



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix C ... segment I

LRB BILL HISTORY RESEARCH APPENDIX

The drafting file for 2015 LRB-2981 (For: DSPS)

has been copied/added to the drafting file for

2015 LRB-3799 (For: DSPS)

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



RESEARCH APPENDIX - PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 11/13/2015 (Per: KRP)

The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as an appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the digital drafting file.

2015 DRAFTING REQUEST

Bill

Received: **8/19/2015** Received By: **mgallagh**
For: **Safety and Professional Services 267-9794** Same as LRB:
May Contact: By/Representing: **Eric**
Subject: **Buildings/Safety - lic and reg** Drafter: **kpleviak**
Buildings/Safety - misc. Addl. Drafters: **rkite**

Extra Copies:

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Pre Topic:

No specific pre topic given

Topic:

Various changes to statutes affecting the Department of Safety of Professional Services

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	kpleviak 9/3/2015	anienaja 9/2/2015	_____	sbasford 9/2/2015		State
/P2	kpleviak	anienaja	_____			State

LRB-2981

12/11/2015 11:53:16 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	11/5/2015	10/28/2015	_____			

FE Sent For:

<END>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
<p>Required minimum number of annual meetings</p>	<p>15.407(10)(b) An employee of the department designated by the secretary of safety and professional services shall serve as secretary, but shall not be a member, of the council. The council shall meet at least twice a year. Seven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required. <i>[Uniform dwelling code council]</i></p> <p>15.407(13)(b) The council shall meet at least twice a year. An employee of the department designated by the secretary of the department shall serve as nonvoting secretary of the council. <i>[Manufactured housing code council]</i></p> <p>15.407(14)(b) The council shall meet at least twice a year. The employee of the department of safety and professional services designated by the secretary of safety and professional services under par. (a) 10. shall serve as nonvoting secretary of the council. <i>[Conveyance safety code council]</i></p> <p>15.407(18)(c) The council shall meet at least 2 times annually. <i>[Commercial building code council]</i></p>	<p>Change: Required minimum number of meetings should be eliminated.</p> <p>Rationale: Requiring boards and councils to meet at least a certain number of times per year regardless of whether there is business unnecessarily wastes time and resources.</p> <p>Amend 15.407(10)(b) to read: An employee of the department designated by the secretary of safety and professional services shall serve as secretary, but shall not be a member, of the council. The council shall meet at least twice a year. Seven members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required.</p> <p>Amend 15.407(13)(b) to read: The council shall meet at least twice a year. An employee of the department designated by the secretary of the department shall serve as nonvoting secretary of the council.</p> <p>Amend 15.407(14)(b) to read: The council shall meet at least twice a year. The employee of the department of safety and professional services designated by the secretary of safety and professional services under par. (a) 10. shall serve as nonvoting secretary of the council.</p> <p>Repeal 15.407(18)(c).</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
<p>Administration of building code and compliance with new uniform commercial building code</p>	<p>101.02 (7m) Notwithstanding sub. (7) (a), no city, village or town may make or enforce any ordinance that is applied to any multifamily dwelling, as defined in s. 101.971 (2), and that does not conform to subch. VI and this section or is contrary to an order of the department under this subchapter, except that if a city, village or town has a preexisting stricter sprinkler ordinance, as defined in s. 101.975 (3) (a), that ordinance remains in effect, except that the city, village or town may take any action with regard to that ordinance that a political subdivision may take under s. 101.975 (3) (b).</p> <p>(7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact or enforce an ordinance that establishes minimum standards for constructing, altering, or adding to public buildings or buildings that are places of employment unless that ordinance strictly conforms to the applicable rules under sub. (15) (j), except as provided in pars. (b) to (d).</p>	<p>Change: Add language that will ensure that the new uniform commercial building code applies to the administration of the building code as well. This is a cleanup from 2013 Act 270. Many municipalities have different administrative requirements from the state. For example, when submitting building plans for review to the department, an architect or engineer submits 4 copies of the plans. Different municipalities may have different requirements and may for example require more building plans to be submitted. By ensuring that the Commercial Building Code applies to the administration of the code we will be standardizing the process across the entire state which will make the process easier for our customers.</p>
<p>Aging schools program</p>	<p>101.12 (6) (a) By January 1, 1990, the department shall inspect all public schools constructed prior to January 1, 1950, to determine whether the schools comply with this subchapter and subch. IV, ch. 145 and life-safety plans established under par. (b) and to review the maintenance schedules established by school boards under s. 120.12 (5). (b) The department shall promulgate rules relating to the enforcement of this subchapter and subch. IV and ch. 145 for public schools constructed before 1930 and establishing life-safety plans for all public schools</p>	<p>Change: Repeal 101.12 (6) (a). Rationale: These provisions have sunset and are superseded by the IEBC.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
<p>Safety Glazing requirements</p>	<p>101.125 <i>[lengthy section]</i> (4) Liability of employers and sellers. (a) No employee of a person responsible for compliance with this section is liable for the employer's failure to comply. (b) No seller of glazing materials is subject to the penalty under sub. (5) or is liable for injuries occurring to any person if the seller has exercised reasonable care to see that the glazing materials sold by him or her are properly used. (5) Penalty. Whoever violates this section may be required to forfeit not less than \$100 nor more than \$500.</p>	<p>Change: Repeal 101.125 except keeping 101.125 (4) and (5). Rationale: Safety Glazing requirements superseded by IBC 2406</p>
<p>State historic building code list of variances</p>	<p>101.121 (3) (b) In order to permit the proper preservation or restoration of a qualified historic building, the department may grant a variance to any rule or alternative rule under this chapter or ch. 145 if the owner demonstrates that an alternative proposed by the owner accomplishes the same purpose as the rule or alternative rule. With respect to any variances requested under this chapter or ch. 145, the department shall give priority to processing variance requests by owners of qualified historic buildings. The department shall maintain a list of variances granted under this paragraph to owners of qualified historic buildings.</p>	<p>Change: Amend 101.121 (3) (b) to read: 101.121 (3) (b) In order to permit the proper preservation or restoration of a qualified historic building, the department may grant a variance to any rule or alternative rule under this chapter or ch. 145 if the owner demonstrates that an alternative proposed by the owner accomplishes the same purpose as the rule or alternative rule. With respect to any variances requested under this chapter or ch. 145, the department shall give priority to processing variance requests by owners of qualified historic buildings. The department shall maintain a list of variances granted under this paragraph to owners of qualified historic buildings. Rationale: This list is available, but has not been requested.</p>
<p>Building inspector review board responsibilities</p>	<p>101.596 (2) Responsibilities. (a) The review board shall review complaints received from permittees concerning possible incompetent, negligent, or unethical conduct by building inspectors. (b) After reviewing a complaint received under par. (a), the</p>	<p>Change: Clarify that the Department has authority over an inspector's license. (a) The department shall review complaints received from permittees concerning possible incompetent, negligent, or unethical</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
	<p>review board may revoke the certification of a building inspector if the board determines that the building inspector has engaged in incompetent, negligent, or unethical conduct.</p>	<p>conduct by building inspectors. (b) After reviewing a complaint received under par. (a), the department may revoke the certification of a building inspector if the board determines that the building inspector has engaged in incompetent, negligent, or unethical conduct. Rationale: The statutes are confusing with regards to who has jurisdiction in disciplinary matters? The department or the board?</p>
<p>Department review of municipal construction site erosion control program</p>	<p>101.653 (5) (b) The department shall review the construction site erosion control program for one- and 2-family dwellings of each city, village, town or county that enforces those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion to ascertain compliance with par. (a) and the rules promulgated under this section. This review shall include all of the following: 1. A performance audit of the erosion control program of the county, city, village or town. 2. A written determination by the department, issued every 3 years, of whether or not the county, city, village or town complies with par. (a).</p>	<p>Change: Amend 101.653 (5) (b) 2. to read: 101.653 (5) (b) 2. A written determination by the department, issued every 3_5 years, of whether or not the county, city, village or town complies with par. (a). Rationale: Adjusting the frequency of the written audits to every 5 years is still in federal compliance with erosion control requirements.</p>
<p>Multi-family dwelling code requirements</p>	<p>101.971 101.972 101.973 101.974 101.975 101.976 101.977 101.978</p>	<p>Change: Repeal sections 101.971, 191.972, 101.973, 101.974, 101.975, 101.976, 101.977, and 101.978 except keeping sections 101.973 (2), (5), and (10) and 101.974 (4) and (5) to be merged with 101.02 and 101.12. Rationale: Multi-Family Code requirements appear to be superseded by IBC Residential requirements. Uniformity of MFC now covered by 2013 Act 270.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
<p>Reports for mobile homes</p>	<p>101.94 (1) Mobile homes manufactured, distributed, sold or offered for sale in this state shall conform to the code promulgated by the American national standards institute and identified as ANSI 119.1, including all revisions thereof in effect on August 28, 1973, and further revisions adopted by the department and the department of health services. The department may establish standards in addition to those required under ANSI 119.1. This subsection applies to units manufactured or assembled after January 1, 1974, and prior to June 15, 1976.</p> <p>(2) No person may manufacture, assemble, distribute or sell a manufactured home unless the manufactured home complies with 42 USC 5401 to 5425 and applicable regulations.</p>	<p>Change: Add language to 101.94 to provide reports pursuant to section 614 of Act 42 USC 5413 and the HUD regulations.</p> <p>Rationale: We currently do not have statutory or code provisions as required by HUD to provide reports pursuant to section 614 of Act 42 USC 5413 and the HUD regulations in the same manner and to the same extent as if the State Plan were not in effect.</p>
<p>Update civil and criminal penalties</p>	<p>101.94 (8) (a) Except as provided in par. (c), a person who violates this subchapter, a rule promulgated under this subchapter or an order issued under this subchapter shall forfeit not more than \$1,000 for each violation. Each violation of this subchapter constitutes a separate violation with respect to each manufactured home or with respect to each failure or refusal to allow or perform an act required by this subchapter, except the maximum forfeiture under this subsection may not exceed \$1,000,000 for a related series of violations occurring within one year of the first violation.</p> <p>(b) Any individual or a director, officer or agent of a corporation who knowingly and willfully violates this subchapter in a manner which threatens the health or safety of a purchaser may be fined not more than \$10,000 or imprisoned for not more than 9 months or both.</p> <p>(c) A person who violates s. 101.935, a rule promulgated</p>	<p>Change: Update WI Stat 101.94 (8) to the revised federal standards as required § 3282.10 Civil and Criminal Penalties. \$1,100 per violation and \$1,375,000 per year.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
<p>Authority to write uniform plumbing code</p>	<p>under s. 101.935 or an order issued under s. 101.935 may be required to forfeit not less than \$10 nor more than \$250 for each violation. Each day of continued violation constitutes a separate violation.</p> <p>145.02 (2) The department shall have general supervision of all such plumbing and shall after public hearing prescribe and publish and enforce reasonable standards therefor which shall be uniform and of statewide concern so far as practicable. Any employee designated by the department may act for the department in holding such public hearing. To the extent that the historic building code applies to the subject matter of these standards, the standards do not apply to a qualified historic building if the owner elects to be subject to s. 101.121.</p> <p>145.13 Adoption of plumbing code. The state plumbing code and amendments to that code as adopted by the department have the effect of law in the form of standards statewide in application and shall apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision thereof. The state plumbing code shall comply with ch. 160. All plumbing installations shall so far as practicable be made to conform with such code.</p>	<p>Change: Consolidate this redundant language that gives the department the authority to write a uniform plumbing code.</p> <p>Rationale: We don't need the same authority to write a plumbing code in two different places of the statute.</p>
<p>Temporary revocable master and journeyman plumber permits</p>	<p>145.035 Temporary permits. The department may issue temporary revocable permits to master and journeyman plumbers pending examination, and for such purpose may appoint agents without compensation or may authorize one of its examiners or plumbing supervisors to hold a special permit examination, the result of which to be reported to the department in writing. The department may make rules and prescribe procedure governing the issuance of such permits.</p>	<p>Change: Repeal 145.035</p> <p>Rationale: These temporary permits are no longer issued.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES -- PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
<p>Soil testing by plumbers</p>	<p>145.045 (3) Plumbers and septic tank installers. A plumber or septic tank installer may also be a soil tester and install any system after approval of the site or project by the department or the governmental unit responsible for the regulation of private on-site wastewater treatment systems.</p>	<p>Change: Amend 145.045 (3) to read: Plumbers and septic tank installers. A plumber or septic tank installer may also be a soil tester and install any system after approval of the site or project by the department or the governmental unit responsible for the regulation of private on-site wastewater treatment systems.</p> <p>Rationale: There is no license category with the title "Septic Tank Installer".</p>

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2981/P1dn
KRP:....
gmn

- Date -

Mr. Grothman:

This draft addresses the parts of your request that involve buildings and safety. The parts that involve occupational regulation will be prepared in a separate draft.

However, this version of the draft does not address your requested change to s. 101.02 (7r) involving uniform administration of the commercial building code. It is unclear what you intend to be included within the term "administration." Do you have any additional guidance regarding what authority currently exercised by municipalities should be preempted? When I hear back from you on this issue, I can incorporate this request into the next version of the draft.

You requested that the authority of the building inspector review board (board) over building inspectors under s. 101.596 be transferred to the Department of Safety and Professional Services (DPS). It appears that this is the only authority of the board under current law, so this draft also eliminates the board. Please let me know if this is not your intent.

You requested that subch. VI of ch. 101 (multifamily dwelling code) be repealed. In repealing the multifamily dwelling code, I also repealed ss. 66.1019(3) and 101.02 (7m), which provide that the multifamily dwelling code preempts local authority to enact or enforce ordinances that do not conform to the multifamily dwelling code. Please note that repealing s. 101.975 of the multifamily dwelling code also repeals a provision that allows a county, city, village, or town (municipality) to continue enforcing certain preexisting stricter sprinkler ordinances. It appears that, if these changes become law, municipal ordinances regulating automatic fire sprinkler systems in multifamily dwellings will be controlled by s. 101.14 (4m). If it is not your intent to repeal these provisions, please let me know.

As you requested, I retained ss. 101.973 (2), (5), and (10) and 101.974 (4) and (5) of the multifamily dwelling code and moved them to s. 101.02. Those subsections enumerate certain duties and powers of DPS. Please be aware that moving those provisions to a different subchapter within ch. 101 may have a significant effect on the meanings of the provisions. For example, s. 101.973 (2) provides that DPS shall "[b]iennially review the rules promulgated under this subchapter." When that provision is moved to s. 101.02, the provision requires DPS to review the rules promulgated under subch. I, the commercial building code, rather than the rules promulgated under subch. VI,

the multifamily dwelling code. Please carefully review these changes to ensure that the provisions, as renumbered and amended, have the desired effect.

Finally, you requested repeal of s. 101.125 (1), (2), (3), and (4m), which sets forth requirements related to safety glazing material in hazardous locations. Your request notes that there are conflicting regulations in the International Building Code (IBC). In addition to repealing the requested subsections, I also added a provision that requires DSPS to promulgate rules, which (rules) may include adopting the IBC standards. If you do not want DSPS to have this authority, we should discuss how you want to handle this issue in the draft.

Please let me know if you have any questions or concerns.

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State of Wisconsin
2015 - 2016 LEGISLATURE

IN: 08/28/15
DUE: 09/02/15 (Wed.)

LRB-2981/P1
KRP...
amw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV ✓
REF ✓
PWF

DNOTE

Gen.

- 1 AN ACT ...; relating to: various changes to statutes affecting the Department of
- 2 Safety and Professional Services; requiring the exercise of rule-making
- 3 authority; making an appropriation; and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill makes various changes to statutes affecting the Department of Safety and Professional Services (DSPS).

Under current law, DSPS is required to promulgate rules that establish and enforce standards for the construction of multifamily dwellings and their components and is authorized to take various other actions related to multifamily dwellings (multifamily dwelling code). Under the multifamily dwelling code, a county, city, village, or town (municipality) is prohibited from enforcing any ordinance that does not comply with the multifamily dwelling code, except with respect to a preexisting stricter sprinkler ordinance that meets certain requirements. This bill repeals the multifamily dwelling code, including the exception for preexisting stricter sprinkler ordinances, but retains certain duties and powers of DSPS which are incorporated into the provisions that regulate public buildings and buildings that are places of employment (commercial building code).

Current law provides certain requirements related to labeling, installing, and selling safety glazing material located or to be located in hazardous locations. This bill repeals those statutory requirements and requires DSPS to promulgate rules regulating safety glazing material manufactured, distributed, imported, sold, or installed for use in a hazardous location.

Under current law, the building inspector review board (board) receives and reviews complaints regarding building inspectors and has the authority to revoke a

building inspector's certification under certain circumstances. The board also may modify or reverse an erroneous decision of a building inspector. This bill eliminates the board and transfers its authority over building inspectors to DSPS.

Under current law, DSPS may issue temporary revocable permits to master and journeyman plumbers pending an examination. DSPS is authorized to promulgate rules governing the issuance of such permits. This bill eliminates temporary revocable permits and related provisions.

Under current law, DSPS may create an historic building code to provide alternative standards for the preservation or restoration of buildings or structures designated as historic buildings. In addition, DSPS may grant variances with respect to any rule if a building owner demonstrates that an alternative proposed by the owner accomplishes the same purpose. Under current law, DSPS must maintain a list of all variances granted to owners of historic buildings. This bill eliminates the requirement that DSPS maintain a list of all variances it grants.

Under current law, a municipality may exercise jurisdiction over the construction and inspection of new dwellings by passing ordinances that meet the requirements of the rules promulgated by DSPS. To the extent that those ordinances are related to construction site erosion control, DSPS must review the ordinances for compliance with state standards. As part of its review, DSPS must perform an audit of the municipality's construction site erosion control program and, every three years, make a written determination regarding whether the municipality is in compliance. This bill changes the frequency of the DSPS written determination from three years to five years.

Under current law, any violation of a law or rule regulating manufactured homes or mobile homes is subject to a forfeiture of up to \$1,000 per violation, except that the maximum forfeiture for a related series of violations occurring within one year of the first violation may not exceed \$1,000,000. This bill increases the maximum forfeiture amounts from \$1,000 to \$1,100 per violation and from \$1,000,000 to \$1,375,000 per year.

Under current law, certain councils in DSPS are required to meet twice a year. This bill repeals those requirements.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

- 1 SECTION 1. 15.405 (1m) of the statutes is repealed.
- 2 SECTION 2. 15.407 (10) (b) of the statutes is amended to read:
- 3 15.407 (10) (b) An employee of the department of safety and professional
- 4 services designated by the secretary of safety and professional services shall serve

1 as secretary, but shall not be a member, of the dwelling code council. ~~The council shall~~
2 ~~meet at least twice a year.~~ Seven members of the dwelling code council shall
3 constitute a quorum. For the purpose of conducting business a majority vote of the
4 dwelling code council is required.

History: 1973 c. 149; 1975 c. 39, 86, 199, 383, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 s. 252; 1985 a. 332 s. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359; 1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 s. 727m; 1999 a. 32, 180, 186; 2001 a. 74, 89; 2005 a. 31; 2009 a. 355, 356, 360; 2011 a. 32 ss. 112 to 114, 116, 118 to 120, 159 to 166; 2011 a. 146, 160; 2013 a. 270; 2015 a. 29, 55.

5 **SECTION 3.** 15.407 (13) (b) of the statutes is amended to read:

6 15.407 (13) (b) ~~The council shall meet at least twice a year.~~ An employee of the
7 department of safety and professional services designated by the secretary of the
8 ~~department safety and professional services~~ shall serve as nonvoting secretary of the
9 manufactured housing code council.

History: 1973 c. 149; 1975 c. 39, 86, 199, 383, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 s. 252; 1985 a. 332 s. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359; 1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 s. 727m; 1999 a. 32, 180, 186; 2001 a. 74, 89; 2005 a. 31; 2009 a. 355, 356, 360; 2011 a. 32 ss. 112 to 114, 116, 118 to 120, 159 to 166; 2011 a. 146, 160; 2013 a. 270; 2015 a. 29, 55.

10 **SECTION 4.** 15.407 (14) (b) of the statutes is amended to read:

11 15.407 (14) (b) ~~The council shall meet at least twice a year.~~ The employee of
12 the department of safety and professional services designated by the secretary of
13 safety and professional services under par. (a) 10. shall serve as nonvoting secretary
14 of the conveyance safety code council.

History: 1973 c. 149; 1975 c. 39, 86, 199, 383, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 s. 252; 1985 a. 332 s. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359; 1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 s. 727m; 1999 a. 32, 180, 186; 2001 a. 74, 89; 2005 a. 31; 2009 a. 355, 356, 360; 2011 a. 32 ss. 112 to 114, 116, 118 to 120, 159 to 166; 2011 a. 146, 160; 2013 a. 270; 2015 a. 29, 55.

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

16 **SECTION 6.** 20.165 (2) (j) of the statutes, as affected by 2015 Wisconsin Act 55,
17 is amended to read:

18 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
19 the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and
20 (2m), and 236.335 and for the purpose of transferring the amounts in the schedule
21 under par. (ke) to the appropriation account under par. (ke). All moneys received
22 under ch. 145, ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4),

1 101.955 (2), ~~101.973 (7)~~, 167.35 (2) (f), and 236.12 (7) and all moneys transferred
2 under 2005 Wisconsin Act 45, section 76 (6), shall be credited to this appropriation
3 account.

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; ~~1977 c. 29, 400, 418~~; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 187, 269, 315; 1993 ~~a. 16, 102, 490~~; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146; 2013 a. 20, 368; 2015 a. 55.

4 **SECTION 7.** 66.1019 (3) of the statutes is repealed.

5 **SECTION 8.** 100.21 (1) (a) of the statutes is amended to read:

6 100.21 (1) (a) “Dwelling unit” means a dwelling, as defined under s. 101.61 (1),
7 a modular home, as defined under s. 101.71 (6), a manufactured home, as defined
8 under s. 101.91 (2), or a multifamily dwelling, as defined under s. ~~101.971 (2)~~ 101.01
9 (8m).

History: 1979 c. 221; 1983 a. 27 s. 2200 (25); ~~1991 a. 269~~; 1995 a. 27; 1999 a. 53; 2007 a. 11.

10 **SECTION 9.** 101.02 (7m) of the statutes is repealed.

11 **SECTION 10.** 101.02 (7r) (a) of the statutes, as affected by 2015 Wisconsin Act
12 55, is amended to read:

13 101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact
14 or enforce an ordinance that establishes minimum standards for constructing,
15 altering, or adding to public buildings or buildings that are places of employment
16 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),
17 except as provided in pars. (b) to (d) ~~and sub. (7m)~~.

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.

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

19 101.02 (7r) (b) 4. The building is not a multifamily dwelling, ~~as defined in s.~~
20 ~~101.971 (2)~~.

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.

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

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

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.

8 **SECTION 13.** 101.02 (21) (a) of the statutes is amended to read:

9 101.02 (21) (a) In this subsection, "license" means a license, permit, or
10 certificate of certification or registration issued by the department for an occupation
11 or profession under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2)
12 or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),
13 101.935, 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), ~~145.035~~,
14 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under
15 rules promulgated under ch. 101 or 145.

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.

16 **SECTION 14.** 101.02 (24) (a) 2. of the statutes is amended to read:

17 101.02 (24) (a) 2. "License" means a license, permit, or certificate of
18 certification or registration issued by the department for an occupation or profession
19 under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178 (2) or (3) (a), 101.63
20 (2) or (2m), 101.653, 101.654, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935,
21 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), ~~145.035~~, 145.045, 145.15,

1 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated
2 under ch. 101 or 145.

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); 1996 a. 215; 1997 a. 191, 237; 1999 a. 9; 2001 a. 61; 2005 a. 251, 456; 2007 a. 20 ss. 2609 to 2613, 3221 (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 15.** 101.12 (6) (a) of the statutes is repealed.

4 **SECTION 16.** 101.12 (6) (b) of the statutes is renumbered 101.12 (6).

5 **SECTION 17.** 101.121 (3) (b) of the statutes is amended to read:

6 101.121 (3) (b) In order to permit the proper preservation or restoration of a
7 qualified historic building, the department may grant a variance to any rule or
8 alternative rule under this chapter or ch. 145 if the owner demonstrates that an
9 alternative proposed by the owner accomplishes the same purpose as the rule or
10 alternative rule. With respect to any variances requested under this chapter or ch.
11 145, the department shall give priority to processing variance requests by owners of
12 qualified historic buildings. ~~The department shall maintain a list of variances~~
13 ~~granted under this paragraph to owners of qualified historic buildings.~~

14 History: 1981 c. 341; 1981 c. 391 s. 210; 1983 a. 189, 329 (5); 1985 a. 332; 1987 a. 395; 1991 a. 39; 1993 a. 471.

14 **SECTION 18.** 101.125 (1) (b), (c), (f), and (g) of the statutes are repealed.

15 **SECTION 19.** 101.125 (2), (3), and (4m) of the statutes are repealed.

16 **SECTION 20.** 101.125 (2m) of the statutes is created to read:

17 101.125 (2m) RULES. The department shall promulgate rules regulating safety
18 glazing material manufactured, distributed, imported, sold, or installed for use in a
19 hazardous location.

20 **SECTION 21.** 101.125 (4) (a) of the statutes is amended to read:

1 101.125 (4) (a) No employee of a person responsible for compliance with this
2 ~~section the rules promulgated under sub. (2m)~~ is liable for the employer's failure to
3 comply.

4 ~~History:~~ 1975 c. 293; 1981 c. 341; 1983 a. 189 s. 329 (4); 1995 a. 27; 2005 a. 45.

4 **SECTION 22.** 101.125 (5) of the statutes is amended to read:

5 101.125 (5) PENALTY. Whoever violates ~~this section the rules promulgated~~
6 under sub. (2m) may be required to forfeit not less than \$100 nor more than \$500.

7 ~~History:~~ 1975 c. 293; 1981 c. 341; 1983 a. 189 s. 329 (4); 1995 a. 27; 2005 a. 45.

7 **SECTION 23.** 101.14 (4m) (a) 3. of the statutes is repealed.

8 **SECTION 24.** 101.19 (1r) of the statutes is amended to read:

9 101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive
10 any fee imposed on an individual who is eligible for the veterans fee waiver program
11 under s. 45.44 for a license, permit, or certificate of certification or registration issued
12 by the department under s. 101.122 (2) (c), 101.15 (2) (e), 101.16 (3g), 101.17, 101.178
13 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2),
14 101.935, 101.95, 101.951, 101.952, 101.985 (1) to (3), 145.02 (4), ~~145.035~~, 145.045,
15 145.07 (12), 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

16 ~~History:~~ 1971 c. 185; 1971 c. 228 s. 42; Stats. 1971 s. 101.19; 1975 c. 39; 1977 c. 29; 1979 c. 221; 1983 a. 27, 94, 446; 1987 a. 343; 1991 a. 39, 269; 1993
a. 414; 1999 a. 53; 2001 a. 16; 2005 a. 45, 456; ~~2007 a. 203; 2009 a. 28; 2011 a. 32, 199, 209; 2013 a. 20, 168, 270.~~

16 **SECTION 25.** 101.596 (title) of the statutes is repealed and recreated to read:

17 **101.596 (title) Review of building inspectors.**

18 ~~History:~~ 2005 a. 457.

18 **SECTION 26.** 101.596 (1) (a) of the statutes is repealed.

19 **SECTION 27.** 101.596 (2) of the statutes is amended to read:

20 101.596 (2) RESPONSIBILITIES. (a) The ~~review board~~ department shall review
21 complaints received from permittees concerning possible incompetent, negligent, or
22 unethical conduct by building inspectors.

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

5 (c) The ~~review board~~ department may modify or reverse decisions made by a
6 building ~~inspectors~~ inspector if the ~~board~~ department finds that the decision by the
7 building inspector was made in error.

8 **SECTION 28.** 101.596 (3) (a) (intro.), (b) and (c) of the statutes are amended to
9 read:

10 101.596 (3) (a) (intro.) If a permittee makes a complaint to the ~~review board~~
11 department concerning a building inspector, the permittee may do one of the
12 following:

13 **History:** 2005 a. 457.
14 (b) If the permittee chooses to request that the permittee's complaint remain
15 anonymous, the ~~board~~ department may not review the complaint or modify or revoke
16 the permit unless the ~~board~~ department receives 2 additional anonymous complaints
17 regarding the building inspector. If 2 or more additional complaints are made, the
18 ~~review board~~ department shall proceed with its review, and none of the complaints
may continue to be anonymous.

19 **History:** 2005 a. 457.
20 (c) If the permittee allows his the permittee's complaint to be presented to the
21 building inspector without requesting anonymity, the ~~review board~~ department shall
22 proceed with the review.

History: 2005 a. 457.
SECTION 29. 101.653 (5) (b) 2. of the statutes is amended to read:

1 101.653 (5) (b) 2. A written determination by the department, issued every 3
2 5 years, of whether or not the county, city, village, or town complies with par. (a).

3 History: 1991 a. 309; 2013 a. 20.

SECTION 30. 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 31. 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 History: 1973 c. 116; 1977 c. 29; 1979 c. 221 ss. 552 to 556, 2202 (25); 1983 a. 27 ss. 1375r to 1375s, 2200 (25); 1989 a. 31; 1995 a. 27 s. 9126 (19); 1997 a. 283; 1999 a. 9, 53; 2001 a. 109; 2005 a. 45; 2007 a. 20 s. 9132 (6) (a).

17 SECTION 32. Subchapter VI (title) of chapter 101 [precedes 101.971] of the
statutes is repealed.

18 SECTION 33. 101.971 (title), (intro.), (1), (3), and (4) of the statutes are repealed.

19 SECTION 34. 101.971 (2) of the statutes is renumbered 101.01 (8m) and
20 amended to read:

21 101.01 (8m) "Multifamily dwelling" means an apartment building, rowhouse,
22 town house, condominium, or modular home, as defined in s. 101.71 (6), that does not
23 exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling
24 units, as defined in s. 101.61 (1), the initial construction of which is begun on or after

1 January 1, 1993. "Multifamily dwelling" does not include a facility licensed under
2 ch. 50.

3 History: 1991 a. 269; 2007 a. 11. SECTION 35. 101.973 (title) (intro.), (1), (3), (4), (6), (7), (8) and (9) of the
4 statutes are repealed.

5 SECTION 36. 101.973 (2), (5) and (10) of the statutes are renumbered 101.02
6 (25), (26) and (27) and amended to read:

7 101.02 (25) Biennially The department shall biennially review the rules
8 promulgated under this subchapter.

9 History: 1991 a. 269; 1995 a. 27; 2011 a. 32; 2013 a. 8.
10 (26) Collect The department shall collect and publish the data secured from the
11 building permits.

12 History: 1991 a. 269; 1995 a. 27; 2011 a. 32; 2013 a. 8.
13 (27) Establish The department shall establish a program of quality control
14 training for all inspectors who inspect multifamily dwellings for compliance with
15 this subchapter.

16 History: 1991 a. 269; 1995 a. 27; 2011 a. 32; 2013 a. 8.
17 (14) SECTION 37. 101.974 (title) (intro.), (1) and (3) of the statutes are repealed.

18 SECTION 38. 101.974 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
19 is repealed.

20 SECTION 39. 101.974 (4) and (5) of the statutes are renumbered 101.02 (28) and
21 (29) and amended to read:

22 101.02 (28) Promulgate The department may promulgate rules prescribing
23 procedures for approving new building materials, methods, and equipment.

24 History: 1991 a. 269; 2015 a. 55.
25 (29) Study The department may study the administration of the rules
26 promulgated under this subchapter and other laws related to the construction of
27 multifamily dwelling units dwellings to determine their impact on the cost of

1 building construction and their effectiveness in ensuring the health, safety, and
2 welfare of the occupants.

3 ^{History: 1991 a. 269; 2015 a. 55.} SECTION 40. 101.975, 101.976, 101.977^Q and 101.978 of the statutes are
4 repealed.

5 SECTION 41. 145.02 (2) (a) of the statutes, as affected by 2015 Wisconsin Act 49,
6 is amended to read:

7 145.02 (2) (a) The department shall have general supervision of all such
8 plumbing and under sub. (1). The department shall after public hearing prescribe
9 and publish and enforce reasonable standards therefor which promulgate rules that
10 shall be uniform and of statewide concern so far as practicable uniformly apply to all
11 types of buildings, private or public, rural or urban, including buildings owned by the
12 state or any political subdivision. Any employee designated by the department may
13 act for the department in holding the public hearing required under this subsection.
14 The rules promulgated by the department shall constitute the state plumbing code.
15 The state plumbing code shall comply with ch. 160. To the extent that the historic
16 building code applies to the subject matter of these standards, the standards do not
17 apply to a qualified historic building if the owner elects to be subject to s. 101.121.

18 ^{History: 1971 c. 194; 1973 c. 90; 1975 c. 39; 1977 c. 275, 314; 1979 c. 34, 221; 1981 c. 341; 1983 a. 410; 1993 a. 27, 213, 322; 1995 a. 27; 2011 a. 32; 2015 a. 49.} SECTION 42. 145.035 of the statutes is repealed.

19 SECTION 43. 145.045 (3) of the statutes is amended to read:

20 145.045 (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.

^{History: 1973 c. 287; 1975 c. 41; 1979 c. 34, 221; 1993 a. 482; 2007 a. 147; 2011 a. 146.}

1 **SECTION 44.** 145.12 (4) of the statutes is amended to read:

2 145.12 (4) Any person who violates any order under s. 145.02 (3) (f) or 145.20
3 (2) (f) or any rule or standard adopted under s. ~~145.13~~ 145.02 shall forfeit not less
4 than \$10 nor more than \$1,000 for each violation. Each violation of an order under
5 s. 145.02 (3) (f) or 145.20 (2) (f) or a rule or standard under s. ~~145.13~~ 145.02
6 constitutes a separate offense and each day of continued violation is a separate
7 offense.

8 **History:** 1971 c. 255; 1981 c. 20, 60; 1983 a. 410; 1993 a. 482; 1995 a. 225; 2005 a. 182; 2007 a. 197.

8 **SECTION 45.** 145.13 of the statutes is repealed.

9 **SECTION 46.** 145.24 (1) of the statutes is amended to read:

10 145.24 (1) If an existing private on-site wastewater treatment system either
11 is not located in soil meeting the siting standards or is not constructed in accordance
12 with design standards promulgated under s. 145.02 ~~or 145.13~~, the owner of the
13 private on-site wastewater treatment system may petition the department for a
14 variance to the siting or design standards.

15 **History:** 1983 a. 410; 2011 a. 146.

15 **SECTION 47.** 145.245 (7) (a) of the statutes is amended to read:

16 145.245 (7) (a) Except as provided in par. (e), costs allowable in determining
17 grant funding under this section may not exceed the costs of rehabilitating or
18 replacing a private on-site wastewater treatment system which would be necessary
19 to allow the rehabilitated system or new system to meet the minimum requirements
20 of the state plumbing code promulgated under s. ~~145.13~~ 145.02.

History: 1981 c. 1 s. 33; 1983 a. 27; 1983 a. 199 a. 329 (8); 1983 a. 545; 1985 a. 29; 1987 a. 27; 1989 a. 31, 326; 1991 a. 32; 1991 a. 39 ss. 2564fs to 2564fw,
2622Lm to 2622n; Stats. 1991 s. 145.245; 1991 a. 189; 1993 a. 16, 27; 1995 a. 27 ss. 4355, 9116 (5); 1995 a. 227, 404; 1999 a. 9; 1999 a. 150 s. 672; 2003 a.
169, 326; 2005 a. 347; 2009 a. 392; 2011 a. 32, 146; 2013 a. 168 s. 21.

21 **SECTION 48.** 234.49 (1) (e) of the statutes is amended to read:

22 234.49 (1) (e) "Housing" means a residential structure having not more than
23 4 dwelling units in which at least one unit is occupied by the owner as a principal

1 residence and, if a housing rehabilitation loan is granted for the property to
2 implement energy conservation improvements, the structure is not subject to rules
3 adopted under s. 101.02, 101.63, or 101.73, ~~or 101.973~~.

History: 1977 c. 418; 1979 c. 110 s. 60 (13); 1979 c. 361 s. 59; Stats. 1979 s. 560.06; 1981 c. 21, 314; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1985 a. 29 ss. 2124d, 2244 to 2260, 3200 (14), 3202 (14); 1985 a. 120; Stats. 1985 s. 234.49; 1987 a. 27, 359, 395; 1987 a. 403 s. 256; 1989 a. 346; 1991 a. 39, 221, 269; 1993 a. 437; 1995 a. 27 ss. 6303, 9126 (19); 1995 a. 201, 404; 1997 a. 3; 1999 a. 9; 1999 a. 150 s. 672; 2005 a. 75; 2009 a. 2.

****NOTE: Section 234.49 (1) provides definitions applicable to a housing rehabilitation loan program. The definition for "housing" provides that, if a residential structure is subject to rules adopted under the multifamily dwelling code, among other things, the structure is not eligible for a housing rehabilitation loan granted to implement energy conservation improvements. With the repeal of the multifamily dwelling code, I have changed this reference to exclude all structures subject to rules adopted under the commercial building code. Is this consistent with your intent?

4 **SECTION 49. Initial applicability.**

5 (1) PENALTY FOR CERTAIN VIOLATIONS. The treatment of section 101.94 (8) (a) of
6 the statutes first applies to violations occurring on the effective date of this
7 subsection.

8 (END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2981/P1dn
KRP:amn

September 2, 2015

Mr. Grothman:

This draft addresses the parts of your request that involve buildings and safety. The parts that involve occupational regulation will be prepared in a separate draft.

However, this version of the draft does not address your requested change to s. 101.02 (7r) involving uniform administration of the commercial building code. It is unclear what you intend to be included within the term "administration." Do you have any additional guidance regarding what authority currently exercised by municipalities should be preempted? When I hear back from you on this issue, I can incorporate this request into the next version of the draft.

You requested that the authority of the building inspector review board (board) over building inspectors under s. 101.596 be transferred to the Department of Safety and Professional Services (DSPS). It appears that this is the only authority of the board under current law, so this draft also eliminates the board. Please let me know if this is not your intent.

You requested that subch. VI of ch. 101 (multifamily dwelling code) be repealed. In repealing the multifamily dwelling code, I also repealed ss. 66.1019 (3) and 101.02 (7m), which provide that the multifamily dwelling code preempts local authority to enact or enforce ordinances that do not conform to the multifamily dwelling code. Please note that repealing s. 101.975 of the multifamily dwelling code also repeals a provision that allows a county, city, village, or town (municipality) to continue enforcing certain preexisting stricter sprinkler ordinances. It appears that, if these changes become law, municipal ordinances regulating automatic fire sprinkler systems in multifamily dwellings will be controlled by s. 101.14 (4m). If it is not your intent to repeal these provisions, please let me know.

As you requested, I retained ss. 101.973 (2), (5), and (10) and 101.974 (4) and (5) of the multifamily dwelling code and moved them to s. 101.02. Those subsections enumerate certain duties and powers of DSPS. Please be aware that moving those provisions to a different subchapter within ch. 101 may have a significant effect on the meanings of the provisions. For example, s. 101.973 (2) provides that DSPS shall "[b]iennially review the rules promulgated under this subchapter." When that provision is moved to s. 101.02, the provision requires DSPS to review the rules promulgated under subch. I, the commercial building code, rather than the rules promulgated under subch. VI,

the multifamily dwelling code. Please carefully review these changes to ensure that the provisions, as renumbered and amended, have the desired effect.

Finally, you requested repeal of s. 101.125 (1), (2), (3), and (4m), which sets forth requirements related to safety glazing material in hazardous locations. Your request notes that there are conflicting regulations in the International Building Code (IBC). In addition to repealing the requested subsections, I also added a provision that requires DSPS to promulgate rules, which may include adopting the IBC standards. If you do not want DSPS to have this authority, we should discuss how you want to handle this issue in the draft.

Please let me know if you have any questions or concerns.

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DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>profession.</p> <p>2. "License" means a license, permit, or certificate of certification or registration issued by the department for an occupation or profession under s. 101.122(2)(c), 101.15(2)(e), 101.16(3g), 101.17, 101.178(2) or (3)(a), 101.63(2) or (2m), 101.653, 101.654, 101.73(5) or (6), 101.82(1m), (4v), and (2), 101.935, 101.95, 101.951, 101.952, 101.985(1) to (3), 145.02(4), 145.035, 145.045, 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10(6m) or under rules promulgated under ch. 101 or 145.</p> <p>(b) The department shall count any relevant instruction that an applicant for a license has obtained in connection with any military service, as defined in s. 11.32(12g), toward satisfying the requirements for instruction for that license if the applicant demonstrates to the satisfaction of the department that the instruction obtained by the applicant is substantially equivalent to the instruction required for the license.</p>
Veteran Service Benefits	440.09(2)	<p>Rationale: Eliminates duplicative language in ch. 101.</p> <p>Change: 440.09(2) The department and each credentialing board shall grant a reciprocal credential issued under chs. 440 to 480, and 101 to an individual who the department or credentialing board determines meets all of the following requirements:</p>
Change of Name or Address Fee	440.11(3)	<p>Rationale: Applying Veteran service benefits equally to all credentials issued by the Department.</p> <p>Change: 440.11(3) Any person who fails to comply with sub. (1) shall be subject to a forfeiture of \$50.</p>
Addition of References to ch. 101 for the purposes of delinquency to other agencies	440.12 440.121 440.13 101.02(20) and (21)	<p>Rationale: The Department does not currently charge this fee.</p> <p>Change: 440.12 Credential denial, nonrenewal and revocation based on tax or unemployment insurance contribution delinquency. Notwithstanding any other provision of chs. 440 to 480, and 101 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential if any of the following applies:</p> <p>440.121 Credential denial, nonrenewal, and revocation based on incompetency. Notwithstanding any other provision of chs. 440 to 480, and 101 relating to issuance or renewal of a credential, the department shall deny an application for an initial credential or credential renewal or revoke a credential issued to an individual for whom the department receives a record of a declaration under s. 54.25(2)(c) 1. d., stating that the individual is incompetent to apply for a credential under chs. 440 to 480, and 101.</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES -- PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
Merge Plumbing Statutes with Building Statutes	101.12	<p>Add plumbing as a component that is required for plan review.</p> <p>101.12 101.12 Approval and inspection of public buildings and places of employment and components.</p> <p>(1) Except for plans that are reviewed by the department of health services under ss. 50.02 (2) (b), 50.025, 50.36 (2), or 50.92 (3m), the department shall require the submission of essential drawings, calculations and specifications for public buildings, public structures and places of employment including the following components:</p> <p><i>Note: Sub. (1) (intro.) is shown as amended eff. 1-1-16 by 2015 Wis. Act 55. Prior to 1-1-16 it reads:</i></p> <p>(1) Except for plans that are reviewed by the department of health services under ss. 50.02 (2) (b) and 50.36 (2), the department shall require the submission of essential drawings, calculations and specifications for public buildings, public structures and places of employment including the following components:</p> <ul style="list-style-type: none"> (a) <u>Plumbing, heating, ventilation, air conditioning and fire detection, prevention or suppression systems.</u> (b) Industrial exhaust systems. (c) Elevators, escalators, lifts, as defined in s. 167.33 (1) (f), and power dumbwaiters. (d) Stadiums, grandstands and bleachers. (e) Amusement and thrill rides equipment.
Merge Plumbing Statutes with Building Statutes	101.12(3m)	<p>Add plumbing plan review as something that can be delegated to municipalities just like commercial building plan review.</p>
Merge Plumbing Statutes with Building Statutes		<p>Create separate subchapters for Plumbing, Pools and Fire Sprinklers into their own sections instead of all being under the plumbing subchapter.</p> <p>See below example:</p> <p>SUBCHAPTER IX FIRE PROTECTION AND LICENSING <i>Create subchapter IX to read:</i></p> <p>145.04 Definitions. In this chapter:</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>(1) AUTOMATIC FIRE SPRINKLER CONTRACTOR. "Automatic fire sprinkler contractor" means any individual, firm or corporation who has paid the annual license fee and obtained a license to conduct a business in the design, installation, maintenance or repair of automatic fire sprinkler systems.</p> <p>(2) AUTOMATIC FIRE SPRINKLER SYSTEM. "Automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.</p> <p>(3) AUTOMATIC FIRE SPRINKLER SYSTEM APPRENTICE. "Automatic fire sprinkler system apprentice" means any person other than an automatic fire sprinkler system contractor or a journeyman automatic fire sprinkler system fitter who is engaged in learning and assisting in the installation of automatic fire sprinkler systems and who is employed under an apprentice contract under s. 106.01.</p> <p>(6) JOURNEYMAN AUTOMATIC FIRE SPRINKLER FITTER. "Journeyman automatic fire sprinkler fitter" means any person other than an automatic fire sprinkler contractor who is engaged in the practical installation of automatic fire sprinkler systems.</p> <p>145-16 Fire sprinkler system apprentices, registration. Automatic fire sprinkler system apprentices may not be required to apply for any license but shall register with the department as an apprentice. The apprentices shall be enrolled in a qualified apprenticeship sprinkler fitters program recognized by the department. Cross-reference: See also s. SPS 305.53, Wis. adm. code.</p> <p>145-165 Automatic fire sprinkler fitter-maintenance only registration. (1) An automatic fire sprinkler fitter-maintenance only registration certificate is required for any person who is employed to maintain automatic fire sprinkler systems by a business establishment registered under s. 145-175. The department shall, by rule, specify the requirements for issuing an automatic fire sprinkler fitter-maintenance only registration certificate and specify the activities in which a person holding a certificate under this section may engage.</p> <p>(2) This section does not apply to any person registered under s. 145-16 or licensed under s. 145-17 (2).</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>Cross-reference: See also ss. SPS 305.54 and 305.55, Wis. adm. code.</p> <p>145-17 Inspectors and rule making. (1) The department may employ competent supervisors, who shall be licensed automatic fire sprinkler contractors or journeymen automatic fire sprinkler system fitters, and may employ other persons.</p> <p>(2) The department shall prescribe rules as to the qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors and for the registration and training of automatic fire sprinkler system apprentices. The automatic fire sprinkler system contractors and journeymen council, created under s. 15.407 (17), shall advise the department in formulating the rules.</p> <p>145-175 Automatic fire sprinkler-maintenance only registration. An automatic fire sprinkler-maintenance only registration certificate is required before any business establishment may maintain or repair existing automatic fire sprinkler systems in its physical facilities. The department shall, by rule, specify the qualifications for issuing an automatic fire sprinkler-maintenance only registration certificate. The department shall, by rule, specify the activities in which a person holding a registration certificate under this section may engage.</p> <p>145-08 Fees; expiration of license; registration.</p> <p>(1) The department shall establish fees by rule for the examinations, licenses, and registrations specified in this section. The fees established by the department shall as closely as possible equal the cost of providing the following services:</p> <p>(L) Issuing an automatic fire sprinkler contractor's license.</p> <p>(Lm) Issuing an automatic fire sprinkler — maintenance only registration.</p> <p>(m) Administering a journeyman automatic fire sprinkler fitter's examination.</p> <p>(n) Issuing a journeyman automatic fire sprinkler fitter's license.</p> <p>(nm) Issuing an automatic fire sprinkler fitter — maintenance only registration certificate.</p> <p>(k) Administering an automatic fire sprinkler contractor's examination.</p> <p>145-15 Licenses. (1) No city, village, town or county may require the licensing of any person licensed or registered under ss. 145-15 to 145-18 for any activity regulated under ss. 145-15 to 145-18 or rules adopted thereunder.</p> <p>(2) All licenses issued under ss. 145-15 to 145-18 shall be issued by the department. The department shall not restrict the work done by any licensed journeyman sprinkler system fitter of any automatic fire sprinkler contractor or apprentice to any geographical territory.</p> <p>(3) Any person not licensed under this chapter prior to April 26, 1972, who was regularly engaged in</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>the occupation of installing automatic fire sprinkler systems on or before March 1, 1967, shall be licensed under ss. 445-15 to 445-18 without being required to pass any written, oral or practical examination qualifying the person for a license under ss. 445-15 to 445-18. Any such person shall apply for the appropriate license and pay the appropriate license fee.</p> <p>(4) No person may install automatic fire sprinkler systems unless licensed or registered to do so by the department. Licenses and registrations pertaining to automatic fire sprinkler systems are not transferable.</p> <p>SUBCHAPTER X PUBLIC SWIMMING POOLS <i>Create subchapter X to read:</i></p> <p>445-26 Public swimming pool plan review. (1) In this section, "public swimming pool" means a fixed or mobile structure, basin, chamber or tank and appurtenant buildings and equipment that serve or are installed for use by the state, a political subdivision of the state, a motel, a hotel, a resort, a camp, a club, an association, a housing development, a school, a religious, charitable or youth organization, an educative or rehabilitative facility or another entity. "Public swimming pool" does not mean a fixed or mobile structure, basin, chamber or tank that only serves fewer than 3 individual residences.</p> <p>(2) The department shall, in advance of construction, alteration or reconstruction, review and approve plans and specifications for the construction, alteration or reconstruction of public swimming pools or water recreation attractions or the alteration of public swimming pool equipment in this state.</p> <p>(3) The department shall require payment of fees that are established by rule for the review of plans and specifications for the construction, alteration or reconstruction of public swimming pools or water recreation attractions or the alteration of public swimming pool equipment.</p> <p>(4) No one may maintain, manage or operate a public swimming pool or water recreation attraction for which construction, alteration or reconstruction is made after January 1, 1990, unless all of the following have taken place:</p> <p>(a) The department has reviewed and approved the construction, alteration or reconstruction under sub. (2).</p> <p>(b) The applicable fee under sub. (3) has been paid.</p> <p>(c) The construction, alteration or reconstruction of the public swimming pool or water recreation attraction conforms to the plans and specifications approved by the department under sub. (2).</p> <p>(5) The department shall promulgate rules establishing all of the following:</p> <p>(a) The definition of "water attraction".</p> <p>(b) The amounts of fees to perform review of plans and specifications as specified in sub. (2).</p> <p>(6) Whoever violates this section or the rules promulgated under this section may be fined not less</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
		<p>than \$100 nor more than \$5,000. Each day of continued violation constitutes a separate offense. Cross-reference: See also ch. SPS 390, Wis. Adm. Code.</p>

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DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
Merge 145 with 101.	145 101	<p>Repeal and recreate: Repeal ch. 145 and recreate it as subchapter VIII under ch. 101.</p> <p>Rationale: Placing ch. 145 within ch. 101 allows all trades credentials to be located within one chapter.</p>
Redefine “public swimming pool”	146.26	<p>Amend: 145.26 Public swimming pool plan review. (1) In this section, “public swimming pool” means a fixed or mobile structure, basin, chamber or tank and appurtenant buildings and equipment that serve or are installed for use by the state, a political subdivision of the state, a motel, a hotel, a resort, a camp, a club, an association, a housing development, a school, a religious, charitable or youth organization, an educative or rehabilitative facility or another entity. “Public swimming pool” does not mean a fixed or mobile structure, basin, chamber or tank that only serves fewer than 3 individual residences, an inflated mobile structure, a swim pond, or an individual therapeutic pod, tub or bath.</p> <p>Rationale: The definition in Wis. Stat. § 145.26(1) is overly broad. It encompasses a broad variety of designs that cannot have the same plan review standards apply to them. The definition of “public swimming pool” and any associated language in this section should be clarified for consistent application of the public swimming pool code requirements and modernized to address current issues.</p>
Incorporate 440 definitions in 101.	101.01(1m) 440.01(2)(a) 440.01(2)(b) 440.01(1)(b) 440.01(1)(c) 440.01(1)(d)	<p>Renumber: 101.01(1m) to 101.01(1s)</p> <p>Create: 101.01(1e) “Credential” means a license, permit, or certificate of certification or registration that is issued by the department.</p> <p>Create: 101.01(4m) “Credentialing” means the acts the department that relate to granting, issuing, denying, limiting, suspending or revoking a credential.</p> <p>Create: 101.01(7e) “Grant” means the substantive act of the department of approving the applicant for credentialing and the preparing, executing, signing or sealing of the credentialing.</p> <p>Create: 101.01(7m) “Issue” means the procedural act of the department of transmitting the credential to the person who is credentialled.</p> <p>Create: 101.01(7s) “Limit”, when used in reference to limiting a credential, means to impose conditions and requirements upon the holder of the credential, to restrict the scope of the holder’s practice, or both.</p> <p>Renumber: 101.01(12) to 101.01(12d)</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
Updating 101 penalty provisions.	101.02(12)	<p>Repeal: 101.02(12) Every day during which any person or corporation, or any officer, agent or employee of a person or corporation, fails to observe and comply with any order of the department or to perform any duty specified under this subchapter shall constitute a separate and distinct violation of the order or of the requirements of this subchapter, whichever is applicable.</p>
	101.02(13)(a)	<p>Amend: 101.02(13)(a) If any employer, employee, owner, or other person violates this subchapter, or fails or refuses to perform any duty specified under this subchapter, within the time prescribed by the department, for which no penalty has been specifically provided, or fails, neglects or refuses to obey any lawful order given or made by the department, or any judgment or decree made by any court in connection with this subchapter, for each such violation, failure or refusal, such employer, employee, owner or other person shall forfeit and pay into the state treasury a sum not less than \$10 nor more than \$400 <u>\$5,000</u> for each such offense. <u>Each day of continued violation constitutes a separate offense.</u></p>
	101.10(4)	<p>Amend: 101.10(4)(a) Any person who violates a rule of the department promulgated under sub. (2) may be required to forfeit not less than \$10 nor more than \$100 <u>\$1,000</u> for each violation. <u>Each day of continued violation constitutes a separate offense.</u></p> <p>(b) Except as provided in par. (c), any person who violates sub. (3) is guilty of a Class I felony.</p> <p>Notwithstanding s. 101.02 (12), each act in violation of sub. (3) constitutes a separate offense.</p> <p>(c) Any person who violates sub. (3) (a) or (b) while performing an agricultural activity or while performing an activity related to the construction, repair, alteration, location, installation, inspection, or operation of anhydrous ammonia equipment with the consent of the owner of the anhydrous ammonia equipment may be required to forfeit not less than \$10 nor more than \$100 <u>\$1000</u> for each violation.</p> <p>Amend: 101.125(5) PENALTY. Whoever violates this section may be required to forfeit not less than \$100 nor more than \$500 <u>\$1,000</u>. <u>Each day of continued violation constitutes a separate offense.</u></p>
	101.66(3)	<p>Amend: 101.66(3) Whoever violates this subchapter shall forfeit to the state not less than \$25 <u>\$100</u> nor more than \$500 <u>\$5,000</u> for each violation. Each day that such violation continues constitutes a separate offense.</p>
	101.77	<p>Amend: 101.77 Penalties. Whoever violates this subchapter shall forfeit to the state not less than \$25 <u>\$100</u> nor more than \$500 <u>\$5,000</u> for each violation and each day that such violation continues constitutes a separate offense.</p>
	101.88(3)	<p>Amend: 101.88(3) Any person who violates this subchapter or any rule promulgated under this subchapter shall forfeit to the state not less than \$25 <u>\$100</u> nor more than \$500 <u>\$5,000</u> for each</p>

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

Topic	Current Statutory Language	Proposed Change and Rationale
	101.965(1p)	violation. Each day of violation constitutes a separate offense. Amend: 101.965(1p) Any person who violates s. 101.96 or any rule promulgated under that section may be required to forfeit not less than \$25 \$100 nor more than \$500 \$5,000 for each violation. Each day of continued violation constitutes a separate violation.
	101.978	Amend: 101.978 Any person who violates this subchapter or any rules promulgated under this subchapter shall forfeit not less than \$25 \$100 nor more than \$500 \$5,000 for each offense. Each day of continued violation constitutes a separate offense.
	101.988(3)	Amend: 101.988(3) PENALTIES. Any person who violates this subchapter or rules promulgated under this subchapter may be fined not more than \$7,500 \$5,000 or imprisoned for not more than 30 days or both, except that, notwithstanding s. 939.61 (1), the owner of a private residence in which a conveyance is located may not be fined or required to pay a forfeiture to this state as a result of any violation involving that conveyance. Rationale: The penalty provisions in ch. 101 have not received an update in several decades. This update would reflect both inflation and the wide range of violations that can occur. Additionally, most of the penalty provisions already state that each day a violation exists is an additional violation, only three do not. Removing s. 101.02(12) and adding “each day a violation exists as an additional violation” to the three provisions that lack it will streamline ch. 101 and it will read more consistently.
Contractor notice penalty	101.148	Create: 101.148(2)(c) Whoever violates this section shall forfeit not more than \$1,000 for each day of violation. Rationale: This provision provides important protections for the Wisconsin consumer. However, there is no enforcement mechanism in place to ensure the notice required in this section is provided to the consumer. Adding an enforcement mechanism would allow the Department to ensure this notice is provided.
Nonjudicial resolution of manufactured housing industry disputes.	101.957	Repeal: 101.957 Nonjudicial resolution of manufactured housing industry disputes. The department, by rule, shall establish an alternative dispute resolution program for the timely resolution of any dispute that concerns a defect in a manufactured home, or in the installation of a manufactured home, reported to the department within one year of the date on which the manufactured home was installed and that occurs between parties, each of which is a manufacturer of manufactured homes, manufactured home salesperson, manufacturer home dealer, or installer. The rules may require the parties to submit to an alternative dispute resolution program before bringing an action in another

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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

DEPARTMENT OF SAFETY OF PROFESSIONAL SERVICES – PROPOSAL

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