

1981 Senate Bill 77

Date published: May 10, 1982

CHAPTER 380 , Laws of 1981

AN ACT to repeal 139.37 (1) (b), 445.045 (1) (c), 457.12 (2) (c) and 459.10 (2) (g); to amend 62.13 (4) (c) and (d), 62.50 (3) and (5), 63.25 (1) (a), 66.053 (1) (b), 66.054 (6), (7), (8) (a), (10m) (am) and (11) (a), 98.145 (3), 98.146 (2), 102.17 (1) (c), 137.01 (1) (b) and (h), 139.34 (1) (b) and (c) (intro.), 139.37 (1) (c) (intro.), 146.35 (5) (a), 146.50 (6) (a), 163.12 (7), 163.14 (2), 163.27 (1) and (2), 163.51 (29) (b), 176.05 (9), 176.055, 343.64 (3) and (4), 343.65 (2), 343.66 (2) and (5), 343.67 (2), 349.25 (2), 440.26 (2) (c), 441.04, 441.10 (1), 442.04 (5), 442.06 (1) (intro.), 443.06 (1) (a), 443.09 (2), 445.04 (2), 445.08 (2) (a), 445.095 (1) (a), 446.02 (2), 446.03 (2) and (5), 447.07 (2), (3) (a) and (5), 447.08 (2) (a), 448.04 (1) (b) 2, 449.05 (1) (b), 450.02 (1), (6) and (7) (a), 450.04 (5), 452.02 (3), 452.03, 452.05 (1) (e), 452.06 (1), 452.10 (2) (i), 457.124 (2), 457.14 (2) (f), 458.08 (1), 458.14 (2) (g) and 459.06 (1); and to repeal and recreate 38.51

(8) (c) 7, 445.045 (1) (b), 448.05 (1) (a), 455.04 (1) (b), 456.04 (2), 457.09 (1) (b), 458.02 (8) (b), 458.08 (6m) (a), 458.12 (1) (b) and 459.10 (2) (f) of the statutes, relating to revising obsolete language and removing the requirements of U.S. citizenship and good moral character from certain employment and licensure statutes.

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

SECTION 1. 38.51 (8) (c) 7 of the statutes is repealed and recreated to read:

38.51 (8) (c) 7. Subject to s. 111.32 (5) (a) and (h), the applicant has an arrest or conviction record.

SECTION 1m. 62.13 (4) (c) and (d) of the statutes are amended to read:

62.13 (4) (c) For the choosing of such list the board shall adopt, and may repeal or modify, rules calculated to secure the best service in the departments. These rules shall provide for examination of physical and educational qualifications, ~~habits, reputation,~~ and experience, and may provide such competitive examinations as the board shall determine, and for the classification of positions with special examination for each class. The board shall print and distribute the rules and all changes in them, at city expense.

(d) The examination shall be free for all U.S. citizens over 18 and under 55 years of age, with proper limitations as to residence, health, ~~habits and character~~ and, subject to s. 111.32 (5) (a) and (h), arrest and conviction record. The examination, including minimum training and experience requirements, shall be job-related in compliance with appropriate validation standards and shall be subject to the approval of the board and may include tests of manual skill and physical strength. All relevant experience, whether paid or unpaid, shall satisfy experience requirements. The board shall control examinations and may designate and change examiners, who may or may not be otherwise in the official service of the city, and whose compensation shall be fixed by the board and paid by the city. Veterans shall be given preference points in accordance with s. 230.16 (7).

SECTION 2. 62.50 (3) and (5) of the statutes are amended to read:

62.50 (3) RULES AND REGULATIONS. As soon as possible after the first members of the board enter their offices, the board shall prepare and adopt rules and regulations to govern the selection and appointment of persons to be thereafter employed on either the police force or the fire department of the city, as in the judgment of the board shall be adapted to secure the best service for the public in each department. The rules and regulations shall provide for ascertaining, as far as possible, physical qualifications, ~~habits, reputation,~~ standing and experience of all applicants for positions, and the rules and regulations may provide for the competitive examination of some or all in such subjects as are deemed proper for the purpose of best determining the applicants' qualifications for the position sought. The rules and regulations may provide for the classification of positions in the service and for a special course of inquiry and examination for candidates for each class. All rules and regulations adopted shall be subject to modification or repeal by the board at any time.

(5) EXAMINATIONS. The examinations which the rules and regulations provide for shall be public and free to all U.S. citizens with proper limitations as to residence, age, health, ~~habits and moral character~~ and, subject to s. 111.32 (5) (a) and (h), arrest and conviction record. The examinations shall be practical in their character and shall relate to those matters which fairly test the relative capacity of the candidates to discharge the duties of the positions in which they seek employment or to which they seek to be appointed and may include tests of manual skill and physical strength. The board shall control all examinations and may designate suitable persons, either in the official service of the city or not, to conduct such examinations and may change such examiners at any time, as seems best.

SECTION 3. 63.25 (1) (a) of the statutes is amended to read:

63.25 (1) (a) For open, competitive examinations and for other examinations by which to test applicants for office or for employment as to their practical fitness to discharge the duties of the positions which they desire to fill, which examinations shall be public and free to all persons with proper limitations as to ~~citizenship, residence, age, health, habits and moral character~~ and, subject to s. 111.32 (5) (a) and (h), arrest and conviction record.

SECTION 4. 66.053 (1) (b) of the statutes is amended to read:

66.053 (1) (b) No license or permit may be granted to any person, unless to a domestic corporation, ~~not a citizen of the United States and resident~~ of this state and ~~a resident~~ of the town, village or city in which the license is applied for, nor, subject to s. 111.32 (5) (a) and (h), to any person who has been convicted of a felony, unless the person has been restored to civil rights.

SECTION 5. 66.054 (6), (7), (8) (a), (10m) (am) and (11) (a) of the statutes are amended to read:

66.054 (6) WHOLESALERS' LICENSES. Wholesalers' licenses may be issued to domestic corporations, to foreign corporations or to persons of ~~good moral character~~ who have been residents of this state continuously for not less than one year prior to the date of filing application for the wholesalers' license and who do not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h). Corporations applying for wholesalers' licenses shall comply with s. 176.05 (13). Wholesalers' licenses shall authorize sales of fermented malt beverages only in original packages or containers to dealers, not to be consumed in or about the premises where sold. The fee for a wholesaler's license may not exceed \$25 per year or fractional part thereof.

(7) CLASS "A" RETAILERS' LICENSES. Class "A" retailers' licenses may be issued only to domestic corporations, to foreign corporations or to persons of ~~good moral character who are citizens of the United States and have been residents~~ of this state ~~and have resided in this state~~ continuously for not less than one year prior to the date of ~~the~~ filing of application for the license and who do not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h). Corporations applying for Class "A" retailers' licenses shall comply with s. 176.05 (13). The license authorizes sales of fermented malt beverages only for consumption away from the premises where sold and in the original packages, containers or bottles. The license fee for a Class "A" license shall be determined by the city, village or town in which the premises are located. ~~Not~~ No more than 2 Class "A" licenses may be issued in the state to any one corporation or person, and in each application for a Class "A" license the applicant shall state that he or she has not made application for more than one other Class "A" license for any other location in the state. No such license may be issued to any person acting as agent for or in the employ of another.

(8) (a) Class "B" retailers' licenses shall be issued only to persons 18 years of age or over of ~~good moral character, who are citizens of the United States and have been residents~~ of the state, ~~and have resided in~~ this state continuously for not less than one year prior to the date of filing the application and who do not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h). No Class "B" retailers' license ~~shall~~ may be granted for any premises where any other business is conducted, in connection with the licensed premises and no other business may be conducted on the licensed premises after the granting of the Class "B" license except that restriction shall not apply to a hotel, or to a restaurant not a part of or located in any mercantile establishment, or to a combination grocery store and tavern, or to a combination sporting goods store and tavern in towns, villages and cities of the 4th class, or to a novelty store and tavern, or to a bowling alley or recreation premises or to a bona fide club, society or lodge that shall have been in existence for not less than 6 months prior to the date of filing application for the Class "B" license. ~~Not~~ No more than 2 Class "B" licenses ~~shall~~ may be issued in the state to any one person, and in each application for a Class "B" license the applicant shall state that he or

she has not made application for more than one other Class "B" license for any other location in the state. No Class "B" license may be issued to any person acting as agent for or in the employ of another, except that this restriction shall not apply to a hotel or to a restaurant not a part of or located in or upon the premises of any mercantile establishment, or to a bona fide club, society or lodge that has been in existence for not less than 6 months prior to the date of application. A Class "B" license for a hotel, restaurant, club, society or lodge may be taken in the name of an officer or manager, who shall be personally responsible for compliance with all of the terms and provisions of this section. Corporations applying for Class "B" retailers' licenses shall comply with s. 176.05 (13).

(10m) (am) The city council, village board or town board electing by ordinance as provided by par. (a) may issue manager's licenses, which shall be granted only upon application in writing. A manager's license shall be required only for the purpose of compliance with par. (c) or s. 176.05 (10m) (a). A manager's license shall be issued only to persons 18 years of age or over ~~of good moral character~~ who, subject to s. 111.32 (5) (a) and (h), do not have an arrest or conviction record and who are residents of this state, except cities of the 1st class cities may issue a manager's license only to a person who has been a resident of the city for the period commencing on the date one year prior to the issuance of the license and terminating on the date the license is issued. A manager's license is valid only within the limits of the city, village or town in which it is issued.

(11) (a) Every city council, village or town board may issue a license known as an "Operator's" license, which may be granted only upon application in writing, and which may not be required of any person or for any purpose other than to comply with par. (b). An operator's license may be issued only to persons 18 years of age or over ~~are of good moral character~~, subject to s. 111.32 (5) (a) and (h), do not have an arrest or conviction record. Operators' licenses shall be operative only within the limits of the city, village or town in which issued. For the purpose of this subsection and s. 176.05 (11) any member of the immediate family of the licensee or person holding a manager's license shall be considered as holding an operator's license.

SECTION 6. 98.145 (3) of the statutes is amended to read:

98.145 (3) To qualify for a milk and cream tester's license the applicant shall not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), shall furnish satisfactory evidence of good moral character as certified by 2 responsible references who have known the applicant for at least one year and shall give proof of ability to perform the necessary duties to the satisfaction of the department by satisfactorily passing a written examination pertaining to milk and cream sampling and care of samples and use of the Babcock test or such other test method ~~as may be approved by the department; and by actual demonstration in the laboratory of his or her ability to determine accurately the milk fat content of milk and cream including special emphasis on the handling and testing of composite samples of milk and cream.~~

SECTION 7. 98.146 (2) of the statutes is amended to read:

98.146 (2) Each application for a license under this section or license renewal thereof shall be made on forms provided by the department and shall be accompanied by a fee of \$20. The license shall expire biennially on September 30 of the 2nd year commencing after the date of issuance or renewal. The applicant shall furnish satisfactory evidence of good moral character not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), and shall give proof of ability to engage in such weighing and sampling to the satisfaction of the department by satisfactorily passing a written examination pertaining to such activities. Any person holding a tester's license under s. 98.145, or who is engaged in weighing and sampling milk in bulk tanks, either as an employe of a purchaser or receiver of milk in bulk tanks, or as the owner of a bulk tank truck and route, on August 21, 1957, shall be licensed under this section without examination if the person satisfies the department that he or she is qualified for the license.

SECTION 8. 102.17 (1) (c) of the statutes is amended to read:

102.17 (1) (c) Either party shall have the right to be present at any hearing, in person or by attorney, or any other agent, and to present such testimony as may be pertinent to the controversy before the department. No person, firm or corporation other than an attorney at law, duly licensed to practice law in the state, shall ~~may~~ appear on behalf of any party in interest before the department or any member or employe of the department assigned to conduct any hearing, investigation or inquiry relative to a claim for compensation or benefits under this chapter, unless ~~a citizen of the United States, of full age, of good moral character and the person is 18 years of age or older, does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), is otherwise qualified, and has obtained from the department a license with authorization to appear in matters or proceedings before the department. Such~~ The license shall be issued by the department under rules to be adopted by it the department. In such rules the department may prescribe such reasonable tests of character and fitness as it may deem necessary. There shall be maintained in the office of the department a ~~registry or current list of persons to whom licenses have been issued as provided herein, which list shall be corrected as often as licenses are issued or revoked.~~ Any such license may be suspended or revoked by the department for fraud or serious misconduct on the part of ~~any such an~~ an agent. Before suspending or revoking the license of ~~any such the~~ the agent, the department shall give notice in writing to ~~such the~~ the agent of the charges of fraud or misconduct, and shall give ~~such the~~ the agent full opportunity to be heard in relation to the same. ~~Such~~ The license and certificate of authority shall, unless otherwise suspended or revoked, be in force from ~~and after~~ the date of issuance until the ~~30th day of June 30~~ 30 following ~~such the~~ the date of issuance and may be renewed by the department from time to time, but each renewed license shall expire on the ~~30th day of June 30~~ 30 following the issuance thereof.

SECTION 9. 137.01 (1) (b) and (h) of the statutes are amended to read:

137.01 (1) (b) The secretary of state shall satisfy himself or herself that the applicant ~~is of good moral character, has the equivalent of an eighth 8th grade education and, is familiar with the duties and responsibilities of a notary public and, subject to s. 111.32 (5) (a) and (h), does not have an arrest or conviction record.~~

(h) A notary shall be entitled to reappointment ~~if of good moral character.~~

SECTION 10. 139.34 (1) (b) and (c) (intro.) of the statutes are amended to read:

139.34 (1) (b) ~~No permit shall be granted to any person not of good moral character. This section shall apply applies to all officers, directors, agents and stockholders holding 5% or more of the stock of any corporation applying for a permit hereunder under this section.~~

(c) (intro.) ~~Within the meaning of this section, subject~~ Subject to s. 111.32 (5) (a) and (h), a person may be regarded as or found to be a person not of good moral character when that person no permit under this section may be granted to any person who:

SECTION 11. 139.37 (1) (b) of the statutes is repealed.

SECTION 12. 139.37 (1) (c) (intro.) of the statutes is amended to read:

139.37 (1) (c) (intro.) ~~Within the meaning of this section, subject~~ Subject to s. 111.32 (5) (a) and (h), a person may be regarded as or found to be a person not of good moral character when that person no permit under this section may be granted to any person who:

SECTION 13. 146.35 (5) (a) of the statutes is amended to read:

146.35 (5) (a) ~~Be at least 18 years of age, of good moral character and physically and emotionally or older, capable of performing the duties of an emergency medical technician — advanced (paramedic) and, subject to s. 111.32 (5) (a) and (h), not have an arrest or conviction record.~~

SECTION 14. 146.50 (6) (a) of the statutes is amended to read:

146.50 (6) (a) ~~Be not less than 18 years of age, of good moral character and physically and emotionally or older,~~ capable of performing the duties of an ambulance attendant and, subject to s. 111.32 (5) (a) and (h), not have an arrest or conviction record.

SECTION 15. 163.12 (7) of the statutes is amended to read:

163.12 (7) The name, date of birth and address of each supervising member for each bingo occasion who shall be a bona fide and active member of the applicant organization ~~and of good moral character~~ and one or more of whom shall be present and in immediate charge of and responsible for the conduct of bingo games at each bingo occasion.

SECTION 16. 163.14 (2) of the statutes is amended to read:

163.14 (2) The supervising member and member responsible for the proper utilization of gross receipts are bona fide and active members of the applicant organization ~~and persons of good moral character~~ who, subject to s. 111.32 (5) (a) and (h), have never been convicted of a felony or, if convicted, have received a pardon or have been released from parole or probation for at least 5 years.

SECTION 17. 163.27 (1) and (2) of the statutes are amended to read:

163.27 (1) ~~A~~ Subject to s. 111.32 (5) (a) and (h), a person convicted of a felony who has not received a pardon or has not been released from parole or probation for at least 5 years.

(2) ~~A~~ Subject to s. 111.32 (5) (a) and (h), a person who is or has been a professional gambler or gambling promoter or ~~who is not of good moral character as defined in to whom s. 139.34 (1) (c) is applicable.~~

SECTION 18. 163.51 (29) (b) of the statutes is amended to read:

163.51 (29) (b) ~~Is of good moral character and~~ Subject to s. 111.32 (5) (a) and (h), has never been convicted of a felony or, if convicted, has been pardoned or released from probation or parole for at least 5 years.

SECTION 19. 176.05 (9) of the statutes is amended to read:

176.05 (9) WHERE AND TO WHOM LICENSES NOT GRANTED. No license or permit ~~shall~~ may be granted to any person or persons under the age of 18 years for the sale of any such intoxicating liquors, or to any person who is not ~~of good moral character and a full citizen of the United States and a resident~~ of this state and who has not resided in this state continuously for at least one year prior to the date of filing the application; nor, subject to s. 111.32 (5) (a) and (h), ~~shall may any such license be granted or issued to any person who has habitually been a petty law offender, or has been convicted of an offense against the laws of this state punishable by imprisonment in the Wisconsin state prisons a felony,~~ unless the person ~~so committed~~ has been duly pardoned. This subsection ~~shall~~ does not apply to a Wisconsin corporation; it applies, however, to all officers and directors of any such corporation.

SECTION 20. 176.055 of the statutes is amended to read:

176.055 Warehouse receipts salesman's permit. The secretary of revenue may issue a warehouse receipt salesman's permit. The fee for ~~such the~~ permit shall be \$100 and it shall be issued only to a natural person ~~of good moral character~~ who has resided ~~in the~~ this state for at least one year preceding the application for the issuance thereof and who is also holding a salesman's permit to sell intoxicating liquors in this state issued by the secretary and who is also duly registered by the secretary to sell intoxicating liquors for a duly registered Wisconsin manufacturer, rectifier or wholesaler whom he ~~or she~~ shall represent in selling the warehouse receipts which he ~~or she~~ is licensed to sell. The permit shall entitle the holder to sell warehouse receipts for intoxicating liquors to duly licensed manufacturers, rectifiers, wholesalers and retailers of intoxicating liquors, but to none other and no permit holder ~~shall~~ may sell warehouse receipts to any person to whom he ~~or~~

~~she~~ could not sell intoxicating liquors under this chapter. Any person who ~~shall sell~~ sells warehouse receipts for intoxicating liquors without a permit from the secretary or who ~~shall sell~~ sells such receipts to a person other than a duly licensed manufacturer, rectifier, wholesaler or retailer shall be imprisoned for not less than one year nor more than 3 years or fined not less than \$100 nor more than \$5,000, or both, and shall, in addition ~~thereto~~, have his or ~~its~~ her permit automatically revoked. Any person having his or ~~her~~ permit so revoked shall not be granted another permit for a period of 2 years following ~~such~~ the revocation.

SECTION 21. 343.64 (3) and (4) of the statutes are amended to read:

343.64 (3) Subject to s. 111.32 (5) (a) and (h), ~~such~~ the applicant or any officer, director, stockholder, partner or any person directly interested in the business has been an ~~habitual petty law offender or has been convicted of an offense against the laws punishable as a felony, unless the person so convicted has been duly pardoned;~~

(4) ~~Such~~ The applicant has failed to furnish satisfactory evidence of ~~good character, reputation and fitness;~~

SECTION 22. 343.65 (2) of the statutes is amended to read:

343.65 (2) ~~Such~~ The applicant has failed to furnish satisfactory evidence of the facts required of the applicant, ~~is not of good moral character,~~ has not held a license to drive a motor vehicle within this state for the past year, has not had a driving record satisfactory to the secretary, or, subject to s. 111.32 (5) (a) and (h), has been convicted of a felony and has not been duly pardoned.

SECTION 23. 343.66 (2) and (5) of the statutes are amended to read:

343.66 (2) Subject to s. 111.32 (5) (a) and (h), the licensee or any partner or officer of the licensee has been ~~an habitual petty law offender or has been convicted of a felony;~~

(5) Subject to s. 111.32 (5) (a) and (h), the licensee has knowingly employed, as an instructor, a person who has been ~~an habitual petty law offender or has been convicted of a felony or has retained such a person in such employ after knowledge of his or her conviction; or~~

SECTION 24. 343.67 (2) of the statutes is amended to read:

343.67 (2) Subject to s. 111.32 (5) (a) and (h), the licensee has been convicted of a felony ~~or has been an habitual petty law offender;~~

SECTION 25. 349.25 (2) of the statutes is amended to read:

349.25 (2) No county board ~~shall~~ may issue a license for any of the vehicles mentioned in sub. (1) ~~unless the applicant does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), and until the applicant exhibits proof that the applicant is a person of good moral character and that liability insurance will be in force for the protection of passengers in the minimum amount of \$10,000 for any one passenger and \$50,000 for any single accident. Section 632.24 is applicable to the insurance required under this section, whether the vehicle is a motor vehicle or is propelled in some other manner. The county board shall charge a fee of \$1 for each license issued.~~

SECTION 26. 440.26 (2) (c) of the statutes is amended to read:

440.26 (2) (c) *Approval.* The department shall prescribe, by ~~administrative rule,~~ such standards of professional, educational and moral qualification ~~qualifications~~ as it deems appropriate, with due regard to investigative experience, special professional education and training and other factors bearing on professional competence ~~and trustworthiness.~~ Subject to s. 111.32 (5) (a) and (h), no person convicted of a felony ~~in this state or elsewhere shall be~~ is eligible for a license for 5 years thereafter. The department, in considering applicants for license, shall seek the advice of the appropriate local law enforcement agency or governmental official, and conduct such further investigation, as it deems proper to determine the ~~character, competence and integrity~~ of the applicant.

SECTION 27. 441.04 of the statutes is amended to read:

441.04 Requisites for examination as a registered nurse. Any person of ~~good professional character~~, who has graduated from a high school or its equivalent as determined by the board, who does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), holds a diploma of graduation from an accredited school of nursing and, if the school is located outside this state, ~~who~~ submits evidence of general and professional educational qualifications comparable to those required in this state at the time of graduation may apply to the department for registration by the board as a registered nurse, and upon payment of the fee specified under s. 440.05 (1) shall be entitled to examination.

SECTION 28. 441.10 (1) of the statutes is amended to read:

441.10 (1) PREREQUISITES FOR EXAMINATION AS TRAINED PRACTICAL NURSES. A person who is at least 18 years of age ~~and of good moral character~~ or older, who does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), has completed 2 years of high school or its equivalent as determined by the board and ~~who~~ holds a diploma of graduation from an accredited school for trained practical nurses approved by that board, which school shall be connected with an institution providing hospital facilities for the care of medical, surgical and obstetrical cases, may apply to the board for licensing as a trained practical nurse, and, upon the payment of the examination fee specified in s. 440.05 (1), shall be entitled to take an examination. Any school for trained practical nurses, in order to be accredited, must offer a course of not less than 9 months.

SECTION 29. 442.04 (5) of the statutes is amended to read:

442.04 (5) No certificate as a certified public accountant may be granted to any person other than a person who is ~~over the age of 18 years and of good professional character~~, of age or older, does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), and, except as provided in s. 442.05, ~~who~~ has successfully passed a written examination in such subjects affecting accountancy as the examining board deems necessary, and ~~who~~, if the application was made before July 1, 1968, has had at least 3 years of accounting experience, equivalent to that of a senior in public practice. The examining board may accept evidence of sufficient technical education in accountancy in lieu of 1 1/2 years of public accounting experience. If the application was after that date and the applicant has had at least 1 1/2 years accounting experience equivalent to that of a senior in public practice, the sufficiency of the experience to be judged by the examining board, the examining board may supplement the written examination by an interview and may use the examination service provided by the American institute of certified public accountants.

SECTION 30. 442.06 (1) (intro.) of the statutes is amended to read:

442.06 (1) (intro.) The examining board may grant a certificate of authority to practice as a public accountant to each individual who applied before December 1, 1935, ~~who presents evidence of good moral character satisfactory to the examining board, and:~~

SECTION 31. 443.06 (1) (a) of the statutes is amended to read:

443.06 (1) (a) Application for registration as a land surveyor or a permit to practice shall be made to the section under oath, on forms prescribed by the examining board and provided by the department, which shall require the applicant to submit such information as the section deems necessary. The section may require applicants to pass written or oral examinations or both. Applicants ~~who are of good character and repute~~ do not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), shall be entitled to be registered or issued a permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

SECTION 32. 443.09 (2) of the statutes is amended to read:

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443.09 (2) ~~No Subject to s. 111.32 (5) (a) and (h), no person is eligible for registration as an architect or a professional engineer, or certification as an engineer-in-training who is not of good character and repute has an arrest or conviction record.~~

SECTION 33. 445.04 (2) of the statutes is amended to read:

445.04 (2) No person may engage in the business of a funeral director, or make a representation as engaged in such business, in whole or in part, unless first licensed as a funeral director by the examining board. Application for a license, other than a renewal, shall be in writing and verified on a form to be furnished by the examining board. The application must specify the address at which the applicant proposes to conduct the business of a funeral director and shall contain such other information as the examining board requires to determine compliance with the requirements of this chapter. Accompanying the application shall be the examination fee specified under s. 440.05 (1), together with affidavits of recommendation from at least 2 ~~reputable freeholders~~ persons of the county in which the applicant resides or proposes to conduct the business of a funeral director, ~~to the effect that the applicant is of good moral character and temperate habits, and a U.S. citizen.~~

SECTION 34. 445.045 (1) (b) of the statutes is repealed and recreated to read:

445.045 (1) (b) Subject to s. 111.32 (5) (a) and (h), not have an arrest or conviction record;

SECTION 35. 445.045 (1) (c) of the statutes is repealed.

SECTION 36. 445.08 (2) (a) of the statutes is amended to read:

445.08 (2) (a) ~~Is at least 18 years of age, of good moral character and temperate habits, and a citizen of the United States or older and, subject to s. 111.32 (5) (a) and (h), does not have an arrest or conviction record;~~

SECTION 37. 445.095 (1) (a) of the statutes is amended to read:

445.095 (1) (a) A person desiring to become an apprentice as a funeral director or embalmer shall apply on a form provided for the purpose and appear before the examining board, or any duly appointed representative of the examining board. The application shall state that the applicant is ~~over 18 years of age, of temperate habits, of good moral character, a citizen of the United States, and or older,~~ holds a high school diploma or possesses equivalent education as defined by the examining board, does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), and has completed one academic year of instruction in a recognized college or university in a course of study approved by the examining board or has equivalent education. The application must be substantiated by the oath of the applicant and be accompanied by the fee specified in s. 440.05 (6). When the examining board is satisfied as to the qualification of an applicant for apprenticeship, it shall issue a certificate of apprenticeship. When the apprentice enters the employment of a licensed embalmer or funeral director, the apprentice shall immediately notify the examining board, giving the name and place of business of the embalmer or funeral director whose service the apprentice has entered. If, at any time thereafter, the apprentice leaves the employ of the licensed embalmer or funeral director whose service the apprentice has entered, the licensed embalmer or funeral director shall give the apprentice an affidavit showing the length of time served as an apprentice with that employer, and the work done in detail, which affidavit shall be filed with the examining board and made a matter of record in that office. If the apprentice thereafter enters the employ of another licensed embalmer or funeral director in this state, the applicant shall forthwith report such employment to the examining board.

SECTION 38. 446.02 (2) of the statutes is amended to read:

446.02 (2) Application for a license to practice chiropractic shall be made to the examining board, accompanied by sufficient and satisfactory evidence of ~~good moral character,~~ education consisting of 2 years of study in a regularly prescribed course for a

bachelor of arts or science degree in a college accredited by the north central association of colleges and secondary schools or in an institution whose credits are accepted by the university of Wisconsin system, graduation from a reputable school of chiropractic, approved and recognized by the examining board, having a residence course of not less than 36 months, consisting of not less than 3,600 60-minute class periods, and the license fee specified in s. 440.05 (1).

SECTION 39. 446.03 (2) and (5) of the statutes are amended to read:

446.03 (2) Is ~~habitually drunk or addicted to the use of habit-forming alcohol or other drugs;~~

(5) Is guilty of ~~immoral or unprofessional~~ conduct;

SECTION 40. 447.07 (2), (3) (a) and (5) of the statutes are amended to read:

447.07 (2) ~~The Subject to s. 111.32 (5) (a) and (h), the examining board may reprimand or may limit, suspend or revoke the license of one convicted of a crime involving moral turpitude, of which the record of conviction, or a copy certified by the clerk or judge of the court, shall be conclusive evidence who has an arrest or conviction record.~~

(3) (a) ~~Immoral, dishonorable or unprofessional~~ Unprofessional conduct in the course of practicing dentistry;

(5) ~~“Immoral, dishonorable or unprofessional Unprofessional conduct” means: Employing anyone to solicit patients; or resorting to unprofessional advertising, as defined in sub. (6); obtaining a fee by fraud or deceit; wilfully betraying a professional secret; employing directly or indirectly a student or a suspended or unlicensed dentist to perform operations or, make diagnoses, or to treat lesions of the human teeth or jaws, or to correct malposed formations thereof of the human teeth or jaws, except that an unlicensed person may perform exclusively mechanical work upon inert matter in a dental office or laboratory; or the advertisement of dental business or treatment or devices in which untruthful or incorrect statements are made; habitual intemperance; or gross immorality; and, in the case of a dentist, conduct unbecoming a professional person.~~

SECTION 41. 447.08 (2) (a) of the statutes is amended to read:

447.08 (2) (a) An applicant shall file proof satisfactory to the examining board that he or she ~~is a citizen of the United States; that he or she~~ has a general education equivalent to graduation from a high school or academy in this state offering a 4-year curriculum beyond the 8th grade and that he or she is a graduate of a training school for dental hygienists, approved by the examining board, which has a course of not less than 2 years of 8 months each. The fee specified in s. 440.05 (1) shall accompany the application. Applicants who have graduated prior to July 1, 1941, shall file proof satisfactory to the examining board that their educational requirements at the time of their graduation equaled those then required by the examining board.

SECTION 42. 448.04 (1) (b) 2 of the statutes is amended to read:

448.04 (1) (b) 2. An applicant who is a graduate of a foreign medical school and who, because of noteworthy professional attainment, is invited to serve on the academic staff of a medical school in this state as a visiting professor, may be granted a temporary license to practice medicine and surgery if found by the board to be of good professional character the applicant does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h). Such license shall remain in force only while the holder is serving full-time on the academic staff of a medical school, and the holder's entire practice is limited to the duties of the academic position. Such license shall expire 2 years after its date of granting and may be renewed at the discretion of the board. The board may require an applicant for licensure under this subdivision to appear before a member of the board for an interview.

SECTION 43. 448.05 (1) (a) of the statutes is repealed and recreated to read:

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448.05 (1) (a) Subject to s. 111.32 (5) (a) and (h), not have an arrest or conviction record.

SECTION 44. 449.05 (1) (b) of the statutes is amended to read:

449.05 (1) (b) Unless he or she presents proof, satisfactory to the examining board, that he or she is at least 18 years of age and is of good moral character or older and, subject to s. 111.32 (5) (a) and (h), does not have an arrest or conviction record;

SECTION 45. 450.02 (1), (6) and (7) (a) of the statutes are amended to read:

450.02 (1) All candidates for entrance to examination for registration as pharmacists must submit an application to the examining board and pay the amount specified by s. 440.05 (1) at least 15 days before the date of examination. All candidates must be at least 18 years of age; ~~must be of good moral character and temperate in habits; and if not citizens of the United States must have filed and proven their intentions of becoming citizens; or older, not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h),~~ and must be graduates of a standard, recognized high school, or must have acquired the equivalent of a high school education in some other institution of equal rank or standing, or must have passed an examination for the equivalent of high school given by a state university or by a state department or bureau of education, issuing a qualifying certificate for the necessary high school units recognized by the university of Wisconsin system, or any other equivalent of a high school education recognized by the university of Wisconsin system.

(6) The examining board may register as a pharmacist, without examination, any person who is duly registered in some other state, if the person produces satisfactory evidence of having had the required secondary and professional education and training ~~and is possessed of good character and habits demanded of applicants for registration as pharmacists under the laws of this state, does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), and upon payment of~~ pays the fee specified in s. 440.05 (2), but persons of good character and habits, who became registered pharmacists in some other state prior to July 31, 1927, shall be required to meet only the requirements which existed in this state at the time they became registered in such other state, and if the state from which the applicant applies, under like conditions, grants reciprocal registration as a pharmacist without examination to pharmacists duly registered in this state. The examining board may require an applicant under this subsection to pass an equivalency examination administered by the examining board. If the examining board requires an equivalency test any person registered as a pharmacist in another state who is engaged in the active practice of pharmacy, as defined by the examining board, may only be required to pass a test on state and federal laws, rules and regulations.

(7) (a) Subject to s. 111.32 (5) (a) and (h) and to the rules promulgated under s. 440.03 (1), the examining board, upon notice and hearing, may reprimand or may limit, suspend or revoke the registration of any person who is guilty of a felony, ~~subject to s. 111.32 (5) (a) and (h), or gross immorality, who is addicted to alcoholic liquors alcohol or controlled substances to an extent affecting fitness as a pharmacist, who is otherwise unfit to practice as a pharmacist,~~ whose registration was secured by fraud or mistake or the giving of misinformation in any of the applications submitted to the examining board, who has been guilty of a violation of this chapter or ch. 161 or of violations of any of the rules of the examining board or who has been guilty of acts of unprofessional conduct as defined in par. (b). No revocation shall become effective until 20 days after notice of the decision of the examining board has been served upon the person accused. Decisions of the examining board under this section are subject to review as provided in ch. 227 and if the provisions of ch. 227 are invoked by the accused within such 20-day period, the order of revocation shall become effective only when ordered by the court.

SECTION 46. 450.04 (5) of the statutes is amended to read:

450.04 (5) No person may engage in the sale or distribution at wholesale of a prescription drug, as defined in s. 450.07 (1) (a) 1, to any of the classes of persons enumerated in s. 450.07 (8) without first obtaining a license for such purpose from the examining board. Licenses expire on May 31 of the odd-numbered years after issuance. ~~Such license or Licenses and license renewals thereof~~ under this subsection shall be issued in the discretion of the examining board ~~to responsible applicants of good reputation,~~ subject to s. 111.32 (5) (a) and (h).

SECTION 47. 452.02 (3) of the statutes is amended to read:

452.02 (3) Every person engaging in or following the business or occupation of a cemetery salesperson shall be registered upon the written request of any broker designated under sub. (2) and the payment of the fee specified in s. 440.05 (1). The broker shall in writing certify to the examining board that such salesperson is ~~trustworthy and~~ competent to act as a cemetery salesperson. Such person shall be registered by the examining board as a salesperson and agent of the broker requesting same and of the cemetery association or corporation designating the broker.

SECTION 48. 452.03 of the statutes is amended to read:

452.03 Brokers and salespersons licensed. No person may engage in or follow the business or occupation of, or advertise or hold himself or herself out as or act temporarily or otherwise as a real estate broker or salesperson without a license. Licenses shall be granted only to persons who are ~~trustworthy and~~ competent to transact such businesses in a manner which safeguards the interests of the public, and only after satisfactory proof of the person's ~~trustworthiness and~~ competence has been presented to the examining board. If a cemetery salesperson engages in the sale of real estate other than cemetery lots or grave spaces, the salesperson shall first obtain a real estate salesperson's license.

SECTION 49. 452.05 (1) (e) of the statutes is amended to read:

452.05 (1) (e) Such further information as the examining board may reasonably require to enable it to determine the ~~trustworthiness and~~ competency of each applicant, including each member of the partnership, or each officer of the corporation, to transact the business of a real estate broker or salesperson in such manner as to safeguard the interests of the public.

SECTION 50. 452.06 (1) of the statutes is amended to read:

452.06 (1) An application shall be verified by the applicant. If made by a partnership it shall be verified by at least 2 members. If made by a corporation it shall be verified by the president and secretary. Application for license as real estate broker or salesperson shall be accompanied by the affidavit of 2 ~~persons who are citizens and~~ residents in the county in which the applicant resides or has a place of business, certifying that the applicant is ~~trustworthy~~ competent.

SECTION 51. 452.10 (2) (i) of the statutes is amended to read:

452.10 (2) (i) Demonstrated ~~untrustworthiness or~~ incompetency to act as a broker, salesperson or cemetery salesperson in a manner which safeguards the interests of the public;

SECTION 52. 455.04 (1) (b) of the statutes is repealed and recreated to read:

455.04 (1) (b) Subject to s. 111.32 (5) (a) and (h), not have an arrest or conviction record.

SECTION 53. 456.04 (2) of the statutes is repealed and recreated to read:

456.04 (2) Subject to s. 111.32 (5) (a) and (h), does not have an arrest or conviction record.

SECTION 54. 457.09 (1) (b) of the statutes is repealed and recreated to read:

457.09 (1) (b) Who does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h); and

SECTION 55. 457.12 (2) (c) of the statutes is repealed.

SECTION 56. 457.124 (2) of the statutes is amended to read:

457.124 (2) Any person who has practiced barbering in this state as a duly licensed master barber and whose license has lapsed shall, if in good ~~physical and mental~~ health ~~and of good moral character~~, upon application and the payment of renewal fees under s. 440.05 (3), be reinstated and granted a renewal license without examination.

SECTION 57. 457.14 (2) (f) of the statutes is amended to read:

457.14 (2) (f) ~~Habitual drunkenness or habitual addiction~~ Addiction to the use of habit-forming alcohol or other drugs;

SECTION 58. 458.02 (8) (b) of the statutes is repealed and recreated to read:

458.02 (8) (b) Who does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h);

SECTION 59. 458.08 (1) of the statutes is amended to read:

458.08 (1) All applications for licenses under this chapter shall be filed with the examining board. No license may be issued unless the applicant presents proof that the applicant is ~~of good moral character~~, in good ~~physical and mental~~ health, does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), and has completed the 12th grade or its equivalent as determined by the university of Wisconsin-extension or has reached the age of 18. All applications for examination shall be on file in the office of the examining board at least 3 weeks prior to the examination. Failure to have the application on file within the required time may necessitate postponement of the applicant's appearance to the next regular examination. All applications shall expire and be canceled after a period of one year if the applicant fails to appear for examination within such period.

SECTION 60. 458.08 (6m) (a) of the statutes is repealed and recreated to read:

458.08 (6m) (a) Does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h);

SECTION 61. 458.12 (1) (b) of the statutes is repealed and recreated to read:

458.12 (1) (b) Who does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h).

SECTION 62. 458.14 (2) (g) of the statutes is amended to read:

458.14 (2) (g) ~~Been an habitual drunkard or been addicted to the use of alcohol or other drugs~~; or

SECTION 63. 459.06 (1) of the statutes is amended to read:

459.06 (1) Applicants may obtain a license by successfully passing a qualifying examination, provided the applicant is at least 18 years of age, of good moral character, or older, does not have an arrest or conviction record, subject to s. 111.32 (5) (a) and (h), and has an education equivalent to a 4-year course in an accredited high school.

SECTION 64. 459.10 (2) (f) of the statutes is repealed and recreated to read:

459.10 (2) (f) Addiction to alcohol or other drugs.

SECTION 65. 459.10 (2) (g) of the statutes is repealed.

SECTION 66. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

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A
Statute Sections
176.052

B
Old Cross-References
139.34 (1)(b) and (c)

C
New Cross-References
139.34 (1)(c)
