



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4391/2
MED/KRP/MDK:ah&kjf

2017 SENATE BILL 749

January 29, 2018 - Introduced by Senator KAPENGA, cosponsored by Representative BALLWEG, by request of Department of Safety and Professional Services. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT** *to repeal* 66.1019 (3), 101.02 (7m), 101.02 (20), 101.02 (21), 101.02 (24),
2 101.12 (6) (a), 101.125 (2), 101.125 (3), 101.125 (4m), 101.14 (4m) (a) 3., 101.19
3 (1r), 101.957, subchapter VI (title) of chapter 101 [precedes 101.971], 101.971
4 (intro.) and (1), 101.971 (3) and (4), 101.973, 101.974 (intro.), (1), (2) and (3),
5 101.974 (5), 101.975, 101.976, 101.977, 101.978, 101.985 (4), 145.035, 145.045
6 (2), 145.13 and 445.08 (4); **to renumber** 101.12 (6) (b) and 447.055 (1) (a); **to**
7 **renumber and amend** 101.02 (1), 101.971 (2), 101.974 (4), 440.20 (4), 440.20
8 (5), 445.08 (1) and 447.055 (1) (c); **to amend** 20.165 (2) (j), 43.09 (1), 45.44 (1)
9 (a) 6., 45.44 (1) (a) 16., 49.857 (1) (b), 49.857 (1) (d) 7., 73.0301 (1) (d) 5., 100.21
10 (1) (a), 101.02 (1m), 101.02 (7r) (a), 101.02 (7r) (b) 4., 101.025 (1), 101.125 (4) (a),
11 101.125 (5), 101.16 (3g) (a), 101.19 (1g) (f), 101.654 (1) (c) 1., 101.84 (1), 101.951
12 (7) (a), 101.951 (7) (b), 101.952 (5), 101.985 (5) (a), 108.227 (1) (e) 5., 145.02 (2)
13 (a), 145.02 (3) (f), 145.045 (3), 145.12 (4), 145.24 (1), 145.245 (7) (a), 145.26 (1),
14 234.49 (1) (e), 321.60 (1) (a) 7., 321.60 (1) (a) 18., 343.305 (6) (bm), 440.03 (3m),

SENATE BILL 749

1 440.03 (7), 440.03 (7m), 440.03 (11m) (a), 440.03 (13) (a), 440.03 (13) (am),
2 440.19, 445.04 (3) (a), 445.04 (3) (b) (intro.), 445.045 (1) (g), 446.02 (7) (d) 1.,
3 446.02 (7) (d) 2., 447.05, 447.055 (1) (d), 448.04 (1) (i) 3. and 457.02 (5m); **to**
4 **repeal and recreate** 20.165 (2) (j); and **to create** 101.02 (1) (a), 101.02 (1) (c),
5 101.022, 101.125 (2m), 440.20 (4) (b), 440.20 (5) (b) and 445.04 (3) (c) of the
6 statutes; **relating to:** various changes to statutes administered by the
7 Department of Safety and Professional Services and attached credentialing
8 boards and requiring the exercise of rule-making authority.

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.

**UNIFORM PROFESSIONAL CREDENTIALING AND OCCUPATIONAL LICENSING
PROCEDURES**

The bill makes uniform many of the standards and procedures that apply to the following approvals that are under the authority of DSPS:

1. Licenses, permits, and certificates of certification or registration issued by DSPS, an examining board, or an affiliated credentialing board with respect to various professions, including cosmetology, accounting, architecture, boxing, mixed martial arts, and health professions (professional credentials).
2. Licenses, permits, certificates, registrations, or other approvals issued by DSPS with respect to trades (occupational licenses).

Specifically, this bill requires that any rules promulgated by DSPS that define uniform procedures for the following must conform with rules related to professional credentials: receiving, filing, and investigating complaints against holders of occupational licenses; commencing disciplinary proceedings against holders of occupational licenses; and conducting hearings on matters relating to occupational licenses.

The bill also provides that many laws that apply to professional credentials also apply to occupational licenses, including laws that do all of the following:

1. Govern how and when an application for an initial professional credential or a renewal is granted or denied.
2. Prescribe standards and procedures for how a person may file a complaint against a professional credential holder.
3. Set forth standards and procedures for conducting investigations, commencing disciplinary proceedings, holding hearings, and making findings regarding violations of laws and rules governing professional credential holders.

SENATE BILL 749

4. Prescribe the process and procedure for issuing administrative warnings to professional credential holders, reprimanding professional credential holders, and denying, limiting, suspending, and revoking professional credentials.
5. Set forth certain rights and obligations of professional credential holders.

MULTIFAMILY DWELLING CODE

The bill repeals the statutes, and the authority of DSPS to promulgate rules, that establish standards for the construction of multifamily dwellings and their components. Those statutes and rules are commonly known as the multifamily dwelling code.

Under current law, a county, city, village, or town (political subdivision) is prohibited from enforcing any ordinance that does not comply with the multifamily dwelling code, except with respect to a preexisting stricter sprinkler ordinance that meets certain requirements. The bill repeals the multifamily dwelling code, including the exception for preexisting stricter sprinkler ordinances, but retains certain powers of DSPS which are incorporated into the provisions that regulate public buildings and buildings that are places of employment (commercial building code).

Under current law, a multifamily dwelling is subject to the commercial building code if the multifamily dwelling is a "public building," which current law defines to include a building used by the public or by three or more tenants for lodging or occupancy, or is a place of employment. The bill does not change the applicability of the commercial building code to multifamily dwellings.

SAFETY GLAZING MATERIAL IN HAZARDOUS LOCATIONS

The bill repeals existing statutory requirements related to labeling, installing, and selling safety glazing material located or to be located in hazardous locations. Under the bill, DSPS must promulgate rules regulating safety glazing material manufactured, distributed, imported, sold, or installed for use in a hazardous location.

AGING SCHOOLS PROGRAM

The bill repeals an outdated requirement under the aging schools program that DSPS inspect all public schools constructed prior to January 1, 1950, for compliance with certain safety and building requirements.

**ALTERNATIVE DISPUTE RESOLUTION FOR MANUFACTURED HOUSING INDUSTRY
DISPUTES**

The bill eliminates the requirement that DSPS establish by rule an alternative dispute resolution program for disputes concerning defects in or installation of manufactured homes. Under current law, the ADR program must provide for the timely, nonjudicial resolution of disputes among manufacturers, salespersons, dealers, and installers of manufactured homes if those disputes are reported to DSPS within one year of the date on which a manufactured home is installed.

TEMPORARY REVOCABLE PERMITS FOR MASTER AND JOURNEYMAN PLUMBERS

The bill eliminates the authority of DSPS to issue temporary revocable permits to master and journeyman plumbers pending an examination. The bill also

SENATE BILL 749

eliminates the authority of DSPS to promulgate rules governing the issuance of those permits.

SEPTIC TANK INSTALLERS

The bill eliminates references under current law to “septic tank installers” in requirements related to installation of private on-site wastewater treatment systems.

DEFINITION OF PUBLIC SWIMMING POOLS

The bill changes the definition of public swimming pool to exclude an inflated mobile structure, basin, chamber, or tank; a swim pond; or an individual therapeutic pod, tub, or bath. Under current law, DSPS must review and approve any plans for the construction, alteration, or reconstruction of a public swimming pool, and no one may maintain, manage, or operate a public swimming pool unless DSPS has approved the plans and the public swimming pool conforms to those plans.

OTHER CHANGES

The bill makes various other changes and corrections to various laws governing the regulation professions, including requiring a jurisprudence examination for applicants for licensure as a funeral director that tests an applicant’s knowledge of state law relating to funeral directing. The bill does not otherwise affect current examination requirements for funeral directors.

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.** 20.165 (2) (j) of the statutes is amended to read:
 2 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
 3 the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and
 4 (2m), and 236.335 and for the purpose of transferring the amounts in the schedule
 5 under par. (ke) to the appropriation account under par. (ke). All moneys received
 6 under ch. 145, ss. 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4),
 7 101.955 (2), ~~101.973 (7)~~, 167.35 (2) (f), and 236.12 (7) ~~and all moneys transferred~~
 8 ~~under 2005 Wisconsin Act 45, section 76 (6)~~, shall be credited to this appropriation
 9 account.

SENATE BILL 749

1 **SECTION 2.** 20.165 (2) (j) of the statutes, as affected by 2017 Wisconsin Act 59
2 and 2017 Wisconsin Act (this act), is repealed and recreated to read:

3 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
4 the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and
5 (2m), and 236.335. All moneys received under ch. 145, ss. 101.178, 101.19, 101.63
6 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 167.35 (2) (f), and 236.12 (7), shall
7 be credited to this appropriation account.

8 **SECTION 3.** 43.09 (1) of the statutes is amended to read:

9 43.09 (1) PUBLIC LIBRARIANS. The division shall issue certificates to public
10 librarians and promulgate, under ch. 227, necessary standards for public librarians.
11 The qualifications for public librarians shall be based on education, professional
12 training and experience. Any relevant instruction, as defined in s. ~~101.02 (24) (a) 1.~~
13 440.075 (1), that an applicant for a certificate has obtained in connection with any
14 military service, as defined in s. 111.32 (12g), counts toward satisfying any
15 requirement for instruction for a certificate under this subsection if the applicant
16 demonstrates to the satisfaction of the division that the instruction obtained by the
17 applicant is substantially equivalent to the instruction required for the certificate.
18 Certificates already granted prior to December 17, 1971, shall remain in effect.

19 **SECTION 4.** 45.44 (1) (a) 6. of the statutes is amended to read:

20 45.44 (1) (a) 6. ~~A Occupational license, permit, certificate, or registration~~
21 ~~specified as defined in s. 101.19 (1r) 101.02 (1) (a) 2.~~

22 **SECTION 5.** 45.44 (1) (a) 16. of the statutes is amended to read:

23 45.44 (1) (a) 16. A ~~license, permit, or certificate of certification or registration~~
24 ~~issued under chs. 440 to 480 credential, as defined in s. 440.01 (2) (a).~~

25 **SECTION 6.** 49.857 (1) (b) of the statutes is amended to read:

SENATE BILL 749

1 49.857 (1) (b) “Credential” means a license, permit, certificate or registration
2 that is granted under chs. 440 to 480 has the meaning given in s. 440.01 (2) (a).

3 **SECTION 7.** 49.857 (1) (d) 7. of the statutes is amended to read:

4 49.857 (1) (d) 7. ~~A An occupational license, permit or certificate of certification~~
5 ~~or registration specified as defined in s. 101.02 (21) (1) (a) 2.~~

6 **SECTION 8.** 66.1019 (3) of the statutes is repealed.

7 **SECTION 9.** 73.0301 (1) (d) 5. of the statutes is amended to read:

8 73.0301 (1) (d) 5. ~~A An occupational license, as defined in s. 101.02 (20) (1) (a)~~
9 ~~2.~~

10 **SECTION 10.** 100.21 (1) (a) of the statutes is amended to read:

11 100.21 (1) (a) “Dwelling unit” means a dwelling, as defined under s. 101.61 (1),
12 a modular home, as defined under s. 101.71 (6), a manufactured home, as defined
13 under s. 101.91 (2), or a multifamily dwelling, as defined under s. ~~101.971 (2)~~ 101.01
14 (8m).

15 **SECTION 11.** 101.02 (1) of the statutes is renumbered 101.02 (1) (b) and
16 amended to read:

17 101.02 (1) (b) The department shall adopt reasonable and proper rules and
18 regulations relative to the exercise of its powers and authorities and proper rules to
19 govern its proceedings and to regulate the mode and manner of all investigations and
20 hearings, subject to par. (c).

21 **SECTION 12.** 101.02 (1) (a) of the statutes is created to read:

22 101.02 (1) (a) In this subsection:

23 1. “Credential” has the meaning given in s. 440.01 (2) (a).

24 2. “Occupational license” means a license, permit, certificate, registration, or
25 other approval for an occupation, trade, or profession issued by the department

SENATE BILL 749

1 under this chapter, under ch. 145, under rules promulgated under this chapter or ch.
2 145, or under s. 167.10 (6m).

3 **SECTION 13.** 101.02 (1) (c) of the statutes is created to read:

4 101.02 (1) (c) If the department promulgates rules under s. 440.03 (1) defining
5 uniform procedures to be used by the department for receiving, filing, and
6 investigating complaints against holders of credentials, for commencing disciplinary
7 proceedings against holders of credentials, and for conducting hearings on matters
8 relating to credentials, the department's rules under par. (b) with respect to
9 occupational licenses shall conform with the rules promulgated under s. 440.03 (1).

10 **SECTION 14.** 101.02 (1m) of the statutes is amended to read:

11 101.02 (1m) Notwithstanding sub. (1) (b), the department may not promulgate
12 or enforce a rule related to fire safety that prohibits the seasonal placement of a
13 Christmas tree in the rotunda of the state capitol building or in a church.

14 **SECTION 15.** 101.02 (7m) of the statutes is repealed.

15 **SECTION 16.** 101.02 (7r) (a) of the statutes is amended to read:

16 101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact
17 or enforce an ordinance that establishes minimum standards for constructing,
18 altering, or adding to public buildings or buildings that are places of employment
19 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),
20 except as provided in pars. (b) to (d) ~~and sub. (7m)~~.

21 **SECTION 17.** 101.02 (7r) (b) 4. of the statutes is amended to read:

22 101.02 (7r) (b) 4. The building is not a multifamily dwelling, ~~as defined in s.~~
23 ~~101.971 (2)~~.

24 **SECTION 18.** 101.02 (20) of the statutes, as affected by 2017 Wisconsin Act 59,
25 is repealed.

SENATE BILL 749

1 **SECTION 19.** 101.02 (21) of the statutes, as affected by 2017 Wisconsin Act 59,
2 is repealed.

3 **SECTION 20.** 101.02 (24) of the statutes, as affected by 2017 Wisconsin Act 59,
4 is repealed.

5 **SECTION 21.** 101.022 of the statutes is created to read:

6 **101.022 Certain laws applicable to occupational licenses.** Sections
7 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.05 (1) (a) and (2) (b),
8 440.075, 440.09 (2), 440.11, 440.12, 440.121, 440.13, 440.14, 440.15, 440.19, 440.20
9 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22, and the requirements imposed
10 on the department under those statutes, apply to occupational licenses, as defined
11 in s. 101.02 (1) (a) 2., in the same manner as those statutes apply to credentials, as
12 defined in s. 440.01 (2) (a).

13 **SECTION 22.** 101.025 (1) of the statutes is amended to read:

14 101.025 (1) Notwithstanding s. 101.02 (1) (b) and (15), any rule ~~which~~ that
15 requires the intake of outside air for ventilation in public buildings or places of
16 employment shall establish minimum quantities of outside air that must be supplied
17 based upon the type of occupancy, the number of occupants, areas with toxic or
18 unusual contaminants, and other pertinent criteria determined by the department.
19 The department shall set standards where the mandatory intake of outside air may
20 be waived. The department may waive the requirement for the intake of outside air
21 where the owner has demonstrated that the resulting air quality is equivalent to that
22 provided by outdoor air ventilation. The department may not waive the mandatory
23 intake of outside air unless smoking is prohibited in the building or place of
24 employment. In this subsection, “smoking” means carrying any lighted tobacco
25 product.

SENATE BILL 749

1 **SECTION 23.** 101.12 (6) (a) of the statutes is repealed.

2 **SECTION 24.** 101.12 (6) (b) of the statutes is renumbered 101.12 (6).

3 **SECTION 25.** 101.125 (2) of the statutes is repealed.

4 **SECTION 26.** 101.125 (2m) of the statutes is created to read:

5 101.125 **(2m)** RULES. The department shall promulgate rules regulating safety
6 glazing material manufactured, distributed, imported, sold, or installed for use in a
7 hazardous location.

8 **SECTION 27.** 101.125 (3) of the statutes is repealed.

9 **SECTION 28.** 101.125 (4) (a) of the statutes is amended to read:

10 101.125 **(4)** (a) No employee of a person responsible for compliance with ~~this~~
11 ~~section~~ the rules promulgated under sub. (2m) is liable for the employer's failure to
12 comply.

13 **SECTION 29.** 101.125 (4m) of the statutes is repealed.

14 **SECTION 30.** 101.125 (5) of the statutes is amended to read:

15 101.125 **(5)** PENALTY. Whoever violates ~~this section~~ the rules promulgated
16 under sub. (2m) may be required to forfeit not less than \$100 nor more than \$500.

17 **SECTION 31.** 101.14 (4m) (a) 3. of the statutes is repealed.

18 **SECTION 32.** 101.16 (3g) (a) of the statutes is amended to read:

19 101.16 **(3g)** (a) No retailer may distribute liquefied petroleum gas without
20 holding a license issued by the department. The department, subject to s. ~~101.02 (20)~~
21 ~~and (21)~~ ss. 440.12 and 440.13, shall issue a license to be a retailer upon receiving
22 the fee established under s. 101.19 (1g) (L) or (1m) and upon the retailer's obtaining
23 commercial general liability insurance as required under sub. (3r) (c). The
24 department shall set the term of the license ~~shall be set by the department~~, not to
25 exceed 2 years.

SENATE BILL 749

1 **SECTION 33.** 101.19 (1g) (f) of the statutes is amended to read:

2 101.19 **(1g)** (f) Administration of the manufactured dwelling program, the
3 one-family and two-family dwelling programs, and the manufactured home and
4 mobile home program, ~~and the multifamily dwelling program.~~

5 **SECTION 34.** 101.19 (1r) of the statutes, as affected by 2017 Wisconsin Act 59,
6 is repealed.

7 **SECTION 35.** 101.654 (1) (c) 1. of the statutes is amended to read:

8 101.654 **(1)** (c) 1. In this paragraph, “license” ~~has the meaning given~~ means an
9 occupational license, as defined in s. 101.02 (21) (1) (a) 2.

10 **SECTION 36.** 101.84 (1) of the statutes is amended to read:

11 101.84 **(1)** Hold hearings on any matter relating to this subchapter and issue
12 subpoenas to compel the attendance of witnesses and the production of evidence at
13 the hearings, except that the department shall conduct hearings related to
14 occupational licenses, as defined in s. 101.02 (1) (a) 2., as provided in s. 101.022.

15 **SECTION 37.** 101.951 (7) (a) of the statutes is amended to read:

16 101.951 **(7)** (a) The department of safety and professional services may, without
17 notice, deny the application for a license within 60 days after receipt ~~thereof~~ of the
18 application by written notice to the applicant, stating the grounds for the denial.
19 Within 30 days after ~~such~~ the date on which the written notice of denial is mailed to
20 the applicant, the applicant may petition the department of administration to
21 conduct a hearing to review the denial, and the department of administration shall
22 schedule a hearing ~~shall be scheduled~~ with reasonable promptness. The division of
23 hearings and appeals shall conduct the hearing. This paragraph does not apply to
24 denials of applications for licenses under s. ~~101.02 (21)~~ 440.13.

25 **SECTION 38.** 101.951 (7) (b) of the statutes is amended to read:

SENATE BILL 749

1 101.951 (7) (b) No license may be suspended or revoked except after a hearing
2 thereon. The department of safety and professional services shall give the licensee
3 at least 5 days' notice of the time and place of the hearing. The order suspending or
4 revoking such a license shall is not be effective until after 10 days' written notice
5 thereof to the licensee, after such the hearing has been had; except that the
6 department of safety and professional services, when in its opinion the best interest
7 of the public or the trade demands it, may suspend a license upon not less than 24
8 hours' notice of hearing and with not less than 24 hours' notice of the suspension of
9 the license. ~~Matters~~ The department of administration shall hear and decide upon
10 matters involving suspensions and revocations brought before the department of
11 safety and professional services ~~shall be heard and decided upon by the department~~
12 ~~of administration.~~ The division of hearings and appeals shall conduct the hearing.
13 This paragraph does not apply to licenses that are suspended or revoked under s.
14 ~~101.02 (21)~~ 440.13.

15 **SECTION 39.** 101.952 (5) of the statutes is amended to read:

16 101.952 (5) The provision of s. 218.0116 relating to the denial, suspension, and
17 revocation of a motor vehicle salesperson's license shall apply to the denial,
18 suspension, and revocation of a manufactured home salesperson's license so far as
19 applicable, except that such provision does not apply to the denial, suspension, or
20 revocation of a license under s. ~~101.02 (21) (b)~~ 440.13.

21 **SECTION 40.** 101.957 of the statutes is repealed.

22 **SECTION 41.** Subchapter VI (title) of chapter 101 [precedes 101.971] of the
23 statutes is repealed.

24 **SECTION 42.** 101.971 (intro.) and (1) of the statutes are repealed.

SENATE BILL 749

1 **SECTION 43.** 101.971 (2) of the statutes is renumbered 101.01 (8m) and
2 amended to read:

3 101.01 **(8m)** “Multifamily dwelling” means an apartment building, rowhouse,
4 town house, condominium, or modular home, as defined in s. 101.71 (6), that does not
5 exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling
6 units, as defined in s. 101.61 (1), the initial construction of which is begun on or after
7 January 1, 1993. “Multifamily dwelling” does not include a facility licensed under
8 ch. 50.

9 **SECTION 44.** 101.971 (3) and (4) of the statutes are repealed.

10 **SECTION 45.** 101.973 of the statutes is repealed.

11 **SECTION 46.** 101.974 (intro.), (1), (2) and (3) of the statutes are repealed.

12 **SECTION 47.** 101.974 (4) of the statutes is renumbered 101.02 (25) and amended
13 to read:

14 101.02 **(25)** ~~Promulgate~~ The department may promulgate rules prescribing
15 procedures for approving new building materials, methods, and equipment.

16 **SECTION 48.** 101.974 (5) of the statutes is repealed.

17 **SECTION 49.** 101.975 of the statutes is repealed.

18 **SECTION 50.** 101.976 of the statutes is repealed.

19 **SECTION 51.** 101.977 of the statutes is repealed.

20 **SECTION 52.** 101.978 of the statutes is repealed.

21 **SECTION 53.** 101.985 (4) of the statutes is repealed.

22 **SECTION 54.** 101.985 (5) (a) of the statutes is amended to read:

23 101.985 **(5)** (a) *Issuance and term.* Except as provided under s. 101.02 (20) (b)
24 ~~and (21) (b)~~ ss. 440.12 and 440.13, the department shall issue a license to any
25 applicant who satisfies the applicable requirements of subs. (1) to (3) and any rules

SENATE BILL 749

1 promulgated under subs. (1) to (3) and who pays any applicable fee required by rule
2 of the department under s. 101.19 (1g) (k). Except as provided under sub. (2) (c) and
3 (d), the term of each license is 2 years.

4 **SECTION 55.** 108.227 (1) (e) 5. of the statutes is amended to read:

5 108.227 (1) (e) 5. ~~A~~ An occupational license, as defined in s. 101.02 ~~(20)~~ (1) (a)
6 2.

7 **SECTION 56.** 145.02 (2) (a) of the statutes, as affected by 2017 Wisconsin Act 59,
8 is amended to read:

9 145.02 (2) (a) The department shall have general supervision of all such
10 plumbing and described under sub. (1). ~~The department shall after public hearing~~
11 ~~prescribe and publish and enforce reasonable standards therefor which~~ promulgate
12 rules that shall be uniform and of statewide concern so far as practicable. ~~Any~~
13 ~~employee designated by the department may act for the department in holding the~~
14 ~~public hearing required under this subsection~~ uniformly apply to all types of
15 buildings, private or public, rural or urban, including buildings owned by the state
16 or any political subdivision. The rules promulgated by the department shall
17 constitute the state plumbing code. The state plumbing code shall comply with ch.
18 160. To the extent that the historic building code applies to the subject matter of
19 these standards, the standards do not apply to a qualified historic building if the
20 owner elects to be subject to s. 101.121. The standards do not apply to a primitive
21 rural hunting cabin, as defined in s. 101.61 (3).

22 **SECTION 57.** 145.02 (3) (f) of the statutes is amended to read:

23 145.02 (3) (f) Issue special orders directing and requiring compliance with the
24 rules and standards of the department promulgated under this chapter whenever,
25 in the judgment of the department, the rules or standards are threatened with

SENATE BILL 749

1 violation, are being violated or have been violated, except that the department shall
2 issue orders related to occupational licenses, as defined in s. 101.02 (1) (a) 2., as
3 provided in s. 101.022. The circuit court for any county where violation of such an
4 order occurs has jurisdiction to enforce and shall enforce any order brought before
5 it by injunctive and other appropriate relief. The attorney general or the district
6 attorney of the county where the violation of the order occurs shall bring action for
7 its enforcement. The department may issue an order under this paragraph to abate
8 a violation of s. 254.59.

9 **SECTION 58.** 145.035 of the statutes is repealed.

10 **SECTION 59.** 145.045 (2) of the statutes is repealed.

11 **SECTION 60.** 145.045 (3) of the statutes is amended to read:

12 145.045 (3) ~~PLUMBERS AND SEPTIC TANK INSTALLERS~~ MAY BE SOIL TESTERS. A
13 plumber ~~or septic tank installer~~ may also be a soil tester and install any system after
14 approval of the site or project by the department or the governmental unit
15 responsible for the regulation of private on-site wastewater treatment systems.

16 **SECTION 61.** 145.12 (4) of the statutes is amended to read:

17 145.12 (4) Any person who violates any order under s. 145.02 (3) (f) or 145.20
18 (2) (f) or any rule or standard adopted under s. ~~145.13~~ 145.02 shall forfeit not less
19 than \$10 nor more than \$1,000 for each violation. Each violation of an order under
20 s. 145.02 (3) (f) or 145.20 (2) (f) or a rule or standard under s. ~~145.13~~ 145.02
21 constitutes a separate offense, and each day of continued violation is a separate
22 offense.

23 **SECTION 62.** 145.13 of the statutes is repealed.

24 **SECTION 63.** 145.24 (1) of the statutes is amended to read:

SENATE BILL 749

1 145.24 (1) If an existing private on-site wastewater treatment system either
2 is not located in soil meeting the siting standards or is not constructed in accordance
3 with design standards promulgated under s. 145.02 ~~or 145.13~~, the owner of the
4 private on-site wastewater treatment system may petition the department for a
5 variance to the siting or design standards.

6 **SECTION 64.** 145.245 (7) (a) of the statutes is amended to read:

7 145.245 (7) (a) Except as provided in par. (e), costs allowable in determining
8 grant funding under this section may not exceed the costs of rehabilitating or
9 replacing a private on-site wastewater treatment system ~~which~~ that would be
10 necessary to allow the rehabilitated system or new system to meet the minimum
11 requirements of the state plumbing code promulgated under s. ~~145.13~~ 145.02.

12 **SECTION 65.** 145.26 (1) of the statutes is amended to read:

13 145.26 (1) In this section, “public swimming pool” means a fixed or mobile
14 structure, basin, chamber, or tank and appurtenant buildings and equipment that
15 serve or are installed for use by the state, a political subdivision of the state, a motel,
16 a hotel, a resort, a camp, a club, an association, a housing development, a school, a
17 religious, charitable, or youth organization, an educative or rehabilitative facility, or
18 another entity. “Public swimming pool” does not mean an inflated mobile structure,
19 basin, chamber, or tank; a swim pond; an individual therapeutic pod, tub, or bath;
20 or a fixed or mobile structure, basin, chamber, or tank that only serves fewer than
21 3 individual residences.

22 **SECTION 66.** 234.49 (1) (e) of the statutes is amended to read:

23 234.49 (1) (e) “Housing” means a residential structure having not more than
24 4 dwelling units in which at least one unit is occupied by the owner as a principal
25 residence and, if a housing rehabilitation loan is granted for the property to

SENATE BILL 749

1 implement energy conservation improvements, the structure is not subject to rules
2 adopted under s. 101.02, 101.63, or 101.73, ~~or 101.973~~.

3 **SECTION 67.** 321.60 (1) (a) 7. of the statutes is amended to read:

4 321.60 (1) (a) 7. ~~A~~ An occupational license, as defined in s. 101.02 ~~(20)~~ (1) (a)
5 2.

6 **SECTION 68.** 321.60 (1) (a) 18. of the statutes is amended to read:

7 321.60 (1) (a) 18. ~~A license, permit, certificate, or registration that is granted~~
8 ~~under chs. 440 to 480~~ credential, as defined in s. 440.01 ~~(2)~~ (a).

9 **SECTION 69.** 343.305 (6) (bm) of the statutes is amended to read:

10 343.305 ~~(6)~~ (bm) Any relevant instruction, as defined in s. 101.02 ~~(24)~~ (a) ~~1~~.
11 440.075 (1), that an applicant for an approval, certification, or permit under par. (b)
12 has obtained in connection with any military service, as defined in s. 111.32 (12g),
13 counts toward satisfying any requirement for instruction for an approval,
14 certification, or permit under par. (b) if the applicant demonstrates to the satisfaction
15 of the department of transportation that the instruction obtained by the applicant
16 is substantially equivalent to the instruction required for the approval, certificate,
17 or permit under par. (b).

18 **SECTION 70.** 440.03 (3m) of the statutes is amended to read:

19 440.03 ~~(3)~~ **(3m)** The department may investigate complaints made against a
20 person who has been issued a credential ~~under chs. 440 to 480~~.

21 **SECTION 71.** 440.03 (7) of the statutes is amended to read:

22 440.03 ~~(7)~~ **(7)** The department shall establish the style, content, and format of all
23 credentials and of all forms for applying for any initial credential ~~issued or renewed~~
24 ~~under chs. 440 to 480~~ or credential renewal. All forms shall include a place for the
25 information required under sub. (11m) (a). Upon request of any person who holds

SENATE BILL 749

1 a credential and payment of a \$10 fee, the department may issue a wall certificate
2 signed by the governor.

3 **SECTION 72.** 440.03 (7m) of the statutes is amended to read:

4 440.03 (7m) The department may promulgate rules that establish procedures
5 for submitting an application for a credential or credential renewal by electronic
6 transmission. Any rules promulgated under this subsection shall specify procedures
7 for complying with any requirement that a fee be submitted with the application.
8 The rules may also waive any requirement in chs. 440 to 480 that an application
9 submitted to the department, an examining board, or an affiliated credentialing
10 board be executed, verified, signed, sworn, or made under oath, notwithstanding ss.
11 440.26 (2) (b), 440.91 (2) (intro.), 443.06 (1) (a), 443.10 (2) (a), 445.04 (2), ~~445.08 (4),~~
12 445.095 (1) (a), 448.05 (7), 450.09 (1) (a), 452.10 (1), and 480.08 (2m).

13 **SECTION 73.** 440.03 (11m) (a) of the statutes is amended to read:

14 440.03 (11m) (a) Each application form for ~~a~~ an initial credential issued or
15 renewed under chs. 440 to 480 credential renewal shall provide a space for the
16 department to require an applicant for the initial credential or credential renewal,
17 other than an individual who does not have a social security number and who
18 submits a statement made or subscribed under oath or affirmation as required under
19 par. (am), to provide his or her social security number. If the applicant is not an
20 individual, the department shall require the applicant to provide its federal
21 employer identification number.

22 **SECTION 74.** 440.03 (13) (a) of the statutes is amended to read:

23 440.03 (13) (a) The department may conduct an investigation to determine
24 whether an applicant for a credential issued under chs. 440 to 480 satisfies any of
25 the eligibility requirements specified for the credential, including whether the

SENATE BILL 749

1 applicant does not have an arrest or conviction record. In conducting an
2 investigation under this paragraph, the department may require an applicant to
3 provide any information that is necessary for the investigation, except that, for an
4 investigation of an arrest or conviction record, the department shall comply with the
5 requirements of pars. (b) and (c).

6 **SECTION 75.** 440.03 (13) (am) of the statutes is amended to read:

7 440.03 (13) (am) A person holding a credential ~~under chs. 440 to 480~~ who is
8 convicted of a felony or misdemeanor anywhere shall send a notice of the conviction
9 by 1st class mail to the department within 48 hours after the entry of the judgment
10 of conviction. The department shall by rule determine what information and
11 documentation the person holding the credential shall include with the written
12 notice.

13 **SECTION 76.** 440.19 of the statutes is amended to read:

14 **440.19 Voluntary surrender of license, permit, or certificate.** A person
15 who holds a license, permit, or certificate of certification or registration issued under
16 ~~chs. 440 to 480~~ credential may voluntarily surrender that license, permit, or
17 ~~certificate of certification or registration~~ credential. The department, examining
18 board, affiliated credentialing board, or board of the department that issued the
19 ~~license, permit, or certificate of certification or registration~~ credential may refuse to
20 accept that surrender if a complaint has been filed or disciplinary proceeding has
21 been commenced against the person under s. 440.20.

22 **SECTION 77.** 440.20 (4) of the statutes is renumbered 440.20 (4) (a) and
23 amended to read:

24 440.20 (4) (a) ~~In addition to any grounds for discipline specified in chs. 440 to~~
25 ~~480, the~~ The department or appropriate examining board, affiliated credentialing

SENATE BILL 749

1 board, or board in the department may reprimand the holder of a credential or deny,
2 limit, suspend, or revoke the credential of any person who intentionally violates s.
3 252.14 (2) or intentionally discloses the results of a blood test in violation of s. 252.15
4 (3m) (b) or (f) or (5m).

5 **SECTION 78.** 440.20 (4) (b) of the statutes is created to read:

6 440.20 (4) (b) The grounds for discipline specified under par. (a) are in addition
7 to any grounds for discipline specified in chs. 440 to 480.

8 **SECTION 79.** 440.20 (5) of the statutes is renumbered 440.20 (5) (a) and
9 amended to read:

10 440.20 (5) (a) ~~In addition to any grounds for discipline specified in chs. 440 to~~
11 ~~480, the~~ The department, or the appropriate credentialing board or other board in
12 the department, may reprimand a credential holder, or may deny, limit, suspend, or
13 revoke a credential, if the credential holder fails to respond, to the satisfaction of the
14 department, credentialing board, or other board in the department, within 30 days
15 to a request for information from the department, credentialing board, or other board
16 in the department in connection with an investigation of alleged misconduct of the
17 credential holder.

18 **SECTION 80.** 440.20 (5) (b) of the statutes is created to read:

19 440.20 (5) (b) The grounds for discipline specified under par. (a) are in addition
20 to any grounds for discipline specified in chs. 440 to 480.

21 **SECTION 81.** 445.04 (3) (a) of the statutes is amended to read:

22 445.04 (3) (a) Written examinations for a funeral director's license under pars.
23 (b) and (c) shall be held at least once a year and shall be conducted by the examining
24 board at a time and place to be designated by the examining board.

25 **SECTION 82.** 445.04 (3) (b) (intro.) of the statutes is amended to read:

SENATE BILL 749

1 445.04 (3) (b) (intro.) The comprehensive examination shall include the
2 subjects of:

3 **SECTION 83.** 445.04 (3) (c) of the statutes is created to read:

4 445.04 (3) (c) The jurisprudence examination shall test the applicant's
5 knowledge of state law relating to funeral directing.

6 **SECTION 84.** 445.045 (1) (g) of the statutes is amended to read:

7 445.045 (1) (g) The person must have successfully passed a comprehensive
8 examination ~~conducted by the examining board as required by~~ under s. 445.04 (3) (b)
9 and a jurisprudence examination under s. 445.04 (3) (c).

10 **SECTION 85.** 445.08 (1) of the statutes is renumbered 445.08 and amended to
11 read:

12 **445.08 Reciprocity in issuance of licenses.** Any person holding a valid
13 license as a funeral director or embalmer in another state having requirements
14 substantially equal to those in this state for a funeral director's license may apply
15 for a license to practice in this state by filing with the examining board a certified
16 statement from an authorized official of the that state ~~in which the applicant holds~~
17 ~~a license, showing the qualifications upon which said license was granted. that~~
18 verifies the person's licensure in that state. An applicant for licensure under this
19 section shall pass the jurisprudence examination under s. 445.04 (3) (c) and shall
20 satisfy the requirement under s. 445.045 (1) (b). Thereupon the examining board
21 may, upon the payment of the required fee, issue a funeral director's license.

22 **SECTION 86.** 445.08 (4) of the statutes is repealed.

23 **SECTION 87.** 446.02 (7) (d) 1. of the statutes is amended to read:

24 446.02 (7) (d) 1. ~~Beginning on July 1, 2010, a~~ A chiropractor may delegate
25 X-ray services only to a chiropractic radiological ~~technologist~~ technician.

SENATE BILL 749

1 **SECTION 88.** 446.02 (7) (d) 2. of the statutes is amended to read:

2 446.02 (7) (d) 2. ~~Beginning on July 1, 2010, a~~ A chiropractor may delegate
3 adjunctive services only to a chiropractic ~~technologist~~ technician.

4 **SECTION 89.** 447.05 of the statutes is amended to read:

5 **447.05 Expiration and renewal.** Renewal applications shall be submitted
6 to the department on a form provided by the department on or before the applicable
7 renewal date specified under s. 440.08 (2) (a) and shall include the applicable
8 renewal fee determined by the department under s. 440.03 (9) (a). The examining
9 board may not renew a license to practice dentistry unless the applicant for renewal
10 attests that he or she has current proficiency in cardiopulmonary resuscitation,
11 including the use of an automated external defibrillator achieved through
12 instruction provided by an individual, organization, or institution of higher
13 education approved under s. 46.03 (38) to provide such instruction. The examining
14 board may not renew a license to practice dental hygiene unless the applicant for
15 renewal attests that he or she has complied with s. 447.055 and any rules
16 promulgated by the ~~department~~ examining board under s. 447.055, that he or she
17 has a current certification in cardiopulmonary resuscitation, and that he or she has
18 current proficiency in the use of an automated external defibrillator achieved
19 through instruction provided by an individual, organization, or institution of higher
20 education approved under s. 46.03 (38) to provide such instruction.

21 **SECTION 90.** 447.055 (1) (a) of the statutes is renumbered 447.055 (1) (a) 1.

22 **SECTION 91.** 447.055 (1) (c) of the statutes is renumbered 447.055 (1) (a) 2. and
23 amended to read:

24 447.055 (1) (a) 2. ~~Biennially, beginning January 1, 2007, the department shall~~
25 ~~consult with the examining board and with the department of health services~~

SENATE BILL 749

1 regarding the number of credit hours of continuing education required for eligibility
2 for renewal under par. (a). ~~After consulting with the examining board and the~~
3 ~~department of health services, and notwithstanding par. (a)~~ Notwithstanding subd.
4 1., the department examining board may promulgate a rule requiring not more than
5 20 nor less than 12 credit hours of continuing education for eligibility for renewal of
6 a license to practice dental hygiene.

7 **SECTION 92.** 447.055 (1) (d) of the statutes is amended to read:

8 447.055 (1) (d) ~~After consultation with the examining board and with the~~
9 ~~department of health services, the department~~ The examining board may
10 promulgate rules requiring that continuing education credit hours under par. (a)
11 include courses in specific clinical subjects.

12 **SECTION 93.** 448.04 (1) (i) 3. of the statutes is amended to read:

13 448.04 (1) (i) 3. The board may issue a temporary certificate to practice
14 respiratory care to an individual who submits to the board an application, the fee
15 specified in s. 440.05 (1) (a), written verification that the applicant has passed the
16 national board for respiratory care's certified respiratory ~~therapy~~ technician
17 examination, evidence satisfactory to the board that the applicant meets the
18 requirements of s. 448.05 (5r), and evidence satisfactory to the board that the
19 applicant is certified to practice respiratory care in another state. The board may not
20 issue a temporary certificate under this subdivision to an individual who has
21 previously been issued a temporary certificate under this subdivision. If an
22 applicant for a temporary certificate under this subdivision has been subjected to
23 professional discipline as a result of the applicant's practice of respiratory care, the
24 applicant shall submit to the board a description of the circumstances of the

SENATE BILL 749

1 discipline. A temporary certificate under this subdivision may be issued for a period
2 not to exceed 3 months and may not be renewed.

3 **SECTION 94.** 457.02 (5m) of the statutes is amended to read:

4 457.02 (5m) Authorize any individual who is certified or licensed under this
5 chapter to treat ~~alcohol or substance dependency or abuse~~ substance use disorder as
6 a specialty unless the individual is a certified substance abuse counselor, clinical
7 supervisor, or prevention specialist under s. 440.88, or unless the individual satisfies
8 educational and supervised training requirements established in rules promulgated
9 by the examining board. In promulgating rules under this subsection, the examining
10 board shall consider the requirements for qualifying as a certified substance abuse
11 counselor, clinical supervisor, or prevention specialist under s. 440.88.

12 **SECTION 95. Nonstatutory provisions.**

13 (1) REVIEW OF BILLS AFFECTING HOUSING. Section 13.099 of the statutes may not
14 apply to the actions of the legislature in enacting this act.

15 **SECTION 96. Initial applicability.**

16 (1) EXAMINATIONS FOR FUNERAL DIRECTING. The treatment of sections 445.04 (3)
17 (a), (b) (intro.), and (c) and 445.045 (1) (g) of the statutes, the repeal of section 445.08
18 (4) of the statutes, and the renumbering and amendment of section 445.08 (1) of the
19 statutes first apply to an application for a funeral director's license received by the
20 funeral directors examining board on the effective date of this subsection.

21 **SECTION 97. Effective dates.** This act takes effect on the day after publication,
22 except as follows:

23 (1) The repeal and recreation of section 20.165 (2) (j) of the statutes takes effect
24 on June 30, 2021.

25 (END)