

2015 DRAFTING REQUEST

Bill

Received: 11/5/2015 Received By: mgallagh
For: Duey Stroebel (608) 266-7513 Same as LRB:
May Contact: By/Representing: John
Subject: Buildings/Safety - lic and reg Drafter: kpleviak
Buildings/Safety - misc. Addl. Drafters: mgallagh
Occupational Reg. - misc mkunkel
Occupational Reg. - prof lic

Extra Copies:

Submit via email: YES
Requester's email: Sen.Stroebel@legis.wisconsin.gov
Carbon copy (CC) to: michael.duchek@legis.wisconsin.gov
michael.gallagher@legis.wisconsin.gov
mark.kunkel@legis.wisconsin.gov
krista.pleviak@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Various changes concerning the professional regulation and buildings and safety functions of DSPS.

Instructions:

Compile of the following drafts: 2980; 2981; 3452; 3723.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kpleviak 1/20/2016	eweiss 12/1/2015	_____	sbasford 12/1/2015		
/P2	mgallagh	jdyer	_____	sbasford		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/1/2016	2/1/2016	_____	1/22/2016		Housing
/1			_____	mbarman	mbarman	State
			_____	2/1/2016	2/1/2016	Housing

FE Sent For:

*at
intro*

<END>

2015 DRAFTING REQUEST

Bill

Received: 11/5/2015 Received By: mgallagh
For: Safety and Professional Services 267-9794 Same as LRB:
May Contact: By/Representing: Eric
Subject: Buildings/Safety - lic and reg Drafter: kpleviak
Buildings/Safety - misc. Addl. Drafters: mgallagh
Occupational Reg. - misc mkunkel
Occupational Reg. - prof lic

Orig. requestor

Extra Copies:

Submit via email: YES
Requester's email: Eric.Esser@wisconsin.gov
Carbon copy (CC) to: michael.duchek@legis.wisconsin.gov
michael.gallagher@legis.wisconsin.gov
mark.kunkel@legis.wisconsin.gov
krista.pleviak@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Various changes concerning the professional regulation and buildings and safety functions of DSPS.

Instructions:

Compile of the following drafts: 2980; 2981; 3452; 3723.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kpleviak 1/20/2016	eweiss 12/1/2015	_____	sbasford 12/1/2015		
/P2		eweiss	_____	sbasford		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u> 1/22/2016	<u>Proofed</u> _____	<u>Submitted</u> 1/22/2016	<u>Jacketed</u>	<u>Required</u> Housing
--------------	----------------	------------------------------	-------------------------	-------------------------------	-----------------	----------------------------

FE Sent For:

<END>

2015 DRAFTING REQUEST

Bill

Received: 11/5/2015 Received By: mgallagh
For: Safety and Professional Services 267-9794 Same as LRB:
May Contact: By/Representing: Eric
Subject: Buildings/Safety - lic and reg Drafter: mgallagh
Buildings/Safety - misc. Addl. Drafters: kpleviak
Occupational Reg. - misc rkite
Occupational Reg. - prof lic mkunkel
Extra Copies:

Submit via email: YES
Requester's email: Eric.Esser@wisconsin.gov
Carbon copy (CC) to: michael.duchek@legis.wisconsin.gov
michael.gallagher@legis.wisconsin.gov
mark.kunkel robin.kite@legis.wisconsin.gov
krista.pleviak@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Various changes concerning the professional regulation and buildings and safety functions of DSPS. ✓

Instructions:

Compile of the following drafts: 2980; 2981; 3452; 3723.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	rkite 11/18/2015	eweiss 12/1/2015	_____	sbasford 12/1/2015		

FE Sent For:

<END>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
Merge 145 with 101.	145 101	<p>Repeal and recreate: Repeal ch. 145 and recreate it as subchapter VIII under ch. 101.</p> <p>Rationale: Placing ch. 145 within ch. 101 allows all trades credentials to be located within one chapter.</p>
Redefine "public swimming pool"	146.26	<p>Amend: 145.26 Public swimming pool plan review. (1) In this section, "public swimming pool" means a fixed or mobile structure, basin, chamber or tank and appurtenant buildings and equipment that serve or are installed for use by the state, a political subdivision of the state, a motel, a hotel, a resort, a camp, a club, an association, a housing development, a school, a religious, charitable or youth organization, an educative or rehabilitative facility or another entity. "Public swimming pool" does not mean a fixed or mobile structure, basin, chamber or tank that only serves fewer than 3 individual residences, an inflated mobile structure, a swim pond, or an individual therapeutic pod, tub or bath.</p> <p>Rationale: The definition in Wis. Stat. § 145.26(1) is overly broad. It encompasses a broad variety of designs that cannot have the same plan review standards apply to them. The definition of "public swimming pool" and any associated language in this section should be clarified for consistent application of the public swimming pool code requirements and modernized to address current issues.</p>
Incorporate 440 definitions in 101.	101.01(1m) 440.01(2)(a) 440.01(2)(b) 440.01(1)(b) 440.01(1)(c) 440.01(1)(d) 101.01(12)	<p>Renumber: 101.01(1m) to 101.01(1s)</p> <p>Create: 101.01(1e) "Credential" means a license, permit, or certificate of certification or registration that is issued by the department.</p> <p>Create: 101.01(1m) "Credentialing" means the acts the department that relate to granting, issuing, denying, limiting, suspending or revoking a credential.</p> <p>Create: 101.01(7e) "Grant" means the substantive act of the department of approving the applicant for credentialing and the preparing, executing, signing or sealing of the credentialing.</p> <p>Create: 101.01(7m) "Issue" means the procedural act of the department of transmitting the credential to the person who is credentialed.</p> <p>Create: 101.01(7s) "Limit", when used in reference to limiting a credential, means to impose conditions and requirements upon the holder of the credential, to restrict the scope of the holder's practice, or both.</p> <p>Renumber: 101.01(12) to 101.01(12d)</p>

Renumber (7)

Last edited: October 14, 2015

EX: 101.122(c) - use 101.02(21)(a) "license" (but only individuals)

101.19(1m) - Does a building support or contain board

101.01(12) to 101.01(12d) for exhaustive?

1

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
	<p>440.01(dm)</p> <p>440.01(e)</p> <p>440.01(f)</p> <p>101.01(14)</p> <p>440.01(h).</p>	<p>Create: 101.01(12h) "Renewal date" means the date on which a credential expires and before which it must be renewed for the holder to maintain without interruption the rights, privileges and authority conferred by the credential.</p> <p>Create: 101.01(12p) "Reprimand" means to publicly warn the holder of a credential.</p> <p>Create: 101.01(12f) "Revoke", when used in reference to revoking a credential, means to completely and absolutely terminate the credential and all rights, privileges and authority previously conferred by the credential.</p> <p>Renumber: 101.01(14) to 101.01(14g)</p> <p>Create: 101.01(14r) "Suspend", when used in reference to suspending a credential, means to completely and absolutely withdraw and withhold for a period of time all rights, privileges and authority previously conferred by the credential.</p> <p>Rationale: Adding relevant definitions relating to credentials from ch. 440 to ch. 101 will allow for consistent application of disciplinary procedures.</p>
<p>Incorporate the powers, duties and jurisdiction of department outlined in 440 into 101.</p>	<p>101.02(1)</p> <p>440.03(1)</p> <p>440.03(3m)</p> <p>440.03(4)</p> <p>440.03(13)(am)</p> <p>440.03(13)(b)</p>	<p>Repeal and recreate: 101.02(1) The department may promulgate rules defining uniform procedures to be used by the department for receiving, filing and investigating complaints, for commencing disciplinary proceedings and for conducting hearings.</p> <p>Create: 101.02(5)(g) The department may investigate complaints made against a person who has been issued a credential by the department.</p> <p>Create: 101.02(5)(h) The department may issue subpoenas for the attendance of witnesses and the production of documents or other materials prior to the commencement of disciplinary proceedings.</p> <p>Create: 101.02(5)(i) A person holding a credential issued by the department who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.</p> <p>Create: 101.02(5)(f) The department may investigate whether an applicant for or holder of any credentials issued under this chapter has been charged with or convicted of a crime only pursuant to</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>rules promulgated by the department under this paragraph, including rules that establish the criteria that the department will use to determine whether an investigation under this paragraph is necessary.</p> <p>Rationale: Granting the Department the same powers, duties, and jurisdiction in ch. 101 as the Department has in ch. 440 will allow for the Department to have consistent authority for all licenses under the Department’s jurisdiction. This will decrease confusion among licensees by standardizing Departmental authority.</p>
<p>Incorporate enforcement procedures outlined in 440 into 101.</p>	<p>101 440.11</p>	<p>Create: 101.071 Change of name or address. (1) An applicant for or recipient of a credential who changes his or her name or moves from the last address provided to the department shall notify the department of his or her new name or address within 30 days of the change in writing or in accordance with other notification procedures approved by the department.</p> <p>(2) The department may serve any process, notice or demand on the holder of any credential by mailing it to the last-known address of the holder as indicated in the records of the department.</p> <p>(3) Any person who fails to comply with sub. (1) shall be subject to a forfeiture of \$50.</p> <p>Create: 101.072 Voluntary surrender of license, permit, or certificate. A person who holds a license, permit, or certificate of certification or registration issued by the department may voluntarily surrender that license, permit, or certificate of certification or registration. The department that issued the license, permit, or certificate of certification or registration may refuse to accept that surrender if a complaint has been filed or disciplinary proceeding has been commenced against the person.</p> <p>Create: 101.073 Disciplinary proceedings. (1) Any person may file a complaint before the department and request the department to commence disciplinary proceedings against any holder of a credential.</p> <p>(2) The burden of proof in disciplinary proceedings before the department is a preponderance of the evidence.</p> <p>(3) In addition to any grounds for discipline specified in chs. 440 to 480 and ch. 101, or rules adopted under this chapter the department may reprimand a credential holder, or may deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department within 30 days to a request for information from the department in connection with an investigation of alleged misconduct of the credential holder.</p>
	<p>440.205</p>	<p>Create: 101.074 Administrative warnings. If the department determines during an investigation that there is evidence of misconduct by a credential holder, the department may close the investigation by issuing an administrative warning to the credential holder. The department may issue an administrative warning under this section only if the department determines that no further action is</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
	440.21	<p>warranted because the complaint involves a first occurrence of a minor violation and the issuance of an administrative warning adequately protects the public by putting the credential holder on notice that any subsequent violation may result in disciplinary action. If an administrative warning is issued, the credential holder may obtain a review of the administrative warning through a personal appearance before the department. Administrative warnings do not constitute an adjudication of guilt or the imposition of discipline and may not be used as evidence that the credential holder is guilty of the alleged misconduct. However, if a subsequent allegation of misconduct by the credential holder is received by the department the matter relating to the issuance of the administrative warning may be reopened and disciplinary proceedings may be commenced on the matter, or the administrative warning may be used in any subsequent disciplinary proceeding as evidence that the credential holder had actual knowledge that the misconduct that was the basis for the administrative warning was contrary to law. The record that an administrative warning was issued shall be a public record. The contents of the administrative warning shall be private and confidential. The department shall promulgate rules establishing uniform procedures for the issuance and use of administrative warnings.</p> <p>Create: 101.075 Enforcement of laws requiring credential. (1) The department may conduct investigations, hold hearings and make findings as to whether a person has engaged in a practice or used a title without a credential required under chs. 440 to 480 and ch. 101.</p> <p>(2) If, after holding a public hearing, the department determines that a person has engaged in a practice or used a title without a credential required under chs. 440 to 480 and ch. 101, the department may issue a special order enjoining the person from the continuation of the practice or use of the title.</p> <p>(3) In lieu of holding a public hearing, if the department has reason to believe that a person has engaged in a practice or used a title without a credential required under chs. 440 to 480 and ch. 101, the department may petition the circuit court for a temporary restraining order or an injunction as provided in ch. 813.</p> <p>(4)</p> <p>(a) Notwithstanding any other provision of chs. 440 to 480 and ch. 101 relating to fines, forfeitures, or imprisonment, any person who violates a special order issued under sub. (2) may be required to forfeit not more than \$10,000 for each offense. Each day of continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover a forfeiture under this paragraph.</p> <p>(b) Notwithstanding any other provision of chs. 440 to 480 and ch. 101 relating to fines, forfeitures, or imprisonment, any person who violates a temporary restraining order or an injunction issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than one year in the county jail or both.</p>
	440.22	<p>Create: 101.076 Assessment of costs. (1) In this section, "costs of the proceeding" means the</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
	<p>SPS 1, 2, 3, 6, 7, & 8.</p>	<p>compensation and reasonable expenses of hearing examiners and of prosecuting attorneys for the department, a reasonable disbursement for the service of process or other papers, amounts actually paid out for certified copies of records in any public office, postage, telephoning, adverse examinations and depositions and copies, expert witness fees, witness fees and expenses, compensation and reasonable expenses of experts, paralegals and investigators, and compensation and expenses of a reporter for recording and transcribing testimony.</p> <p>(2) In any disciplinary proceeding against a holder of a credential in which the department orders a forfeiture, suspension, limitation or revocation of the credential or reprimands the holder, the department may, in addition to imposing discipline, assess all or part of the costs of the proceeding against the holder. Costs assessed under this subsection are payable to the department. Interest shall accrue on costs assessed under this subsection at a rate of 12% per year beginning on the date that payment of the costs are due as ordered by the department. Upon the request of the department of safety and professional services, the department of justice may commence an action to recover costs assessed under this subsection and any accrued interest.</p> <p>(3) In addition to any other discipline imposed, if the department assesses costs of the proceeding to the holder of the credential under sub. (2), the department may not restore, renew or otherwise issue any credential to the holder until the holder has made payment to the department under sub. (2) in the full amount assessed, together with any accrued interest.</p> <p>Create: 101.077 Disciplinary procedures. (1) Except as otherwise provided in ch. 101, if disciplinary proceedings are commenced or if discipline is being imposed against a holder of a credential issued under ch. 101, the department shall apply the rules promulgated under s. 440.03(1).</p> <p>(2) The rules promulgated under s. 440.03(1) shall not apply to fee structures or amounts listed in ch. 101 or the rules promulgated under ch. 101.</p> <p>Cross-reference: See also chs. SPS 1, SPS 2, SPS 3, SPS 6, SPS 7, & SPS 8, Wis. Admin. Code.</p> <p>Rationale: Creating these provisions will align the enforcement and disciplinary provisions for the professions and the trades credentials as well as preventing the Department from promulgating duplicative rules for enforcement proceedings under ch. 101 and ch. 440. This will decrease confusion among licensees by standardizing enforcement proceedings for all licenses issued by the Department.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
Updating 101 penalty provisions.	<p>101.02(12)</p> <p>101.02(13)(a)</p> <p>101.10(4)</p> <p>101.66(3)</p> <p>101.125(5)</p> <p>101.77</p> <p>101.88(3)</p>	<p>Repeal: 101.02(12) Every day during which any person or corporation, or any officer, agent or employee of a person or corporation, fails to observe and comply with any order of the department or to perform any duty specified under this subchapter shall constitute a separate and distinct violation of the order or of the requirements of this subchapter, whichever is applicable.</p> <p>Amend: 101.02(13)(a) If any employer, employee, owner, or other person violates this subchapter, or fails or refuses to perform any duty specified under this subchapter, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department, or any judgment or decree made by any court in connection with this subchapter, for each such violation, failure or refusal, such employer, employee, owner or other person shall forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 <u>\$5,000</u> for each such offense. <u>Each day of continued violation constitutes a separate offense.</u></p> <p>Amend: 101.10(4)(a) Any person who violates a rule of the department promulgated under sub. (2) may be required to forfeit not less than \$10 nor more than \$100 <u>\$1,000</u> for each violation. <u>Each day of continued violation constitutes a separate offense.</u></p> <p>(b) Except as provided in par. (c), any person who violates sub. (3) is guilty of a Class I felony. Notwithstanding s. 101.02 (12), each act in violation of sub. (3) constitutes a separate offense.</p> <p>(c) Any person who violates sub. (3) (a) or (b) while performing an agricultural activity or while performing an activity related to the construction, repair, alteration, location, installation, inspection, or operation of anhydrous ammonia equipment with the consent of the owner of the anhydrous ammonia equipment may be required to forfeit not less than \$10 nor more than \$100 <u>\$1000</u> for each violation.</p> <p>Amend: 101.125(5) PENALTY. Whoever violates this section may be required to forfeit not less than \$100 nor more than \$500 <u>\$1,000</u>. <u>Each day of continued violation constitutes a separate offense.</u></p> <p>Amend: 101.66(3) Whoever violates this subchapter shall forfeit to the state not less than \$25 <u>\$100</u> nor more than \$500 <u>\$5,000</u> for each violation. Each day that such violation continues constitutes a separate offense.</p> <p>Amend: 101.77 Penalties. Whoever violates this subchapter shall forfeit to the state not less than \$25 <u>\$100</u> nor more than \$500 <u>\$5,000</u> for each violation and each day that such violation continues constitutes a separate offense.</p> <p>Amend: 101.88(3) Any person who violates this subchapter or any rule promulgated under this subchapter shall forfeit to the state not less than \$25 <u>\$100</u> nor more than \$500 <u>\$5,000</u> for each</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
	101.965(1p)	violation. Each day of violation constitutes a separate offense. Amend: 101.965(1p) Any person who violates s. 101.96 or any rule promulgated under that section may be required to forfeit not less than \$25 \$100 nor more than \$500 \$5,000 for each violation. Each day of continued violation constitutes a separate violation.
	101.978	Amend: 101.978 Any person who violates this subchapter or any rules promulgated under this subchapter shall forfeit not less than \$25 \$100 nor more than \$500 \$5,000 for each offense. Each day of continued violation constitutes a separate offense.
	101.988(3)	Amend: 101.988(3) PENALTIES. Any person who violates this subchapter or rules promulgated under this subchapter may be fined not more than \$1,500 \$5,000 or imprisoned for not more than 30 days or both, except that, notwithstanding s. 939.61 (1), the owner of a private residence in which a conveyance is located may not be fined or required to pay a forfeiture to this state as a result of any violation involving that conveyance. Rationale: The penalty provisions in ch. 101 have not received an update in several decades. This update would reflect both inflation and the wide range of violations that can occur. Additionally, most of the penalty provisions already state that each day a violation exists is an additional violation, only three do not. Removing s. 101.02(12) and adding “each day a violation exists as an additional violation” to the three provisions that lack it will streamline ch. 101 and it will read more consistently.
Contractor notice penalty	101.148	Create: 101.148(2)(c) Whoever violates this section shall forfeit not more than \$1,000 for each day of violation. Rationale: This provision provides important protections for the Wisconsin consumer. However, there is no enforcement mechanism in place to ensure the notice required in this section is provided to the consumer. Adding an enforcement mechanism would allow the Department to ensure this notice is provided.
Nonjudicial resolution of manufactured housing industry disputes.	101.957	Repeal: 101.957 Nonjudicial resolution of manufactured housing industry disputes. The department, by rule, shall establish an alternative dispute resolution program for the timely resolution of any dispute that concerns a defect in a manufactured home, or in the installation of a manufactured home, reported to the department within one year of the date on which the manufactured home was installed and that occurs between parties, each of which is a manufacturer of manufactured homes, manufactured home salesperson, manufactured home dealer, or installer. The rules may require the parties to submit to an alternative dispute resolution program before bringing an action in another

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>forum. This section does not affect the rights of any consumer to commence an action or the rights of any person to commence an action against a consumer.</p> <p>Rationale: The rules under this statute have never been promulgated to establish an ADR process specific to Wisconsin. Instead, Wisconsin has used the Federal Department of Housing and Urban Development process. As a result, this provision is not needed for the limited number of cases the Department receives.</p>
Amend 440 to encompass credentials under 101.	440.01(2)(a)	<p>Amend: 440.01(2)(a) “<u>Credential</u>” means a license, permit, or certificate of certification or registration that is issued under chs. 440 to 480 by the department.</p>
	440.03(3m)	<p>Amend: 440.03(3m) The department may investigate complaints made against a person who has been issued a credential under chs. 440 to 480 by the department.</p>
	440.03(13)(am)	<p>Amend: 440.03(13)(am) A person holding a credential under chs. 440 to 480 issued by the department who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.</p>
	440.19	<p>Amend: 440.19 Voluntary surrender of license, permit, or certificate. A person who holds a license, permit, or certificate of certification or registration issued under chs. 440 to 480 by the department may voluntarily surrender that license, permit, or certificate of certification or registration. The department, examining board, affiliated credentialing board, or board of the department that issued the license, permit, or certificate of certification or registration may refuse to accept that surrender if a complaint has been filed or disciplinary proceeding has been commenced against the person under s. 440.20.</p>
	440.20(5)	<p>Amend: 440.20(5) In addition to any grounds for discipline specified in chs. 440 to 480 and ch. 101, the department, or the appropriate credentialing board or other board in the department, may reprimand a credential holder, or may deny, limit, suspend, or revoke a credential, if the credential holder fails to respond, to the satisfaction of the department, credentialing board, or other board in the department, within 30 days to a request for information from the department, credentialing board, or other board in the department in connection with an investigation of alleged misconduct of the credential holder.</p>
	440.21	<p>Amend: 440.21 Enforcement of laws requiring credential. (1) The department may conduct</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>investigations, hold hearings and make findings as to whether a person has engaged in a practice or used a title without a credential required under chs. 440 to 480 and ch. 101.</p> <p>(2) If, after holding a public hearing, the department determines that a person has engaged in a practice or used a title without a credential required under chs. 440 to 480 and ch. 101, the department may issue a special order enjoining the person from the continuation of the practice or use of the title.</p> <p>(3) In lieu of holding a public hearing, if the department has reason to believe that a person has engaged in a practice or used a title without a credential required under chs. 440 to 480 and ch. 101, the department may petition the circuit court for a temporary restraining order or an injunction as provided in ch. 813.</p> <p>(4)</p> <p>(a) Notwithstanding any other provision of chs. 440 to 480 and ch. 101 relating to fines, forfeitures, or imprisonment, any person who violates a special order issued under sub. (2) may be required to forfeit not more than \$10,000 for each offense. Each day of continued violation constitutes a separate offense. The attorney general or any district attorney may commence an action in the name of the state to recover a forfeiture under this paragraph.</p> <p>(b) Notwithstanding any other provision of chs. 440 to 480 and ch. 101 relating to fines, forfeitures, or imprisonment, any person who violates a temporary restraining order or an injunction issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than one year in the county jail or both.</p> <p>Rationale: Amending these provisions will align the enforcement and disciplinary provisions for the professions and the trades credentials as well as preventing the Department from promulgating duplicative rules for enforcement proceedings under ch. 101 and ch. 440. This will decrease confusion among licensees by standardizing enforcement proceedings for all licenses issued by the Department.</p>

Gallagher, Michael

From: Kite, Robin
Sent: Friday, October 02, 2015 11:31 AM
To: Pleviak, Krista; Duchek, Michael; Gallagher, Michael
Subject: FW: Latest 101/145/440 draft
Attachments: Draft 101 & 145 Changes 2.docx

From: Grothman, Jeffrey - DSPS [mailto:Jeffrey.Grothman@wisconsin.gov]
Sent: Friday, October 02, 2015 11:25 AM
To: Kite, Robin <Robin.Kite@legis.wisconsin.gov>
Subject: FW: Latest 101/145/440 draft

Jeff Grothman
Legislative Liaison/Policy Director
Wisconsin Department of Safety and Professional Services
608-267-9794
Jeffrey.Grothman@wisconsin.gov

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
Uniform Application Standards	440.03(11m)(a)	<p>Change: 440.03(11m) (a) Each application form for a credential issued or renewed under chs. 440 to 480 and 101 shall provide a space for the department to require each of the following, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under par. (am), to provide his or her social security number:</p> <ol style="list-style-type: none"> 1. An applicant for an initial credential or credential renewal. If the applicant is not an individual, the department shall require the applicant to provide its federal employer identification number. 2. An applicant for reinstatement of an inactive license under s. 452.12 (6) (e). <p>Rationale: Addition allows uniform requirements for all credentials issued by the Department.</p>
Optional Trades Applicant Investigation	440.03(13)(a), (am), and (b)	<p>Change: 440.03(13)(a) The department may conduct an investigation to determine whether an applicant for a credential issued under chs. 440 to 480, and 101 satisfies any of the eligibility requirements specified for the credential, including whether the applicant does not have an arrest or conviction record. In conducting an investigation under this paragraph, the department may require an applicant to provide any information that is necessary for the investigation, except that, for an investigation of an arrest or conviction record, the department shall comply with the requirements of pars. (b) and (c).</p> <p>(am) A person holding a credential under chs. 440 to 480, and 101 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.</p> <p>(b) 75. Any other profession or occupation specified by law that is regulated by the department or a credentialing board.</p> <p>Rationale: By adding ch. 101 to ch. 440's investigatory language allows the Department to investigate the conviction history of all credential holders equally.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
Form Elimination	440.03(16)	<p>Change: 440.03(16) Annually, the department shall distribute the form developed by the medical and optometry examining boards under 2001 Wisconsin Act 16, section 9143.3(e), to all school districts and charter schools that offer kindergarten, to be used by pupils to provide evidence of eye examinations under s. 119.135.</p> <p>Rationale: The Department currently does not currently distribute this form, so elimination would clean up the language in the chapter.</p>
Report Elimination	440.04(9)	<p>Change: 440.04(9) Annually prepare and submit a report to the legislature under s. 13.172(2) on the number of minority group members who applied for licensure as a certified public accountant under ch. 442, the number who passed the examination required for licensure as a certified public accountant and the number who were issued a certified public accountant license under ch. 442, during the preceding year.</p> <p>Rationale: The Department does not currently distribute this list, and this information would still be available if requested.</p>
Standardization of Ancillary Service Fees for Credentials	440.05	<p>Change: 440.05 Introduction: Standard fees. The following standard fees apply to all initial credentials issued under chs. 440 to 480, and 101, except as provided in ss. 440.51, 444.03, 444.11, 446.02 (2) (c), 447.04 (2) (c), 449.17 (1m) (d), and 449.18(2) (d)</p> <p>Rationale: Including ch. 101, 440 to 480 would allow for continuity of fees for ancillary services across all credentials administered by the Department.</p>
Veteran Service Benefits	440.075 101.02(24)	<p>Change: 440.075 Military service, education, training, instruction, or other experience.</p> <p>(1) In this section, "instruction" means any education, training, instruction, or other experience related to an occupation or profession.</p> <p>(2) The department, if the department issues the credential, or the credentialing board, if a credentialing board issues the credential, under chs. 440 to 480 and 101, shall count any relevant instruction that an applicant for an initial credential has obtained in connection with the applicant's military service, as defined in s. 111.32 (12g), toward satisfying any instruction requirements for that credential if the applicant demonstrates to the satisfaction of the department or credentialing board that the instruction obtained by the applicant is substantially equivalent to the instruction required for the initial credential.</p> <p>Change: 101.02(24) (a) In this subsection:</p> <p>4. "instruction" means any education, training, instruction or other experience related to an occupation or</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>profession-</p> <p>2. "license" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.122 (2)(c), 101.15 (2)(e), 101.16 (3g), 101.17, 101.178 (2) or (3)(a), 101.63 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (4m), (4v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.</p> <p>(b) The department shall count any relevant instruction that an applicant for a license has obtained in connection with any military service, as defined in s. 111.32 (12g), toward satisfying the requirements for instruction for that license if the applicant demonstrates to the satisfaction of the department that the instruction obtained by the applicant is substantially equivalent to the instruction required for the license.</p>
Veteran Service Benefits	<u>440.09(2)</u>	<p>Rationale: Eliminates duplicative language in ch. 101.</p> <p>Change: 440.09(2) The department and each credentialing board shall grant a reciprocal credential issued under chs. 440 to 480, and 101 to an individual who the department or credentialing board determines meets all of the following requirements:</p> <p>Rationale: Applying Veteran service benefits equally to all credentials issued by the Department.</p> <p>Change: <u>440.11(3)</u> Any person who fails to comply with sub. (1) shall be subject to a forfeiture of \$50.</p>
Change of Name or Address Fee	<u>440.11(3)</u>	<p>Rationale: The Department does not currently charge this fee.</p>
Addition of References to ch. 101 for the purposes of delinquency to other agencies	440.12 440.121 440.13 101.02(20) and (21)	<p>Change: 440.12 Credential denial, nonrenewal and revocation based on tax or unemployment insurance contribution delinquency. Notwithstanding any other provision of chs. 440 to 480, and 101 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential if any of the following applies:</p> <p>440.121 Credential denial, nonrenewal, and revocation based on incompetency. Notwithstanding any other provision of chs. 440 to 480, and 101 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential issued to an individual for whom the department receives a record of a declaration under s. 54.25 (2) (c) 1. d. stating that the individual is incompetent to apply for a credential under chs. 440 to 480, and 101.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

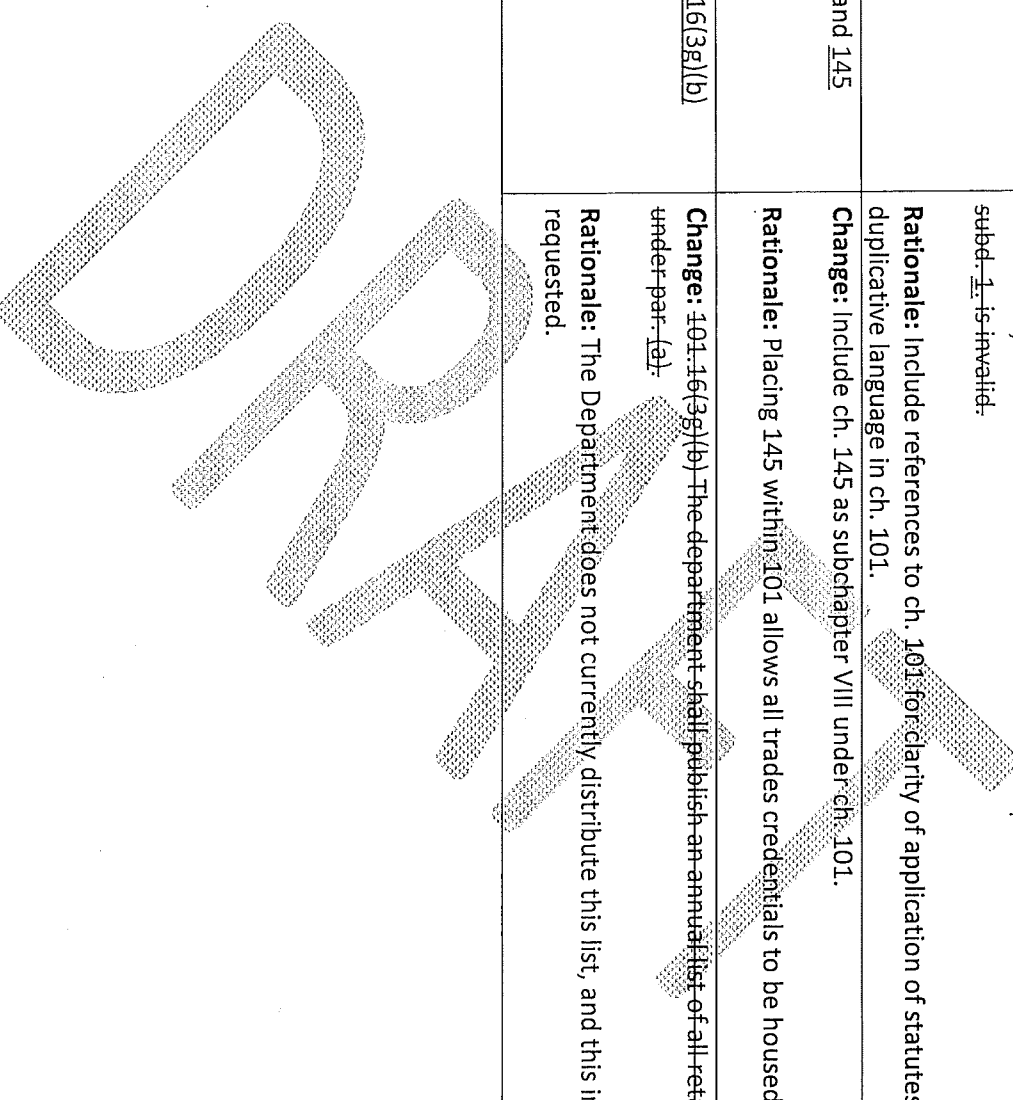
Topic	Current Statutory Language	Proposed Change and Rationale
		<p>440.13 Delinquency in support payments; failure to comply with subpoena or warrant.</p> <p>(2) Notwithstanding any other provision of chs. <u>440</u> to <u>480</u>, and 101 relating to issuance of an initial credential or credential renewal, as provided in the memorandum of understanding</p> <p>Change: 101.02(20)(a) For purposes of this subsection, "license" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. <u>101.122</u> (2) (e) <u>101.15</u> (2) (e), <u>101.16</u> (3e), <u>101.17</u>, <u>101.178</u> (2) or (3) (d), <u>101.63</u> (2) or (2m), <u>101.653</u>, <u>101.73</u> (5) or (6), <u>101.82</u> (1m), (1v), and (2), <u>101.935</u>, <u>101.95</u>, <u>101.951</u>, <u>101.952</u>, <u>101.96</u> (2), <u>101.985</u> (1) to (3), <u>145.02</u> (4), <u>145.035</u>, <u>145.045</u>, <u>145.15</u>, <u>145.16</u>, <u>145.165</u>, <u>145.17</u>, <u>145.175</u>, <u>145.18</u>, or <u>167.10</u> (6m) or under rules promulgated under ch. <u>101</u> or <u>145</u>.</p> <p>(b) Except as provided in par. (c), the department of safety and professional services may not issue or renew a license unless each applicant who is an individual provides the department of safety and professional services with his or her social security number and each applicant that is not an individual provides the department of safety and professional services with its federal employer identification number. The department of safety and professional services may not disclose the social security number or the federal employer identification number of an applicant for a license or license renewal except to the department of revenue for the sole purpose of requesting certifications under s. <u>73.0301</u> and to the department of workforce development for the sole purpose of requesting certifications under s. <u>108.227</u>.</p> <p>(c) The department of safety and professional services may not issue or renew a license if the department of revenue certifies under s. <u>73.0301</u> that the applicant or licensee is liable for delinquent taxes or if the department of workforce development certifies under s. <u>108.227</u> that the applicant or licensee is liable for delinquent unemployment insurance contributions.</p> <p>(d) The department of safety and professional services shall revoke a license if the department of revenue certifies under s. <u>73.0301</u> that the licensee is liable for delinquent taxes or if the department of workforce development certifies under s. <u>108.227</u> that the licensee is liable for delinquent unemployment insurance contributions.</p> <p>(e) If an applicant who is an individual does not have a social security number, the applicant, as a condition of applying for or applying to renew a license shall submit a statement made or subscribed under oath or affirmation to the department of safety and professional services that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>2. Any license issued or renewed in reliance upon a false statement submitted by an applicant under subd. 1 is invalid.</p> <p>101.02(21)(a) In this subsection, "license" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.122 (2) (e), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (4m) (1v) and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.</p> <p>(b) As provided in the memorandum of understanding under s. 49.857 and except as provided in par. (e), the department of safety and professional services may not issue or renew a license unless the applicant provides the department of safety and professional services with his or her social security number. The department of safety and professional services may not disclose the social security number except that the department of safety and professional services may disclose the social security number of an applicant for a license under par. (a) or a renewal of a license under par. (a) to the department of children and families for the sole purpose of administering s. 49.222.</p> <p>(c) As provided in the memorandum of understanding under s. 49.857, the department may not issue or renew a license if the applicant or licensee is delinquent in making court ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or if the applicant or licensee fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings.</p> <p>(d) As provided in the memorandum of understanding under s. 49.857, the department shall restrict or suspend a license issued by the department if the licensee is delinquent in making court ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or if the licensee fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and relating to paternity or child support proceedings.</p> <p>(e)</p> <p>1. If an applicant who is an individual does not have a social security number, the applicant, as a condition of applying for or applying to renew a license shall submit a statement made or subscribed under oath or affirmation to the department of safety and professional services that the applicant does not have a social</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>security number. The form of the statement shall be prescribed by the department of children and families.</p> <p>2. Any license issued or renewed in reliance upon a false statement submitted by an applicant under subd. 1. is invalid.</p> <p>Rationale: Include references to ch. 101 for clarity of application of statutes to all credentials and eliminates duplicative language in ch. 101.</p> <p>Change: Include ch. 145 as subchapter VIII under ch. 101.</p>
Merging ch. 145 with ch. 101	101 and 145	<p>Rationale: Placing 145 within 101 allows all trades credentials to be housed within one chapter.</p>
Report Elimination	101.16(3g)(b)	<p>Change: 101.16(3g)(b) The department shall publish an annual list of all retail suppliers holding valid licenses under par. (a).</p> <p>Rationale: The Department does not currently distribute this list, and this information would still be available if requested.</p>



Gallagher, Michael

From: Kite, Robin
Sent: Wednesday, September 30, 2015 1:35 PM
To: Gallagher, Michael; Duchek, Michael
Subject: FW: DPCP Ch. 101, 145, and 440 Workgroup
Attachments: 101&440&145 Workgroup DPCP Changes.docx

Here are some more instructions on the DSPS draft that relate to the ch. 440 piece.

From: Grothman, Jeffrey - DSPS [mailto:Jeffrey.Grothman@wisconsin.gov]
Sent: Wednesday, September 30, 2015 1:32 PM
To: Kite, Robin <Robin.Kite@legis.wisconsin.gov>
Subject: FW: DPCP Ch. 101, 145, and 440 Workgroup

Jeff Grothman
Legislative Liaison/Policy Director
Wisconsin Department of Safety and Professional Services
608-267-9794
Jeffrey.Grothman@wisconsin.gov

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
<p>Uniform Application Standards</p>	<p><u>440.03(11m)(a)</u></p>	<p>Change: 440.03(11m) (a) Each application form for a credential issued or renewed under chs. 440 to 480 and 101 shall provide a space for the department to require each of the following, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under par. (am), to provide his or her social security number:</p> <ol style="list-style-type: none"> 1. An applicant for an initial credential or credential renewal. If the applicant is not an individual, the department shall require the applicant to provide its federal employer identification number. 2. An applicant for reinstatement of an inactive license under s. 452.12 (6) (e). <p>Rationale: Addition allows uniform requirements for all credentials issued by the Department.</p>
<p>Optional Trades Applicant Investigation</p>	<p><u>440.03(13)(a), (am), and (b)</u></p>	<p>Change: 440.03(13)(a) The department may conduct an investigation to determine whether an applicant for a credential issued under chs. 440 to 480, and 101 satisfies any of the eligibility requirements specified for the credential, including whether the applicant does not have an arrest or conviction record. In conducting an investigation under this paragraph, the department may require an applicant to provide any information that is necessary for the investigation, except that, for an investigation of an arrest or conviction record, the department shall comply with the requirements of pars. (b) and (c).</p> <p>(am) A person holding a credential under chs. 440 to 480, and 101 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documentation the person holding the credential shall include with the written notice.</p> <p>(b) 75. Any other profession or occupation specified by law that is regulated by the department or a credentialing board.</p> <p>Rationale: By adding ch. 101 to ch. 440's investigatory language allows the Department to investigate the conviction history of all credential holders equally.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
Form Elimination	<u>440.03(16)</u>	<p>Change: 440.03(16) Annually, the department shall distribute the form developed by the medical and optometry examining boards under 2001 Wisconsin Act 16, section 9143(3e), to all school districts and charter schools that offer kindergarten, to be used by pupils to provide evidence of eye examinations under s. 118.135.</p> <p>Rationale: The Department currently does not currently distribute this form, so elimination would clean up the language in the chapter.</p>
Report Elimination	<u>440.04(9)</u>	<p>Change: 440.04(9) Annually prepare and submit a report to the legislature under s. 13.172(2) on the number of minority group members who applied for licensure as a certified public accountant under ch. 442, the number who passed the examination required for licensure as a certified public accountant and the number who were issued a certified public accountant license under ch. 442, during the preceding year.</p> <p>Rationale: The Department does not currently distribute this list, and this information would still be available if requested.</p>
Standardization of Ancillary Service Fees for Credentials	<u>440.05</u>	<p>Change: 440.05 Introduction: Standard fees. The following standard fees apply to all initial credentials issued under chs. 440 to 480, and 101, except as provided in ss. <u>440.51</u>, <u>444.03</u>, <u>444.11</u>, <u>446.02(2)(c)</u>, <u>447.04(2)(c)</u>, <u>449.17(1m)(d)</u>, and <u>449.18(2)(d)</u></p> <p>Rationale: Including ch. 101, 440 to 480 would allow for continuity of fees for ancillary services across all credentials administered by the Department.</p>
Veteran Service Benefits	<u>440.075</u> <u>101.02(24)</u>	<p>Change: 440.075 Military service, education, training, instruction, or other experience.</p> <p>(1) In this section, "instruction" means any education, training, instruction, or other experience related to an occupation or profession.</p> <p>(2) The department, if the department issues the credential, or the credentialing board, if a credentialing board issues the credential, under chs. 440 to 480 and 101, shall count any relevant instruction that an applicant for an initial credential has obtained in connection with the applicant's military service, as defined in s. <u>111.32(12g)</u>, toward satisfying any instruction requirements for that credential if the applicant demonstrates to the satisfaction of the department or credentialing board that the instruction obtained by the applicant is substantially equivalent to the instruction required for the initial credential.</p> <p>Change: 101.02(24) (a) In this subsection: 1. "instruction" means any education, training, instruction or other experience related to an occupation or</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>profession:</p> <p>2. "License" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.122 (2) (e), 101.15 (2) (e), 101.16 (3b), 101.17, 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (4m), (1v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.</p> <p>(b) The department shall count any relevant instruction that an applicant for a license has obtained in connection with any military service, as defined in s. 111.32 (12g), toward satisfying the requirements for instruction for that license if the applicant demonstrates to the satisfaction of the department that the instruction obtained by the applicant is substantially equivalent to the instruction required for the license.</p>
Veteran Service Benefits	<u>440.09(2)</u>	<p>Rationale: Eliminates duplicative language in ch. 101.</p> <p>Change: 440.09(2) The department and each credentialing board shall grant a reciprocal credential issued under chs. 440 to 480, and 101 to an individual who the department or credentialing board determines meets all of the following requirements:</p> <p>Rationale: Applying Veteran service benefits equally to all credentials issued by the Department.</p> <p>Change: 440.11(3) Any person who fails to comply with sub. (1) shall be subject to a forfeiture of \$50.</p>
Change of Name or Address Fee	<u>440.11(3)</u>	<p>Rationale: The Department does not currently charge this fee.</p>
Addition of References to ch. 101 for the purposes of delinquency to other agencies	<u>440.12</u> <u>440.121</u> <u>440.13</u> <u>101.02(20)</u> and <u>(21)</u>	<p>Change: 440.12 Credential denial, nonrenewal and revocation based on tax or unemployment insurance contribution delinquency. Notwithstanding any other provision of chs. 440 to 480, and 101 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential if any of the following applies:</p> <p>440.121 Credential denial, nonrenewal, and revocation based on incompetency. Notwithstanding any other provision of chs. 440 to 480, and 101 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential issued to an individual for whom the department receives a record of a declaration under s. 54.25 (2) (c) 1. d. stating that the individual is incompetent to apply for a credential under chs. 440 to 480, and 101.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

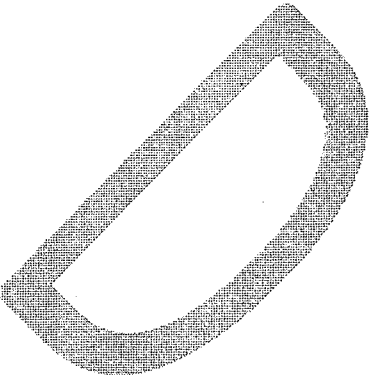
Topic	Current Statutory Language	Proposed Change and Rationale
		<p>440.13 Delinquency in support payments; failure to comply with subpoena or warrant.</p> <p>(2) Notwithstanding any other provision of chs. 440 to 480, and 101 relating to issuance of an initial credential or credential renewal, as provided in the memorandum of understanding</p> <p>Change: 101.02(20)(a) For purposes of this subsection, "license" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.122 (2)(e), 101.15 (2)(e), 101.16 (3e), 101.17, 101.178 (2) or (3)(a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (4m), (4v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under ch. 101 or 145.</p> <p>(b) Except as provided in par. (e), the department of safety and professional services may not issue or renew a license unless each applicant who is an individual provides the department of safety and professional services with his or her social security number and each applicant that is not an individual provides the department of safety and professional services with its federal employer identification number. The department of safety and professional services may not disclose the social security number or the federal employer identification number of an applicant for a license or license renewal except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 and to the department of workforce development for the sole purpose of requesting certifications under s. 108.227.</p> <p>(c) The department of safety and professional services may not issue or renew a license if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the applicant or licensee is liable for delinquent unemployment insurance contributions.</p> <p>(d) The department of safety and professional services shall revoke a license if the department of revenue certifies under s. 73.0301 that the licensee is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the licensee is liable for delinquent unemployment insurance contributions.</p> <p>(e) If an applicant who is an individual does not have a social security number, the applicant, as a condition of applying for or applying to renew a license shall submit a statement made or subscribed under oath or affirmation to the department of safety and professional services that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>2. Any license issued or renewed in reliance upon a false statement submitted by an applicant under subd. 1 is invalid.</p> <p>101.02(21)(a) In this subsection, "license" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.122(2)(c), 101.15(2)(c), 101.16(3c), 101.17, 101.178(2) or (3)(a), 101.63(2) or (2m), 101.653, 101.73(5) or (6), 101.82(4m), (4v), and (2), 101.935, 101.95, 101.951, 101.952, 101.96(2), 101.985(1) to (3), 145.02(4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 or 167.10(6m) or under rules promulgated under ch. 101 or 145.</p> <p>(b) As provided in the memorandum of understanding under s. 49.857 and except as provided in par. (c), the department of safety and professional services may not issue or renew a license unless the applicant provides the department of safety and professional services with his or her social security number. The department of safety and professional services may not disclose the social security number except that the department of safety and professional services may disclose the social security number of an applicant for a license under par. (a) or a renewal of a license under par. (a) to the department of children and families for the sole purpose of administering s. 49.22.</p> <p>(c) As provided in the memorandum of understanding under s. 49.857, the department may not issue or renew a license if the applicant or licensee is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or if the applicant or licensee fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53(5) and relating to paternity or child support proceedings.</p> <p>(d) As provided in the memorandum of understanding under s. 49.857, the department shall restrict or suspend a license issued by the department if the licensee is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or if the licensee fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53(5) and relating to paternity or child support proceedings.</p> <p>(e)</p> <p>1. If an applicant who is an individual does not have a social security number, the applicant, as a condition of applying for or applying to renew a license shall submit a statement made or subscribed under oath or affirmation to the department of safety and professional services that the applicant does not have a social</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>security number. The form of the statement shall be prescribed by the department of children and families.</p> <p>2. Any license issued or renewed in reliance upon a false statement submitted by an applicant under subd. 1 is invalid.</p> <p>Rationale: Include references to ch. 101 for clarity of application of statutes to all credentials and eliminates duplicative language in ch. 101.</p>
Merging ch. 145 with ch. 101	<u>101</u> and <u>145</u>	<p>Change: Include ch. 145 as subchapter VIII under ch. 101.</p> <p>Rationale: Placing 145 within 101 allows all trades credentials to be housed within one chapter.</p>
Report Elimination	<u>101.16(3g)(b)</u>	<p>Change: <u>101.16(3g)(b)</u> The department shall publish an annual list of all retail suppliers holding valid licenses under par. (a).</p> <p>Rationale: The Department does not currently distribute this list, and this information would still be available if requested.</p>



"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN

(Request Made By: MP5) (Date: 11/10/2015)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)

Appendix "A"



Please transfer the drafting file for 2013 LRB (For: Rep. / Sen. _____)

to the drafting file for

2015 LRB 2980 (For: Rep. / Sen. DSFS)

to 2015 LRB 3799 for DSFS

----- **OR** -----

Please copy the drafting file for 2015 LRB (include the version) (For: Rep. / Sen. _____)

and place it in the drafting file for

2015 LRB (For: Rep. / Sen. _____)

Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history ("guts") from the original file: _____

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

 **DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN**

(Request Made By: RNK) (Date: 11/18/15)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)



Please transfer the drafting file for

2013 LRB

(For: Rep. / Sen. _____)

to the drafting file for

2015 LRB

(For: Rep. / Sen. _____)

*Done
gmb*

Appendix B

OR



Please copy the drafting file for

2015 LRB

3452 / P1

(include the version)

(For: Rep. / Sen. _____)

DSPS

and place it in the drafting file for

2015 LRB

3799

(For: Rep. / Sen. _____)

DSPS



Are These "Companion Bills" ?? ... Yes

No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history

("guts") from the original file:

"RESEARCH APPENDIX"

... Drafting History Reproduction Request Form ...

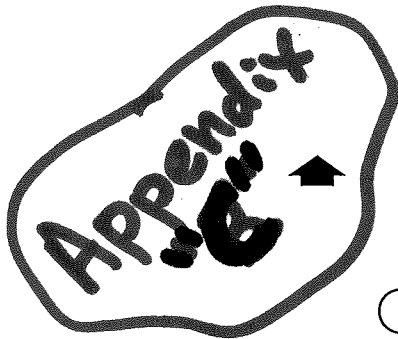
 **DRAFTING ATTORNEYS: PLEASE COMPLETE THIS FORM AND GIVE TO MIKE BARMAN**

(Request Made By: KRP) (Date: 11 / 13 / 2015)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME "REQUESTOR"

(exception: companion bills)




 Please transfer the drafting file for

~~2015~~ **2013** LRB 2981 (For: Rep./Sen. DSPS)

to the drafting file for

2015 LRB 3799 (For: Rep./Sen. DSPS)

----- **OR** -----

 Please copy the drafting file for

2015 LRB _____ / _____ (include the version) (For: Rep. / Sen. _____)

and place it in the drafting file for

2015 LRB _____ (For: Rep. / Sen. _____)

 Are These "Companion Bills" ?? ... Yes No

If yes, who in the initial requestor's office authorized the copy/transfer of the drafting history

("guts") from the original file: _____