



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4535/1  
CMH:cdc

## 2017 ASSEMBLY BILL 903

1     **AN ACT to repeal** 15.405 (7c) (am) 2., 15.405 (10r) (c), 101.16 (3g) (b), 440.03 (16),  
2           440.04 (9) and 440.11 (3); **to renumber** 101.16 (3g) (a); **to amend** 15.405 (7c)  
3           (am) (intro.), 15.405 (7c) (am) 1., 15.405 (7c) (am) 3., 15.405 (7g), 15.405 (10r)  
4           (b), 15.406 (6) (a) 2., 101.12 (5) (b), 101.15 (2) (d) 1., 101.653 (5) (b) 2., 118.135  
5           (2), 157.63 (2) (b), 440.08 (2) (a) 58m., 440.08 (2) (a) 59., 440.92 (9) (b) 3., 441.01  
6           (7) (a) (intro.), 441.01 (7) (a) 1., 441.01 (7) (b), 441.06 (3), 441.08, 441.15 (3) (b),  
7           441.16 (3) (d), 448.13 (1) (a) (intro.), 448.13 (2), 448.13 (3), 463.10 (5), 463.12 (5),  
8           463.16 (1), 463.16 (6) and 470.05; and **to create** 463.10 (6) and 463.12 (6) of the  
9           statutes; **relating to:** various changes to statutes administered by the  
10          Department of Safety and Professional Services and attached credentialing  
11          boards and local regulation of tattooing and body piercing.

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*Analysis by the Legislative Reference Bureau*

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

**ASSEMBLY BILL 903****SECTION 1**

1           **SECTION 1.** 15.405 (7c) (am) (intro.) of the statutes is amended to read:

2           15.405 **(7c)** (am) (intro.) The 4 members appointed under par. (a) 1. shall  
3 consist ~~include~~ all of the following:

4           **SECTION 2.** 15.405 (7c) (am) 1. of the statutes is amended to read:

5           15.405 **(7c)** (am) 1. ~~One~~ At least one member who is certified under ch. 457 as  
6 an advanced practice social worker.

7           **SECTION 3.** 15.405 (7c) (am) 2. of the statutes is repealed.

8           **SECTION 4.** 15.405 (7c) (am) 3. of the statutes is amended to read:

9           15.405 **(7c)** (am) 3. ~~One~~ At least one member who is licensed under ch. 457 as  
10 a clinical social worker.

11           **SECTION 5.** 15.405 (7g) of the statutes is amended to read:

12           15.405 **(7g)** BOARD OF NURSING. There is created a board of nursing in the  
13 department of safety and professional services. The board of nursing shall consist  
14 of the following members appointed for staggered 4-year terms: 5 currently licensed  
15 registered nurses under ch. 441; ~~2~~ one currently licensed practical nurses nurse  
16 under ch. 441; one member who is either a licensed registered nurse or a licensed  
17 practical nurse under ch. 441; and 2 public members. Each registered nurse member  
18 shall have graduated from a program in professional nursing and each practical  
19 nurse member shall have graduated from a program in practical nursing accredited  
20 by the state in which the program was conducted.

21           **SECTION 6.** 15.405 (10r) (b) of the statutes is amended to read:

22           15.405 **(10r)** (b) Of the appraiser members of the board, at least one shall be  
23 certified under s. 458.06 as a general appraiser, and at least one shall be certified  
24 under s. 458.06 as a residential appraiser ~~and one shall be licensed under s. 458.08~~  
25 ~~as an appraiser.~~ No public member of the board may be connected with or have any

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1 financial interest in an appraisal business or in any other real estate-related  
2 business. Section 15.08 (1m) (am) applies to the public members of the board. No  
3 member of the board may serve more than 2 consecutive terms.

4 **SECTION 7.** 15.405 (10r) (c) of the statutes is repealed.

5 **SECTION 8.** 15.406 (6) (a) 2. of the statutes is amended to read:

6 15.406 (6) (a) 2. One public member ~~who satisfies the requirements under s.~~  
7 ~~460.03 (2m) (b).~~

8 **SECTION 9.** 101.12 (5) (b) of the statutes is amended to read:

9 101.12 (5) (b) A person requesting to inspect or copy plans shall submit a  
10 written application identifying the structure or proposed structure whose plans are  
11 sought to be inspected or copied, providing the full name and address of the requester  
12 and stating that any information obtained from the inspection or copying will not be  
13 used for any unlawful or unfair competitive purpose and that the information set  
14 forth in the application is true and correct. ~~The department, city, village, town or~~  
15 ~~county shall promptly transmit a copy of the application to the owner of the structure~~  
16 ~~or proposed structure and the submitter of the plans being inspected or copied.~~

17 **SECTION 10.** 101.15 (2) (d) 1. of the statutes is amended to read:

18 101.15 (2) (d) 1. Employ additional mining inspectors, who each of whom shall  
19 ~~have had at least 10 years~~ experience in ~~underground~~ mining or be a graduate of a  
20 recognized college with a degree of mining engineering.

21 **SECTION 11.** 101.16 (3g) (a) of the statutes is renumbered 101.16 (3g).

22 **SECTION 12.** 101.16 (3g) (b) of the statutes is repealed.

23 **SECTION 13.** 101.653 (5) (b) 2. of the statutes is amended to read:

24 101.653 (5) (b) 2. A written determination by the department, issued every ~~3~~  
25 5 years, of whether or not the county, city, village, or town complies with par. (a).

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1           **SECTION 14.** 118.135 (2) of the statutes is amended to read:

2           118.135 (2) A pupil who complies with a request under sub. (1) shall provide  
3 evidence of an eye examination or evaluation by December 31 following the pupil's  
4 enrollment in kindergarten. ~~The school board or charter school shall provide pupils~~  
5 ~~with the form distributed by the department of safety and professional services~~  
6 ~~under s. 440.03 (16) for that purpose.~~

7           **SECTION 15.** 157.63 (2) (b) of the statutes is amended to read:

8           157.63 (2) (b) A ~~notarized~~ statement of a person who is legally authorized to  
9 act on behalf of the religious association under this section that, during the reporting  
10 period under s. 157.62, each cemetery and the cemetery authority of each cemetery  
11 specified under par. (a) have either fully complied or have substantially complied  
12 with ss. 157.11 (9g) (c) and 157.12 (3).

13           **SECTION 16.** 440.03 (16) of the statutes is repealed.

14           **SECTION 17.** 440.04 (9) of the statutes is repealed.

15           **SECTION 17m.** 440.08 (2) (a) 58m. of the statutes is amended to read:

16           440.08 (2) (a) 58m. Physician who possesses the degree of doctor of osteopathy:  
17 ~~March~~ November 1 of each ~~even-numbered~~ odd-numbered year.

18           **SECTION 18.** 440.08 (2) (a) 59. of the statutes is amended to read:

19           440.08 (2) (a) 59. Physician assistant: ~~March~~ 1 of each ~~odd-numbered~~  
20 even-numbered year.

21           **SECTION 19.** 440.11 (3) of the statutes is repealed.

22           **SECTION 20.** 440.92 (9) (b) 3. of the statutes is amended to read:

23           440.92 (9) (b) 3. A ~~notarized~~ statement of a person who is legally authorized to  
24 act on behalf of the religious association under this subsection that, during the  
25 12-month period immediately preceding the date on which the certification is filed

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1 with the board, each employee specified under subd. 2. and the cemetery authority  
2 have either fully complied or have substantially complied with subs. (2), (3) (a) and  
3 (b) and (5).

4 **SECTION 21.** 441.01 (7) (a) (intro.) of the statutes is amended to read:

5 441.01 (7) (a) (intro.) The board shall require each applicant for the renewal  
6 of a registered nurse or licensed practical nurse license, ~~certificate, or permit~~ issued  
7 under this chapter to do all of the following as a condition for renewing the license,  
8 ~~certificate, or permit~~:

9 **SECTION 22.** 441.01 (7) (a) 1. of the statutes is amended to read:

10 441.01 (7) (a) 1. Complete and submit to the department with the application  
11 for renewal of the license, ~~certificate, or permit~~ a nursing workforce survey developed  
12 by the department of workforce development under s. 106.30 (2).

13 **SECTION 23.** 441.01 (7) (b) of the statutes is amended to read:

14 441.01 (7) (b) The board may not renew a registered nurse or licensed practical  
15 nurse license, ~~certificate, or permit~~ under this chapter unless the renewal applicant  
16 has completed the nursing workforce survey to the satisfaction of the board. The  
17 board shall establish standards to determine whether the survey has been  
18 completed. The board shall, by no later than June 30 of each odd-numbered year,  
19 submit all completed nursing workforce survey forms to the department of workforce  
20 development.

21 **SECTION 24.** 441.06 (3) of the statutes is amended to read:

22 441.06 (3) A registered nurse practicing for compensation shall, on or before  
23 the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on  
24 furnished forms a statement giving name, residence, and other facts that the board

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1 requires, with the nursing workforce survey and fee required under s. 441.01 (7) and  
2 the applicable renewal fee determined by the department under s. 440.03 (9) (a).

3 **SECTION 25.** 441.08 of the statutes is amended to read:

4 **441.08 Temporary permit.** A nurse who has graduated from a school  
5 approved by the board or that the board has authorized to admit students pending  
6 approval but who is not licensed in this state may be granted a temporary permit  
7 upon payment of the fee specified in s. 440.05 (6) by the board to practice for  
8 compensation until the nurse can qualify for licensure. The temporary permit may  
9 be renewed once. ~~Each applicant for renewal of a temporary permit under this~~  
10 ~~section shall complete the nursing workforce survey and pay the fee required under~~  
11 ~~s. 441.01 (7).~~ Further renewals may be granted in hardship cases. The board may  
12 promulgate rules limiting the use and duration of temporary permits and providing  
13 for revocation of temporary permits.

14 **SECTION 26.** 441.15 (3) (b) of the statutes is amended to read:

15 441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08  
16 (2) (a), a person issued a license under par. (a) and practicing nurse-midwifery shall  
17 submit to the board on furnished forms a statement giving his or her name,  
18 residence, ~~the nursing workforce survey and fee required under s. 441.01 (7), and~~  
19 other information that the board requires by rule, with the applicable renewal fee  
20 determined by the department under s. 440.03 (9) (a). If applicable, the person shall  
21 also submit evidence satisfactory to the board that he or she has in effect the  
22 malpractice liability insurance required under the rules promulgated under sub. (5)  
23 (bm). The board shall grant to a person who pays the fee determined by the  
24 department under s. 440.03 (9) (a) for renewal of a license to practice  
25 nurse-midwifery and who satisfies the requirements of this paragraph the renewal

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1 of his or her license to practice nurse-midwifery and the renewal of his or her license  
2 to practice as a registered nurse.

3 **SECTION 27.** 441.16 (3) (d) of the statutes is amended to read:

4 441.16 (3) (d) Establishing procedures for maintaining a certificate to issue  
5 prescription orders, including requirements for continuing education and a  
6 requirement to complete the nursing workforce survey and submit the fee required  
7 under s. 441.01 (7).

8 **SECTION 28.** 448.13 (1) (a) (intro.) of the statutes is amended to read:

9 448.13 (1) (a) (intro.) Except as provided in par. (b), each physician shall, in  
10 each 2nd year at the time of include with his or her application for a certificate of  
11 registration under s. 448.07, submit proof of attendance at and completion of all of  
12 the following:

13 **SECTION 29.** 448.13 (2) of the statutes is amended to read:

14 448.13 (2) Each person licensed as a perfusionist shall, in each 2nd year at the  
15 time of include with his or her application for a certificate of registration under s.  
16 448.07, submit proof of completion of continuing education requirements  
17 promulgated by rule by the board.

18 **SECTION 30.** 448.13 (3) of the statutes is amended to read:

19 448.13 (3) Each person licensed as an anesthesiologist assistant shall, in each  
20 2nd year at the time of include with his or her application for a certificate of  
21 registration under s. 448.07, submit proof of meeting the criteria for recertification  
22 by the National Commission on Certification of Anesthesiologist Assistants or by a  
23 successor entity, including any continuing education requirements.

24 **SECTION 30c.** 463.10 (5) of the statutes is amended to read:

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1           463.10 (5) EXCEPTION. ~~This section does~~ Subsections (2) to (4m) do not apply  
2 to a dentist who is licensed under s. 447.03 (1) or to a physician who tattoos or offers  
3 to tattoo a person in the course of the dentist's or physician's professional practice.

4           **SECTION 30g.** 463.10 (6) of the statutes is created to read:

5           463.10 (6) LOCAL REGULATION. No city, village, town, or county may enact or  
6 enforce an ordinance that does any of the following:

7           (a) Regulates tattoo establishments or the practice of tattooing, except as  
8 permitted under s. 463.16 (6).

9           (b) Requires local licenses, other than licenses issued by local health  
10 departments designated as the department's agent under s. 463.16, for tattoo  
11 establishments or for the practice of tattooing.

12           **SECTION 30n.** 463.12 (5) of the statutes is amended to read:

13           463.12 (5) EXCEPTION. ~~This section does~~ Subsections (2) to (4m) do not apply  
14 to a dentist who is licensed under s. 447.03 (1) or to a physician who pierces the body  
15 of or offers to pierce the body of a person in the course of the dentist's or physician's  
16 professional practice.

17           **SECTION 30r.** 463.12 (6) of the statutes is created to read:

18           463.12 (6) LOCAL REGULATION. No city, village, town, or county may enact or  
19 enforce an ordinance that does any of the following:

20           (a) Regulates body-piercing establishments or the practice of body piercing,  
21 except as permitted under s. 463.16 (6).

22           (b) Requires local licenses, other than licenses issued by local health  
23 departments designated as the department's agent under s. 463.16, for  
24 body-piercing establishments or for the practice of body piercing.

25           **SECTION 30w.** 463.16 (1) of the statutes is amended to read:



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1           463.16 (1) In the administration and enforcement of ss. 463.10 and 463.12, the  
2 department may enter into a written agreement with a local health department with  
3 a jurisdictional area that has a population greater than 5,000, ~~which that~~ designates  
4 the local health department as the department's agent in issuing licenses to and  
5 making investigations or inspections of tattooists and tattoo establishments and  
6 body piercers and body-piercing establishments. In a jurisdictional area of a local  
7 health department without agent status, the department of safety and professional  
8 services may issue licenses, collect license fees established under s. 440.03 (9), and  
9 make investigations or inspections of tattooists and tattoo establishments and body  
10 piercers and body-piercing establishments. ~~If the department of safety and~~  
11 ~~professional services designates a local health department as its agent, the~~  
12 ~~department of safety and professional services or local health department may~~  
13 ~~require no license for the same operations other than the license issued by the local~~  
14 ~~health department under this subsection.~~ If the designation is made and the services  
15 are furnished, the department of safety and professional services shall reimburse the  
16 local health department furnishing the service at the rate of 80 percent of the net  
17 license fee per license per year issued in the jurisdictional area.

18           **SECTION 30x.** 463.16 (6) of the statutes is amended to read:

19           463.16 (6) ~~A village,~~ If a local health department is designated as the  
20 department's agent under this section, a city, village, town, or county may enact or  
21 enforce ordinances and a local board of health may adopt regulations regarding the  
22 licensees and premises for which the local health department is the designated agent  
23 under this section, ~~which that~~ are stricter than s. 463.10 or 463.12 or rules  
24 promulgated by the ~~department of health services~~ department of safety and  
25 professional services under s. 463.10 or 463.12. ~~No, but no~~ such provision may

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1 conflict with s. 463.10 or 463.12 or with department rules. A county ordinance  
2 enacted as provided in this subsection applies only in towns within that county that  
3 have not enacted an ordinance as provided in this subsection.

4 **SECTION 31.** 470.05 of the statutes is amended to read:

5 **470.05 Examination.** ~~Beginning no later than January 1, 2000, the~~  
6 ~~appropriate section of the examining board shall conduct or arrange for~~  
7 ~~examinations for licensure as a professional geologist, hydrologist or soil scientist at~~  
8 ~~least semiannually and at times and places determined by the section.~~  
9 Examinations for licensure under this section chapter shall require an applicant to  
10 demonstrate minimum competency in the principles and practice of subjects  
11 substantially related to the practice of professional geology, hydrology, or soil science  
12 and may consist of one or more written or oral tests, or both.

13 **SECTION 31m. Nonstatutory provisions.**

14 (1m) Notwithstanding sections 440.03 (9) (a), 440.08 (2), and 448.07 (2) of the  
15 statutes, the fee for a renewal of a license to practice medicine and surgery by a  
16 physician who possesses the degree of doctor of osteopathy shall be prorated by the  
17 department of safety and professional services for the November 1, 2019, renewal  
18 date to account for the treatment of section 440.08 (2) (a) 58m. of the statutes by this  
19 act.

20 **SECTION 32m. Effective dates.** This act takes effect on the day after  
21 publication, except as follows:

22 (1m) The treatment of section 440.08 (2) (a) 58m. of the statutes and SECTION  
23 31m (1m) of this act take effect on March 1, 2018, or on the day after publication,  
24 whichever is later.

25

(END)