

1 **SECTION 9138. Nonstatutory provisions; Safety and Professional**
2 **Services.**

3 (1) AGENCY NAME CHANGE. Wherever the term "safety and professional services"
4 appears in the statutes, as affected by the acts of 2015, the term "financial
5 institutions, insurance, and professional standards" is substituted.

6 (2) ELIMINATION OF THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

7 (a) *Assets and liabilities.* Except as provided in subsection (3), on the effective
8 date of this paragraph, the assets and liabilities of the department of safety and
9 professional services become the assets and liabilities of the department of financial
10 institutions, insurance, and professional standards.

11 (b) *Positions and employees.* Except as provided in subsection (3), on the
12 effective date of this paragraph, all positions and all incumbent employees in the
13 classified service of the state civil service holding those positions in the department
14 of safety and professional services are transferred to the department of financial
15 institutions, insurance, and professional standards.

16 (c) *Employee status.* Employees transferred under paragraph (b) have all the
17 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
18 statutes in the department of financial institutions, insurance, and professional
19 standards that they enjoyed in the department of safety and professional services
20 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
21 no employee so transferred who has attained permanent status in class is required
22 to serve a probationary period.

23 (d) *Tangible personal property.* Except as provided in subsection (3), on the
24 effective date of this paragraph, all tangible personal property, including records, of

use g.r.
from insert 354-24

and (4)

5

5

use
a.r.
from
insert
354-24

1 the department of safety and professional services is transferred to the department
2 of financial institutions, insurance, and professional standards. and (4)

3 (e) *Pending matters.* Except as provided in subsection (3), any matter pending
4 with the department of safety and professional services on the effective date of this
5 paragraph is transferred to the department of financial institutions, insurance, and
6 professional standards. Except as provided in subsection (3), all materials submitted
7 to or actions taken by the department of safety and professional services are
8 considered as having been submitted to or taken by the department of financial
9 institutions, insurance, and professional standards.

10 (f) *Contracts.* Except as provided in subsection (3), all contracts entered into
11 by the department of safety and professional services in effect on the effective date
12 of this paragraph remain in effect and are transferred to the department of financial
13 institutions, insurance, and professional standards. The department of financial
14 institutions, insurance, and professional standards shall carry out any obligations
15 under those contracts unless modified or rescinded by that department to the extent
16 allowed under the contract.

17 (g) *Rules and orders.* Except as provided in subsection (3), all rules
18 promulgated by the department of safety and professional services in effect on the
19 effective date of this paragraph remain in effect until their specified expiration dates
20 or until amended or repealed by the department of financial institutions, insurance,
21 and professional standards. Except as provided in subsection (3), all orders issued
22 by the department of safety and professional services in effect on the effective date
23 of this paragraph remain in effect until their specified expiration dates or until
24 modified or rescinded by the department of financial institutions, insurance, and
25 professional standards.

Subsections

1 (3) REGULATION OF PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS.

2 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
3 liabilities of the department of safety and professional services that are primarily
4 related to the regulation of private on-site wastewater treatment systems, as
5 determined by the secretary of administration, become the assets and liabilities of
6 the department of natural resources.

7 (b) *Positions and employees.* On the effective date of this paragraph, all
8 positions and all incumbent employees in the classified service of the state civil
9 service holding those positions in the department of safety and professional services
10 with duties that are primarily related to the regulation of private on-site wastewater
11 treatment systems, as determined by the secretary of administration, are
12 transferred to the department of natural resources.

13 (c) *Employee status.* Employees transferred under paragraph (b) have all the
14 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
15 statutes in the department of natural resources that they enjoyed in the department
16 of safety and professional services immediately before the transfer.
17 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
18 has attained permanent status in class is required to serve a probationary period.

19 (d) *Tangible personal property.* On the effective date of this paragraph, all
20 tangible personal property, including records, of the department of safety and
21 professional services that are primarily related to the regulation of private on-site
22 wastewater treatment systems, as determined by the secretary of administration, is
23 transferred to the department of natural resources.

24 (e) *Pending matters.* Any matter pending with the department of safety and
25 professional services on the effective date of this paragraph that is primarily related

1 to the regulation of private on-site wastewater treatment systems, as determined by
2 the secretary of administration, is transferred to the department of natural
3 resources. All materials submitted to or actions taken by the department of safety
4 and professional services that are primarily related to the regulation of private
5 on-site wastewater treatment systems, as determined by the secretary of
6 administration, are considered as having been submitted to or taken by the
7 department of natural resources.

8 (f) *Contracts.* All contracts entered into by the department of safety and
9 professional services in effect on the effective date of this paragraph that are
10 primarily related to the regulation of private on-site wastewater treatment systems,
11 as determined by the secretary of administration, remain in effect and are
12 transferred to the department of natural resources. The department of natural
13 resources shall carry out any obligations under those contracts unless modified or
14 rescinded by that department to the extent allowed under the contract.

15 (g) *Rules and orders.* All rules promulgated by the department of safety and
16 professional services in effect on the effective date of this paragraph that relate to
17 the regulation of private on-site wastewater treatment systems, as determined by
18 the secretary of administration, remain in effect until their specified expiration dates
19 or until amended or repealed by the department of natural resources. All orders
20 issued by the department of safety and professional services in effect on the effective
21 date of this paragraph that relate to the regulation of private on-site wastewater
22 treatment systems, as determined by the secretary of administration, remain in
23 effect until their specified expiration dates or until modified or rescinded by the
24 department of natural resources.

Insert 354-27

25 **SECTION 9143. Nonstatutory provisions; Technical College System.**

1 (1) TRANSFER OF EDUCATIONAL APPROVAL BOARD TO DEPARTMENT OF FINANCIAL
2 INSTITUTIONS, INSURANCE, AND PROFESSIONAL STANDARDS.

3 (a) *Positions and employees.* On the effective date of this paragraph, all
4 positions and all incumbent employees in the classified service of the state civil
5 service holding those positions in the technical college system board performing
6 duties primarily related to the functions of the educational approval board, as
7 determined by the secretary of administration, are transferred to the department of
8 financial institutions, insurance, and professional standards.

9 (b) *Employee status.* Employees transferred under paragraph (b) have all the
10 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
11 statutes in the department of financial institutions, insurance, and professional
12 standards that they enjoyed in the technical college system board immediately
13 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee
14 so transferred who has attained permanent status in class is required to serve a
15 probationary period.

****NOTE: Although the EAB has three appropriations under s. 20.292, it does not
appear that any of these appropriations fund its general operations. Therefore, I have
assumed that WTCS personnel perform general operations functions, funded through
WTCS appropriations, and I have therefore transferred these personnel to DFIIPS.

16 **SECTION 9151. Nonstatutory provisions; Workforce Development.**

17 (1) TRANSFER OF WORKER'S COMPENSATION ADMINISTRATIVE FUNCTIONS.

18 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
19 liabilities of the department of workforce development that are primarily related to
20 the administrative functions of the division of worker's compensation in that
21 department, as determined by the secretary of administration, shall become the
22 assets and liabilities of the department of financial institutions, insurance, and
23 professional standards.

1 (b) *Positions and employees.* On the effective date of this paragraph, all
2 positions and all incumbent employees holding those positions in the department of
3 workforce development performing duties that are primarily related to the
4 administrative functions of the division of worker's compensation in that
5 department, as determined by the secretary of administration, are transferred to the
6 department of financial institutions, insurance, and professional standards.

7 (c) *Employee status.* Employees transferred under paragraph (b) have all the
8 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
9 statutes in the department of financial institutions, insurance, and professional
10 standards that they enjoyed in the department of workforce development
11 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
12 no employee so transferred who has attained permanent status in class is required
13 to serve a probationary period.

14 (d) *Tangible personal property.* On the effective date of this paragraph, all
15 tangible personal property, including records, of the department of workforce
16 development that is primarily related to the administrative functions of the division
17 of worker's compensation in that department, as determined by the secretary of
18 administration, is transferred to the department of financial institutions, insurance,
19 and professional standards.

20 (e) *Pending matters.* Any matter pending with the department of workforce
21 development on the effective date of this paragraph that is primarily related to the
22 administrative functions of the division of worker's compensation in that
23 department, as determined by the secretary of administration, is transferred to the
24 department of financial institutions, insurance, and professional standards. All
25 materials submitted to or actions taken by the department of workforce development

1 with respect to the pending matter are considered as having been submitted to or
2 taken by the department of financial institutions, insurance, and professional
3 standards.

4 (f) *Contracts.* All contracts entered into by the department of workforce
5 development in effect on the effective date of this paragraph that are primarily
6 related to the administrative functions of the division of worker's compensation in
7 that department, as determined by the secretary of administration, remain in effect
8 and are transferred to the department of financial institutions, insurance, and
9 professional standards. The department of financial institutions, insurance, and
10 professional standards shall carry out any obligations under those contracts unless
11 modified or rescinded by that department to the extent allowed under the contract.

12 (g) *Rules and orders.* All rules promulgated by the department of workforce
13 development in effect on the effective date of this paragraph that are primarily
14 related to the administrative functions of the division of worker's compensation in
15 that department, as determined by the secretary of administration, remain in effect
16 until their specified expiration dates or until amended or repealed by the department
17 of financial institutions, insurance, and professional standards. All orders issued by
18 the department of workforce development in effect on the effective date of this
19 paragraph that are primarily related to the administrative functions of the division
20 of worker's compensation in that department, as determined by the secretary of
21 administration, remain in effect until their specified expiration dates or until
22 modified or rescinded by the department of financial institutions, insurance, and
23 professional standards.

24 (2) ~~TRANSFER OF WORKER'S COMPENSATION ADJUDICATORY FUNCTIONS.~~

SECTION 9151

1 ~~(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and~~
2 ~~liabilities of the department of workforce development that are primarily related to~~
3 ~~the adjudicatory functions of the division of worker's compensation in that~~
4 ~~department, as determined by the secretary of administration, shall become the~~
5 ~~assets and liabilities of the division of hearings and appeals in the department of~~
6 ~~administration.~~

7 ~~(b) *Positions and employees.* On the effective date of this paragraph, all~~
8 ~~positions and all incumbent employees holding those positions in the department of~~
9 ~~workforce development performing duties that are primarily related to the~~
10 ~~adjudicatory functions of the division of worker's compensation in that department,~~
11 ~~as determined by the secretary of administration, are transferred to the division of~~
12 ~~hearings and appeals in the department of administration.~~

13 ~~(c) *Employee status.* Employees transferred under paragraph (b) have all the~~
14 ~~rights and the same status under subchapter V of chapter 111 and chapter 230 of the~~
15 ~~statutes in the division of hearings and appeals in the department of administration~~
16 ~~that they enjoyed in the department of workforce development immediately before~~
17 ~~the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so~~
18 ~~transferred who has attained permanent status in class is required to serve a~~
19 ~~probationary period.~~

20 ~~(d) *Tangible personal property.* On the effective date of this paragraph, all~~
21 ~~tangible personal property, including records, of the department of workforce~~
22 ~~development that is primarily related to the adjudicatory functions of the division~~
23 ~~of worker's compensation in that department, as determined by the secretary of~~
24 ~~administration, is transferred to the division of hearings and appeals in the~~
25 ~~department of administration.~~

1 (e) *Pending matters.* Any matter pending with the department of workforce
2 development on the effective date of this paragraph that is primarily related to the
3 adjudicatory functions of the division of worker's compensation in that department,
4 as determined by the secretary of administration, is transferred to the division of
5 hearings and appeals in the department of administration. All materials submitted
6 to or actions taken by the department of workforce development with respect to the
7 pending matter are considered as having been submitted to or taken by the division
8 of hearings and appeals in the department of administration.

9 (f) *Contracts.* All contracts entered into by the department of workforce
10 development in effect on the effective date of this paragraph that are primarily
11 related to the adjudicatory functions of the division of worker's compensation in that
12 department, as determined by the secretary of administration, remain in effect and
13 are transferred to the division of hearings and appeals in the department of
14 administration. The division of hearings and appeals in the department of
15 administration shall carry out any obligations under those contracts unless modified
16 or rescinded by the division of hearings and appeals in the department of
17 administration to the extent allowed under the contract.

18 (g) *Rules and orders.* All rules promulgated by the department of workforce
19 development in effect on the effective date of this paragraph that are primarily
20 related to the adjudicatory functions of the division of worker's compensation in that
21 department, as determined by the secretary of administration, remain in effect until
22 their specified expiration dates or until amended or repealed by the administrator
23 of the division of hearings and appeals in the department of administration. All
24 orders issued by the department of workforce development in effect on the effective
25 date of this paragraph that are primarily related to the adjudicatory functions of the

1 division of worker's compensation in that department, as determined by the
2 secretary of administration, remain in effect until their specified expiration dates or
3 until modified or rescinded by the administrator of the division of hearings and
4 appeals in the department of administration.

5 (3) TRANSFER OF COUNCIL ON WORKER'S COMPENSATION.

6 (a) *Tangible personal property.* On the effective date of this paragraph, all
7 tangible personal property, including records, of the department of workforce
8 development that is primarily related to the functions of the council on worker's
9 compensation, as determined by the secretary of administration, is transferred to the
10 department of financial institutions, insurance, and professional standards.

11 (b) *Contracts.* All contracts entered into by the department of workforce
12 development in effect on the effective date of this paragraph that are primarily
13 related to the functions of the council on worker's compensation, as determined by
14 the secretary of administration, remain in effect and are transferred to the office of
15 the department of financial institutions, insurance, and professional standards. The
16 office of the department of financial institutions, insurance, and professional
17 standards shall carry out any obligations under those contracts unless modified or
18 rescinded by that department to the extent allowed under the contract.

19 (4) TRANSFER OF SELF-INSURERS COUNCIL.

20 (a) *Tangible personal property.* On the effective date of this paragraph, all
21 tangible personal property, including records, of the department of workforce
22 development that is primarily related to the functions of the self-insurers council,
23 as determined by the secretary of administration, is transferred to the office of the
24 department of financial institutions, insurance, and professional standards.

1 (b) *Contracts.* All contracts entered into by the department of workforce
2 development in effect on the effective date of this paragraph that are primarily
3 related to the functions of the self-insurers council, as determined by the secretary
4 of administration, remain in effect and are transferred to the department of financial
5 institutions, insurance, and professional standards. The department of financial
6 institutions, insurance, and professional standards shall carry out any obligations
7 under those contracts unless modified or rescinded by that department to the extent
8 allowed under the contract.

9 **SECTION 9152. Nonstatutory provisions; Other.**

10 (1) SUBMISSION OF DEPARTMENT OF FINANCIAL INSTITUTIONS, INSURANCE, AND
11 PROFESSIONAL STANDARDS ORGANIZATION PLAN TO SECRETARY OF ADMINISTRATION.

12 (a) *Submission of organization plan.* Before September 1, 2015, the secretary
13 of financial institutions, insurance, and professional standards shall submit an
14 organization plan to the secretary of administration for approval. The plan shall
15 specifically calculate the number of full-time equivalent positions, and the
16 appropriation accounts from which these positions are funded, that are required to
17 perform the functions of the department. The secretary of administration shall
18 review the plan and may adjust the number of full-time equivalent positions, and
19 the appropriation accounts from which these positions are funded.

20 (b) *Adjustment of authorized full-time equivalent positions.* Upon approval of
21 the plan by the secretary of administration under paragraph (a), the authorized
22 full-time equivalent positions for the department of financial institutions,
23 insurance, and professional standards shall be adjusted to reflect the number in the
24 approved plan.

25 **SECTION 9214. Fiscal changes; Financial Institutions.**

1 (1) GIFTS AND GRANTS. There is transferred from the appropriation account
 2 under section 20.142 (2) (h) of the statutes, as affected by this act, to the
 3 appropriation account under section 20.142 (1) (gm) of the statutes, as affected by
 4 this act, all moneys, in the amount determined by the secretary of administration,
 5 received from gifts, grants, and bequests that have been credited to the
 6 appropriation account under section 20.142 (2) (h) of the statutes, as affected by this
 7 act, and that have not been expended or encumbered on or before the effective date
 8 of this subsection.

****NOTE: This transfers the unencumbered balance of DFI's appropriation for gifts and grants to the general appropriation in "Program 1" for gifts and grants.

9 **SECTION 9238. Fiscal changes; Safety and Professional Services.**

10 (1) GIFTS AND GRANTS TRANSFER. The unencumbered balance in the
 11 appropriation account under section 20.165 (2) (g), 2013 stats., is transferred to the
 12 appropriation account under section 20.142 (1) (gm) of the statutes, as affected by
 13 this act.

14 **SECTION 9338. Initial applicability; Safety and Professional Services.**

15 (1) TRANSFER OF FUNCTIONS TO THE DEPARTMENT OF FINANCIAL INSTITUTIONS,
 16 INSURANCE, AND PROFESSIONAL STANDARDS. The treatment of section 440.92 (2) (d) of
 17 the statutes first applies to a preneed sales contract entered into on the effective date
 18 of this subsection.

19 (END)

d-note

Insert 362 - 13

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0807/P2insAG
ARG:.....

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

INSERT AG 19-12:

1. Six massage therapists or bodywork therapists licensed under ch. 460 who have engaged in the practice of massage therapy or bodywork therapy for at least 2 years preceding appointment. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy school approved by the educational approval board under ~~s. 38.50~~ ch. 37. One member appointed under this subdivision shall be a representative of a massage therapy or bodywork therapy program offered by a technical college in this state. No other members appointed under this subdivision shall be directly or indirectly affiliated with a massage therapy or bodywork therapy school or program.

History: 1993 a. 107, 443; 1997 a. 75, 175; 1999 a. 9, 180; 2001 a. 70; 2009 a. 113, 149; 2009 a. 355 s. 3m; 2011 a. 32.

INSERT AG 41-5:

SECTION 1. 20.292 (2) of the statutes is renumbered 20.142 (9) and amended to read:

20.142 (9) EDUCATIONAL APPROVAL BOARD. (g) *Proprietary school programs.* The amounts in the schedule for the examination and approval of proprietary school programs. Ninety percent of all moneys received from the issuance of solicitor's permits under s. ~~38.50 (8)~~ 37.08 and from the fees under s. ~~38.50 (10)~~ 37.10 and all moneys received from the fees under s. ~~38.50 (13) (d)~~ 37.13 (4) shall be credited to this appropriation account.

1 (gm) *Student protection.* All moneys received from fees received under s. ~~38.50~~
 2 ~~(10)(e) 4.~~ 37.10 (3)(d), for the purpose of indemnifying students, parents, or sponsors
 3 under s. ~~38.50 (10)(a)~~ 37.10 (1) and for the purpose of preserving under s. ~~38.50 (11)~~
 4 37.11 the students records of schools, as defined in s. ~~38.50 (11)(a) 2.~~ 37.11 (1)(b), that
 5 have discontinued their operations.

6 (i) *Closed schools; preservation of student records.* All moneys received from
 7 fees collected under s. ~~38.50 (11)(d)~~ 37.11 (4) to be used for the administrative costs
 8 of taking possession of, preserving, and providing copies of student records of schools,
 9 as defined in s. ~~38.50 (11)(a) 2.~~ 37.11 (1)(b), that have discontinued their operations.

History: 1971 c. 125; 1971 c. 154 ss. 6, 80; 1971 c. 211, 215, 228, 307; 1973 c. 90; 1975 c. 39, 224; 1977 c. 29; 1979 c. 34; 1981 c. 20, 93; 1983 a. 22 s. 6; 1983 a. 370; 1985 a. 29 ss. 278m to 281m, 3202 (55); 1987 a. 27, 399; 1989 a. 31, 102, 122, 335, 336, 359; 1991 a. 32, 39; 1993 a. 16, 377, 399, 491, 496; 1995 a. 27, 225, 228; 1997 a. 27; 1999 a. 9, 185; 2001 a. 16 ss. 583m, 842; 2001 a. 38, 105, 109; 2003 a. 33 ss. 391 to 393m, 547d, 551e; 2003 a. 139; 2005 a. 25 ss. 215 to 222, 352g, 352m, 385m, 386f, 387m; 2007 a. 20; 2009 a. 28, 300; 2011 a. 32; 2013 a. 20, 145; s. 35.17 correction in (1) (s).

10

11

INSERT AG 49-3:

SECTION 2. 29.506 (7m) (a) of the statutes is amended to read:

13 29.506 (7m) (a) The department shall issue a taxidermy school permit to a
 14 person who applies for the permit; who, on August 15, 1991, holds a valid
 15 taxidermist permit issued under this section; and who, on August 15, 1991, operates
 16 a taxidermy school approved by the educational approval board under s. ~~38.50~~ ch. 37.

History: 1985 a. 29; 1991 a. 39; 1995 a. 27 s. 9154 (1); 1997 a. 27; 1997 a. 248 ss. 297 to 300; Stats. 1997 s. 29.506; 1999 a. 9; 2001 a. 56; 2005 a. 22, 25, 286.

18

INSERT AG 52-15:

SECTION 3. Chapter 37 (title) of the statutes is created to read:

CHAPTER 37

EDUCATIONAL APPROVAL BOARD

22

SECTION 4. 37.01 (3m) of the statutes is created to read:

23

37.01

1 (3m) "Department" means the department of financial institutions and
2 professional standards.

INS YY

4 INSERT AG 52-22:

5 SECTION 5. 38.50 (1) of the statutes is renumbered 37.01, and 37.01 (intro.) and

6 (1), as renumbered, are amended to read: (intro.)

INS NN

7 and (7) 37.01 Definitions. In this section chapter, unless the context clearly requires
8 otherwise:

9 (1) Notwithstanding s. 38.01 (2), "board" "Board" means the educational
10 approval board.

11 SECTION 6. 38.50 (2) of the statutes is renumbered 37.02.

12 SECTION 7. 38.50 (3) of the statutes is renumbered 37.03 and amended to read:

13 37.03 Rule-making power. The board shall promulgate rules and establish
14 standards necessary to administer this section chapter.

15 SECTION 8. 38.50 (5) of the statutes is renumbered 37.05 and amended to read:

16 37.05 Employees, quarters. The board shall employ a person to perform the
17 duties of an executive secretary and any other persons under the classified service
18 that may be necessary to carry out the board's responsibilities. The person
19 performing the duties of the executive secretary shall be in charge of the
20 administrative functions of the board. The board shall, to the maximum extent
21 practicable, keep its office with the technical college system board department.

22 SECTION 9. 38.50 (7) of the statutes is renumbered 37.07.

23 SECTION 10. 38.50 (8) of the statutes is renumbered 37.08, and 37.08 (2), (3) (a)
24 and (e), (6), (7), (8) and (9), as renumbered, are amended to read:

1 **37.08 (2) SOLICITOR'S PERMIT.** The application for a solicitor's permit shall be
2 made on a form furnished by the board and shall be accompanied by a fee and a surety
3 bond acceptable to the board in the sum of \$2,000. The board shall, by rule, specify
4 the amount of the fee for a solicitor's permit. The bond may be continuous and shall
5 be conditioned to provide indemnification to any student suffering loss as the result
6 of any fraud or misrepresentation used in procuring his or her enrollment or as a
7 result of the failure of the school to perform faithfully the agreement the solicitor
8 made with the student, and may be supplied by the solicitor or by the school itself
9 either as a blanket bond covering each of its solicitors in the amount of \$2,000 or the
10 surety bond under ~~sub. (7) (i)~~ s. 37.07 (9). Upon approval of a permit, the board shall
11 issue an identification card to the solicitor giving his or her name and address, the
12 name and address of the employing school, and certifying that the person whose
13 name appears on the card is authorized to solicit students for the school. A permit
14 shall be valid for one year from the date issued. Liability under this ~~paragraph~~
15 subsection of the surety on the bond for each solicitor covered by the bond shall not
16 exceed the sum of \$2,000 as an aggregate for any and all students for all breaches
17 of the conditions of the bond. The surety of a bond may cancel the bond upon giving
18 30 days' notice in writing to the board and shall be relieved of liability under this
19 ~~paragraph~~ subsection upon giving the notice for any breach of condition occurring
20 after the effective date of the cancellation. An application for renewal shall be
21 accompanied by a fee, a surety bond acceptable to the board in the sum of \$2,000 if
22 a continuous bond has not been furnished, and such information as the board
23 requests of the applicant. The board shall, by rule, specify the amount of the fee for
24 renewal of a solicitor's permit.

1 **(3)** (a) Willful violation of this ~~subsection~~ section or any rule promulgated by
2 the board under this ~~section~~ chapter.

3 (e) Failure of the school which the solicitor represents to meet requirements
4 and standards established by and to comply with rules promulgated by the board
5 under ~~sub.(7)~~ s. 37.07.

6 **(6) RECOVERY BY STUDENTS.** The bond in force under ~~par.(b)~~ sub. (2) shall not
7 limit or impair any right of recovery otherwise available under law, nor shall the
8 amount of the bond be relevant in determining the amount of damages or other relief
9 to which any plaintiff may be entitled.

10 **(7) RECOVERY ON CONTRACTS.** No recovery shall be had by any school or its
11 assignee on any contract for or in connection with a course or course of instruction
12 if the representative who sold or solicited the course was not the holder of a solicitor's
13 permit under this ~~subsection~~ section at the time of the sale or solicitation.

14 **(8) ENFORCEMENT.** The attorney general or any district attorney may bring an
15 action in circuit court for the enforcement of this ~~subsection~~ section.

16 **(9) PENALTY.** Whoever violates this ~~subsection~~ section may be fined not more
17 than \$500 or imprisoned not more than 3 months or both.

18 **SECTION 11.** 38.50 (10) of the statutes is renumbered 37.10, and 37.10 (1), (2),
19 (3) (a) and (c), (3m), (4), (5), and (6), as renumbered, are amended to read:

20 **37.10 (1) AUTHORITY.** All proprietary schools shall be examined and approved
21 by the board before operating in this state. Approval shall be granted to schools
22 meeting the criteria established by the board for a period not to exceed one year. No
23 school may advertise in this state unless approved by the board. All approved schools
24 shall submit quarterly reports, including information on enrollment, number of
25 teachers and their qualifications, course offerings, number of graduates, number of

1 graduates successfully employed, and such other information as the board considers
2 necessary. If a school closure results in losses to students, parents, or sponsors, the
3 board may authorize the full or partial payment of those losses from the
4 appropriation under s. ~~20.292 (2)~~ 20.142 (9) (gm).

5 (2) APPLICATION. Application for initial approval of a school or a course of
6 instruction, approval of a teaching location, change of ownership, or control of a
7 school, renewal of approval of a school or reinstatement of approval of a school or
8 course of instruction that has been revoked shall be made on a form furnished by the
9 board and shall be accompanied by a fee set by the board under ~~par. (e)~~ sub. (3) and
10 any other information as the board considers necessary to evaluate the school in
11 carrying out the purpose of this ~~section~~ chapter.

12 (3) (a) Require that the amount of fees collected under this ~~paragraph~~
13 subsection be sufficient to cover all costs that the board incurs in examining and
14 approving proprietary schools under this ~~subsection~~ section.

15 (c) Specify a fee to accompany all applications under ~~par. (b)~~ sub. (2).

16 (3m) LIMIT ON STUDENT PROTECTION FEE. The board shall discontinue collecting
17 annual student protection fees under ~~par. (e) 4, sub. (3) (d)~~ during the period that the
18 balance in the fund created by those fees exceeds \$1,000,000.

19 (4) ENFORCEMENT. The attorney general or any district attorney may bring an
20 action in circuit court for the enforcement of this ~~subsection~~ section, including
21 bringing an action to restrain by temporary or permanent injunction any violation
22 of ~~par. (a)~~ sub. (1).

23 (5) PENALTIES. Any person who violates ~~par. (a)~~ sub. (1) may be required to
24 forfeit not more than \$500. Each day of operation in violation of ~~par. (a)~~ sub. (1)
25 constitutes a separate offense.

1 **(6) OTHER REMEDIES.** In addition to any other remedies provided by law, a
2 student who attends a school that is in violation of ~~par. (a) sub. (1)~~ may bring a civil
3 action to recover fees paid to the school in violation of ~~par. (a) sub. (1)~~ together with
4 costs and disbursements, including reasonable attorney fees.

5 **SECTION 12.** 38.50 (11) of the statutes is renumbered 37.11, and 37.11 (1)
6 (intro.), (b) and (c), (2) (a), and (4), as renumbered, are amended to read:

7 **37.11 (1) (intro.)** In this ~~subsection~~ section:

8 (b) Notwithstanding ~~sub. (1) (e) s. 37.01 (5)~~, “school” has the meaning given in
9 ~~sub. (1) (e) s. 37.01 (5) (intro.)~~ and also includes a school described in ~~sub. (1) (e) 1.,~~
10 ~~6., 7., or 8 s. 37.01 (5) (a), (f), (g), or (h).~~

11 (c) “Student record” means, in the case of a school, as defined in ~~sub. (1) (e) s.~~
12 ~~37.01 (5) (intro.)~~, a transcript for a student or former student of a school showing the
13 name of the student, the title of the program in which the student was or is enrolled,
14 the total number of credits or hours of instruction completed by the student, the dates
15 of enrollment, the grade for each course, lesson, or unit of instruction completed by
16 the student, the student’s cumulative grade for the program, and an explanation of
17 the school’s credit and grading system. In the case of a school described in ~~sub. (1)~~
18 ~~(e) 1., 6., 7., or 8. s. 37.01 (5) (a), (f), (g), or (h)~~, “student record” means a transcript
19 for a student or former student of the school showing such information about the
20 academic work completed by the student or former student as is customarily
21 maintained by the school.

22 **(2) (a)** If a school operating in this state discontinues its operations, proposes
23 to discontinue its operations, or is in imminent danger of discontinuing its operations
24 as determined by the board, if the student records of the school are not taken into
25 possession under ~~subd. 2. par. (b)~~, and if the board determines that the student

1 records of the school are in danger of being destroyed, secreted, mislaid, or otherwise
2 made unavailable to the persons who are the subjects of those student records or the
3 authorized representatives of those persons, the board may take possession of those
4 student records.

5 (4) The board or association shall preserve a student record that comes into the
6 possession of the board or association under ~~par. (b) 1. or 2.~~ sub. (2) (a) or (b) and shall
7 keep the student record confidential as provided under 20 USC 1232g and 34 CFR
8 part 99. A student record in the possession of the board is not open to public
9 inspection or copying under s. 19.35 (1). Upon request of the person who is the subject
10 of a student record or an authorized representative of that person, the board or
11 association shall provide a copy of the student record to the requester. The board or
12 association may charge a fee for providing a copy of a student record. The fee shall
13 be based on the administrative cost of taking possession of, preserving, and providing
14 the copy of the student record. All fees collected by the board under this paragraph
15 subsection shall be credited to the appropriation account under s. ~~20.292 (2)~~ 20.142
16 (9) (i).

17 **SECTION 13.** 38.50 (12) of the statutes is renumbered 37.12, and 37.12 (1)
18 (intro.), (am) and (b), (2), (3), (4), and (5), as renumbered, are amended to read:

19 37.12 (1) (intro.) No person that holds itself out to the public in any way as a
20 legitimate institution of higher education may use the term "college" or "university"
21 in the person's name unless the person provides an educational program for which
22 the person awards an associate or higher degree and the person has accreditation
23 recognized by the U.S. secretary of education, has the foreign equivalent of that
24 accreditation, as determined by the board, or has accreditation recognized by the

1 Council for Higher Education Accreditation. This ~~paragraph~~ subsection does not
2 apply to any of the following:

3 (am) A person described in ~~sub. (1)(e) 1.~~ s. 37.01 (5) (a) whose administrative
4 headquarters and principal place of business is in the village of Union Grove that
5 provides a residential facility located in that village to assist young adults with
6 disabilities in transitioning from home and school to work and independent living.

7 (b) A person described in ~~sub. (1)(e) 3. to 7.~~ s. 37.01 (5) (c) to (g) that was doing
8 business in this state prior to May 27, 2010.

9 (2) No school, including a school described in ~~sub. (1)(e) 1. to 8.~~ s. 37.01 (5) (a)
10 to (h), may use the term "state" or "Wisconsin" in its name if the use of that term
11 operates to mislead the public into believing that the school is affiliated with the
12 University of Wisconsin System or the technical college system, unless the school
13 actually is so affiliated. This ~~paragraph~~ subsection does not apply to a school
14 described in ~~sub. (1)(e) 1.~~ s. 37.01 (5) (a) that has accreditation recognized by the U.S.
15 secretary of education, has the foreign equivalent of that accreditation, as
16 determined by the board, or has accreditation recognized by the Council for Higher
17 Education Accreditation.

18 (3) The attorney general or any district attorney may bring an action in circuit
19 court for the enforcement of this ~~subsection~~ section, including bringing an action to
20 restrain by temporary or permanent injunction any violation of ~~par. (a) or (b)~~ sub. (1)
21 or (2).

22 (4) Any person who violates ~~par. (a) or (b)~~ sub. (1) or (2) may be required to
23 forfeit not more than \$500. Each day of operation in violation of ~~par. (a) or (b)~~ sub.
24 (1) or (2) constitutes a separate offense.

1 **(5)** In addition to any other remedies provided by law, a student who attends
 2 a school that is in violation of ~~par. (a) or (b)~~ sub. (1) or (2) may bring a civil action to
 3 recover fees paid to the school, together with costs and disbursements, including
 4 reasonable attorney fees.

5 **SECTION 14.** 38.50 (13) of the statutes is renumbered 37.13, and 37.13 (1)
 6 (intro.) and (b) 3. and (4), as renumbered, are amended to read:

7 37.13 (1) (intro.) In this ~~subsection~~ section:

8 (b) 3. Operates in this state and is a school described in ~~sub. (1) (e) 1. to 8 s. 37.01~~
 9 (5) (a) to (h).

10 (4) The board may charge a fee for evaluating an educational institution under
 11 ~~par. (a) 2. e.~~ sub. (1) (b) 5. in an amount that is sufficient to cover all costs that the
 12 board incurs in evaluating the institution. All fees collected by the board under this
 13 ~~paragraph~~ subsection shall be credited to the appropriation account under s. ~~20.292~~
 14 (2) 20.142 (9) (g).

15 **History:** 2005 a. 25 ss. 725g, 735c to 735x; Stats. 2005 s. 38.50; 2009 a. 300; 2011 a. 32.

16
 17 **INSERT AG 57-10:**

18 **SECTION 15.** 45.20 (1) (d) of the statutes is amended to read:

19 45.20 (1) (d) "Tuition," when referring to the University of Wisconsin System,
 20 means academic fees and segregated fees; when referring to the technical colleges,
 21 means "program fees" and "additional fees" as described in s. 38.24 (1m) and (1s); and
 22 when referring to a high school, a school that is approved under s. 45.03 (11), or a

1 proprietary school that is approved under ~~s. 38.50~~ ch. 37, means the charge for the
2 courses for which a person is enrolled.

3 History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.

SECTION 16. 45.20 (2) (a) 1. of the statutes is amended to read:

4 45.20 (2) (a) 1. The department shall administer a tuition reimbursement
5 program for eligible veterans enrolling as undergraduates in any institution of
6 higher education in this state, enrolling in a school that is approved under s. 45.03
7 (11), enrolling in a proprietary school that is approved under ~~s. 38.50~~ ch. 37, enrolling
8 in a public or private high school, enrolling in a tribal school, as defined in s. 115.001
9 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident tuition under
10 s. 39.47.

11 History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.

SECTION 17. 45.20 (2) (a) 2. (intro.) of the statutes is amended to read:

12 45.20 (2) (a) 2. (intro.) A veteran who is a resident of this state and otherwise
13 qualified to receive benefits under this subsection may receive the benefits under
14 this subsection upon the completion of any correspondence courses or part-time
15 classroom study from an institution of higher education located outside this state,
16 from a school that is approved under s. 45.03 (11), or from a proprietary school that
17 is approved under ~~s. 38.50~~ ch. 37, if any of the following applies:

18 History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.

SECTION 18. 45.20 (2) (c) 1. of the statutes is amended to read:

19 45.20 (2) (c) 1. A veteran who meets the eligibility requirements under par. (b)
20 1. may be reimbursed upon satisfactory completion of an undergraduate semester in
21 any institution of higher education in this state, or upon satisfactory completion of
22 a course at any school that is approved under s. 45.03 (11), any proprietary school
23 that is approved under ~~s. 38.50~~ ch. 37, any public or private high school, any tribal
24 school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or any

1 institution from which the veteran receives a waiver of nonresident tuition under s.
2 39.47. Except as provided in par. (e), the amount of reimbursement may not exceed
3 the total cost of the veteran's tuition minus any grants or scholarships that the
4 veteran receives specifically for the payment of the tuition, or, if the tuition is for an
5 undergraduate semester in any institution of higher education, the standard cost of
6 tuition for a state resident for an equivalent undergraduate semester at the
7 University of Wisconsin-Madison, whichever is less.

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.

8 **SECTION 19.** 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

9 45.20 (2) (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for
10 reimbursement under this subsection at any institution of higher education in this
11 state, at a school that is approved under s. 45.03 (11), at a proprietary school that is
12 approved under ~~s. 38.50~~ ch. 37, at a public or private high school, at a tribal school,
13 as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an
14 institution where he or she is receiving a waiver of nonresident tuition under s. 39.47
15 is limited to the following:

History: 2005 a. 22, 25; 2007 a. 20, 200; 2009 a. 28, 297, 302; 2011 a. 32, 260.

16 **SECTION 20.** 45.21 (2) (a) of the statutes is amended to read:

17 45.21 (2) (a) The veteran is enrolled in a training course in a technical college
18 under ch. 38 or in a proprietary school in the state approved by the educational
19 approval board under ~~s. 38.50~~ ch. 37, other than a proprietary school offering a
20 4-year degree or 4-year program, or is engaged in a structured on-the-job training
21 program that meets program requirements promulgated by the department by rule.

History: 2005 a. 22, 25.

22 **INSERT AG 61-21:**

23 **SECTION 21.** 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:

1 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses and
 2 mandatory student fees for a student who is the claimant or who is the claimant’s
 3 child and the claimant’s dependent who is claimed under section 151 (c) of the
 4 Internal Revenue Code, to attend any university, college, technical college or a school
 5 approved under ~~s. 38.50~~ ch. 37, that is located in Wisconsin or to attend a public
 6 vocational school or public institution of higher education in Minnesota under the
 7 Minnesota–Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

History: 1987 a. 312; 1987 a. 411 ss. 42, 43, 45, 47 to 49, 51 to 53; 1989 a. 31, 46; 1991 a. 2, 37, 39, 269; 1993 a. 16, 112, 204, 263, 437; 1995 a. 27, 56, 209, 227, 261, 371, 403, 453; 1997 a. 27, 35, 39, 237; 1999 a. 9, 32, 44, 54, 65, 167; 2001 a. 16, 104, 105, 109; 2003 a. 85, 99, 119, 135, 183, 255, 289, 321, 326; 2005 a. 22, 25, 216, 254, 335, 361, 479, 483; 2007 a. 20, 96, 226; 2009 a. 2, 28, 205, 265, 269, 276, 295, 332, 344; 2011 a. 3, 5, 10, 32, 212, 232, 237; 2011 a. 260 ss. 80, 81; 2013 a. 19, 20, 128, 145; 2013 a. 166 s. 76; 2013 a. 173, 227; s. 13.92 (2) (i); s. 35.17 correction in (13) (a) 2.

8 **INSERT AG 62–20:**

9 **SECTION 22.** 71.07 (5r) (a) 2. of the statutes is amended to read:

10 71.07 (5r) (a) 2. “Course of instruction” has the meaning given in s. ~~38.50 (1)~~
 11 (e) 37.01 (3).

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 s. 80; 2013 a. 20, 54, 62, 116, 145; 2013 a. 166 s. 77; s. 35.17 correction in (3q) (b) (intro.), (5n) (a) (intro.).

12 **SECTION 23.** 71.07 (5r) (a) 6. b. of the statutes is amended to read:

13 71.07 (5r) (a) 6. b. A school approved under ~~s. 38.50~~ ch. 37, if the delivery of
 14 education occurs in this state.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487; 2007 a. 11, 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 s. 80; 2013 a. 20, 54, 62, 116, 145; 2013 a. 166 s. 77; s. 35.17 correction in (3q) (b) (intro.), (5n) (a) (intro.).

15 **INSERT AG 64–6:**

16 **SECTION 24.** 71.28 (5r) (a) 2. of the statutes is amended to read:

17 71.28 (5r) (a) 2. “Course of instruction” has the meaning given in s. ~~38.50 (1)~~
 18 (e) 37.01 (3).

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 s. 80; 2013 a. 20, 54, 62, 116, 145, 165; 2013 a. 166 ss. 26, 77.

19 **SECTION 25.** 71.28 (5r) (a) 6. b. of the statutes is amended to read:

1 71.28 (5r) (a) 6. b. A school approved under s. ~~38.50~~ ch. 37, if the delivery of
2 education occurs in this state.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 339r to 340c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 s. 80; 2013 a. 20, 54, 62, 116, 145, 165; 2013 a. 166 ss. 26, 77.

3 **SECTION 26.** 71.47 (5r) (a) 2. of the statutes is amended to read:

4 71.47 (5r) (a) 2. "Course of instruction" has the meaning given in s. ~~38.50 (1)~~
5 (e) 37.01 (3).

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 ss. 80, 81; 2013 a. 20, 62, 116, 145.

6 **SECTION 27.** 71.47 (5r) (a) 6. b. of the statutes is amended to read:

7 71.47 (5r) (a) 6. b. A school approved under s. ~~38.50~~ ch. 37, if the delivery of
8 education occurs in this state.

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; 2007 a. 20, 96, 97, 100; 2009 a. 2, 11, 28, 180, 185, 265, 267, 269, 276, 294, 295, 332, 401; 2011 a. 3, 15, 32, 67, 212, 213, 232, 237; 2011 a. 260 ss. 80, 81; 2013 a. 20, 62, 116, 145.

9 **INSERT AG 146-9:**

10 **SECTION 28.** 111.335 (1) (cx) of the statutes is amended to read:

11 111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment
12 discrimination because of conviction record to refuse to employ or license, or to bar
13 or terminate from employment or licensure, any individual who has been convicted
14 of any offense under s. ~~38.50 (13)~~ (e) 37.13 (3).

History: 1981 c. 334; 1991 a. 216; 1993 a. 98; 1995 a. 448, 461; 1997 a. 112; 2001 a. 16; 2003 a. 33; 2005 a. 14; 2009 a. 300; 2011 a. 32, 83; 2013 a. 20 ss. 2365m, 9448.

15 **INSERT AG 172-2:**

16 **SECTION 29.** 182.028 of the statutes is amended to read:

17 **182.028 School corporations.** Any corporation formed for the establishment
18 and maintenance of schools, academies, seminaries, colleges or universities or for the
19 cultivation and practice of music shall have power to enact bylaws for the protection
20 of its property, and provide fines as liquidated damages upon its members and
21 patrons for violating the bylaws, and may collect the same in tort actions, and to
22 prescribe and regulate the courses of instruction therein, and to confer such degrees

1 and grant such diplomas as are usually conferred by similar institutions or as shall
2 be appropriate to the courses of instruction prescribed, except that no corporation
3 shall operate or advertise a school that is subject to s. ~~38.50 (10)~~ 37.10 without
4 complying with the requirements of s. ~~38.50~~ ch. 37. Any stockholder may transfer
5 his or her stock to the corporation for its use; and if the written transfer so provides
6 the stock shall be perpetually held by the board of directors with all the rights of a
7 stockholder, including the right to vote.

History: 1979 c. 170; 1997 a. 27; 1999 a. 9; 2005 a. 22, 25, 254.

8 **INSERT AG 205-14:**

9 **SECTION 30.** 460.05 (1) (e) 1. of the statutes is amended to read:

10 460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork
11 therapy approved by the educational approval board under s. ~~38.50~~ ch. 37 that meets
12 the requirements under s. 460.095 or completed a training program approved by the
13 affiliated credentialing board under the rules promulgated under s. 460.04 (2) (b).

History: 2001 a. 74; 2005 a. 22, 25, 254, 277; 2007 a. 104; 2009 a. 355 ss. 21, 28 to 34; 2013 a. 362.

14 **INSERT AG 339-18A**

15 **SECTION 31.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

16 944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational
17 approval board under s. ~~38.50~~ ch. 37, or is a school described in s. ~~38.50 (1) (e) 6., 7.~~
18 ~~or 8.~~ 37.01 (5) (f), (g), or (h); and

History: 1977 c. 173, 272; 1987 a. 416; 1993 a. 399; 1995 a. 27 s. 9154 (1); 1997 a. 27; 1999 a. 9; 2001 a. 16, 104, 109; 2005 a. 22, 25, 254; 2009 a. 302.

19 **SECTION 32.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

20 948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational
21 approval board under s. ~~38.50~~ ch. 37, or is a school described in s. ~~38.50 (1) (e) 6., 7.~~
22 ~~or 8.~~ 37.01 (5) (f), (g), or (h); and

History: 1987 a. 332; 1989 a. 31; 1993 a. 220, 399; 1995 a. 27 s. 9154 (1); 1997 a. 27, 82; 1999 a. 9; 2001 a. 16, 104, 109; 2005 a. 22, 25, 254; 2009 a. 302.

23 **SECTION 33.** 995.55 (1) (b) of the statutes is amended to read:

INSERT AG 339-18B



INS AG 339 18B continued

1 995.55 (1) (b) "Educational institution" means an institution of higher
2 education, as defined in s. 108.02 (18); a technical college established under s. 38.02;
3 a school, as defined in s. ~~38.50 (11) (a) 2.~~ 37.11 (1) (b); a public school, as described
4 in s. 115.01 (1); a charter school, as defined in s. 115.001 (1); a private school, as
5 defined in s. 115.001 (3r); or a private educational testing service or administrator.

History: 2013 a. 208.

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0807/P2insmg
MPG:.....

1 INSERT 26-19 ✓

2 SECTION 1. 16.28 of the statutes is renumbered 203.02, and 203.02 (1), as
3 renumbered, is amended to read:

4 **203.02 Office of ~~business development~~ regulatory reform.** (1) The office
5 of ~~business development~~ regulatory reform shall provide administrative support to
6 the small business regulatory review board and shall perform other functions
7 determined by the secretary.

8 History: 2011 a. 32.

8 END INSERT 26-19

9 INSERT 31-9

10 SECTION 2. 20.145^{e 2} (1) (gm) of the statutes is created to read:

11 20.145^{e 2} (1) (gm) *Federal funds*. Except as otherwise provided in subs. (2), (3),
12 and (4), all moneys received from the federal government as authorized by the
13 governor under s. 16.54, for the purposes for which received.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

14 SECTION 3. 20.145^{e 2} (1) (gm) of the statutes is created to read:

15 20.145^{e 2} (1) (gm) *Gifts and grants*. Except as otherwise provided in subs. (2), (3),
16 and (4), all moneys received from gifts, grants, bequests, and devises, for the
17 purposes for which made.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

18 SECTION 4. 20.142 (1) (k) of the statutes is created to read:

19 20.142 (1) (k) *Interagency and intra-agency programs*. Except as otherwise
20 provided in subs. (2), (3), and (4), all moneys received from other state agencies and

move to
page 2 →

Material moved from page 1

1 all moneys received by the department from the department, for the purposes for
2 which received.

***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

3 END INSERT 31-9

4 **INSERT MPG (this is insert to insert)**

create a.r. [Y]

5 (a) *Positions and employees.* On the effective date of this paragraph, all
6 positions and all incumbent employees in the classified service of the state civil
7 service holding those positions in the department of safety and professional services
8 with duties that are primarily related to the veterinary examining board, as
9 determined by the secretary of administration, are transferred to the department of
10 trade, agriculture and consumer protection.

use a.r. [Y]

11 (b) *Employee status.* Employees transferred under paragraph (a) **(NO TAG)**
12 have all the rights and the same status under subchapter V of chapter 111 and
13 chapter 230 of the statutes in the department of trade, agriculture and consumer
14 protection that they enjoyed in the department of safety and professional services
15 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,
16 no employee so transferred who has attained permanent status in class is required
17 to serve a probationary period.

18 **END INSERT MPG**



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-1053/P1

MPG:eev:rs

DOA:.....Byrnes, BB0362 - Transfer Veterinary Examining Board from
DSPS to DATCP.

FOR 2015-2017 BUDGET - NOT READY FOR INTRODUCTION

Insert S MPB

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau
SAFETY AND PROFESSIONAL SERVICES

PROFESSIONAL LICENSURE

Under current law, the Veterinary Examining Board (board) regulates the practice of veterinarians and veterinary technicians in Wisconsin. Currently, the board is under the umbrella of the Department of Safety and Professional Services. This bill transfers the board to the Department of Agriculture, Trade and Consumer Protection.

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:

2 SECTION 1. 15.135 (5) (title) of the statutes is created to read:

3 15.135 (5) (title) VETERINARY EXAMINING BOARD.

4 SECTION 2. 15.405 (12) of the statutes is renumbered 15.135 (5) (a) (intro.) and

5 amended to read:

This is insert 1b-20 (start)

This is insert 7-14

(21)

This is Insert 16-20 (End)

1 15.135 (5) (a) ~~VETERINARY EXAMINING BOARD.~~ (intro.) There is created a
2 veterinary examining board in the department of ~~safety and professional services~~
3 agriculture, trade and consumer protection. The veterinary examining board shall
4 consist of the following 8 members appointed for staggered 4-year terms:

- 5 1. ~~Five of the members shall be licensed veterinarians licensed~~ in this state.
- 6 2. ~~One member shall be a~~ veterinary technician certified in this state.
- 7 3. ~~Two members shall be~~ public members.

8 (b) No member of the examining board may in any way be financially interested
9 in any school having a veterinary department or a course of study in veterinary or
10 animal technology.

****NOTE: In addition to renumbering, I altered the format of the statutory unit to conform more closely with the other subsections in s. 15.135, stats., and with drafting best practices. Okay? MPG

11 SECTION 3. 20.115 (2) (jm) of the statutes is created to read:

12 20.115 (2) (jm) *Veterinary examining board*. All moneys received from issuing
13 and renewing credentials under ch. 89 for the licensing, rule-making, and
14 regulatory functions of the veterinary examining board.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

15 SECTION 4. 29.736 (1) (b) of the statutes is amended to read:

16 29.736 (1) (b) "Qualified inspector" means a veterinarian licensed under ch.
17 453 89 or a person who is qualified to provide evidence of fish health under s. 95.60
18 (4s) (c).

19 SECTION 5. 45.44 (1) (a) 5. of the statutes is amended to read:

20 45.44 (1) (a) 5. A license, certification, registration, or permit issued under s.
21 89.06, 89.072, 94.10 (2), (3), or (3g), 94.50 (2), 94.704, 95.60, 97.17 (2), 97.175 (2),
22 97.22 (2), 98.145, 98.146, 98.18 (1) (a), or 168.23 (3).

This is Insert 49-2

This is Insert 31-3

This is Insert 57-9

This is
Insert 60-7

1 **SECTION 6.** 54.15 (8) (a) 3. of the statutes is amended to read:

2 54.15 (8) (a) 3. Any license, certificate, permit, or registration of the proposed
3 guardian that is required under chs. 89, 202, or 440 to 480 or by the laws of another
4 state for the practice of a profession or occupation has been suspended or revoked.

****NOTE: I did not include a cross-reference to the new ch. 89 in ss. 46.90 (5m) (br) 5. and 55.043 (4) (b) 5., stats., both of which cross-reference chs. 440 to 460, stats. Section 46.90 (5m) (br) 5., stats., deals with reports to DSPS concerning elder abuse that "involves an individual who is required to hold a credential . . . under chs. 440 to 460." Similarly, s. 55.043 (4) (b) 5., stats., deals with reports to DSPS concerning exploitation or other abuse of an adult-at-risk that "involves an individual who is required to hold a credential . . . under chs. 440 to 460." I did not include cross-references in those statutory units with respect to the new ch. 89 because, unlike the other professions under chs. 440 to 460, stats., veterinarians and veterinary technicians, by profession, deal primarily with animals. Nevertheless, cross-references to the new ch. 89 could be relevant to the extent that veterinarians and veterinary technicians deal with the individual human owners of animals. Please let me know if you instead want me to include cross-references to the new ch. 89 for purposes of ss. 46.90 and 55.043, stats. MPG

5 **SECTION 7.** 89.02 (3d) of the statutes is created to read:

6 89.02 (3d) "Department" means the department of agriculture, trade and
7 consumer protection.

8 **SECTION 8.** 89.063 of the statutes is created to read:

9 **89.063 Fees.** (1) The department shall determine the fees for each initial
10 license, certification, and permit issued under ss. 89.06 and 89.072, and, if
11 applicable, for renewal of the license, certification, or permit, including late fees,
12 based on the department's administrative and enforcement costs under this chapter.
13 The department shall notify the holder of each such license, certification, or permit
14 of any fee adjustment under this subsection that affects that license, certification,
15 or permit holder.

16 (2) Before the department makes any fee adjustment under sub. (1), the
17 department shall send a notification of the proposed fee adjustment to the
18 cochairpersons of the joint committee on finance. If the cochairpersons of the

This is Insert 66-14 (start)

1 committee do not notify the secretary within 14 working days after the date of the
2 department's notification that the committee has scheduled a meeting for the
3 purpose of reviewing the proposed fee adjustment, the fee adjustment may be made
4 as proposed. If, within 14 working days after the date of the department's
5 notification, the cochairpersons of the committee notify the secretary that the
6 committee has scheduled a meeting for the purpose of reviewing the proposed fee
7 adjustment, the fee adjustment may be made only upon approval of the committee.

8 **SECTION 9.** 89.085 of the statutes is created to read:

9 **89.085 Unauthorized practice.** (1) The department may conduct
10 investigations, hold hearings, and make findings as to whether a person has engaged
11 in a practice or used a title without a credential required under this chapter.

12 (2) If, after holding a public hearing, the department determines that a person
13 has engaged in a practice or used a title without a required credential, the
14 department may issue a special order enjoining the person from continuing the
15 practice or use of the title.

16 (3) In lieu of holding a public hearing, if the department has reason to believe
17 that a person has engaged in a practice or used a title without a required credential,
18 the department may petition the circuit court for a temporary restraining order or
19 an injunction as provided in ch. 813.

20 (4) (a) Any person who violates a special order issued under sub. (2) may be
21 required to forfeit not more than \$10,000 for each offense. Each day of continued
22 violation constitutes a separate offense. The attorney general or any district
23 attorney may commence an action in the name of the state to recover a forfeiture
24 under this paragraph.

Insert 66-14 (cont.)

1 (b) Any person who violates a temporary restraining order or an injunction
2 issued by a court upon a petition under sub. (3) may be fined not less than \$25 nor
3 more than \$5,000 or imprisoned for not more than one year in the county jail or both.

4 **SECTION 10.** 93.135 (1) (a) of the statutes is renumbered 93.135 (1) (ag).

5 **SECTION 11.** 93.135 (1) (ab) of the statutes is created to read:

6 93.135 (1) (ab) A license, certification, or permit under ch. 89.

****NOTE: Please let me know if this treatment is inconsistent with your intent.
Among other things, adding the new ch. 89 to the list under s. 93.135 (1), stats., continues
for veterinarians and veterinary technicians vis-a-vis DATCP the authority of DSPS
under ss. 440.12 and 440.13, stats. See DATCP's similar authority under s. 93.135 (3) and
(4). MPG

****NOTE: Also, do you want to carry over to DATCP the responsibilities of DSPS
under s. 440.121, stats., concerning declarations of incompetence, or, for that matter, any
other specific duty or power of DSPS under ch. 440 that is not otherwise included in the
draft? See also s. 54.25 (2) (c) 1. d., stats., concerning declarations of incompetence to
exercise certain rights, including obtaining a credential under chs. 440 to 480. MPG

7 **SECTION 12.** 93.20 (1) of the statutes is amended to read:

8 93.20 (1) DEFINITION. In this section, "action" means an action that is
9 commenced in court by, or on behalf of, the department of agriculture, trade and
10 consumer protection to enforce chs. 88, 89, 91 to 100, or 126.

11 **SECTION 13.** 93.22 (1) of the statutes is amended to read:

12 93.22 (1) In cases arising under chs. 88, 89, and 93 to 100, the department may
13 be represented by its attorney.

14 **SECTION 14.** 93.22 (2) of the statutes is amended to read:

15 93.22 (2) The department may, with the approval of the governor, appoint
16 special counsel to prosecute or assist in the prosecution of any case arising under chs.
17 88, 89, and 93 to 100. The cost of such special counsel shall be charged to the
18 appropriation for the department.

19 **SECTION 15.** 93.22 (3) of the statutes is amended to read:

Insert 66-14 (cont.)

1 93.22 (3) In any criminal or civil action under chs. 88, 89, and 93 to 100, any
 2 exception, exemption, proviso, excuse, or qualification contained in any of said
 3 chapters, or in any order, standard, or regulation thereunder, may be proved by the
 4 defendant, but need not be specified or negated in the information or complaint,
 5 and, if so specified or negated, no proof in relation to the matters so specified or
 6 negated, shall be required of the plaintiff.

7 **SECTION 16.** 94.67 (33m) of the statutes is amended to read:

8 94.67 (33m) "Veterinarian" means an individual who is licensed as a
 9 veterinarian under ch. ~~453~~ 89.

10 **SECTION 17.** 94.67 (33t) of the statutes is amended to read:

11 94.67 (33t) "Veterinary technician" means an individual who is certified as a
 12 veterinary technician under ch. ~~453~~ 89.

13 **SECTION 18.** 95.21 (1) (e) of the statutes is amended to read:

14 95.21 (1) (e) "Veterinarian" has the meaning designated under s. ~~453.02~~ 89.02
 15 (7).

16 **SECTION 19.** 95.21 (1) (em) of the statutes is amended to read:

17 95.21 (1) (em) "Veterinary technician" has the meaning designated under s.
 18 ~~453.02~~ 89.02 (12).

19 **SECTION 20.** 95.21 (2) (a) of the statutes is amended to read:

20 95.21 (2) (a) *Requirement for vaccination.* Except as provided in s. 174.054 or
 21 sub. (9) (d), the owner of a dog shall have the dog vaccinated against rabies by a
 22 veterinarian or, if a veterinarian is physically present at the location the vaccine is
 23 administered, by a veterinary technician, pursuant to s. ~~453.05~~ 89.05 (2) (d), at no
 24 later than 5 months of age and revaccinated within one year after the initial
 25 vaccination. If the owner obtains the dog or brings the dog into this state after the

Insert 66-14 (cont.)

This is Insert 66-17 (End)

1 dog has reached 5 months of age, the owner shall have the dog vaccinated against
 2 rabies within 30 days after the dog is obtained or brought into the state unless the
 3 dog has been vaccinated as evidenced by a current certificate of rabies vaccination
 4 from this state or another state. The owner of a dog shall have the dog revaccinated
 5 against rabies by a veterinarian or, if a veterinarian is physically present at the
 6 location the vaccine is administered, by a veterinary technician, pursuant to s.
 7 453.05 89.05 (2) (d), before the date that the immunization expires as stated on the
 8 certificate of vaccination or, if no date is specified, within 3 years after the previous
 9 vaccination.

10 SECTION 21. 169.01 (35) (a) of the statutes is amended to read:

11 169.01 (35) (a) A veterinarian who is licensed in this state to practice
 12 veterinary medicine under ch. 453 89 and who is certified under rules promulgated
 13 by the department of agriculture, trade and consumer protection.

14 SECTION 22. 173.05 (1) (b) of the statutes is amended to read:

15 173.05 (1) (b) A person to whom par. (a) applies who is a veterinarian licensed
 16 under ch. 453 89 is not required to complete a course of training approved by the
 17 department if he or she takes an examination given by the department and passes
 18 the examination on the first attempt.

19 SECTION 23. 173.41 (2) (e) of the statutes is amended to read:

20 173.41 (2) (e) A veterinarian licensed under ch. 453 89 practicing in the normal
 21 course of veterinary business within the scope of the license is not required to obtain
 22 a license under this subsection.

23 SECTION 24. 173.41 (12) (a) 4. of the statutes is amended to read:

24 173.41 (12) (a) 4. If persons sell or offer to sell dogs at the temporary dog market
 25 for 2 or more consecutive days, employ or contract with a veterinarian licensed under

This is Insert 171-17 (start)

This is insert 171-17 (END)

1 ch. 453 89 to conduct an examination of the dogs offered for sale at the temporary dog
2 market on each day on which dogs are offered for sale and to review the information
3 provided under par. (b).

4 **SECTION 25.** 257.01 (5) (a) of the statutes is amended to read:

INS 193-22

5 257.01 (5) (a) An individual who is licensed as a physician, a physician
6 assistant, or a podiatrist under ch. 448, licensed as a registered nurse, licensed
7 practical nurse, or nurse-midwife under ch. 441, licensed as a dentist under ch. 447,
8 licensed as a pharmacist under ch. 450, licensed as a veterinarian or certified as a
9 veterinary technician under ch. 453 89, or certified as a respiratory care practitioner
10 under ch. 448.

11 **SECTION 26.** 257.01 (5) (b) of the statutes is amended to read:

12 257.01 (5) (b) An individual who was at any time within the previous 10 years,
13 but is not currently, licensed as a physician, a physician assistant, or a podiatrist
14 under ch. 448, licensed as a registered nurse, licensed practical nurse, or
15 nurse-midwife, under ch. 441, licensed as a dentist under ch. 447, licensed as a
16 pharmacist under ch. 450, licensed as a veterinarian or certified as a veterinary
17 technician under ch. 453 89, or certified as a respiratory care practitioner under ch.
18 448, if the individual's license or certification was never revoked, limited, suspended,
19 or denied renewal.

20 **SECTION 27.** 321.60 (1) (a) 6m. of the statutes is created to read:

INS 196-2

21 321.60 (1) (a) 6m. A license, certification, or permit issued under s. 89.06 or
22 89.072.

23 **SECTION 28.** 440.03 (13) (b) 73. of the statutes is repealed.

INS 200-15

24 **SECTION 29.** 440.03 (13) (b) 74. of the statutes is repealed.

25 **SECTION 30.** 440.08 (2) (a) 70. of the statutes is repealed.

This is insert 187-16 (END)

1 SECTION 31. 440.08 (2) (a) 71. of the statutes is repealed.

2 SECTION 32. 450.03 (1) (e) of the statutes is amended to read:

INS 204-9

3 450.03 (1) (e) Any person lawfully practicing within the scope of a license,
4 permit, registration, certificate or certification granted to practice professional or
5 practical nursing or nurse-midwifery under ch. 441, to practice dentistry or dental
6 hygiene under ch. 447, to practice medicine and surgery under ch. 448, to practice
7 optometry under ch. 449 or to practice veterinary medicine under ch. 453 89, or as
8 otherwise provided by statute.

9 SECTION 33. 450.10 (3) (a) 8. of the statutes is amended to read:

10 450.10 (3) (a) 8. A veterinarian licensed under ch. 453 89.

11 SECTION 34. 450.11 (1m) of the statutes is amended to read:

12 450.11 (1m) ELECTRONIC TRANSMISSION. Except as provided in s. 453.068 89.068
13 (1) (c) 4., a practitioner may transmit a prescription order electronically only if the
14 patient approves the transmission and the prescription order is transmitted to a
15 pharmacy designated by the patient.

16 SECTION 35. 450.125 of the statutes is amended to read:

17 450.125 **Drugs for animal use.** In addition to complying with the other
18 requirements in this chapter for distributing and dispensing, a pharmacist who
19 distributes or dispenses a drug for animal use shall comply with s. 453.068 89.068.

20 SECTION 36. 450.19 (1) (ar) of the statutes is amended to read:

21 450.19 (1) (ar) "Practitioner" has the meaning given in s. 450.01 (17) but does
22 not include a veterinarian licensed under ch. 453 89.

23 SECTION 37. Chapter 453 (title) of the statutes is renumbered chapter 89 (title).

24 SECTION 38. 453.02 of the statutes is renumbered 89.02.

Insert
205-14A

This is Insert 205-14A (cont.)

1 SECTION 39. 453.03 of the statutes is renumbered 89.03, and 89.03 (1), as
2 renumbered, is amended to read:

3 89.03 (1) The examining board shall promulgate rules, within the limits of the
4 definition under s. ~~453.02~~ 89.02 (6), establishing the scope of practice permitted for
5 veterinarians and veterinary technicians and shall review the rules at least once
6 every 5 years to determine whether they are consistent with current practice. The
7 examining board may promulgate rules relating to licensure qualifications, denial
8 of a license, ~~certificate~~ certification, or temporary permit, unprofessional conduct,
9 and disciplinary proceedings.

10 SECTION 40. 453.04 of the statutes is renumbered 89.04.

11 SECTION 41. 453.05 of the statutes is renumbered 89.05, and 89.05 (2) (g), as
12 renumbered, is amended to read:

13 89.05 (2) (g) Employees of a school of veterinary medicine in this state who
14 practice veterinary medicine on privately owned animals only as a part of their
15 employment and who are licensed under s. ~~453.06~~ 89.06 (2m).

16 SECTION 42. 453.06 of the statutes is renumbered 89.06, and 89.06 (1), as
17 renumbered, is amended to read:

18 89.06 (1) Except as provided under s. ~~453.072~~ 89.072, veterinary licenses shall
19 be issued only to persons who successfully pass an examination conducted by the
20 examining board and pay the fee specified in established under s. 440.05 (1) 89.063
21 (1). An applicant for an initial license shall be a graduate of a veterinary college that
22 has been approved by the examining board or have successfully completed either the
23 educational commission for foreign veterinary graduates certification program of the
24 American Veterinary Medical Association or the program for the assessment of
25 veterinary education equivalence offered by the American Association of Veterinary

Insert 187-16 cont. 5

1 State Boards. Persons who qualify for examination may be granted temporary
2 permits to engage in the practice of veterinary medicine in the employment and
3 under the supervision of a veterinarian until the results of the next examination
4 conducted by the examining board are available. In case of failure at any
5 examination, the applicant shall have the privilege of taking subsequent
6 examinations, upon the payment of another fee for each examination.

7 **SECTION 43.** 453.062 of the statutes is renumbered 89.062, and 89.062 (1), as
8 renumbered, is amended to read:

9 89.062 (1) RENEWAL. The renewal ~~dates~~ date for veterinary licenses and
10 veterinary technician certifications ~~are specified under s. 440.08 (2) (a) is December~~
11 15 of each odd-numbered year, and the renewal fees for such licenses and
12 certifications are determined by the department under s. ~~440.03 (9) (a)~~ 89.063 (1).

13 **SECTION 44.** 453.065 of the statutes is renumbered 89.065.

14 **SECTION 45.** 453.068 of the statutes is renumbered 89.068.

15 **SECTION 46.** 453.07 of the statutes is renumbered 89.07, and 89.07 (1) (b), (2)
16 (intro.) and (3), as renumbered, are amended to read:

17 89.07 (1) (b) Violating this chapter ~~or ch. 440~~ or any federal or state statute or
18 rule which that substantially relates to the practice of veterinary medicine.

19 (2) (intro.) Subject to subch. II of ch. 111 ~~and the rules adopted under s. 440.03~~
20 ~~(4)~~, the examining board may, by order, reprimand any person holding a license,
21 certificate, or permit under this chapter or deny, revoke, suspend, limit, or any
22 combination thereof, the person's license, ~~certificate~~ certification, or permit if the
23 person has:

24 (3) In addition to or in lieu of a reprimand or denial, limitation, suspension, or
25 revocation of a license, ~~certificate~~ certification, or permit under sub. (2), the

Insert 187-16 (cont.)

1 examining board may assess against the applicant for or the holder of the license,
2 ~~certificate~~ certification, or permit a forfeiture of not more than \$5,000 for each
3 violation of s. ~~453.068~~ 89.068.

4 SECTION 47. 453.072 of the statutes is renumbered 89.072 and amended to
5 read:

6 **89.072 Licensees of other jurisdictions.** (1) Upon application and payment
7 of the fee ~~specified in established under s. 440.05 (2)~~ 89.063 (1), the examining board
8 may issue a license to practice veterinary medicine to any person licensed to practice
9 veterinary medicine in another state or territory of the United States or in another
10 country if the applicant is not currently under investigation and has never been
11 disciplined by the licensing authority in the other state, territory or country, has not
12 been found guilty of a crime the circumstances of which are substantially related to
13 the practice of veterinary medicine, is not currently a party in pending litigation in
14 which it is alleged that the applicant is liable for damages for acts committed in the
15 course of practice and has never been found liable for damages for acts committed
16 in the course of practice which evidenced a lack of ability or fitness to practice.

17 (2) Upon application and payment of the fee ~~specified in established under s.~~
18 440.05 (6) 89.063 (1), the examining board may issue a temporary consulting permit
19 to practice veterinary medicine in this state for up to 60 days per year to any
20 nonresident licensed to practice veterinary medicine in another state or territory of
21 the United States or in another country.

22 SECTION 48. 453.075 of the statutes is renumbered 89.075.

23 SECTION 49. 453.08 of the statutes is renumbered 89.08.

24 SECTION 50. 978.05 (6) (a) of the statutes is amended to read:

This is insert 339-17 (start)

Handwritten notes on the right margin, including a vertical list of numbers and some illegible scribbles.

This is Insert 339-17 (End)

1 978.05 (6) (a) Institute, commence or appear in all civil actions or special
 2 proceedings under and perform the duties set forth for the district attorney under ch.
 3 980 and ss. 17.14, 30.03 (2), 48.09 (5), 59.55 (1), 59.64 (1), 70.36, 89.08, 103.50 (8),
 4 103.92 (4), 109.09, 343.305 (9) (a), ~~453.08~~, 806.05, 938.09, 938.18, 938.355 (6) (b) and
 5 (6g) (a), 946.86, 946.87, 961.55 (5), 971.14 and 973.075 to 973.077, perform any duties
 6 in connection with court proceedings in a court assigned to exercise jurisdiction
 7 under chs. 48 and 938 as the judge may request and perform all appropriate duties
 8 and appear if the district attorney is designated in specific statutes, including
 9 matters within chs. 782, 976 and 979 and ss. 51.81 to 51.85. Nothing in this
 10 paragraph limits the authority of the county board to designate, under s. 48.09 (5),
 11 that the corporation counsel provide representation as specified in s. 48.09 (5) or to
 12 designate, under s. 48.09 (6) or 938.09 (6), the district attorney as an appropriate
 13 person to represent the interests of the public under s. 48.14 or 938.14.

14 **SECTION 9138. Nonstatutory provisions; Safety and Professional**
 15 **Services.**

16 ~~##~~ ^{AN ← create a.r. ☒} TRANSFER OF VETERINARY EXAMINING BOARD.

17 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
 18 liabilities of the department of safety and professional services primarily related to
 19 the functions of the veterinary examining board, as determined by the secretary of
 20 administration, shall become the assets and liabilities of the department of
 21 agriculture, trade and consumer protection.

22 ^{AUTA ##} *Tangible personal property.* On the effective date of this paragraph, all
 23 tangible personal property, including records, of the department of safety and
 24 professional services that is primarily related to the functions of the veterinary

Insert MPG This is insert to Section 9138

This is Insert 354-24 (start)

SECTION 9138

1 examining board, as determined by the secretary of administration, is transferred
2 to the department of agriculture, trade, and consumer protection.

3 ~~Auto~~ *Contracts.* All contracts entered into by the department of safety and
4 professional services in effect on the effective date of this paragraph that are
5 primarily related to the functions of the veterinary examining board, as determined
6 by the secretary of administration, remain in effect and are transferred to the
7 department of agriculture, trade and consumer protection. The department of
8 agriculture, trade and consumer protection shall carry out any obligations under
9 such a contract until the contract is modified or rescinded by the department of
10 agriculture, trade and consumer protection to the extent allowed under the contract.

11 ~~Auto~~ *Pending matters.* Any matter pending with the department of safety and
12 professional services on the effective date of this paragraph that is primarily related
13 to the functions of the veterinary examining board, as determined by the secretary
14 of administration, is transferred to the department of agriculture, trade and
15 consumer protection and all materials submitted to or actions taken by the
16 department of safety and professional services with respect to the pending matters
17 are considered as having been submitted to or taken by the department of
18 agriculture, trade and consumer protection.

19 ~~Auto~~ *Fees.* All fees for initial licenses, certifications, and other credentials, and
20 for renewals of those licenses, certifications, and other credentials, under chapter
21 453 of the statutes that are in effect on the day before the effective date of this
22 paragraph shall remain in effect until modified by the department of agriculture,
23 trade and consumer protection under section 89.063 of the statutes, as created by
24 this act.

This is Insert 354-24 (End)

25 SECTION 9238. Fiscal changes; Safety and Professional Services.

1 ~~§~~ ^{A.N.} TRANSFER OF CREDENTIALING FEES. The unencumbered balance in the
2 appropriation account under section 20.165 (1) (g) of the statutes that is primarily
3 related to the functions of the veterinary examining board, as determined by the
4 secretary of administration, is transferred to the appropriation account under
5 section 20.115 (2) (jm) of the statutes, as created by this act.

6

(END)

This is Insert 362-13

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0807/P2insTD
TJD:.....

1 INSERT 60-TD

2 **SECTION 1.** 50.92 (3m) of the statutes is created to read:

3 50.92 (3m) The department may conduct plan reviews of all capital
4 construction and remodeling of structures that are are owned or leased for operation
5 of a hospice. The department shall promulgate rules that establish a fee schedule
6 for its services in conducting the plan reviews under this subsection.

****NOTE: Please carefully review this provision to ensure it complies with your
intent. The wording is complex because hospice services may be provided in an
individual's home.

7 END INSERT 60-TD

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0807/P2ins
PJK:.....

1072

INSERT 61-2

1 **SECTION 1.** 66.1309 (1) (b) 1. of the statutes is amended to read:
2 66.1309 (1) (b) 1. The division of banking department of financial institutions
3 and professional standards as conservator, liquidator, or rehabilitator of any person,
4 partnership, or corporation, and persons, partnerships, and corporations organized
5 under or subject to the provisions of the banking law.

History: 1995 a. 27; 1999 a. 150 s. 414; Stats. 1999 s. 66.1309; 2001 a. 102.

(END OF INSERT 61-2)

INSERT 219-14

6 **SECTION 2.** 601.415 (9) of the statutes is amended to read:
7 601.415 (9) CONSUMER CREDIT LAW. The commissioner shall cooperate with the
8 ~~division of banking~~ department of financial institutions and professional standards
9 in the administration of ch. 424, shall determine the method for computation of
10 refunds under s. 424.205, shall approve forms, schedules of premium rates, and
11 charges under s. 424.209, and shall issue rules or orders of compliance to insurers
12 under s. 424.602.

History: 1979 c. 102; 1981 c. 96, 314; 1983 a. 358 s. 14; 1985 a. 256; 1987 a. 27, 47, 247; 1989 a. 31; 1989 a. 187 s. 29; 1991 a. 243; 1995 a. 27, 462; 1997 a. 27; 2005 a. 74, 316; 2007 a. 20 ss. 3652m, 9121 (6) (a); 2009 a. 342; 2013 a. 20, 279.

(END OF INSERT 219-14)

INSERT 247-25

13 **SECTION 3.** 613.01 (8) (title) of the statutes is amended to read:
14 613.01 (8) (title) DEPARTMENT OF FINANCIAL INSTITUTIONS AND PROFESSIONAL
15 STANDARDS.

History: 1975 c. 223; 1979 c. 102; 1983 a. 189 ss. 295, 296, 329 (22); 1995 a. 27; 1997 a. 79.

(END OF INSERT 247-25)

INSERT 250-8

^ Ins 250-8 2012

1 SECTION 4. 616.09 (1) (c) 3. of the statutes is created to read:

2 616.09 (1) (c) 3. In all actions commenced after July 1, 2015, the effective date,
3 in those provisions of ch. 185 that apply under subd. 1. to plans authorized under s.
4 616.06, "department" shall be deemed to read "department of financial institutions
5 and professional standards and commissioner," except in s. 185.48, where
6 "department" shall be deemed to read "commissioner."

(END OF INSERT 250-8)

7 SECTION 5. 616.09 (1) (c) 2. of the statutes is amended to read:


8 616.09 (1) (c) 2. In all actions commenced after May 11, 1980, in those
9 provisions of ch. 185 which apply under subd. 1. to plans authorized under s. 616.06,
10 "department" shall be deemed to read "department of financial institutions and
11 commissioner", except in s. 185.48, where "department" shall be deemed to read
12 "commissioner".

History: 1979 c. 261; 1981 c. 205; 1981 c. 314 s. 144; 1987 a. 307, 403; 1991 a. 70; 1995 a. 27; 2005 a. 441; 2007 a. 96.

on or after the effective
date of this subdivision
Δ.....Δ [LRB inserts date] ↗

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0808/P2insRK
RNK:.....

INSERT 72-20 RNK 

1 **SECTION 1.** 101.654 (1m) (e) of the statutes is amended to read:
2 101.654 (1m) (e) The continuing education approved by the department under
3 par. (b) 1. shall include courses offered by private organizations with whom the
4 department contracts ~~under s. 101.657~~. The department may approve courses that
5 are offered by other states.

History: 1993 a. 126; 1995 a. 392; 1997 a. 39; 2005 a. 200; 2007 a. 14; 2009 a. 276.

****NOTE: Because the draft repeals s. 101.657, I have eliminated the cross-reference to s. 101.657 above. Do you also want to eliminate the requirement in s. 101.654 (1m) (e) that DFIPS must include courses offered by private organizations with whom DFIPS contracts? RNK

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0807/P1 ins
FFK.....

2015 STAT

INS 343-9

1 2. Wherever the term “division’s” appears in ch. 553 of the statutes, as affected
2 by the acts of 2015, the term “department’s” is substituted.

END INS 343-9

INS 343-21

3 4. Wherever the term “division’s” appears in chs. 138, 214, 215, 217, 218, 220,
4 221, 222, 223, and 224 of the statutes, as affected by the acts of 2015, the term
5 “department’s” is substituted.

END INS 343-21

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0807/P2inscjs

.....

INS YY

SECTION 1. 38.50 (title) of the statutes is repealed.

INS ZZ

SECTION 2. 38.50 (1) (g) of the statutes is amended to read:

(7) 38.50 (1) (g) "Teaching location" means the area and facilities designated for use by a school required to be approved by the board under this section.

History: 2005 a. 25 ss. 725g, 735c to 735x; Stats. 2005 s. 38.50; 2009 a. 300; 2011 a. 32.

chapter

Handwritten signature

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

LRB-1053/P1dn
MPG:eev:rs

January 5, 2015

Date

FCJS
0807/PCdn

Andrew Potts
Tyler Byrnes: re

Please review this draft carefully to ensure that it is consistent with the intent.

Please note that this draft creates authority for the Department of Agriculture, Trade and Consumer Protection (DATCP), similar to the authority of the Department of Safety and Professional Services (DSPS) under current law, to issue an injunction against a person who, without a proper license or certification, engages in a practice regulated by the Veterinary Examining Board (VEB). Note that the VEB is also authorized under current law, in addition to the attorney general or district attorney of the proper county, to seek an injunction or other remedy against a person who practices veterinary medicine without a license. That authority appears to be somewhat duplicative of the authority given to DATCP in the draft, DSPS under current law. Please let me know if you want me to alter in any way the enforcement authority of the VEB or DATCP in the draft. See s. 453.08, stats., renumbered to 89.08 in the draft, and s. 89.085 in the draft.

Also, note that the draft creates language concerning the establishment of fees that is similar to the authority of DSPS under current law. Please let me know if that is not consistent with your intent.

Finally, do you want to include any language in the draft transferring positions and incumbent employees whose duties are primarily related to the VEB?

Please also see my notes embedded in the draft and do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

in addition to transferring the Veterinary Examining Board (VEB) to the Department of Agriculture, Trade and Consumer Protection (DATCP)

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

LRB-0807/P2dn
MPG:eev&cjs:jf

January 14, 2015

Andrew Potts:

Please review this redraft carefully to ensure that it is consistent with the intent.

Please note that this draft, in addition to transferring the Veterinary Examining Board (VEB) to the Department of Agriculture, Trade and Consumer Protection (DATCP), creates authority for DATCP, similar to the authority of the Department of Safety and Professional Services (DSPS) under current law, to issue an injunction against a person who, without a proper license or certification, engages in a practice regulated by the VEB. Note that the VEB is also authorized under current law, in addition to the attorney general or district attorney of the proper county, to seek an injunction or other remedy against a person who practices veterinary medicine without a license. That authority appears to be somewhat duplicative of the authority given to DATCP in the draft, DSPS under current law. Please let me know if you want me to alter in any way the enforcement authority of the VEB or DATCP in the draft. See s. 453.08, stats., renumbered to 89.08 in the draft, and s. 89.085 in the draft.

Also, note that the draft creates language concerning the establishment of fees that is similar to the authority of DSPS under current law. Please let me know if that is not consistent with your intent.

Please also see my notes embedded in the draft and do not hesitate to contact me with any questions.

Thank you.

Michael Gallagher
Legislative Attorney
(608) 267-7511
michael.gallagher@legis.wisconsin.gov