2015 SENATE BILL 171

May 21, 2015 – Introduced by Senators FARROW, WANGGAARD and MARKLEIN, cosponsored by Representatives PETRYK, ALLEN, KNODL, QUINN and BROSTOFF. Referred to Committee on Government Operations and Consumer Protection.

AN ACT to repeal 14.017 (3), 14.23, 15.07 (2) (L), 15.07 (2) (n), 15.07 (3) (bm) 4., 15.105 (26), 15.105 (28), 15.107 (5), 15.107 (17), 15.227 (17), 15.345 (6), 15.347 (15), 15.407 (3), 15.407 (6), 15.407 (8), 15.407 (12), 15.407 (17), 15.707, 16.02, 16.25 (1) (a), 16.71 (5), 16.957 (1) (cm), 16.97 (2m), 16.978, 23.18, 77.895 (1) (a), 101.972, 196.209 (5), 441.05, 441.10 (2), 441.10 (3) (title) and 450.025; to renumber 441.10 (3) (ag), 441.10 (3) (b), 441.10 (3) (d) and 441.10 (3) (e); to renumber and amend 441.10 (3) (a), 441.10 (3) (ar) and 441.10 (3) (c); and to amend 15.01 (4), 16.25 (2), 16.25 (3) (intro.), 16.25 (3) (c), 16.25 (3) (d), 16.25 (3) (g), 16.25 (3) (i) 2., 16.25 (3) (k), 16.25 (4) (a), 16.25 (4) (b), 16.25 (5), 16.25 (6), 16.42 (3), 16.705 (1b) (a), 16.957 (2) (intro.), 16.957 (2) (d) 4. d., 16.957 (4) (b) (intro.), 16.973 (7), 16.976 (3), 16.976 (4), 16.977 (intro.), 20.370 (5) (bz), 20.505 (4) (ec), 30.92 (1) (b), 36.59 (1) (b) 3., 36.59 (1) (b) 4., 48.981 (2m) (b) 1., 77.895 (2), 77.895 (3) (intro.), 77.895 (3) (a), 77.895 (3) (b), 77.895 (3) (c), 101.974 (2), 145.17 (2), 146.40 (1) (g), 255.35 (1m) (a) 2., 441.06 (1) (e) and 450.02 (2g)
SENATE BILL 171

(b) of the statutes; relating to: eliminating inactive boards, councils, and commissions.

Analysis by the Legislative Reference Bureau

Current law requires the Department of Administration (DOA) to include in its agency budget request a proposal to eliminate any council, board, or commission that has not held a meeting since the preceding September 15, unless the council, board, or commission is required to exist under federal law. This bill eliminates most of the state entities that were included in DOA's budget request for the 2015–17 fiscal biennium. The bill, however, does not affect the general authority of the head of a state agency to appoint advisory councils or committees.


Under the bill, the Volunteer Fire Fighter and Emergency Medical Technician Service Award Board is eliminated and its powers and duties are transferred to the secretary of administration.

Finally, the bill transfers from DOA to the Department of Safety and Professional Services the requirement to include in its agency budget request a proposal to eliminate any council, board, or commission that has not held a meeting since the preceding September 15.

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:

SECTION 1. 14.017 (3) of the statutes is repealed.

SECTION 2. 14.23 of the statutes is repealed.

SECTION 3. 15.01 (4) of the statutes is amended to read:

15.01 (4) “Council” means a part-time body appointed to function on a continuing basis for the study, and recommendation of solutions and policy
alternatives, of the problems arising in a specified functional area of state
government, except the Milwaukee River revitalization council has the powers and
duties specified in s. 23.18, the council on physical disabilities has the powers and
duties specified in s. 46.29 (1) and (2), the state council on alcohol and other drug
abuse has the powers and duties specified in s. 14.24, and the electronic recording
council has the powers and duties specified in s. 706.25 (4).

**SECTION 4.** 15.07 (2) (L) of the statutes is repealed.

**SECTION 5.** 15.07 (2) (n) of the statutes is repealed.

**SECTION 6.** 15.07 (3) (bm) 4. of the statutes is repealed.

**SECTION 7.** 15.105 (26) of the statutes is repealed.

**SECTION 8.** 15.105 (28) of the statutes is repealed.

**SECTION 9.** 15.107 (5) of the statutes is repealed.

**SECTION 10.** 15.107 (17) of the statutes is repealed.

**SECTION 11.** 15.227 (17) of the statutes is repealed.

**SECTION 12.** 15.345 (6) of the statutes is repealed.

**SECTION 13.** 15.347 (15) of the statutes is repealed.

**SECTION 14.** 15.407 (3) of the statutes is repealed.

**SECTION 15.** 15.407 (6) of the statutes is repealed.

**SECTION 16.** 15.407 (8) of the statutes is repealed.

**SECTION 17.** 15.407 (12) of the statutes is repealed.

**SECTION 18.** 15.407 (17) of the statutes is repealed.

**SECTION 19.** 15.707 of the statutes is repealed.

**SECTION 20.** 16.02 of the statutes is repealed.

**SECTION 21.** 16.25 (1) (a) of the statutes is repealed.

**SECTION 22.** 16.25 (2) of the statutes is amended to read:
SENATE BILL 171

16.25 (2) The board shall establish by rule a program to provide length-of-service awards, described in 26 USC 457 (e) (11), to volunteer fire fighters in municipalities that operate volunteer fire departments or that contract with volunteer fire companies organized under ch. 181 or 213, to first responders in any municipality that authorizes first responders to provide first responder services, and to volunteer emergency medical technicians in any municipality that authorizes volunteer emergency medical technicians to provide emergency medical technical services in the municipality. To the extent permitted by federal law, the board shall design the program so as to treat the length-of-service awards as a tax-deferred benefit under the Internal Revenue Code.

SECTION 23. 16.25 (3) (intro.) of the statutes is amended to read:

16.25 (3) (intro.) The board shall promulgate rules to include the following design features for the program so as to include all of the following features:

SECTION 24. 16.25 (3) (c) of the statutes is amended to read:

16.25 (3) (c) The municipality may select from among the plans offered by individuals or organizations under contract with the board under sub. (4) for the volunteer fire fighters, first responders, and emergency medical technicians who perform services for the municipality. The municipality shall pay the annual contributions directly to the individual or organization offering the plan selected by the municipality.

SECTION 25. 16.25 (3) (d) of the statutes is amended to read:

16.25 (3) (d) 1. Subject to subd. 2., the board shall match all annual municipal contributions paid for volunteer fire fighters, first responders, and
emergency medical technicians up to $250 per fiscal year, other than contributions paid for the purchase of additional years of service under par. (e), to be paid from the appropriation account under s. 20.505 (4) (er). This amount shall be adjusted annually on July 1 to reflect any changes in the U.S. consumer price index for all urban consumers, U.S. city average, as determined by the U.S. department of labor, for the 12-month period ending on the preceding December 31. The board department shall pay all amounts that are matched under this paragraph to the individuals and organizations offering the plans selected by the municipalities.

2. If the moneys appropriated under s. 20.505 (4) (er) are not sufficient to fully fund the contributions required to be paid by the board department under subd. 1., the board department shall prorate the contributions paid for the volunteer fire fighters, first responders, and emergency medical technicians.

SECTION 26. 16.25 (3) (g) of the statutes is amended to read:

16.25 (3) (g) A volunteer fire fighter, first responder, or emergency medical technician shall be paid a length of service award either in a lump sum or in a manner specified by rule, consisting of all municipal and state contributions made on behalf of the volunteer fire fighter, first responder, or emergency medical technician and all earnings on the contributions, less any expenses incurred in the investment of the contributions and earnings, after the volunteer fire fighter, first responder, or emergency medical technician attains 20 years of service for a municipality and reaches the age of 60. If a volunteer fire fighter, first responder, or emergency medical technician has satisfied all vesting requirements under the program but has less than 20 years of service for a municipality or has not reached the age of 60, the program shall provide for the payment of a length of service award either in a lump sum or in a manner specified by rule in an amount to be determined by the board
SECTION 26 SENATE BILL 171

department, but less than the amount paid to a volunteer fire fighter, first responder, or emergency medical technician who has attained 20 years of service for a municipality and has reached the age of 60.

SECTION 27. 16.25 (3) (i) 2. of the statutes is amended to read:

16.25 (3) (i) 2. A volunteer fire fighter, first responder, or emergency medical technician who becomes disabled during his or her service as a volunteer fire fighter, first responder, or emergency medical technician for the municipality shall be paid a length of service award either in a lump sum or in a manner specified by rule, in an amount to be determined by the board department.

SECTION 28. 16.25 (3) (k) of the statutes is amended to read:

16.25 (3) (k) The board department shall equitably allocate all moneys in accounts of volunteer fire fighters, first responders, and emergency medical technicians that have been closed to the accounts of volunteer fire fighters, first responders, and emergency medical technicians that have not been forfeited or closed.

SECTION 29. 16.25 (4) (a) of the statutes is amended to read:

16.25 (4) (a) The board department shall establish by rule the requirements for, and the qualifications of, the individuals and organizations in the private sector that are eligible to provide administrative services and investment plans under the program, other than services funded from the appropriation under s. 20.505 (4) (ec). In establishing the requirements and qualifications, the board department shall develop criteria of financial stability that each individual and organization must meet in order to offer the services and plans under the program.

SECTION 30. 16.25 (4) (b) of the statutes is amended to read:
SECTION 30

16.25 (4) (b) The board department may contract with any individual or organization in the private sector that seeks to provide administrative services and investment plans required for the program, other than services funded from the appropriation under s. 20.505 (4) (ec), if the individual or organization fulfills the requirements and has the qualifications established by the board department under par. (a). Section 16.72 (2) (b) does not apply to any such contract.

SECTION 31. 16.25 (5) of the statutes is amended to read:

16.25 (5) The board department shall establish by rule a process by which a volunteer fire fighter, first responder, or emergency medical technician may appeal to the board secretary any decision made by the department or by an individual or organization under contract with the board department under sub. (4) that affects a substantial interest of the volunteer fire fighter, first responder, or emergency medical technician under the program.

SECTION 32. 16.25 (6) of the statutes is amended to read:

16.25 (6) Annually, on or before December 31, the board department shall submit a report to the chief clerk of each house of the legislature under s. 13.172 (2) describing the activities of the board department under this section.

SECTION 33. 16.42 (3) of the statutes is amended to read:

16.42 (3) The department of safety and professional services shall include in its agency request under sub. (1) a proposal to eliminate any council, board, or commission that has not held a meeting since the preceding September 15, unless the council, board, or commission is required to exist under federal law.

SECTION 34. 16.705 (1b) (a) of the statutes is amended to read:

16.705 (1b) (a) The service award board department under s. 16.25 (4) (b).

SECTION 35. 16.71 (5) of the statutes is repealed.
SECTION 36. 16.957 (1) (cm) of the statutes is repealed.

SECTION 37. 16.957 (2) (intro.) of the statutes is amended to read:

16.957 (2) DEPARTMENT DUTIES. (intro.) In consultation with the council, the

The department shall do all of the following:

SECTION 38. 16.957 (2) (d) 4. d. of the statutes is amended to read:

16.957 (2) (d) 4. d. Any other issue identified by the department, council,
governor, speaker of the assembly or majority leader of the senate.

SECTION 39. 16.957 (4) (b) (intro.) of the statutes is amended to read:

16.957 (4) (b) Rules. (intro.) In consultation with the council, the The
department shall promulgate rules that establish the amount of a low-income
assistance fee under par. (a). Fees established in rules under this paragraph may
vary by class of customer, but shall be uniform within each class, and shall satisfy
each of the following:

SECTION 40. 16.97 (2m) of the statutes is repealed.

SECTION 41. 16.973 (7) of the statutes is amended to read:

16.973 (7) Prescribe and revise as necessary performance measures to ensure
financial controls and accountability, optimal personnel utilization, and customer
satisfaction for all information technology functions in the executive branch outside
of the University of Wisconsin System and annually, no later than March 31, report
to the joint committee on information policy and technology and the board
concerning the performance measures utilized by the department and the actual
performance of the department and the executive branch agencies measured against
the performance measures then in effect.

SECTION 42. 16.976 (3) of the statutes is amended to read:
SENATE BILL 171

16.976 (3) Following receipt of a proposed strategic plan from an executive branch agency, the department shall, before June 1, notify the agency of any concerns that the department may have regarding the plan and provide the agency with its recommendations regarding the proposed plan. The department may also submit any concerns or recommendations regarding any proposed plan to the board for its consideration. The board shall then consider the proposed plan and provide the department with its recommendations regarding the plan. The executive branch agency may submit modifications to its proposed plan in response to any recommendations.

SECTION 43. 16.976 (4) of the statutes is amended to read:

16.976 (4) Before June 15, the department shall consider any recommendations provided by the board under sub. (3) and shall then approve or disapprove the proposed plan in whole or in part.

SECTION 44. 16.977 (intro.) of the statutes is amended to read:

16.977 Information technology portfolio management. (intro.) With the assistance of executive branch agencies and the advice of the board, the department shall manage the information technology portfolio of state government in accordance with a management structure that includes all of the following:

SECTION 45. 16.978 of the statutes is repealed.

SECTION 46. 20.370 (5) (bz) of the statutes is amended to read:

20.370 (5) (bz) Resource aids — forestry outdoor activity grants. As a continuing appropriation, the amounts in the schedule for grants awarded by the managed forest land board under s. 77.895.

SECTION 47. 20.505 (4) (ec) of the statutes is amended to read:
20.505 (4) (ec) Service award program; general program operations. The amounts in the schedule for general program operations of the service award board and to reimburse the department of administration for all services provided by the department to the board program under s. 16.25.

SECTION 48. 23.18 of the statutes is repealed.

SECTION 49. 30.92 (1) (b) of the statutes is amended to read:

30.92 (1) (b) “Governmental unit” means the department, a municipality, a lake sanitary district, a public inland lake protection and rehabilitation district organized under ch. 33, the Milwaukee River revitalization council, the Lower Wisconsin State Riverway board, or any other local governmental unit, as defined in s. 66.0131 (1) (a), that is established for the purpose of lake management.

SECTION 50. 36.59 (1) (b) 3. of the statutes is amended to read:

36.59 (1) (b) 3. Following receipt of a proposed strategic plan from the system or an institution or college campus, the Board of Regents shall, before June 1, notify the system, institution, or college campus of any concerns that the Board of Regents may have regarding the plan and provide the system, institution, or college campus with its recommendations regarding the proposed plan. The Board of Regents may also submit any concerns or recommendations regarding any proposed plan to the information technology management board department of administration for its consideration. The information technology management board department of administration shall then consider the proposed plan and provide the Board of Regents with its recommendations regarding the plan. The system, institution, or college campus may submit modifications to its proposed plan in response to any recommendations.

SECTION 51. 36.59 (1) (b) 4. of the statutes is amended to read:
36.59 (1) (b) 4. Before June 15, the Board of Regents shall consider any recommendations provided by the information technology management board department of administration under subd. 3. and shall then approve or disapprove the proposed plan in whole or in part.

SECTION 52. 48.981 (2m) (b) 1. of the statutes is amended to read:

48.981 (2m) (b) 1. “Health care provider” means a physician, as defined under s. 448.01 (5), a physician assistant, as defined under s. 448.01 (6), or a nurse holding a certificate of registration under s. 441.06 (1) or a license under s. 441.10 (3).

SECTION 53. 77.895 (1) (a) of the statutes is repealed.

SECTION 54. 77.895 (2) of the statutes is amended to read:

77.895 (2) PROGRAM. The department shall establish and administer a program to award grants to nonprofit conservation organizations, to local governmental units, and to itself to acquire land to be used for hunting, fishing, hiking, sightseeing, and cross-country skiing. The board shall administer the program and award the grants under the program.

SECTION 55. 77.895 (3) (intro.) of the statutes is amended to read:

77.895 (3) REQUIREMENTS. (intro.) The department, in consultation with the board, shall promulgate rules establishing requirements for awarding grants under this section. The rules promulgated under this subsection shall include all of the following:

SECTION 56. 77.895 (3) (a) of the statutes is amended to read:

77.895 (3) (a) A requirement that the board department give higher priority to counties over other grant applicants in awarding grants under this section.

SECTION 57. 77.895 (3) (b) of the statutes is amended to read:
77.895 (3) (b) A requirement that, in awarding grants to counties under this section, the board department give higher priority to counties that have higher numbers of acres that are designated as closed under s. 77.83.

SECTION 58. 77.895 (3) (c) of the statutes is amended to read:

77.895 (3) (c) A requirement that, in awarding grants to towns under this section, the board department give higher priority to towns that have higher numbers of acres that are designated as closed under s. 77.83.

SECTION 59. 101.972 of the statutes is repealed.

SECTION 60. 101.974 (2) of the statutes is amended to read:

101.974 (2) Promulgate the rules under this subchapter after consultation with the multifamily dwelling code council.

SECTION 61. 145.17 (2) of the statutes is amended to read:

145.17 (2) The department shall prescribe rules as to the qualifications, examination and licensing of journeymen automatic fire sprinkler system fitters and automatic fire sprinkler contractors and for the registration and training of automatic fire sprinkler system apprentices. The automatic fire sprinkler system contractors and journeymen council, created under s. 15.407 (17), shall advise the department in formulating the rules.

SECTION 62. 146.40 (1) (g) of the statutes is amended to read:

146.40 (1) (g) “Student nurse” means an individual who is currently enrolled in a school for professional nurses or a school for licensed practical nurses that meets standards established under s. 441.01 (4), or who has successfully completed the course work of a basic nursing course of the school but has not successfully completed the examination under s. 441.05 441.06 (1) (e) or 441.10 (2) 441.10 (1) (f).

SECTION 63. 196.209 (5) of the statutes is repealed.
SECTION 64. 255.35 (1m) (a) 2. of the statutes is amended to read:

255.35 (1m) (a) 2. Licensure as a licensed practical nurse under s. 441.10 (3).

SECTION 65. 441.05 of the statutes is repealed.

SECTION 66. 441.06 (1) (e) of the statutes is amended to read:

441.06 (1) (e) The applicant passes the examination under s. 441.05 approved by the board to receive a license as a registered nurse in this state. The applicant may not take the examination before receiving a diploma under par. (c) unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

SECTION 67. 441.10 (2) of the statutes is repealed.

SECTION 68. 441.10 (3) (title) of the statutes is repealed.

SECTION 69. 441.10 (3) (a) of the statutes is renumbered 441.10 (1), and 441.10 (1) (f), as renumbered, is amended to read:

441.10 (1) (f) The applicant passes the examination under sub. (2) approved by the board for licensure as a licensed practical nurse in this state. The applicant may not take the examination before receiving a diploma under subd. 4, par. (d) unless the applicant obtains a certificate of approval to take the examination from the school of nursing the applicant attends and submits that certificate to the board prior to examination.

SECTION 70. 441.10 (3) (ag) of the statutes is renumbered 441.10 (4).

SECTION 71. 441.10 (3) (ar) of the statutes is renumbered 441.10 (5) and amended to read:

441.10 (5) The holder of a license under this subsection is a “licensed practical nurse” and may append the letters “L.P.N.” to his or her name. The board
may reprimand or may limit, suspend, or revoke the license of a licensed practical nurse under s. 441.07.

**SECTION 72.** 441.10 (3) (b) of the statutes is renumbered 441.10 (6).

**SECTION 73.** 441.10 (3) (c) of the statutes is renumbered 441.10 (7) and amended to read:

441.10 (7) No license is required for practical nursing, but, except as provided in s. 257.03, no person without a license may hold himself or herself out as a licensed practical nurse or licensed attendant, use the title or letters “Trained Practical Nurse” or “T.P.N.”, “Licensed Practical Nurse” or “L.P.N.”, “Licensed Attendant” or “L.A.”, “Trained Attendant” or “T.A.”, or otherwise seek to indicate that he or she is a licensed practical nurse or licensed attendant. No licensed practical nurse or licensed attendant may use the title, or otherwise seek to act as a registered, licensed, graduate or professional nurse. Anyone violating this subsection shall be subject to the penalties prescribed by s. 441.13. The board shall grant without examination a license as a licensed practical nurse to any person who was on July 1, 1949, a licensed attendant. This paragraph subsection does not apply to any person who is licensed to practice practical nursing by a jurisdiction, other than this state, that has adopted the nurse licensure compact under s. 441.50.

**SECTION 74.** 441.10 (3) (d) of the statutes is renumbered 441.10 (8).

**SECTION 75.** 441.10 (3) (e) of the statutes is renumbered 441.10 (9).

**SECTION 76.** 450.02 (2g) (b) of the statutes is amended to read:

450.02 (2g) (b) The board shall promulgate rules that establish requirements and procedures for the administration of a drug product or device, as defined in s. 450.035 (1g), by a pharmacist under s. 450.035 (1r). Notwithstanding s. 15.08 (5) (b), the board may promulgate rules under this paragraph only if the rules are identical
to rules recommended by the pharmacist advisory council. The board may amend
or repeal rules promulgated under this paragraph only upon the recommendation of
the pharmacist advisory council.

SECTION 77. 450.025 of the statutes is repealed.

SECTION 78. Nonstatutory provisions.

(1) Elimination of Volunteer Fire Fighter and Emergency Medical Technician
Service Award Board.

(a) Assets and liabilities. On the effective date of this paragraph, the assets and
liabilities of the volunteer fire fighter and emergency medical technician service
award board become the assets and liabilities of the department of administration.

(b) Tangible personal property. On the effective date of this paragraph, all
tangible personal property, including records, of the volunteer fire fighter and
emergency medical technician service award board is transferred to the department
of administration.

(c) Contracts. All contracts entered into by the volunteer fire fighter and
emergency medical technician service award board in effect on the effective date of
this paragraph remain in effect and are transferred to the department of
administration. The department of administration shall carry out any such
contractual obligations unless modified or rescinded by the department of
administration to the extent allowed under the contract.

(d) Pending matters. Any matter pending with the volunteer fire fighter and
emergency medical technician service award board on the effective date of this
paragraph is transferred to the department of administration, and all materials
submitted to or actions taken by the volunteer fire fighter and emergency medical
technician service award board with respect to the pending matter are considered as
having been submitted to or taken by the department of administration.

(e) Rules and orders. All rules promulgated by the volunteer fire fighter and
emergency medical technician service award board that are in effect on the effective
date of this paragraph remain in effect until their specified expiration dates or until
amended or repealed by the department of administration. All orders issued by the
volunteer fire fighter and emergency medical technician service award board that
are in effect on the effective date of this paragraph remain in effect until their
specified expiration dates or until modified or rescinded by the department of
administration.

(2) Elimination of Examining Council on Registered Nurses and Examining
Council on Licensed Practical Nurses.

(a) Assets and liabilities. On the effective date of this paragraph, any assets
and liabilities of the examining council on registered nurses and the examining
council on licensed practical nurses become the assets and liabilities of the board of
nursing.

(b) Tangible personal property. On the effective date of this paragraph, all
records and other tangible personal property of the examining council on registered
nurses and the examining council on licensed practical nurses are transferred to the
board of nursing.

(c) Contracts. Any contract entered into by the examining council on registered
nurses or the examining council on licensed practical nurses remains in effect and
is transferred to the board of nursing. The board of nursing shall carry out any
obligations under such a contract until the contract is modified or rescinded by the
board of nursing to the extent allowed under the contract.
(d) *Rules and orders.* Any rule or order of the examining council on registered nurses under section 441.05, 2013 stats., or of the examining council on licensed practical nurses under section 441.10 (2), 2013 stats., that is in effect on the effective date of this paragraph remains in effect until its specified expiration date or until modified or rescinded by the board of nursing.

(e) *Pending matters.* Any matter pending with the examining council on registered nurses or the examining council on licensed practical nurses on the effective date of this paragraph is transferred to the board of nursing and all materials submitted to or actions taken by the examining council on registered nurses or the examining council on licensed practical nurses with respect to the pending matter are considered as having been submitted to or taken by the board of nursing.