

SENATE BILL 453

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cont.

1 **SECTION 98.** 145.24 (2) of the statutes is amended to read:

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

5 **SECTION 99.** 145.24 (3) of the statutes is amended to read:

6 145.24 (3) Upon receipt of a petition for a variance, the department shall
7 require the owner of the private sewage on-site wastewater treatment system to
8 submit information necessary to evaluate the request for a variance. If the
9 department determines that the existing private sewage on-site wastewater
10 treatment system is not a failing private sewage on-site wastewater treatment
11 system, and continued use of the existing private sewage on-site wastewater
12 treatment system will not pose a threat of contamination of waters of the state, then
13 the department may issue a variance to allow continued use of the existing private
14 sewage on-site wastewater treatment system. The department shall rescind the
15 variance if the existing private sewage on-site wastewater treatment system
16 becomes a failing private sewage on-site wastewater treatment system or
17 contaminates waters of the state.

18 **SECTION 100.** 145.245 (title) of the statutes is amended to read:

19 **145.245 (title) Private sewage on-site wastewater treatment system**
20 **replacement or rehabilitation.**

21 **SECTION 101.** 145.245 (1) (a) 1. of the statutes is amended to read:

22 145.245 (1) (a) 1. A determination that a private sewage on-site wastewater
23 treatment system is failing, according to the criteria under sub. (4), based on an
24 inspection of the private sewage on-site wastewater treatment system by an

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1 employee of the state or a governmental unit who is certified to inspect private
2 sewage on-site wastewater treatment systems by the department.

3 **SECTION 102.** 145.245 (1) (ae) of the statutes is amended to read:

4 145.245 (1) (ae) "Governmental unit" means a governmental unit responsible
5 for the regulation of private sewage on-site wastewater treatment systems.
6 "Governmental unit" also includes a federally recognized American Indian tribe or
7 band.

8 **SECTION 103.** 145.245 (4) (intro.) of the statutes is amended to read:

9 145.245 (4) FAILING PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEMS.
10 (intro.) The department shall establish criteria for determining if a private sewage
11 on-site wastewater treatment system is a failing private sewage on-site wastewater
12 treatment system. A failing private sewage on-site wastewater treatment system
13 is one which causes or results in any of the following conditions:

14 **SECTION 104.** 145.245 (4) (b) of the statutes is amended to read:

15 145.245 (4) (b) The introduction of sewage into zones of saturation which
16 adversely affects the operation of a private sewage on-site wastewater treatment
17 system.

18 **SECTION 105.** 145.245 (4) (e) of the statutes is amended to read:

19 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage
20 into the structure served by the private sewage on-site wastewater treatment
21 system.

22 **SECTION 106.** 145.245 (4m) (intro.) of the statutes is amended to read:

23 145.245 (4m) CATEGORIES OF FAILING PRIVATE SEWAGE ON-SITE WASTEWATER
24 TREATMENT SYSTEMS. (intro.) For the purposes of this section, the department shall

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1 establish the category of each failing private sewage on-site wastewater treatment
2 system for which a grant application is submitted, as follows:

3 **SECTION 107.** 145.245 (4m) (a) of the statutes is amended to read:

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

6 **SECTION 108.** 145.245 (4m) (b) of the statutes is amended to read:

7 145.245 (4m) (b) Category 2: failing private sewage on-site wastewater
8 treatment systems described in sub. (4) (d).

9 **SECTION 109.** 145.245 (4m) (c) of the statutes is amended to read:

10 145.245 (4m) (c) Category 3: failing private sewage on-site wastewater
11 treatment systems described in sub. (4) (e).

12 **SECTION 110.** 145.245 (5) (a) 1. of the statutes is amended to read:

13 145.245 (5) (a) 1. A person is eligible for grant funds under this section if he or
14 she owns a principal residence which is served by a category 1 or 2 failing private
15 sewage on-site wastewater treatment system, if the private sewage on-site
16 wastewater treatment system was installed before July 1, 1978, if the family income
17 of the person does not exceed the income limitations under par. (c), if the amount of
18 the grant determined under sub. (7) is at least \$100, if the residence is not located
19 in an area served by a sewer and if determination of failure is made prior to the
20 rehabilitation or replacement of the failing private sewage on-site wastewater
21 treatment system.

22 **SECTION 111.** 145.245 (5) (a) 2. of the statutes is amended to read:

23 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
24 owns a small commercial establishment which is served by a category 1 or 2 failing
25 private sewage on-site wastewater treatment system, if the private sewage on-site

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1 wastewater treatment system was installed before July 1, 1978, if the gross revenue
2 of the business does not exceed the limitation under par. (d), if the small commercial
3 establishment is not located in an area served by a sewer and if a determination of
4 failure is made prior to the rehabilitation or replacement of the private sewage
5 on-site wastewater treatment system.

6 **SECTION 112.** 145.245 (5) (a) 3. of the statutes is amended to read:

7 145.245 (5) (a) 3. A person who owns a principal residence or small commercial
8 establishment which is served by a category 1 or 2 failing private sewage on-site
9 wastewater treatment system may submit an application for grant funds during the
10 3-year period after the determination of failure is made. Grant funds may be
11 awarded after work is completed if rehabilitation or replacement of the system meets
12 all requirements of this section and rules promulgated under this section.

13 **SECTION 113.** 145.245 (5m) (a) of the statutes is amended to read:

14 145.245 (5m) (a) The department or a governmental unit shall deny a grant
15 application under this section if the applicant or a person who would be directly
16 benefited by the grant intentionally caused the conditions which resulted in a
17 category 1 or 2 failing private sewage on-site wastewater treatment system. The
18 department or governmental unit shall notify the applicant in writing of a denial,
19 including the reason for the denial.

20 **SECTION 114.** 145.245 (6) (a) of the statutes is amended to read:

21 145.245 (6) (a) Except for grants under par. (b), funds available under a grant
22 under this section shall be applied to the rehabilitation or replacement of the private
23 sewage on-site wastewater treatment system. An existing private sewage on-site
24 wastewater treatment system may be replaced by an alternative private sewage

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1 on-site wastewater treatment system or by a system serving more than one principal
2 residence.

3 **SECTION 115.** 145.245 (6) (b) of the statutes is amended to read:

4 145.245 (6) (b) Funds available under a grant under this section for
5 experimental private sewage on-site wastewater treatment systems shall be applied
6 to the installation and monitoring of the experimental private sewage on-site
7 wastewater treatment systems.

8 **SECTION 116.** 145.245 (7) (a) of the statutes is amended to read:

9 145.245 (7) (a) Except as provided in par. (e), costs allowable in determining
10 grant funding under this section may not exceed the costs of rehabilitating or
11 replacing a private sewage on-site wastewater treatment system which would be
12 necessary to allow the rehabilitated system or new system to meet the minimum
13 requirements of the state plumbing code promulgated under s. 145.13.

14 **SECTION 117.** 145.245 (7) (b) of the statutes is amended to read:

15 145.245 (7) (b) Except as provided in par. (e), costs allowable in determining
16 grant funding under this section may not exceed the costs of rehabilitating or
17 replacing a private sewage on-site wastewater treatment system by the least costly
18 methods, except that a holding tank may not be used as the measure of the least
19 costly method for rehabilitating or replacing a private sewage on-site wastewater
20 treatment system other than a holding tank.

21 **SECTION 118.** 145.245 (7) (c) of the statutes is amended to read:

22 145.245 (7) (c) Except as provided in pars. (d) and (e), the state grant share
23 under this section is limited to \$7,000 for each principal residence or small
24 commercial establishment to be served by the private sewage on-site wastewater
25 treatment system or to the amount determined by the department based upon

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

16 **SECTION 119.** 145.245 (7) (d) of the statutes is amended to read:

17 145.245 (7) (d) Except as provided in par. (e), if the income of a person who owns
18 a principal residence that is served by a category 1 or 2 failing private sewage on-site
19 wastewater treatment system is greater than \$32,000, the amount of the grant under
20 this section is limited to the amount determined under par. (c) less 30% of the amount
21 by which the person's income exceeds \$32,000.

22 **SECTION 120.** 145.245 (7) (e) of the statutes is amended to read:

23 145.245 (7) (e) Costs allowable for experimental private sewage on-site
24 wastewater treatment systems shall include the costs of installing and monitoring
25 experimental private sewage on-site wastewater treatment systems installed under

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1 s. 145.02 (3) (b) and this section. The department shall promulgate rules that specify
2 how the department will select, monitor and allocate the state share for
3 experimental private sewage on-site wastewater treatment systems that the
4 department funds under this section.

5 **SECTION 121.** 145.245 (8) (a) of the statutes is amended to read:

6 145.245 (8) (a) In order to be eligible for a grant under this section, a
7 governmental unit shall make an application for replacement or rehabilitation of
8 private sewage on-site wastewater treatment systems of principal residences or
9 small commercial establishments and shall submit an application for participation
10 to the department. The application shall be in the form and include the information
11 the department prescribes. In order to be eligible for funds available in a fiscal year,
12 an application is required to be received by the department prior to February 1 of the
13 previous fiscal year.

14 **SECTION 122.** 145.245 (9) (b) of the statutes is amended to read:

15 145.245 (9) (b) Certify that grants will be used for private sewage on-site
16 wastewater treatment system replacement or rehabilitation for a principal
17 residence or small commercial establishment owned by a person who meets the
18 eligibility requirements under sub. (5), that the funds will be used as provided under
19 sub. (6) and that allowable costs will not exceed the amount permitted under sub. (7);

20 **SECTION 123.** 145.245 (9) (c) of the statutes is amended to read:

21 145.245 (9) (c) Certify that grants will be used for private sewage on-site
22 wastewater treatment systems which will be properly installed and maintained;

23 **SECTION 124.** 145.245 (9) (e) of the statutes is amended to read:

24 145.245 (9) (e) Establish a process for regulation and inspection of private
25 sewage on-site wastewater treatment systems;

SENATE BILL 453**SECTION 125**

1 **SECTION 125.** 145.245 (11) (e) of the statutes is amended to read:

2 145.245 (11) (e) *Limitation; experimental private sewage on-site wastewater*
3 *treatment systems.* The department may not allocate more than 10% of the funds
4 available under this subsection each fiscal year for grants for the installation and
5 monitoring of experimental private sewage on-site wastewater treatment systems.

6 **SECTION 126.** 145.245 (11m) (b) of the statutes is amended to read:

7 145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully
8 fund all category 1 but not all category 2 failing private sewage on-site wastewater
9 treatment systems, the department shall fully fund all category 1 systems and
10 prorate the funds for category 2 systems on a proportional basis.

11 **SECTION 127.** 145.245 (11m) (c) of the statutes is amended to read:

12 145.245 (11m) (c) Except as provided in par. (d), if funds are not sufficient to
13 fully fund all category 1 failing private sewage on-site wastewater treatment
14 systems, the department shall fund the category 1 systems on a proportional basis
15 and deny the grant applications for all category 2 systems.

16 **SECTION 128.** 145.245 (11m) (d) of the statutes is amended to read:

17 145.245 (11m) (d) The department is not required to prorate available funds
18 for grants for the installation and monitoring of experimental private sewage on-site
19 wastewater treatment systems.

20 **SECTION 129.** 145.245 (13) of the statutes is amended to read:

21 145.245 (13) **INSPECTION.** Agents of the department or the governmental unit
22 may enter premises where private sewage on-site wastewater treatment systems
23 are located pursuant to a special inspection warrant as required under s. 66.0119,
24 to collect samples, records and information and to ascertain compliance with the
25 rules and orders of the department or the governmental unit.

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1 **SECTION 130.** 145.245 (14) (d) of the statutes is amended to read:

2 145.245 (14) (d) Additional grants under this section to a governmental unit
3 previously awarded a grant under this section may be suspended or terminated if the
4 department finds that a private sewage on-site wastewater treatment system
5 previously funded in the governmental unit is not being or has not been properly
6 rehabilitated, constructed, installed or maintained.

7 **SECTION 131.** 157.12 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
8 is repealed.

9 **SECTION 132.** 160.255 (title) of the statutes is amended to read:

10 **160.255** (title) **Exceptions for private sewage on-site wastewater**
11 **treatment systems.**

12 **SECTION 133.** 160.255 (1) of the statutes is amended to read:

13 160.255 (1) In this section, “private sewage on-site wastewater treatment
14 system” has the meaning given in s. 145.01 (12).

15 **SECTION 134.** 160.255 (2) of the statutes is amended to read:

16 160.255 (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency
17 is not required to promulgate or amend rules that define design or management
18 criteria for private sewage on-site wastewater treatment systems to minimize the
19 amount of nitrate in groundwater or to maintain compliance with the preventive
20 action limit for nitrate.

21 **SECTION 135.** 160.255 (3) of the statutes is amended to read:

22 160.255 (3) Notwithstanding s. 160.19 (3), a regulatory agency may
23 promulgate rules that define design or management criteria for private sewage
24 on-site wastewater treatment systems that permit the enforcement standard for
25 nitrate to be attained or exceeded at the point of standards application.

SENATE BILL 453**SECTION 136**

1 **SECTION 136.** 160.255 (4) of the statutes is amended to read:

2 160.255 (4) Notwithstanding s. 160.21, a regulatory agency is not required to
3 promulgate rules that set forth responses that the agency may take, or require to be
4 taken, when the preventive action limit or enforcement standard for nitrate is
5 attained or exceeded at the point of standards application if the source of the nitrate
6 is a private-sewage on-site wastewater treatment system.

7 **SECTION 137.** 160.255 (5) of the statutes is amended to read:

8 160.255 (5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not
9 required to take any responses for a specific site at which the preventive action limit
10 or enforcement standard for nitrate is attained or exceeded at the point of standards
11 application if the source of the nitrate is a private sewage on-site wastewater
12 treatment system.

13 **SECTION 138.** 168.11 (1) (b) 1. of the statutes is amended to read:

14 168.11 (1) (b) 1. A device that dispenses a gasoline-ethanol fuel blend for sale
15 at retail shall be marked or labeled with the percentage of ethanol, ~~using one-half~~
16 ~~inch high letters with a stroke of not less than one-eighth inch in width,~~ at all times
17 when the product is offered for sale.

18 **SECTION 139.** 200.21 (11) of the statutes is amended to read:

19 200.21 (11) "Sewerage system" means all facilities of the district for collection,
20 transportation, storage, pumping, treatment and final disposition of sewage.
21 "Sewerage system" does not include any private sewage on-site wastewater
22 treatment system, as defined in s. 145.01 (12), or any local sewer.

23 **SECTION 140.** 200.29 (1) (c) 3. a. of the statutes is amended to read:

24 200.29 (1) (c) 3. a. The weight to be given to the need for private sewage on-site
25 wastewater treatment systems, as defined in s. 145.01 (12), to maintain the public

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1 health and welfare in any area located within the district prior to a redefinition of
2 the boundary but located outside the district after any redefinition of the boundary.

3 **SECTION 141.** 236.13 (2m) of the statutes, as affected by 2011 Wisconsin Act 32,
4 is amended to read:

5 236.13 (2m) As a further condition of approval when lands included in the plat
6 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake
7 or other body of navigable water or if land in the proposed plat involves lake or stream
8 shorelands referred to in s. 236.16, the department of natural resources, to prevent
9 pollution of navigable waters, or the department of safety and professional services,
10 to protect the public health and safety, may require assurance of adequate drainage
11 areas for private sewage disposal on-site wastewater treatment systems and
12 building setback restrictions, or provisions by the owner for public sewage disposal
13 facilities for waters of the state, as defined in s. 281.01 (18), industrial wastes, as
14 defined in s. 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public
15 sewage disposal facilities may consist of one or more systems as the department of
16 natural resources or the department of safety and professional services determines
17 on the basis of need for prevention of pollution of the waters of the state or protection
18 of public health and safety.

19 **SECTION 142.** 281.41 (3) (a) of the statutes is amended to read:

20 281.41 (3) (a) In this subsection, "septage service area" means the area
21 containing private sewage on-site wastewater treatment systems served or
22 anticipated to be served by a sewage disposal plant during the planning period.

23 **SECTION 143.** 281.41 (3) (b) 3. of the statutes is amended to read:

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1 281.41 (3) (b) 3. The location of private sewage on-site wastewater treatment
2 systems within the septage service area, and the distances required to haul septage
3 for disposal either on land or in the sewage disposal plant.

4 **SECTION 144.** 281.41 (3) (b) 4. of the statutes is amended to read:

5 281.41 (3) (b) 4. The potential for contracts with private sewage on-site
6 wastewater treatment system owners, licensed disposers, as defined in s. 281.49 (1)
7 (b), or municipalities to assure delivery of septage to the sewage disposal plant.

8 **SECTION 145.** 281.48 (2) (bm) of the statutes is amended to read:

9 281.48 (2) (bm) "Private sewage on-site wastewater treatment system" has the
10 meaning given in s. 145.01 (12).

11 **SECTION 146.** 281.48 (2) (d) of the statutes is amended to read:

12 281.48 (2) (d) "Septage" means the scum, liquid, sludge or other waste in a
13 septic tank, soil absorption field, holding tank, grease interceptor, privy, or other
14 component of a private sewage on-site wastewater treatment system.

15 **SECTION 147.** 281.48 (2) (f) of the statutes is amended to read:

16 281.48 (2) (f) "Servicing" means removing septage from a septic tank, soil
17 absorption field, holding tank, grease interceptor, privy, or other component of a
18 private sewage on-site wastewater treatment system and disposing of the septage.

19 **SECTION 148.** 281.48 (2) (g) of the statutes is amended to read:

20 281.48 (2) (g) "Soil absorption field" means an area or cavity in the ground
21 which receives the liquid discharge of a septic tank or similar component of a private
22 sewage on-site wastewater treatment system.

23 **SECTION 149.** 281.48 (2m) of the statutes is amended to read:

24 281.48 (2m) **POWERS OF THE DEPARTMENT.** The department has general
25 supervision and control of servicing septic tanks, soil absorption fields, holding

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1 tanks, grease interceptors, privies, and other components of private sewage on-site
2 wastewater treatment systems.

3 **SECTION 150.** 281.48 (3) (e) of the statutes is amended to read:

4 281.48 (3) (e) *Operator certification.* No person, except for a farmer exempted
5 from licensing under par. (d), may service a private sewage on-site wastewater
6 treatment system or operate a septage servicing vehicle unless the person is certified
7 as an operator of a septage servicing vehicle under s. 281.17 (3).

8 **SECTION 151.** 281.48 (4g) of the statutes is amended to read:

9 281.48 (4g) RULES ON SERVICING. The department shall promulgate rules
10 relating to servicing septic tanks, soil absorption fields, holding tanks, grease
11 interceptors, privies, and other components of private sewage on-site wastewater
12 treatment systems in order to protect the public health against unsanitary and
13 unhealthful practices and conditions, and to protect the surface waters and
14 groundwaters of the state from contamination by septage. The rules shall comply
15 with ch. 160. The rules shall apply to all septage disposal, whether undertaken
16 pursuant to a license or a license exemption under sub. (3). The rules shall require
17 each person with a license under sub. (3) to maintain records of the location of private
18 sewage on-site wastewater treatment systems serviced and the volume of septage
19 disposed of and location of that disposal.

20 **SECTION 152.** 281.59 (1m) (c) of the statutes is amended to read:

21 281.59 (1m) (c) There is established a private sewage on-site wastewater
22 treatment system replacement and rehabilitation loan program, administered
23 under s. 145.245 (12m).

24 **SECTION 153.** 281.68 (3) (a) 2. f. of the statutes is amended to read:

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1 281.68 (3) (a) 2. f. Providing programs and materials that promote the
2 monitoring of private ~~sewage~~ on-site wastewater treatment systems, the reduction
3 in the use of environmentally harmful chemicals, water safety, and the protection of
4 natural lake ecosystems.

5 **SECTION 154.** 440.03 (13) (am) of the statutes is created to read:

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

12 **SECTION 155.** 440.19 of the statutes is created to read:

13 **440.19 Voluntary surrender of license, permit, or certificate.** A person
14 who holds a license, permit, or certificate of certification or registration issued under
15 chs. 440 to 480 may voluntarily surrender that license, permit, or certificate of
16 certification or registration. The department, examining board, affiliated
17 credentialing board, or board of the department that issued the license, permit, or
18 certificate of certification or registration may refuse to accept that surrender if a
19 complaint has been filed or disciplinary proceeding has been commenced against the
20 person under s. 440.20.

21 **SECTION 156.** 440.21 (4) (a) of the statutes is amended to read:

22 440.21 (4) (a) Any Notwithstanding any other provision of chs. 440 to 480
23 relating to fines, forfeitures, or imprisonment, any person who violates a special
24 order issued under sub. (2) may be required to forfeit not more than \$10,000 for each
25 offense. Each day of continued violation constitutes a separate offense. The attorney

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1 general or any district attorney may commence an action in the name of the state to
2 recover a forfeiture under this paragraph.

3 **SECTION 157.** 440.21 (4) (b) of the statutes is amended to read:

4 440.21 (4) (b) Any Notwithstanding any other provision of chs. 440 to 480
5 relating to fines, forfeitures, or imprisonment, any person who violates a temporary
6 restraining order or an injunction issued by a court upon a petition under sub. (3)
7 may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than
8 one year in the county jail or both.

9 **SECTION 158.** 440.26 (2) (c) 5. of the statutes is created to read:

10 440.26 (2) (c) 5. The department may, based on rules adopted by the
11 department, refuse to issue a license under this section to an individual who has
12 committed any of the acts described in sub. (6) (a) 1. to 5.

13 **SECTION 159.** 440.26 (4) of the statutes is amended to read:

14 440.26 (4) BONDS OR LIABILITY POLICIES REQUIRED. No license may be issued
15 under this section until a bond or liability policy, approved by the department, in the
16 amount of \$100,000 if the applicant for the license is a private detective agency and
17 includes all principals, partners, members or corporate officers, or in the amount of
18 \$2,000 if the applicant is a private detective, has been executed and filed with the
19 department. Such bonds or liability policies shall be furnished by an insurer
20 authorized to do a surety business in this state in a form approved by the department.
21 The person shall maintain the bond or liability policy during the period that the
22 license is in effect.

23 **SECTION 160.** 440.26 (5m) (am) of the statutes is created to read:

24 440.26 (5m) (am) The department may refuse to issue a private security permit
25 to a person who has been convicted of a misdemeanor or found to have violated any

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1 state or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322,
2 and 111.335.

3 **SECTION 161.** 440.26 (6) (a) 5. of the statutes is created to read:

4 440.26 (6) (a) 5. Failed to maintain a bond or liability policy as required under
5 sub. (4).

6 **SECTION 162.** 440.91 (2) (intro.) of the statutes is amended to read:

7 440.91 (2) (intro.) Except as provided in sub. (10), every ~~person that~~ individual
8 who sells or solicits the sale of, or that expects to sell or solicit the sale of, 20 or more
9 cemetery lots or mausoleum spaces per year during 2 consecutive calendar years
10 shall be licensed by the board. ~~A person~~ An individual may not be licensed as a
11 cemetery salesperson except upon the written request of a cemetery authority and
12 the payment of the initial credential fee determined by the department under s.
13 440.03 (9) (a). The cemetery authority shall certify in writing to the board that the
14 ~~person~~ individual is competent to act as a cemetery salesperson. An applicant for
15 licensure as a cemetery salesperson shall furnish to the board, in such form as the
16 board prescribes, all of the following information:

17 **SECTION 163.** 440.91 (2) (a) of the statutes is amended to read:

18 440.91 (2) (a) The name and address of the applicant ~~and, if the applicant is~~
19 ~~a business entity, the name and address of each business representative.~~

20 **SECTION 164.** 440.91 (8) of the statutes is amended to read:

21 440.91 (8) Sections 452.13, 452.14, 452.15, 452.18, 452.21 and 452.22, as they
22 apply to real estate brokers or salespersons, apply with equal effect to cemetery
23 authorities and salespersons.

24 **SECTION 165.** 443.01 (2) of the statutes is amended to read:

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1 443.01 (2) "Engineer-in-training" means a person who is a graduate in an
2 engineering curriculum of 4 years or more from a school or college approved by the
3 professional engineer section of the examining board as of satisfactory standing, or
4 a person who has had 4 years or more of experience in engineering work of a character
5 satisfactory to the ~~examining board~~ professional engineer section; and who, in
6 addition, has successfully passed the examination in the fundamental engineering
7 subjects prior to the completion of the requisite years in engineering work, as
8 provided in s. 443.05, and who has been granted a certificate of record by the
9 ~~examining board~~ professional engineer section stating that the person has
10 successfully passed this portion of the professional examinations.

11 **SECTION 166.** 443.015 (title) of the statutes is amended to read:

12 **443.015** (title) **Examining board to establish continuing education**
13 **requirements; promulgate rules.**

14 **SECTION 167.** 443.015 of the statutes is renumbered 443.015 (1) and amended
15 to read:

16 443.015 (1) ~~The~~ Each section of the examining board may establish continuing
17 education requirements for renewal of a credential issued by that section under this
18 chapter.

19 **SECTION 168.** 443.015 (2) of the statutes is created to read:

20 443.015 (2) Each section of the examining board may promulgate rules
21 governing the professional conduct of individuals, firms, partnerships, and
22 corporations registered, permitted, certified, or granted a certificate of authorization
23 by that section.

24 **SECTION 169.** 443.03 (1) (intro.) of the statutes is amended to read:

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1 443.03 (1) (intro.) An applicant for registration as an architect shall submit as
2 satisfactory evidence to the architect section of the examining board all of the
3 following:

4 **SECTION 170.** 443.03 (1) (a) of the statutes is amended to read:

5 443.03 (1) (a) That he or she has acquired a thorough knowledge of sound
6 construction, building hygiene, architectural design and mathematics; ~~and~~.

7 **SECTION 171.** 443.03 (1) (b) (intro.) of the statutes is created to read:

8 443.03 (1) (b) (intro.) One of the following:

9 **SECTION 172.** 443.03 (1) (b) 1. of the statutes is renumbered 443.03 (1) (b) 1m.
10 and amended to read:

11 443.03 (1) (b) 1m. A diploma of graduation, or a certificate, from an
12 architectural school or college approved by the ~~examining board~~ architect section as
13 of satisfactory standing, together with at least 2 years' practical experience of a
14 character satisfactory to the ~~examining board~~ architect section in the design and
15 construction of buildings; ~~or~~.

16 **SECTION 173.** 443.03 (1) (b) 2. of the statutes is amended to read:

17 443.03 (1) (b) 2. A specific record of 7 or more years of experience in
18 architectural work of a character satisfactory to the ~~examining board~~ architect
19 section in the design and construction of buildings.

20 **SECTION 174.** 443.03 (2) of the statutes is amended to read:

21 443.03 (2) Graduation in architecture from a school or college approved by the
22 ~~examining board~~ architect section as of satisfactory standing shall be considered as
23 equivalent to 5 years of experience, and the completion satisfactory to the ~~examining~~
24 ~~board~~ architect section of each year of work in architecture in such school or college
25 without graduation shall be considered equivalent to one year of experience.

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1 Graduation in a course other than architecture from a school or college approved by
2 the ~~examining board~~ architect section as of satisfactory standing shall be considered
3 as equivalent to not more than 4 years of experience.

4 **SECTION 175.** 443.035 (intro.) of the statutes is amended to read:

5 **443.035 Registration requirements for landscape architects.** (intro.)
6 The landscape architect section of the examining board shall register as a landscape
7 architect an individual who does all of the following:

8 **SECTION 176.** 443.035 (1) of the statutes is amended to read:

9 443.035 (1) Submits to the department evidence satisfactory to the ~~examining~~
10 ~~board~~ landscape architect section of any of the following:

11 (a) That he or she has a bachelor's degree in landscape architecture, or a
12 master's degree in landscape architecture, from a curriculum approved by the
13 ~~examining board~~ landscape architect section and has at least 2 years of practical
14 experience in landscape architecture of a character satisfactory to the ~~examining~~
15 ~~board~~ landscape architect section.

16 (b) That he or she has a specific record of at least 7 years of training and
17 experience in the practice of landscape architecture including at least 2 years of
18 courses in landscape architecture approved by the ~~examining board~~ landscape
19 architect section, and 4 years of practical experience in landscape architecture of a
20 character satisfactory to the ~~examining board~~ landscape architect section.

21 **SECTION 177.** 443.04 of the statutes is amended to read:

22 **443.04 Registration requirements for professional engineers.** An
23 applicant for registration as a professional engineer shall submit satisfactory
24 evidence to the professional engineer section of the examining board of all of the
25 following:

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SECTION 177

1 **(1m)** A diploma of graduation, or a certificate, from an engineering school or
2 college approved by the ~~examining board~~ professional engineer section as of
3 satisfactory standing in an engineering course of not less than 4 years or a diploma
4 of graduation or degree from a technical college approved by the ~~examining board~~
5 professional engineer section as of satisfactory standing in an engineering-related
6 course of study of not less than 2 years.

7 **(2m)** (a) For an applicant possessing a diploma or certificate from a course of
8 study of not less than 4 years as specified in sub. (1m), a specific record of 4 or more
9 years of experience in engineering work of a character satisfactory to the ~~examining~~
10 ~~board~~ professional engineer section and indicating that the applicant is competent
11 to be placed in responsible charge of engineering work.

12 (b) For an applicant possessing a diploma or degree from a course of study of
13 not less than 2 years as specified in sub. (1m), a specific record of 6 or more years of
14 experience in engineering work of a character satisfactory to the ~~examining board~~
15 professional engineer section and indicating that the applicant is competent to be
16 placed in responsible charge of engineering work.

17 **SECTION 178.** 443.05 (1) (intro.), (a) and (b) and (2) of the statutes are amended
18 to read:

19 **443.05 (1)** An applicant for certification as an engineer-in-training shall
20 submit as satisfactory evidence to the professional engineer section of the ~~examining~~
21 ~~board as follows~~ one of the following:

22 (a) A diploma of graduation in engineering or a certificate in engineering from
23 a school or college approved by the ~~examining board~~ professional engineer section as
24 of satisfactory standing, ~~or~~.

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1 (b) A specific record of 4 years or more of experience in engineering work of a
2 character satisfactory to the ~~examining board~~ professional engineer section.

3 (2) Graduation in engineering from a school or college approved by the
4 ~~examining board~~ professional engineer section as of satisfactory standing shall be
5 considered as equivalent to 4 years of experience and the completion satisfactory to
6 the ~~examining board~~ professional engineer section of each year of work in
7 engineering in such school or college without graduation shall be considered as
8 equivalent to one year of experience. Graduation in a course other than engineering
9 from a school or college approved by the ~~examining board~~ professional engineer
10 section as of satisfactory standing shall be considered as equivalent to 2 years of
11 experience. No applicant may receive credit for more than 4 years of experience
12 under this subsection.

13 **SECTION 179.** 443.06 (1) (a) of the statutes is amended to read:

14 443.06 (1) (a) Application for registration as a land surveyor or a permit to
15 practice shall be made to the section under oath, on forms provided by the
16 department, which shall require the applicant to submit such information as the
17 land surveyor section of the examining board deems necessary. The land surveyor
18 section may require applicants to pass written or oral examinations or both.
19 Applicants who do not have an arrest or conviction record, subject to ss. 111.321,
20 111.322, and 111.335, shall be entitled to be registered or issued a permit to practice
21 as land surveyors when satisfactory evidence is submitted that the applicant has met
22 one or more of the requirements of sub. (2).

23 **SECTION 180.** 443.06 (2) (intro.) of the statutes is amended to read:

24 443.06 (2) REQUIREMENTS; CERTIFICATE OF REGISTRATION. (intro.) The land
25 surveyor section may grant a certificate of registration as a land surveyor to any

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1 person who has submitted to it an application, the required fees, and one or more of
2 the following:

3 **SECTION 181.** 443.06 (3) of the statutes is amended to read:

4 443.06 (3) PERMIT TO PRACTICE. ~~The examining board~~ land surveyor section may
5 grant a permit to practice land surveying during the time an application is pending
6 to a person who is not registered in this state, if the person has submitted an
7 application for registration as a land surveyor and paid the required fee and holds
8 an unexpired certificate which in the opinion of the ~~examining board~~ land surveyor
9 section meets the requirements of sub. (2). The permit shall be revocable by the land
10 surveyor section at its pleasure.

11 **SECTION 182.** 443.07 (1) (intro.) of the statutes is amended to read:

12 443.07 (1) (intro.) An applicant for a permit as a designer shall submit as
13 evidence satisfactory to the designer section of the examining board indicating one
14 of the following to indicate that he or she is competent to be in charge of such work
15 as follows:

16 **SECTION 183.** 443.07 (1) (a) of the statutes is amended to read:

17 443.07 (1) (a) A specific record of 8 years or more of experience in specialized
18 engineering design work and the satisfactory completion of a written examination
19 in the field or branch, as determined by the ~~board~~ designer section, in which
20 certification is sought; ~~or~~.

21 **SECTION 184.** 443.07 (3) of the statutes is amended to read:

22 443.07 (3) Permits shall be granted, designated, and limited to the fields and
23 subfields of technology as are determined by the ~~examining board~~ designer section
24 and recognized in engineering design practice. Any person holding a permit may
25 prepare plans and specifications and perform consultation, investigation, and

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1 evaluation in connection with the making of plans and specifications, within the
2 scope of the permit, notwithstanding that such activity constitutes the practice of
3 architecture or professional engineering under this chapter.

4 **SECTION 185.** 443.07 (5) of the statutes is amended to read:

5 443.07 (5) The permit shall, on its face, restrict the holder thereof to the specific
6 field and subfields of designing in which the permittee acquired his or her experience
7 in designing. If qualified in more than one type of designing, persons may receive
8 permits for more than one field or subfield of designing as may be determined by the
9 examining board designer section.

10 **SECTION 186.** 443.08 (1) of the statutes is renumbered 443.08 (1) (a) and
11 amended to read:

12 443.08 (1) (a) The practice of architecture ~~or professional engineering~~
13 pertaining to the internal operations of a firm, partnership, or corporation may be
14 performed by employees if the architectural ~~or professional engineering~~ services are
15 performed by or under the direct supervision of architects ~~or professional engineers~~
16 registered under this chapter, or persons exempt from registration under s. 443.14.
17 Registered or exempt architectural ~~or professional engineering~~ employees may
18 provide architectural ~~or professional engineering~~ data with respect to the
19 manufacture, sale, and utilization of the products of the firm, partnership, or
20 corporation to other registered or exempt architects ~~or professional engineers~~.

21 **SECTION 187.** 443.08 (1) (b) of the statutes is created to read:

22 443.08 (1) (b) The practice of professional engineering pertaining to the
23 internal operations of a firm, partnership, or corporation may be performed by
24 employees if the professional engineering services are performed by or under the
25 direct supervision of professional engineers registered under this chapter, or persons

SENATE BILL 453**SECTION 187**

1 exempt from registration under s. 443.14. Registered or exempt professional
2 engineering employees may provide professional engineering data with respect to
3 the manufacture, sale, and utilization of the products of the firm, partnership, or
4 corporation to other registered or exempt professional engineers.

5 **SECTION 188.** 443.08 (2) of the statutes is renumbered 443.08 (2) (a) (intro.) and
6 amended to read:

7 443.08 (2) (a) (intro.) The No individual architect registered under this chapter
8 may practice of or the offer to practice architecture, professional engineering or
9 designing by individual architects, professional engineers or designers registered or
10 granted a permit under this chapter, through a firm, partnership or corporation as
11 principals, officers, employees or agents, is permitted subject to this chapter, if a
12 principal, officer, employee, or agent of a firm, partnership, or corporation unless all
13 of the following are satisfied:

14 1. All personnel who practice or offer to practice in its behalf as architects,
15 professional engineers or designers are registered or granted a permit under this
16 chapter and if the,

17 2. The firm, partnership, or corporation has been issued a certificate of
18 authorization under sub. (3) (a) 1.

19 **SECTION 189.** 443.08 (2) (b) of the statutes is created to read:

20 443.08 (2) (b) No individual professional engineer registered under this
21 chapter may practice or offer to practice professional engineering as a principal,
22 officer, employee, or agent of a firm, partnership, or corporation unless all of the
23 following are satisfied:

24 1. All personnel who practice or offer to practice in its behalf as professional
25 engineers are registered under this chapter.

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1 2. The firm, partnership, or corporation has been issued a certificate of
2 authorization under sub. (3) (a) 2.

3 **SECTION 190.** 443.08 (2) (c) of the statutes is created to read:

4 443.08 (2) (c) No individual designer granted a permit under this chapter may
5 practice or offer to practice designing as a principal, officer, employee, or agent of a
6 firm, partnership, or corporation unless all of the following are satisfied:

7 1. All personnel who practice or offer to practice in its behalf as designers are
8 granted a permit under this chapter.

9 2. The firm, partnership, or corporation has been issued a certificate of
10 authorization under sub. (3) (a) 3.

11 **SECTION 191.** 443.08 (3) (a) of the statutes is renumbered 443.08 (3) (a) 1. and
12 amended to read:

13 443.08 (3) (a) 1. A firm, partnership, or corporation desiring a certificate of
14 authorization shall submit an application to the department on forms provided by
15 the department, listing the names and addresses of all officers and directors, and all
16 individuals in its employment registered ~~or granted a permit~~ to practice
17 architecture, ~~professional engineering or designing~~ in this state who will be in
18 responsible charge of architecture, ~~professional engineering or designing~~ being
19 practiced in this state through the firm, partnership, or corporation and other
20 relevant information required by the architect section of the examining board. A
21 similar type of form shall also accompany the renewal fee. If there is a change in any
22 of these persons, the change shall be reported on the same type of form, and filed with
23 the department within 30 days after the effective date of the change. ~~The examining~~
24 ~~board~~ architect section shall grant a certificate of authorization to a firm,
25 partnership, or corporation complying with this subsection upon payment of the

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1 initial credential fee determined by the department under s. 440.03 (9) (a). This
2 subsection does not apply to firms, partnerships, or corporations exempt under s.
3 443.14 (3) or (5).

4 **SECTION 192.** 443.08 (3) (a) 2. of the statutes is created to read:

5 443.08 (3) (a) 2. A firm, partnership, or corporation desiring a certificate of
6 authorization shall submit an application to the department on forms provided by
7 the department, listing the names and addresses of all officers and directors, and all
8 individuals in its employment registered to practice professional engineering in this
9 state who will be in responsible charge of professional engineering being practiced
10 in this state through the firm, partnership, or corporation and other relevant
11 information required by the professional engineer section of the examining board.
12 A similar type of form shall also accompany the renewal fee. If there is a change in
13 any of these persons, the change shall be reported on the same type of form, and filed
14 with the department within 30 days after the effective date of the change. The
15 professional engineer section shall grant a certificate of authorization to a firm,
16 partnership, or corporation complying with this subsection upon payment of the
17 initial credential fee determined by the department under s. 440.03 (9) (a). This
18 subsection does not apply to firms, partnerships, or corporations exempt under s.
19 443.14 (3) or (5).

20 **SECTION 193.** 443.08 (3) (a) 3. of the statutes is created to read:

21 443.08 (3) (a) 3. A firm, partnership, or corporation desiring a certificate of
22 authorization shall submit an application to the department on forms provided by
23 the department, listing the names and addresses of all officers and directors, and all
24 individuals in its employment granted a permit to practice designing in this state
25 who will be in responsible charge of designing being practiced in this state through

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1 the firm, partnership, or corporation and other relevant information required by the
2 designer section of the examining board. A similar type of form shall also accompany
3 the renewal fee. If there is a change in any of these persons, the change shall be
4 reported on the same type of form, and filed with the department within 30 days after
5 the effective date of the change. The designer section shall grant a certificate of
6 authorization to a firm, partnership, or corporation complying with this subsection
7 upon payment of the initial credential fee determined by the department under s.
8 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations
9 exempt under s. 443.14 (3) or (5).

10 **SECTION 194.** 443.08 (4) (a) of the statutes is renumbered 443.08 (4) (a) 1. and
11 amended to read:

12 443.08 (4) (a) 1. No firm, partnership, or corporation may be relieved of
13 responsibility for the conduct or acts of its agents, employees, or officers by reason
14 of its compliance with this chapter, nor may any individual practicing architecture,
15 ~~landscape architecture, professional engineering or designing~~ be relieved of
16 responsibility for architectural, ~~landscape architectural, professional engineering or~~
17 ~~designing~~ services performed by reason of his or her employment or relationship with
18 the firm, partnership, or corporation.

19 **SECTION 195.** 443.08 (4) (a) 2. of the statutes is created to read:

20 443.08 (4) (a) 2. No firm, partnership, or corporation may be relieved of
21 responsibility for the conduct or acts of its agents, employees, or officers by reason
22 of its compliance with this chapter, nor may any individual practicing landscape
23 architecture be relieved of responsibility for landscape architectural services
24 performed by reason of his or her employment or relationship with the firm,
25 partnership, or corporation.

SENATE BILL 453**SECTION 196**

1 **SECTION 196.** 443.08 (4) (a) 3. of the statutes is created to read:

2 443.08 (4) (a) 3. No firm, partnership, or corporation may be relieved of
3 responsibility for the conduct or acts of its agents, employees, or officers by reason
4 of its compliance with this chapter, nor may any individual practicing professional
5 engineering be relieved of responsibility for professional engineering services
6 performed by reason of his or her employment or relationship with the firm,
7 partnership, or corporation.

8 **SECTION 197.** 443.08 (4) (a) 4. of the statutes is created to read:

9 443.08 (4) (a) 4. No firm, partnership, or corporation may be relieved of
10 responsibility for the conduct or acts of its agents, employees, or officers by reason
11 of its compliance with this chapter, nor may any individual practicing designing be
12 relieved of responsibility for designing services performed by reason of his or her
13 employment or relationship with the firm, partnership, or corporation.

14 **SECTION 198.** 443.08 (4) (b) of the statutes is renumbered 443.08 (4) (b) 1. and
15 amended to read:

16 443.08 (4) (b) 1. All final drawings, specifications, plans, reports, or other
17 architectural, ~~engineering or designing~~ papers or documents involving the practice
18 of architecture, ~~professional engineering or designing, or landscape architectural~~
19 ~~papers or documents prepared by a landscape architect registered under this~~
20 ~~chapter~~, prepared for the use of a firm, partnership, or corporation, for delivery by
21 it to any person, or for public record within the state shall be dated and bear the
22 signature and seal of the architect, ~~landscape architect, professional engineer or~~
23 ~~designer~~ who was in responsible charge of their preparation. This paragraph does
24 not apply to persons exempt under s. 443.14 (3), (4), or (5).

25 **SECTION 199.** 443.08 (4) (b) 2. of the statutes is created to read:

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1 443.08 (4) (b) 2. All final drawings, specifications, plans, reports, or other
2 landscape architectural papers or documents prepared by a landscape architect
3 registered under this chapter, prepared for the use of a firm, partnership, or
4 corporation, for delivery by it to any person, or for public record within the state shall
5 be dated and bear the signature and seal of the landscape architect who was in
6 responsible charge of their preparation. This paragraph does not apply to persons
7 exempt under s. 443.14 (3), (4), or (5).

8 **SECTION 200.** 443.08 (4) (b) 3. of the statutes is created to read:

9 443.08 (4) (b) 3. All final drawings, specifications, plans, reports, or other
10 engineering papers or documents involving the practice of professional engineering,
11 prepared for the use of a firm, partnership, or corporation, for delivery by it to any
12 person, or for public record within the state shall be dated and bear the signature and
13 seal of the professional engineer who was in responsible charge of their preparation.
14 This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

15 **SECTION 201.** 443.08 (4) (b) 4. of the statutes is created to read:

16 443.08 (4) (b) 4. All final drawings, specifications, plans, reports, or other
17 designing papers or documents involving the practice of designing, prepared for the
18 use of a firm, partnership, or corporation, for delivery by it to any person, or for public
19 record within the state shall be dated and bear the signature and seal of the designer
20 who was in responsible charge of their preparation. This paragraph does not apply
21 to persons exempt under s. 443.14 (3), (4), or (5).

22 **SECTION 202.** 443.08 (5) of the statutes is renumbered 443.08 (5) (a) and
23 amended to read:

24 443.08 (5) (a) No firm, partnership, or corporation may engage in the practice
25 of or offer to practice architecture, ~~professional engineering or designing~~ in this state,

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1 or use in connection with its name, or otherwise assume, use or advertise any title
2 or description tending to convey the impression that it is engaged in the practice of
3 architecture, ~~professional engineering or designing~~, nor may it advertise or offer to
4 furnish an architectural, ~~professional engineering or designing~~ service, unless the
5 firm, partnership, or corporation has complied with this chapter.

6 **SECTION 203.** 443.08 (5) (b) of the statutes is created to read:

7 443.08 (5) (b) No firm, partnership, or corporation may engage in the practice
8 of or offer to practice professional engineering in this state, or use in connection with
9 its name, or otherwise assume, use or advertise any title or description tending to
10 convey the impression that it is engaged in the practice of professional engineering,
11 nor may it advertise or offer to furnish a professional engineering service, unless the
12 firm, partnership, or corporation has complied with this chapter.

13 **SECTION 204.** 443.08 (5) (c) of the statutes is created to read:

14 443.08 (5) (c) No firm, partnership, or corporation may engage in the practice
15 of or offer to practice designing in this state, or use in connection with its name, or
16 otherwise assume, use or advertise any title or description tending to convey the
17 impression that it is engaged in the practice of designing, nor may it advertise or offer
18 to furnish a designing service, unless the firm, partnership, or corporation has
19 complied with this chapter.

20 **SECTION 205.** 443.09 (4m) of the statutes is amended to read:

21 443.09 (4m) No person may be registered as a landscape architect under this
22 chapter unless he or she passes a written examination or written and oral
23 examinations conducted or approved by the landscape architect section of the
24 examining board under sub. (5).

25 **SECTION 206.** 443.09 (5) of the statutes is amended to read:

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1 443.09 (5) Written or written and oral examinations shall be held at such time
2 and place as the landscape architect section of the examining board determines. The
3 scope of the examinations and the methods of procedure shall be prescribed by the
4 ~~examining board~~ landscape architect section with special reference to the applicant's
5 ability to design and supervise architectural, landscape architectural, or
6 engineering work, which shall promote the public welfare and ensure the safety of
7 life, health, and property. A candidate failing an examination may, upon application
8 and payment of the required reexamination fee, be examined again by the ~~examining~~
9 ~~board~~ landscape architect section. No restrictions may be placed on the number of
10 times an unsuccessful candidate may be reexamined, except that after failure of 3
11 reexaminations, the ~~examining board~~ landscape architect section may require a
12 one-year waiting period before further reexamination.

13 **SECTION 207.** 443.10 (1) (a) to (d) of the statutes are amended to read:

14 443.10 (1) (a) The appropriate section of the examining board may, upon
15 application and the payment of the required fee, grant a certificate of registration as
16 an architect, as a landscape architect, or as a professional engineer to any person who
17 holds an unexpired certificate of similar registration issued to the person by the
18 proper authority in any state or territory or possession of the United States or in any
19 country in which the requirements for the registration of architects, landscape
20 architects, or professional engineers are of a standard not lower than specified in this
21 chapter.

22 (b) The appropriate section of the examining board may, upon application and
23 payment of the required fee, grant a certificate of registration as an architect, as a
24 landscape architect, or as a professional engineer to any person who holds an
25 unrevoked card or certificate of national reciprocal registration, issued by any state,

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1 territory, or possession of the United States or by any country, which is in conformity
2 with the regulations of the national council of state board of architectural, or
3 engineering examiners, or council of landscape architectural registration boards,
4 and who complies with the regulations of the ~~examining board~~ appropriate section,
5 except as to qualifications and registration fee.

6 (c) The professional engineer section of the examining board may, upon
7 application therefor, and the payment of the required fee, grant a
8 certificate-of-record as engineer-in-training to any person who holds an unexpired
9 certificate of similar certification issued to the person by the proper authority in any
10 state or territory or possession of the United States or in any country in which the
11 requirements for the certification of engineers-in-training are of a standard not
12 lower than specified in this chapter.

13 (d) The appropriate section of the examining board may, upon application and
14 payment of the required fee, grant a permit to practice or to offer to practice
15 architecture, landscape architecture, or professional engineering to a person who is
16 not a resident of and has no established place of business in this state, or who has
17 recently become a resident of this state, if the person holds an unexpired certificate
18 of similar registration issued to the person by the proper authority in any state or
19 territory or possession of the United States or in any country in which the
20 requirements for the registration of architects, landscape architects, or professional
21 engineers are of a standard not lower than specified in this chapter.

22 **SECTION 208.** 443.10 (2) (c) of the statutes is amended to read:

23 443.10 (2) (c) The appropriate section of the examining board shall grant a
24 certificate of registration upon payment of the registration fee to any applicant who,
25 in the opinion of the ~~examining board~~ appropriate section, has satisfactorily met all

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1 the applicable requirements of this chapter. The certificate shall authorize the
2 practice of architecture, landscape architecture, or professional engineering, as
3 appropriate.

4 **SECTION 209.** 443.10 (2) (d) of the statutes is amended to read:

5 443.10 (2) (d) The granting of a certificate of registration by the appropriate
6 section of the examining board shall be evidence that the person named in the
7 certificate is entitled to all the rights and privileges of a registered architect, a
8 registered landscape architect, or a registered professional engineer under the
9 classification stated on the certificate, while the certificate remains unrevoked or
10 unexpired.

11 **SECTION 210.** 443.10 (2) (f) of the statutes is amended to read:

12 443.10 (2) (f) The professional engineer section of the examining board shall
13 grant a certificate of record as engineer-in-training to any applicant who, in the
14 opinion of the ~~examining board~~ professional engineer section, has satisfactorily met
15 all the requirements of this section pertaining to engineers-in-training.

16 **SECTION 211.** 443.10 (2) (h) of the statutes is amended to read:

17 443.10 (2) (h) Certificates of record as engineers-in-training shall expire on
18 July 31st of the 10th year after their issuance unless extended by the professional
19 engineer section of the examining board. An application for extension shall contain
20 evidence satisfactory to the ~~examining board~~ professional engineer section that the
21 applicant's professional experience has been delayed.

22 **SECTION 212.** 443.10 (3) of the statutes is amended to read:

23 443.10 (3) **EMERGENCY RULES; LIMITATION.** ~~The~~ No section of the examining board
24 may not adopt or change, by emergency rule, any requirement for the registration
25 of or issuance of a permit to any applicant under this chapter.

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1 **SECTION 213.** 443.10 (4) (a) and (b) of the statutes are amended to read:

2 443.10 (4) (a) A list, showing the names and addresses of all
3 engineers-in-training certified by the professional engineer section of the
4 examining board during the period from July 1 to June 30, shall be prepared each
5 year by the ~~examining board~~ professional engineer section. The list shall be
6 obtainable by purchase at cost.

7 (b) ~~The~~ Each section of the examining board shall keep a record of its
8 proceedings together with a record of all other information pertaining to its
9 proceedings as may be deemed necessary by that section of the examining board. The
10 records of ~~the~~ each section of the examining board shall be prima facie evidence of
11 the proceedings of that section of the examining board set forth in the records, and
12 a transcript thereof, duly certified by the secretary of that section of the examining
13 board under seal, shall be admissible in evidence with the same effect as if the
14 original were produced.

15 **SECTION 214.** 443.11 (1) (intro.) of the statutes is amended to read:

16 443.11 (1) (intro.) The appropriate section of the examining board may
17 reprimand an architect, landscape architect, or professional engineer or limit,
18 suspend, or revoke the certificate of registration of any registrant, and the certificate
19 of record of any engineer-in-training, who is found guilty of:

20 **SECTION 215.** 443.11 (1) (e) of the statutes is amended to read:

21 443.11 (1) (e) Any violation of the rules of professional conduct adopted and
22 promulgated by that section of the examining board.

23 **SECTION 216.** 443.11 (2) of the statutes is amended to read:

24 443.11 (2) The appropriate section of the examining board may reprimand a
25 firm, partnership, or corporation holding a certificate of authorization issued under

SENATE BILL 453

1 this chapter or may limit, suspend, or revoke such a certificate if any of the agents,
2 employees, or officers of the firm, partnership, or corporation has committed any act
3 or has been guilty of any conduct which would authorize a reprimand or a limitation,
4 suspension, or revocation of the certificate of registration of a registrant or the
5 certificate of record of an engineer-in-training under this chapter, unless the firm,
6 partnership, or corporation submits evidence satisfactory to the appropriate section
7 of the examining board that the agent, employee, or officer is not now practicing or
8 offering to practice architecture, landscape architecture, or professional engineering
9 in its behalf.

10 **SECTION 217.** 443.11 (3) of the statutes is amended to read:

11 443.11 (3) Any person may make charges that any registrant, holder of a
12 certificate of record as engineer-in-training or corporate holder of a certificate of
13 authorization has committed an act for which a reprimand or limitation, suspension,
14 or revocation of registration is authorized under sub. (1). Such charges shall be in
15 writing, shall be sworn to by the person making them and shall be submitted to the
16 appropriate section of the examining board. The appropriate section of the
17 examining board may, on its own motion, make such charges. All charges, unless
18 dismissed by the appropriate section of the examining board as unfounded or trivial,
19 shall be heard by the appropriate section of the examining board, subject to the rules
20 promulgated under s. 440.03 (1).

21 **SECTION 218.** 443.11 (4) of the statutes is amended to read:

22 443.11 (4) If after a hearing under sub. (3), 3 members of a section of the
23 examining board vote in favor of sustaining charges specified in sub. (3), the
24 appropriate section of the examining board shall reprimand or limit, suspend, or
25 revoke the certificate of registration of the registered architect, registered landscape

SENATE BILL 453**SECTION 218**

1 architect, or registered professional engineer, the certificate of record of the holder
2 of a certificate as engineer-in-training, or the certificate of authorization of a firm,
3 partnership, or corporation.

4 **SECTION 219.** 443.11 (5) of the statutes is amended to read:

5 443.11 (5) ~~The action~~ actions of each section of the examining board under this
6 section shall be subject to review in the manner provided in ch. 227.

7 **SECTION 220.** 443.11 (6) of the statutes is amended to read:

8 443.11 (6) The appropriate section of the examining board, for reasons ~~the~~
9 ~~appropriate section of the examining board~~ it considers sufficient, may reissue a
10 certificate of registration or a certificate of record to any person, or a certificate of
11 authorization to any firm, partnership, or corporation, whose certificate has been
12 revoked, ~~except for a certificate revoked under s. 440.12,~~ this section if 3 members
13 of the section of the examining board vote in favor of such reissuance. Subject to the
14 rules of the examining board, the appropriate section of the examining board may,
15 upon payment of the required fee, issue a new certificate of registration, certificate
16 of record or certificate of authorization, to replace any certificate that is revoked, lost,
17 destroyed or mutilated.

18 **SECTION 221.** 443.13 of the statutes is renumbered 443.13 (1) (intro.) and
19 amended to read:

20 443.13 (1) (intro.) The designers' section of the examining board may limit,
21 suspend, or revoke a permit or reprimand the permittee if the permittee is guilty of
22 fraud any of the following:

23 (a) Fraud or deceit in obtaining the permit, ~~gross.~~

24 (b) Gross negligence, incompetency, or misconduct in practice, ~~signing.~~

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1 (c) Signing documents not prepared by the permittee or under the permittee's
2 control, ~~knowingly~~.

3 (d) Knowingly aiding or abetting unauthorized designing of engineering
4 systems as stated in s. 443.07 (3) by persons not granted permits under this chapter
5 ~~or conviction~~.

6 (e) Conviction of a felony, subject to ss. 111.321, 111.322, and 111.335, or
7 adjudication of mental incompetency by a court of competent jurisdiction.

8 (2) If, after a hearing conducted under the rules promulgated under s. 440.03
9 (1) before the designers' section of the examining board, two-thirds of the members
10 of the section vote in favor of sustaining the charges, the designers' section of the
11 examining board shall reprimand the permittee or limit, suspend, or revoke the
12 permit. The action of the designers' section of the examining board under this section
13 is subject to review under ch. 227.

14 **SECTION 222.** 443.14 (1) of the statutes is renumbered 443.14 (1) (a) and
15 amended to read:

16 443.14 (1) (a) An employee of a person holding a certificate of registration ~~in~~
17 ~~this state~~ in architecture under s. 443.10 who is engaged in the practice of
18 architecture ~~or professional engineering~~ and an employee of a person temporarily
19 exempted from registration in architecture under this section, if the practice of the
20 employee does not include responsible charge of architecture ~~or professional~~
21 ~~engineering practice~~.

22 **SECTION 223.** 443.14 (1) (b) of the statutes is created to read:

23 443.14 (1) (b) An employee of a person holding a certificate of registration in
24 professional engineering under s. 443.10 who is engaged in the practice of
25 professional engineering and an employee of a person temporarily exempted from

SENATE BILL 453**SECTION 223**

1 registration in professional engineering under this section, if the practice of the
2 employee does not include responsible charge of professional engineering practice.

3 **SECTION 224.** 443.14 (4) of the statutes is renumbered 443.14 (4) (a) and
4 amended to read:

5 443.14 (4) (a) Any person who practices architecture ~~or professional~~
6 ~~engineering~~, exclusively as a regular employee of a private company or corporation,
7 by rendering to the company or corporation architectural ~~or professional engineering~~
8 services in connection with its operations, so long as the person is thus actually and
9 exclusively employed and no longer, if the company or corporation has at least one
10 architect ~~or professional engineer~~ who is registered under this chapter in responsible
11 charge of the company's or corporation's architectural ~~or professional engineering~~
12 work in this state.

13 **SECTION 225.** 443.14 (4) (b) of the statutes is created to read:

14 443.14 (4) (b) Any person who practices professional engineering, exclusively
15 as a regular employee of a private company or corporation, by rendering to the
16 company or corporation professional engineering services in connection with its
17 operations, so long as the person is thus actually and exclusively employed and no
18 longer, if the company or corporation has at least one professional engineer who is
19 registered under this chapter in responsible charge of the company's or corporation's
20 professional engineering work in this state.

21 **SECTION 226.** 443.18 (1) (a) of the statutes is amended to read:

22 443.18 (1) (a) Any person who practices or offers to practice architecture,
23 landscape architecture, or professional engineering in this state, or who uses the
24 term "architect," "landscape architect," or "professional engineer" as part of the
25 person's business name or title, except as provided in s. 443.08 (6), or in any way

SENATE BILL 453

1 represents himself or herself as an architect, landscape architect, or a professional
2 engineer unless the person is registered or exempted in accordance with this chapter,
3 or unless the person is the holder of an unexpired permit issued under s. 443.10 (1)
4 (d), or any person presenting or attempting to use as his or her own the certificate
5 of registration of another, or any person who gives any false or forged evidence of any
6 kind to the examining board or to any section of the examining board or to any
7 member of the examining board or to any member of any section of the examining
8 board in obtaining a certificate of registration, or any person who falsely
9 impersonates any other registrant of like or different name, or any person who
10 attempts to use an expired or revoked certificate of registration, or violates any of the
11 provisions of this section, may be fined not less than \$100 nor more than \$500 or
12 imprisoned for not more than 3 months or both.

13 **SECTION 227.** 443.18 (2) (a) and (b) of the statutes are amended to read:

14 443.18 (2) (a) If it appears upon complaint to the examining board or to any
15 section of the examining board by any person, or is known to the examining board
16 or to any section of the examining board that any person who is neither registered
17 nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10
18 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice,
19 architecture, landscape architecture, or professional engineering in this state, the
20 appropriate section of the examining board or the attorney general or the district
21 attorney of the proper county may investigate and may, in addition to any other
22 remedies, bring action in the name and on behalf of this state against any such
23 person to enjoin the person from practicing or offering to practice architecture,
24 landscape architecture, or professional engineering.

SENATE BILL 453

SECTION 227

1 (b) If it appears upon complaint or is known to the land surveyor section of the
 2 examining board that any person who is not authorized is practicing or offering to
 3 practice land surveying in this state, the land surveyor section, the department of
 4 justice, or the district attorney of the proper county may, in addition to other
 5 remedies, bring action in the name and on behalf of the state to enjoin the person
 6 from practicing or offering to practice land surveying.

7 **SECTION 228.** 445.06 of the statutes is amended to read:

8 **445.06 Renewal of licenses.** The renewal date for a funeral directors'
 9 director's license is specified under s. 440.08 (2) (a), and the renewal fee for such
 10 license is determined by the department under s. 440.03 (9) (a). Before any renewal
 11 license is delivered to any licensed funeral director, proof must be furnished by the
 12 applicant, to the satisfaction of the examining board, that the applicant is doing
 13 business at a recognized funeral establishment, ~~except that if such applicant is not~~
 14 ~~doing business at a recognized funeral establishment at the time of application for~~
 15 ~~a license, the applicant shall be given a certificate, without additional cost, to the~~
 16 ~~effect that the applicant is in good standing as a funeral director, and shall be entitled~~
 17 ~~to a renewal license at any time during that license period, when located at a~~
 18 ~~recognized funeral establishment, without payment of any additional renewal fee.~~
 19 The applicant must also furnish proof of completion of at least 15 hours of continuing
 20 education during the previous 2-year licensure period, except that new licensees are
 21 exempt from this requirement during the time between initial licensure and
 22 commencement of a full 2-year licensure period.

23 **SECTION 229.** 448.63 (1) (d) 2. of the statutes is amended to read:

24 448.63 (1) (d) 2. That the applicant has completed 2 years of postgraduate
 25 training in a program approved by the affiliated credentialing board or one year of

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SENATE BILL 453

1 postgraduate training in a program approved by the affiliated credentialing board
2 if the one-year postgraduate training was completed by June 1, 2010.

3 **SECTION 230.** 450.02 (3m) (a) (intro.) of the statutes is amended to read:

4 450.02 (3m) (a) (intro.) The board or its designee may grant a variance ~~to~~ from
5 a requirement of this chapter or ~~to~~ from a rule promulgated by the board if all of the
6 following are true:

7 **SECTION 231.** 450.02 (3m) (a) 4. of the statutes is created to read:

8 450.02 (3m) (a) 4. The requirement under this chapter or the rule specifically
9 permits a variance or requires review and approval from the board prior to obtaining
10 a variance.

11 **SECTION 232.** 450.071 (1) of the statutes is amended to read:

12 450.071 (1) No person may engage in the wholesale distribution of a
13 prescription drug in this state without obtaining a license from the board for each
14 facility from which the person distributes prescription drugs. This section does not
15 apply to a wholesale distributor if the only prescription drug the person distributes
16 is oxygen. The board shall exempt a manufacturer that distributes prescription
17 drugs or devices manufactured by the manufacturer from licensing and other
18 requirements under this section to the extent the license or requirement is not
19 required under federal law or regulation, unless the board determines that it is
20 necessary to apply a requirement to a manufacturer.

21 **SECTION 233.** 454.01 (5) (b) of the statutes is amended to read:

22 454.01 (5) (b) Massaging, cleansing, stimulating, manipulating, wrapping,
23 exercising, beautifying or applying cosmetic preparations, antiseptics, powders, oils,
24 tonics, clay or lotion to or performing other similar work upon the skin of any person

25 Aesthetics

plain

Fix
Comp

repeated and recreated

SENATE BILL 453

SECTION 234

Insert 80-4

1 SECTION 234. 454.08 (2) (a) of the statutes is amended to read:

2 454.08 (2) (a) A barber barbering or cosmetologist cosmetology establishment
3 license which authorizes the practice of barbering or cosmetology, aesthetics,
4 electrology and manicuring in the licensed establishment.

5 SECTION 235. 457.02 (5) of the statutes is repealed. ✓

6 SECTION 236. 459.12 (1) of the statutes is amended to read:

7 459.12 (1) The examining board may make rules not inconsistent with the laws
8 of this state which are necessary to carry out the intent of this subchapter chapter.

9 SECTION 237. 961.23 (5) of the statutes is amended to read:

10 961.23 (5) No person may purchase more than ~~8 ounces~~ 227 grams of a product
11 containing opium or more than ~~4 ounces~~ 113 grams of a product containing any other
12 schedule V substance within a 48-hour period without the authorization of a
13 physician, dentist, or veterinarian. This subsection does not apply to a
14 pseudoephedrine product unless it contains another schedule V substance.

15 SECTION 238. 961.23 (7) of the statutes is amended to read:

16 961.23 (7) No person other than a physician, dentist, veterinarian, or
17 pharmacist may possess more than ~~8 ounces~~ 227 grams of a product containing
18 opium or more than ~~4 ounces~~ 113 grams of a product containing any other schedule
19 V substance at any time without the authorization of a physician, dentist, or
20 veterinarian. This subsection does not apply to a pseudoephedrine product unless
21 it contains another schedule V substance.

22 SECTION 239. Nonstatutory provisions.

23 (1) APPOINTMENTS OF MEMBERS OF THE DWELLING CODE COUNCIL UPON EXPIRATION
24 OF TERMS.

25 (a) In this subsection, "council" means the dwelling code council.

SENATE BILL 453

1 (b) Notwithstanding the number of members specified for the council under
2 section 15.407 (10) (a) of the statutes, as affected by this act, any member who is
3 serving on the council on the day before the effective date of this paragraph may
4 continue to serve as a member of the council under section 15.407 (10) (a) of the
5 statutes, as affected by this act, for the term for which the member was appointed.

6 During any period of time when the membership of the council exceeds 7 members,
7 a majority of the members of the council shall constitute a quorum. ||

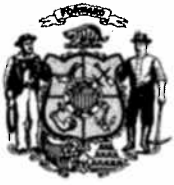
SECTION 240. Initial applicability.

9 (1) LICENSURE AS FUNERAL DIRECTOR. The treatment of section 445.06 of the
10 statutes first applies to applications for initial licensure as a licensed funeral director
11 that are received by the funeral directors examining board on the effective date of
12 this subsection.

13 **SECTION 241. Effective dates.** This act takes effect on the 30th day after the
14 day of publication, except as follows:

15 (1) SECTION 239 of this act takes effect on the day after publication.

16 (END)



**ASSEMBLY AMENDMENT 6,
TO 2011 ASSEMBLY BILL 547**

Insert
12-17

February 21, 2012 - Offered by Representatives VAN ROY and RIVARD.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 11, line 19: delete "7" and substitute "11".

3 **2.** Page 12, line 3: delete "or installers of manufactured" and substitute "
4 retailers, or installers of manufactured or modular".

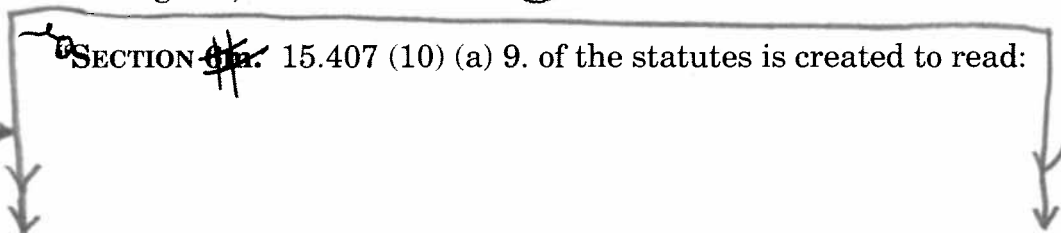
5 **3.** Page 12, line 5: after "designers" insert "who are registered under ch. 443
6 and who are".

7 **4.** Page 12, line 14: delete "nonvoting secretary" and substitute "nonvoting
8 secretary, but shall not be a member."

9 **5.** Page 12, line 15: delete "Five" and substitute "Seven".

10 **6.** Page 12, line 17: after that line insert:

11 ~~SECTION 15.407 (10) (a) 9.~~ of the statutes is created to read:



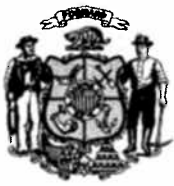
1

15.407 (10) (a) 9. Fire prevention professionals.

2

~~(10)~~

End Insert 12-17



**ASSEMBLY AMENDMENT 9,
TO 2011 ASSEMBLY BILL 547**

Insert 29-21

February 21, 2012 Offered by Representatives RIVARD and BALLWEG.

1 At the locations indicated, amend the bill as follows:

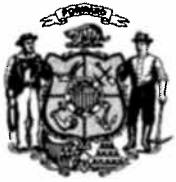
2 1. Page 29, line 21, after that line insert:

3 SECTION 65m. 145.17 (1) of the statutes is amended to read:

4 145.17 (1) The department may employ competent supervisors, who shall be
5 licensed automatic fire sprinkler contractors or journeymen automatic fire sprinkler
6 system fitters, and may employ other persons. The department may accept as
7 certification of inspection, inspection by the insurance services organization of
8 Wisconsin, the industrial risk insurers association, the factory mutual engineering
9 corporation or other rate service organization."

10

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2386/1
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ASSEMBLY AMENDMENT 2,
TO 2011 ASSEMBLY BILL 547

Insert
54-19

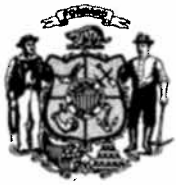
February 20, 2012 - Offered by Representatives VAN ROY and RIVARD.

1 At the locations indicated, amend the bill as follows:

2 1. Page 54, line 20: delete lines 20 to 23 and substitute:

3 SECTION ~~16~~ 440.91 (8) of the statutes is repealed.

4 (END)



**ASSEMBLY AMENDMENT 8,
TO 2011 ASSEMBLY BILL 547**

Insert 78-22

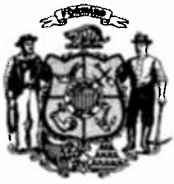
February 21, 2012 - Offered by Representative RIVARD.

1 At the locations indicated, amend the bill as follows:

2 1. Page 78, line 22: after that line insert:

3 ~~SECTION 22m.~~ SECTION 445.105 (2s) of the statutes is created to read:
4 445.105 (2s) The funeral director in charge of the funeral establishment under
5 sub. (2m) shall have full charge, control, and supervision of all funeral directing and
6 embalming services at the funeral establishment, and that funeral director shall
7 ensure that the funeral establishment operates in compliance with this chapter and
8 rules promulgated by the examining board. *De*

9 (END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa2360/1
MPG:kjf:rs

ASSEMBLY AMENDMENT 3,
TO 2011 ASSEMBLY BILL 547

Insert 80-4

February 20, 2012 - Offered by Representatives VAN ROY and RIVARD.

1 At the locations indicated, amend the bill as follows:

2 1. Page 80, line 5: after that line insert:

3 SECTION ~~235m.~~ 457.25 (5) of the statutes is repealed.

4 (END)