

1 any time, a local health department designated as the department's agent fails to
2 meet the standards, the department of ~~health services~~ financial institutions and
3 professional standards may revoke its agent status.

4 (3) The department shall provide education and training to agents designated
5 under this section to ensure uniformity in the enforcement of s. ~~252.23~~ 463.10 or
6 ~~252.24~~ 463.12 and rules promulgated under s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12.

7 (4m) A local health department designated as the department's agent under
8 this section may contract with the department of ~~health services~~ financial
9 institutions and professional standards for the department of ~~health services~~
10 financial institutions and professional standards to collect fees and issue licenses
11 under s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12. The department of financial institutions
12 and professional standards shall collect from the local health department the actual
13 and reasonable cost of providing the services.

14 (5) If, under this section, a local health department becomes an agent or its
15 agent status is discontinued during a licensee's license year, the department of
16 ~~health services~~ financial institutions and professional standards and the local health
17 department shall divide any license fee paid by the licensee for that license year
18 according to the proportions of the license year occurring before and after the local
19 health department is designated as an agent or the agent status is discontinued. No
20 additional fee may be required during the license year due to the change in agent
21 status.

22 (6) A village, city or county may enact ordinances and a local board of health
23 may adopt regulations regarding the licensees and premises for which the local
24 health department is the designated agent under this section, which are stricter than
25 s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12 or rules promulgated by the department of health

1 services under s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12. No such provision may conflict with
2 s. ~~252.23~~ 463.10 or ~~252.24~~ 463.12 or with department rules.

3 (8) The department shall hold a hearing under ch. 227 if, in lieu of proceeding
4 under ch. 68, any interested person in the jurisdictional area of a local health
5 department that is designated as the department's agent under this section appeals
6 to the department of ~~health services~~ financial institutions and professional
7 standards alleging that a license fee for a tattooist or tattooist establishment or for
8 a body piercer or body-piercing establishment exceeds the license issuer's
9 reasonable costs of issuing licenses to, making investigations and inspections of, and
10 providing education, training and technical assistance to the tattooist or tattooist
11 establishment or to the body piercer or body-piercing establishment.

12 (9) The department shall promulgate rules establishing state fees for its costs
13 related to setting standards under ss. ~~252.23~~ 463.10 and ~~252.24~~ 463.12 and
14 monitoring and evaluating the activities of, and providing education and training to,
15 agent local health departments. The department may not promulgate a rule under
16 which a local health department may charge an individual who is eligible for the
17 veterans fee waiver program under s. 45.44 a state fee to obtain a license under s.
18 ~~252.23~~ 463.10 (3) or ~~252.24~~ 463.12 (3). Agent local health departments shall include
19 the state fees in the license fees established under sub. (4), collect the state fees and
20 reimburse the department for the state fees collected. For tattooists or tattoo
21 establishments and for body piercers or body-piercing establishments, the state fee
22 may not exceed 20% of the license fees established under s. ~~252.23~~ 463.10 (4) (a) or
23 ~~252.24~~ 463.12 (4) (a).

24 **SECTION 409.** 254.115 (1) (d) of the statutes is repealed.

1 **SECTION 410.** 255.08 of the statutes is renumbered 463.25, and 463.25 (2) (a)
2 and (b), as renumbered, are amended to read:

3 463.25 (2) (a) No person may operate a tanning facility without a permit that
4 the department may, except as provided in ~~ss. 250.041 and 254.115~~ s. 463.14, issue
5 under this subsection. The holder of a permit issued under this subsection shall
6 display the permit in a conspicuous place at the tanning facility for which the permit
7 is issued.

8 (b) Permits issued under this subsection shall expire annually on June 30.
9 Except as provided in ~~ss. 250.041 and 254.115~~ s. 463.14, a permit applicant shall
10 submit an application for a permit to the department on a form provided by the
11 department with a permit fee established by the department by rule. The application
12 shall include the name and complete mailing address and street address of the
13 tanning facility and any other information reasonably required by the department
14 for the administration of this section.

15 **SECTION 411.** 281.57 (7) (c) 1. of the statutes is amended to read:

16 281.57 (7) (c) 1. Metropolitan sewerage districts that serve 1st class cities are
17 limited in each fiscal year to receiving total grant awards not to exceed ~~33% of the~~
18 ~~sum of the amounts in the schedule for that fiscal year for the appropriation under~~
19 ~~s. 20.165 (2) (de) \$771,738~~ and the amount authorized under sub. (10) for that fiscal
20 year plus the unencumbered balance at the end of the preceding fiscal year for the
21 amount authorized under sub. (10). This subdivision is not applicable to grant
22 awards provided during fiscal years 1985–86, 1986–87, 1988–89 and 1989–90.

****NOTE: The ~~\$771,738~~ amount represents ~~33~~ percent of the amount in the
schedule for the ~~2014–15~~ fiscal year for the appropriation under s. 20.165 (2) (de), stats.,
which is repealed in the draft because it is an appropriation for private on-site
wastewater treatment system grants. Let me know if you want to take a different
approach. MPG

1 **SECTION 412.** 281.59 (1m) (c) of the statutes is repealed.

2 **SECTION 413.** 321.60 (1) (a) 4. of the statutes is amended to read:

3 321.60 (1) (a) 4. A license, certificate of approval, provisional license,
4 conditional license, certification, certification card, registration, permit, training
5 permit, or approval specified in s. 49.45 (2) (a) 11., 51.42 (7) (b) 11., 51.421 (3) (a),
6 ~~252.23 (2), 252.24 (2)~~, 254.176, 254.178 (2) (a), 254.20 (2), (3), or (4), 254.64 (1) (a) or
7 (b), 254.71 (2), ~~255.08 (2) (a)~~, 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f), or 343.305
8 (6) (a) or a permit for the operation of a campground specified in s. 254.47 (1).

9 **SECTION 414.** 321.60 (1) (a) 12. of the statutes is amended to read:

10 321.60 (1) (a) 12. A license or certificate of registration issued by the
11 department of financial institutions, ~~or a division of it,~~ and professional standards
12 under ss. 138.09, 138.12, 138.14, 202.13, 202.14, 217.06, 218.0101 to 218.0163,
13 218.02, 218.04, 218.05, 224.72, 224.725, or 224.93 or subch. IV of ch. 551.

14 **SECTION 415.** 409.501 (1) (b) of the statutes is amended to read:

15 409.501 (1) (b) The office of the department of financial institutions and
16 professional standards or any office duly authorized by the department, in all other
17 cases, including a case in which the collateral is goods that are or are to become
18 fixtures and the financing statement is not filed as a fixture filing.

19 **SECTION 416.** 426.103 of the statutes is amended to read:

20 **426.103 Administrator.** “Administrator” means the secretary of financial
21 institutions and professional standards or an employee of the department of
22 financial institutions and professional standards designated by the secretary.

23 **SECTION 417.** 426.104 (2) (intro.) of the statutes is amended to read:

24 426.104 (2) (intro.) The administrator shall report annually on practices in
25 consumer transactions, on the use of consumer credit in the state, on problems

1 attending the collection of debts, on the problems of persons of limited means in
2 consumer transactions, and on the operation of chs. 421 to 427 and 429. For the
3 purpose of making the report, the administrator may conduct research and make
4 appropriate studies. The report shall be given to the division of banking for inclusion
5 included in the department's report of the division of banking under s. 220.14 and
6 shall include:

7 **SECTION 418.** 426.203 of the statutes is amended to read:

8 **426.203 Penalties.** Whoever fails to comply with the registration
9 requirements under s. 426.201 or fails to pay a fee required under s. 426.202 may be
10 required to forfeit not more than \$50. Each day that this failure continues
11 constitutes a separate offense. Forfeitures received by the administrator under this
12 section shall be credited to the appropriation account under s. ~~20.144 (1)~~ 20.142 (2)
13 (h) and may be expended from the account only for consumer or merchant education
14 programs.

15 **SECTION 419.** Chapter 440 (title) of the statutes is amended to read:

16 **CHAPTER 440**

17 **~~DEPARTMENT OF SAFETY AND~~**

18 **PROFESSIONAL SERVICES LICENSING**

19 **SECTION 420.** 440.01 (2) (cs) of the statutes is amended to read:

20 440.01 (2) (cs) "Minority group member" has the meaning given in s. ~~16.287~~
21 203.07 (1) (f).

22 **SECTION 421.** 440.03 (3) of the statutes is amended to read:

23 440.03 (3) If the secretary reorganizes the department, no modification may
24 be made in the powers and responsibilities of the examining boards or affiliated

1 credentialing boards attached to the department or an examining board under s.
2 ~~15.405~~ 15.175 or ~~15.406~~ 15.176.

3 **SECTION 422.** 440.03 (3q) of the statutes is amended to read:

4 440.03 (3q) Notwithstanding sub. (3m), the department of ~~safety and~~
5 ~~professional services~~ shall investigate any report that it receives under s. 146.40 (4r)
6 (em).

7 **SECTION 423.** 440.03 (9) (a) 2. of the statutes is amended to read:

8 440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year,
9 adjusting for the succeeding fiscal biennium each fee for an initial credential for
10 which an examination is not required, for a reciprocal credential, and, subject to s.
11 440.08 (2) (a), for a credential renewal, if an adjustment is necessary to reflect the
12 approximate administrative and enforcement costs of the department that are
13 attributable to the regulation of the particular occupation or business during the
14 period in which the initial or reciprocal credential or credential renewal is in effect
15 and, for purposes of each fee for a credential renewal, to reflect an estimate of any
16 additional moneys available for the department's general program operations as a
17 result of appropriation transfers that have been or are estimated to be made under
18 s. ~~20.165 (1)~~ 20.142 (3) (i) during the fiscal biennium in progress at the time of the
19 deadline for an adjustment under this subdivision or during the fiscal biennium
20 beginning on the July 1 immediately following the deadline for an adjustment under
21 this subdivision.

22 **SECTION 424.** 440.03 (11m) (c) of the statutes is amended to read:

23 440.03 (11m) (c) The department of ~~safety and professional services~~ may not
24 disclose a social security number obtained under par. (a) to any person except the
25 coordinated licensure information system under s. 441.50 (7); the department of

1 children and families for purposes of administering s. 49.22; and, for a social security
2 number obtained under par. (a) 1., the department of revenue for the purpose of
3 requesting certifications under s. 73.0301 and administering state taxes and the
4 department of workforce development for the purpose of requesting certifications
5 under s. 108.227.

6 **SECTION 425.** 440.03 (12m) of the statutes is amended to read:

7 440.03 (12m) The department of ~~safety and professional services~~ shall
8 cooperate with the departments of justice, children and families, and health services
9 in developing and maintaining a computer linkup to provide access to information
10 regarding the current status of a credential issued to any person by the department
11 ~~of safety and professional services~~, including whether that credential has been
12 restricted in any way.

13 **SECTION 426.** 440.13 (1) (b) of the statutes is amended to read:

14 440.13 (1) (b) “Memorandum of understanding” means a memorandum of
15 understanding entered into by the department of ~~safety and professional services~~
16 and the department of children and families under s. 49.857.

17 **SECTION 427.** 440.22 (2) of the statutes is amended to read:

18 440.22 (2) In any disciplinary proceeding against a holder of a credential in
19 which the department or an examining board, affiliated credentialing board or board
20 in the department orders suspension, limitation or revocation of the credential or
21 reprimands the holder, the department, examining board, affiliated credentialing
22 board or board may, in addition to imposing discipline, assess all or part of the costs
23 of the proceeding against the holder. Costs assessed under this subsection are
24 payable to the department. Interest shall accrue on costs assessed under this
25 subsection at a rate of 12% per year beginning on the date that payment of the costs

1 are due as ordered by the department, examining board, affiliated credentialing
2 board or board. Upon the request of the department ~~of safety and professional~~
3 ~~services~~, the department of justice may commence an action to recover costs assessed
4 under this subsection and any accrued interest.

5 SECTION 428. 440.25 of the statutes is amended to read:

6 440.25 **Judicial review.** The department may seek judicial review under ch.
7 227 of any final disciplinary decision of the medical examining board or affiliated
8 credentialing board attached to the medical examining board. The department shall
9 be represented in such review proceedings by an attorney within the department.
10 Upon request of the medical examining board or the interested affiliated
11 credentialing board, the attorney general may represent the board. If the attorney
12 general declines to represent the board, the board may retain special counsel which
13 shall be paid for out of the appropriation under s. ~~20.165 (1)~~ 20.142 (3) (hg).

14 SECTION 429. Subchapter V (title) of chapter 440 [precedes 440.51] of the
15 statutes is amended to read:

16 CHAPTER 440

17 SUBCHAPTER V

18 PEDDLERS; PRIVATE SCHOOLS

(B), and other
E

19 SECTION 430. 440.52 (title) of the statutes is created to read:

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

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SECTION 431. 440.52 (7m) of the statutes is created to read:

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

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 432.** 440.905 (1) of the statutes is amended to read:

19 440.905 (1) In addition to the other duties and powers of the board under this
20 subchapter, the board shall advise the secretary of ~~safety and professional services~~
21 on matters relating to cemeteries, to this chapter, or to the board.

22 **SECTION 433.** 440.92 (2) (d) of the statutes is amended to read:

23 440.92 (2) (d) A preneed seller may not sell any undeveloped space unless the
24 plans for the construction of the mausoleum have been submitted to the department
25 of ~~safety and professional services~~ for approval under s. 157.12 (2) (a) and the

1 preneed sales contract includes the following language in not less than 10-point
2 boldface type: “THE PLANS FOR CONSTRUCTING THE MAUSOLEUM SPACE
3 HAVE BEEN SUBMITTED TO THE DEPARTMENT OF SAFETY AND
4 PROFESSIONAL SERVICES FINANCIAL INSTITUTIONS AND
5 PROFESSIONAL STANDARDS FOR APPROVAL. THE SELLER IS
6 RESPONSIBLE FOR ALL COSTS REQUIRED TO OBTAIN APPROVAL OF THE
7 PLANS BY THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES
8 FINANCIAL INSTITUTIONS AND PROFESSIONAL STANDARDS, COMPLETE
9 THE CONSTRUCTION, AND OBTAIN CERTIFICATION OF THE
10 CONSTRUCTION BY THE DEPARTMENT OF SAFETY AND PROFESSIONAL
11 SERVICES FINANCIAL INSTITUTIONS AND PROFESSIONAL STANDARDS.”

12 **SECTION 434.** 440.945 (5) (b) of the statutes is amended to read:

13 440.945 (5) (b) The department of justice or any district attorney, upon
14 informing the department of justice, may commence an action in circuit court in the
15 name of the state to restrain by temporary or permanent injunction any violation of
16 this section. The court may, prior to entry of final judgment, make such orders or
17 judgments as may be necessary to restore to any person any pecuniary loss suffered
18 because of the acts or practices involved in the action, if proof of such loss is submitted
19 to the satisfaction of the court. The department of justice may subpoena persons and
20 require the production of books and other documents, and may request the
21 department of safety and professional services to exercise its authority under par. (a)
22 to aid in the investigation of alleged violations of this section.

23 **SECTION 435.** 441.01 (7) (a) 2. of the statutes is amended to read:

1 441.01 (7) (a) 2. Pay a nursing workforce survey fee of \$4. All moneys received
2 under this subdivision shall be deposited into the general fund and credited to the
3 appropriation account under s. ~~20.165 (1)~~ 20.142 (3) (jm).

4 **SECTION 436.** 443.10 (6) of the statutes is amended to read:

5 443.10 (6) ROSTER. A roster showing the names and mailing addresses of all
6 registered surveyors shall be prepared annually by the secretary and made available
7 for purchase at cost, ~~and a copy shall be placed on file with the department of~~
8 ~~financial institutions.~~

9 **SECTION 437.** 444.04 of the statutes is amended to read:

10 **444.04 Promoter and club reports.** Within 2 business days after a promoter
11 or club holds a professional contest or amateur mixed martial arts fighting contest,
12 the club shall furnish to the department a written report, verified by the promoter
13 or by one of the club's officers under penalty of perjury, showing the number of tickets
14 sold for the contest, the amount of gross proceeds, and all other information the
15 department requires by rule to be included in the report. The department may limit,
16 suspend, revoke, or assess a forfeiture to the promoter or club for failure to comply
17 with this section or failure to provide accurate information to the department. Any
18 forfeiture collected under this section shall be deposited in the appropriation account
19 under s. ~~20.165 (1)~~ 20.142 (3) (jm).

20 **SECTION 438.** 444.14 of the statutes is amended to read:

21 **444.14 Sham contests; contestants penalized; forfeitures; hearing.** The
22 department shall ban a contestant who participates in any sham or fake professional
23 contest or amateur mixed martial arts fighting contest or violates any rule
24 promulgated by the department, and may require the contestant, the contestant's
25 manager, or the promoter of the contest to forfeit an amount determined by the

1 department, but not more than \$500. Fifty percent of all forfeitures collected under
2 this section shall be deposited in the appropriation account under s. ~~20.165 (1)~~ 20.142
3 (3) (im).

4 **SECTION 439.** 452.13 (2) (b) 1. of the statutes is amended to read:

5 452.13 (2) (b) 1. Register with the department of ~~safety and professional~~
6 ~~services~~ the name and address of the depository institution and the number of the
7 interest-bearing common trust account.

8 **SECTION 440.** 452.13 (2) (b) 2. of the statutes is amended to read:

9 452.13 (2) (b) 2. Notify the department of ~~safety and professional services~~ when
10 any of the information required under subd. 1. is changed.

11 **SECTION 441.** 452.13 (2) (b) 3. of the statutes is amended to read:

12 452.13 (2) (b) 3. Furnish the department of ~~safety and professional services~~
13 with a letter authorizing the department of ~~safety and professional services~~ and the
14 department of administration to examine and audit the interest-bearing common
15 trust account whenever the department of ~~safety and professional services~~ or the
16 department of administration considers it necessary.

17 **SECTION 442.** 452.13 (2) (bm) of the statutes is amended to read:

18 452.13 (2) (bm) The department of ~~safety and professional services~~ shall
19 forward to the department of administration the information and documents
20 furnished under par. (b).

21 **SECTION 443.** 452.13 (5) of the statutes is amended to read:

22 452.13 (5) RULES. In consultation with the department of ~~safety and~~
23 ~~professional services~~, the department of administration shall promulgate rules
24 necessary to administer this section.

25 **SECTION 444.** 452.14 (5) of the statutes is amended to read:

1 452.14 (5) The department may seek judicial review under ch. 227 of any final
2 decision of the board. The department shall be represented in such review
3 proceedings by an attorney within the department. Upon request of the board, the
4 attorney general may represent the board. If the attorney general does not represent
5 the board, the board may retain special counsel which shall be paid for out of the
6 appropriation under s. ~~20.165 (1)~~ 20.142 (3) (g).

7 **SECTION 445.** 460.05 (1) (e) 1. of the statutes is amended to read:

8 460.05 (1) (e) 1. Graduated from a school of massage therapy or bodywork
9 therapy ~~approved by the educational approval board under s. 38.50~~ that meets the
10 requirements under s. 460.095 or completed a training program approved by the
11 affiliated credentialing board under the rules promulgated under s. 460.04 (2) (b).

12 **SECTION 446.** 462.01 (3) of the statutes is repealed.

13 **SECTION 447.** Chapter 463 (title) of the statutes is created to read:

14

CHAPTER 463

15

BODY ART AND TANNING FACILITIES

16

SECTION 448. 463.18 of the statutes is created to read:

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463.18 Violation of law relating to body art. Any person who willfully

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violates or obstructs the execution of any state statute or rule, county, city, or village

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ordinance or departmental order under this chapter and relating to the public

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health, for which no other penalty is prescribed, shall be fined not more than \$500

21

or imprisoned for not more than 30 days or both.

22

SECTION 449. 551.102 (1m) of the statutes is amended to read:

23

551.102 (1m) “Administrator” means the ~~administrator of the division of~~

24

~~securities in the department~~ secretary of financial institutions and professional

1 standards or an employee of the department of financial institutions and
2 professional standards designated by the secretary.

3 **SECTION 450.** 551.102 (4t) of the statutes is created to read:

4 551.102 (4t) “Department” means the department of financial institutions and
5 professional standards.

6 **SECTION 451.** 551.102 (5m) of the statutes is repealed.

7 **SECTION 452.** 551.202 (26) (f) (intro.) of the statutes is amended to read:

8 551.202 (26) (f) (intro.) Not less than 10 days prior to the commencement of an
9 offering of securities in reliance on the exemption under this subsection, the issuer
10 files a notice with the administrator, in writing or in electronic form as prescribed by
11 the administrator, which the administrator shall make available as an electronic
12 document on the ~~department of financial institutions~~ department’s Internet site,
13 containing all of the following:

14 **SECTION 453.** 551.202 (27) (h) (intro.) of the statutes is amended to read:

15 551.202 (27) (h) (intro.) Before the 101st offer of the security, the issuer
16 provides a notice to the administrator in writing or in electronic form, accompanied
17 by the filing fee specified in s. 551.614 (1m). The administrator shall prescribe the
18 form required for the notice and make the form available as an electronic document
19 on the ~~department of financial institutions~~ department’s Internet site.
20 Notwithstanding s. 551.204 (1) and (3), the notice shall be limited to all of the
21 following:

22 **SECTION 454.** 551.205 (1) (b) 1. (intro.) of the statutes is amended to read:

23 551.205 (1) (b) 1. (intro.) The Internet site operator shall register with the
24 ~~division~~ department by filing a statement, which the administrator shall make
25 available as an electronic document on the ~~department of financial institutions~~

1 department's Internet site, accompanied by the filing fee specified in s. 551.614 (1m),
2 that includes all of the following:

3 **SECTION 455.** 551.205 (3) of the statutes is amended to read:

4 551.205 (3) If the Securities and Exchange Commission adopts rules under
5 authority of section 3 (h) of the Securities Exchange Act of 1934 (15 USC 78c (h)) and
6 P.L. 112–106, section 304, that authorize funding portals to receive commissions
7 without registering as broker–dealers under the Securities Exchange Act of 1934,
8 the ~~division~~ department shall promulgate rules authorizing Internet site operators
9 registered with the ~~division~~ department under sub. (1) (b) that are not registered as
10 broker–dealers under s. 551.401 to receive commissions. The ~~division~~ department
11 shall ensure that its rules authorizing commissions for Internet site operators are
12 consistent with rules adopted by the Securities and Exchange Commission. The
13 ~~division's~~ department's rules shall also ensure that Internet site operators that do
14 not satisfy rules adopted by the Securities and Exchange Commission have the
15 opportunity to operate in compliance with the requirements of this section.

16 **SECTION 456.** 551.206 of the statutes is amended to read:

17 **551.206 Adjustments.** At 5–year intervals after January 1, 2014, the
18 ~~department of financial institutions~~ shall adjust the monetary amounts specified in
19 s. 551.202 (26) (c) 1. a. and b. and (27) (c) 1. a. and b. to reflect changes since January
20 1, 2014, in the consumer price index for all urban consumers, Milwaukee–Racine
21 area average, as determined by the U.S. department of labor. Each adjustment shall
22 be rounded to the nearest multiple of \$50,000. Each adjustment under this section
23 shall be published on the ~~department of financial institutions~~ department's Internet
24 site.

25 **SECTION 457.** 551.601 (5) of the statutes is amended to read:

1 551.601 (5) SECURITIES INVESTOR EDUCATION AND TRAINING FUNDING. All moneys
2 collected from the administrative assessment under s. 551.604 (4) shall be credited
3 to the appropriation under s. ~~20.144 (1)~~ 20.142 (2) (i). Subject to s. ~~20.144 (1)~~ 20.142
4 (2) (i), the ~~division~~ department shall use moneys credited to that appropriation for
5 the purposes specified in sub. (4) and s. ~~20.144 (1)~~ 20.142 (2) (i).

6 **SECTION 458.** 551.605 (3) (bm) 1. of the statutes is amended to read:

7 551.605 (3) (bm) 1. Except as provided in subd. 2., a financial institution
8 holding company whose securities have been registered under this chapter shall not
9 be required to prepare or distribute to shareholders or provide to the department of
10 ~~financial institutions~~, at any time after such registration, any financial statements,
11 financial information, annual reports, or other periodic reports except to the extent
12 required under ss. 180.1620 and 180.1622.

13 **SECTION 459.** 551.614 (5) of the statutes is amended to read:

14 551.614 (5) FEES PAID TO STATE. All fees and expenses collected by the ~~division~~
15 department under this section shall be deposited into the general fund and credited
16 to the appropriation account under s. ~~20.144 (1)~~ 20.142 (2) (g).

17 **SECTION 460.** 552.01 (1) of the statutes is repealed.

18 **SECTION 461.** 552.01 (1m) of the statutes is created to read:

19 552.01 (1m) “Department” means the department of financial institutions and
20 professional standards.

21 **SECTION 462.** 552.23 (1) of the statutes is amended to read:

22 552.23 (1) If the target company is an insurance company subject to regulation
23 by the commissioner of insurance, ~~a banking corporation, savings bank, or savings~~
24 ~~and loan association subject to regulation by the division of banking~~, or a company
25 subject to regulation by the public service commission, the department of

1 transportation, or the office of the commissioner of railroads, the ~~division of~~
2 ~~securities~~ department shall promptly furnish a copy of the registration statement
3 filed under this chapter to the regulatory agency having supervision of the target
4 company. Any hearing under this chapter involving any such target company shall
5 be held jointly with the regulatory agency having supervision, and any
6 determination following the hearing shall be made jointly with that regulatory
7 agency.

8 **SECTION 463.** 553.03 (2m) of the statutes is created to read:

9 553.03 (2m) “Department” means the department of financial institutions and
10 professional standards.

11 **SECTION 464.** 553.03 (3) of the statutes is repealed.

12 **SECTION 465.** 553.605 (2) of the statutes is amended to read:

13 553.605 (2) INVESTOR EDUCATION. All moneys collected from the administrative
14 assessment under sub. (1) shall be credited to the appropriation under s. ~~20.144 (1)~~
15 ~~20.142 (2)~~ (i). Subject to s. ~~20.144 (1)~~ ~~20.142 (2)~~ (i), the ~~division~~ department shall use
16 moneys credited to that appropriation to provide information to residents of this
17 state about franchise investments to help investors and potential investors evaluate
18 their investment decisions, protect themselves from false, fraudulent or deceptive
19 practices in connection with the offer, sale or purchase of a franchise, be alert for false
20 or misleading advertising or other harmful practices, and know their rights as
21 investors.

22 **SECTION 466.** 553.73 of the statutes is amended to read:

23 **553.73 Service of process.** When any person, including any nonresident of
24 this state, engages in conduct prohibited or made actionable by this chapter or any
25 rule or order under this chapter, whether or not the person has filed a consent to

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1 service of process under s. 553.27 (10), and personal jurisdiction over the person
2 cannot otherwise be obtained in this state, that conduct shall be considered
3 equivalent to the person's appointment of the ~~division~~ department to be the person's
4 attorney to receive service of any lawful process in any noncriminal suit, action, or
5 proceeding against the person or the person's successor or personal representative
6 that grows out of that conduct and that is brought under this law or any rule or order
7 under this chapter, with the same force and validity as if served on the person
8 personally. Service may be made by leaving a copy of the process at the office of the
9 ~~division~~ secretary of the department, but it is not effective unless the plaintiff, who
10 may be the ~~division~~ department in a suit, action, or proceeding instituted by the
11 ~~division~~ department, immediately sends notice of the service and a copy of the
12 process by registered or certified mail to the defendant or respondent at his or her
13 last-known address or takes other steps that are reasonably calculated to give actual
14 notice, and the plaintiff's affidavit of compliance with this section is filed in the case
15 on or before the return day of the process, if any, or within any further time that the
16 court allows.

17 **SECTION 467.** 565.01 (4d) of the statutes is amended to read:

18 565.01 (4d) "Minority business" means a business certified by the department
19 of administration under s. ~~16.287~~ 203.07 (2).

20 **SECTION 468.** 565.01 (4e) of the statutes is amended to read:

21 565.01 (4e) "Minority group member" has the meaning given in s. ~~16.287~~
22 203.07 (1) (f).

23 **SECTION 469.** 601.415 (9) of the statutes is amended to read:

24 601.415 (9) CONSUMER CREDIT LAW. The commissioner shall cooperate with the
25 ~~division of banking~~ department of financial institutions and professional standards

1 in the administration of ch. 424, shall determine the method for computation of
2 refunds under s. 424.205, shall approve forms, schedules of premium rates, and
3 charges under s. 424.209, and shall issue rules or orders of compliance to insurers
4 under s. 424.602.

5 **SECTION 470.** 601.72 (1) (intro.) of the statutes is amended to read:

6 601.72 (1) GENERAL. (intro.) Under procedures specified in s. 601.73, the
7 commissioner is by law constituted attorney, except in cases in which the proceeding
8 is to be brought by the state against an insurer or intermediary other than a risk
9 retention group or risk purchasing group, in which event the department of financial
10 institutions and professional standards is by law constituted attorney, to receive
11 service of summons, notices, orders, pleadings and all other legal process relating to
12 any court or administrative agency in this state for all of the following:

13 **SECTION 471.** 601.72 (2) of the statutes is amended to read:

14 601.72 (2) APPOINTMENT OF ATTORNEY. Except as provided in sub. (2m), every
15 licensed insurer by applying for and receiving a certificate of authority, every surplus
16 lines insurer by entering into a contract subject to the surplus lines law, and every
17 unauthorized insurer by doing an insurance business in this state, is deemed to have
18 irrevocably appointed the commissioner and department of financial institutions
19 and professional standards as the insurer's attorneys in accordance with sub. (1).

20 **SECTION 472.** 601.72 (3) of the statutes is amended to read:

21 601.72 (3) OTHERS AFFECTED. The commissioner and department of financial
22 institutions and professional standards shall also be attorneys for the personal
23 representatives, receivers, trustees, or other successors in interest of the persons
24 specified in sub. (1).

25 **SECTION 473.** 601.73 (1) (intro.) of the statutes is amended to read:

1 601.73 (1) REQUIREMENTS FOR EFFECTIVE SERVICE. (intro.) Service upon the
2 commissioner or department of financial institutions and professional standards
3 under s. 601.72 is service on the principal, if:

4 **SECTION 474.** 601.73 (1) (a) of the statutes is amended to read:

5 601.73 (1) (a) Two copies of the process are left in the hands or office of the
6 commissioner or department of financial institutions and professional standards
7 respectively; and

8 **SECTION 475.** 601.73 (1) (b) of the statutes is amended to read:

9 601.73 (1) (b) The commissioner or department of financial institutions and
10 professional standards mails a copy of the process to the person served according to
11 sub. (2) (b).

12 **SECTION 476.** 601.73 (2) (a) of the statutes is amended to read:

13 601.73 (2) (a) *Records.* The commissioner and department of financial
14 institutions and professional standards shall give receipts for and keep records of all
15 process served through them.

16 **SECTION 477.** 601.73 (2) (b) of the statutes is amended to read:

17 601.73 (2) (b) *Process mailed.* The commissioner or department of financial
18 institutions and professional standards shall send immediately by certified mail to
19 the person served, at the person's last-known principal place of business, residence
20 or post-office address or at an address designated in writing by the person, one copy
21 of any process received and shall retain the other copy.

22 **SECTION 478.** 601.73 (3) of the statutes is amended to read:

23 601.73 (3) **PROOF OF SERVICE.** A certificate by the commissioner or the
24 department of financial institutions and professional standards, showing service
25 made upon the commissioner or department of financial institutions and

1 professional standards, and attached to a copy of the process presented for that
2 purpose is sufficient evidence of the service.

3 **SECTION 479.** 601.93 (2) of the statutes is amended to read:

4 601.93 (2) Every insurer doing a fire insurance business in this state shall,
5 before March 1 in each year, file with the commissioner a statement, showing the
6 amount of premiums upon fire insurance due for the preceding calendar year.
7 Return premiums may be deducted in determining the premium on which the fire
8 department dues are computed. Payments of quarterly installments of the total
9 estimated payment for the then current calendar year under this subsection are due
10 on or before April 15, June 15, September 15 and December 15. On March 1 the
11 insurer shall pay any additional amounts due for the preceding calendar year.
12 Overpayments will be credited on the amount due April 15. The commissioner shall,
13 prior to May 1 each year, report to the department of ~~safety and professional services~~
14 financial institutions and professional standards the amount of dues paid under this
15 subsection and to be paid under s. 101.573 (1).

16 **SECTION 480.** 610.70 (1) (a) of the statutes is amended to read:

17 610.70 (1) (a) “Health care provider” means any person licensed, registered,
18 permitted or certified by the department of health services or the department of
19 ~~safety and professional services~~ financial institutions and professional standards to
20 provide health care services, items or supplies in this state.

21 **SECTION 481.** 611.29 (1) of the statutes is amended to read:

22 611.29 (1) RIGHT TO AMEND ARTICLES. A stock corporation may amend its articles
23 under ss. 180.0726, 180.1001 to 180.1007, 180.1706, 180.1707 and 180.1708 (4) and
24 a mutual may amend its articles under ss. 181.1001, 181.1002 (1), 181.1003,
25 181.1005 and 181.1006, except that papers required by those sections to be filed with

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1 the department of financial institutions and professional standards shall instead be
2 filed with the commissioner. Subject to sub. (3), the stock corporation or mutual may
3 amend its articles in any desired respect including substantial changes of its original
4 purposes. No amendment may be made contrary to s. 611.12 (1) to (3).

5 **SECTION 482.** 611.72 (1) of the statutes is amended to read:

6 611.72 (1) GENERAL. Subject to this section, ss. 180.1101, 180.1103 to 180.1106,
7 180.1706, 180.1707, and 180.1708 (5) apply to the merger of a domestic stock
8 insurance corporation or its parent insurance holding corporation, except that
9 papers required by those sections to be filed with the department of financial
10 institutions and professional standards shall instead be filed with the commissioner.

11 **SECTION 483.** 611.73 (1) (a) of the statutes is amended to read:

12 611.73 (1) (a) *In general.* Any 2 or more domestic mutuals may merge under
13 the procedures of this section and ss. 181.1105 and 181.1106, except that papers
14 required by those sections to be filed with the department of financial institutions
15 and professional standards shall instead be filed with the commissioner.

16 **SECTION 484.** 611.74 (1) of the statutes is amended to read:

17 611.74 (1) PLAN OF DISSOLUTION. At least 60 days prior to the submission to
18 shareholders or policyholders of any proposed voluntary dissolution of an insurance
19 corporation under s. 180.1402 or 181.1401 the plan shall be filed with the
20 commissioner. The commissioner may require the submission of additional
21 information to establish the financial condition of the corporation or other facts
22 relevant to the proposed dissolution. If the shareholders or policyholders adopt the
23 resolution to dissolve, the commissioner shall, within 30 days after the adoption of
24 the resolution, begin to examine the corporation. The commissioner shall approve
25 the dissolution unless, after a hearing, the commissioner finds that it is insolvent or

1 may become insolvent in the process of dissolution. Subject to chs. 600 to 645, upon
2 approval, the corporation may dissolve under ss. 180.1402 to 180.1408 and 180.1706,
3 or ss. 181.1401 to 181.1407, except that papers required by those sections to be filed
4 with the department of financial institutions and professional standards shall
5 instead be filed with the commissioner. Upon disapproval, the commissioner shall
6 petition the court for liquidation or for rehabilitation under ch. 645.

7 **SECTION 485.** 611.76 (11) of the statutes is amended to read:

8 611.76 (11) SECURITY REGULATION. The filing with the ~~division of securities~~
9 department of financial institutions and professional standards of a certified copy of
10 the plan of conversion as approved by the commissioner constitutes registration
11 under s. 551.305 of the securities authorized to be issued thereunder.

12 **SECTION 486.** 613.01 (8) (title) of the statutes is amended to read:

13 613.01 (8) (title) DEPARTMENT OF FINANCIAL INSTITUTIONS AND PROFESSIONAL
14 STANDARDS.

15 **SECTION 487.** 616.09 (1) (c) 2. of the statutes is amended to read:

16 616.09 (1) (c) 2. In all actions commenced after May 11, 1980, but before the
17 effective date of this subdivision ... [LRB inserts date], in those provisions of ch. 185
18 which apply under subd. 1. to plans authorized under s. 616.06, “department” shall
19 be deemed to read “department of financial institutions and commissioner”, except
20 in s. 185.48, where “department” shall be deemed to read “commissioner”.

21 **SECTION 488.** 616.09 (1) (c) 3. of the statutes is created to read:

22 616.09 (1) (c) 3. In all actions commenced on or after the effective date of this
23 subdivision ... [LRB inserts date], in those provisions of ch. 185 that apply under
24 subd. 1. to plans authorized under s. 616.06, “department” shall be deemed to read

1 “department of financial institutions and professional standards and commissioner,”
2 except in s. 185.48, where “department” shall be deemed to read “commissioner.”

3 **SECTION 489.** 616.74 (1) (c) of the statutes is amended to read:

4 616.74 (1) (c) A certificate from the department of financial institutions and
5 professional standards, if it is a nonprofit corporation, that it has complied with the
6 corporation laws of this state; if it is a corporation the stock of which has been or is
7 being sold to the general public, a certificate from the ~~division of securities~~
8 department of financial institutions and professional standards that it has complied
9 with the requirements of the securities law of this state.

10 **SECTION 490.** 632.10 (1) of the statutes is amended to read:

11 632.10 (1) “Building and safety standards” means the requirements of chs. 101
12 and 145 and of any rule promulgated by the department ~~of safety and professional~~
13 ~~services of financial institutions and professional standards~~ under ch. 101 or 145,
14 and standards of a 1st class city relating to the health and safety of occupants of
15 buildings.

16 **SECTION 491.** 644.09 (2) of the statutes is amended to read:

17 644.09 (2) AMENDMENT OF ARTICLES. A mutual holding company may amend its
18 articles in the manner provided in ss. 181.1001, 181.1002 (1), 181.1003, 181.1005 and
19 181.1006, except that papers required by those sections to be filed with the
20 department of financial institutions and professional standards shall instead be filed
21 with the commissioner. The articles may be amended in any desired respect,
22 including substantial changes of its original purposes, except that no amendment
23 may be made that is contrary to sub. (1). In addition to the requirements of s.
24 181.1005, the articles of amendment of a mutual holding company shall, if mail
25 voting is used, state the number of members voting by mail and the number of such

1 members voting for and against the amendment. No amendment may become
2 effective until the articles of amendment have been filed with the commissioner. No
3 amendment shall affect any existing cause of action in favor of or against such
4 mutual holding company, any civil, criminal, administrative or investigatory
5 proceeding to which the mutual holding company is a party or the existing rights of
6 persons other than members. In the event that the corporate name is changed by
7 amendment, no suit brought by or against such mutual holding company under its
8 former name shall abate for that reason.

9 **SECTION 492.** 766.565 (7) of the statutes is amended to read:

10 766.565 (7) With respect to consumer credit transactions, the ~~division of~~
11 banking department of financial institutions and professional standards may
12 promulgate rules to interpret this chapter and chs. 421 to 427, consistent with the
13 purposes and policies of this chapter and chs. 421 to 427.

14 **SECTION 493.** 813.05 (2) of the statutes is amended to read:

15 813.05 (2) In an action against an insurance company or fraternal benefit
16 society for an injunction or a receiver the ~~commissioner of insurance~~ department of
17 financial institutions and professional standards shall be notified. Mailing a copy
18 of such notice addressed to the ~~commissioner of insurance~~ secretary, or department,
19 of financial institutions and professional standards at Madison, Wisconsin, shall be
20 sufficient service.

21 **SECTION 494.** 813.16 (7) of the statutes is amended to read:

22 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
23 is a savings and loan association or savings bank supervised by the ~~division of~~
24 banking department of financial institutions and professional standards or a
25 corporation supervised by the home loan bank board, federal office of thrift

1 supervision, federal deposit insurance corporation, or resolution trust corporation,
2 the court, unless the opposing party objects, shall appoint an officer of such
3 corporation as receiver to act without compensation and to give such bond as the
4 court requires.

5 SECTION 495. 940.207 (title) of the statutes is amended to read:

6 940.207 (title) **Battery or threat to department of safety and**
7 **professional services financial institutions and professional standards or**
8 **department of workforce development employee.**

9 SECTION 496. 940.207 (2) (intro.) of the statutes is amended to read:

10 940.207 (2) (intro.) Whoever intentionally causes bodily harm or threatens to
11 cause bodily harm to the person or family member of any department of ~~safety and~~
12 ~~professional services~~ financial institutions and professional standards official,
13 employee, or agent whose responsibilities are primarily related to the buildings and
14 safety or professional regulation functions of that department, or any department of
15 workforce development official, employee, or agent, under all of the following
16 circumstances is guilty of a Class H felony:

17 SECTION 497. 940.207 (2) (a) of the statutes is amended to read:

18 940.207 (2) (a) At the time of the act or threat, the actor knows or should have
19 known that the victim is a department of ~~safety and professional services~~ financial
20 institutions and professional standards or department of workforce development
21 official, employee, or agent or a member of his or her family.

22 SECTION 498. 944.21 (8) (b) 3. a. of the statutes is amended to read:

23 944.21 (8) (b) 3. a. Is a technical college, is a school approved certified by the *authorized*
24 educational approval board under s. 38.50 department of financial institutions and

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 499.** 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~~ ^{authorized} 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 500.** 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.

14 **SECTION 9101. Nonstatutory provisions; Administration.**

15 (1) TRANSFER OF BUSINESS CERTIFICATION PROGRAMS.

16 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
17 liabilities of the department of administration primarily related to disabled
18 veteran-owned business certifications, woman-owned business certifications, and
19 minority business certifications, as determined by the secretary of administration,
20 become the assets and liabilities of the department of financial institutions and
21 professional standards.

22 (b) *Positions and employees.* On the effective date of this paragraph, all
23 positions and all incumbent employees in the classified service of the state civil
24 service holding those positions in the department of administration performing
25 duties primarily related to disabled veteran-owned business certifications,

1 woman-owned business certifications, and minority business certifications, as
2 determined by the secretary of administration, are transferred to the department of
3 financial institutions and professional standards.

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

10 (d) *Tangible personal property.* On the effective date of this paragraph, all
11 tangible personal property, including records, of the department of administration
12 primarily related to disabled veteran-owned business certifications, woman-owned
13 business certifications, and minority business certifications, as determined by the
14 secretary of administration, is transferred to the department of financial institutions
15 and professional standards.

16 (e) *Pending matters.* Any matter pending with the department of
17 administration on the effective date of this paragraph that is primarily related to
18 disabled veteran-owned business certifications, woman-owned business
19 certifications, and minority business certifications, as determined by the secretary
20 of administration, is transferred to the department of financial institutions and
21 professional standards. All materials submitted to or actions taken by the
22 department of administration with respect to the pending matter are considered as
23 having been submitted to or taken by the department of financial institutions and
24 professional standards.

1 (f) *Contracts.* All contracts entered into by the department of administration
2 in effect on the effective date of this paragraph that are primarily related to disabled
3 veteran-owned business certifications, woman-owned business certifications, and
4 minority business certifications, as determined by the secretary of administration,
5 remain in effect and are transferred to the department of financial institutions and
6 professional standards. The department of financial institutions and professional
7 standards shall carry out any obligations under those contracts unless modified or
8 rescinded by that department to the extent allowed under the contract.

9 (g) *Rules and orders.* All rules promulgated by the department of
10 administration primarily related to disabled veteran-owned business certifications,
11 woman-owned business certifications, and minority business certifications, as
12 determined by the secretary of administration, that are in effect on the effective date
13 of this paragraph remain in effect until their specified expiration dates or until
14 amended or repealed by the department of financial institutions and professional
15 standards. All orders issued by the department of administration primarily related
16 to disabled veteran-owned business certifications, woman-owned business
17 certifications, and minority business certifications, as determined by the secretary
18 of administration, that are in effect on the effective date of this paragraph remain
19 in effect until their specified expiration dates or until modified or rescinded by the
20 department of financial institutions and professional standards.

21 (2) TRANSFER OF SMALL BUSINESS REGULATORY REVIEW BOARD AND OFFICE OF
22 BUSINESS DEVELOPMENT.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
24 liabilities of the department of administration primarily related to the small
25 business regulatory review board and the office of business development, as

1 determined by the secretary of administration, become the assets and liabilities of
2 the department of financial institutions and professional standards.

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

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

16 (d) *Contracts.* All contracts entered into by the department of administration
17 in effect on the effective date of this paragraph that are primarily related to the small
18 business regulatory review board and the office of business development, as
19 determined by the secretary of administration, remain in effect and are transferred
20 to the department of financial institutions and professional standards. The
21 department of financial institutions and professional standards shall carry out any
22 obligations under those contracts unless modified or rescinded by that department
23 to the extent allowed under the contract.

24 **SECTION 9114. Nonstatutory provisions; Financial Institutions.**

25 (1) MERGER WITH OTHER AGENCIES; NAME CHANGES.

1 (a) *Agency name change.*

2 1. Wherever the term “department of financial institutions” appears in the
3 statutes, as affected by the acts of 2015, the term “department of financial
4 institutions and professional standards” is substituted.

5 2. Wherever the term “secretary of financial institutions” appears in the
6 statutes, as affected by the acts of 2015, the term “secretary of financial institutions
7 and professional standards” is substituted.

8 (b) *Elimination of division of securities.*

9 1. Wherever the term “division of securities” or “division” appears in chapters
10 551, 552, and 553 of the statutes, as affected by the acts of 2015, the term
11 “department” is substituted, except in sections 551.202 (26) (h) and (i) and 552.03 (1)
12 (e) of the statutes.

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

15 (c) *Elimination of division of banking.*

16 1. Wherever the term “division of banking” appears in chapters 34, 138, and
17 227, subchapter I of chapter 218, and sections 214.592 and 215.141 of the statutes,
18 as affected by the acts of 2015, the term “department of financial institutions and
19 professional standards” is substituted.

20 2. Wherever the term “division” appears in chapters 214, 215, and 217,
21 subchapters II, III, and IV of chapter 218, and sections 138.09, 138.12, 138.14, and
22 138.16 of the statutes, as affected by the acts of 2015, the term “department” is
23 substituted.

As determined by the Secretary of Administration

1 3. Wherever the term "division" or "division of banking" appears in chapters
2 220, 221, 222, 223, and 224 of the statutes, as affected by the acts of 2015, the term
3 "department" is substituted, except in section 224.77 (1m) (b) of the statutes.

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

7 (2) ELIMINATION OF THE DEPARTMENT OF FINANCIAL INSTITUTIONS.

8 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
9 liabilities of the department of financial institutions become the assets and liabilities
10 of the department of financial institutions and professional standards.

11 (b) *Positions and employees.* On the effective date of this paragraph, all
12 positions and all incumbent employees in the classified service of the state civil
13 service holding those positions in the department of financial institutions are
14 transferred to the department of financial institutions and professional standards.

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

22 (d) *Tangible personal property.* On the effective date of this paragraph, all
23 tangible personal property, including records, of the department of financial
24 institutions is transferred to the department of financial institutions and
25 professional standards.

1 (e) *Pending matters.* Any matter pending with the department of financial
2 institutions on the effective date of this paragraph is transferred to the department
3 of financial institutions and professional standards. All materials submitted to or
4 actions taken by the department of financial institutions are considered as having
5 been submitted to or taken by the department of financial institutions and
6 professional standards.

7 (f) *Contracts.* All contracts entered into by the department of financial
8 institutions in effect on the effective date of this paragraph remain in effect and are
9 transferred to the department of financial institutions and professional standards.
10 The department of financial institutions and professional standards shall carry out
11 any obligations under those contracts unless modified or rescinded by that
12 department to the extent allowed under the contract.

13 (g) *Rules and orders.* All rules promulgated by the department of financial
14 institutions in effect on the effective date of this paragraph remain in effect until
15 their specified expiration dates or until amended or repealed by the department of
16 financial institutions and professional standards. All orders issued by the
17 department of financial institutions in effect on the effective date of this paragraph
18 remain in effect until their specified expiration dates or until modified or rescinded
19 by the department of financial institutions and professional standards.

20 **SECTION 9118. Nonstatutory provisions; Health Services.**

21 (1) **TRANSFER OF BODY ART AND TANNING FACILITY REGULATION FUNCTIONS TO THE**
22 **DEPARTMENT OF FINANCIAL INSTITUTIONS AND PROFESSIONAL STANDARDS.**

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and
24 liabilities of the department of health services that are primarily related to the
25 regulation of tattooing, body piercing, and tanning under section 255.08, 2013 stats.,

1 and sections 252.23 to 252.25, 2013 stats., become the assets and liabilities of the
2 department of financial institutions and professional standards.

3 (b) *Tangible personal property.* On the effective date of this paragraph, all
4 tangible personal property, including records, of the department of health services
5 that are primarily related to the regulation of tattooing, body piercing, and tanning
6 under section 255.08, 2013 stats., and sections 252.23 to 252.25, 2013 stats., as
7 determined by the secretary of administration, is transferred to the department of
8 financial institutions and professional standards.

9 (c) *Pending matters.* Any matter pending with the department of health
10 services that is primarily related to the regulation of tattooing, body piercing, and
11 tanning under section 255.08, 2013 stats., and sections 252.23 to 252.25, 2013 stats.,
12 on the effective date of this paragraph is transferred to the department of financial
13 institutions and professional standards. All materials submitted to or actions taken
14 by the department of health services that are primarily related to the regulation of
15 tattooing, body piercing, and tanning under section 255.08, 2013 stats., and sections
16 252.23 to 252.25, 2013 stats., are considered as having been submitted to or taken
17 by the department of financial institutions and professional standards.

18 (d) *Contracts.* All contracts entered into by the department of health services
19 that are primarily related to the regulation of tattooing, body piercing, and tanning
20 under section 255.08, 2013 stats., and sections 252.23 to 252.25, 2013 stats., in effect
21 on the effective date of this paragraph remain in effect and are transferred to the
22 department of financial institutions and professional standards. The department of
23 financial institutions and professional standards shall carry out any obligations
24 under those contracts unless modified or rescinded by that department to the extent
25 allowed under the contract.

1 (e) *Rules and orders.* All rules in chapters DHS 161 and DHS 173, Wisconsin
2 Administrative Code, and any other rules promulgated by the department of health
3 services that are primarily related to the regulation of tattooing, body piercing, and
4 tanning under section 255.08, 2013 stats., and sections 252.23 to 252.25, 2013 stats.,
5 in effect on the effective date of this paragraph remain in effect until their specified
6 expiration dates or until amended or repealed by the department of financial
7 institutions and professional standards. All orders issued by the department of
8 health services that are primarily related to the regulation of tattooing, body
9 piercing, and tanning under section 255.08, 2013 stats., and sections 252.23 to
10 252.25, 2013 stats., in effect on the effective date of this paragraph remain in effect
11 until their specified expiration dates or until modified or rescinded by the
12 department of financial institutions and professional standards.

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

15 (1) AGENCY NAME CHANGE. Wherever the term “safety and professional services”
16 appears in the statutes, as affected by the acts of 2015, the term “financial
17 institutions and professional standards” is substituted.

18 (2) ELIMINATION OF THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES.

19 (a) *Assets and liabilities.* Except as provided in subsection (3), on the effective
20 date of this paragraph, the assets and liabilities of the department of safety and
21 professional services become the assets and liabilities of the department of financial
22 institutions and professional standards.

23 (b) *Positions and employees.* Except as provided in subsection (3), on the
24 effective date of this paragraph, all positions and all incumbent employees in the
25 classified service of the state civil service holding those positions in the department

SECTION 9138

1 of safety and professional services, as determined by the secretary of
2 institutions and professional standards. administration,

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

10 (d) *Tangible personal property.* Except as provided in subsection (3), on the
11 effective date of this paragraph, all tangible personal property, including records, of
12 the department of safety and professional services is transferred to the department
13 of financial institutions and professional standards.

14 (e) *Pending matters.* Except as provided in subsection (3), any matter pending
15 with the department of safety and professional services on the effective date of this
16 paragraph is transferred to the department of financial institutions and professional
17 standards. Except as provided in subsection (3), all materials submitted to or actions
18 taken by the department of safety and professional services are considered as having
19 been submitted to or taken by the department of financial institutions and
20 professional standards.

21 (f) *Contracts.* Except as provided in subsection (3), all contracts entered into
22 by the department of safety and professional services in effect on the effective date
23 of this paragraph remain in effect and are transferred to the department of financial
24 institutions and professional standards. The department of financial institutions
25 and professional standards shall carry out any obligations under those contracts

1 unless modified or rescinded by that department to the extent allowed under the
2 contract.

3 (g) *Rules and orders.* Except as provided in subsection (3), all rules
4 promulgated by the department of safety and professional services in effect on the
5 effective date of this paragraph remain in effect until their specified expiration dates
6 or until amended or repealed by the department of financial institutions and
7 professional standards. Except as provided in subsection (3), all orders issued by the
8 department of safety and professional services in effect on the effective date of this
9 paragraph remain in effect until their specified expiration dates or until modified or
10 rescinded by the department of financial institutions and professional standards.

11 (3) (151) *Transfer of private on-site wastewater treatment systems*

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

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

23 (c) *Employee status.* Employees transferred under paragraph (b) have all the
24 rights and the same status under subchapter V of chapter 111 and chapter 230 of the
25 statutes in the department of natural resources that they enjoyed in the department

1 of safety and professional services immediately before the transfer.
2 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who
3 has attained permanent status in class is required to serve a probationary period.

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

9 (e) *Pending matters.* Any matter pending with the department of safety and
10 professional services on the effective date of this paragraph that is primarily related
11 to the regulation of private on-site wastewater treatment systems, as determined by
12 the secretary of administration, is transferred to the department of natural
13 resources. All materials submitted to or actions taken by the department of safety
14 and professional services that are primarily related to the regulation of private
15 on-site wastewater treatment systems, as determined by the secretary of
16 administration, are considered as having been submitted to or taken by the
17 department of natural resources.

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

1 (g) *Rules and orders.* All rules promulgated by the department of safety and
2 professional services in effect on the effective date of this paragraph that relate to
3 the regulation of private on-site wastewater treatment systems, as determined by
4 the secretary of administration, remain in effect until their specified expiration dates
5 or until amended or repealed by the department of natural resources. All orders
6 issued by the department of safety and professional services in effect on the effective
7 date of this paragraph that relate to the regulation of private on-site wastewater
8 treatment systems, as determined by the secretary of administration, remain in
9 effect until their specified expiration dates or until modified or rescinded by the
10 department of natural resources.

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

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

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

20 (b) *Tangible personal property.* On the effective date of this paragraph, all
21 tangible personal property, including records, of the educational approval board,
22 other than property related to consumer protection functions, as determined by the
23 secretary of administration, is transferred to the department of financial institutions
24 and professional standards. Property related to consumer protection functions is
25 transferred to the department of agriculture, trade and consumer protection.

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

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

19 (e) *Rules and orders.*

20 1. All rules promulgated by the educational approval board in effect on the
21 effective date of this subdivision remain in effect until their specified expiration
22 dates or until amended or repealed by the department of financial institutions and
23 professional standards or the department of agriculture, trade and consumer
24 protection, as applicable. The secretary of administration shall determine which
25 rules of the board become those of the department of financial institutions and

1 professional standards and which rules become those of the department of
2 agriculture, trade and consumer protection.

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

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

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

18 (1) GIFTS AND GRANTS. There is transferred from the appropriation account
19 under section 20.142 (2) (h) of the statutes, as affected by this act, to the
20 appropriation account under section 20.142 (1) (gm) of the statutes, as affected by
21 this act, all moneys, in the amount determined by the secretary of administration,
22 received from gifts, grants, and bequests that have been credited to the
23 appropriation account under section 20.142 (2) (h) of the statutes, as affected by this
24 act, and that have not been expended or encumbered on or before the effective date
25 of this subsection.

SECTION 9238. Fiscal changes; Safety and Professional Services.

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

(9) (a) on the effective date of this paragraph,

SECTION 9243. Fiscal changes; Technical College System.

(1) TRANSFERS FROM EDUCATIONAL APPROVAL BOARD. The unencumbered balances in the appropriation accounts under section 20.292 (2) (g), 2013 stats., section 20.292 (2) (gm), 2013 stats., and section 20.292 (2) (i), 2013 stats., immediately before the effective date of this subsection, are transferred to the appropriation account under section 20.142 (3) (g) of the statutes, as affected by this act.

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SECTION 9338. Initial applicability; Safety and Professional Services.

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

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 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.

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1173/3ins
ARG:.....

EAB
INSERT/ANAL:

(no 90) Under the bill, DFIPS must, upon application, issue written authorization to a proprietary school if the school meets requirements established by rule by DFIPS. One requirement is that the school must have accreditation recognized by the federal Department of Education or by the Council for Higher Education Accreditation.

INSERT ~~428~~: *EAB 43-13*:

, and any other private school seeking funding under 20 USC 1070 to 1099d,

INSERT ~~13-23~~: *EAB 108-23*:

440.52 (7m) AUTHORIZATION OF SCHOOLS. (a) In this subsection, "proprietary school" means a private trade, correspondence, business, or technical school or any other private school seeking funding under 20 USC 1070 to 1099d.

(b) Upon application, the department shall issue written authorization to a proprietary school doing business within this state if the requirements established by rule under par. (c) are satisfied.

(c) The rules required under sub. (3) shall include rules related to providing authorization under this subsection and revoking authorization previously provided. The rules shall include all of the following:

1. Criteria or standards for providing authorization, which must include a requirement that the school has accreditation recognized by the U.S. secretary of education or recognized by the Council for Higher Education Accreditation.

2. The period for which the department's authorization is valid, which period may be no longer than 4 years.

3. Criteria or standards, and a procedure, for revoking authorization previously provided, which must allow revocation if the school has lost the accreditation specified in subd. 1.

4. Criteria or standards, and a procedure, for a school to regain authorization after its authorization has been revoked.

5. The fees to be paid to the department for authorization under this subsection. Fees collected under this subdivision shall be sufficient to cover all costs that the department incurs in authorizing proprietary schools under this subsection.

(d) A school issued authorization by the department under par. (b) shall promptly notify the department if it loses the accreditation specified in par. (c) 1. within the period of authorization.

(e) With respect to any school authorized by the department under par. (b) or for which the department has a pending application for authorization, the department shall do all of the following:

1. Fulfill any obligation of this state specified in 20 USC 1099a.
2. Cooperate with any accrediting agency or association recognized by the federal secretary of education as meeting the criteria established under 20 USC 1099b, and with the federal secretary of education, with respect to certification or recertification under 20 USC 1099c of any school for purposes of the school's participation in programs of the federal department of education.

SECTION 1. 440.52 (11) (bm) of the statutes is created to read:

440.52 (11) (bm) If a school operating in this state proposes to discontinue its operations or is in imminent danger of discontinuing its operations, the school shall give notice to the department. Upon receiving this notice, if the department determines that the student records of the school are in danger of being destroyed,

secreted, mislaid, or otherwise made unavailable to the persons who are the subjects of those student records or the authorized representatives of those persons, the department may take possession of those student records if those student records have not already been taken into possession under par. (b) 2.

INSERT 17-25:

EAB 142-11:

(b) After the effective date of this paragraph but no later than January 31, 2016, the secretary of administration shall transfer the unencumbered balance in the appropriation account under section 20.142 (3) (g) of the statutes, as affected by this act, related to consumer protection functions under section 100.67 of the statutes, as created by this act, as determined by the secretary of administration, to the appropriation account under section 20.115 (8) (ks) of the statutes.

*replaced
typed letter
with
auto-letter*