

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

8 (f) *Contracts.* Except as provided in subsections (3) and (4), all contracts
9 entered into by the department of safety and professional services in effect on the
10 effective date of this paragraph remain in effect and are transferred to the
11 department of financial institutions and professional standards. The department of
12 financial institutions and professional standards shall carry out any obligations
13 under those contracts unless modified or rescinded by that department to the extent
14 allowed under the contract.

15 (g) *Rules and orders.* Except as provided in subsections (3) and (4), all rules
16 promulgated by the department of safety and professional services in effect on the
17 effective date of this paragraph remain in effect until their specified expiration dates
18 or until amended or repealed by the department of financial institutions and
19 professional standards. Except as provided in subsections (3) and (4), all orders
20 issued by the department of safety and professional services in effect on the effective
21 date of this paragraph remain in effect until their specified expiration dates or until
22 modified or rescinded by the department of financial institutions and professional
23 standards.

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

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

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

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

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

23 (e) *Pending matters.* Any matter pending with the department of safety and
24 professional services on the effective date of this paragraph that is primarily related
25 to the regulation of private on-site wastewater treatment systems, as determined by

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

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

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

1 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the department of safety and professional services primarily related to
3 the functions of the veterinary examining board, as determined by the secretary of
4 administration, shall become the assets and liabilities of the department of
5 agriculture, trade and consumer protection.

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

12 (c) *Employee status.* Employees transferred under paragraph (b) have all the
13 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
14 statutes in the department of trade, agriculture and consumer protection that they
15 enjoyed in the department of safety and professional services immediately before the
16 transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
17 transferred who has attained permanent status in class is required to serve a
18 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 is primarily related to the functions of the veterinary
22 examining board, as determined by the secretary of administration, is transferred
23 to the department of agriculture, trade, and consumer protection.

24 (e) *Contracts.* All contracts entered into by the department of safety and
25 professional services in effect on the effective date of this paragraph that are

1 primarily related to the functions of the veterinary examining board, as determined
2 by the secretary of administration, remain in effect and are transferred to the
3 department of agriculture, trade and consumer protection. The department of
4 agriculture, trade and consumer protection shall carry out any obligations under
5 such a contract until the contract is modified or rescinded by the department of
6 agriculture, trade and consumer protection to the extent allowed under the contract.

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

15 (g) *Fees.* All fees for initial licenses, certifications, and other credentials, and
16 for renewals of those licenses, certifications, and other credentials, under chapter
17 453 of the statutes that are in effect on the day before the effective date of this
18 paragraph shall remain in effect until modified by the department of agriculture,
19 trade and consumer protection under section 89.063 of the statutes, as created by
20 this act.

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

22 (1) GIFTS AND GRANTS. There is transferred from the appropriation account
23 under section 20.142 (2) (h) of the statutes, as affected by this act, to the
24 appropriation account under section 20.142 (1) (gm) of the statutes, as affected by
25 this act, all moneys, in the amount determined by the secretary of administration,

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155-20

1 received from gifts, grants, and bequests that have been credited to the
2 appropriation account under section 20.142 (2) (h) of the statutes, as affected by this
3 act, and that have not been expended or encumbered on or before the effective date
4 of this subsection.

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

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

10 ~~(2) TRANSFER OF CREDENTIALING FEES. The unencumbered balance in the~~
11 ~~appropriation account under section 20.165 (1) (g) of the statutes that is primarily~~
12 ~~related to the functions of the veterinary examining board, as determined by the~~
13 ~~secretary of administration, is transferred to the appropriation account under~~
14 ~~section 20.115 (2) (jm) of the statutes, as created by this act.~~

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

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

20 (END)

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⊕ ~~NOTE~~ NOTE: This effective date provision still needs to be replaced with a budget-style provision that lists all the statutes treated, and all the nonstatutory provisions included, in this draft!

Barman, Mike

From: Hanaman, Cathlene
Sent: Monday, January 26, 2015 4:42 PM
To: Parisi, Lori; Barman, Mike; Rose, Stefanie; Basford, Sarah
Subject: FW: tentative in out list 2015 1-26.xlsx

Drafting file transfer

FYI

From: Gary, Aaron
Sent: Monday, January 26, 2015 4:00 PM
To: Hanaman, Cathlene
Subject: RE: tentative in out list 2015 1-26.xlsx

Just so you know, -1173 (educational approval board) is marked as an "in" but the draft is already fully incorporated into -0807 (DFIPS). So when we compile, we'll need to treat -1173 as an "out" but still transfer the drafting file to -0807. Does that make sense?

Aaron

From: Hanaman, Cathlene
Sent: Monday, January 26, 2015 2:54 PM
To: Gary, Aaron; Tradewell, Becky; Champagne, Rick; Duchek, Michael; Mueller, Eric; Knepp, Fern; Malaise, Gordon; Kreye, Joseph; Shovers, Marc; Kunkel, Mark; Gallagher, Michael; Kahler, Pam; Hurley, Peggy; Pfothenauer, Mary; Kite, Robin; Shea, Elisabeth; Dodge, Tamara; Kuczenski, Tracy; Walkenhorst Barber, Sarah; Wyatt, Zachary
Subject: tentative in out list 2015 1-26.xlsx

I have not reformatted it to suit my needs but I didn't want to make you wait. I did, however, sort it by attorney. It will look different later so do not be surprised.

<< File: tentative in out list 2015 1-26.xlsx >>

“RESEARCH APPENDIX”

... Drafting History Reproduction Request Form ...

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

(Request Made By: CMH) (Date: 01 / 26 / 2015)

Note:

BOTH DRAFTS SHOULD HAVE THE SAME “REQUESTOR”

(exception: companion bills)



Please transfer the drafting file for
2013 LRB _____ (For: Rep. / Sen. _____)
to the drafting file for
2015 LRB _____ (For: Rep. / Sen. _____)

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

Please copy the drafting file for
2015 LRB -1173 / 3 (include the version) (For: Rep./Sen. DOA Budget)
and place it in the drafting file for
2015 LRB -0807 (For: Rep./Sen. DOA Budget)

Are These “Companion Bills” ?? ... Yes **No**

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



State of Wisconsin
2015 - 2016 LEGISLATURE



LRB-1173/2
ARG:cjs:rs

DOA:.....Kirschbaum, BB0410 - Elimination of Educational Approval Board
and transfer of functions to DFIPS and DATCP

FOR 2015-2017 BUDGET -- NOT READY FOR INTRODUCTION

EAB

INSERTS

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

Analysis by the Legislative Reference Bureau
EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the Educational Approval Board (EAB), which is attached to the TCS Board, inspects and approves private trade, correspondence, business, and technical schools. The EAB also issues permits to, and regulates, persons who solicit students for enrollment in these schools. The EAB also performs certain functions related to the preservation of student records at closed schools. The EAB also has certain consumer protection functions related to deceptive practices involving institutions of higher education.

This bill eliminates the EAB. The bill eliminates some current functions of the EAB, transfers some functions to a new agency, the Department of Financial Institutions and Professional Standards (DFIPS), and transfers some functions to DATCP. Under the bill, DFIPS must certify, upon application, proprietary schools having accreditation recognized by the federal Department of Education or by the Council for Higher Education Accreditation, but has no other role in approving proprietary schools. The EAB's record preservation functions are also transferred to DFIPS. Certain consumer protection functions of the EAB are transferred to DATCP.

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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:

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EAG 1 3-1
2 SECTION 1. 15.07 (5) (i) of the statutes is repealed.

SECTION 2. 15.406 (6) (a) 1. of the statutes is amended to read:

3 15.406 (6) (a) 1. Six massage therapists or bodywork therapists licensed under
4 ch. 460 who have engaged in the practice of massage therapy or bodywork therapy
5 for at least 2 years preceding appointment. One member appointed under this
6 subdivision shall be a representative of a massage therapy or bodywork therapy
7 school approved certified by the educational approval board under s. 38.50
8 department of financial institutions and professional standards under s. 440.52.
9 One member appointed under this subdivision shall be a representative of a massage
10 therapy or bodywork therapy program offered by a technical college in this state. No
11 other members appointed under this subdivision shall be directly or indirectly
12 affiliated with a massage therapy or bodywork therapy school or program.

13 SECTION 3. ~~15.945 of the statutes is repealed.~~

14 SECTION 4. 20.165 (1) (g) of the statutes is renumbered 20.142 (3) (g) and
15 amended to read:

16 20.142 (3) (g) *General program operations, professional licensure.* The
17 amounts in the schedule for the professional licensing, ~~rule making,~~ and regulatory
18 functions of the department under chs. 440 to 480, other than the licensing,
19 rule-making, and credentialing functions of the medical examining board and the
20 affiliated credentialing boards attached to the medical examining board and except
21 for preparing, administering, and grading examinations. Ninety percent of all

1 moneys received under chs. 440 to 480, except ch. 448 and ss. 440.03 (13), 440.05 (1)
2 (b), and, less \$10 of each renewal fee received under s. 452.12 (5); all moneys
3 transferred from the appropriation under par. (i); and all moneys received under s.
4 ss. 440.055 (2) and 440.52 (11) (d), shall be credited to this appropriation.

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

****NOTE: This appropriation is cut-and-pasted from LRB-0807/P2. The amendment in the appropriation retains the substance of s. 20.292 (2) (g), (gm), and (i) with respect to whether 90 percent, or all, of the fees are credited to the appropriation. Was it your intent that 90 percent, or all, of the fee under created s.440.52 (7m) (c) be credited to this appropriation?

****NOTE: Do you want changes made in the text of this appropriation? I'm not sure that the former EAB's functions are "professional licensing" and I'm also not sure that the text of the appropriation captures all of the functions being transferred from EAB to DFIPS. Will some of the former EAB's functions be funded under DFIPS's general program appropriation under s. 20.142 (1) (a)?

SECTION 5. 20.292 (2) of the statutes is repealed.

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

SECTION 6. 29.506 (7m) (a) of the statutes is amended to read:

29.506 (7m) (a) The department shall issue a taxidermy school permit to a person who applies for the permit; who, on August 15, 1991, holds a valid taxidermist permit issued under this section; and who, on August 15, 1991, operates a taxidermy school approved by the educational approval board under s. ~~38.50~~ 38.51, 1989 stats.

SECTION 7. 38.50 (title) of the statutes is repealed.

SECTION 8. 38.50 (1) (intro.), (b), (c), (d) and (e) of the statutes are renumbered 440.52 (1) (intro.), (b), (c), (d) and (e), and 440.52 (1) (e) 8., as renumbered, is amended to read:

440.52 (1) (e) 8. Schools accredited by accrediting agencies recognized by the board department.

insert
EAB
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52-5



Insert EAB 52-5 cont'd

1 SECTION 9. 38.50 (1) (a) of the statutes is repealed.

2 SECTION 10. 38.50 (1) (f) of the statutes is repealed.

3 SECTION 11. 38.50 (1) (g) of the statutes is repealed.

4 SECTION 12. 38.50 (2) of the statutes is renumbered 440.52 (2) and amended
5 to read:

6 440.52 (2) RESPONSIBILITIES. The ~~board~~ department shall protect the general
7 public by ~~inspecting and approving~~ certifying private trade, correspondence,
8 business, and technical schools doing business within this state, whether located
9 within or outside this state, ~~changes of ownership or control of the schools, teaching~~
10 ~~locations used by the schools, and courses of instruction offered by the schools and~~
11 ~~regulate the soliciting of students for correspondence or classroom courses and~~
12 ~~courses of instruction offered by the schools~~ that seek certification from the state.

13 SECTION 13. 38.50 (3) of the statutes is renumbered 440.52 (3) and amended
14 to read:

15 440.52 (3) RULE-MAKING POWER. The ~~board~~ department shall promulgate rules
16 and establish standards necessary to administer this section.

17 SECTION 14. 38.50 (5) of the statutes is repealed.

18 SECTION 15. 38.50 (7) of the statutes is repealed.

19 SECTION 16. 38.50 (8) of the statutes is repealed.

20 SECTION 17. 38.50 (10) of the statutes is repealed.

21 SECTION 18. 38.50 (11) of the statutes is renumbered 440.52 (11), and 440.52
22 (11) (b) 1., (c) and (d), as renumbered, are amended to read:

23 440.52 (11) (b) 1. If a school operating in this state discontinues its operations,
24 proposes to discontinue its operations, or is in imminent danger of discontinuing its
25 operations as determined by the ~~board~~ department, if the student records of the





insert 52-5 certified

1 school are not taken into possession under subd. 2., and if the ~~board~~ department
2 determines that the student records of the school are in danger of being destroyed,
3 secreted, mislaid, or otherwise made unavailable to the persons who are the subjects
4 of those student records or the authorized representatives of those persons, the ~~board~~
5 department may take possession of those student records.

6 (c) If necessary to protect student records from being destroyed, secreted,
7 mislaid, or otherwise made unavailable to the persons who are the subjects of those
8 student records or the authorized representatives of those persons, the ~~board~~
9 department or association may seek a court order authorizing the ~~board~~ department
10 or association to take possession of those student records.

11 (d) The ~~board~~ department or association shall preserve a student record that
12 comes into the possession of the ~~board~~ department or association under par. (b) 1. or
13 2. and shall keep the student record confidential as provided under 20 USC 1232g
14 and 34 CFR part 99. A student record in the possession of the ~~board~~ department is
15 not open to public inspection or copying under s. 19.35 (1). Upon request of the person
16 who is the subject of a student record or an authorized representative of that person,
17 the ~~board~~ department or association shall provide a copy of the student record to the
18 requester. The ~~board~~ department or association may charge a fee for providing a copy
19 of a student record. The fee shall be based on the administrative cost of taking
20 possession of, preserving, and providing the copy of the student record. All fees
21 collected by the ~~board~~ department under this paragraph shall be credited to the
22 appropriation account under s. ~~20.292 (2) (i)~~ 20.142 (3) (g).

23 **SECTION 19.** 38.50 (12) of the statutes is renumbered 100.67 (12), and 100.67
24 (12) (a) and (b), as renumbered, are amended to read:



1 100.67 (12) (a) No person that holds itself out to the public in any way as a
 2 legitimate institution of higher education may use the term "college" or "university"
 3 in the person's name unless the person provides an educational program for which
 4 the person awards an associate or higher degree and the person has accreditation
 5 recognized by the U.S. secretary of education, ~~has the foreign equivalent of that~~
 6 ~~accreditation, as determined by the board,~~ or has accreditation recognized by the
 7 Council for Higher Education Accreditation. This paragraph does not apply to any
 8 of the following:

9 1. A school that was doing business in this state with the approval of the
 10 educational approval board under s. 38.50, 2007 stats., prior to May 27, 2010.

11 1m. A person described in ~~sub.~~ s. 440.52 (1) (e) 1. whose administrative
 12 headquarters and principal place of business is in the village of Union Grove that
 13 provides a residential facility located in that village to assist young adults with
 14 disabilities in transitioning from home and school to work and independent living.

15 2. A person described in ~~sub.~~ s. 440.52 (1) (e) 3. to 7. that was doing business
 16 in this state prior to May 27, 2010.

17 (b) No school, including a school described in ~~sub.~~ s. 440.52 (1) (e) 1. to 8., may
 18 use the term "state" or "Wisconsin" in its name if the use of that term operates to
 19 mislead the public into believing that the school is affiliated with the University of
 20 Wisconsin System or the technical college system, unless the school actually is so
 21 affiliated. This paragraph does not apply to a school described in ~~sub.~~ s. 440.52 (1)
 22 (e) 1. that has accreditation recognized by the U.S. secretary of education, ~~has the~~
 23 ~~foreign equivalent of that accreditation, as determined by the board,~~ or has
 24 accreditation recognized by the Council for Higher Education Accreditation.

insert EAB 52-5 cont'd



insert EAB 52-5 con'd

1 SECTION 20. 38.50 (13) (title), (a) (intro.), 1., 2. (intro.), a., c. and d., 3. and 4.,
2 (b) and (c) of the statutes are renumbered 100.67 (13) (title), (a) (intro.), 1., 2. (intro.),
3 a., c. and d., 3. and 4., (b) and (c), and 100.67 (13) (a) 2. a. and c., as renumbered, are
4 amended to read:

5 100.67 (13) (a) 2. a. Has accreditation recognized by the U.S. secretary of
6 education; has the foreign equivalent of that accreditation, as determined by the
7 board department of financial institutions and professional standards; or has
8 accreditation recognized by the Council for Higher Education Accreditation.

***NOTE: As instructed, I eliminated the reference to foreign equivalent of accreditation as determined by DFIPS in current s. 38.50 (12) (a) (intro.) and (b) but not in current s. 38.50 (13) (a) 2. a., just above. Please advise if you intended the latter reference to be removed as well.

9 c. Operates in this state and is a school described in sub. s. 440.52 (1) (e) 1. to
10 8.

11 SECTION 21. 38.50 (13) (a) 2. b. of the statutes is repealed.

12 SECTION 22. 38.50 (13) (a) 2. e. of the statutes is repealed.

13 SECTION 23. 38.50 (13) (d) of the statutes is repealed.

14 SECTION 24. ~~45.20 (1) (d) of the statutes is amended to read:~~

insert EAB 53-2

15 45.20 (1) (d) "Tuition," when referring to the University of Wisconsin System,
16 means academic fees and segregated fees; when referring to the technical colleges,
17 means "program fees" and "additional fees" as described in s. 38.24 (1m) and (1s); and
18 when referring to a high school, a school that is approved under s. 45.03 (11), or a
19 proprietary school that is ~~approved~~ certified under s. ~~38.50~~ 440.52, means the charge
20 for the courses for which a person is enrolled.

21 SECTION 25. 45.20 (2) (a) 1. of the statutes is amended to read:

22 45.20 (2) (a) 1. The department shall administer a tuition reimbursement
23 program for eligible veterans enrolling as undergraduates in any institution of



1 higher education in this state, enrolling in a school that is approved under s. 45.03
2 (11), enrolling in a proprietary school that is ~~approved~~ certified under s. ~~38.50~~ 440.52,
3 enrolling in a public or private high school, enrolling in a tribal school, as defined in
4 s. 115.001 (15m), in any grade from 9 to 12, or receiving a waiver of nonresident
5 tuition under s. 39.47.

6 **SECTION 26.** 45.20 (2) (a) 2. (intro.) of the statutes is amended to read:

7 45.20 (2) (a) 2. (intro.) A veteran who is a resident of this state and otherwise
8 qualified to receive benefits under this subsection may receive the benefits under
9 this subsection upon the completion of any correspondence courses or part-time
10 classroom study from an institution of higher education located outside this state,
11 from a school that is approved under s. 45.03 (11), or from a proprietary school that
12 is ~~approved~~ certified under s. ~~38.50~~ 440.52, if any of the following applies:

13 **SECTION 27.** 45.20 (2) (c) 1. of the statutes is amended to read:

14 45.20 (2) (c) 1. A veteran who meets the eligibility requirements under par. (b)
15 1. may be reimbursed upon satisfactory completion of an undergraduate semester in
16 any institution of higher education in this state, or upon satisfactory completion of
17 a course at any school that is approved under s. 45.03 (11), any proprietary school
18 that is ~~approved~~ certified under s. ~~38.50~~ 440.52, any public or private high school, any
19 tribal school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or
20 any institution from which the veteran receives a waiver of nonresident tuition
21 under s. 39.47. Except as provided in par. (e), the amount of reimbursement may not
22 exceed the total cost of the veteran's tuition minus any grants or scholarships that
23 the veteran receives specifically for the payment of the tuition, or, if the tuition is for
24 an undergraduate semester in any institution of higher education, the standard cost

insert EAG 53-2 cont'd



1 of tuition for a state resident for an equivalent undergraduate semester at the
2 University of Wisconsin-Madison, whichever is less.

3 **SECTION 28.** 45.20 (2) (d) 1. (intro.) of the statutes is amended to read:

4 45.20 (2) (d) 1. (intro.) Subject to subd. 1m., a veteran's eligibility for
5 reimbursement under this subsection at any institution of higher education in this
6 state, at a school that is approved under s. 45.03 (11), at a proprietary school that is
7 approved certified under s. ~~38.50~~ 440.52, at a public or private high school, at a tribal
8 school, as defined in s. 115.001 (15m), that operates any grade from 9 to 12, or at an
9 institution where he or she is receiving a waiver of nonresident tuition under s. 39.47
10 is limited to the following:

11 **SECTION 29.** 45.21 (2) (a) of the statutes is amended to read:

12 45.21 (2) (a) The veteran is enrolled in a training course in a technical college
13 under ch. 38 or in a proprietary school in the state ~~approved~~ certified by the
14 ~~educational approval board under s. 38.50~~ department of financial institutions and
15 professional standards under s. 440.52, other than a proprietary school offering a
16 4-year degree or 4-year program, or is engaged in a structured on-the-job training
17 program that meets program requirements promulgated by the department by rule.

18 ~~**SECTION 30.** 71.05 (6) (b) 28. (intro.) of the statutes is amended to read:~~

19 71.05 (6) (b) 28. (intro.) An amount paid by a claimant for tuition expenses and
20 mandatory student fees for a student who is the claimant or who is the claimant's
21 child and the claimant's dependent who is claimed under section 151 (c) of the
22 Internal Revenue Code, to attend any university, college, technical college or a school
23 ~~approved~~ certified under s. ~~38.50~~ 440.52, that is located in Wisconsin or to attend a
24 public vocational school or public institution of higher education in Minnesota under

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58-13



the Minnesota-Wisconsin reciprocity agreement under s. 39.47, calculated as follows:

~~SECTION 31. 71.07 (5r) (a) 2. of the statutes is amended to read:~~

71.07 (5r) (a) 2. "Course of instruction" has the meaning given in s. 38.50 440.52

(1) (c).

SECTION 32. 71.07 (5r) (a) 6. b. of the statutes is amended to read:

71.07 (5r) (a) 6. b. A school approved certified under s. 38.50 440.52, if the delivery of education occurs in this state.

~~SECTION 33. 71.28 (5r) (a) 2. of the statutes is amended to read:~~

71.28 (5r) (a) 2. "Course of instruction" has the meaning given in s. 38.50 440.52

(1) (c).

SECTION 34. 71.28 (5r) (a) 6. b. of the statutes is amended to read:

71.28 (5r) (a) 6. b. A school approved certified under s. 38.50 440.52, if the delivery of education occurs in this state.

SECTION 35. 71.47 (5r) (a) 2. of the statutes is amended to read:

71.47 (5r) (a) 2. "Course of instruction" has the meaning given in s. 38.50 440.52

(1) (c).

SECTION 36. 71.47 (5r) (a) 6. b. of the statutes is amended to read:

71.47 (5r) (a) 6. b. A school approved certified under s. 38.50 440.52, if the delivery of education occurs in this state.

SECTION 37. 100.67 of the statutes is created to read:

100.67 Private trade, correspondence, business, and technical schools.

(1) DEFINITIONS. In this section, unless the context clearly requires otherwise:

(b) "Course" has the meaning given in s. 440.52 (1) (b).

(c) "Course of instruction" has the meaning given in s. 440.52 (1) (c).

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59-17

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67-5
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1 (d) "Person" has the meaning given in s. 440.52 (1) (d).
 2 (e) "School" has the meaning given in s. 440.52 (1) (e).
 3 (2) RESPONSIBILITIES. The department shall protect the general public by
 4 investigating complaints and potential violations related to this section and s.
 5 440.52.
 6 (3) RULE-MAKING POWER. The department may promulgate rules and establish
 7 standards necessary to administer this section.

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EAB
74-1

~~SECTION 38. 111.335 (1) (cx) of the statutes is amended to read:~~

9 111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment
 10 discrimination because of conviction record to refuse to employ or license, or to bar
 11 or terminate from employment or licensure, any individual who has been convicted
 12 of any offense under s. ~~38.50~~ 100.67 (13) (c).

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76-3

SECTION 39. 125.04 (5) (a) 5. of the statutes is amended to read:

14 125.04 (5) (a) 5. Have successfully completed within the 2 years prior to the
 15 date of application a responsible beverage server training course at any location that
 16 is offered by a technical college district and that conforms to curriculum guidelines
 17 specified by the technical college system board or a comparable training course that
 18 is approved by the department or the educational approval board. This subdivision
 19 does not apply to an applicant who held, or who was an agent appointed and approved
 20 under sub. (6) of a corporation or limited liability company that held, within the past
 21 2 years, a Class "A", "Class A" or "Class C" license or a Class "B" or "Class B" license
 22 or permit or a manager's or operator's license.

SECTION 40. 125.17 (6) (a) (intro.) of the statutes is amended to read:

24 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
 25 body may issue an operator's license unless the applicant has successfully completed



1 a responsible beverage server training course at any location that is offered by a
 2 technical college district and that conforms to curriculum guidelines specified by the
 3 technical college system board or a comparable training course, which may include
 4 computer-based training and testing, ~~that is approved by the department or the~~
 5 ~~educational approval board~~, or unless the applicant fulfills one of the following
 6 requirements:

7 **SECTION 41.** 134.66 (2m) (b) of the statutes is amended to read:

8 134.66 (2m) (b) Paragraph (a) does not apply to an agent, employee, or
 9 independent contractor who has received the training described in par. (a) as part of
 10 a responsible beverage server training course or a comparable training course, as
 11 described in s. 125.04 (5) (a) 5., that was successfully completed by the agent,
 12 employee, or independent contractor. The department of health services shall make
 13 the training program developed or approved by that department under par. (a)
 14 available to the technical college system board, and that board shall include that
 15 training program or a comparable training program approved by that department
 16 in the curriculum guidelines specified by that board under s. 125.04 (5) (a) 5. The
 17 department of health services shall also make the training program developed or
 18 approved by that department under par. (a) available to any provider of a comparable
 19 training course, as described in s. 125.04 (5) (a) 5., on request, ~~and the department~~
 20 ~~of revenue or the educational approval board may approve a comparable training~~
 21 ~~course under s. 125.04 (5) (a) 5. only if that training course includes the training~~
 22 ~~program developed or approved by the department of health services under par. (a)~~
 23 ~~or a comparable training program approved by that department.~~

24 ~~SECTION 42.~~ 182.028 of the statutes is amended to read:

insert EAB 76-3 cont'd



insert
EAB
94-22

1 **182.028 School corporations.** Any corporation formed for the establishment
 2 and maintenance of schools, academies, seminaries, colleges or universities or for the
 3 cultivation and practice of music shall have power to enact bylaws for the protection
 4 of its property, and provide fines as liquidated damages upon its members and
 5 patrons for violating the bylaws, and may collect the same in tort actions, and to
 6 prescribe and regulate the courses of instruction therein, and to confer such degrees
 7 and grant such diplomas as are usually conferred by similar institutions or as shall
 8 be appropriate to the courses of instruction prescribed, ~~except that no corporation~~
 9 ~~shall operate or advertise a school that is subject to s. 38.50 (10) without complying~~
 10 ~~with the requirements of s. 38.50.~~ Any stockholder may transfer his or her stock to
 11 the corporation for its use; and if the written transfer so provides the stock shall be
 12 perpetually held by the board of directors with all the rights of a stockholder,
 13 including the right to vote.

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119-21

14 **SECTION 43.** Subchapter V (title) of chapter 440 [precedes 440.51] of the
 15 statutes is amended to read:

CHAPTER 440

SUBCHAPTER V

PEDDLERS; PRIVATE SCHOOLS

19 **SECTION 44.** 440.52 (title) of the statutes is created to read:

20 **440.52 (title) Private trade, correspondence, business, and technical**
 21 **schools.**

22 **SECTION 45.** 440.52 (7m) of the statutes is created to read:

23 **440.52 (7m) CERTIFICATION OF SCHOOLS.** (a) Upon application, the department
 24 shall certify a proprietary school if the school has accreditation recognized by the

MSB EAB 119-21 cont'd

1 U.S. secretary of education or recognized by the Council for Higher Education
2 Accreditation.

3 (b) The department shall issue written certification to any school certified by
4 the department under par. (a).

5 (c) The department shall promulgate rules to establish the fees paid to the
6 department for certification under this subsection. Fees collected under this
7 paragraph shall be sufficient to cover all costs that the department incurs in
8 certifying proprietary schools under this subsection.

9 (d) With respect to any school certified by the department or for which the
10 department has a pending application for certification under this subsection, the
11 department shall do all of the following:

12 1. Fulfill any obligation of this state specified in 20 USC 1099a.

13 2. Cooperate with any accrediting agency or association recognized by the
14 federal secretary of education as meeting the criteria established under 20 USC
15 1099b, and with the federal secretary of education, with respect to certification or
16 recertification under 20 USC 1099c of any school for purposes of the school's
17 participation in programs of the federal department of education.

18 ~~SECTION 46. 460.05-(1)(e) 1. of the statutes is amended to read:~~

19 460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork
20 therapy approved by the educational approval board under s. 38.50 that meets the
21 requirements under s. 460.095 or completed a training program approved by the
22 affiliated credentialing board under the rules promulgated under s. 460.04 (2) (b).

23 ~~SECTION 47. 944.21(8)(b) 3. a. of the statutes is amended to read:~~

24 944.21 (8) (b) 3. a. Is a technical college, is a school approved certified by the
25 educational approval board under s. 38.50 department of financial institutions and

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127-11

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141-6

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141-6
cont'd

1 professional standards under s. 440.52, or is a school described in s. 38.50 440.52 (1)

2 (e) 6., 7. or 8.; and

3 **SECTION 48.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

4 948.11 (4) (b) 3. a. Is a technical college, is a school approved certified by the
5 ~~educational approval board under s. 38.50~~ department of financial institutions and

6 professional standards under s. 440.52, or is a school described in s. 38.50 440.52 (1)

7 (e) 6., 7. or 8.; and

8 ~~(SECTION 49. 995.55 (1) (b) of the statutes is amended to read:~~

9 995.55 (1) (b) "Educational institution" means an institution of higher
10 education, as defined in s. 108.02 (18); a technical college established under s. 38.02;
11 a school, as defined in s. 38.50 440.52 (11) (a) 2.; a public school, as described in s.
12 115.01 (1); a charter school, as defined in s. 115.001 (1); a private school, as defined
13 in s. 115.001 (3r); or a private educational testing service or administrator.

Insert
EAB
142-4

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

15 (1) **ELIMINATION OF EDUCATIONAL APPROVAL BOARD AND TRANSFER OF FUNCTIONS.**

16 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
17 liabilities of the educational approval board, other than those related to consumer
18 protection functions, as determined by the secretary of administration, become the
19 assets and liabilities of the department of financial institutions and professional
20 standards. The assets and liabilities of the educational approval board related to
21 consumer protection functions become the assets and liabilities of the department
22 of agriculture, trade and consumer protection.

Insert
EAB
155-20

23 (b) *Tangible personal property.* On the effective date of this paragraph, all
24 tangible personal property, including records, of the educational approval board,
25 other than property related to consumer protection functions, as determined by the

1 secretary of administration, is transferred to the department of financial institutions
2 and professional standards. Property related to consumer protection functions is
3 transferred to the department of agriculture, trade and consumer protection.

4 (c) *Pending matters.* Any matter pending with the educational approval board
5 on the effective date of this paragraph, other than one related to the board's
6 consumer protection functions, as determined by the secretary of administration, is
7 transferred to the department of financial institutions and professional standards.
8 Any matter related to the board's consumer protection functions is transferred to the
9 department of agriculture, trade and consumer protection. All materials submitted
10 to or actions taken by the board are considered as having been submitted to or taken
11 by the department of financial institutions and professional standards or the
12 department of agriculture, trade and consumer protection, as applicable.

13 (d) *Contracts.* All contracts entered into by the educational approval board in
14 effect on the effective date of this paragraph remain in effect and are transferred to
15 the department of financial institutions and professional standards, except that
16 those related to the board's consumer protection functions are transferred to the
17 department of agriculture, trade and consumer protection. The department of
18 financial institutions and professional standards or the department of agriculture,
19 trade and consumer protection, as applicable, shall carry out any obligations under
20 those contracts unless modified or rescinded by that department to the extent
21 allowed under the contract.

22 (e) *Rules and orders.*

23 1. All rules promulgated by the educational approval board in effect on the
24 effective date of this subdivision remain in effect until their specified expiration
25 dates or until amended or repealed by the department of financial institutions and

Insert EAB 155-20 cont'd

1 professional standards or the department of agriculture, trade and consumer
 2 protection, as applicable. The secretary of administration shall determine which
 3 rules of the board become those of the department of financial institutions and
 4 professional standards and which rules become those of the department of
 5 agriculture, trade and consumer protection.

6 2. All orders issued by the educational approval board in effect on the effective
 7 date of this subdivision remain in effect until their specified expiration dates or until
 8 modified or rescinded by the department of financial institutions and professional
 9 standards or the department of agriculture, trade and consumer protection, as
 10 applicable. The secretary of administration shall determine which orders of the
 11 board become those of the department of financial institutions and professional
 12 standards and which orders become those of the department of agriculture, trade
 13 and consumer protection.

14 (f) *Secretary to resolve transition disagreements.* In the case of disagreement
 15 among or between the educational approval board, the department of financial
 16 institutions and professional standards, and the department of agriculture, trade
 17 and consumer protection with respect to any matter specified in this subsection, the
 18 secretary of administration shall determine the matter and shall develop a plan for
 19 an orderly transfer.

20 **SECTION 9243. Fiscal changes; Technical College System.**

21 (1) TRANSFERS FROM EDUCATIONAL APPROVAL BOARD. The unencumbered balances
 22 in the appropriation accounts under section 20.292 (2) (g), 2013 stats., section 20.292
 23 (2) (gm), 2013 stats., and section 20.292 (2) (i), 2013 stats., immediately before the
 24 effective date of this subsection, are transferred to the appropriation account under
 25 section 20.115 (8) (ks) of the statutes.

insert EAB 155-20 cont'd

insert EAB 156-10

****NOTE: As requested, this draft transfers the unencumbered balances of the EAB appropriations to DATCP's appropriation under s. 20.115 (8) (ks), which reads: "State services. All moneys received from other state agencies for the costs of the services performed for those state agencies, to provide those services." I have not amended s. 20.115 (8) (ks). Although the funds are transferred, I don't know that s. 20.115 (8) (ks) provides any expenditure authority for these funds, much less expenditure authority for consumer protection purposes.

SECTION 9452. Effective dates; Other.

(1) ELIMINATION OF EDUCATIONAL APPROVAL BOARD. This act takes effect on January 1, 2016, or on the day after publication, whichever is later.

****NOTE: This draft will be combined with the DFIPS draft, LRB-0807, and will have the same effective date as that draft. When the drafts are combined, a list of affected sections will be generated and placed in an effective date provision in section 9452.

(END)

insert
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156-1
2

change
3
component

4

The treatment of ...

** when bill is finished, use catalog to generate list of all sections treated in bill and insert here ~~do not~~ add the nonstats to the list too!*

1

2

INSERT AG 5-21:

3

SECTION 1. 15.185 (7) (title) of the statutes is repealed.

4

SECTION 2. 15.185 (7) (a) of the statutes is renumbered 15.175 (16m) and

5

amended to read:

6

15.175 (16m) OFFICE OF CREDIT UNIONS; CREATION. There is created in the

7

department of financial institutions and professional standards an office of credit

8

~~unions which is attached to the department of financial institutions under s. 15.03.~~

9

The director shall be appointed by the governor to serve at the pleasure of the

10

governor. No person may be appointed director who has not had at least 3 years of

11

actual experience either in the operation of a credit union, or serving in a credit union

12

supervisory capacity, or a combination of both. ~~Notwithstanding s. 15.03, all~~

13

~~personnel and budget requests by the office of credit unions shall be processed and~~

14

~~forwarded by the department of financial institutions without change except as~~

15

~~requested and concurred in by the office of credit unions.~~

History: 1995 a. 27, ss. 135, 136, 196, 197, 201, 203, 216, 217; 1997 a. 27; 2003 a. 33.

16

SECTION 3. 15.185 (7) (b) of the statutes is renumbered 15.175 (16r) and

17

amended to read:

18

15.175 (16r) CREDIT UNION REVIEW BOARD. There is created ~~in the office of credit~~

19

~~unions~~ department of financial institutions and professional standards a credit

20

union review board consisting of 5 persons, appointed for staggered 5-year terms.

21

All members shall have at least 5 years' experience in the operations of a credit union.

22

The office of credit unions may call special meetings of the review board.

History: 1995 a. 27, ss. 135, 136, 196, 197, 201, 203, 216, 217; 1997 a. 27; 2003 a. 33.

23

1 **INSERT AG 98-17:**

X 2 **SECTION 4.** 214.72 (1) (b) of the statutes is amended to read:

3 214.72 (1) (b) "Financial regulator" means the department secretary and
4 deputy secretary, and an administrator having duties related to financial
5 institutions, a supervisor of data processing, legal counsel, and a financial
6 institution examiner employed by the department and includes any member of a
7 financial regulator's immediate family, as defined in s. 19.42 (7).

8 History: 1991 a. 221; 1995 a. 27.

8
9

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

LRB-0807/P3insmg
MPG:all:jf

1 INSERT 144-14

2 (0) TRANSFER OF SMALL BUSINESS REGULATORY REVIEW BOARD AND OFFICE OF
3 BUSINESS DEVELOPMENT.

4 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
5 liabilities of the department of administration primarily related to the small
6 business regulatory review board and the office of business development, as
7 determined by the secretary of administration, become the assets and liabilities of
8 the department of financial institutions and professional standards.

9 (b) *Tangible personal property.* On the effective date of this paragraph, all
10 tangible personal property, including records, of the department of administration
11 primarily related to the small business regulatory review board and the office of
12 business development, as determined by the secretary of administration, is
13 transferred to the department of financial institutions and professional standards.

14 (c) *Pending matters.* Any matter pending with the department of
15 administration on the effective date of this paragraph that is primarily related to the
16 small business regulatory review board and the office of business development, as
17 determined by the secretary of administration, is transferred to the department of
18 financial institutions and professional standards. All materials submitted to or
19 actions taken by the department of administration with respect to the pending
20 matter are considered as having been submitted to or taken by the department of
21 financial institutions and professional standards.

22 (d) *Contracts.* All contracts entered into by the department of administration
23 in effect on the effective date of this paragraph that are primarily related to the small

1 business regulatory review board and the office of business development, as
2 determined by the secretary of administration, remain in effect and are transferred
3 to the department of financial institutions and professional standards. The
4 department of financial institutions and professional standards shall carry out any
5 obligations under those contracts unless modified or rescinded by that department
6 to the extent allowed under the contract.

7 END INSERT 144-14