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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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1 **AN ACT** ...; **relating to:** duties and powers of the Department of Safety and
2 Professional Services concerning certain credentialing and occupational
3 licensing functions; mandatory meeting requirements for various boards and
4 councils; membership and rules procedures of certain boards; discipline and ✓
5 examination and other licensure requirements for certain professionals;
6 plumbing and fire protection systems and swimming pool plan review;
7 requiring the exercise of rule-making authority; making appropriations; and
8 providing penalties.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version ✓
of this draft.

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

9 **SECTION 1.** 15.07 (3) (b) of the statutes is amended to read: ✓

1 15.07 (3) (b) Except as provided in ~~par.~~ par. (bm) and (c), each board not
2 covered under par. (a) shall meet annually, and may meet at other times on the call
3 of the chairperson or a majority of its members. ~~The auctioneer board, the cemetery~~
4 ~~board, and the real estate appraisers board shall also meet on the call of the secretary~~
5 ~~of safety and professional services or his or her designee within the department.~~

6 **SECTION 2.** 15.07 (3) (bm) 3. of the statutes is repealed.

7 **SECTION 3.** 15.07 (3) (bm) 6. of the statutes is repealed.

8 **SECTION 4.** 15.07 (3) (c) of the statutes is created to read:

9 15.07 (3) (c) Paragraph (b) does not apply to a board in the department of safety
10 and professional services. A board in the department of safety and professional
11 services shall meet on the call of the chairperson or a majority of its members. The
12 auctioneer board, the cemetery board, and the real estate appraisers board shall also
13 meet on the call of the secretary of safety and professional services or his or her
14 designee within the department.

15 **SECTION 5.** 15.08 (3) (a) of the statutes is amended to read:

16 15.08 (3) (a) Every examining board shall meet ~~annually and may meet at other~~
17 ~~times~~ on the call of the chairperson or of a majority of its members.

18 **SECTION 6.** 15.08 (3) (c) of the statutes is repealed.

19 **SECTION 7.** 15.085 (3) (a) of the statutes is renumbered 15.085 (3) and amended
20 to read:

21 15.085 (3) **FREQUENCY OF MEETINGS.** Every affiliated credentialing board shall
22 meet ~~annually and may meet at other times~~ on the call of the chairperson or of a
23 majority of its members.

24 **SECTION 8.** 15.085 (3) (b) of the statutes is repealed.

25 **SECTION 9.** 15.085 (5) (b) 1. of the statutes is amended to read:

1 15.085 (5) (b) 1. Submit the proposed rule to the examining board to which the
2 affiliated credentialing board is attached. The proposed rule shall be submitted
3 under this subdivision at least 60 days before the proposed rule is submitted to the
4 legislative council staff under s. 227.15 (1), except that the medical examining board
5 may waive that 60-day waiting period.

6 **SECTION 10.** 15.09 (3) of the statutes is renumbered 15.09 (3) (a) and amended
7 to read:

8 15.09 (3) (a) Unless otherwise provided by law, and except as provided in par.
9 (b), every council shall meet at least annually and shall also meet on the call of the
10 head of the department or independent agency in which it is created, and may meet
11 at other times on the call of the chairperson or a majority of its members. ✓A✓

12 (c) Unless otherwise provided by law, a council shall meet at such locations as
13 may be determined by it unless the constitutional officer or secretary heading the
14 department or the chief executive officer of the independent agency in which it is
15 created determines a specific meeting place.

16 **SECTION 11.** 15.09 (3) (b) of the statutes is created to read:

17 15.09 (3) (b) Paragraph (a) does not apply to a council in the department of
18 safety and professional services. Unless otherwise provided by law, a council in the
19 department of safety and professional services shall meet on the call of the secretary
20 of safety and professional services or on the call of the chairperson or a majority of
21 its members.

22 **SECTION 12.** 15.405 (2) (a) of the statutes is amended to read:

23 15.405 (2) (a) In operation, the examining board shall be divided into an
24 architect section, a landscape architect section, a professional engineer section, a
25 designer section, and a professional land surveyor section. Each section shall consist

1 of the 3 members of the named profession appointed to the examining board and 2
2 public members appointed to the section. ~~The examining board shall elect its own~~
3 ~~officers and shall meet at least twice annually.~~

*
****NOTE: This treatment strikes the last sentence in its entirety to eliminate the
mandatory meeting requirement and because selection of officers for examining boards
is already covered under s. 15.08 (2), stats. ^{the}

4 **SECTION 13.** 15.405 (2m) (b) of the statutes is amended to read:

5 15.405 (2m) (b) In operation, the examining board shall be divided into a
6 professional geologist section, a professional hydrologist section, and a professional
7 soil scientist section. Each section shall consist of the 3 members of the named
8 profession appointed to the examining board and one public member appointed to the
9 section. ~~The examining board shall elect its own officers, and shall meet at least~~
10 ~~twice annually.~~

11 **SECTION 14.** 15.405 (10r) (b) of the statutes is amended to read:

12 15.405 (10r) (b) ~~Of the All appraiser members of the board, one shall be~~
13 ~~certified under s. 458.06 as a general appraiser, one shall be certified under s. 458.06~~
14 ~~as a residential appraiser and one shall be or licensed under s. 458.08 as an~~
15 ~~appraiser.~~ No public member of the board may be connected with or have any
16 financial interest in an appraisal business or in any other real estate-related
17 business. Section 15.08 (1m) (am) applies to the public members of the board. No
18 member of the board may serve more than 2 consecutive terms.

19 **SECTION 15.** 15.405 (10r) (c) of the statutes is repealed.

20 **SECTION 16.** 15.406 (6) (a) 2. of the statutes is amended to read:

21 15.406 (6) (a) 2. One public member ~~who satisfies the requirements under s.~~
22 ~~460.03 (2m) (b).~~

23 **SECTION 17.** 15.407 (10) (b) of the statutes is amended to read:

1 15.407 (10) (b) An employee of the department of safety and professional
2 services designated by the secretary of safety and professional services shall serve
3 as secretary, but shall not be a member, of the ^{uniform}dwelling code council. The council shall
4 ~~meet at least twice a year.~~ Seven members of the ^{uniform}dwelling code council shall
5 constitute a quorum. For the purpose of conducting business a majority vote of the
6 ^{uniform}dwelling code council is required.

7 **SECTION 18.** 15.407 (13) (b) of the statutes is amended to read:

8 15.407 (13) (b) ~~The council shall meet at least twice a year.~~ An employee of the
9 department of safety and professional services designated by the secretary of the
10 department safety and professional services shall serve as nonvoting secretary of the
11 manufactured housing code council.

12 **SECTION 19.** 15.407 (14) (b) of the statutes is amended to read:

13 15.407 (14) (b) ~~The council shall meet at least twice a year.~~ The employee of
14 the department of safety and professional services designated by the secretary of
15 safety and professional services under par. (a) 10. shall serve as nonvoting secretary
16 of the conveyance safety code council.

17 **SECTION 20.** 15.407 (18) (c) of the statutes is repealed.

18 **SECTION 21.** 20.165 (2) (a) of the statutes is amended to read:

19 20.165 (2) (a) *General program operations.* The amounts in the schedule for
20 general program operations relating to the regulation of industry, buildings, and
21 safety under chs. 101, ^{and} ~~and~~ 107, ~~and~~ 145 and ss. 167.10 and 167.27.

22 **SECTION 22.** 20.165 (2) (j) of the statutes, as affected by 2015 Wisconsin Act 55,
23 is amended to read:

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

1 (2m), and 236.335 and for the purpose of transferring the amounts in the schedule
2 under par. (ke) to the appropriation account under par. (ke). All moneys received
3 under ~~ch. 145 subch. VIII of ch. 101~~, ss. 101.178, 101.19, 101.63 (9), 101.654 (3),
4 101.73 (12), 101.82 (4), 101.955 (2), ~~101.973 (7)~~, 167.35 (2) (f), and 236.12 (7) and all
5 moneys transferred under 2005 Wisconsin Act 45, section 76 (6), shall be credited to
6 this appropriation account.

7 **SECTION 23.** 20.165 (2) (ke) of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

9 20.165 (2) (ke) *Private on-site wastewater treatment system replacement and*
10 *rehabilitation.* As a continuing appropriation, the amounts in the schedule for
11 financial assistance under the private on-site wastewater treatment system
12 replacement and rehabilitation program under s. ~~145.245~~ 101.9937. All moneys
13 transferred from par. (j) shall be credited to this appropriation account.

14 **SECTION 24.** 20.165 (2) (ma) of the statutes is amended to read:

15 20.165 (2) (ma) *Federal aid-program administration.* All moneys received
16 from the federal government, as authorized by the governor under s. 16.54, to fund
17 the state's administrative costs for general program operations relating to the
18 regulation of industry, buildings and safety under chs. 101, and 107, ~~and 145~~ and ss.
19 32.19 to 32.27, 167.10, and 167.27.

20 **SECTION 25.** 20.320 (3) (q) of the statutes is amended to read:

21 20.320 (3) (q) *Private on-site wastewater treatment system loans.* From the
22 environmental improvement fund, as a continuing appropriation, the amounts in the
23 schedule for private on-site wastewater treatment system replacement or
24 rehabilitation loans under s. ~~145.245~~ 101.9937 (12m).

25 **SECTION 26.** 25.46 (5c) of the statutes is amended to read:

1 25.46 (5c) The moneys collected under s. ~~145.19~~ 101.9932 (6) for environmental
2 management.

3 **SECTION 27.** 43.09 (1) of the statutes is amended to read:

4 43.09 (1) PUBLIC LIBRARIANS. The division shall issue certificates to public
5 librarians and promulgate, under ch. 227, necessary standards for public librarians.
6 The qualifications for public librarians shall be based on education, professional
7 training and experience. Any relevant instruction, as defined in s. ~~101.02 (24) (a) 1.~~
8 440.075 (1), that an applicant for a certificate has obtained in connection with any
9 military service, as defined in s. 111.32 (12g), counts toward satisfying any
10 requirement for instruction for a certificate under this subsection if the applicant
11 demonstrates to the satisfaction of the division that the instruction obtained by the
12 applicant is substantially equivalent to the instruction required for the certificate.
13 Certificates already granted prior to December 17, 1971, shall remain in effect.

History: 1971 c. 152; 1979 c. 347; 1985 a. 177; 1985 a. 182 s. 57; 1997 a. 150; 2011 a. 120.

14 **SECTION 28.** 49.857 (1) (b) of the statutes is amended to read:

15 49.857 (1) (b) “Credential” means a license, permit, certificate or registration
16 that is granted under chs. ~~440 to 480~~ has the meaning given in s. 440.01 (2) (a).

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405; 2011 a. 32; 2013 a. 20; 2015 a. 55.

17 **SECTION 29.** 49.857 (1) (d) 7. of the statutes is amended to read:

18 49.857 (1) (d) 7. ~~An occupational license, permit or certificate of certification~~
19 or registration specified as defined in s. 101.02 (21) (1) (a) 2.

History: 1997 a. 191; 1999 a. 9, 31, 32, 186; 2001 a. 56, 61; 2005 a. 25; 2007 a. 20, 130, 196; 2009 a. 2, 3, 344, 405; 2011 a. 32; 2013 a. 20; 2015 a. 55.

20 **SECTION 30.** 59.70 (5) (a) of the statutes is amended to read:

21 59.70 (5) (a) Every governmental unit responsible for the regulation of private
22 on-site wastewater treatment systems, as defined under s. ~~145.01~~ 101.9911 (5), shall
23 enact an ordinance governing private on-site wastewater treatment systems, as
24 defined in s. ~~145.01~~ 101.9911 (12), which conforms with the state plumbing code. The

1 ordinance shall apply to the entire area of the governmental unit responsible for the
2 regulation of private on-site wastewater treatment systems, as defined under s.
3 ~~145.01~~ 101.9911 (5). After July 1, 1980, no municipality may enact or enforce a
4 private on-site wastewater treatment system ordinance unless it is a governmental
5 unit responsible for the regulation of private on-site wastewater treatment systems,
6 as defined under s. ~~145.01~~ 101.9911 (5).

7 **SECTION 31.** 59.70 (5) (b) of the statutes is amended to read:

8 59.70 (5) (b) The governmental unit responsible for the regulation of private
9 on-site wastewater treatment systems, as defined under s. ~~145.01~~ 101.9911 (5), shall
10 administer the private on-site wastewater treatment system ordinance under s.
11 ~~145.20~~ 101.9934 and the rules promulgated under s. ~~145.20~~ 101.9934.

12 **SECTION 32.** 60.70 (5) of the statutes is amended to read:

13 60.70 (5) “Private on-site wastewater treatment system” has the meaning
14 given under s. ~~145.01~~ 101.9911 (12).

15 **SECTION 33.** 60.77 (5) (bm) of the statutes is amended to read:

16 60.77 (5) (bm) Require the inspection of private on-site wastewater treatment
17 systems that have been already installed to determine compliance with the state
18 plumbing code and may report violations of the state plumbing code to the
19 governmental unit responsible for the regulation of private on-site wastewater
20 treatment systems for enforcement under s. ~~145.20~~ 101.9934.

21 **SECTION 34.** 60.77 (5) (j) of the statutes is amended to read:

22 60.77 (5) (j) Administer the private on-site wastewater treatment system
23 program if authorized under s. ~~145.20~~ 101.9934 (1) (am).

24 **SECTION 35.** 66.1019 (3) of the statutes is repealed.

25 **SECTION 36.** 67.12 (12) (a) of the statutes is amended to read:

1 67.12 (12) (a) Any municipality may issue promissory notes as evidence of
2 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not
3 limited to paying any general and current municipal expense, and refunding any
4 municipal obligations, including interest on them. Each note, plus interest if any,
5 shall be repaid within 10 years after the original date of the note, except that notes
6 issued under this section for purposes of ss. ~~101.9937 (12)~~ ^{101.9937 (12m)}, 119.498, ~~145.245 (12m)~~ ^{145.245 (12m)},
7 281.58, 281.59, 281.60, 281.61, and 292.72, issued to raise funds to pay a portion of
8 the capital costs of a metropolitan sewerage district, or issued by a 1st class city or
9 a county having a population of 500,000 or more, to pay unfunded prior service
10 liability with respect to an employee retirement system, shall be repaid within 20
11 years after the original date of the note.

12 **SECTION 37.** 73.0301 (1) (d) 5. of the statutes is amended to read:

13 73.0301 (1) (d) 5. ~~A~~ [✓] An occupational license, as defined in s. 101.02 ~~(20)~~ [✓] (1) (a)

14 2.

History: 1997 a. 237 ss. 301, 307, 532; 1999 a. 9, 31, 32, 186; 2001 a. 56; 2005 a. 25; 2007 a. 1; 2007 a. 20 ss. 2155 to 2158, 9121 (6) (a); 2007 a. 130, 196; 2009 a. 2, 3, 185, 344, 405; 2011 a. 32; 2013 a. 20, 36; 2013 a. 173 s. 33; 2013 a. 357; 2015 a. 55.

15 **SECTION 38.** 100.21 (1) (a) of the statutes is amended to read:

16 100.21 (1) (a) “Dwelling unit” means a dwelling, as defined under s. 101.61 (1),
17 a modular home, as defined under s. 101.71 (6), a manufactured home, as defined
18 under s. 101.91 (2), or a multifamily dwelling, as defined under s. ~~101.971 (2)~~ [✓] 101.01
19 (8m).

20 **SECTION 39.** 101.02 (1) of the statutes is renumbered 101.02 (1) (b) and
21 amended to read:

22 101.02 (1) (b) The department shall adopt reasonable and proper rules and
23 regulations relative to the exercise of its powers and authorities and proper rules to

1 govern its proceedings and to regulate the mode and manner of all investigations and
2 hearings, subject to par. (c).

History: 1971 c. 185 ss. 1 to 5, 7; 1971 c. 228 ss. 16, 42; Stats. 1971 s. 101.02; 1975 c. 39, 94; 1977 c. 29; 1981 c. 360; 1983 a. 410; 1985 a. 182 s. 57; 1987 a. 343; 1989 a. 31, 56, 139; 1991 a. 39, 269; 1993 a. 27, 184, 252, 414, 492; 1995 a. 27 ss. 3631 to 3649r, 9126 (19); 1995 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 9121 (6) (a); 2007 a. 63, 203; 2009 a. 16, 28, 209, 373; 2011 a. 32, 120, 146; 2013 a. 20, 36; 2013 a. 151 s. 28; 2013 a. 168, 270; 2015 a. 55.

3 **SECTION 40.** 101.02 (1) (a) of the statutes is created to read:

4 101.02 (1) (a) In this subsection:

5 1. “Credential” has the meaning given in s. 440.01 (2) (a).

6 2. “Occupational license” means a license, permit, certificate, registration, or
7 other approval issued by the department under this chapter for an occupation, trade,
8 or profession or under s. 167.10 (6m).

9 **SECTION 41.** 101.02 (1) (c) of the statutes is created to read:

10 101.02 (1) (c) If the department promulgates rules under s. 440.03 (1) defining
11 uniform procedures to be used by the department for receiving, filing, and
12 investigating complaints against holders of credentials, for commencing disciplinary
13 proceedings against holders of credentials, and for conducting hearings on matters
14 relating to credentials, the department’s rules under par. (b) with respect to
15 occupational licenses shall conform with the rules promulgated under s. 440.03 (1).

16 **SECTION 42.** 101.02 (7m) of the statutes is repealed.

17 **SECTION 43.** 101.02 (7r) (a) of the statutes, as affected by 2015 Wisconsin Act
18 55, is amended to read:

19 101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact
20 or enforce an ordinance that establishes minimum standards for constructing,
21 altering, or adding to public buildings or buildings that are places of employment
22 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),
23 except as provided in pars. (b) to (d) and ~~sub. (7m)~~.

24 **SECTION 44.** 101.02 (7r) (b) 4. of the statutes is amended to read:

1 101.02 (7r) (b) 4. The building is not a multifamily dwelling, as defined in s.
2 101.971(2).

3 **SECTION 45.** 101.02 (7r) (g) of the statutes is created to read:

4 101.02 (7r) (g) 1. The department shall promulgate rules that establish
5 procedures for the administration of the rules promulgated by the department under
6 this subchapter. For purposes of this paragraph, “administration” includes the
7 process an owner must follow when applying for a permit for constructing, altering,
8 or adding to a public building or a building that is a place of employment.

 ***NOTE: This language is very broad. Please consider how we can refine this
 language to give better direction to DSPS regarding the scope of the rules it must
 promulgate under this provision.

9 2. Notwithstanding sub. (7) (a), no city, village, or town may enact or enforce
10 an ordinance that establishes minimum standards for the administration of the
11 rules promulgated by the department under this subchapter unless that ordinance
12 strictly conforms to the rules promulgated by the department under subd. 1.

13 **SECTION 46.** 101.02 (12) of the statutes is repealed.

 ***NOTE: Section 101.02 (12) provides that each day during which a person fails
 to comply with an order of DSPS or any other provision under subch. I of ch. 101
 constitutes a separate violation. Although this draft attempts to add this language to
 each applicable penalty provision within ch. 101, consider whether s. 101.02 (12) should
 be retained as a “catch-all” to cover any omissions.

14 **SECTION 47.** 101.02 (13) (a) of the statutes is amended to read:

15 101.02 (13) (a) If any employer, employee, owner, or other person violates this
16 subchapter, or fails or refuses to perform any duty specified under this subchapter,
17 within the time prescribed by the department, for which no penalty has been
18 specifically provided, or fails, neglects, or refuses to obey any lawful order given or
19 made by the department, or any judgment or decree made by any court in connection
20 with this subchapter, for each such violation, failure, or refusal, such the employer,

1 employee, owner, or other person shall forfeit and pay into the state treasury a sum
2 not less than \$10 nor more than \$100 \$5,000 for each such offense. Each day of
3 continued violation constitutes a separate offense.

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4 **SECTION 48.** 101.022 of the statutes is created to read:

5 **101.022 Certain laws applicable to occupational licenses.** (1) Sections
6 440.03 (1), (3m), (4), (11m), (13) (a), (am), and (b) 75., 440.09 (2), 440.11, 440.19,
7 440.20 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22 apply to occupational
8 licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as those statutes apply
9 to credentials, as defined in s. 440.01 (2) (a).

10 (2) The requirements imposed on the department under s. 440.121 apply to
11 occupational licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as the
12 requirements under s. 440.121 apply to credentials, as defined in s. 440.01 (2) (a),
13 notwithstanding any other provision of this chapter relating to issuance or renewal
14 of an occupational license.

15 **SECTION 49.** 101.10 (4) (a) of the statutes is amended to read:

16 101.10 (4) (a) Any person who violates a rule of the department promulgated
17 under sub. (2) may be required to forfeit not less than \$10 nor more than \$100 \$1,000
18 for each violation. Each day of continued violation constitutes a separate offense.

19 **SECTION 50.** 101.10 (4) (b) of the statutes is amended to read:

20 101.10 (4) (b) Except as provided in par. (c), any person who violates sub. (3)
21 is guilty of a Class I felony. Notwithstanding s. 101.02 (12), each Each act in violation
22 of sub. (3) constitutes a separate offense.

23 **SECTION 51.** 101.10 (4) (c) of the statutes is amended to read:

24 101.10 (4) (c) Any person who violates sub. (3) (a) or (b) while performing an
25 agricultural activity or while performing an activity related to the construction,

1 repair, alteration, location, installation, inspection, or operation of anhydrous
2 ammonia equipment with the consent of the owner of the anhydrous ammonia
3 equipment may be required to forfeit not less than \$10 nor more than ~~\$100~~ \$1,000
4 for each violation.

****NOTE: Do you want to add the following phrase to this provision: "Each day of continued violation constitutes a separate offense"?

5 **SECTION 52.** 101.12 (1) (a) of the statutes is amended to read:

6 101.12 (1) (a) ~~Heating, Plumbing, heating,~~ ventilation, air conditioning, and
7 fire detection, prevention, or suppression systems.

8 **SECTION 53.** 101.12 (6) (a) of the statutes is repealed.

9 **SECTION 54.** 101.12 (6) (b) of the statutes is renumbered 101.12 (6) and
10 amended to read:

11 101.12 (6) The department shall promulgate rules relating to the enforcement
12 of this subchapter and ~~subch.~~ subchs. IV and ~~ch. 145~~ VIII for public schools
13 constructed before 1930 and establishing life-safety plans for all public schools.

14 **SECTION 55.** 101.121 (3) (a) of the statutes is amended to read:

15 101.121 (3) (a) For any rule under this chapter ~~or ch. 145~~ which applies to
16 buildings, the department may provide an alternative rule which accomplishes the
17 same general purpose and applies only to qualified historic buildings. These
18 alternative rules shall permit, to the maximum extent possible, the use of original
19 or duplicates of original materials, the maintenance of the original appearance of all
20 components of a historic building and the use of original construction techniques.
21 The department shall consult with the historic building code council regarding the
22 development of alternative rules. All alternative rules taken together constitute the
23 historic building code.

1 **SECTION 56.** 101.121 (3) (b) of the statutes is amended to read:

2 101.121 (3) (b) In order to permit the proper preservation or restoration of a
3 qualified historic building, the department may grant a variance to any rule or
4 alternative rule under this chapter ~~or ch. 145~~ if the owner demonstrates that an
5 alternative proposed by the owner accomplishes the same purpose as the rule or
6 alternative rule. With respect to any variances requested under this chapter ~~or ch.~~
7 ~~145~~, the department shall give priority to processing variance requests by owners of
8 qualified historic buildings. ~~The department shall maintain a list of variances~~
9 ~~granted under this paragraph to owners of qualified historic buildings.~~

10 **SECTION 57.** 101.125 (1) (b), (c), (f) and (g) of the statutes are repealed.

11 **SECTION 58.** 101.125 (2), (3) (b) and (c) and (4~~m~~) of the statutes are repealed.

12 **SECTION 59.** 101.125 (2~~m~~) of the statutes is created to read:

13 101.125 (2~~m~~) **RULES.** The department shall promulgate rules regulating safety
14 glazing material manufactured, distributed, imported, sold, or installed for use in a
15 hazardous location.

16 **SECTION 60.** 101.125 (3) (intro.) and (a) of the statutes are consolidated,
17 renumbered 101.125 (3) and amended to read:

18 101.125 (3) **SAFETY GLAZING MATERIALS REQUIRED.** No material supplier, builder,
19 contractor, or subcontractor may knowingly install, cause to be installed, consent to
20 the installation, or sell for installation in any hazardous location, transparent or
21 translucent materials other than safety glazing materials, except that: ~~(a) In in~~
22 buildings contracted for or existing on or before November 30, 1976, the department
23 may by rule require the installation of a vertical or horizontal bar, rail, grill, or screen
24 as a protective device in lieu of safety glazing material in hazardous locations where
25 safety glazing would be impractical because of the size of the lite required.

1 **SECTION 61.** 101.125 (4) (a) of the statutes is amended to read:

2 101.125 (4) (a) No employee of a person responsible for compliance with this
3 section or the rules promulgated under sub. (2m) is liable for the employer's failure
4 to comply.

5 **SECTION 62.** 101.125 (5) of the statutes is amended to read:

6 101.125 (5) PENALTY. Whoever violates this section or the rules promulgated
7 under sub. (2m) may be required to forfeit not less than \$100 nor more than \$500
8 \$1,000. Each day of continued violation constitutes a separate offense.

9 **SECTION 63.** 101.14 (4) (g) 1. of the statutes is amended to read:

10 101.14 (4) (g) 1. "Automatic fire sprinkler system" has the meaning provided
11 in s. ~~145.01~~ 101.9911 (2).

12 **SECTION 64.** 101.14 (4m) (a) 1. of the statutes is amended to read:

13 101.14 (4m) (a) 1. "Automatic fire sprinkler system" has the meaning given in
14 s. ~~145.01~~ 101.9911 (2).

15 **SECTION 65.** 101.14 (4m) (a) 3. of the statutes is repealed.

16 **SECTION 66.** 101.1472 (2) of the statutes is amended to read:

17 101.1472 (2) The department may not promulgate or enforce any rule that
18 requires that a person who is engaged, or who offers to be engaged, in a business to
19 do construction work hold a license issued under this chapter ~~or ch. 145~~ unless the
20 rule relates to a license specifically required by this chapter ~~or ch. 145~~.

21 **SECTION 67.** 101.148 (3) of the statutes is created to read:

22 101.148 (3) PENALTY. Any person who violates this section shall forfeit not more
23 than \$1,000 for each offense. Each day of continued violation constitutes a separate
24 offense.

***NOTE: Section 101.148 (2) requires a contractor to give each consumer certain notices prior to entering into a contract or beginning construction work. Consider whether violation of this provision is a type of violation that should be considered continuing and a separate violation for each day the notice is not given.

1 SECTION 68. 101.16 (3g) (a) of the statutes is renumbered 101.36 (3g).

2 SECTION 69. 101.16 (3g) (b) of the statutes is repealed.

3 SECTION 70. 101.17 of the statutes is amended to read:

4 101.17 Machines and boilers, safety requirement. No machine,
5 mechanical device, or steam boiler shall be installed or used in this state which does
6 not fully comply with the requirements of the laws of this state enacted for the safety
7 of employees and frequenters in places of employment and public buildings and with
8 the orders of the department adopted and published in conformity with this
9 subchapter. Any person violating this section shall be subject to the forfeitures
10 provided in s. 101.02 (12) and (13).

***NOTE: If s. 101.02 (12) is repealed, consider whether any other penalty provision is required for this provision.

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11 SECTION 71. 101.596 (2) (a) and (b) of the statutes are amended to read:

12 101.596 (2) (a) The ~~review board~~ department shall review complaints received
13 from permittees concerning possible incompetent, negligent, or unethical conduct by
14 building inspectors.

15 (b) After reviewing a complaint received under par. (a), the ~~review board~~
16 department may revoke the certification of a building inspector if the ~~board~~ department
17 determines that the building inspector has engaged in incompetent, negligent, or
18 unethical conduct.

***NOTE: As modified, it is not clear how the building inspector review board acts given that the board is not involved in the review process.

19 SECTION 72. 101.596 (3) (a) (intro.), (b) and (c) of the statutes are amended to
20 read:

1 101.596 (3) (a) (intro.) If a permittee makes a complaint to the ~~review board~~
2 department concerning a building inspector, the permittee may do one of the
3 following:

4 (b) If the permittee chooses to request that the permittee's complaint remain
5 anonymous, the ~~board~~ department may not review the complaint or modify or revoke
6 the permit unless the ~~board~~ department receives 2 additional anonymous complaints
7 regarding the building inspector. If 2 or more additional complaints are made, the
8 ~~review board~~ department shall proceed with its review, and none of the complaints
9 may continue to be anonymous.

10 (c) If the permittee allows his the permittee's complaint to be presented to the
11 building inspector without requesting anonymity, the ~~review board~~ department shall
12 proceed with the review. ✕

13 **SECTION 73.** 101.63 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
14 Act 49, is amended to read:

15 101.63 (1) (intro.) Adopt rules which establish standards for the construction
16 and inspection of one- and 2-family dwellings and components thereof. The rules
17 shall include separate standards, established in consultation with the ^{uniform} dwelling code
18 council, that apply only to the construction and inspection of camping units that are
19 set in a fixed location in a campground for which a permit is issued under s. 254.47,
20 that contain a sleeping place, and that are used for seasonal overnight camping.
21 Where feasible, the standards used shall be those nationally recognized and shall
22 apply to the dwelling and to its electrical, heating, ventilating, air conditioning and
23 other systems, including plumbing, as defined in s. ~~145.01~~ 101.9911 (10). No set of
24 rules may be adopted which has not taken into account the conservation of energy
25 in construction and maintenance of dwellings and the costs of specific code provisions

1 to home buyers in relationship to the benefits derived from the provisions. Rules
2 promulgated under this subsection do not apply to a bed and breakfast
3 establishment, as defined under s. ~~97.01 (1g)~~ ^{plan} 254.61 (1), except that the rules apply
4 to all of the following:

5 **SECTION 74.** 101.63 (1) (intro.) of the statutes, as affected by 2015 Wisconsin
6 Acts 55 and ... (this act), is repealed and recreated to read:

7 101.63 (1) (intro.) Adopt rules which establish standards for the construction
8 and inspection of one- and 2-family dwellings and components thereof. The rules
9 shall include separate standards, established in consultation with the uniform
10 dwelling code council, that apply only to the construction and inspection of camping
11 units that are set in a fixed location in a campground for which a permit is issued
12 under s. 254.47, that contain a sleeping place, and that are used for seasonal
13 overnight camping. Where feasible, the standards used shall be those nationally
14 recognized and shall apply to the dwelling and to its electrical, heating, ventilating,
15 air conditioning and other systems, including plumbing, as defined in s. 101.9911
16 (10). No set of rules may be adopted which has not taken into account the
17 conservation of energy in construction and maintenance of dwellings and the costs
18 of specific code provisions to home buyers in relationship to the benefits derived from
19 the provisions. Rules promulgated under this subsection do not apply to a bed and
20 breakfast establishment, as defined under s. 97.01 (1g), except that the rules apply
21 to all of the following:

22 **SECTION 75.** 101.63 (2) of the statutes is amended to read:

23 101.63 (2) Adopt rules for the certification, including provisions for suspension
24 and revocation thereof, of inspectors for the purpose of inspecting building
25 construction, electrical wiring, heating, ventilating, air conditioning and other

1 systems, including plumbing, as defined in s. ~~145.01~~ [✓] 101.9911 (10), of one- and
2 2-family dwellings under sub. (1). The rules shall specify that the department may
3 suspend or revoke the certification of an inspector under this subsection for
4 knowingly authorizing the issuance of a building permit to a contractor who is not
5 in compliance with s. 101.654. Persons certified as inspectors may be employees of
6 the department, a city, village, town, county or an independent inspection agency.
7 The department may not adopt any rule which prohibits any city, village, town or
8 county from licensing persons for performing work on a dwelling in which the
9 licensed person has no legal or equitable interest.

10 **SECTION 76.** 101.642 [✓] (2) of the statutes, as created by 2015 Wisconsin Act 55,
11 is amended to read:

12 101.642 (2) The department may not promulgate or enforce a rule that requires
13 that any one- or 2-family dwelling contain an automatic fire sprinkler system, as
14 defined in s. ~~145.01~~ [✓] 101.9911 (2).

15 **SECTION 77.** 101.648 (1) (b) of the statutes, as created by 2015 Wisconsin Act
16 55, is amended to read:

17 101.648 (1) (b) “Dwelling construction standard” means a requirement
18 imposed under s. 101.645 (3) or 101.647 (3) or a requirement imposed under any
19 provision of ~~ch. 101 or 145~~ [✓] this chapter or under any ordinance of a political
20 subdivision relating to standards for electrical wiring or plumbing in one- and
21 2-family dwellings.

22 **SECTION 78.** 101.653 (5) (b) 2. of the statutes is amended to read:

23 23 101.653 (5) (b) 2. A written determination by the department, issued every ~~3~~ [✓]
24 5 years, of whether or not the county, city, village, or town complies with par. (a).

25 **SECTION 79.** 101.66 [✓] (3) of the statutes is amended to read:

1 101.66 (3) Whoever violates this subchapter shall forfeit to the state not less
2 than ~~\$25~~ \$100 nor more than ~~\$500~~ \$5,000 for each violation. Each day ~~that such of~~
3 continuing ^{ed} violation ~~continues~~ constitutes a separate offense.

4 **SECTION 80.** 101.73 (2) of the statutes is amended to read:

5 101.73 (2) Adopt rules for the examination of plans and specifications and for
6 periodic in-plant and on-site inspections of manufacturing facilities, processes,
7 fabrication, assembly and installation of modular homes to ensure that
8 examinations and inspections are made in compliance with the rules adopted for
9 construction, electrical wiring, heating, ventilating, air conditioning and other
10 systems under ss. 101.70 to 101.77 and with the rules for indoor plumbing adopted
11 by the department under ~~ch. 145~~ subch. VIII.

12 **SECTION 81.** 101.77 of the statutes is amended to read:

13 **101.77 Penalties.** Whoever violates this subchapter shall forfeit to the state
14 not less than ~~\$25~~ \$100 nor more than ~~\$500~~ \$5,000 for each violation ~~and each.~~ Each
15 day that such of continuing ^{ed} violation ~~continues~~ constitutes a separate offense.

16 **SECTION 82.** 101.862 (4) (p) of the statutes, as created by 2015 Wisconsin Act
17 55, is amended to read:

18 101.862 (4) (p) A person engaged in installing, repairing, or maintaining a
19 private on-site wastewater treatment system, as defined in s. ~~145.01~~ 101.9911 (12),
20 if the activity only involves installing or modifying a conductor going from the
21 system's junction, pull, or device box to the nearest disconnecting point and the
22 conductor is buried with the system.

23 **SECTION 83.** 101.88 (3) of the statutes is amended to read:

24 101.88 (3) Any person who violates this subchapter or any rule promulgated
25 under this subchapter shall forfeit to the state not less than ~~\$25~~ \$100 nor more than

1 ~~\$500~~ \$5,000 for each violation. Each day of ~~continuing~~^{ed} violation constitutes a
2 separate offense.

3 **SECTION 84.** 101.94 (5) of the statutes is created to read:

4 101.94 (5) The department shall prepare and submit all reports required under
5 federal law related to manufactured home construction and safety including reports
6 to the federal department of housing and urban development.

7 **SECTION 85.** 101.94 (8)[✓](a) of the statutes is amended to read:

8 101.94 (8) (a) Except as provided in par. (c), a person who violates this
9 subchapter, a rule promulgated under this subchapter, or an order issued under this
10 subchapter shall forfeit not more than ~~\$1,000~~ \$1,100 for each violation. Each
11 violation of this subchapter constitutes a separate violation with respect to each
12 manufactured home or with respect to each failure or refusal to allow or perform an
13 act required by this subchapter, except the maximum forfeiture under this
14 subsection may not exceed ~~\$1,000,000~~ \$1,375,000 for a related series of violations
15 occurring within one year of the first violation.

16 **SECTION 86.** 101.957[✓] of the statutes is repealed.

17 **SECTION 87.** 101.965 (1p)[✓] of the statutes is amended to read:

18 101.965 (1p) Any person who violates s. 101.96 or any rule promulgated under
19 that section may be required to forfeit not less than ~~\$25~~ \$100 nor more than ~~\$500~~
20 \$5,000 for each violation. Each day of continued violation constitutes a separate
21 violation offense.

22 **SECTION 88.** Subchapter VI (title) of chapter 101 [precedes 101.971] of the
23 statutes is repealed.

24 **SECTION 89.** 101.971 (intro.), (1), (3) and (4) of the statutes are repealed.

1 **SECTION 90.** 101.971 (2) of the statutes is renumbered 101.01 (8m) and
2 amended to read:

3 101.01 (8m) “Multifamily dwelling” means an apartment building, rowhouse,
4 town house, condominium, or modular home, as defined in s. 101.71 (6), that does not
5 exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling
6 units, as defined in s. 101.61 (1), the initial construction of which is begun on or after
7 January 1, 1993. “Multifamily dwelling” does not include a facility licensed under
8 ch. 50.

9 **SECTION 91.** 101.973 (intro.), (1), (3), (4), (5), (6), (7), (8), (9) and (10) of the
10 statutes are repealed.

11 **SECTION 92.** 101.973 (2) of the statutes is renumbered 101.02 (25) and amended
12 to read:

13 101.02 (25) Biennially The department shall periodically review the rules
14 promulgated under this subchapter.

****NOTE: Using “periodically” does not obligate DSPS to review the rules at any particular time and really does not obligate DSPS to review the rules at all. Please consider whether we can add more definiteness to this requirement to give DSPS guidance regarding when it should conduct a rules review, or consider whether we can provide some other standard that will trigger periodic rules reviews. See, for example, s. 101.027 (3) (a), which lists events the occurrence of which require DSPS to review the rules that constitute the energy conservation code.

15 **SECTION 93.** 101.974 (intro.), (1) and (3) of the statutes are repealed.

16 **SECTION 94.** 101.974 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
17 is repealed.

18 **SECTION 95.** 101.974 (4) and (5) of the statutes are renumbered 101.02 (26) and
19 (27) and amended to read:

20 101.02 (26) Promulgate The department may promulgate rules prescribing
21 procedures for approving new building materials, methods, and equipment.

