation of private sewage on-site wastewater treatment systems, as defined
19 under s. 145.01 (5). After July 1, 1980, no municipality may enact or enforce a
20 private sewage on-site wastewater treatment system ordinance unless it is a
21 governmental unit responsible for the regulation of private sewage on-site
22 wastewater treatment systems, as defined under s. 145.01 (5).

23 **SECTION 16.** 59.70 (5) (b) of the statutes is amended to read:

24 59.70 (5) (b) The governmental unit responsible for the regulation of private
25 sewage on-site wastewater treatment systems, as defined under s. 145.01 (5), shall

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1 administer the private sewage on-site wastewater treatment system ordinance
2 under s. 145.20 and the rules promulgated under s. 145.20.

3 **SECTION 17.** 60.70 (5) of the statutes is amended to read:

4 60.70 (5) "Private sewage on-site wastewater treatment system" has the
5 meaning given under s. 145.01 (12).

6 **SECTION 18.** 60.72 (4) of the statutes is amended to read:

7 60.72 (4) FINDING. Following the public hearing, the department shall
8 determine if private sewage on-site wastewater treatment systems or private
9 domestic water systems, or both, in the affected towns constitute a threat to public
10 health, safety, convenience or welfare or of pollution of waters of the state, and that
11 there is no local action to correct the situation. The department shall issue its
12 determination as written findings.

13 **SECTION 19.** 60.726 (title) of the statutes is amended to read:

14 **60.726 (title) Property with private sewage on-site wastewater**
15 **treatment system included.**

16 **SECTION 20.** 60.726 (2) of the statutes is amended to read:

17 60.726 (2) If a property owner installed on his or her property a private sewage
18 on-site wastewater treatment system, ~~as defined in s. 145.01 (12),~~ that conforms
19 with the state plumbing code, before a town sanitary district that encompasses that
20 property came into existence, that property shall be included in the town sanitary
21 district. If the private sewage on-site wastewater treatment system was installed
22 on or after 10 years before May 14, 1992, and if the property owner provides the town
23 sanitary district with any information about the cost of the private sewage on-site
24 wastewater treatment system required by the district, the town sanitary district,
25 when the district issues any assessment or charges or imposes property taxes to

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1 construct a sewage service system, shall pay or credit the property owner an amount
2 equal to 10% of the cost of the private sewage on-site wastewater treatment system,
3 less any grants or aids received by the property owner for construction of the private
4 sewage on-site wastewater treatment system, multiplied by the number of years of
5 remaining life of the private sewage on-site wastewater treatment system. The
6 number of years of remaining life of the private sewage on-site wastewater
7 treatment system is equal to 10 minus the number of years that the private sewage
8 on-site wastewater treatment system has been in operation.

9 **SECTION 21.** 60.77 (5) (b) of the statutes is amended to read:

10 60.77 (5) (b) Require the installation of private sewage on-site wastewater
11 treatment systems.

12 **SECTION 22.** 60.77 (5) (bm) of the statutes is amended to read:

13 60.77 (5) (bm) Require the inspection of private sewage on-site wastewater
14 treatment systems that have been already installed to determine compliance with
15 the state plumbing code and may report violations of the state plumbing code to the
16 governmental unit responsible for the regulation of private sewage on-site
17 wastewater treatment systems for enforcement under s. 145.20.

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

19 60.77 (5) (bs) Provide direct financial assistance for costs related to the
20 replacement of private sewage on-site wastewater treatment systems, as defined in
21 s. 145.01 (12), that are failing.

22 **SECTION 24.** 60.77 (5) (j) of the statutes is amended to read:

23 60.77 (5) (j) Administer the private sewage on-site wastewater treatment
24 system program if authorized under s. 145.20 (1) (am).

BILL**SECTION 25**

1 **SECTION 25.** 101.01 (11) of the statutes is renumbered 101.01 (11) (intro.) and
2 amended to read:

3 101.01 **(11)** (intro.) “Place of employment” includes every place, whether
4 indoors or out or underground and the premises appurtenant thereto where either
5 temporarily or permanently any industry, trade, or business is carried on, or where
6 any process or operation, directly or indirectly related to any industry, trade, or
7 business, is carried on, and where any person is, directly or indirectly, employed by
8 another for direct or indirect gain or profit, but does not include any place where
9 persons are employed in private domestic service which does not involve the use of
10 mechanical power or in farming. “Farming” includes those activities specified in s.
11 102.04 (3), and also includes the transportation of farm products, supplies, or
12 equipment directly to the farm by the operator of the farm or employees for use
13 thereon, if such activities are directly or indirectly for the purpose of producing
14 commodities for market, or as an accessory to such production. When used with
15 relation to building codes, “place of employment” does not include ~~an~~ any of the
16 following:

17 (a) An adult family home, as defined in s. 50.01 (1), ~~or, except,~~

18 (b) Except for the purposes of s. 101.11, a previously constructed building used
19 as a community-based residential facility, as defined in s. 50.01 (1g), which serves
20 20 or fewer residents who are not related to the operator or administrator.

21 **SECTION 26.** 101.01 (11) (c) of the statutes is created to read:

22 101.01 **(11)** (c) A home-based business, as defined by the department by rule.

23 **SECTION 27.** 101.01 (12) of the statutes is renumbered 101.01 (12) (intro.) and
24 amended to read:

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1 101.01 (12) (intro.) “Public building” means any structure, including exterior
2 parts of such building, such as a porch, exterior platform, or steps providing means
3 of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging,
4 trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in
5 relation to building codes, “public building” does not include ~~a~~ any of the following:

6 (a) A previously constructed building used as a community-based residential
7 facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not
8 related to the operator or administrator ~~or an~~.

9 (b) An adult family home, as defined in s. 50.01 (1).

10 **SECTION 28.** 101.01 (12) (c) of the statutes is created to read:

11 101.01 (12) (c) A home-based business, as defined by the department by rule.

12 **SECTION 29.** 101.02 (20) (a) of the statutes, as affected by 2011 Wisconsin Act
13 32, is amended to read:

14 101.02 (20) (a) For purposes of this subsection, “license” means a license,
15 permit, or certificate of certification or registration issued by the department for an
16 occupation or profession under ~~ss. s.~~ s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g),
17 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a),
18 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935,
19 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,
20 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules
21 promulgated under ch. 101 or 145.

22 **SECTION 30.** 101.02 (21) (a) of the statutes, as affected by 2011 Wisconsin Act
23 32, is amended to read:

24 101.02 (21) (a) In this subsection, “license” means a license, permit, or
25 certificate of certification or registration issued by the department for an occupation

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1 or profession under s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15
2 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a), 101.63 (2) or (2m),
3 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
4 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,
5 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under
6 ch. 101 or 145.

7 **SECTION 31.** 101.027 (2) of the statutes is amended to read:

8 101.027 (2) The department shall review the energy conservation code and
9 shall promulgate rules that change the requirements of the energy conservation code
10 to improve energy conservation. No rule may be promulgated that has not taken into
11 account the cost of the energy conservation code requirement, as changed by the rule,
12 in relationship to the benefits derived from that requirement, including the
13 reasonably foreseeable economic and environmental benefits to the state from any
14 reduction in the use of imported fossil fuel. The proposed rules changing the energy
15 conservation code shall be submitted to the legislature in the manner provided under
16 s. 227.19. In conducting a review under this subsection, the department shall
17 ~~consider incorporating~~ incorporate, into the energy conservation code, ~~design~~
18 ~~requirements from standard 90.1-2010, or its current equivalent, of the most current~~
19 ~~national energy efficiency design standards, including the International Energy~~
20 ~~Conservation Code or an energy efficiency code other than the International Energy~~
21 ~~Conservation Code if that energy efficiency code is used to prescribe design~~
22 ~~requirements for the purpose of conserving energy in buildings and is generally~~
23 ~~accepted and used by engineers and the construction industry~~ American Society of
24 Heating, Refrigerating and Air Conditioning Engineers.

25 **SECTION 32.** 101.027 (3) (a) ~~1~~ of the statutes is amended to read:

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1 101.027 (3) (a) 1. A revision of standard 90.1-2010, or its current equivalent,
2 of the International Energy Conservation Code American Society of Heating,
3 Refrigerating and Air Conditioning Engineers is published.

4 **SECTION 33.** 101.027 (3) (b) 1. of the statutes is amended to read:

5 101.027 (3) (b) 1. If the department begins a review under sub. (2) because a
6 revision of standard 90.1-2010, or its current equivalent, of the International
7 Energy Conservation Code American Society of Heating, Refrigerating and Air
8 Conditioning Engineers is published, the department shall complete its review of the
9 energy conservation code, as defined in sub. (1), and submit to the legislature
10 proposed rules changing the energy conservation code, as defined in sub. (1), no later
11 than 18 months after the date on which the revision of standard 90.1-2010, or its
12 current equivalent, of the International Energy Conservation Code American
13 Society of Heating, Refrigerating and Air Conditioning Engineers is published.

14 **SECTION 34.** 101.05 (5) of the statutes is created to read:

15 101.05 (5) No standard, rule, order, code, or regulation adopted, promulgated,
16 enforced, or administered by the department under this subchapter applies to a
17 building used for farming, as defined by the department by rule.

18 **SECTION 35.** 101.07 of the statutes is repealed.

19 **SECTION 36.** 101.145 (2) of the statutes is amended to read:

20 101.145 (2) APPROVAL. A smoke detector required under this section shall be
21 approved by bear an Underwriters Laboratories, Inc., listing mark or similar mark
22 from an independent product safety certification organization.

23 **SECTION 37.** 101.177 of the statutes, as affected by 2011 Wisconsin Act 10, is
24 repealed.

BILL**SECTION 38**

1 **SECTION 38.** 101.563 of the statutes, as affected by 2011 Wisconsin Act 32, is
2 repealed.

3 ~~**SECTION 39.** 101.596 of the statutes is repealed.~~

4 **SECTION 40.** 101.745 (2) of the statutes is amended to read:

5 101.745 (2) APPROVAL. A smoke detector required under this section shall be
6 approved by underwriters laboratory bear an Underwriters Laboratories, Inc.,
7 listing mark or similar mark from an independent product safety certification
8 organization.

9 **SECTION 41.** 101.952 (3) of the statutes is amended to read:

10 101.952 (3) Every licensee shall carry his or her license when engaged in his
11 or her business and display the same upon request. ~~The license shall name his or~~
12 ~~her employer, and, in case of a change of employer, the manufactured home~~
13 ~~salesperson shall immediately mail his or her license to the department, which shall~~
14 ~~endorse that change on the license without charge.~~

15 **SECTION 42.** 101.985 (2) (title) of the statutes is amended to read:

16 101.985 (2) (title) ~~ELEVATOR MECHANIC~~ MECHANICS' LICENSES.

17 **SECTION 43.** 101.985 (2) (a) (title) of the statutes is repealed and recreated to
18 read:

19 101.985 (2) (a) (title) *Issuance.*

20 **SECTION 44.** 101.985 (2) (a) (intro.) of the statutes is renumbered 101.985 (2)
21 (a) and amended to read:

22 101.985 (2) (a) ~~Except as provided in pars. (am) to (d), the~~ The department shall
23 issue an elevator mechanic's license to each individual who ~~satisfactorily completes~~
24 ~~an elevator mechanic's apprenticeship program that is approved by the U.S.~~

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1 department of labor or by the department of workforce development or who satisfies
2 all of the following: meets the requirements in either par. (ab) or (ad).

3 **SECTION 45.** 101.985 (2) (a) 2. of the statutes is renumbered 101.985 (2) (ab) 2.
4 and amended to read:

5 101.985 (2) (ab) 2. During the 3 years preceding the date of application, he or
6 she was continuously employed in a position requiring the individual to perform
7 work that is at a journeyman level and that is relevant to the erection, construction,
8 alteration, replacement, maintenance, repair, ~~removal, or dismantling~~ of
9 conveyances, as verified by the individual's employers.

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10 **SECTION 46.** 101.985 (2) (a) 3. of the statutes is renumbered 101.985 (2) (ab) 3.

11 and amended to read:

12 101.985 (2) (ab) 3. ~~Satisfactorily~~ He or she satisfactorily completes a written
13 examination administered by the department covering the provisions of this
14 subchapter, and rules promulgated under this subchapter, that are relevant to the
15 license applied for or satisfactorily completes an elevator mechanic's examination
16 approved by the department and administered by a nationally recognized training
17 program established by the elevator industry.

18 **SECTION 47.** 101.985 (2) (ab) (intro.) of the statutes is created to read:

19 101.985 (2) (ab) *Requirements; apprenticeship and journeyman level.* (intro.)
20 An individual is eligible for an elevator mechanic's license if he or she satisfactorily
21 completes an elevator mechanic's apprenticeship program that is approved by the
22 U.S. department of labor or by the department of workforce development or if he or
23 she satisfies all of the following requirements:

24 **SECTION 48.** 101.985 (2) (ad) of the statutes is created to read:

BILL**SECTION 48**

1 101.985 (2) (ad) *Requirements; training program.* 1. An individual is eligible
2 for an elevator mechanic's license if he or she satisfies all of the following
3 requirements:

4 a. He or she verifies to the department that he or she has been certified as
5 having successfully completed a 4-year program established by the National
6 Elevator Industry Educational Program or an equivalent nationally recognized
7 4-year training program that is approved by the department.

8 b. He or she meets one of the requirements specified in subd. 2.

9 2. In order to meet the requirement under subd. 1. b. for an elevator mechanic's
10 license, an individual applying for a license shall satisfy one of the following
11 requirements:

12 a. He or she verifies to the department that, during the 5 years immediately
13 preceding the date of the license application, he or she was employed for at least
14 1,000 hours in each of the 5 years performing work described under s. 101.984 (2) (a)
15 or (b).

16 b. He or she verifies to the department that he or she has continuous experience
17 in the elevator industry for at least 5 years immediately preceding the date of the
18 license application in a capacity, other than in the capacity of performing work
19 described under s. 101.984 (2) (a) or (b), that has allowed him or her to remain
20 familiar with elevator equipment, technology, and industry practices. This
21 experience may include performing management activities for a company that
22 engages in the sale, installation, repair, or maintenance of conveyances, being
23 involved in elevator industry labor relations, or supervising elevator mechanics.

24 c. He or she verifies to the department that he or she, during any 5 years
25 preceding the date of the license application, was employed for at least 1,000 hours

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1 in each of those 5 years performing work that is relevant to the erection, construction,
2 alteration, replacement, maintenance, repair, ~~removal, dismantling,~~ or servicing of
3 conveyances and that this work included work described under s. 101.984 (2) (a) or
4 (b). If the 5 years were not the 5 years immediately preceding the date of application,
5 the applicant shall verify that this is due to the applicant's work being disrupted by
6 high unemployment in the elevator industry, military service, illness, disability, or
7 another factor beyond the applicant's control in order to meet the requirement under
8 this subd. 2. c.

9 **SECTION 49.** 101.985 (2) (am) of the statutes is amended to read:

10 101.985 (2) (am) *Requirements for individuals with prior experience.* The
11 department shall promulgate rules that establish requirements for issuing an
12 elevator mechanic's license to an individual who has performed work described
13 under s. 101.984 (2) (a) or (b) within the scope of his or her employment before June
14 1, 2007, but who does not satisfy the requirements under par. ~~(a)~~ (ab) or (ad) to be
15 issued a license. The rules may contain a deadline before which an individual must
16 apply for a license issued under this paragraph.

17 **SECTION 50.** 101.985 (2) (b) of the statutes is amended to read:

18 101.985 (2) (b) *Licensing out-of-state mechanics.* The requirements under ~~par.~~
19 ~~(a)~~ pars. (ab) and (ad) do not apply to an individual who is licensed as an elevator
20 mechanic under the laws of another state, if, in the opinion of the department, that
21 state's regulation of elevator mechanics is substantially the same as this state's. The
22 department may summarily issue an elevator mechanic's license to such an
23 individual.

24 **SECTION 51.** 101.985 (2) (c) of the statutes is amended to read:

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1 101.985 (2) (c) *Emergency licensing*. If the governor declares that a state of
2 emergency exists in this state under s. 323.10 and the department determines that
3 the number of individuals in the state who hold an elevator mechanic's licenses
4 license issued by the department under this section on the date of the declaration is
5 insufficient to cope with the emergency, the department shall summarily issue an
6 emergency elevator mechanic's license to any individual who is certified by an
7 elevator contractor licensed under this subchapter as adequately qualified and able
8 to perform the work of an elevator mechanic without direct and immediate
9 supervision, who the department determines is so qualified and able, and who
10 applies for an emergency elevator mechanic's license on a form prescribed by the
11 department. An individual certified by a contractor under this paragraph may
12 perform work as an elevator mechanic for up to a total of 5 days preceding the date
13 the individual is issued the license. An emergency elevator mechanic's license has
14 a term of 30 days and may be renewed by the department in the case of a continuing
15 emergency. The department shall specify on an emergency elevator mechanic's
16 license the geographic area in which the licensee may provide services under the
17 license. The requirements under ~~par. (a)~~ pars. (ab) and (ad) do not apply to an
18 individual who applies for an emergency elevator mechanic's license.

19 **SECTION 52.** 101.985 (2) (d) of the statutes is amended to read:

20 101.985 (2) (d) *Temporary licensing*. If there are no elevator mechanics
21 licensed under this subchapter available to provide services contracted for by an
22 elevator contractor licensed under this subchapter, the elevator contractor may
23 notify the department and request the issuance of a temporary elevator mechanic's
24 license to any individual who is certified by the elevator contractor as adequately
25 qualified and able to perform the work of an elevator mechanic without direct and

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1 immediate supervision and who applies for a temporary elevator mechanic's license
2 on a form prescribed by the department. A temporary elevator mechanic's license
3 has a term of 30 days and may be renewed by the department in the case of a
4 continuing shortage of licensed elevator mechanics. The department shall specify
5 on a temporary elevator mechanic's license the elevator contractor in whose employ
6 the licensee must remain to provide services under the temporary elevator
7 mechanic's license. The requirements under ~~par. (a)~~ pars. (ab) and (ad) do not apply
8 to an individual who applies for a temporary elevator mechanic's license.

9 **SECTION 53.** 101.985 (4) of the statutes is amended to read:

10 101.985 (4) CRIMINAL BACKGROUND CHECK. Upon receipt of an application for a
11 license under sub. (1), (2) ~~(a)~~, (ab) or (ad), or (3), the department, with the assistance
12 of the department of justice, shall conduct a background investigation of the
13 applicant to determine if the information provided by the applicant under sub. (7) (a)
14 10. is true and if the applicant has any arrests or convictions tending to indicate that
15 the applicant is not adequately qualified and able to provide services authorized
16 under the license applied for.

17 **SECTION 54.** 101.985 (5) (b) 1. of the statutes is amended to read:

18 101.985 (5) (b) 1. Except as otherwise provided in this subdivision, an applicant
19 for renewal of a license under sub. (1), (2) ~~(a)~~ (ab), (ad), or (b), or (3) shall provide to
20 the department a certificate indicating that, during the one-year period before the
21 date on which the applicant's license expires, the applicant has satisfactorily met
22 ~~with~~ the education requirements established by rule under subd. 2. If the applicant
23 is not an individual, the certificate shall indicate that the education requirements
24 were satisfactorily met by an individual who, as of the date of the application, is an
25 agent of the applicant.

BILL**SECTION 55**

1 **SECTION 55.** 101.985 (7) (a) (intro.) of the statutes is amended to read:

2 101.985 **(7)** (a) (intro.) Each application for a license under subs. (1), (2) ~~(a)~~ (ab)
3 or (ad), or (3) shall be made on a form prescribed by the department, and each
4 application shall contain at least the following information:

5 **SECTION 56.** 145.01 (4m) of the statutes is amended to read:

6 145.01 **(4m)** FAILING PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM.
7 “Failing private sewage on-site wastewater treatment system” has the meaning
8 specified under s. 145.245 (4).

9 **SECTION 57.** 145.01 (5) of the statutes is amended to read:

10 145.01 **(5)** GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SEWAGE
11 ON-SITE WASTEWATER TREATMENT SYSTEMS. “Governmental unit responsible for the
12 regulation of private sewage on-site wastewater treatment systems” or
13 “governmental unit”, unless otherwise qualified, means the county except that in a
14 county with a population of 500,000 or more these terms mean the city, village or
15 town where the private sewage on-site wastewater treatment system is located.

16 **SECTION 58.** 145.01 (10) (a) 2. of the statutes is amended to read:

17 145.01 **(10)** (a) 2. The construction, connection, installation, service, or repair
18 of any drain or wastewater piping system that connects to the mains or other
19 terminal within the bounds of, or beneath an area subject to easement for highway
20 purposes, including private sewage on-site wastewater treatment systems and
21 stormwater treatment and dispersal systems, and the alteration of any such
22 systems, drains or wastewater piping.

23 **SECTION 59.** 145.01 (12) of the statutes is amended to read:

24 145.01 **(12)** PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM. “Private
25 sewage on-site wastewater treatment system” means a sewage treatment and

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1 disposal system serving a single structure with a septic tank and soil absorption field
2 located on the same parcel as the structure. This term also means an alternative
3 sewage system approved by the department including a substitute for the septic tank
4 or soil absorption field, a holding tank, a system serving more than one structure or
5 a system located on a different parcel than the structure. A private sewage on-site
6 wastewater treatment system may be owned by the property owner or by a special
7 purpose district.

8 **SECTION 60.** 145.045 (1) of the statutes is amended to read:

9 145.045 (1) POWERS AND DUTIES. The department shall by rule establish an
10 examining program for the certification of soil testers, setting such standards as the
11 department finds necessary to accomplish the purposes of this chapter. Such
12 standards shall include formal written examinations for all applicants. The
13 department shall charge applicants for the cost of examination and certification.
14 After July 1, 1974, no person may construct soil bore holes or conduct soil percolation
15 tests or other similar tests specified by the department that relate to private sewage
16 on-site wastewater treatment systems unless the person holds a valid certificate
17 issued under this section.

18 **SECTION 61.** 145.045 (3) of the statutes is amended to read:

19 145.045 (3) PLUMBERS AND SEPTIC TANK INSTALLERS. A plumber or septic tank
20 installer may also be a soil tester and install any system after approval of the site or
21 project by the department or the governmental unit responsible for the regulation
22 of private sewage on-site wastewater treatment systems.

23 **SECTION 62.** 145.07 (3) (a) of the statutes is amended to read:

24 145.07 (3) (a) A specific record of not less than 1,000 hours per year experience
25 for 3 or more consecutive years as a licensed journeyman plumber in this state; or

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1 **SECTION 63.** 145.07 (5) of the statutes is amended to read:

2 145.07 (5) Any resident who has been actively engaged in this state in a limited
3 type of plumbing installation work for a period of not less than 1,000 hours per year
4 for 2 or more consecutive years as a licensed journeyman plumber (restricted) may
5 be examined for licensure as a master plumber (restricted).

6 **SECTION 64.** 145.08 (1m) of the statutes is repealed.

7 **SECTION 65.** 145.135 (title) of the statutes is repealed.

8 **SECTION 66.** 145.135 (1) (title) of the statutes is repealed.

9 **SECTION 67.** 145.135 (1) of the statutes is renumbered 145.19 (1b) and amended
10 to read:

11 145.19 (1b) DEFINITION. In this section, "sanitary permit" means a permit
12 authorizing the installation of a private on-site wastewater treatment system that
13 is issued by the department or any governmental unit responsible for the regulation
14 of private sewage on-site wastewater treatment systems for the installation of a
15 private sewage system.

16 (1g) PERMIT REQUIRED. No person may purchase or install a private sewage
17 on-site wastewater treatment system unless the owner of the property on which the
18 private sewage on-site wastewater treatment system is to be installed holds a valid
19 sanitary permit issued under this section. No person may sell at retail, as defined
20 under s. 100.201 (1) (d), a septic tank for installation in this state unless the
21 purchaser holds a valid sanitary permit issued under this section.

22 (7) PERIOD OF VALIDITY. A sanitary permit is valid for 2 years from the date of
23 issue and renewable for similar periods thereafter. ~~A governmental unit responsible~~
24 ~~for the regulation of private sewage systems may not charge more than one fee for~~
25 ~~a sanitary permit or the renewal of a sanitary permit in any 12-month period.~~ A

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1 sanitary permit shall remain valid to the end of the established period,
2 notwithstanding any change in the state plumbing code or in any private sewage
3 on-site wastewater treatment system ordinance during that period.

4 **(8) TRANSFER OF PERMIT.** A sanitary permit may be transferred from the holder
5 to a subsequent owner of the land, except that the subsequent owner must obtain a
6 new copy of the sanitary permit from the issuing agent.

7 **(1r) TEST RESULTS.** The results of any percolation test or other test relating to
8 the disposal of liquid domestic wastes into the soil shall be retained by the
9 governmental unit ~~responsible for the regulation of private sewage systems~~ where
10 the property is located. The governmental unit ~~responsible for the regulation of~~
11 ~~private sewage systems~~ shall make the test results available to an applicant for a
12 sanitary permit and shall accept the test results as the basis for a sanitary permit
13 application unless the soil at the test site is altered to the extent that a new soil test
14 is necessary.

15 **SECTION 68.** 145.135 (2) (intro.) of the statutes is renumbered 145.19 (3m)
16 (intro.), and 145.19 (3m) (title), as renumbered, is amended to read:

17 145.19 (3m) (title) NOTICE IN PERMIT.

18 **SECTION 69.** 145.135 (2) (a) to (f) of the statutes are renumbered 145.19 (3m)
19 (a) to (f), and 145.19 (3m) (a), as renumbered, is amended to read:

20 145.19 (3m) (a) The purpose of the sanitary permit is to allow installation of
21 the private sewage on-site wastewater treatment system described in the permit.

22 **SECTION 70.** 145.14 (2) (a) of the statutes is amended to read:

23 145.14 (2) (a) *Systems or services.* Persons classified under this paragraph may
24 install septic tanks for private sewage on-site wastewater treatment systems, may
25 install drain fields designed to serve such septic tanks, and may install sewer service

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1 from the septic tank or sewer extensions from mains to the immediate inside or
2 proposed inside foundation wall of the building. Such persons may also install water
3 services, stormwater use systems, and reclaimed water systems if the services or
4 systems are to be located outside the foundation wall of the building.

5 **SECTION 71.** 145.19 (title) of the statutes is repealed and recreated to read:

6 **145.19** (title) **Sanitary permits.**

7 **SECTION 72.** 145.19 (1) (title) of the statutes is repealed.

8 **SECTION 73.** 145.19 (1) of the statutes is renumbered 145.19 (1m) and amended
9 to read:

10 145.19 (1m) APPLICATION PROCESS. ~~No septic tank may be purchased and no~~
11 ~~private sewage system may be installed unless the owner of the property on which~~
12 ~~the private sewage system is to be installed holds a valid sanitary permit from the~~
13 ~~governmental unit responsible for the regulation of private sewage systems in which~~
14 ~~the property is located. The department shall prescribe the information to be~~
15 ~~included in the an application for a sanitary permit and furnish sanitary permit~~
16 ~~forms to the governmental unit. The applicant shall submit the completed~~
17 application for a sanitary permit to the governmental unit. The governmental unit
18 shall approve or disapprove the sanitary permit according to the rules promulgated
19 by the department under this chapter. No person may sell at retail, as defined under
20 s. 100.201 (1) (d), a septic tank for installation in this state unless the purchaser
21 holds a valid sanitary permit issued under this section.

22 **SECTION 74.** 145.19 (2) of the statutes is amended to read:

23 145.19 (2) **FEE.** No fee for a sanitary permit may be less than \$61, or the amount
24 determined under department rule. The governing body for the governmental unit
25 responsible for the regulation of private sewage on-site wastewater treatment

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1 systems may establish a fee for a sanitary permit which is more than \$61, or the
2 amount determined under department rule. A governmental unit may not charge
3 more than one fee for a sanitary permit or the renewal of a sanitary permit in any
4 12-month period.

5 **SECTION 75.** 145.19 (3) of the statutes is amended to read:

6 145.19 (3) ~~COPY OF PERMIT FEES AND RECORDS OF PERMITS~~ FORWARDED TO THE
7 DEPARTMENT. The governmental unit responsible for the regulation of private sewage
8 on-site wastewater treatment systems shall forward ~~a copy of each valid sanitary~~
9 permit and \$20, or the amount determined under department rule, of the fee to the
10 department within 90 days after the each valid permit is issued a copy of the permit
11 and a portion of the fee, as determined under department rule. The governmental
12 unit shall also compile a periodic summary of the permits that it has issued. The
13 summary shall contain the information required by the department by rule, and
14 shall be submitted by the governmental unit to the department at intervals to be
15 determined by the department by rule.

16 **SECTION 76.** 145.19 (4) of the statutes is amended to read:

17 145.19 (4) USE OF FEE. The portion of this fee retained by the governmental unit
18 responsible for the regulation of private sewage on-site wastewater treatment
19 systems shall be used for the administration of private sewage on-site wastewater
20 treatment system programs.

21 **SECTION 77.** 145.19 (5) of the statutes is repealed.

22 **SECTION 78.** 145.19 (6) of the statutes is amended to read:

23 145.19 (6) GROUNDWATER FEE. In addition to the fee under sub. (2), the
24 governmental unit responsible for the regulation of private sewage on-site
25 wastewater treatment systems shall collect a groundwater fee of \$25 for each

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1 sanitary permit. The governmental unit shall forward this fee to the department
2 together with the copy of the sanitary permit and the fee under sub. (3). The moneys
3 collected under this subsection shall be credited to the environmental fund for
4 environmental management.

5 **SECTION 79.** 145.195 (1) of the statutes is amended to read:

6 145.195 (1) No county, city, town or village may issue a building permit for
7 construction of any structure requiring connection to a private sewage on-site
8 wastewater treatment system unless a private sewage on-site wastewater
9 treatment system satisfying all applicable regulations already exists to serve the
10 proposed structure or all permits necessary to install a private sewage on-site
11 wastewater treatment system have been obtained.

12 **SECTION 80.** 145.195 (2) of the statutes is amended to read:

13 145.195 (2) Before issuing a building permit for construction of any structure
14 on property not served by a municipal sewage treatment plant, the county, city, town
15 or village shall determine that the proposed construction does not interfere with a
16 functioning private sewage on-site wastewater treatment system. The county, city,
17 town or village may require building permit applicants to submit a detailed plan of
18 the owner's existing private sewage on-site wastewater treatment system.

19 **SECTION 81.** 145.20 (title) of the statutes is amended to read:

20 **145.20 (title) Private sewage on-site wastewater treatment systems.**

21 **SECTION 82.** 145.20 (1) (a) of the statutes is amended to read:

22 145.20 (1) (a) The governing body of the governmental unit responsible for the
23 regulation of private sewage on-site wastewater treatment systems may assign the
24 duties of administering the private sewage on-site wastewater treatment system

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1 program to any office, department, committee, board, commission, position or
2 employee of that governmental unit.

3 **SECTION 83.** 145.20 (1) (am) of the statutes is amended to read:

4 145.20 (1) (am) The governing body of the governmental unit responsible for
5 the regulation of private ~~sewage~~ on-site wastewater treatment systems may
6 delegate the duties of administering the private ~~sewage~~ on-site wastewater
7 treatment system program to a town sanitary district or public inland lake protection
8 and rehabilitation district with the powers of a town sanitary district within the town
9 sanitary district or public inland lake protection and rehabilitation district if the
10 town sanitary district or public inland lake protection and rehabilitation district
11 agrees to assume those duties.

12 **SECTION 84.** 145.20 (1) (b) of the statutes is amended to read:

13 145.20 (1) (b) The governmental unit responsible for the regulation of private
14 ~~sewage~~ on-site wastewater treatment systems shall obtain the services of a certified
15 soil tester, either as an employee or under contract, to review and verify certified soil
16 tester reports under sub. (2).

17 **SECTION 85.** 145.20 (2) (intro.) of the statutes is amended to read:

18 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The governmental
19 unit responsible for the regulation of private ~~sewage~~ on-site wastewater treatment
20 systems shall:

21 **SECTION 86.** 145.20 (2) (a) of the statutes is amended to read:

22 145.20 (2) (a) Review certified soil tester reports for proposed private ~~sewage~~
23 on-site wastewater treatment systems and verify the report at the proposed site, if
24 necessary.

25 **SECTION 87.** 145.20 (2) (d) of the statutes is amended to read:

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1 145.20 (2) (d) Inspect all private sewage on-site wastewater treatment
2 systems after construction but before backfilling no later than the end of the next
3 workday, excluding Saturdays, Sundays and holidays, after receiving notice from the
4 plumber in charge.

5 **SECTION 88.** 145.20 (2) (e) of the statutes is amended to read:

6 145.20 (2) (e) File reports and conduct surveys and inspections as required by
7 the governmental unit responsible for the regulation of private sewage on-site
8 wastewater treatment systems or the department.

9 **SECTION 89.** 145.20 (2) (f) of the statutes is amended to read:

10 145.20 (2) (f) Investigate violations of the private sewage on-site wastewater
11 treatment system ordinance and s. 254.59 (2), issue orders to abate the violations and
12 submit orders to the district attorney, corporation counsel or attorney general for
13 enforcement.

14 **SECTION 90.** 145.20 (2) (g) of the statutes is amended to read:

15 145.20 (2) (g) Perform other duties regarding private sewage on-site
16 wastewater treatment systems as considered appropriate by the governmental unit
17 responsible for the regulation of private sewage on-site wastewater treatment
18 systems or as required by the rules of the department.

19 **SECTION 91.** 145.20 (2) (h) of the statutes is amended to read:

20 145.20 (2) (h) Inspect existing private sewage on-site wastewater treatment
21 systems to determine compliance with s. 145.195 if a building or structure is being
22 constructed which requires connection to an existing private sewage on-site
23 wastewater treatment system. The county is not required to conduct an on-site
24 inspection if a building or structure is being constructed which does not require
25 connection to an existing private sewage on-site wastewater treatment system.

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1 **SECTION 92.** 145.20 (3) (a) 1. of the statutes is amended to read:

2 145.20 (3) (a) 1. The department may specify categories of private sewage
3 on-site wastewater treatment systems for which approval by the department is
4 required prior to issuance of sanitary permits by the governmental unit responsible
5 for the regulation of private sewage on-site wastewater treatment systems.

6 **SECTION 93.** 145.20 (3) (a) 2. of the statutes is amended to read:

7 145.20 (3) (a) 2. The department may exempt a governmental unit from any
8 category of private sewage on-site wastewater treatment systems for which
9 departmental approval is required prior to sanitary permit issuance under subd. 1.,
10 upon a determination, in accordance with rules promulgated by the department, that
11 past performance of the governmental unit on reviews and audits under par. (b) has
12 been satisfactory and that the governmental unit has the capacity to give the same
13 level of application and plan review as that provided by the department. The
14 department may revoke an exemption upon a finding that performance of the
15 governmental unit on a review or audit conducted subsequent to the granting of the
16 exemption is unsatisfactory or that the governmental unit is not giving the same
17 level of application and plan review as that provided by the department. Findings
18 in a revocation action may be made only after a public hearing upon 30 days' advance
19 notice to the clerk of the governmental unit. The department shall submit a report
20 under s. 13.172 (2) to the chief clerk of each house of the legislature, at the beginning
21 of each legislative session, describing the exemptions under this subdivision.

22 **SECTION 94.** 145.20 (3) (b) of the statutes is amended to read:

23 145.20 (3) (b) The department shall review the private sewage on-site
24 wastewater treatment system program in each governmental unit responsible for
25 the regulation of private sewage on-site wastewater treatment systems to ascertain

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1 compliance with sub. (2) and with regulations issued by the department. This review
2 shall include a random audit of sanitary permits, including verification by on-site
3 inspection.

4 **SECTION 95.** 145.20 (3) (c) of the statutes is amended to read:

5 145.20 (3) (c) If the governing body for a governmental unit responsible for the
6 regulation of private sewage on-site wastewater treatment systems does not adopt
7 a private sewage on-site wastewater treatment system ordinance meeting the
8 requirements of s. 59.70 (5) or if the governmental unit does not appoint personnel
9 meeting the requirements of sub. (1) or if the governmental unit does not comply with
10 the requirements of sub. (2) or s. 145.19 (3), the department may conduct hearings
11 in the county seat upon 30 days' notice to the county clerk. As soon as practicable
12 after the public hearing, the department shall issue a written decision regarding
13 compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the department
14 determines that there is a violation of these provisions, the governmental unit may
15 not issue a sanitary permit for the installation of a private sewage on-site
16 wastewater treatment system until the violation is corrected.

17 **SECTION 96.** 145.20 (3) (d) of the statutes is amended to read:

18 145.20 (3) (d) The department shall conduct training and informational
19 programs for officials of the governmental unit responsible for the regulation of
20 private sewage on-site wastewater treatment systems and employees and persons
21 licensed under this chapter and s. 281.48 and certified as operators of septage
22 servicing vehicles under s. 281.17 (3) to improve the delivery of service under the
23 private sewage on-site wastewater treatment system program. The department
24 shall obtain the assistance of the Wisconsin counties association in planning and
25 conducting the training and informational programs.

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1 **SECTION 97.** 145.20 (4) of the statutes is amended to read:

2 145.20 (4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A
3 governmental unit may assess the owner of a private sewage on-site wastewater
4 treatment system for costs related to the pumping of a septic or holding tank. The
5 governmental unit shall make any assessment in the same manner that a city, village
6 or town makes an assessment under s. 66.0703.

7 **SECTION 98.** 145.20 (5) (a) of the statutes is amended to read:

8 145.20 (5) (a) The department shall establish a maintenance program to be
9 administered by governmental units responsible for the regulation of private sewage
10 on-site wastewater treatment systems. The department shall determine the private
11 sewage on-site wastewater treatment systems to which the maintenance program
12 applies. At a minimum the maintenance program is applicable to all new or
13 replacement private sewage on-site wastewater treatment systems constructed in
14 a governmental unit after the date on which the governmental unit adopts this
15 program. The department may apply the maintenance program by rule to private
16 sewage on-site wastewater treatment systems constructed in a governmental unit
17 responsible for the regulation of private sewage on-site wastewater treatment
18 systems on or before the date on which the governmental unit adopts the program.
19 The department shall determine the private sewage on-site wastewater treatment
20 systems to which the maintenance program applies in governmental units that do
21 not meet the conditions for eligibility under s. 145.245 (9).

22 **SECTION 99.** 145.20 (5) (am) of the statutes is amended to read:

23 145.20 (5) (am) Each governmental unit responsible for the regulation of
24 private sewage on-site wastewater treatment systems shall adopt and begin the
25 administration of the program established under par. (a) before October 1, 2015. As

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1 part of adopting and administering the program, the governmental unit shall
2 conduct and maintain an inventory of all the private sewage on-site wastewater
3 treatment systems located in the governmental unit and shall complete the initial
4 inventory before October 1, 2013. In order to be eligible for grant funding under s.
5 145.245, a governmental unit must comply with these deadlines.

6 **SECTION 100.** 145.20 (5) (b) of the statutes is amended to read:

7 145.20 (5) (b) The maintenance program shall include a requirement of
8 inspection or pumping of the private sewage on-site wastewater treatment system
9 at least once every 3 years if the private sewage on-site wastewater treatment
10 system does not have a maintenance plan as prescribed by rule by the department.
11 Inspections may be conducted by a master plumber, journeyman plumber or
12 restricted plumber licensed under this chapter, a person licensed under s. 281.48 or
13 by an employee of the state or governmental unit designated by the department, and
14 the department may determine by rule other persons who are qualified to undertake
15 required inspection, maintenance, or repairs. The department shall specify the
16 methods to establish the required frequency of inspection, maintenance, and
17 pumping for each type of private sewage on-site wastewater treatment system that
18 does not have a maintenance plan and shall periodically update the methods.

19 **SECTION 101.** 145.20 (6) (a) 2. of the statutes is amended to read:

20 145.20 (6) (a) 2. Install, design, maintain, repair, or sell a private sewage
21 on-site wastewater treatment system, component of a private sewage on-site
22 wastewater treatment system, drain field designed to serve a private sewage on-site
23 wastewater treatment system, or pipe from a private sewage on-site wastewater
24 treatment system to the immediate inside of the existing or proposed foundation wall
25 of the building served by the private sewage on-site wastewater treatment system.

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1 **SECTION 102.** 145.24 (1) of the statutes is amended to read:

2 145.24 (1) If an existing private sewage on-site wastewater treatment system
3 either is not located in soil meeting the siting standards or is not constructed in
4 accordance with design standards promulgated under s. 145.02 or 145.13, the owner
5 of the private sewage on-site wastewater treatment system may petition the
6 department for a variance to the siting or design standards.

7 **SECTION 103.** 145.24 (2) of the statutes is amended to read:

8 145.24 (2) The department shall establish procedures for the review and
9 evaluation of existing private sewage on-site wastewater treatment systems which
10 do not comply with siting or design standards.

11 **SECTION 104.** 145.24 (3) of the statutes is amended to read:

12 145.24 (3) Upon receipt of a petition for a variance, the department shall
13 require the owner of the private sewage on-site wastewater treatment system to
14 submit information necessary to evaluate the request for a variance. If the
15 department determines that the existing private sewage on-site wastewater
16 treatment system is not a failing private sewage on-site wastewater treatment
17 system, and continued use of the existing private sewage on-site wastewater
18 treatment system will not pose a threat of contamination of waters of the state, then
19 the department may issue a variance to allow continued use of the existing private
20 sewage on-site wastewater treatment system. The department shall rescind the
21 variance if the existing private sewage on-site wastewater treatment system
22 becomes a failing private sewage on-site wastewater treatment system or
23 contaminates waters of the state.

24 **SECTION 105.** 145.245 (title) of the statutes is amended to read:

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1 **145.245** (title) **Private sewage on-site wastewater treatment system**
2 **replacement or rehabilitation.**

3 **SECTION 106.** 145.245 (1) (a) 1. of the statutes is amended to read:

4 145.245 (1) (a) 1. A determination that a private sewage on-site wastewater
5 treatment system is failing, according to the criteria under sub. (4), based on an
6 inspection of the private sewage on-site wastewater treatment system by an
7 employee of the state or a governmental unit who is certified to inspect private
8 sewage on-site wastewater treatment systems by the department.

9 **SECTION 107.** 145.245 (1) (ae) of the statutes is amended to read:

10 145.245 (1) (ae) "Governmental unit" means a governmental unit responsible
11 for the regulation of private sewage on-site wastewater treatment systems.
12 "Governmental unit" also includes a federally recognized American Indian tribe or
13 band.

14 **SECTION 108.** 145.245 (4) (intro.) of the statutes is amended to read:

15 145.245 (4) **FAILING PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEMS.**
16 (intro.) The department shall establish criteria for determining if a private sewage
17 on-site wastewater treatment system is a failing private sewage on-site wastewater
18 treatment system. A failing private sewage on-site wastewater treatment system
19 is one which causes or results in any of the following conditions:

20 **SECTION 109.** 145.245 (4) (b) of the statutes is amended to read:

21 145.245 (4) (b) The introduction of sewage into zones of saturation which
22 adversely affects the operation of a private sewage on-site wastewater treatment
23 system.

24 **SECTION 110.** 145.245 (4) (e) of the statutes is amended to read:

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1 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage
2 into the structure served by the private ~~sewage~~ on-site wastewater treatment
3 system.

4 **SECTION 111.** 145.245 (4m) (intro.) of the statutes is amended to read:

5 145.245 (4m) CATEGORIES OF FAILING PRIVATE ~~SEWAGE~~ ON-SITE WASTEWATER
6 TREATMENT SYSTEMS. (intro.) For the purposes of this section, the department shall
7 establish the category of each failing private ~~sewage~~ on-site wastewater treatment
8 system for which a grant application is submitted, as follows:

9 **SECTION 112.** 145.245 (4m) (a) of the statutes is amended to read:

10 145.245 (4m) (a) Category 1: failing private ~~sewage~~ on-site wastewater
11 treatment systems described in sub. (4) (a) to (c).

12 **SECTION 113.** 145.245 (4m) (b) of the statutes is amended to read:

13 145.245 (4m) (b) Category 2: failing private ~~sewage~~ on-site wastewater
14 treatment systems described in sub. (4) (d).

15 **SECTION 114.** 145.245 (4m) (c) of the statutes is amended to read:

16 145.245 (4m) (c) Category 3: failing private ~~sewage~~ on-site wastewater
17 treatment systems described in sub. (4) (e).

18 **SECTION 115.** 145.245 (5) (a) 1. of the statutes is amended to read:

19 145.245 (5) (a) 1. A person is eligible for grant funds under this section if he or
20 she owns a principal residence which is served by a category 1 or 2 failing private
21 ~~sewage~~ on-site wastewater treatment system, if the private ~~sewage~~ on-site
22 wastewater treatment system was installed before July 1, 1978, if the family income
23 of the person does not exceed the income limitations under par. (c), if the amount of
24 the grant determined under sub. (7) is at least \$100, if the residence is not located
25 in an area served by a sewer and if determination of failure is made prior to the

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1 rehabilitation or replacement of the failing private sewage on-site wastewater
2 treatment system.

3 **SECTION 116.** 145.245 (5) (a) 2. of the statutes is amended to read:

4 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
5 owns a small commercial establishment which is served by a category 1 or 2 failing
6 private sewage on-site wastewater treatment system, if the private sewage on-site
7 wastewater treatment system was installed before July 1, 1978, if the gross revenue
8 of the business does not exceed the limitation under par. (d), if the small commercial
9 establishment is not located in an area served by a sewer and if a determination of
10 failure is made prior to the rehabilitation or replacement of the private sewage
11 on-site wastewater treatment system.

12 **SECTION 117.** 145.245 (5) (a) 3. of the statutes is amended to read:

13 145.245 (5) (a) 3. A person who owns a principal residence or small commercial
14 establishment which is served by a category 1 or 2 failing private sewage on-site
15 wastewater treatment system may submit an application for grant funds during the
16 3-year period after the determination of failure is made. Grant funds may be
17 awarded after work is completed if rehabilitation or replacement of the system meets
18 all requirements of this section and rules promulgated under this section.

19 **SECTION 118.** 145.245 (5m) (a) of the statutes is amended to read:

20 145.245 (5m) (a) The department or a governmental unit shall deny a grant
21 application under this section if the applicant or a person who would be directly
22 benefited by the grant intentionally caused the conditions which resulted in a
23 category 1 or 2 failing private sewage on-site wastewater treatment system. The
24 department or governmental unit shall notify the applicant in writing of a denial,
25 including the reason for the denial.

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1 **SECTION 119.** 145.245 (6) (a) of the statutes is amended to read:

2 145.245 (6) (a) Except for grants under par. (b), funds available under a grant
3 under this section shall be applied to the rehabilitation or replacement of the private
4 sewage on-site wastewater treatment system. An existing private sewage on-site
5 wastewater treatment system may be replaced by an alternative private sewage
6 on-site wastewater treatment system or by a system serving more than one principal
7 residence.

8 **SECTION 120.** 145.245 (6) (b) of the statutes is amended to read:

9 145.245 (6) (b) Funds available under a grant under this section for
10 experimental private sewage on-site wastewater treatment systems shall be applied
11 to the installation and monitoring of the experimental private sewage on-site
12 wastewater treatment systems.

13 **SECTION 121.** 145.245 (7) (a) of the statutes is amended to read:

14 145.245 (7) (a) Except as provided in par. (e), costs allowable in determining
15 grant funding under this section may not exceed the costs of rehabilitating or
16 replacing a private sewage on-site wastewater treatment system which would be
17 necessary to allow the rehabilitated system or new system to meet the minimum
18 requirements of the state plumbing code promulgated under s. 145.13.

19 **SECTION 122.** 145.245 (7) (b) of the statutes is amended to read:

20 145.245 (7) (b) Except as provided in par. (e), costs allowable in determining
21 grant funding under this section may not exceed the costs of rehabilitating or
22 replacing a private sewage on-site wastewater treatment system by the least costly
23 methods, except that a holding tank may not be used as the measure of the least
24 costly method for rehabilitating or replacing a private sewage on-site wastewater
25 treatment system other than a holding tank.