

2017 Assembly Bill 903 (LRB -4535)

An Act to repeal 15.405 (7c) (am) 2., 15.405 (10r) (c), 101.16 (3g) (b), 440.03 (16), 440.04 (9) and 440.11 (3); to renumber 101.16 (3g) (a); and to amend 15.405 (7c) (am) (intro.), 15.405 (7c) (am) 1., 15.405 (7c) (am) 3., 15.405 (7g), 15.405 (10r) (b), 15.406 (6) (a) 2., 101.12 (5) (b), 101.15 (2) (d) 1., 101.653 (5) (b) 2., 118.135 (2), 157.63 (2) (b), 440.08 (2) (a) 59., 440.92 (9) (b) 3., 441.01 (7) (a) (intro.), 441.01 (7) (a) 1., 441.01 (7) (b), 441.06 (3), 441.08, 441.15 (3) (b), 441.16 (3) (d), 448.13 (1) (a) (intro.), 448.13 (2), 448.13 (3) and 470.05 of the statutes; relating to: various changes to statutes administered by the Department of Safety and Professional Services and attached credentialing boards. (FE)

2018

01-31.	A.	Introduced by Representative Ballweg ; cosponsored by Senator Kapenga , by request of Department of Safety and Professional Services.	694
01-31.	A.	Read first time and referred to Committee on Regulatory Licensing Reform	694
02-08.	A.	Public hearing held	
02-08.	A.	LRB correction	719
02-13.	A.	Fiscal estimate received	
02-13.	A.	Assembly Amendment 1 offered by Representative Macco (LRB a2075)	729
02-13.	A.	Assembly Amendment 2 offered by Representative Ballweg (LRB a2074)	729
02-15.	A.	Executive action taken	
02-15.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Regulatory Licensing Reform, Ayes 6, Noes 2	756
02-15.	A.	Report Assembly Amendment 2 adoption recommended by Committee on Regulatory Licensing Reform, Ayes 8, Noes 0	756
02-15.	A.	Report passage as amended recommended by Committee on Regulatory Licensing Reform, Ayes 8, Noes 0	756
02-15.	A.	Referred to committee on Rules	756
02-15.	A.	Made a special order of business at 2:08 PM on 2-20-2018 pursuant to Assembly Resolution 26	768
02-21.	A.	LRB correction (Assembly Amendment 1)	827
02-21.	A.	Read a second time	829
02-21.	A.	Assembly Amendment 1 withdrawn and returned to author	829
02-21.	A.	Assembly Amendment 2 adopted	829
02-21.	A.	Ordered to a third reading	829
02-21.	A.	Rules suspended	829
02-21.	A.	Read a third time and passed	830
02-21.	A.	Ordered immediately messaged	830
02-22.	S.	Received from Assembly	787
03-12.	S.	Read first time and referred to committee on Senate Organization	823
03-12.	S.	Available for scheduling	
03-15.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 3, Noes 2	833
03-15.	S.	Placed on calendar 3-20-2018 pursuant to Senate Rule 18(1)	834
03-20.	S.	Read a second time	862
03-20.	S.	Ordered to a third reading	862
03-20.	S.	Rules suspended	862
03-20.	S.	Read a third time and concurred in	862
03-20.	S.	Ordered immediately messaged	863
03-21.	A.	Received from Senate concurred in	892

MB



17en A B- 903

2017 ENROLLED BILL

Adopted Documents

Original

Engrossed

Substitute Amdt

17-4535, 1

Amendments: None or Listed below.

AAZ

Corrections: None or Listed by date below.

2/8/18 to AD 903

4/2/18 to AAZ to AD 903

Topic: Same as relating clause or other, indicated below.

4/2/18

Date

Enrolling Drafter



State of Wisconsin
2017-2018 LEGISLATURE

CORRECTIONS IN:

2017 ASSEMBLY BILL 903

Prepared by the Legislative Reference Bureau
(February 8, 2018)

1. Page 6, line 15: delete the material beginning with "license," and ending with "permit." on line 16 and substitute "license, ~~certificate, or permit.~~".

****NOTE: The terms "certificate" and "permit" were intended to be stricken as they were earlier in the provision.

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4535/1
MED/KRP/MDK:ahe&amn

2017 ASSEMBLY BILL 903

January 31, 2018 - Introduced by Representative BALLWEG, cosponsored by Senator KAPENGA, by request of Department of Safety and Professional Services. Referred to Committee on Regulatory Licensing Reform.

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); and **to amend** 15.405
3 (7c) (am) (intro.), 15.405 (7c) (am) 1., 15.405 (7c) (am) 3., 15.405 (7g), 15.405
4 (10r) (b), 15.406 (6) (a) 2., 101.12 (5) (b), 101.15 (2) (d) 1., 101.653 (5) (b) 2.,
5 118.135 (2), 157.63 (2) (b), 440.08 (2) (a) 59., 440.92 (9) (b) 3., 441.01 (7) (a)
6 (intro.), 441.01 (7) (a) 1., 441.01 (7) (b), 441.06 (3), 441.08, 441.15 (3) (b), 441.16
7 (3) (d), 448.13 (1) (a) (intro.), 448.13 (2), 448.13 (3) and 470.05 of the statutes;
8 **relating to:** various changes to statutes administered by the Department of
9 Safety and Professional Services and attached credentialing boards.

AK 2
1.

and local
regulation of
tattooing and body
piercing

Analysis by the Legislative Reference Bureau

This bill makes numerous changes to the laws governing the regulation of professions and buildings and safety that are administered by the Department of Safety and Professional Services.

NOTICE OF REQUEST TO INSPECT OR COPY BUILDING PLANS

Under current law, a person requesting to inspect or copy building plans for a structure must submit a written application identifying the structure or proposed structure, and DSPS or the political subdivision in which the plans are filed must

ASSEMBLY BILL 903

provide a copy of the application to the owner of the structure or proposed structure and the person that submitted the plans. The bill eliminates that notice requirement.

LIST OF LICENSED RETAIL SUPPLIERS OF LIQUEFIED PETROLEUM GAS

The bill eliminates the requirement that DSPS publish an annual list of all retailers licensed by DSPS to distribute liquefied petroleum gas.

FREQUENCY OF REVIEW OF CERTAIN LOCAL CONSTRUCTION SITE EROSION CONTROL PROGRAMS

The bill reduces the frequency with which DSPS must issue a written determination regarding whether a political subdivision's program for erosion control on construction sites for one-family and two-family dwellings is in compliance with state standards. Under current law, if a political subdivision elects to exercise jurisdiction over the construction and inspection of new one-family and two-family dwellings, DSPS must periodically review the political subdivision's ordinances related to construction site erosion control for compliance with state standards. As part of the review, DSPS must perform an audit of the political subdivision's construction site erosion control program and make a written determination regarding whether the political subdivision is in compliance. The bill changes the frequency of the DSPS written determination from three years to five years.

MEMBERSHIP OF CERTAIN BOARDS AND CREDENTIALING BOARDS

Current law requires that the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board include four social workers, including one advanced practice social worker, one independent social worker, and one clinical social worker. The bill eliminates the requirement that one of the four social worker members on the board be an independent social worker. Under the bill, that position may be filled by any type of social worker.

Current law requires that the Board of Nursing include five licensed registered nurses (RNs), two licensed practical nurses (LPNs), and two public members. The bill modifies the required composition of the board so that one of the two LPN positions on the board may instead be filled by either an LPN or an RN.

Current law requires that the Real Estate Appraisers Board include three appraisers, including one certified general appraiser, one certified residential appraiser, and one licensed appraiser. The bill eliminates the requirement that one of the three appraiser members on the board be a licensed appraiser. Under the bill, that position may be filled by any type of appraiser. The bill also repeals a requirement for the Real Estate Appraisers Board requiring that certain types of members be present in order for quorum to be present.

Finally, the bill repeals a specific requirement for an individual to qualify as a public member to serve on the Massage Therapy and Bodywork Therapy Affiliated Credentialing Board.

OTHER CHANGES

The bill makes various other changes to the laws governing the regulation of professions and buildings and safety, including:

ASSEMBLY BILL 903

1. The bill makes various technical changes in the nursing practice law, including changes regarding which individuals are required to complete the nursing workforce survey.

2. The bill eliminates requirements that certain Cemetery Board filings be notarized.

3. The bill changes the renewal date for physician assistants from March 1 of each odd-numbered year to March 1 of each even-numbered year.

4. The bill provides that a mining inspector employed by DSPS must have experience in underground mining or be a graduate of a recognized college with a degree of mining engineering. Under current law, DSPS is allowed to employ a mining inspector who is not a graduate only if the inspector has at least ten years experience.

For further information see the *state and local* 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:

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

ASSEMBLY BILL 903**SECTION 5**

1 registered nurses under ch. 441; ~~2- one~~ currently licensed practical nurses nurse
2 under ch. 441; one member who is either a licensed registered nurse or a licensed
3 practical nurse under ch. 441; and 2 public members. Each registered nurse member
4 shall have graduated from a program in professional nursing and each practical
5 nurse member shall have graduated from a program in practical nursing accredited
6 by the state in which the program was conducted.

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

8 15.405 (10r) (b) Of the appraiser members of the board, at least one shall be
9 certified under s. 458.06 as a general appraiser, and at least one shall be certified
10 under s. 458.06 as a residential appraiser ~~and one shall be licensed under s. 458.08~~
11 ~~as an appraiser~~. No public member of the board may be connected with or have any
12 financial interest in an appraisal business or in any other real estate-related
13 business. Section 15.08 (1m) (am) applies to the public members of the board. No
14 member of the board may serve more than 2 consecutive terms.

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

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

17 15.406 (6) (a) 2. One public member ~~who satisfies the requirements under s.~~
18 ~~460.03 (2m) (b)~~.

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

20 101.12 (5) (b) A person requesting to inspect or copy plans shall submit a
21 written application identifying the structure or proposed structure whose plans are
22 sought to be inspected or copied, providing the full name and address of the requester
23 and stating that any information obtained from the inspection or copying will not be
24 used for any unlawful or unfair competitive purpose and that the information set
25 forth in the application is true and correct. ~~The department, city, village, town or~~

ASSEMBLY BILL 903

1 ~~county shall promptly transmit a copy of the application to the owner of the structure~~
2 ~~or proposed structure and the submitter of the plans being inspected or copied.~~

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

4 101.15 (2) (d) 1. Employ additional mining inspectors, who each of whom shall
5 have had at least 10 years experience in ~~underground~~ mining or be a graduate of a
6 recognized college with a degree of mining engineering.

AA 2
2.

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

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

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

10 101.653 (5) (b) 2. A written determination by the department, issued every ~~3~~
11 5 years, of whether or not the county, city, village, or town complies with par. (a).

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

13 118.135 (2) A pupil who complies with a request under sub. (1) shall provide
14 evidence of an eye examination or evaluation by December 31 following the pupil's
15 enrollment in kindergarten. ~~The school board or charter school shall provide pupils~~
16 ~~with the form distributed by the department of safety and professional services~~
17 ~~under s. 440.03 (16) for that purpose.~~

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

19 157.63 (2) (b) A ~~notarized~~ statement of a person who is legally authorized to
20 act on behalf of the religious association under this section that, during the reporting
21 period under s. 157.62, each cemetery and the cemetery authority of each cemetery
22 specified under par. (a) have either fully complied or have substantially complied
23 with ss. 157.11 (9g) (c) and 157.12 (3).

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

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

INS
AA 2
3.

ASSEMBLY BILL 903

SECTION 18

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

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

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

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

6 440.92 (9) (b) 3. A ~~notarized~~ statement of a person who is legally authorized to
7 act on behalf of the religious association under this subsection that, during the
8 12-month period immediately preceding the date on which the certification is filed
9 with the board, each employee specified under subd. 2. and the cemetery authority
10 have either fully complied or have substantially complied with subs. (2), (3) (a) and
11 (b) and (5).

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

13 441.01 (7) (a) (intro.) The board shall require each applicant for the renewal
14 of a registered nurse or licensed practical nurse license, certificate, or permit issued
15 under this chapter to do all of the following as a condition for renewing the license,
16 ~~certificate, or permit:~~
 ↓ ↓

c.c.c.
1.

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

18 441.01 (7) (a) 1. Complete and submit to the department with the application
19 for renewal of the license, ~~certificate, or permit~~ a nursing workforce survey developed
20 by the department of workforce development under s. 106.30 (2).

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

22 441.01 (7) (b) The board may not renew a registered nurse or licensed practical
23 nurse license, certificate, or permit under this chapter unless the renewal applicant
24 has completed the nursing workforce survey to the satisfaction of the board. The
25 board shall establish standards to determine whether the survey has been

ASSEMBLY BILL 903

1 completed. The board shall, by no later than June 30 of each odd-numbered year,
2 submit all completed nursing workforce survey forms to the department of workforce
3 development.

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

5 441.06 (3) A registered nurse practicing for compensation shall, on or before
6 the applicable renewal date specified under s. 440.08 (2) (a), submit to the board on
7 furnished forms a statement giving name, residence, and other facts that the board
8 requires, with the nursing workforce survey and fee required under s. 441.01 (7) and
9 the applicable renewal fee determined by the department under s. 440.03 (9) (a).

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

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

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

22 441.15 (3) (b) On or before the applicable renewal date specified under s. 440.08
23 (2) (a), a person issued a license under par. (a) and practicing nurse-midwifery shall
24 submit to the board on furnished forms a statement giving his or her name,
25 residence, ~~the nursing workforce survey and fee required under s. 441.01 (7), and~~

ASSEMBLY BILL 903**SECTION 26**

1 other information that the board requires by rule, with the applicable renewal fee
2 determined by the department under s. 440.03 (9) (a). If applicable, the person shall
3 also submit evidence satisfactory to the board that he or she has in effect the
4 malpractice liability insurance required under the rules promulgated under sub. (5)
5 (bm). The board shall grant to a person who pays the fee determined by the
6 department under s. 440.03 (9) (a) for renewal of a license to practice
7 nurse-midwifery and who satisfies the requirements of this paragraph the renewal
8 of his or her license to practice nurse-midwifery and the renewal of his or her license
9 to practice as a registered nurse.

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

11 441.16 (3) (d) Establishing procedures for maintaining a certificate to issue
12 prescription orders, including requirements for continuing education and a
13 requirement to complete the nursing workforce survey and submit the fee required
14 under s. 441.01 (7).

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

16 448.13 (1) (a) (intro.) Except as provided in par. (b), each physician shall, in
17 each 2nd year at the time of include with his or her application for a certificate of
18 registration under s. 448.07, ~~submit~~ proof of attendance at and completion of all of
19 the following:

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

21 448.13 (2) Each person licensed as a perfusionist shall, ~~in each 2nd year at the~~
22 time of include with his or her application for a certificate of registration under s.
23 448.07, ~~submit~~ proof of completion of continuing education requirements
24 promulgated by rule by the board.

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



State of Wisconsin
2017-2018 LEGISLATURE

CORRECTIONS IN:

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 903**

Prepared by the Legislative Reference Bureau
(April 4, 2018)

In enrolling, the following correction was made:

1. Page 1, line 3: delete "piercing." and substitute "piercing".

(END)



State of Wisconsin
2017 - 2018 LEGISLATURE

LRBa2074/1
MED:wlj

**ASSEMBLY AMENDMENT 2,
TO ASSEMBLY BILL 903**

February 13, 2018 - Offered by Representative BALLWEG.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 9: after "boards" insert "and local regulation of tattooing and
3 body piercing".

4 **2.** Page 5, line 5: delete "underground" and substitute "underground".

5 **3.** Page 5, line 25: after that line insert:

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

7 440.08 (2) (a) 58m. Physician who possesses the degree of doctor of osteopathy:

8 March November 1 of each ~~even-numbered~~ odd-numbered year."

9 **4.** Page 9, line 5: after that line insert:

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

11 463.10 (5) EXCEPTION. ~~This section does~~ Subsections (2) to (4m) do not apply

12 to a dentist who is licensed under s. 447.03 (1) or to a physician who tattoos or offers

13 to tattoo a person in the course of the dentist's or physician's professional practice.

ccc
1.

1WJ
AA2
J.

1WJ
AA2
4.

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

2 463.10 (6) LOCAL REGULATION. No city, village, town, or county may enact or
3 enforce an ordinance that does any of the following:

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

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

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

10 463.12 (5) EXCEPTION. ~~This section does~~ Subsections (2) to (4m) do not apply
11 to a dentist who is licensed under s. 447.03 (1) or to a physician who pierces the body
12 of or offers to pierce the body of a person in the course of the dentist's or physician's
13 professional practice.

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

15 463.12 (6) LOCAL REGULATION. No city, village, town, or county may enact or
16 enforce an ordinance that does any of the following:

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

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

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

23 463.16 (1) In the administration and enforcement of ss. 463.10 and 463.12, the
24 department may enter into a written agreement with a local health department with
25 a jurisdictional area that has a population greater than 5,000, ~~which~~ that designates

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

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

16 463.16 (6) ~~A village, If a local health department is designated as the~~
 17 ~~department's agent under this section, a city, village, town, or county may enact or~~
 18 ~~enforce~~ ordinances and a local board of health may adopt regulations regarding the
 19 licensees and premises for which the local health department is the designated agent
 20 under this section, ~~which that are stricter than s. 463.10 or 463.12 or rules~~
 21 ~~promulgated by the department of health services department of safety and~~
 22 ~~professional services under s. 463.10 or 463.12.~~ ~~No, but no such provision may~~
 23 conflict with s. 463.10 or 463.12 or with department rules. A county ordinance
 24 enacted as provided in this subsection applies only in towns within that county that
 25 have not enacted an ordinance as provided in this subsection.

11/15
 11/12
 4.
 Cont.

