



State of Wisconsin  
2015 - 2016 LEGISLATURE

IN: 01/20/16

DUE: 01/22/16  
am, if possible

LRB-3799/P1  
MPG/KRP/RNK/emw

P2

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Request  
sheet  
updated

RMR

S.A.V.  
Xref ✓

gen cat

1 **AN ACT to repeal** 15.07 (3) (bm) 3., 15.07 (3) (bm) 6., 15.08 (3) (c), 15.085 (3) (b),  
2 15.405 (10r) (c), 15.407 (18) (c), 66.1019 (3), 101.02 (7m), 101.02 (12), 101.12 (6)  
3 (a), 101.125 (1) (b), (c), (f) and (g), 101.125 (2), (3) (b) and (c) and (4m), 101.14  
4 (4m) (a) 3., 101.16 (3g) (b), 101.957, subchapter VI (title) of chapter 101  
5 [precedes 101.971], 101.971 (intro.), (1), (3) and (4), 101.973 (intro.), (1), (3), (4),  
6 (5), (6), (7), (8), (9) and (10), 101.974 (intro.), (1) and (3), 101.974 (2), 101.975,  
7 101.976, 101.977 and 101.978, chapter 145 (title), 145.035, 145.13, 440.03 (16),  
8 440.04 (9), 440.11 (3), 445.08 (4), 457.09 (3) (b) and 457.16 (3); **to renumber**  
9 101.16 (3g) (a), 145.04, 145.05, 145.06, 145.14, 145.16, 145.17, 145.175, 145.18,  
10 145.19, 145.195 and 145.23; **to renumber and amend** 15.085 (3) (a), 15.09 (3),  
11 101.02 (1), 101.12 (6) (b), 101.971 (2), 101.973 (2), 101.974 (4) and (5), 145.01,  
12 145.02, 145.045, 145.07, 145.08, 145.09, 145.10 (1), 145.11, 145.12, 145.15,  
13 145.165, 145.20, 145.24, 145.245, 145.26, 440.20 (4), 440.20 (5) and 445.08 (1);  
14 **to consolidate, renumber and amend** 101.125 (3) (intro.) and (a); **to amend**  
15 15.07 (3) (b), 15.08 (3) (a), 15.085 (5) (b) 1., 15.405 (2) (a), 15.405 (2m) (b), 15.405

1 (10r) (b), 15.406 (6) (a) 2., 15.407 (10) (b), 15.407 (13) (b), 15.407 (14) (b), 20.165  
2 (2) (a), 20.165 (2) (j), 20.165 (2) (ke), 20.165 (2) (ma), 20.320 (3) (q), 25.46 (5c),  
3 43.09 (1), 49.857 (1) (b), 49.857 (1) (d) 7., 59.70 (5) (a), 59.70 (5) (b), 60.70 (5),  
4 60.77 (5) (bm), 60.77 (5) (j), 67.12 (12) (a), 73.0301 (1) (d) 5., 100.21 (1) (a), 101.02  
5 (7r) (a), 101.02 (7r) (b) 4., 101.02 (13) (a), 101.02 (20) (a), 101.02 (21) (a), 101.02  
6 (24) (a) 2., 101.10 (4) (a), 101.10 (4) (b), 101.10 (4) (c), 101.12 (1) (a), 101.121 (3)  
7 (a), 101.121 (3) (b), 101.125 (4) (a), 101.125 (5), 101.14 (4) (g) 1., 101.14 (4m) (a)  
8 1., 101.1472 (2), 101.17, 101.19 (1r), 101.596 (2) (a) and (b), 101.596 (3) (a)  
9 (intro.), (b) and (c), 101.63 (1) (intro.), 101.63 (2), 101.642 (2), 101.648 (1) (b),  
10 101.653 (5) (b) 2., 101.66 (3), 101.73 (2), 101.77, 101.862 (4) (p), 101.88 (3),  
11 101.94 (8) (a), 101.965 (1p), 101.988 (3), 108.227 (1) (e) 5., 108.227 (1) (e) 5.,  
12 115.33 (1) (a), 118.135 (2), 160.255 (1), 200.21 (11), 200.29 (1) (c) 3. a., 234.49 (1)  
13 (e), 254.176 (2) (d), 281.17 (3), 281.344 (8) (b) 3., 281.346 (8) (b) 3., 281.48 (2)  
14 (bm), 281.48 (5) (a) 4., 281.48 (5m) (c), 281.59 (1m) (c), 281.75 (18), 321.60 (1)  
15 (a) 18., 440.03 (3m), 440.03 (7), 440.03 (7m), 440.03 (11m) (a) (intro.), 440.03 (13)  
16 (a), 440.03 (13) (am), 440.08 (2) (a) 59., 440.19, 440.205, 440.22 (1), 440.22 (2),  
17 440.92 (9) (b) 3., 443.07 (4), 445.04 (3) (a), 445.04 (3) (b) (intro.), 445.045 (1) (g),  
18 446.02 (7) (d) 1., 446.02 (7) (d) 2., 448.02 (8) (a), 448.07 (1) (a), 448.13 (1) (a)  
19 (intro.), 448.13 (2), 448.13 (3), 457.09 (3) (a), 470.05 and 632.10 (1); **to repeal**  
20 **and recreate** 101.63 (1) (intro.) and 448.02 (8) (a); and **to create** 15.07 (3) (c),  
21 15.09 (3) (b), 101.02 (1) (a), 101.02 (1) (c), 101.02 (7r) (g), 101.022, 101.125 (2m),  
22 101.148 (3), 101.94 (5), subchapter VIII (title) of chapter 101 [precedes  
23 101.9911], 440.20 (4) (b), 440.20 (5) (b) and 445.04 (3) (c) of the statutes;  
24 **relating to:** duties and powers of the Department of Safety and Professional  
25 Services concerning certain credentialing and occupational licensing functions;

1 mandatory meeting requirements for various boards and councils; membership  
 2 and rules procedures of certain boards; discipline and examination and other  
 3 licensure requirements for certain professionals; plumbing and fire protection  
 4 systems and swimming pool plan review; requiring the exercise of rule-making  
 5 authority; making appropriations; and 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:***

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

7 15.07 (3) (b) Except as provided in ~~par.~~ pars. (bm) and (c), each board not  
 8 covered under par. (a) shall meet annually, and may meet at other times on the call  
 9 of the chairperson or a majority of its members. ~~The auctioneer board, the cemetery~~  
 10 ~~board, and the real estate appraisers board shall also meet on the call of the secretary~~  
 11 ~~of safety and professional services or his or her designee within the department.~~

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

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

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

15 15.07 (3) (c) Paragraph (b) does not apply to a board in the department of safety  
 16 and professional services. A board in the department of safety and professional  
 17 services shall meet on the call of the chairperson or a majority of its members. The  
 18 auctioneer board, the cemetery board, and the real estate appraisers board shall also  
 19 meet on the call of the secretary of safety and professional services or his or her  
 20 designee within the department.

**SECTION 5**

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

2           15.08 (3) (a) Every examining board shall meet ~~annually and may meet at other~~  
3 ~~times~~ on the call of the chairperson or of a majority of its members.

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

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

7           15.085 (3) FREQUENCY OF MEETINGS. Every affiliated credentialing board shall  
8 meet ~~annually and may meet at other times~~ on the call of the chairperson or of a  
9 majority of its members.

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

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

12          15.085 (5) (b) 1. Submit the proposed rule to the examining board to which the  
13 affiliated credentialing board is attached. The proposed rule shall be submitted  
14 under this subdivision at least 60 days before the proposed rule is submitted to the  
15 legislative council staff under s. 227.15 (1), except that the medical examining board  
16 may waive that 60-day waiting period.

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

19          15.09 (3) (a) Unless otherwise provided by law, and except as provided in par.  
20 (b), every council shall meet at least annually and shall also meet on the call of the  
21 head of the department or independent agency in which it is created, and may meet  
22 at other times on the call of the chairperson or a majority of its members. ~~A~~

23          (c) Unless otherwise provided by law, a council shall meet at such locations as  
24 may be determined by it unless the constitutional officer or secretary heading the

1 department or the chief executive officer of the independent agency in which it is  
2 created determines a specific meeting place.

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

4 15.09 (3) (b) Paragraph (a) does not apply to a council in the department of  
5 safety and professional services. Unless otherwise provided by law, a council in the  
6 department of safety and professional services shall meet on the call of the secretary  
7 of safety and professional services or on the call of the chairperson or a majority of  
8 its members.

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

10 15.405 (2) (a) In operation, the examining board shall be divided into an  
11 architect section, a landscape architect section, a professional engineer section, a  
12 designer section, and a professional land surveyor section. Each section shall consist  
13 of the 3 members of the named profession appointed to the examining board and 2  
14 public members appointed to the section. ~~The examining board shall elect its own  
15 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 the selection of officers for examining  
boards is already covered under s. 15.08 (2), stats.

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

17 15.405 (2m) (b) In operation, the examining board shall be divided into a  
18 professional geologist section, a professional hydrologist section, and a professional  
19 soil scientist section. Each section shall consist of the 3 members of the named  
20 profession appointed to the examining board and one public member appointed to the  
21 section. ~~The examining board shall elect its own officers, and shall meet at least  
22 twice annually.~~

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

**SECTION 14**

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

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

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

10           15.406 (6) (a) 2. One public member ~~who satisfies the requirements under s.~~  
11           ~~460.03 (2m) (b).~~

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

13           15.407 (10) (b) An employee of the department of safety and professional  
14           services designated by the secretary of safety and professional services shall serve  
15           as secretary, but shall not be a member, of the uniform dwelling code council. ~~The~~  
16           ~~council shall meet at least twice a year.~~ Seven members of the uniform dwelling code  
17           council shall constitute a quorum. For the purpose of conducting business a majority  
18           vote of the uniform dwelling code council is required.

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

20           15.407 (13) (b) ~~The council shall meet at least twice a year.~~ An employee of the  
21           department of safety and professional services designated by the secretary of ~~the~~  
22           ~~department~~ safety and professional services shall serve as nonvoting secretary of the  
23           manufactured housing code council.

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

1           15.407 (14) (b) ~~The council shall meet at least twice a year.~~ The employee of  
2 the department of safety and professional services designated by the secretary of  
3 safety and professional services under par. (a) 10. shall serve as nonvoting secretary  
4 of the conveyance safety code council.

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

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

7           20.165 (2) (a) *General program operations.* The amounts in the schedule for  
8 general program operations relating to the regulation of industry, buildings, and  
9 safety under chs. 101, and 107, ~~and 145~~ and ss. 167.10 and 167.27.

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

12          20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for  
13 the purposes of ~~chs. ch. 101 and 145~~ and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and  
14 (2m), and 236.335 and for the purpose of transferring the amounts in the schedule  
15 under par. (ke) to the appropriation account under par. (ke). All moneys received  
16 under ~~ch. 145 subch. VIII of ch. 101~~, ss. 101.178, 101.19, 101.63 (9), 101.654 (3),  
17 101.73 (12), 101.82 (4), 101.955 (2), ~~101.973 (7)~~, 167.35 (2) (f), and 236.12 (7) and all  
18 moneys transferred under 2005 Wisconsin Act 45, section 76 (6), shall be credited to  
19 this appropriation account.

20          **SECTION 23.** 20.165 (2) (ke) of the statutes, as affected by 2015 Wisconsin Act  
21 55, is amended to read:

22          20.165 (2) (ke) *Private on-site wastewater treatment system replacement and*  
23 *rehabilitation.* As a continuing appropriation, the amounts in the schedule for  
24 financial assistance under the private on-site wastewater treatment system

1 replacement and rehabilitation program under s. ~~145.245~~ 101.9937. All moneys  
2 transferred from par. (j) shall be credited to this appropriation account.

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

4 20.165 (2) (ma) *Federal aid-program administration.* All moneys received  
5 from the federal government, as authorized by the governor under s. 16.54, to fund  
6 the state's administrative costs for general program operations relating to the  
7 regulation of industry, buildings and safety under chs. 101, and 107, ~~and 145~~ and ss.  
8 32.19 to 32.27, 167.10, and 167.27.

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

10 20.320 (3) (q) *Private on-site wastewater treatment system loans.* From the  
11 environmental improvement fund, as a continuing appropriation, the amounts in the  
12 schedule for private on-site wastewater treatment system replacement or  
13 rehabilitation loans under s. ~~145.245~~ 101.9937 (12m).

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

15 25.46 (5c) The moneys collected under s. ~~145.19~~ 101.9932 (6) for environmental  
16 management.

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

18 43.09 (1) PUBLIC LIBRARIANS. The division shall issue certificates to public  
19 librarians and promulgate, under ch. 227, necessary standards for public librarians.  
20 The qualifications for public librarians shall be based on education, professional  
21 training and experience. Any relevant instruction, as defined in s. ~~101.02 (24) (a) 1,~~  
22 440.075 (1), that an applicant for a certificate has obtained in connection with any  
23 military service, as defined in s. 111.32 (12g), counts toward satisfying any  
24 requirement for instruction for a certificate under this subsection if the applicant  
25 demonstrates to the satisfaction of the division that the instruction obtained by the



1 applicant is substantially equivalent to the instruction required for the certificate.  
2 Certificates already granted prior to December 17, 1971, shall remain in effect.

INSERT  
9-3

Ins 9-3 MPB

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

4 49.857 (1) (b) "Credential" means a license, permit, certificate or registration  
5 that is granted under chs. 440 to 480 has the meaning given in s. 440.01 (2) (a).

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

7 49.857 (1) (d) 7. A An occupational license, <sup>plain</sup> ~~permit or certificate of certification~~  
8 ~~or registration specified as defined in s. 101.02 (21) (1) (a) 2.~~

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

10 59.70 (5) (a) Every governmental unit responsible for the regulation of private  
11 on-site wastewater treatment systems, as defined under s. ~~145.01~~ 101.9911 (5), shall  
12 enact an ordinance governing private on-site wastewater treatment systems, as  
13 defined in s. ~~145.01~~ 101.9911 (12), which conforms with the state plumbing code. The  
14 ordinance shall apply to the entire area of the governmental unit responsible for the  
15 regulation of private on-site wastewater treatment systems, as defined under s.  
16 ~~145.01~~ 101.9911 (5). After July 1, 1980, no municipality may enact or enforce a  
17 private on-site wastewater treatment system ordinance unless it is a governmental  
18 unit responsible for the regulation of private on-site wastewater treatment systems,  
19 as defined under s. ~~145.01~~ 101.9911 (5).

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

21 59.70 (5) (b) The 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 administer the private on-site wastewater treatment system ordinance under s.  
24 ~~145.20~~ 101.9934 and the rules promulgated under s. ~~145.20~~ 101.9934.

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

1           60.70 (5) “Private on-site wastewater treatment system” has the meaning  
2 given under s. ~~145.01~~ 101.9911 (12).

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

4           60.77 (5) (bm) Require the inspection of private on-site wastewater treatment  
5 systems that have been already installed to determine compliance with the state  
6 plumbing code and may report violations of the state plumbing code to the  
7 governmental unit responsible for the regulation of private on-site wastewater  
8 treatment systems for enforcement under s. ~~145.20~~ 101.9934.

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

10           60.77 (5) (j) Administer the private on-site wastewater treatment system  
11 program if authorized under s. ~~145.20~~ 101.9934 (1) (am).

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

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

14           67.12 (12) (a) Any municipality may issue promissory notes as evidence of  
15 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not  
16 limited to paying any general and current municipal expense, and refunding any  
17 municipal obligations, including interest on them. Each note, plus interest if any,  
18 shall be repaid within 10 years after the original date of the note, except that notes  
19 issued under this section for purposes of ss. 101.9937 (12m), ~~119.498, 145.245 (12m),~~  
20 ~~281.58, 281.59, 281.60, 281.61, and 292.72~~, issued to raise funds to pay a portion of  
21 the capital costs of a metropolitan sewerage district, or issued by a 1st class city or  
22 a county having a population of 500,000 or more, to pay unfunded prior service  
23 liability with respect to an employee retirement system, shall be repaid within 20  
24 years after the original date of the note.

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

1 73.0301 (1) (d) 5. ~~A~~ An occupational license, as defined in s. 101.02 ~~(20)~~ (1) (a)  
2 2.

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

4 100.21 (1) (a) "Dwelling unit" means a dwelling, as defined under s. 101.61 (1),  
5 a modular home, as defined under s. 101.71 (6), a manufactured home, as defined  
6 under s. 101.91 (2), or a multifamily dwelling, as defined under s. ~~101.971 (2)~~ 101.01  
7 (8m).

8 SECTION 39. 101.02 (1) of the statutes is renumbered 101.02 (1) (b) and  
9 amended to read:

10 101.02 (1) (b) The department shall adopt reasonable and proper rules and  
11 regulations relative to the exercise of its powers and authorities and proper rules to  
12 govern its proceedings and to regulate the mode and manner of all investigations and  
13 hearings, subject to par. (c).

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

15 101.02 (1) (a) In this subsection:

16 1. "Credential" has the meaning given in s. 440.01 (2) (a).

17 2. "Occupational license" means a license, permit, certificate, registration, or  
18 other approval issued by the department under this chapter for an occupation, trade,

19 or profession or under s. 167.10 (6m).

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

21 101.02 (1) (c) If the department promulgates rules under s. 440.03 (1) defining  
22 uniform procedures to be used by the department for receiving, filing, and  
23 investigating complaints against holders of credentials, for commencing disciplinary  
24 proceedings against holders of credentials, and for conducting hearings on matters

*for an occupation, trade, or profession*

*under rules promulgated under this chapter,*

*for an occupation, trade,*

*or profession*

1 relating to credentials, the department’s rules under par. (b) with respect to  
2 occupational licenses shall conform with the rules promulgated under s. 440.03 (1).

INSERT  
12-3

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

4 **SECTION 43.** 101.02 (7r) (a) of the statutes, as affected by 2015 Wisconsin Act  
5 55, is amended to read:

6 101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact  
7 or enforce an ordinance that establishes minimum standards for constructing,  
8 altering, or adding to public buildings or buildings that are places of employment  
9 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),  
10 except as provided in pars. (b) to (d) ~~and sub. (7m).~~

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

12 101.02 (7r) (b) 4. The building is not a multifamily dwelling, ~~as defined in s.~~  
13 ~~101.971 (2).~~

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

15 101.02 (7r) (g) 1. The department shall promulgate rules that establish  
16 procedures for the administration of the rules promulgated by the department under  
17 this subchapter. For purposes of this paragraph, “administration” includes the  
18 process an owner must follow when applying for a permit for constructing, altering,  
19 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.

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

INSERT  
13-1

1 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.

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

3 101.02 (13) (a) If any employer, employee, owner, or other person violates this  
4 subchapter, or fails or refuses to perform any duty specified under this subchapter,  
5 within the time prescribed by the department, for which no penalty has been  
6 specifically provided, or fails, neglects, or refuses to obey any lawful order given or  
7 made by the department, or any judgment or decree made by any court in connection  
8 with this subchapter, for each such violation, failure, or refusal, ~~such~~ the employer,  
9 employee, owner, or other person shall forfeit and pay into the state treasury a sum  
10 not less than \$10 nor more than \$100 \$5,000 for each ~~such~~ offense. Each day of  
11 continued violation constitutes a separate offense.

INSERT  
13-12

12 SECTION 48. 101.02 (20) (a) of the statutes is amended to read:

13 101.02 (20) (a) For purposes of this subsection, "license" means a license,  
14 permit, or certificate of certification or registration issued by the department for an  
15 occupation or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17,  
16 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v),  
17 and (2), 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), ~~145.02 (4),~~  
18 ~~145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18~~ 101.9912 (4),  
19 101.9915, 101.9926, 101.9927, 101.9928, 101.9929, 101.993, 101.9931, or 167.10  
20 (6m) or under rules promulgated under ch. 101 ~~or 145.~~

21 SECTION 49. 101.02 (21) (a) of the statutes is amended to read:

**SECTION 49**

1 101.02 (21) (a) In this subsection, "license" means a license, permit, or  
 2 certificate of certification or registration issued by the department for an occupation  
 3 or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2)  
 4 or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),  
 5 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035,  
 6 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 101.9912 (4), 101.9915,  
 7 101.9926, 101.9927, 101.9928, 101.9929, 101.993, 101.9931, or 167.10 (6m) or under  
 8 rules promulgated under ch. 101 or 145.

9 **SECTION 50.** 101.02 (24) (a) 2. of the statutes is amended to read:

10 101.02 (24) (a) 2. "License" means a license, permit, or certificate of  
 11 certification or registration issued by the department for an occupation or profession  
 12 under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63  
 13 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935,  
 14 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15,  
 15 145.16, 145.165, 145.17, 145.175, 145.18 101.9912 (4), 101.9915, 101.9926, 101.9927,  
 16 101.9928, 101.9929, 101.993, 101.9931, or 167.10 (6m) or under rules promulgated  
 17 under ch. 101 or 145.

18 **SECTION 51.** 101.022 of the statutes is created to read:

19 **101.022 Certain laws applicable to occupational licenses.** (1) Sections  
 20 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.09 (2), 440.11, 440.19,  
 21 440.20 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22 apply to occupational  
 22 licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as those statutes apply  
 23 to credentials, as defined in s. 440.01 (2) (a).

24 (2) The requirements imposed on the department under s. 440.121 apply to  
 25 occupational licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as the

*, and the requirements imposed on the department under those statutes,*

*440.12, 440.121, 440.13, 440.14, 440.15,*

*440.075,*

1 requirements under s. 440.121 apply to credentials, as defined in s. 440.01 (2) (a),  
2 notwithstanding any other provision of this chapter relating to issuance or renewal  
3 of an occupational license.

4 SECTION 52. 101.10 (4) (a) of the statutes is amended to read:

5 101.10 (4) (a) Any person who violates a rule of the department promulgated  
6 under sub. (2) may be required to forfeit not less than \$10 nor more than \$100 ~~\$1,000~~  
7 for each violation. Each day of continued violation constitutes a separate offense.

8 SECTION 53. 101.10 (4) (b) of the statutes is amended to read:

9 101.10 (4) (b) Except as provided in par. (c), any person who violates sub. (3)  
10 is guilty of a Class I felony. ~~Notwithstanding s. 101.02 (12), each~~ Each act in violation  
11 of sub. (3) constitutes a separate offense.

12 SECTION 54. 101.10 (4) (c) of the statutes is amended to read:

13 101.10 (4) (c) Any person who violates sub. (3) (a) or (b) while performing an  
14 agricultural activity or while performing an activity related to the construction,  
15 repair, alteration, location, installation, inspection, or operation of anhydrous  
16 ammonia equipment with the consent of the owner of the anhydrous ammonia  
17 equipment 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.

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

19 SECTION 55. 101.12 (1) (a) of the statutes is amended to read:

20 101.12 (1) (a) ~~Heating, Plumbing, heating,~~ ventilation, air conditioning, and  
21 fire detection, prevention, or suppression systems.

22 SECTION 56. 101.12 (6) (a) of the statutes is repealed.

1           **SECTION 57.** 101.12 (6) (b) of the statutes is renumbered 101.12 (6) and  
2 amended to read:

3           101.12 (6) The department shall promulgate rules relating to the enforcement  
4 of this subchapter and ~~subch.~~ subchs. IV and ~~ch. 145~~ VIII for public schools  
5 constructed before 1930 and establishing life-safety plans for all public schools.

6           **SECTION 58.** 101.121 (3) (a) of the statutes is amended to read:

7           101.121 (3) (a) For any rule under this chapter ~~or ch. 145~~ which applies to  
8 buildings, the department may provide an alternative rule which accomplishes the  
9 same general purpose and applies only to qualified historic buildings. These  
10 alternative rules shall permit, to the maximum extent possible, the use of original  
11 or duplicates of original materials, the maintenance of the original appearance of all  
12 components of a historic building and the use of original construction techniques.  
13 The department shall consult with the historic building code council regarding the  
14 development of alternative rules. All alternative rules taken together constitute the  
15 historic building code.

16           **SECTION 59.** 101.121 (3) (b) of the statutes is amended to read:

17           101.121 (3) (b) In order to permit the proper preservation or restoration of a  
18 qualified historic building, the department may grant a variance to any rule or  
19 alternative rule under this chapter ~~or ch. 145~~ if the owner demonstrates that an  
20 alternative proposed by the owner accomplishes the same purpose as the rule or  
21 alternative rule. With respect to any variances requested under this chapter ~~or ch.~~  
22 ~~145~~, the department shall give priority to processing variance requests by owners of  
23 qualified historic buildings. ~~The department shall maintain a list of variances~~  
24 ~~granted under this paragraph to owners of qualified historic buildings.~~

25           **SECTION 60.** 101.125 (1) (b), (c), (f) and (g) of the statutes are repealed.



1           **SECTION 61.** 101.125 (2), (3) (b) and (c) and (4m) of the statutes are repealed.

2           **SECTION 62.** 101.125 (2m) of the statutes is created to read:

3           101.125 (2m) RULES. The department shall promulgate rules regulating safety  
4 glazing material manufactured, distributed, imported, sold, or installed for use in a  
5 hazardous location.

6           **SECTION 63.** 101.125 (3) (intro.) and (a) of the statutes are consolidated,  
7 renumbered 101.125 (3) and amended to read:

8           101.125 (3) SAFETY GLAZING MATERIALS REQUIRED. No material supplier, builder,  
9 contractor, or subcontractor may knowingly install, cause to be installed, consent to  
10 the installation, or sell for installation in any hazardous location, transparent or  
11 translucent materials other than safety glazing materials, except that: ~~(a) In in~~  
12 buildings contracted for or existing on or before November 30, 1976, the department  
13 may by rule require the installation of a vertical or horizontal bar, rail, grill, or screen  
14 as a protective device in lieu of safety glazing material in hazardous locations where  
15 safety glazing would be impractical because of the size of the lite required.

16           **SECTION 64.** 101.125 (4) (a) of the statutes is amended to read:

17           101.125 (4) (a) No employee of a person responsible for compliance with this  
18 section or the rules promulgated under sub. (2m) is liable for the employer's failure  
19 to comply.

20           **SECTION 65.** 101.125 (5) of the statutes is amended to read:

21           101.125 (5) PENALTY. Whoever violates this section or the rules promulgated  
22 under sub. (2m) may be required to forfeit not less than \$100 nor more than \$500  
23 \$1,000. Each day of continued violation constitutes a separate offense.

24           **SECTION 66.** 101.14 (4) (g) 1. of the statutes is amended to read:

**SECTION 66**

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

3           **SECTION 67.** 101.14 (4m) (a) 1. of the statutes is amended to read:

4           101.14 (4m) (a) 1. “Automatic fire sprinkler system” has the meaning given in  
5 s. ~~145.01~~ 101.9911 (2).

6           **SECTION 68.** 101.14 (4m) (a) 3. of the statutes is repealed.

7           **SECTION 69.** 101.1472 (2) of the statutes is amended to read:

8           101.1472 (2) The department may not promulgate or enforce any rule that  
9 requires that a person who is engaged, or who offers to be engaged, in a business to  
10 do construction work hold a license issued under this chapter ~~or ch. 145~~ unless the  
11 rule relates to a license specifically required by this chapter ~~or ch. 145~~.

12           **SECTION 70.** 101.148 (3) of the statutes is created to read:

13           101.148 (3) PENALTY. Any person who violates this section shall forfeit not more  
14 than \$1,000 for each offense. Each day of continued violation constitutes a separate  
15 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.

*merge  
impendent*  
16  
*MSERT  
15-17*

**SECTION 71.** 101.16 (3g) (a) of the statutes is renumbered 101.36 (3g) <sup>1</sup> <sub>1</sub>

*and amended  
to read:*

**SECTION 72.** 101.16 (3g) (b) of the statutes is repealed.

**SECTION 73.** 101.17 of the statutes is amended to read:

19           **101.17 Machines and boilers, safety requirement.** No machine,  
20 mechanical device, or steam boiler shall be installed or used in this state which does  
21 not fully comply with the requirements of the laws of this state enacted for the safety  
22 of employees and frequenters in places of employment and public buildings and with  
23 the orders of the department adopted and published in conformity with this

1 subchapter. Any person violating this section shall be subject to the forfeitures  
2 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.

INSERT  
19-3

3 **SECTION 74.** 101.19 (1r) of the statutes is amended to read:

4 101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive  
5 any fee imposed on an individual who is eligible for the veterans fee waiver program  
6 under s. 45.44 for a license, permit, or certificate of certification or registration issued  
7 by the department under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178  
8 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),  
9 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,  
10 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18 101.9912 (4), 101.9915,  
11 101.9918 (12), 101.9926, 101.9927, 101.9928, 101.9929, 101.993, 101.9931, or 167.10  
12 (6m).

13 **SECTION 75.** 101.596 (2) (a) and (b) of the statutes are amended to read:

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

INSERT  
19-17

17 (b) After reviewing a complaint received under par. (a), the ~~review board~~  
18 department may revoke the certification of a building inspector if the board  
19 determines that the building inspector has engaged in incompetent, negligent, or  
20 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.

21 **SECTION 76.** 101.596 (3) (a) (intro.), (b) and (c) of the statutes are amended to  
22 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 77. 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  
18 dwelling code council, that apply only to the construction and inspection of camping  
19 units that are set in a fixed location in a campground for which a permit is issued  
20 under s. 254.47, that contain a sleeping place, and that are used for seasonal  
21 overnight camping. Where feasible, the standards used shall be those nationally  
22 recognized and shall apply to the dwelling and to its electrical, heating, ventilating,  
23 air conditioning and other systems, including plumbing, as defined in s. 145.01  
24 101.9911 (10). No set of rules may be adopted which has not taken into account the  
25 conservation of energy in construction and maintenance of dwellings and the costs

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

5 **SECTION 78.** 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 79.** 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 80.** 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 81.** 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 82.** 101.653 (5) (b) 2. of the statutes is amended to read:

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 83.** 101.66 (3) of the statutes is amended to read:

INSERT  
22-25

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           continued violation continues constitutes a separate offense.

4           **SECTION 84.** 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 85.** 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 continued violation continues constitutes a separate offense.

16          **SECTION 86.** 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 87.** 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

INSERT  
23-16

1     ~~\$500~~ \$5,000 for each violation. Each day of continued violation constitutes a  
2     separate offense.

3             **SECTION 88.** 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 89.** 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 90.** 101.957 of the statutes is repealed.

17             **SECTION 91.** 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 92.** Subchapter VI (title) of chapter 101 [precedes 101.971] of the  
23     statutes is repealed.

24             **SECTION 93.** 101.971 (intro.), (1), (3) and (4) of the statutes are repealed.

INSERT  
24-1616



1 SECTION 94. 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 95. 101.973 (intro.), (1), (3), (4), (5), (6), (7), (8), (9) and (10) of the  
10 statutes <sup>is</sup> ~~are~~ repealed.

11 SECTION 96. 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 97. 101.974 (intro.), (1) and (3) <sup>and (5)</sup> of the statutes are repealed.

16 SECTION 98. 101.974 (2) of the statutes, as affected by 2015 Wisconsin Act 55,  
17 is repealed.

18 SECTION 99. 101.974 (4) and (5) of the statutes <sup>is</sup> ~~are~~ renumbered 101.02 (26) and  
19 (27) <sup>(25)</sup> and amended to read:

20 101.02 (26) <sup>(25)</sup> ~~Promulgate~~ Promulgate The department may promulgate rules prescribing  
21 procedures for approving new building materials, methods, and equipment.

1        ~~(27) Study The department may study the administration of the rules~~  
 2        ~~promulgated under this subchapter and other laws related to the construction of~~  
 3        ~~multifamily dwelling units dwellings to determine their impact on the cost of~~  
 4        ~~building construction and their effectiveness in ensuring the health, safety, and~~  
 5        ~~welfare of the occupants.~~

~~\*\*\*\*NOTE: Is this consistent with your intent? In other words, should DSPS be  
 required to study and determine the impact of the administration of only those rules and  
 laws that are related to construction of multifamily dwellings or those rules and laws that  
 are related to construction of all commercial buildings?~~

6        **SECTION 100.** 101.975, 101.976, 101.977 and 101.978 of the statutes are  
 7        repealed.

INSERT  
26-B

8        **SECTION 101.** 101.988 (3) of the statutes is amended to read:

9        101.988 (3) PENALTIES. Any person who violates this subchapter or rules  
 10        promulgated under this subchapter may be fined not more than \$1,500 \$5,000 or  
 11        imprisoned for not more than 30 days or both, except that, notwithstanding s. 939.61  
 12        (1), the owner of a private residence in which a conveyance is located may not be fined  
 13        or required to pay a forfeiture to this state as a result of any violation involving that  
 14        conveyance.

*Each day of continued violation constitutes a separate offense.*

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

15        **SECTION 102.** Subchapter VIII (title) of chapter 101 [precedes 101.9911] of the  
 16        statutes is created to read:

17                    **CHAPTER 101**  
 18                    **SUBCHAPTER VIII**  
 19                    **PLUMBING AND FIRE**  
 20                    **PROTECTION SYSTEMS AND**  
 21                    **SWIMMING POOL PLAN REVIEW**

1           **SECTION 103.** 108.227 (1) (e) 5. of the statutes is amended to read:

2           108.227 (1) (e) 5. ~~A~~ An occupational license, as defined in s. 101.02 ~~(20)~~ (1) (a)  
3           2.

4           **SECTION 104.** 115.33 (1) (a) of the statutes is amended to read:

5           115.33 (1) (a) “In compliance” means in compliance with subchs. I ~~and, IV, and~~  
6           VIII of ch. 101, ~~ch. 145~~ and ss. 254.11 to 254.178 and the rules promulgated under  
7           subchs. I ~~and, IV, and VIII~~ of ch. 101, ~~ch. 145~~ and ss. 254.11 to 254.178.

8           **SECTION 105.** 118.135 (2) of the statutes is amended to read:

9           118.135 (2) A pupil who complies with a request under sub. (1) shall provide  
10          evidence of an eye examination or evaluation by December 31 following the pupil’s  
11          enrollment in kindergarten. ~~The school board or charter school shall provide pupils~~  
12          ~~with the form distributed by the department of safety and professional services~~  
13          ~~under s. 440.03 (16) for that purpose.~~

14          **SECTION 106.** Chapter 145 (title) of the statutes is repealed.

15          **SECTION 107.** 145.01 of the statutes is renumbered 101.9911, and 101.9911  
16          (4m), (9), (14) and (15), as renumbered, are amended to read:

17          101.9911 **(4m)** FAILING PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM. “Failing  
18          private on-site wastewater treatment system” has the meaning specified under s.  
19          ~~145.245~~ 101.9937 (4).

20          **(9)** PIPELAYER. “Pipelayer” means a person registered under s. ~~145.07~~ 101.9918  
21          (11).

22          **(14)** RESTRICTED PLUMBER LICENSEE. “Restricted plumber licensee” means any  
23          person licensed as a master plumber (restricted) or a journeyman plumber  
24          (restricted) under s. ~~145.14~~ 101.9925.

1 (15) UTILITY CONTRACTOR. "Utility contractor" means a person licensed under  
2 s. 145.07 101.9918 (10).

3 SECTION 108. 145.02 of the statutes, as affected by 2015 Wisconsin Act 49, is  
4 renumbered 101.9912, and 101.9912 (2) (a) <sup>and (3) (f)</sup> as renumbered, <sup>are</sup> ~~is~~ amended to read:

5 101.9912 (2) (a) The department shall have general supervision of all such  
6 plumbing ~~and under sub. (1). The department shall after public hearing prescribe~~  
7 ~~and publish and enforce reasonable standards therefor which promulgate rules that~~  
8 ~~shall be uniform and of statewide concern so far as practicable~~ uniformly apply to all  
9 types of buildings, private or public, rural or urban, including buildings owned by the  
10 state or any political subdivision. ~~Any employee designated by the department may~~  
11 ~~act for the department in holding the public hearing required under this subsection.~~  
12 The rules promulgated by the department shall constitute the state plumbing code.  
13 To the extent that the historic building code applies to the subject matter of these  
14 standards, the standards do not apply to a qualified historic building if the owner  
15 elects to be subject to s. 101.121.

INSERT  
28-16

16 SECTION 109. 145.035 of the statutes is repealed.

17 SECTION 110. 145.04 of the statutes is renumbered 101.9914.

INSERT  
28-18

18 SECTION 111. 145.045 <sup>(3)</sup> of the statutes is renumbered 101.9915 <sup>(3)</sup> and 101.9915

19 (3), as renumbered, <sup>e</sup> is amended to read:

20 101.9915 (3) PLUMBERS AND SEPTIC TANK INSTALLERS. A plumber ~~or septic tank~~  
21 ~~installer may also be a soil tester and install any system after approval of the site or~~  
22 ~~project by the department or the governmental unit responsible for the regulation~~  
23 ~~of private on-site wastewater treatment systems.~~

24 SECTION 112. 145.05 of the statutes is renumbered 101.9916.

25 SECTION 113. 145.06 of the statutes is renumbered 101.9917.

1           **SECTION 114.** 145.07 of the statutes is renumbered 101.9918, and 101.9918 (9),  
2           (10), (11) and (12), as renumbered, are amended to read:

3           101.9918 **(9)** Master plumbers, journeyman plumbers and apprentices are not  
4           subject to the restrictions under s. ~~145.14~~ 101.9925.

5           **(10)** An application for a utility contractor's license shall be made to the  
6           department with fees required by the department under s. ~~145.08~~ 101.9919 (1) (o).  
7           The department shall issue a utility contractor's license to any person who is skilled  
8           in the planning, superintending and practical installation, within public or private  
9           premises, of piping which conveys sewage, rain water or other liquid wastes to a legal  
10          point of disposal and who is skilled in the design, planning, superintending and  
11          practical installation of water service piping from the street main to the immediate  
12          inside building perimeter.

13          **(11)** An application for registration as a pipelayer shall be made to the  
14          department with the fees required by the department under s. ~~145.08~~ 101.9919 (1)  
15          (q). The department shall approve the registration of any person as a pipelayer if the  
16          person is employed by a utility contractor and if the person is engaged in the practical  
17          installation, within public or private premises, of piping which conveys sewage, rain  
18          water or other liquid wastes to a legal point of disposal or engages in the practical  
19          installation of water service piping from the street main to the immediate inside  
20          building perimeter.

21          **(12)** An applicant for registration as a cross-connection control tester shall  
22          submit an application and registration fee to the department as prescribed by the  
23          rules promulgated under s. ~~145.02~~ 101.9912 (4) (b).

24          **SECTION 115.** 145.08 of the statutes is renumbered 101.9919, and 101.9919  
25          (1g), as renumbered, is amended to read:

1           101.9919 (1g) The department may not charge a plumbing supervisor  
2 employed by the department in accord with s. ~~145.02~~ 101.9912 (3) (a) a fee for the  
3 appropriate 4-year license for which the plumbing supervisor has previously  
4 qualified.

5           **SECTION 116.** 145.09 of the statutes is renumbered 101.992, and 101.992  
6 (intro.), as renumbered, is amended to read:

7           **101.992 State comity.** (intro.) Any person may be accepted for examination  
8 for the appropriate classification of license without submitting evidence required  
9 under s. ~~145.07~~ 101.9918, if:

10           **SECTION 117.** 145.10 <sup>✓</sup>(1) of the statutes is renumbered 101.9921, and 101.9921  
11 (1) (c), as renumbered, is amended to read:

12           101.9921 (1) (c) Falsified information on an inspection form under s. ~~145.20~~  
13 101.9934 (5).

14           **SECTION 118.** 145.11 of the statutes is renumbered 101.9922, and 101.9922 (4),  
15 as renumbered, is amended to read:

16           101.9922 (4) Subsection (1) does not apply to any person who advertises as  
17 providing services for which no license is required under s. ~~145.06~~ 101.9917, unless  
18 the person holds himself or herself out as providing services for which a license is  
19 required.

20           **SECTION 119.** 145.12 of the statutes is renumbered 101.9923, and 101.9923 (4)  
21 and (5) (a), as renumbered, are amended to read:

22           101.9923 (4) Any person who violates any order under s. ~~145.02~~ 101.9912 (3)  
23 (f) or ~~145.20~~ 101.9934 (2) (f) or any rule or standard adopted under s. ~~145.13~~ 101.9912  
24 shall forfeit not less than \$10 nor more than \$1,000 for each violation. Each violation  
25 of an order under s. ~~145.02~~ 101.9912 (3) (f) or ~~145.20~~ 101.9934 (2) (f) or a rule or

1 standard under s. ~~145.13~~ 101.9912 constitutes a separate offense and each day of  
2 continued violation is a separate offense.

3 (5) (a) In lieu of any other penalty under this section, the department may  
4 directly assess a forfeiture by issuing an order against any person who violates s.  
5 ~~145.06~~ 101.9917 or ~~145.20~~ 101.9934 (6). The department may not assess a forfeiture  
6 exceeding \$2,000 for each violation.

7 **SECTION 120.** ~~145.13~~ of the statutes is repealed.

8 **SECTION 121.** ~~145.14~~ of the statutes is renumbered 101.9925.

9 **SECTION 122.** ~~145.15~~ of the statutes is renumbered 101.9926, and 101.9926 (1),  
10 (2) and (3), as renumbered, are amended to read:

11 101.9926 (1) No city, village, town or county may require the licensing of any  
12 person licensed or registered under ss. ~~145.15 to 145.18~~ 101.9926 to 101.9931 for any  
13 activity regulated under ss. ~~145.15 to 145.18~~ 101.9926 to 101.9931 or rules adopted  
14 thereunder.

15 (2) All licenses issued under ss. ~~145.15 to 145.18~~ 101.9926 to 101.9931 shall be  
16 issued by the department. The department shall not restrict the work done by any  
17 licensed journeyman sprinkler system fitter of any automatic fire sprinkler  
18 contractor or apprentice to any geographical territory.

19 (3) Any person not licensed under this chapter prior to April 26, 1972, who was  
20 regularly engaged in the occupation of installing automatic fire sprinkler systems on  
21 or before March 1, 1967, shall be licensed under ss. ~~145.15 to 145.18~~ 101.9926 to  
22 101.9931 without being required to pass any written, oral or practical examination  
23 qualifying the person for a license under ss. ~~145.15 to 145.18~~ 101.9926 to 101.9931.  
24 Any such person shall apply for the appropriate license and pay the appropriate  
25 license fee.

1           **SECTION 123.** 145.16 of the statutes is renumbered 101.9927.

2           **SECTION 124.** 145.165 of the statutes is renumbered 101.9928, and 101.9928  
3 (1) and (2), as renumbered, are amended to read:

4           101.9928 (1) An automatic fire sprinkler fitter–maintenance only registration  
5 certificate is required for any person who is employed to maintain automatic fire  
6 sprinkler systems by a business establishment registered under s. ~~145.175~~ 101.993.  
7 The department shall, by rule, specify the requirements for issuing an automatic fire  
8 sprinkler fitter–maintenance only registration certificate and specify the activities  
9 in which a person holding a certificate under this section may engage.

10           (2) This section does not apply to any person registered under s. ~~145.16~~  
11 101.9927 or licensed under s. ~~145.17~~ 101.9929 (2).

12           **SECTION 125.** 145.17 of the statutes is renumbered 101.9929.

13           **SECTION 126.** 145.175 of the statutes is renumbered 101.993.

14           **SECTION 127.** 145.18 of the statutes is renumbered 101.9931.

15           **SECTION 128.** 145.19 of the statutes is renumbered 101.9932.

16           **SECTION 129.** 145.195 of the statutes is renumbered 101.9933.

17           **SECTION 130.** 145.20 of the statutes is renumbered 101.9934, and 101.9934 (2)

18 (h), (3) (c), (5) (a) and (am) and (6) (a) 1., as renumbered, are amended to read:

19           101.9934 (2) (h) Inspect existing private on–site wastewater treatment  
20 systems to determine compliance with s. ~~145.195~~ 101.9933 if a building or structure  
21 is being constructed which requires connection to an existing private on–site  
22 wastewater treatment system. The county is not required to conduct an on–site  
23 inspection if a building or structure is being constructed which does not require  
24 connection to an existing private on–site wastewater treatment system.



1           **(3) (c)** If the governing body for a governmental unit responsible for the  
2 regulation of private on-site wastewater treatment systems does not adopt a private  
3 on-site wastewater treatment system ordinance meeting the requirements of s.  
4 59.70 (5) or if the governmental unit does not appoint personnel meeting the  
5 requirements of sub. (1) or if the governmental unit does not comply with the  
6 requirements of sub. (2) or s. ~~145.19~~ 101.9932 (3), the department may conduct  
7 hearings in the county seat upon 30 days' notice to the county clerk. As soon as  
8 practicable after the public hearing, the department shall issue a written decision  
9 regarding compliance with s. 59.70 (5) or ~~145.19~~ 101.9932 (3) or sub. (1) or (2). If the  
10 department determines that there is a violation of these provisions, the  
11 governmental unit may not issue a sanitary permit for the installation of a private  
12 on-site wastewater treatment system until the violation is corrected.

13           **(5) (a)** The department shall establish a maintenance program to be  
14 administered by governmental units responsible for the regulation of private on-site  
15 wastewater treatment systems. The department shall determine the private on-site  
16 wastewater treatment systems to which the maintenance program applies. At a  
17 minimum the maintenance program is applicable to all new or replacement private  
18 on-site wastewater treatment systems constructed in a governmental unit after the  
19 date on which the governmental unit adopts this program. The department may  
20 apply the maintenance program by rule to private on-site wastewater treatment  
21 systems constructed in a governmental unit responsible for the regulation of private  
22 on-site wastewater treatment systems on or before the date on which the  
23 governmental unit adopts the program. The department shall determine the private  
24 on-site wastewater treatment systems to which the maintenance program applies

**SECTION 130**

1 in governmental units that do not meet the conditions for eligibility under s. ~~145.245~~  
2 101.9937 (9).

3 (am) Each governmental unit responsible for the regulation of private on-site  
4 wastewater treatment systems shall adopt and begin the administration of the  
5 program established under par. (a) before October 1, 2019. As part of adopting and  
6 administering the program, the governmental unit shall conduct and maintain an  
7 inventory of all the private on-site wastewater treatment systems located in the  
8 governmental unit and shall complete the initial inventory before October 1, 2017.  
9 In order to be eligible for grant funding under s. ~~145.245~~ 101.9937, a governmental  
10 unit must comply with these deadlines.

11 (6) (a) 1. Conduct any activities for which certification is required under s.  
12 ~~145.045~~ 101.9915 (1), except that the employee may review and verify soil tester  
13 reports as provided in sub. (2) (a).

14 **SECTION 131.** ~~145.23~~ of the statutes is renumbered 101.9935.

15 **SECTION 132.** ~~145.24~~ of the statutes is renumbered 101.9936, and 101.9936 (1),  
16 as renumbered, is amended to read:

17 101.9936 (1) If an existing private on-site wastewater treatment system either  
18 is not located in soil meeting the siting standards or is not constructed in accordance  
19 with design standards promulgated under s. ~~145.02 or 145.13~~ 101.9912, the owner  
20 of the private on-site wastewater treatment system may petition the department for  
21 a variance to the siting or design standards.

22 **SECTION 133.** ~~145.245~~ of the statutes is renumbered 101.9937, and 101.9937  
23 (1) (a) 2., (7) (a), (c) and (e) and (9) (a), as renumbered, are amended to read:

24 101.9937 (1) (a) 2. A written enforcement order issued under s. ~~145.02~~ 101.9912  
25 (3) (f), ~~145.20~~ 101.9934 (2) (f) or 281.19 (2).

1           (7) (a) Except as provided in par. (e), costs allowable in determining grant  
2 funding under this section may not exceed the costs of rehabilitating or replacing a  
3 private on-site wastewater treatment system which would be necessary to allow the  
4 rehabilitated system or new system to meet the minimum requirements of the state  
5 plumbing code promulgated under s. ~~145.13~~ 101.9912.

6           (c) Except as provided in pars. (d) and (e), the state grant share under this  
7 section is limited to \$7,000 for each principal residence or small commercial  
8 establishment to be served by the private on-site wastewater treatment system or  
9 to the amount determined by the department based upon private on-site wastewater  
10 treatment system grant funding tables, whichever is less. The department shall  
11 prepare and publish private on-site wastewater treatment system grant funding  
12 tables which specify the maximum state share limitation for various components and  
13 costs involved in the rehabilitation or replacement of a private on-site wastewater  
14 treatment system based upon minimum size and other requirements specified in the  
15 state plumbing code promulgated under s. ~~145.02~~ 101.9912. The maximum state  
16 share limitations shall be designed to pay approximately 60% of the average  
17 allowable cost of private on-site wastewater treatment system rehabilitation or  
18 replacement based upon estimated or actual costs of that rehabilitation or  
19 replacement. The department shall revise the grant funding tables when it  
20 determines that 60% of current costs of private on-site wastewater treatment  
21 system rehabilitation or replacement exceed the amounts in the grant funding tables  
22 by more than 10%, except that the department may not revise the grant funding  
23 tables more often than once every 2 years.

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

**SECTION 133**

1 on-site wastewater treatment systems installed under s. ~~145.02~~ 101.9912 (3) (b) and  
2 this section. The department shall promulgate rules that specify how the  
3 department will select, monitor and allocate the state share for experimental private  
4 on-site wastewater treatment systems that the department funds under this  
5 section.

6 (9) (a) Adopt and administer the maintenance program established under s.  
7 ~~145.20~~ 101.9934 (5);

8 **SECTION 134.** 145.26 of the statutes is renumbered 101.9938, and 101.9938 (1),  
9 as renumbered, is amended to read:

10 101.9938 (1) In this section, “public swimming pool” means a fixed or mobile  
11 structure, basin, chamber, or tank and appurtenant buildings and equipment that  
12 serve or are installed for use by the state, a political subdivision of the state, a motel,  
13 a hotel, a resort, a camp, a club, an association, a housing development, a school, a  
14 religious, charitable, or youth organization, an educative or rehabilitative facility, or  
15 another entity. “Public swimming pool” does not mean an inflated mobile structure,  
16 basin, chamber, or tank; a swim pond; an individual therapeutic pod, tub, or bath;  
17 or a fixed or mobile structure, basin, chamber, or tank that ~~only~~ serves fewer than  
18 3 individual residences.

19 **SECTION 135.** 160.255 (1) of the statutes is amended to read:

20 160.255 (1) In this section, “private on-site wastewater treatment system” has  
21 the meaning given in s. ~~145.01~~ 101.9911 (12).

22 **SECTION 136.** 200.21 (11) of the statutes is amended to read:

23 200.21 (11) “Sewerage system” means all facilities of the district for collection,  
24 transportation, storage, pumping, treatment and final disposition of sewage.

1 “Sewerage system” does not include any private on-site wastewater treatment  
2 system, as defined in s. ~~145.01~~ 101.9911 (12), or any local sewer.

3 **SECTION 137.** 200.29 (1) (c) 3. a. of the statutes is amended to read:

4 200.29 (1) (c) 3. a. The weight to be given to the need for private on-site  
5 wastewater treatment systems, as defined in s. ~~145.01~~ 101.9911 (12), to maintain the  
6 public health and welfare in any area located within the district prior to a  
7 redefinition of the boundary but located outside the district after any redefinition of  
8 the boundary.

9 **SECTION 138.** 234.49 (1) (e) of the statutes is amended to read:

10 234.49 (1) (e) “Housing” means a residential structure having not more than  
11 4 dwelling units in which at least one unit is occupied by the owner as a principal  
12 residence and, if a housing rehabilitation loan is granted for the property to  
13 implement energy conservation improvements, the structure is not subject to rules  
14 adopted under s. 101.02, 101.63, or 101.73, ~~or 101.973~~.

15 **SECTION 139.** 254.176 (2) (d) of the statutes is amended to read:

16 254.176 (2) (d) A person licensed, certified or registered under ~~ch. 145 subch.~~  
17 VIII of ch. 101 who engages in activities that constitute lead hazard reduction, only  
18 to the extent that these activities are within the scope of his or her license,  
19 certification or registration.

20 **SECTION 140.** 281.17 (3) of the statutes is amended to read:

21 281.17 (3) The department shall promulgate rules establishing an examining  
22 program for the certification of operators of water systems, wastewater treatment  
23 plants and septage servicing vehicles operated under a license issued under s. 281.48  
24 (3), setting such standards as the department finds necessary to accomplish the  
25 purposes of this chapter and chs. 285 and 289 to 299, including requirements for

**SECTION 140**

1 continuing education. The department may charge applicants a fee for certification,  
2 except that the department may not require an individual who is eligible for the  
3 veterans fee waiver program under s. 45.44 to pay a fee. All moneys collected under  
4 this subsection for the certification of operators of water systems, wastewater  
5 treatment plants and septage servicing vehicles shall be credited to the  
6 appropriation under s. 20.370 (4) (bL). No person may operate a water systems,  
7 wastewater treatment plant or septage servicing vehicle without a valid certificate  
8 issued under this subsection. The department may suspend or revoke a certificate  
9 issued under this subsection for a violation of any statute or rule relating to the  
10 operation of a water system or wastewater treatment plant or to septage servicing,  
11 for failure to fulfill the continuing education requirements or as provided under s.  
12 ~~145.20~~ 101.9934 (5). The owner of any wastewater treatment plant shall be, or shall  
13 employ, an operator certified under this subsection who shall be responsible for plant  
14 operations, unless the department by rule provides otherwise. In this subsection,  
15 “wastewater treatment plant” means a system or plant used to treat industrial  
16 wastewater, domestic wastewater or any combination of industrial wastewater and  
17 domestic wastewater.

18 **SECTION 141.** 281.344 (8) (b) 3. of the statutes is amended to read:

19 281.344 (8) (b) 3. Water conservation and efficiency measures that the  
20 department of safety and professional services requires or authorizes to be  
21 implemented under ~~chs. ch.~~ ch. 101 and 145.

22 **SECTION 142.** 281.346 (8) (b) 3. of the statutes is amended to read:

23 281.346 (8) (b) 3. Water conservation and efficiency measures that the  
24 department of safety and professional services requires or authorizes to be  
25 implemented under ~~chs. ch.~~ ch. 101 and 145.