



State of Wisconsin
2011 - 2012 LEGISLATURE



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**SENATE SUBSTITUTE AMENDMENT 1,
TO 2011 SENATE BILL 453**

March 2, 2012 – Offered by Senator LEIBHAM.

1 **AN ACT to repeal** 15.407 (2) (a), 101.07, 101.177, 101.563, 145.08 (1m), 145.135
2 (title), 145.135 (1) (title), 145.19 (1) (title), 145.19 (5), 157.12 (1), 440.91 (8) and
3 457.25 (5); **to renumber and amend** 15.407 (10), 101.01 (11), 101.01 (12),
4 101.985 (2) (a) (intro.), 101.985 (2) (a) 2., 101.985 (2) (a) 3., 145.135 (1), 145.135
5 (2) (intro.), 145.135 (2) (a) to (f), 145.19 (1), 443.015, 443.03 (1) (b) 1., 443.08 (1),
6 443.08 (2), 443.08 (3) (a), 443.08 (4) (a), 443.08 (4) (b), 443.08 (5), 443.13, 443.14
7 (1) and 443.14 (4); **to amend** 15.407 (1m), 15.407 (2) (b), 15.407 (2) (c), 20.165
8 (2) (de), 20.165 (2) (j), 20.165 (2) (L), 20.320 (3) (title), 20.320 (3) (q), 59.70 (1),
9 59.70 (5) (title), 59.70 (5) (a), 59.70 (5) (b), 60.70 (5), 60.72 (4), 60.726 (title),
10 60.726 (2), 60.77 (5) (b), 60.77 (5) (bm), 60.77 (5) (bs), 60.77 (5) (j), 101.02 (20)
11 (a), 101.02 (21) (a), 101.145 (2), 101.745 (2), 101.952 (3), 101.985 (2) (title),
12 101.985 (2) (am), 101.985 (2) (b), 101.985 (2) (c), 101.985 (2) (d), 101.985 (4),
13 101.985 (5) (b) 1., 101.985 (7) (a) (intro.), 145.01 (4m), 145.01 (5), 145.01 (10) (a)

1 2., 145.01 (12), 145.045 (1), 145.045 (3), 145.07 (3) (a), 145.07 (5), 145.14 (2) (a),
2 145.17 (1), 145.19 (2), 145.19 (3), 145.19 (4), 145.19 (6), 145.195 (1), 145.195 (2),
3 145.20 (title), 145.20 (1) (a), 145.20 (1) (am), 145.20 (1) (b), 145.20 (2) (intro.),
4 145.20 (2) (a), 145.20 (2) (d), 145.20 (2) (e), 145.20 (2) (f), 145.20 (2) (g), 145.20
5 (2) (h), 145.20 (3) (a) 1., 145.20 (3) (a) 2., 145.20 (3) (b), 145.20 (3) (c), 145.20 (3)
6 (d), 145.20 (4), 145.20 (5) (a), 145.20 (5) (am), 145.20 (5) (b), 145.20 (6) (a) 2.,
7 145.24 (1), 145.24 (2), 145.24 (3), 145.245 (title), 145.245 (1) (a) 1., 145.245 (1)
8 (ae), 145.245 (4) (intro.), 145.245 (4) (b), 145.245 (4) (e), 145.245 (4m) (intro.),
9 145.245 (4m) (a), 145.245 (4m) (b), 145.245 (4m) (c), 145.245 (5) (a) 1., 145.245
10 (5) (a) 2., 145.245 (5) (a) 3., 145.245 (5m) (a), 145.245 (6) (a), 145.245 (6) (b),
11 145.245 (7) (a), 145.245 (7) (b), 145.245 (7) (c), 145.245 (7) (d), 145.245 (7) (e),
12 145.245 (8) (a), 145.245 (9) (b), 145.245 (9) (c), 145.245 (9) (e), 145.245 (11) (e),
13 145.245 (11m) (b), 145.245 (11m) (c), 145.245 (11m) (d), 145.245 (13), 145.245
14 (14) (d), 160.255 (title), 160.255 (1), 160.255 (2), 160.255 (3), 160.255 (4),
15 160.255 (5), 168.11 (1) (b) 1., 200.21 (11), 200.29 (1) (c) 3. a., 236.13 (2m), 281.41
16 (3) (a), 281.41 (3) (b) 3., 281.41 (3) (b) 4., 281.48 (2) (bm), 281.48 (2) (d), 281.48
17 (2) (f), 281.48 (2) (g), 281.48 (2m), 281.48 (3) (e), 281.48 (4g), 281.59 (1m) (c),
18 281.68 (3) (a) 2. f., 440.21 (4) (a), 440.21 (4) (b), 440.26 (4), 440.91 (2) (intro.),
19 440.91 (2) (a), 443.01 (2), 443.015 (title), 443.03 (1) (intro.), 443.03 (1) (a), 443.03
20 (1) (b) 2., 443.03 (2), 443.035 (intro.), 443.035 (1), 443.04, 443.05 (1) (intro.), (a)
21 and (b) and (2), 443.06 (1) (a), 443.06 (2) (intro.), 443.06 (3), 443.07 (1) (intro.),
22 443.07 (1) (a), 443.07 (3), 443.07 (5), 443.09 (4m), 443.09 (5), 443.10 (1) (a) to (d),
23 443.10 (2) (c), 443.10 (2) (d), 443.10 (2) (f), 443.10 (2) (h), 443.10 (3), 443.10 (4)
24 (a) and (b), 443.11 (1) (intro.), 443.11 (1) (e), 443.11 (2), 443.11 (3), 443.11 (4),
25 443.11 (5), 443.11 (6), 443.18 (1) (a), 443.18 (2) (a) and (b), 445.06, 448.63 (1) (d)

1 2., 454.08 (2) (a), 459.12 (1), 961.23 (5) and 961.23 (7); **to repeal and recreate**
2 101.985 (2) (a) (title), 145.19 (title) and 454.01 (5) (b); and **to create** 15.407 (2)
3 (d), 15.407 (10) (a) 9., 101.01 (11) (c), 101.01 (12) (c), 101.05 (5), 101.985 (2) (ab)
4 (intro.), 101.985 (2) (ad), 440.03 (13) (am), 440.19, 440.26 (2) (c) 5., 440.26 (5m)
5 (am), 440.26 (6) (a) 5., 443.015 (2), 443.03 (1) (b) (intro.), 443.08 (1) (b), 443.08
6 (2) (b), 443.08 (2) (c), 443.08 (3) (a) 2., 443.08 (3) (a) 3., 443.08 (4) (a) 2., 443.08
7 (4) (a) 3., 443.08 (4) (a) 4., 443.08 (4) (b) 2., 443.08 (4) (b) 3., 443.08 (4) (b) 4.,
8 443.08 (5) (b), 443.08 (5) (c), 443.14 (1) (b), 443.14 (4) (b) and 445.105 (2s) of the
9 statutes; **relating to:** the authority and responsibility of the Department of
10 Safety and Professional Services, requirements for obtaining certain licenses
11 or other credentials from the Department of Safety and Professional Services,
12 weighing a product that contains opium or another controlled substance, and
13 granting rule-making authority.

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

14 **SECTION 1.** 15.407 (1m) of the statutes, as affected by 2011 Wisconsin Act 32,
15 is amended to read:

16 15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is
17 created a respiratory care practitioners examining council in the department of
18 safety and professional services and serving the medical examining board in an
19 advisory capacity in the formulating of rules to be promulgated by the medical
20 examining board for the regulation of respiratory care practitioners. The respiratory
21 care practitioners examining council shall consist of 3 certified respiratory care
22 practitioners, each of whom shall have engaged in the practice of respiratory care for
23 at least 3 years preceding appointment, one physician and one public member. The

1 respiratory care practitioner and physician members shall be appointed by the
2 medical examining board. The members of the examining council shall serve 3-year
3 terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply to the respiratory care
4 practitioners examining council, except that members of the examining council may
5 serve more than 2 consecutive terms.

6 **SECTION 2.** 15.407 (2) (a) of the statutes is repealed.

7 **SECTION 3.** 15.407 (2) (b) of the statutes is amended to read:

8 15.407 (2) (b) One public member appointed by the governor for a ~~2-year~~
9 4-year term.

10 **SECTION 4.** 15.407 (2) (c) of the statutes is amended to read:

11 15.407 (2) (c) Three physician assistants selected by the medical examining
12 board for staggered ~~2-year~~ 4-year terms.

13 **SECTION 5.** 15.407 (2) (d) of the statutes is created to read:

14 15.407 (2) (d) One person who teaches physician assistants and is selected by
15 the medical examining board for a 4-year term.

16 **SECTION 6.** 15.407 (10) of the statutes, as affected by 2011 Wisconsin Act 32,
17 is renumbered 15.407 (10) (a) (intro.) and amended to read:

18 15.407 (10) (a) (intro.) There is created in the department of safety and
19 professional services, a dwelling code council, consisting of ~~18~~ 11 members appointed
20 for staggered ~~3-year~~ 2-year terms. ~~Four members~~ Each member shall be
21 representatives of building represent at least one of the following groups:

22 1. Building trade labor organizations; ~~4 members shall be certified.~~

23 2. Certified building inspectors employed by local units of government; ~~2~~
24 ~~members shall be representatives of building.~~

1 3. Building contractors actively engaged in on-site construction of one- and
2 2-family housing; ~~2 members shall be representatives of manufacturers.~~

3 4. Manufacturers, retailers, or installers of manufactured or modular one- and
4 2-family housing; ~~one member shall be an architect, engineer or designer.~~

5 5. Architects, engineers, or designers who are registered under ch. 443 and who
6 are actively engaged in the design or evaluation of one- and 2-family housing; ~~2~~
7 ~~members shall represent the.~~

8 6. The construction material supply industry; ~~one member shall represent~~
9 ~~remodeling.~~

10 7. Remodeling contractors actively engaged in the remodeling of one-family
11 and 2-family housing; ~~and 2 members shall represent the public, one of whom shall~~
12 ~~represent persons.~~

13 8. Persons with disabilities, as defined in s. 106.50 (1m) (g).

14 (b) An employee of the department designated by the secretary of safety and
15 professional services shall serve as ~~nonvoting secretary, but shall not be a member,~~
16 of the council. The council shall meet at least twice a year. ~~Eleven~~ Seven members
17 of the council shall constitute a quorum. For the purpose of conducting business a
18 majority vote of the council is required.

19 **SECTION 7.** 15.407 (10) (a) 9. of the statutes is created to read:

20 15.407 **(10)** (a) 9. Fire prevention professionals.

21 **SECTION 8.** 20.165 (2) (de) of the statutes, as affected by 2011 Wisconsin Act 32,
22 is amended to read:

23 20.165 **(2)** (de) *Private sewage on-site wastewater treatment system*
24 *replacement and rehabilitation.* As a continuing appropriation, the amounts in the

1 schedule for financial assistance under the private sewage on-site wastewater
2 treatment system replacement and rehabilitation program under s. 145.245.

3 **SECTION 9.** 20.165 (2) (j) of the statutes, as affected by 2011 Wisconsin Act 32,
4 is amended to read:

5 20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for
6 the purposes of chs. 101, 145, and 168 and ss. 167.35, 236.12 (2) (a), 236.13 (1) (d) and
7 (2m), and 236.335, for the purpose of transferring the amounts in the schedule under
8 par. (kg) to the appropriation account under par. (kg), and for the purpose of
9 transferring the amounts in the schedule under par. (km) to the appropriation
10 account under par. (km). All moneys received under ch. 145, ss. ~~101.177 (4) (a) 4.,~~
11 101.178, 101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973
12 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred under 2005 Wisconsin
13 Act 45, section 76 (6), shall be credited to this appropriation.

14 **SECTION 10.** 20.165 (2) (L) of the statutes, as affected by 2011 Wisconsin Act
15 32, is amended to read:

16 20.165 (2) (L) *Fire dues distribution.* All moneys received under ss. 101.573
17 (1) and 601.93, less the amounts transferred to par. (La) and s. 20.292 (1) (gm) and
18 (gr), for distribution under s. ~~101.563~~ or 101.573, ~~as applicable.~~ The amount
19 transferred to par. (La) shall be the amount in the schedule under par. (La). The
20 amount transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under
21 s. 20.292 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount
22 in the schedule under s. 20.292 (1) (gr).

23 **SECTION 11.** 20.320 (3) (title) of the statutes is amended to read:

24 20.320 (3) (title) PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM
25 PROGRAM.

1 **SECTION 12.** 20.320 (3) (q) of the statutes is amended to read:

2 20.320 (3) (q) *Private sewage on-site wastewater treatment system loans.* From
3 the environmental improvement fund, as a continuing appropriation, the amounts
4 in the schedule for private sewage on-site wastewater treatment system
5 replacement or rehabilitation loans under s. 145.245 (12m).

6 **SECTION 13.** 59.70 (1) of the statutes is amended to read:

7 59.70 (1) BUILDING AND SANITARY CODES. The board may enact building and
8 sanitary codes, make necessary rules and regulations in relation thereto and provide
9 for enforcement of the codes, rules and regulations by forfeiture or otherwise. The
10 codes, rules and regulations do not apply within municipalities which have enacted
11 ordinances or codes concerning the same subject matter. "Sanitary code" does not
12 include a private sewage on-site wastewater treatment system ordinance enacted
13 under sub. (5). "Building and sanitary codes" does not include well code ordinances
14 enacted under sub. (6).

15 **SECTION 14.** 59.70 (5) (title) of the statutes is amended to read:

16 59.70 (5) (title) PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM
17 ORDINANCE.

18 **SECTION 15.** 59.70 (5) (a) of the statutes is amended to read:

19 59.70 (5) (a) Every governmental unit responsible for the regulation of private
20 sewage on-site wastewater treatment systems, as defined under s. 145.01 (5), shall
21 enact an ordinance governing private sewage on-site wastewater treatment
22 systems, as defined in s. 145.01 (12), which conforms with the state plumbing code.
23 The ordinance shall apply to the entire area of the governmental unit responsible for
24 the regulation of private sewage on-site wastewater treatment systems, as defined
25 under s. 145.01 (5). After July 1, 1980, no municipality may enact or enforce a

1 private sewage on-site wastewater treatment system ordinance unless it is a
2 governmental unit responsible for the regulation of private sewage on-site
3 wastewater treatment systems, as defined under s. 145.01 (5).

4 **SECTION 16.** 59.70 (5) (b) of the statutes is amended to read:

5 59.70 (5) (b) The governmental unit responsible for the regulation of private
6 sewage on-site wastewater treatment systems, as defined under s. 145.01 (5), shall
7 administer the private sewage on-site wastewater treatment system ordinance
8 under s. 145.20 and the rules promulgated under s. 145.20.

9 **SECTION 17.** 60.70 (5) of the statutes is amended to read:

10 60.70 (5) “Private sewage on-site wastewater treatment system” has the
11 meaning given under s. 145.01 (12).

12 **SECTION 18.** 60.72 (4) of the statutes is amended to read:

13 60.72 (4) FINDING. Following the public hearing, the department shall
14 determine if private sewage on-site wastewater treatment systems or private
15 domestic water systems, or both, in the affected towns constitute a threat to public
16 health, safety, convenience or welfare or of pollution of waters of the state, and that
17 there is no local action to correct the situation. The department shall issue its
18 determination as written findings.

19 **SECTION 19.** 60.726 (title) of the statutes is amended to read:

20 **60.726 (title) Property with private sewage on-site wastewater**
21 **treatment system included.**

22 **SECTION 20.** 60.726 (2) of the statutes is amended to read:

23 60.726 (2) If a property owner installed on his or her property a private sewage
24 on-site wastewater treatment system, ~~as defined in s. 145.01 (12)~~, that conforms
25 with the state plumbing code, before a town sanitary district that encompasses that

1 property came into existence, that property shall be included in the town sanitary
2 district. If the private sewage on-site wastewater treatment system was installed
3 on or after 10 years before May 14, 1992, and if the property owner provides the town
4 sanitary district with any information about the cost of the private sewage on-site
5 wastewater treatment system required by the district, the town sanitary district,
6 when the district issues any assessment or charges or imposes property taxes to
7 construct a sewage service system, shall pay or credit the property owner an amount
8 equal to 10% of the cost of the private sewage on-site wastewater treatment system,
9 less any grants or aids received by the property owner for construction of the private
10 sewage on-site wastewater treatment system, multiplied by the number of years of
11 remaining life of the private sewage on-site wastewater treatment system. The
12 number of years of remaining life of the private sewage on-site wastewater
13 treatment system is equal to 10 minus the number of years that the private sewage
14 on-site wastewater treatment system has been in operation.

15 **SECTION 21.** 60.77 (5) (b) of the statutes is amended to read:

16 60.77 (5) (b) Require the installation of private sewage on-site wastewater
17 treatment systems.

18 **SECTION 22.** 60.77 (5) (bm) of the statutes is amended to read:

19 60.77 (5) (bm) Require the inspection of private sewage on-site wastewater
20 treatment systems that have been already installed to determine compliance with
21 the state plumbing code and may report violations of the state plumbing code to the
22 governmental unit responsible for the regulation of private sewage on-site
23 wastewater treatment systems for enforcement under s. 145.20.

24 **SECTION 23.** 60.77 (5) (bs) of the statutes is amended to read:

1 60.77 (5) (bs) Provide direct financial assistance for costs related to the
2 replacement of private sewage on-site wastewater treatment systems, as defined in
3 s. 145.01 (12), that are failing.

4 **SECTION 24.** 60.77 (5) (j) of the statutes is amended to read:

5 60.77 (5) (j) Administer the private sewage on-site wastewater treatment
6 system program if authorized under s. 145.20 (1) (am).

7 **SECTION 25.** 101.01 (11) of the statutes is renumbered 101.01 (11) (intro.) and
8 amended to read:

9 101.01 (11) (intro.) “Place of employment” includes every place, whether
10 indoors or out or underground and the premises appurtenant thereto where either
11 temporarily or permanently any industry, trade, or business is carried on, or where
12 any process or operation, directly or indirectly related to any industry, trade, or
13 business, is carried on, and where any person is, directly or indirectly, employed by
14 another for direct or indirect gain or profit, but does not include any place where
15 persons are employed in private domestic service which does not involve the use of
16 mechanical power or in farming. “Farming” includes those activities specified in s.
17 102.04 (3), and also includes the transportation of farm products, supplies, or
18 equipment directly to the farm by the operator of the farm or employees for use
19 thereon, if such activities are directly or indirectly for the purpose of producing
20 commodities for market, or as an accessory to such production. When used with
21 relation to building codes, “place of employment” does not include ~~an~~ any of the
22 following:

23 (a) An adult family home, as defined in s. 50.01 (1), ~~or, except,~~

1 **(b) Except** for the purposes of s. 101.11, a previously constructed building used
2 as a community-based residential facility, as defined in s. 50.01 (1g), which serves
3 20 or fewer residents who are not related to the operator or administrator.

4 **SECTION 26.** 101.01 (11) (c) of the statutes is created to read:

5 101.01 (11) (c) A home-based business, as defined by the department by rule.

6 **SECTION 27.** 101.01 (12) of the statutes is renumbered 101.01 (12) (intro.) and
7 amended to read:

8 101.01 (12) (intro.) “Public building” means any structure, including exterior
9 parts of such building, such as a porch, exterior platform, or steps providing means
10 of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging,
11 trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in
12 relation to building codes, “public building” does not include ~~a~~ any of the following:

13 **(a) A** previously constructed building used as a community-based residential
14 facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not
15 related to the operator or administrator ~~or an~~.

16 **(b) An** adult family home, as defined in s. 50.01 (1).

17 **SECTION 28.** 101.01 (12) (c) of the statutes is created to read:

18 101.01 (12) (c) A home-based business, as defined by the department by rule.

19 **SECTION 29.** 101.02 (20) (a) of the statutes, as affected by 2011 Wisconsin Act
20 32, is amended to read:

21 101.02 (20) (a) For purposes of this subsection, “license” means a license,
22 permit, or certificate of certification or registration issued by the department for an
23 occupation or profession under ~~ss.~~ s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g),
24 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a),
25 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935,

1 101.95, 101.951, 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045,
2 145.15, 145.16, 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules
3 promulgated under ch. 101 or 145.

4 **SECTION 30.** 101.02 (21) (a) of the statutes, as affected by 2011 Wisconsin Act
5 32, is amended to read:

6 101.02 **(21)** (a) In this subsection, “license” means a license, permit, or
7 certificate of certification or registration issued by the department for an occupation
8 or profession under s. 101.09 (3) (c), 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15
9 (2) (e), 101.16 (3g), 101.17, ~~101.177 (4) (a)~~, 101.178 (2) or (3) (a), 101.63 (2) or (2m),
10 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,
11 101.952, 101.96 (2), 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.15, 145.16,
12 145.165, 145.17, 145.175, 145.18, or 167.10 (6m) or under rules promulgated under
13 ch. 101 or 145.

14 **SECTION 31.** 101.05 (5) of the statutes is created to read:

15 101.05 **(5)** No standard, rule, order, code, or regulation adopted, promulgated,
16 enforced, or administered by the department under s. 101.025, 101.027, 101.12,
17 101.121, or 101.125 to 101.135 applies to a building used for farming, as defined by
18 the department by rule.

19 **SECTION 32.** 101.07 of the statutes is repealed.

20 **SECTION 33.** 101.145 (2) of the statutes is amended to read:

21 101.145 **(2)** APPROVAL. A smoke detector required under this section shall be
22 approved by bear an Underwriters Laboratories, Inc., listing mark or similar mark
23 from an independent product safety certification organization.

24 **SECTION 34.** 101.177 of the statutes, as affected by 2011 Wisconsin Act 10, is
25 repealed.

1 **SECTION 35.** 101.563 of the statutes, as affected by 2011 Wisconsin Act 32, is
2 repealed.

3 **SECTION 36.** 101.745 (2) of the statutes is amended to read:

4 101.745 (2) APPROVAL. A smoke detector required under this section shall be
5 approved by underwriters laboratory bear an Underwriters Laboratories, Inc.,
6 listing mark or similar mark from an independent product safety certification
7 organization.

8 **SECTION 37.** 101.952 (3) of the statutes is amended to read:

9 101.952 (3) Every licensee shall carry his or her license when engaged in his
10 or her business and display the same upon request. ~~The license shall name his or~~
11 ~~her employer, and, in case of a change of employer, the manufactured home~~
12 ~~salesperson shall immediately mail his or her license to the department, which shall~~
13 ~~endorse that change on the license without charge.~~

14 **SECTION 38.** 101.985 (2) (title) of the statutes is amended to read:

15 101.985 (2) (title) ELEVATOR MECHANIC MECHANICS' LICENSES.

16 **SECTION 39.** 101.985 (2) (a) (title) of the statutes is repealed and recreated to
17 read:

18 101.985 (2) (a) (title) *Issuance.*

19 **SECTION 40.** 101.985 (2) (a) (intro.) of the statutes is renumbered 101.985 (2)
20 (a) and amended to read:

21 101.985 (2) (a) ~~Except as provided in pars. (am) to (d), the~~ The department shall
22 issue an elevator mechanic's license to each individual who ~~satisfactorily completes~~
23 ~~an elevator mechanic's apprenticeship program that is approved by the U.S.~~
24 ~~department of labor or by the department of workforce development or who satisfies~~
25 ~~all of the following:~~ meets the requirements in either par. (ab) or (ad).

1 **SECTION 41.** 101.985 (2) (a) 2. of the statutes is renumbered 101.985 (2) (ab) 2.
2 and amended to read:

3 101.985 **(2)** (ab) 2. During the 3 years preceding the date of application, he or
4 she was continuously employed in a position requiring the individual to perform
5 work that is at a journeyman level and that is relevant to the erection, construction,
6 alteration, replacement, maintenance, repair, ~~removal, or dismantling~~ or servicing
7 of conveyances, as verified by the individual's employers.

8 **SECTION 42.** 101.985 (2) (a) 3. of the statutes is renumbered 101.985 (2) (ab) 3.
9 and amended to read:

10 101.985 **(2)** (ab) 3. ~~Satisfactorily~~ He or she satisfactorily completes a written
11 examination administered by the department covering the provisions of this
12 subchapter, and rules promulgated under this subchapter, that are relevant to the
13 license applied for or satisfactorily completes an elevator mechanic's examination
14 approved by the department and administered by a nationally recognized training
15 program established by the elevator industry.

16 **SECTION 43.** 101.985 (2) (ab) (intro.) of the statutes is created to read:

17 101.985 **(2)** (ab) *Requirements; apprenticeship and journeyman level.* (intro.)
18 An individual is eligible for an elevator mechanic's license if he or she satisfactorily
19 completes an elevator mechanic's apprenticeship program that is approved by the
20 U.S. department of labor or by the department of workforce development or if he or
21 she satisfies all of the following requirements:

22 **SECTION 44.** 101.985 (2) (ad) of the statutes is created to read:

23 101.985 **(2)** (ad) *Requirements; training program.* 1. An individual is eligible
24 for an elevator mechanic's license if he or she satisfies all of the following
25 requirements:

1 a. He or she verifies to the department that he or she has been certified as
2 having successfully completed a 4-year program established by the National
3 Elevator Industry Educational Program or an equivalent nationally recognized
4 4-year training program that is approved by the department.

5 b. He or she meets one of the requirements specified in subd. 2.

6 2. In order to meet the requirement under subd. 1. b. for an elevator mechanic's
7 license, an individual applying for a license shall satisfy one of the following
8 requirements:

9 a. He or she verifies to the department that, during the 5 years immediately
10 preceding the date of the license application, he or she was employed for at least
11 1,000 hours in each of the 5 years performing work described under s. 101.984 (2) (a)
12 or (b).

13 b. He or she verifies to the department that he or she has continuous experience
14 in the elevator industry for at least 5 years immediately preceding the date of the
15 license application in a capacity, other than in the capacity of performing work
16 described under s. 101.984 (2) (a) or (b), that has allowed him or her to remain
17 familiar with elevator equipment, technology, and industry practices. This
18 experience may include performing management activities for a company that
19 engages in the sale, installation, repair, or maintenance of conveyances, being
20 involved in elevator industry labor relations, or supervising elevator mechanics.

21 c. He or she verifies to the department that he or she, during any 5 years
22 preceding the date of the license application, was employed for at least 1,000 hours
23 in each of those 5 years performing work that is relevant to the erection, construction,
24 alteration, replacement, maintenance, repair, or servicing of conveyances and that
25 this work included work described under s. 101.984 (2) (a) or (b). If the 5 years were

1 not the 5 years immediately preceding the date of application, the applicant shall
2 verify that this is due to the applicant's work being disrupted by high unemployment
3 in the elevator industry, military service, illness, disability, or another factor beyond
4 the applicant's control in order to meet the requirement under this subd. 2. c.

5 **SECTION 45.** 101.985 (2) (am) of the statutes is amended to read:

6 101.985 (2) (am) *Requirements for individuals with prior experience.* The
7 department shall promulgate rules that establish requirements for issuing an
8 elevator mechanic's license to an individual who has performed work described
9 under s. 101.984 (2) (a) or (b) within the scope of his or her employment before June
10 1, 2007, but who does not satisfy the requirements under par. ~~(a)~~ (ab) or (ad) to be
11 issued a license. The rules may contain a deadline before which an individual must
12 apply for a license issued under this paragraph.

13 **SECTION 46.** 101.985 (2) (b) of the statutes is amended to read:

14 101.985 (2) (b) *Licensing out-of-state mechanics.* The requirements under par.
15 ~~(a)~~ pars. (ab) and (ad) do not apply to an individual who is licensed as an elevator
16 mechanic under the laws of another state, if, in the opinion of the department, that
17 state's regulation of elevator mechanics is substantially the same as this state's. The
18 department may summarily issue an elevator mechanic's license to such an
19 individual.

20 **SECTION 47.** 101.985 (2) (c) of the statutes is amended to read:

21 101.985 (2) (c) *Emergency licensing.* If the governor declares that a state of
22 emergency exists in this state under s. 323.10 and the department determines that
23 the number of individuals in the state who hold an elevator mechanic's licenses
24 license issued by the department under this section on the date of the declaration is
25 insufficient to cope with the emergency, the department shall summarily issue an

1 emergency elevator mechanic's license to any individual who is certified by an
2 elevator contractor licensed under this subchapter as adequately qualified and able
3 to perform the work of an elevator mechanic without direct and immediate
4 supervision, who the department determines is so qualified and able, and who
5 applies for an emergency elevator mechanic's license on a form prescribed by the
6 department. An individual certified by a contractor under this paragraph may
7 perform work as an elevator mechanic for up to a total of 5 days preceding the date
8 the individual is issued the license. An emergency elevator mechanic's license has
9 a term of 30 days and may be renewed by the department in the case of a continuing
10 emergency. The department shall specify on an emergency elevator mechanic's
11 license the geographic area in which the licensee may provide services under the
12 license. The requirements under ~~par. (a)~~ pars. (ab) and (ad) do not apply to an
13 individual who applies for an emergency elevator mechanic's license.

14 **SECTION 48.** 101.985 (2) (d) of the statutes is amended to read:

15 101.985 (2) (d) *Temporary licensing.* If there are no elevator mechanics
16 licensed under this subchapter available to provide services contracted for by an
17 elevator contractor licensed under this subchapter, the elevator contractor may
18 notify the department and request the issuance of a temporary elevator mechanic's
19 license to any individual who is certified by the elevator contractor as adequately
20 qualified and able to perform the work of an elevator mechanic without direct and
21 immediate supervision and who applies for a temporary elevator mechanic's license
22 on a form prescribed by the department. A temporary elevator mechanic's license
23 has a term of 30 days and may be renewed by the department in the case of a
24 continuing shortage of licensed elevator mechanics. The department shall specify
25 on a temporary elevator mechanic's license the elevator contractor in whose employ

1 the licensee must remain to provide services under the temporary elevator
2 mechanic's license. The requirements under ~~par. (a)~~ pars. (ab) and (ad) do not apply
3 to an individual who applies for a temporary elevator mechanic's license.

4 **SECTION 49.** 101.985 (4) of the statutes is amended to read:

5 101.985 (4) CRIMINAL BACKGROUND CHECK. Upon receipt of an application for a
6 license under sub. (1), (2) ~~(a)~~, (ab) or (ad), or (3), the department, with the assistance
7 of the department of justice, shall conduct a background investigation of the
8 applicant to determine if the information provided by the applicant under sub. (7) (a)
9 10. is true and if the applicant has any arrests or convictions tending to indicate that
10 the applicant is not adequately qualified and able to provide services authorized
11 under the license applied for.

12 **SECTION 50.** 101.985 (5) (b) 1. of the statutes is amended to read:

13 101.985 (5) (b) 1. Except as otherwise provided in this subdivision, an applicant
14 for renewal of a license under sub. (1), (2) ~~(a)~~ (ab), (ad), or (b), or (3) shall provide to
15 the department a certificate indicating that, during the one-year period before the
16 date on which the applicant's license expires, the applicant has satisfactorily met
17 ~~with~~ the education requirements established by rule under subd. 2. If the applicant
18 is not an individual, the certificate shall indicate that the education requirements
19 were satisfactorily met by an individual who, as of the date of the application, is an
20 agent of the applicant.

21 **SECTION 51.** 101.985 (7) (a) (intro.) of the statutes is amended to read:

22 101.985 (7) (a) (intro.) Each application for a license under subs. (1), (2) ~~(a)~~ (ab)
23 or (ad), or (3) shall be made on a form prescribed by the department, and each
24 application shall contain at least the following information:

25 **SECTION 52.** 145.01 (4m) of the statutes is amended to read:

1 145.01 (4m) FAILING PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM.
2 “Failing private sewage on-site wastewater treatment system” has the meaning
3 specified under s. 145.245 (4).

4 **SECTION 53.** 145.01 (5) of the statutes is amended to read:

5 145.01 (5) GOVERNMENTAL UNIT RESPONSIBLE FOR REGULATION OF PRIVATE SEWAGE
6 ON-SITE WASTEWATER TREATMENT SYSTEMS. “Governmental unit responsible for the
7 regulation of private sewage on-site wastewater treatment systems” or
8 “governmental unit”, unless otherwise qualified, means the county except that in a
9 county with a population of 500,000 or more these terms mean the city, village or
10 town where the private sewage on-site wastewater treatment system is located.

11 **SECTION 54.** 145.01 (10) (a) 2. of the statutes is amended to read:

12 145.01 (10) (a) 2. The construction, connection, installation, service, or repair
13 of any drain or wastewater piping system that connects to the mains or other
14 terminal within the bounds of, or beneath an area subject to easement for highway
15 purposes, including private sewage on-site wastewater treatment systems and
16 stormwater treatment and dispersal systems, and the alteration of any such
17 systems, drains or wastewater piping.

18 **SECTION 55.** 145.01 (12) of the statutes is amended to read:

19 145.01 (12) PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM. “Private
20 sewage on-site wastewater treatment system” means a sewage treatment and
21 disposal system serving a single structure with a septic tank and soil absorption field
22 located on the same parcel as the structure. This term also means an alternative
23 sewage system approved by the department including a substitute for the septic tank
24 or soil absorption field, a holding tank, a system serving more than one structure or
25 a system located on a different parcel than the structure. A private sewage on-site

1 wastewater treatment system may be owned by the property owner or by a special
2 purpose district.

3 **SECTION 56.** 145.045 (1) of the statutes is amended to read:

4 145.045 (1) POWERS AND DUTIES. The department shall by rule establish an
5 examining program for the certification of soil testers, setting such standards as the
6 department finds necessary to accomplish the purposes of this chapter. Such
7 standards shall include formal written examinations for all applicants. The
8 department shall charge applicants for the cost of examination and certification.
9 After July 1, 1974, no person may construct soil bore holes or conduct soil percolation
10 tests or other similar tests specified by the department that relate to private sewage
11 on-site wastewater treatment systems unless the person holds a valid certificate
12 issued under this section.

13 **SECTION 57.** 145.045 (3) of the statutes is amended to read:

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

18 **SECTION 58.** 145.07 (3) (a) of the statutes is amended to read:

19 145.07 (3) (a) A specific record of not less than 1,000 hours per year experience
20 for 3 or more consecutive years as a licensed journeyman plumber in this state; or

21 **SECTION 59.** 145.07 (5) of the statutes is amended to read:

22 145.07 (5) Any resident who has been actively engaged in this state in a limited
23 type of plumbing installation work for a period of not less than 1,000 hours per year
24 for 2 or more consecutive years as a licensed journeyman plumber (restricted) may
25 be examined for licensure as a master plumber (restricted).

1 **SECTION 60.** 145.08 (1m) of the statutes is repealed.

2 **SECTION 61.** 145.135 (title) of the statutes is repealed.

3 **SECTION 62.** 145.135 (1) (title) of the statutes is repealed.

4 **SECTION 63.** 145.135 (1) of the statutes is renumbered 145.19 (1b) and amended
5 to read:

6 145.19 (1b) DEFINITION. In this section, “sanitary permit” means a permit
7 authorizing the installation of a private on-site wastewater treatment system that
8 is issued by the department or any governmental unit responsible for the regulation
9 of private sewage on-site wastewater treatment systems for the installation of a
10 private sewage system.

11 **(1g) PERMIT REQUIRED.** No person may purchase or install a private sewage
12 on-site wastewater treatment system unless the owner of the property on which the
13 private sewage on-site wastewater treatment system is to be installed holds a valid
14 sanitary permit issued under this section. No person may sell at retail, as defined
15 under s. 100.201 (1) (d), a septic tank for installation in this state unless the
16 purchaser holds a valid sanitary permit issued under this section.

17 **(7) PERIOD OF VALIDITY.** A sanitary permit is valid for 2 years from the date of
18 issue and renewable for similar periods thereafter. ~~A governmental unit responsible~~
19 ~~for the regulation of private sewage systems may not charge more than one fee for~~
20 ~~a sanitary permit or the renewal of a sanitary permit in any 12-month period.~~ A
21 sanitary permit shall remain valid to the end of the established period,
22 notwithstanding any change in the state plumbing code or in any private sewage
23 on-site wastewater treatment system ordinance during that period.

1 **(8) TRANSFER OF PERMIT.** A sanitary permit may be transferred from the holder
2 to a subsequent owner of the land, except that the subsequent owner must obtain a
3 new copy of the sanitary permit from the issuing agent.

4 **(1r) TEST RESULTS.** The results of any percolation test or other test relating to
5 the disposal of liquid domestic wastes into the soil shall be retained by the
6 governmental unit ~~responsible for the regulation of private sewage systems~~ where
7 the property is located. The governmental unit ~~responsible for the regulation of~~
8 ~~private sewage systems~~ shall make the test results available to an applicant for a
9 sanitary permit and shall accept the test results as the basis for a sanitary permit
10 application unless the soil at the test site is altered to the extent that a new soil test
11 is necessary.

12 **SECTION 64.** 145.135 (2) (intro.) of the statutes is renumbered 145.19 (3m)
13 (intro.), and 145.19 (3m) (title), as renumbered, is amended to read:

14 145.19 **(3m)** (title) NOTICE IN PERMIT.

15 **SECTION 65.** 145.135 (2) (a) to (f) of the statutes are renumbered 145.19 (3m)
16 (a) to (f), and 145.19 (3m) (a), as renumbered, is amended to read:

17 145.19 **(3m)** (a) The purpose of the sanitary permit is to allow installation of
18 the private sewage on-site wastewater treatment system described in the permit.

19 **SECTION 66.** 145.14 (2) (a) of the statutes is amended to read:

20 145.14 **(2)** (a) *Systems or services.* Persons classified under this paragraph may
21 install septic tanks for private sewage on-site wastewater treatment systems, may
22 install drain fields designed to serve such septic tanks, and may install sewer service
23 from the septic tank or sewer extensions from mains to the immediate inside or
24 proposed inside foundation wall of the building. Such persons may also install water

1 services, stormwater use systems, and reclaimed water systems if the services or
2 systems are to be located outside the foundation wall of the building.

3 **SECTION 67.** 145.17 (1) of the statutes is amended to read:

4 145.17 (1) The department may employ competent supervisors, who shall be
5 licensed automatic fire sprinkler contractors or journeymen automatic fire sprinkler
6 system fitters, and may employ other persons. ~~The department may accept as~~
7 ~~certification of inspection, inspection by the insurance services organization of~~
8 ~~Wisconsin, the industrial risk insurers association, the factory mutual engineering~~
9 ~~corporation or other rate service organization.~~

10 **SECTION 68.** 145.19 (title) of the statutes is repealed and recreated to read:

11 **145.19 (title) Sanitary permits.**

12 **SECTION 69.** 145.19 (1) (title) of the statutes is repealed.

13 **SECTION 70.** 145.19 (1) of the statutes is renumbered 145.19 (1m) and amended
14 to read:

15 145.19 (1m) APPLICATION PROCESS. ~~No septic tank may be purchased and no~~
16 ~~private sewage system may be installed unless the owner of the property on which~~
17 ~~the private sewage system is to be installed holds a valid sanitary permit from the~~
18 ~~governmental unit responsible for the regulation of private sewage systems in which~~
19 ~~the property is located.~~ The department shall prescribe the information to be
20 included in the an application for a sanitary permit and ~~furnish sanitary permit~~
21 ~~forms to the governmental unit.~~ The applicant shall submit the completed
22 application for a sanitary permit to the governmental unit. The governmental unit
23 shall approve or disapprove the sanitary permit according to the rules promulgated
24 by the department under this chapter. ~~No person may sell at retail, as defined under~~

1 ~~s. 100.201 (1) (d), a septic tank for installation in this state unless the purchaser~~
2 ~~holds a valid sanitary permit issued under this section.~~

3 **SECTION 71.** 145.19 (2) of the statutes is amended to read:

4 145.19 (2) FEE. No fee for a sanitary permit may be less than \$61, ~~or~~ the amount
5 determined under department rule. The governing body for the governmental unit
6 responsible for the regulation of private sewage on-site wastewater treatment
7 systems may establish a fee for a sanitary permit which is more than \$61, ~~or~~ the
8 amount determined under department rule. A governmental unit may not charge
9 more than one fee for a sanitary permit or the renewal of a sanitary permit in any
10 12-month period.

11 **SECTION 72.** 145.19 (3) of the statutes is amended to read:

12 145.19 (3) ~~COPY OF PERMIT FEES AND RECORDS OF PERMITS~~ FORWARDED TO THE
13 DEPARTMENT. The governmental unit responsible for the regulation of private sewage
14 on-site wastewater treatment systems shall forward ~~a copy of each valid sanitary~~
15 ~~permit and \$20, or the amount determined under department rule, of the fee to the~~
16 department within 90 days after the each valid permit is issued a portion of the fee,
17 as determined under department rule. The governmental unit shall also compile a
18 periodic summary of the permits that it has issued. The summary shall contain the
19 information required by the department by rule, and shall be submitted by the
20 governmental unit to the department at intervals to be determined by the
21 department by rule.

22 **SECTION 73.** 145.19 (4) of the statutes is amended to read:

23 145.19 (4) USE OF FEE. The portion of this fee retained by the governmental unit
24 responsible for the regulation of private sewage on-site wastewater treatment

1 systems shall be used for the administration of private sewage on-site wastewater
2 treatment system programs.

3 **SECTION 74.** 145.19 (5) of the statutes is repealed.

4 **SECTION 75.** 145.19 (6) of the statutes is amended to read:

5 145.19 (6) GROUNDWATER FEE. In addition to the fee under sub. (2), the
6 governmental unit responsible for the regulation of private sewage on-site
7 wastewater treatment systems shall collect a groundwater fee of \$25 for each
8 sanitary permit. The governmental unit shall forward this fee to the department
9 together with ~~the copy of the sanitary permit and~~ the fee under sub. (3). The moneys
10 collected under this subsection shall be credited to the environmental fund for
11 environmental management.

12 **SECTION 76.** 145.195 (1) of the statutes is amended to read:

13 145.195 (1) No county, city, town or village may issue a building permit for
14 construction of any structure requiring connection to a private sewage on-site
15 wastewater treatment system unless a private sewage on-site wastewater
16 treatment system satisfying all applicable regulations already exists to serve the
17 proposed structure or all permits necessary to install a private sewage on-site
18 wastewater treatment system have been obtained.

19 **SECTION 77.** 145.195 (2) of the statutes is amended to read:

20 145.195 (2) Before issuing a building permit for construction of any structure
21 on property not served by a municipal sewage treatment plant, the county, city, town
22 or village shall determine that the proposed construction does not interfere with a
23 functioning private sewage on-site wastewater treatment system. The county, city,
24 town or village may require building permit applicants to submit a detailed plan of
25 the owner's existing private sewage on-site wastewater treatment system.

1 **SECTION 78.** 145.20 (title) of the statutes is amended to read:

2 **145.20 (title) Private sewage on-site wastewater treatment systems.**

3 **SECTION 79.** 145.20 (1) (a) of the statutes is amended to read:

4 145.20 (1) (a) The governing body of the governmental unit responsible for the
5 regulation of private sewage on-site wastewater treatment systems may assign the
6 duties of administering the private sewage on-site wastewater treatment system
7 program to any office, department, committee, board, commission, position or
8 employee of that governmental unit.

9 **SECTION 80.** 145.20 (1) (am) of the statutes is amended to read:

10 145.20 (1) (am) The governing body of the governmental unit responsible for
11 the regulation of private sewage on-site wastewater treatment systems may
12 delegate the duties of administering the private sewage on-site wastewater
13 treatment system program to a town sanitary district or public inland lake protection
14 and rehabilitation district with the powers of a town sanitary district within the town
15 sanitary district or public inland lake protection and rehabilitation district if the
16 town sanitary district or public inland lake protection and rehabilitation district
17 agrees to assume those duties.

18 **SECTION 81.** 145.20 (1) (b) of the statutes is amended to read:

19 145.20 (1) (b) The governmental unit responsible for the regulation of private
20 sewage on-site wastewater treatment systems shall obtain the services of a certified
21 soil tester, either as an employee or under contract, to review and verify certified soil
22 tester reports under sub. (2).

23 **SECTION 82.** 145.20 (2) (intro.) of the statutes is amended to read:

1 145.20 (2) GOVERNMENTAL UNIT RESPONSIBILITIES. (intro.) The governmental
2 unit responsible for the regulation of private sewage on-site wastewater treatment
3 systems shall:

4 **SECTION 83.** 145.20 (2) (a) of the statutes is amended to read:

5 145.20 (2) (a) Review certified soil tester reports for proposed private sewage
6 on-site wastewater treatment systems and verify the report at the proposed site, if
7 necessary.

8 **SECTION 84.** 145.20 (2) (d) of the statutes is amended to read:

9 145.20 (2) (d) Inspect all private sewage on-site wastewater treatment
10 systems after construction but before backfilling no later than the end of the next
11 workday, excluding Saturdays, Sundays and holidays, after receiving notice from the
12 plumber in charge.

13 **SECTION 85.** 145.20 (2) (e) of the statutes is amended to read:

14 145.20 (2) (e) File reports and conduct surveys and inspections as required by
15 the governmental unit responsible for the regulation of private sewage on-site
16 wastewater treatment systems or the department.

17 **SECTION 86.** 145.20 (2) (f) of the statutes is amended to read:

18 145.20 (2) (f) Investigate violations of the private sewage on-site wastewater
19 treatment system ordinance and s. 254.59 (2), issue orders to abate the violations and
20 submit orders to the district attorney, corporation counsel or attorney general for
21 enforcement.

22 **SECTION 87.** 145.20 (2) (g) of the statutes is amended to read:

23 145.20 (2) (g) Perform other duties regarding private sewage on-site
24 wastewater treatment systems as considered appropriate by the governmental unit

1 responsible for the regulation of private sewage on-site wastewater treatment
2 systems or as required by the rules of the department.

3 **SECTION 88.** 145.20 (2) (h) of the statutes is amended to read:

4 145.20 (2) (h) Inspect existing private sewage on-site wastewater treatment
5 systems to determine compliance with s. 145.195 if a building or structure is being
6 constructed which requires connection to an existing private sewage on-site
7 wastewater treatment system. The county is not required to conduct an on-site
8 inspection if a building or structure is being constructed which does not require
9 connection to an existing private sewage on-site wastewater treatment system.

10 **SECTION 89.** 145.20 (3) (a) 1. of the statutes is amended to read:

11 145.20 (3) (a) 1. The department may specify categories of private sewage
12 on-site wastewater treatment systems for which approval by the department is
13 required prior to issuance of sanitary permits by the governmental unit responsible
14 for the regulation of private sewage on-site wastewater treatment systems.

15 **SECTION 90.** 145.20 (3) (a) 2. of the statutes is amended to read:

16 145.20 (3) (a) 2. The department may exempt a governmental unit from any
17 category of private sewage on-site wastewater treatment systems for which
18 departmental approval is required prior to sanitary permit issuance under subd. 1.,
19 upon a determination, in accordance with rules promulgated by the department, that
20 past performance of the governmental unit on reviews and audits under par. (b) has
21 been satisfactory and that the governmental unit has the capacity to give the same
22 level of application and plan review as that provided by the department. The
23 department may revoke an exemption upon a finding that performance of the
24 governmental unit on a review or audit conducted subsequent to the granting of the
25 exemption is unsatisfactory or that the governmental unit is not giving the same

1 level of application and plan review as that provided by the department. Findings
2 in a revocation action may be made only after a public hearing upon 30 days' advance
3 notice to the clerk of the governmental unit. The department shall submit a report
4 under s. 13.172 (2) to the chief clerk of each house of the legislature, at the beginning
5 of each legislative session, describing the exemptions under this subdivision.

6 **SECTION 91.** 145.20 (3) (b) of the statutes is amended to read:

7 145.20 (3) (b) The department shall review the private sewage on-site
8 wastewater treatment system program in each governmental unit responsible for
9 the regulation of private sewage on-site wastewater treatment systems to ascertain
10 compliance with sub. (2) and with regulations issued by the department. This review
11 shall include a random audit of sanitary permits, including verification by on-site
12 inspection.

13 **SECTION 92.** 145.20 (3) (c) of the statutes is amended to read:

14 145.20 (3) (c) If the governing body for a governmental unit responsible for the
15 regulation of private sewage on-site wastewater treatment systems does not adopt
16 a private sewage on-site wastewater treatment system ordinance meeting the
17 requirements of s. 59.70 (5) or if the governmental unit does not appoint personnel
18 meeting the requirements of sub. (1) or if the governmental unit does not comply with
19 the requirements of sub. (2) or s. 145.19 (3), the department may conduct hearings
20 in the county seat upon 30 days' notice to the county clerk. As soon as practicable
21 after the public hearing, the department shall issue a written decision regarding
22 compliance with s. 59.70 (5) or 145.19 (3) or sub. (1) or (2). If the department
23 determines that there is a violation of these provisions, the governmental unit may
24 not issue a sanitary permit for the installation of a private sewage on-site
25 wastewater treatment system until the violation is corrected.

1 **SECTION 93.** 145.20 (3) (d) of the statutes is amended to read:

2 145.20 (3) (d) The department shall conduct training and informational
3 programs for officials of the governmental unit responsible for the regulation of
4 private sewage on-site wastewater treatment systems and employees and persons
5 licensed under this chapter and s. 281.48 and certified as operators of septage
6 servicing vehicles under s. 281.17 (3) to improve the delivery of service under the
7 private sewage on-site wastewater treatment system program. The department
8 shall obtain the assistance of the Wisconsin counties association in planning and
9 conducting the training and informational programs.

10 **SECTION 94.** 145.20 (4) of the statutes is amended to read:

11 145.20 (4) SPECIAL ASSESSMENT FOR HOLDING AND SEPTIC TANK PUMPING. A
12 governmental unit may assess the owner of a private sewage on-site wastewater
13 treatment system for costs related to the pumping of a septic or holding tank. The
14 governmental unit shall make any assessment in the same manner that a city, village
15 or town makes an assessment under s. 66.0703.

16 **SECTION 95.** 145.20 (5) (a) of the statutes is amended to read:

17 145.20 (5) (a) The department shall establish a maintenance program to be
18 administered by governmental units responsible for the regulation of private sewage
19 on-site wastewater treatment systems. The department shall determine the private
20 sewage on-site wastewater treatment systems to which the maintenance program
21 applies. At a minimum the maintenance program is applicable to all new or
22 replacement private sewage on-site wastewater treatment systems constructed in
23 a governmental unit after the date on which the governmental unit adopts this
24 program. The department may apply the maintenance program by rule to private
25 sewage on-site wastewater treatment systems constructed in a governmental unit

1 responsible for the regulation of private sewage on-site wastewater treatment
2 systems on or before the date on which the governmental unit adopts the program.
3 The department shall determine the private sewage on-site wastewater treatment
4 systems to which the maintenance program applies in governmental units that do
5 not meet the conditions for eligibility under s. 145.245 (9).

6 **SECTION 96.** 145.20 (5) (am) of the statutes is amended to read:

7 145.20 (5) (am) Each governmental unit responsible for the regulation of
8 private sewage on-site wastewater treatment systems shall adopt and begin the
9 administration of the program established under par. (a) before October 1, 2015. As
10 part of adopting and administering the program, the governmental unit shall
11 conduct and maintain an inventory of all the private sewage on-site wastewater
12 treatment systems located in the governmental unit and shall complete the initial
13 inventory before October 1, 2013. In order to be eligible for grant funding under s.
14 145.245, a governmental unit must comply with these deadlines.

15 **SECTION 97.** 145.20 (5) (b) of the statutes is amended to read:

16 145.20 (5) (b) The maintenance program shall include a requirement of
17 inspection or pumping of the private sewage on-site wastewater treatment system
18 at least once every 3 years if the private sewage on-site wastewater treatment
19 system does not have a maintenance plan as prescribed by rule by the department.
20 Inspections may be conducted by a master plumber, journeyman plumber or
21 restricted plumber licensed under this chapter, a person licensed under s. 281.48 or
22 by an employee of the state or governmental unit designated by the department, and
23 the department may determine by rule other persons who are qualified to undertake
24 required inspection, maintenance, or repairs. The department shall specify the
25 methods to establish the required frequency of inspection, maintenance, and

1 pumping for each type of private sewage on-site wastewater treatment system that
2 does not have a maintenance plan and shall periodically update the methods.

3 **SECTION 98.** 145.20 (6) (a) 2. of the statutes is amended to read:

4 145.20 (6) (a) 2. Install, design, maintain, repair, or sell a private sewage
5 on-site wastewater treatment system, component of a private sewage on-site
6 wastewater treatment system, drain field designed to serve a private sewage on-site
7 wastewater treatment system, or pipe from a private sewage on-site wastewater
8 treatment system to the immediate inside of the existing or proposed foundation wall
9 of the building served by the private sewage on-site wastewater treatment system.

10 **SECTION 99.** 145.24 (1) of the statutes is amended to read:

11 145.24 (1) If an existing private sewage on-site wastewater treatment system
12 either is not located in soil meeting the siting standards or is not constructed in
13 accordance with design standards promulgated under s. 145.02 or 145.13, the owner
14 of the private sewage on-site wastewater treatment system may petition the
15 department for a variance to the siting or design standards.

16 **SECTION 100.** 145.24 (2) of the statutes is amended to read:

17 145.24 (2) The department shall establish procedures for the review and
18 evaluation of existing private sewage on-site wastewater treatment systems which
19 do not comply with siting or design standards.

20 **SECTION 101.** 145.24 (3) of the statutes is amended to read:

21 145.24 (3) Upon receipt of a petition for a variance, the department shall
22 require the owner of the private sewage on-site wastewater treatment system to
23 submit information necessary to evaluate the request for a variance. If the
24 department determines that the existing private sewage on-site wastewater
25 treatment system is not a failing private sewage on-site wastewater treatment

1 system, and continued use of the existing private sewage on-site wastewater
2 treatment system will not pose a threat of contamination of waters of the state, then
3 the department may issue a variance to allow continued use of the existing private
4 sewage on-site wastewater treatment system. The department shall rescind the
5 variance if the existing private sewage on-site wastewater treatment system
6 becomes a failing private sewage on-site wastewater treatment system or
7 contaminates waters of the state.

8 **SECTION 102.** 145.245 (title) of the statutes is amended to read:

9 **145.245 (title) Private sewage on-site wastewater treatment system**
10 **replacement or rehabilitation.**

11 **SECTION 103.** 145.245 (1) (a) 1. of the statutes is amended to read:

12 145.245 (1) (a) 1. A determination that a private sewage on-site wastewater
13 treatment system is failing, according to the criteria under sub. (4), based on an
14 inspection of the private sewage on-site wastewater treatment system by an
15 employee of the state or a governmental unit who is certified to inspect private
16 sewage on-site wastewater treatment systems by the department.

17 **SECTION 104.** 145.245 (1) (ae) of the statutes is amended to read:

18 145.245 (1) (ae) "Governmental unit" means a governmental unit responsible
19 for the regulation of private sewage on-site wastewater treatment systems.
20 "Governmental unit" also includes a federally recognized American Indian tribe or
21 band.

22 **SECTION 105.** 145.245 (4) (intro.) of the statutes is amended to read:

23 145.245 (4) **FAILING PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEMS.**
24 (intro.) The department shall establish criteria for determining if a private sewage
25 on-site wastewater treatment system is a failing private sewage on-site wastewater

1 treatment system. A failing private sewage on-site wastewater treatment system
2 is one which causes or results in any of the following conditions:

3 **SECTION 106.** 145.245 (4) (b) of the statutes is amended to read:

4 145.245 (4) (b) The introduction of sewage into zones of saturation which
5 adversely affects the operation of a private sewage on-site wastewater treatment
6 system.

7 **SECTION 107.** 145.245 (4) (e) of the statutes is amended to read:

8 145.245 (4) (e) The failure to accept sewage discharges and back up of sewage
9 into the structure served by the private sewage on-site wastewater treatment
10 system.

11 **SECTION 108.** 145.245 (4m) (intro.) of the statutes is amended to read:

12 145.245 (4m) CATEGORIES OF FAILING PRIVATE SEWAGE ON-SITE WASTEWATER
13 TREATMENT SYSTEMS. (intro.) For the purposes of this section, the department shall
14 establish the category of each failing private sewage on-site wastewater treatment
15 system for which a grant application is submitted, as follows:

16 **SECTION 109.** 145.245 (4m) (a) of the statutes is amended to read:

17 145.245 (4m) (a) Category 1: failing private sewage on-site wastewater
18 treatment systems described in sub. (4) (a) to (c).

19 **SECTION 110.** 145.245 (4m) (b) of the statutes is amended to read:

20 145.245 (4m) (b) Category 2: failing private sewage on-site wastewater
21 treatment systems described in sub. (4) (d).

22 **SECTION 111.** 145.245 (4m) (c) of the statutes is amended to read:

23 145.245 (4m) (c) Category 3: failing private sewage on-site wastewater
24 treatment systems described in sub. (4) (e).

25 **SECTION 112.** 145.245 (5) (a) 1. of the statutes is amended to read:

1 145.245 (5) (a) 1. A person is eligible for grant funds under this section if he or
2 she owns a principal residence which is served by a category 1 or 2 failing private
3 sewage on-site wastewater treatment system, if the private sewage on-site
4 wastewater treatment system was installed before July 1, 1978, if the family income
5 of the person does not exceed the income limitations under par. (c), if the amount of
6 the grant determined under sub. (7) is at least \$100, if the residence is not located
7 in an area served by a sewer and if determination of failure is made prior to the
8 rehabilitation or replacement of the failing private sewage on-site wastewater
9 treatment system.

10 **SECTION 113.** 145.245 (5) (a) 2. of the statutes is amended to read:

11 145.245 (5) (a) 2. A business is eligible for grant funds under this section if it
12 owns a small commercial establishment which is served by a category 1 or 2 failing
13 private sewage on-site wastewater treatment system, if the private sewage on-site
14 wastewater treatment system was installed before July 1, 1978, if the gross revenue
15 of the business does not exceed the limitation under par. (d), if the small commercial
16 establishment is not located in an area served by a sewer and if a determination of
17 failure is made prior to the rehabilitation or replacement of the private sewage
18 on-site wastewater treatment system.

19 **SECTION 114.** 145.245 (5) (a) 3. of the statutes is amended to read:

20 145.245 (5) (a) 3. A person who owns a principal residence or small commercial
21 establishment which is served by a category 1 or 2 failing private sewage on-site
22 wastewater treatment system may submit an application for grant funds during the
23 3-year period after the determination of failure is made. Grant funds may be
24 awarded after work is completed if rehabilitation or replacement of the system meets
25 all requirements of this section and rules promulgated under this section.

1 **SECTION 115.** 145.245 (5m) (a) of the statutes is amended to read:

2 145.245 **(5m)** (a) The department or a governmental unit shall deny a grant
3 application under this section if the applicant or a person who would be directly
4 benefited by the grant intentionally caused the conditions which resulted in a
5 category 1 or 2 failing private sewage on-site wastewater treatment system. The
6 department or governmental unit shall notify the applicant in writing of a denial,
7 including the reason for the denial.

8 **SECTION 116.** 145.245 (6) (a) of the statutes is amended to read:

9 145.245 **(6)** (a) Except for grants under par. (b), funds available under a grant
10 under this section shall be applied to the rehabilitation or replacement of the private
11 sewage on-site wastewater treatment system. An existing private sewage on-site
12 wastewater treatment system may be replaced by an alternative private sewage
13 on-site wastewater treatment system or by a system serving more than one principal
14 residence.

15 **SECTION 117.** 145.245 (6) (b) of the statutes is amended to read:

16 145.245 **(6)** (b) Funds available under a grant under this section for
17 experimental private sewage on-site wastewater treatment systems shall be applied
18 to the installation and monitoring of the experimental private sewage on-site
19 wastewater treatment systems.

20 **SECTION 118.** 145.245 (7) (a) of the statutes is amended to read:

21 145.245 **(7)** (a) Except as provided in par. (e), costs allowable in determining
22 grant funding under this section may not exceed the costs of rehabilitating or
23 replacing a private sewage on-site wastewater treatment system which would be
24 necessary to allow the rehabilitated system or new system to meet the minimum
25 requirements of the state plumbing code promulgated under s. 145.13.

1 **SECTION 119.** 145.245 (7) (b) of the statutes is amended to read:

2 145.245 (7) (b) Except as provided in par. (e), costs allowable in determining
3 grant funding under this section may not exceed the costs of rehabilitating or
4 replacing a private sewage on-site wastewater treatment system by the least costly
5 methods, except that a holding tank may not be used as the measure of the least
6 costly method for rehabilitating or replacing a private sewage on-site wastewater
7 treatment system other than a holding tank.

8 **SECTION 120.** 145.245 (7) (c) of the statutes is amended to read:

9 145.245 (7) (c) Except as provided in pars. (d) and (e), the state grant share
10 under this section is limited to \$7,000 for each principal residence or small
11 commercial establishment to be served by the private sewage on-site wastewater
12 treatment system or to the amount determined by the department based upon
13 private sewage on-site wastewater treatment system grant funding tables,
14 whichever is less. The department shall prepare and publish private sewage on-site
15 wastewater treatment system grant funding tables which specify the maximum
16 state share limitation for various components and costs involved in the
17 rehabilitation or replacement of a private sewage on-site wastewater treatment
18 system based upon minimum size and other requirements specified in the state
19 plumbing code promulgated under s. 145.02. The maximum state share limitations
20 shall be designed to pay approximately 60% of the average allowable cost of private
21 sewage on-site wastewater treatment system rehabilitation or replacement based
22 upon estimated or actual costs of that rehabilitation or replacement. The
23 department shall revise the grant funding tables when it determines that 60% of
24 current costs of private sewage on-site wastewater treatment system rehabilitation
25 or replacement exceed the amounts in the grant funding tables by more than 10%,

1 except that the department may not revise the grant funding tables more often than
2 once every 2 years.

3 **SECTION 121.** 145.245 (7) (d) of the statutes is amended to read:

4 145.245 (7) (d) Except as provided in par. (e), if the income of a person who owns
5 a principal residence that is served by a category 1 or 2 failing private sewage on-site
6 wastewater treatment system is greater than \$32,000, the amount of the grant under
7 this section is limited to the amount determined under par. (c) less 30% of the amount
8 by which the person's income exceeds \$32,000.

9 **SECTION 122.** 145.245 (7) (e) of the statutes is amended to read:

10 145.245 (7) (e) Costs allowable for experimental private sewage on-site
11 wastewater treatment systems shall include the costs of installing and monitoring
12 experimental private sewage on-site wastewater treatment systems installed under
13 s. 145.02 (3) (b) and this section. The department shall promulgate rules that specify
14 how the department will select, monitor and allocate the state share for
15 experimental private sewage on-site wastewater treatment systems that the
16 department funds under this section.

17 **SECTION 123.** 145.245 (8) (a) of the statutes is amended to read:

18 145.245 (8) (a) In order to be eligible for a grant under this section, a
19 governmental unit shall make an application for replacement or rehabilitation of
20 private sewage on-site wastewater treatment systems of principal residences or
21 small commercial establishments and shall submit an application for participation
22 to the department. The application shall be in the form and include the information
23 the department prescribes. In order to be eligible for funds available in a fiscal year,
24 an application is required to be received by the department prior to February 1 of the
25 previous fiscal year.

1 **SECTION 124.** 145.245 (9) (b) of the statutes is amended to read:

2 145.245 (9) (b) Certify that grants will be used for private sewage on-site
3 wastewater treatment system replacement or rehabilitation for a principal
4 residence or small commercial establishment owned by a person who meets the
5 eligibility requirements under sub. (5), that the funds will be used as provided under
6 sub. (6) and that allowable costs will not exceed the amount permitted under sub. (7);

7 **SECTION 125.** 145.245 (9) (c) of the statutes is amended to read:

8 145.245 (9) (c) Certify that grants will be used for private sewage on-site
9 wastewater treatment systems which will be properly installed and maintained;

10 **SECTION 126.** 145.245 (9) (e) of the statutes is amended to read:

11 145.245 (9) (e) Establish a process for regulation and inspection of private
12 sewage on-site wastewater treatment systems;

13 **SECTION 127.** 145.245 (11) (e) of the statutes is amended to read:

14 145.245 (11) (e) *Limitation; experimental private sewage on-site wastewater*
15 *treatment systems.* The department may not allocate more than 10% of the funds
16 available under this subsection each fiscal year for grants for the installation and
17 monitoring of experimental private sewage on-site wastewater treatment systems.

18 **SECTION 128.** 145.245 (11m) (b) of the statutes is amended to read:

19 145.245 (11m) (b) Except as provided in par. (d), if funds are sufficient to fully
20 fund all category 1 but not all category 2 failing private sewage on-site wastewater
21 treatment systems, the department shall fully fund all category 1 systems and
22 prorate the funds for category 2 systems on a proportional basis.

23 **SECTION 129.** 145.245 (11m) (c) of the statutes is amended to read:

24 145.245 (11m) (c) Except as provided in par. (d), if funds are not sufficient to
25 fully fund all category 1 failing private sewage on-site wastewater treatment

1 systems, the department shall fund the category 1 systems on a proportional basis
2 and deny the grant applications for all category 2 systems.

3 **SECTION 130.** 145.245 (11m) (d) of the statutes is amended to read:

4 145.245 (11m) (d) The department is not required to prorate available funds
5 for grants for the installation and monitoring of experimental private sewage on-site
6 wastewater treatment systems.

7 **SECTION 131.** 145.245 (13) of the statutes is amended to read:

8 145.245 (13) INSPECTION. Agents of the department or the governmental unit
9 may enter premises where private sewage on-site wastewater treatment systems
10 are located pursuant to a special inspection warrant as required under s. 66.0119,
11 to collect samples, records and information and to ascertain compliance with the
12 rules and orders of the department or the governmental unit.

13 **SECTION 132.** 145.245 (14) (d) of the statutes is amended to read:

14 145.245 (14) (d) Additional grants under this section to a governmental unit
15 previously awarded a grant under this section may be suspended or terminated if the
16 department finds that a private sewage on-site wastewater treatment system
17 previously funded in the governmental unit is not being or has not been properly
18 rehabilitated, constructed, installed or maintained.

19 **SECTION 133.** 157.12 (1) of the statutes, as affected by 2011 Wisconsin Act 32,
20 is repealed.

21 **SECTION 134.** 160.255 (title) of the statutes is amended to read:

22 **160.255 (title) Exceptions for private sewage on-site wastewater**
23 **treatment systems.**

24 **SECTION 135.** 160.255 (1) of the statutes is amended to read:

1 160.255 (1) In this section, “private sewage on-site wastewater treatment
2 system” has the meaning given in s. 145.01 (12).

3 **SECTION 136.** 160.255 (2) of the statutes is amended to read:

4 160.255 (2) Notwithstanding s. 160.19 (1), (2) and (4) (b), a regulatory agency
5 is not required to promulgate or amend rules that define design or management
6 criteria for private sewage on-site wastewater treatment systems to minimize the
7 amount of nitrate in groundwater or to maintain compliance with the preventive
8 action limit for nitrate.

9 **SECTION 137.** 160.255 (3) of the statutes is amended to read:

10 160.255 (3) Notwithstanding s. 160.19 (3), a regulatory agency may
11 promulgate rules that define design or management criteria for private sewage
12 on-site wastewater treatment systems that permit the enforcement standard for
13 nitrate to be attained or exceeded at the point of standards application.

14 **SECTION 138.** 160.255 (4) of the statutes is amended to read:

15 160.255 (4) Notwithstanding s. 160.21, a regulatory agency is not required to
16 promulgate rules that set forth responses that the agency may take, or require to be
17 taken, when the preventive action limit or enforcement standard for nitrate is
18 attained or exceeded at the point of standards application if the source of the nitrate
19 is a private-sewage on-site wastewater treatment system.

20 **SECTION 139.** 160.255 (5) of the statutes is amended to read:

21 160.255 (5) Notwithstanding ss. 160.23 and 160.25, a regulatory agency is not
22 required to take any responses for a specific site at which the preventive action limit
23 or enforcement standard for nitrate is attained or exceeded at the point of standards
24 application if the source of the nitrate is a private sewage on-site wastewater
25 treatment system.

1 **SECTION 140.** 168.11 (1) (b) 1. of the statutes is amended to read:

2 168.11 (1) (b) 1. A device that dispenses a gasoline-ethanol fuel blend for sale
3 at retail shall be marked or labeled with the percentage of ethanol, ~~using one-half~~
4 ~~inch high letters with a stroke of not less than one-eighth inch in width,~~ at all times
5 when the product is offered for sale.

6 **SECTION 141.** 200.21 (11) of the statutes is amended to read:

7 200.21 (11) "Sewerage system" means all facilities of the district for collection,
8 transportation, storage, pumping, treatment and final disposition of sewage.
9 "Sewerage system" does not include any private sewage on-site wastewater
10 treatment system, as defined in s. 145.01 (12), or any local sewer.

11 **SECTION 142.** 200.29 (1) (c) 3. a. of the statutes is amended to read:

12 200.29 (1) (c) 3. a. The weight to be given to the need for private sewage on-site
13 wastewater treatment systems, as defined in s. 145.01 (12), to maintain the public
14 health and welfare in any area located within the district prior to a redefinition of
15 the boundary but located outside the district after any redefinition of the boundary.

16 **SECTION 143.** 236.13 (2m) of the statutes, as affected by 2011 Wisconsin Act 32,
17 is amended to read:

18 236.13 (2m) As a further condition of approval when lands included in the plat
19 lie within 500 feet of the ordinary high-water mark of any navigable stream, lake
20 or other body of navigable water or if land in the proposed plat involves lake or stream
21 shorelands referred to in s. 236.16, the department of natural resources, to prevent
22 pollution of navigable waters, or the department of safety and professional services,
23 to protect the public health and safety, may require assurance of adequate drainage
24 areas for private sewage ~~disposal~~ on-site wastewater treatment systems and
25 building setback restrictions, or provisions by the owner for public sewage disposal

1 facilities for waters of the state, as defined in s. 281.01 (18), industrial wastes, as
2 defined in s. 281.01 (5), and other wastes, as defined in s. 281.01 (7). The public
3 sewage disposal facilities may consist of one or more systems as the department of
4 natural resources or the department of safety and professional services determines
5 on the basis of need for prevention of pollution of the waters of the state or protection
6 of public health and safety.

7 **SECTION 144.** 281.41 (3) (a) of the statutes is amended to read:

8 281.41 (3) (a) In this subsection, “septage service area” means the area
9 containing private sewage on-site wastewater treatment systems served or
10 anticipated to be served by a sewage disposal plant during the planning period.

11 **SECTION 145.** 281.41 (3) (b) 3. of the statutes is amended to read:

12 281.41 (3) (b) 3. The location of private sewage on-site wastewater treatment
13 systems within the septage service area, and the distances required to haul septage
14 for disposal either on land or in the sewage disposal plant.

15 **SECTION 146.** 281.41 (3) (b) 4. of the statutes is amended to read:

16 281.41 (3) (b) 4. The potential for contracts with private sewage on-site
17 wastewater treatment system owners, licensed disposers, as defined in s. 281.49 (1)
18 (b), or municipalities to assure delivery of septage to the sewage disposal plant.

19 **SECTION 147.** 281.48 (2) (bm) of the statutes is amended to read:

20 281.48 (2) (bm) “Private sewage on-site wastewater treatment system” has the
21 meaning given in s. 145.01 (12).

22 **SECTION 148.** 281.48 (2) (d) of the statutes is amended to read:

23 281.48 (2) (d) “Septage” means the scum, liquid, sludge or other waste in a
24 septic tank, soil absorption field, holding tank, grease interceptor, privy, or other
25 component of a private sewage on-site wastewater treatment system.

1 **SECTION 149.** 281.48 (2) (f) of the statutes is amended to read:

2 281.48 (2) (f) “Servicing” means removing septage from a septic tank, soil
3 absorption field, holding tank, grease interceptor, privy, or other component of a
4 private sewage on-site wastewater treatment system and disposing of the septage.

5 **SECTION 150.** 281.48 (2) (g) of the statutes is amended to read:

6 281.48 (2) (g) “Soil absorption field” means an area or cavity in the ground
7 which receives the liquid discharge of a septic tank or similar component of a private
8 sewage on-site wastewater treatment system.

9 **SECTION 151.** 281.48 (2m) of the statutes is amended to read:

10 281.48 (2m) POWERS OF THE DEPARTMENT. The department has general
11 supervision and control of servicing septic tanks, soil absorption fields, holding
12 tanks, grease interceptors, privies, and other components of private sewage on-site
13 wastewater treatment systems.

14 **SECTION 152.** 281.48 (3) (e) of the statutes is amended to read:

15 281.48 (3) (e) *Operator certification.* No person, except for a farmer exempted
16 from licensing under par. (d), may service a private sewage on-site wastewater
17 treatment system or operate a septage servicing vehicle unless the person is certified
18 as an operator of a septage servicing vehicle under s. 281.17 (3).

19 **SECTION 153.** 281.48 (4g) of the statutes is amended to read:

20 281.48 (4g) RULES ON SERVICING. The department shall promulgate rules
21 relating to servicing septic tanks, soil absorption fields, holding tanks, grease
22 interceptors, privies, and other components of private sewage on-site wastewater
23 treatment systems in order to protect the public health against unsanitary and
24 unhealthful practices and conditions, and to protect the surface waters and
25 groundwaters of the state from contamination by septage. The rules shall comply

1 with ch. 160. The rules shall apply to all septage disposal, whether undertaken
2 pursuant to a license or a license exemption under sub. (3). The rules shall require
3 each person with a license under sub. (3) to maintain records of the location of private
4 sewage on-site wastewater treatment systems serviced and the volume of septage
5 disposed of and location of that disposal.

6 **SECTION 154.** 281.59 (1m) (c) of the statutes is amended to read:

7 281.59 (1m) (c) There is established a private sewage on-site wastewater
8 treatment system replacement and rehabilitation loan program, administered
9 under s. 145.245 (12m).

10 **SECTION 155.** 281.68 (3) (a) 2. f. of the statutes is amended to read:

11 281.68 (3) (a) 2. f. Providing programs and materials that promote the
12 monitoring of private sewage on-site wastewater treatment systems, the reduction
13 in the use of environmentally harmful chemicals, water safety, and the protection of
14 natural lake ecosystems.

15 **SECTION 156.** 440.03 (13) (am) of the statutes is created to read:

16 440.03 (13) (am) A person holding a credential under chs. 440 to 480 who is
17 convicted of a felony or misdemeanor anywhere shall send a notice of the conviction
18 by 1st class mail to the department within 48 hours after the entry of the judgment
19 of conviction. The department shall by rule determine what information and
20 documentation the person holding the credential shall include with the written
21 notice.

22 **SECTION 157.** 440.19 of the statutes is created to read:

23 **440.19 Voluntary surrender of license, permit, or certificate.** A person
24 who holds a license, permit, or certificate of certification or registration issued under
25 chs. 440 to 480 may voluntarily surrender that license, permit, or certificate of

1 certification or registration. The department, examining board, affiliated
2 credentialing board, or board of the department that issued the license, permit, or
3 certificate of certification or registration may refuse to accept that surrender if a
4 complaint has been filed or disciplinary proceeding has been commenced against the
5 person under s. 440.20.

6 **SECTION 158.** 440.21 (4) (a) of the statutes is amended to read:

7 440.21 (4) (a) Any Notwithstanding any other provision of chs. 440 to 480
8 relating to fines, forfeitures, or imprisonment, any person who violates a special
9 order issued under sub. (2) may be required to forfeit not more than \$10,000 for each
10 offense. Each day of continued violation constitutes a separate offense. The attorney
11 general or any district attorney may commence an action in the name of the state to
12 recover a forfeiture under this paragraph.

13 **SECTION 159.** 440.21 (4) (b) of the statutes is amended to read:

14 440.21 (4) (b) Any Notwithstanding any other provision of chs. 440 to 480
15 relating to fines, forfeitures, or imprisonment, any person who violates a temporary
16 restraining order or an injunction issued by a court upon a petition under sub. (3)
17 may be fined not less than \$25 nor more than \$5,000 or imprisoned for not more than
18 one year in the county jail or both.

19 **SECTION 160.** 440.26 (2) (c) 5. of the statutes is created to read:

20 440.26 (2) (c) 5. The department may, based on rules adopted by the
21 department, refuse to issue a license under this section to an individual who has
22 committed any of the acts described in sub. (6) (a) 1. to 5.

23 **SECTION 161.** 440.26 (4) of the statutes is amended to read:

24 440.26 (4) **BONDS OR LIABILITY POLICIES REQUIRED.** No license may be issued
25 under this section until a bond or liability policy, approved by the department, in the

1 amount of \$100,000 if the applicant for the license is a private detective agency and
2 includes all principals, partners, members or corporate officers, or in the amount of
3 \$2,000 if the applicant is a private detective, has been executed and filed with the
4 department. Such bonds or liability policies shall be furnished by an insurer
5 authorized to do a surety business in this state in a form approved by the department.
6 The person shall maintain the bond or liability policy during the period that the
7 license is in effect.

8 **SECTION 162.** 440.26 (5m) (am) of the statutes is created to read:

9 440.26 (5m) (am) The department may refuse to issue a private security permit
10 to a person who has been convicted of a misdemeanor or found to have violated any
11 state or local law that is punishable by a forfeiture, subject to ss. 111.321, 111.322,
12 and 111.335.

13 **SECTION 163.** 440.26 (6) (a) 5. of the statutes is created to read:

14 440.26 (6) (a) 5. Failed to maintain a bond or liability policy as required under
15 sub. (4).

16 **SECTION 164.** 440.91 (2) (intro.) of the statutes is amended to read:

17 440.91 (2) (intro.) Except as provided in sub. (10), every ~~person that~~ individual
18 who sells or solicits the sale of, or that expects to sell or solicit the sale of, 20 or more
19 cemetery lots or mausoleum spaces per year during 2 consecutive calendar years
20 shall be licensed by the board. ~~A person~~ An individual may not be licensed as a
21 cemetery salesperson except upon the written request of a cemetery authority and
22 the payment of the initial credential fee determined by the department under s.
23 440.03 (9) (a). The cemetery authority shall certify in writing to the board that the
24 ~~person~~ individual is competent to act as a cemetery salesperson. An applicant for

1 licensure as a cemetery salesperson shall furnish to the board, in such form as the
2 board prescribes, all of the following information:

3 **SECTION 165.** 440.91 (2) (a) of the statutes is amended to read:

4 440.91 (2) (a) The name and address of the applicant and, if the applicant is
5 a business entity, the name and address of each business representative.

6 **SECTION 166.** 440.91 (8) of the statutes is repealed.

7 **SECTION 167.** 443.01 (2) of the statutes is amended to read:

8 443.01 (2) "Engineer-in-training" means a person who is a graduate in an
9 engineering curriculum of 4 years or more from a school or college approved by the
10 professional engineer section of the examining board as of satisfactory standing, or
11 a person who has had 4 years or more of experience in engineering work of a character
12 satisfactory to the ~~examining board~~ professional engineer section; and who, in
13 addition, has successfully passed the examination in the fundamental engineering
14 subjects prior to the completion of the requisite years in engineering work, as
15 provided in s. 443.05, and who has been granted a certificate of record by the
16 ~~examining board~~ professional engineer section stating that the person has
17 successfully passed this portion of the professional examinations.

18 **SECTION 168.** 443.015 (title) of the statutes is amended to read:

19 **443.015 (title) Examining board to establish continuing education**
20 **requirements; promulgate rules.**

21 **SECTION 169.** 443.015 of the statutes is renumbered 443.015 (1) and amended
22 to read:

23 443.015 (1) The Each section of the examining board may establish continuing
24 education requirements for renewal of a credential issued by that section under this
25 chapter.

1 **SECTION 170.** 443.015 (2) of the statutes is created to read:

2 443.015 (2) Each section of the examining board may promulgate rules
3 governing the professional conduct of individuals, firms, partnerships, and
4 corporations registered, permitted, certified, or granted a certificate of authorization
5 by that section.

6 **SECTION 171.** 443.03 (1) (intro.) of the statutes is amended to read:

7 443.03 (1) (intro.) An applicant for registration as an architect shall submit as
8 satisfactory evidence to the architect section of the examining board all of the
9 following:

10 **SECTION 172.** 443.03 (1) (a) of the statutes is amended to read:

11 443.03 (1) (a) That he or she has acquired a thorough knowledge of sound
12 construction, building hygiene, architectural design and mathematics; ~~and~~.

13 **SECTION 173.** 443.03 (1) (b) (intro.) of the statutes is created to read:

14 443.03 (1) (b) (intro.) One of the following:

15 **SECTION 174.** 443.03 (1) (b) 1. of the statutes is renumbered 443.03 (1) (b) 1m.
16 and amended to read:

17 443.03 (1) (b) 1m. A diploma of graduation, or a certificate, from an
18 architectural school or college approved by the ~~examining board~~ architect section as
19 of satisfactory standing, together with at least 2 years' practical experience of a
20 character satisfactory to the ~~examining board~~ architect section in the design and
21 construction of buildings; ~~or~~.

22 **SECTION 175.** 443.03 (1) (b) 2. of the statutes is amended to read:

23 443.03 (1) (b) 2. A specific record of 7 or more years of experience in
24 architectural work of a character satisfactory to the ~~examining board~~ architect
25 section in the design and construction of buildings.

1 **SECTION 176.** 443.03 (2) of the statutes is amended to read:

2 443.03 (2) Graduation in architecture from a school or college approved by the
3 ~~examining board~~ architect section as of satisfactory standing shall be considered as
4 equivalent to 5 years of experience, and the completion satisfactory to the ~~examining~~
5 ~~board~~ architect section of each year of work in architecture in such school or college
6 without graduation shall be considered equivalent to one year of experience.
7 Graduation in a course other than architecture from a school or college approved by
8 the ~~examining board~~ architect section as of satisfactory standing shall be considered
9 as equivalent to not more than 4 years of experience.

10 **SECTION 177.** 443.035 (intro.) of the statutes is amended to read:

11 **443.035 Registration requirements for landscape architects.** (intro.)
12 The landscape architect section of the examining board shall register as a landscape
13 architect an individual who does all of the following:

14 **SECTION 178.** 443.035 (1) of the statutes is amended to read:

15 443.035 (1) Submits to the department evidence satisfactory to the ~~examining~~
16 ~~board~~ landscape architect section of any of the following:

17 (a) That he or she has a bachelor's degree in landscape architecture, or a
18 master's degree in landscape architecture, from a curriculum approved by the
19 ~~examining board~~ landscape architect section and has at least 2 years of practical
20 experience in landscape architecture of a character satisfactory to the ~~examining~~
21 ~~board~~ landscape architect section.

22 (b) That he or she has a specific record of at least 7 years of training and
23 experience in the practice of landscape architecture including at least 2 years of
24 courses in landscape architecture approved by the ~~examining board~~ landscape

1 architect section, and 4 years of practical experience in landscape architecture of a
2 character satisfactory to the ~~examining board~~ landscape architect section.

3 **SECTION 179.** 443.04 of the statutes is amended to read:

4 **443.04 Registration requirements for professional engineers.** An
5 applicant for registration as a professional engineer shall submit satisfactory
6 evidence to the professional engineer section of the examining board of all of the
7 following:

8 **(1m)** A diploma of graduation, or a certificate, from an engineering school or
9 college approved by the ~~examining board~~ professional engineer section as of
10 satisfactory standing in an engineering course of not less than 4 years or a diploma
11 of graduation or degree from a technical college approved by the ~~examining board~~
12 professional engineer section as of satisfactory standing in an engineering-related
13 course of study of not less than 2 years.

14 **(2m)** (a) For an applicant possessing a diploma or certificate from a course of
15 study of not less than 4 years as specified in sub. (1m), a specific record of 4 or more
16 years of experience in engineering work of a character satisfactory to the ~~examining~~
17 ~~board~~ professional engineer section and indicating that the applicant is competent
18 to be placed in responsible charge of engineering work.

19 (b) For an applicant possessing a diploma or degree from a course of study of
20 not less than 2 years as specified in sub. (1m), a specific record of 6 or more years of
21 experience in engineering work of a character satisfactory to the ~~examining board~~
22 professional engineer section and indicating that the applicant is competent to be
23 placed in responsible charge of engineering work.

24 **SECTION 180.** 443.05 (1) (intro.), (a) and (b) and (2) of the statutes are amended
25 to read:

1 443.05 (1) An applicant for certification as an engineer-in-training shall
2 submit as satisfactory evidence to the professional engineer section of the examining
3 board as follows one of the following:

4 (a) A diploma of graduation in engineering or a certificate in engineering from
5 a school or college approved by the ~~examining board~~ professional engineer section as
6 of satisfactory standing, ~~or,~~

7 (b) A specific record of 4 years or more of experience in engineering work of a
8 character satisfactory to the ~~examining board~~ professional engineer section.

9 (2) Graduation in engineering from a school or college approved by the
10 ~~examining board~~ professional engineer section as of satisfactory standing shall be
11 considered as equivalent to 4 years of experience and the completion satisfactory to
12 the ~~examining board~~ professional engineer section of each year of work in
13 engineering in such school or college without graduation shall be considered as
14 equivalent to one year of experience. Graduation in a course other than engineering
15 from a school or college approved by the ~~examining board~~ professional engineer
16 section as of satisfactory standing shall be considered as equivalent to 2 years of
17 experience. No applicant may receive credit for more than 4 years of experience
18 under this subsection.

19 **SECTION 181.** 443.06 (1) (a) of the statutes is amended to read:

20 443.06 (1) (a) Application for registration as a land surveyor or a permit to
21 practice shall be made to the section under oath, on forms provided by the
22 department, which shall require the applicant to submit such information as the
23 land surveyor section of the examining board deems necessary. The land surveyor
24 section may require applicants to pass written or oral examinations or both.
25 Applicants who do not have an arrest or conviction record, subject to ss. 111.321,

1 111.322, and 111.335, shall be entitled to be registered or issued a permit to practice
2 as land surveyors when satisfactory evidence is submitted that the applicant has met
3 one or more of the requirements of sub. (2).

4 **SECTION 182.** 443.06 (2) (intro.) of the statutes is amended to read:

5 443.06 (2) REQUIREMENTS; CERTIFICATE OF REGISTRATION. (intro.) The land
6 surveyor section may grant a certificate of registration as a land surveyor to any
7 person who has submitted to it an application, the required fees, and one or more of
8 the following:

9 **SECTION 183.** 443.06 (3) of the statutes is amended to read:

10 443.06 (3) PERMIT TO PRACTICE. The ~~examining board~~ land surveyor section may
11 grant a permit to practice land surveying during the time an application is pending
12 to a person who is not registered in this state, if the person has submitted an
13 application for registration as a land surveyor and paid the required fee and holds
14 an unexpired certificate which in the opinion of the ~~examining board~~ land surveyor
15 section meets the requirements of sub. (2). The permit shall be revocable by the land
16 surveyor section at its pleasure.

17 **SECTION 184.** 443.07 (1) (intro.) of the statutes is amended to read:

18 443.07 (1) (intro.) An applicant for a permit as a designer shall submit as
19 evidence satisfactory to the designer section of the examining board indicating one
20 of the following to indicate that he or she is competent to be in charge of such work
21 as follows:

22 **SECTION 185.** 443.07 (1) (a) of the statutes is amended to read:

23 443.07 (1) (a) A specific record of 8 years or more of experience in specialized
24 engineering design work and the satisfactory completion of a written examination

1 in the field or branch, as determined by the ~~board~~ designer section, in which
2 certification is sought; ~~or.~~

3 **SECTION 186.** 443.07 (3) of the statutes is amended to read:

4 443.07 (3) Permits shall be granted, designated, and limited to the fields and
5 subfields of technology as are determined by the ~~examining board~~ designer section
6 and recognized in engineering design practice. Any person holding a permit may
7 prepare plans and specifications and perform consultation, investigation, and
8 evaluation in connection with the making of plans and specifications, within the
9 scope of the permit, notwithstanding that such activity constitutes the practice of
10 architecture or professional engineering under this chapter.

11 **SECTION 187.** 443.07 (5) of the statutes is amended to read:

12 443.07 (5) The permit shall, on its face, restrict the holder thereof to the specific
13 field and subfields of designing in which the permittee acquired his or her experience
14 in designing. If qualified in more than one type of designing, persons may receive
15 permits for more than one field or subfield of designing as may be determined by the
16 ~~examining board~~ designer section.

17 **SECTION 188.** 443.08 (1) of the statutes is renumbered 443.08 (1) (a) and
18 amended to read:

19 443.08 (1) (a) The practice of architecture ~~or professional engineering~~
20 pertaining to the internal operations of a firm, partnership, or corporation may be
21 performed by employees if the architectural ~~or professional engineering~~ services are
22 performed by or under the direct supervision of architects ~~or professional engineers~~
23 registered under this chapter, or persons exempt from registration under s. 443.14.
24 Registered or exempt architectural ~~or professional engineering~~ employees may
25 provide architectural ~~or professional engineering~~ data with respect to the

1 manufacture, sale, and utilization of the products of the firm, partnership, or
2 corporation to other registered or exempt architects or professional engineers.

3 **SECTION 189.** 443.08 (1) (b) of the statutes is created to read:

4 443.08 (1) (b) The practice of professional engineering pertaining to the
5 internal operations of a firm, partnership, or corporation may be performed by
6 employees if the professional engineering services are performed by or under the
7 direct supervision of professional engineers registered under this chapter, or persons
8 exempt from registration under s. 443.14. Registered or exempt professional
9 engineering employees may provide professional engineering data with respect to
10 the manufacture, sale, and utilization of the products of the firm, partnership, or
11 corporation to other registered or exempt professional engineers.

12 **SECTION 190.** 443.08 (2) of the statutes is renumbered 443.08 (2) (a) (intro.) and
13 amended to read:

14 443.08 (2) (a) (intro.) The No individual architect registered under this chapter
15 may practice of or the offer to practice architecture, professional engineering or
16 designing by individual architects, professional engineers or designers registered or
17 granted a permit under this chapter, through a firm, partnership or corporation as
18 principals, officers, employees or agents, is permitted subject to this chapter, if a
19 principal, officer, employee, or agent of a firm, partnership, or corporation unless all
20 of the following are satisfied:

21 1. All personnel who practice or offer to practice in its behalf as architects,
22 professional engineers or designers are registered or granted a permit under this
23 chapter and if the,

24 2. The firm, partnership, or corporation has been issued a certificate of
25 authorization under sub. (3) (a) 1.

1 **SECTION 191.** 443.08 (2) (b) of the statutes is created to read:

2 443.08 (2) (b) No individual professional engineer registered under this
3 chapter may practice or offer to practice professional engineering as a principal,
4 officer, employee, or agent of a firm, partnership, or corporation unless all of the
5 following are satisfied:

6 1. All personnel who practice or offer to practice in its behalf as professional
7 engineers are registered under this chapter.

8 2. The firm, partnership, or corporation has been issued a certificate of
9 authorization under sub. (3) (a) 2.

10 **SECTION 192.** 443.08 (2) (c) of the statutes is created to read:

11 443.08 (2) (c) No individual designer granted a permit under this chapter may
12 practice or offer to practice designing as a principal, officer, employee, or agent of a
13 firm, partnership, or corporation unless all of the following are satisfied:

14 1. All personnel who practice or offer to practice in its behalf as designers are
15 granted a permit under this chapter.

16 2. The firm, partnership, or corporation has been issued a certificate of
17 authorization under sub. (3) (a) 3.

18 **SECTION 193.** 443.08 (3) (a) of the statutes is renumbered 443.08 (3) (a) 1. and
19 amended to read:

20 443.08 (3) (a) 1. A firm, partnership, or corporation desiring a certificate of
21 authorization shall submit an application to the department on forms provided by
22 the department, listing the names and addresses of all officers and directors, and all
23 individuals in its employment registered ~~or granted a permit to practice~~
24 architecture, ~~professional engineering or designing~~ in this state who will be in
25 responsible charge of architecture, ~~professional engineering or designing~~ being

1 practiced in this state through the firm, partnership, or corporation and other
2 relevant information required by the architect section of the examining board. A
3 similar type of form shall also accompany the renewal fee. If there is a change in any
4 of these persons, the change shall be reported on the same type of form, and filed with
5 the department within 30 days after the effective date of the change. The ~~examining~~
6 ~~board~~ architect section shall grant a certificate of authorization to a firm,
7 partnership, or corporation complying with this subsection upon payment of the
8 initial credential fee determined by the department under s. 440.03 (9) (a). This
9 subsection does not apply to firms, partnerships, or corporations exempt under s.
10 443.14 (3) or (5).

11 **SECTION 194.** 443.08 (3) (a) 2. of the statutes is created to read:

12 443.08 (3) (a) 2. A firm, partnership, or corporation desiring a certificate of
13 authorization shall submit an application to the department on forms provided by
14 the department, listing the names and addresses of all officers and directors, and all
15 individuals in its employment registered to practice professional engineering in this
16 state who will be in responsible charge of professional engineering being practiced
17 in this state through the firm, partnership, or corporation and other relevant
18 information required by the professional engineer section of the examining board.
19 A similar type of form shall also accompany the renewal fee. If there is a change in
20 any of these persons, the change shall be reported on the same type of form, and filed
21 with the department within 30 days after the effective date of the change. The
22 professional engineer section shall grant a certificate of authorization to a firm,
23 partnership, or corporation complying with this subsection upon payment of the
24 initial credential fee determined by the department under s. 440.03 (9) (a). This

1 subsection does not apply to firms, partnerships, or corporations exempt under s.
2 443.14 (3) or (5).

3 **SECTION 195.** 443.08 (3) (a) 3. of the statutes is created to read:

4 443.08 (3) (a) 3. A firm, partnership, or corporation desiring a certificate of
5 authorization shall submit an application to the department on forms provided by
6 the department, listing the names and addresses of all officers and directors, and all
7 individuals in its employment granted a permit to practice designing in this state
8 who will be in responsible charge of designing being practiced in this state through
9 the firm, partnership, or corporation and other relevant information required by the
10 designer section of the examining board. A similar type of form shall also accompany
11 the renewal fee. If there is a change in any of these persons, the change shall be
12 reported on the same type of form, and filed with the department within 30 days after
13 the effective date of the change. The designer section shall grant a certificate of
14 authorization to a firm, partnership, or corporation complying with this subsection
15 upon payment of the initial credential fee determined by the department under s.
16 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations
17 exempt under s. 443.14 (3) or (5).

18 **SECTION 196.** 443.08 (4) (a) of the statutes is renumbered 443.08 (4) (a) 1. and
19 amended to read:

20 443.08 (4) (a) 1. No firm, partnership, or corporation may be relieved of
21 responsibility for the conduct or acts of its agents, employees, or officers by reason
22 of its compliance with this chapter, nor may any individual practicing architecture,
23 landscape architecture, professional engineering or designing be relieved of
24 responsibility for architectural, landscape architectural, professional engineering or

1 ~~designing~~ services performed by reason of his or her employment or relationship with
2 the firm, partnership, or corporation.

3 **SECTION 197.** 443.08 (4) (a) 2. of the statutes is created to read:

4 443.08 (4) (a) 2. No firm, partnership, or corporation may be relieved of
5 responsibility for the conduct or acts of its agents, employees, or officers by reason
6 of its compliance with this chapter, nor may any individual practicing landscape
7 architecture be relieved of responsibility for landscape architectural services
8 performed by reason of his or her employment or relationship with the firm,
9 partnership, or corporation.

10 **SECTION 198.** 443.08 (4) (a) 3. of the statutes is created to read:

11 443.08 (4) (a) 3. No firm, partnership, or corporation may be relieved of
12 responsibility for the conduct or acts of its agents, employees, or officers by reason
13 of its compliance with this chapter, nor may any individual practicing professional
14 engineering be relieved of responsibility for professional engineering services
15 performed by reason of his or her employment or relationship with the firm,
16 partnership, or corporation.

17 **SECTION 199.** 443.08 (4) (a) 4. of the statutes is created to read:

18 443.08 (4) (a) 4. No firm, partnership, or corporation may be relieved of
19 responsibility for the conduct or acts of its agents, employees, or officers by reason
20 of its compliance with this chapter, nor may any individual practicing designing be
21 relieved of responsibility for designing services performed by reason of his or her
22 employment or relationship with the firm, partnership, or corporation.

23 **SECTION 200.** 443.08 (4) (b) of the statutes is renumbered 443.08 (4) (b) 1. and
24 amended to read:

1 443.08 (4) (b) 1. All final drawings, specifications, plans, reports, or other
2 architectural, ~~engineering or designing~~ papers or documents involving the practice
3 of architecture, ~~professional engineering or designing, or landscape architectural~~
4 ~~papers or documents prepared by a landscape architect registered under this~~
5 ~~chapter~~, prepared for the use of a firm, partnership, or corporation, for delivery by
6 it to any person, or for public record within the state shall be dated and bear the
7 signature and seal of the architect, ~~landscape architect, professional engineer or~~
8 ~~designer~~ who was in responsible charge of their preparation. This paragraph does
9 not apply to persons exempt under s. 443.14 (3), (4), or (5).

10 **SECTION 201.** 443.08 (4) (b) 2. of the statutes is created to read:

11 443.08 (4) (b) 2. All final drawings, specifications, plans, reports, or other
12 landscape architectural papers or documents prepared by a landscape architect
13 registered under this chapter, prepared for the use of a firm, partnership, or
14 corporation, for delivery by it to any person, or for public record within the state shall
15 be dated and bear the signature and seal of the landscape architect who was in
16 responsible charge of their preparation. This paragraph does not apply to persons
17 exempt under s. 443.14 (3), (4), or (5).

18 **SECTION 202.** 443.08 (4) (b) 3. of the statutes is created to read:

19 443.08 (4) (b) 3. All final drawings, specifications, plans, reports, or other
20 engineering papers or documents involving the practice of professional engineering,
21 prepared for the use of a firm, partnership, or corporation, for delivery by it to any
22 person, or for public record within the state shall be dated and bear the signature and
23 seal of the professional engineer who was in responsible charge of their preparation.
24 This paragraph does not apply to persons exempt under s. 443.14 (3), (4), or (5).

25 **SECTION 203.** 443.08 (4) (b) 4. of the statutes is created to read:

1 443.08 (4) (b) 4. All final drawings, specifications, plans, reports, or other
2 designing papers or documents involving the practice of designing, prepared for the
3 use of a firm, partnership, or corporation, for delivery by it to any person, or for public
4 record within the state shall be dated and bear the signature and seal of the designer
5 who was in responsible charge of their preparation. This paragraph does not apply
6 to persons exempt under s. 443.14 (3), (4), or (5).

7 **SECTION 204.** 443.08 (5) of the statutes is renumbered 443.08 (5) (a) and
8 amended to read:

9 443.08 (5) (a) No firm, partnership, or corporation may engage in the practice
10 of or offer to practice architecture, ~~professional engineering or designing~~ in this state,
11 or use in connection with its name, or otherwise assume, use or advertise any title
12 or description tending to convey the impression that it is engaged in the practice of
13 architecture, ~~professional engineering or designing~~, nor may it advertise or offer to
14 furnish an architectural, ~~professional engineering or designing~~ service, unless the
15 firm, partnership, or corporation has complied with this chapter.

16 **SECTION 205.** 443.08 (5) (b) of the statutes is created to read:

17 443.08 (5) (b) No firm, partnership, or corporation may engage in the practice
18 of or offer to practice professional engineering in this state, or use in connection with
19 its name, or otherwise assume, use or advertise any title or description tending to
20 convey the impression that it is engaged in the practice of professional engineering,
21 nor may it advertise or offer to furnish a professional engineering service, unless the
22 firm, partnership, or corporation has complied with this chapter.

23 **SECTION 206.** 443.08 (5) (c) of the statutes is created to read:

24 443.08 (5) (c) No firm, partnership, or corporation may engage in the practice
25 of or offer to practice designing in this state, or use in connection with its name, or

1 otherwise assume, use or advertise any title or description tending to convey the
2 impression that it is engaged in the practice of designing, nor may it advertise or offer
3 to furnish a designing service, unless the firm, partnership, or corporation has
4 complied with this chapter.

5 **SECTION 207.** 443.09 (4m) of the statutes is amended to read:

6 443.09 (4m) No person may be registered as a landscape architect under this
7 chapter unless he or she passes a written examination or written and oral
8 examinations conducted or approved by the landscape architect section of the
9 examining board under sub. (5).

10 **SECTION 208.** 443.09 (5) of the statutes is amended to read:

11 443.09 (5) Written or written and oral examinations shall be held at such time
12 and place as the landscape architect section of the examining board determines. The
13 scope of the examinations and the methods of procedure shall be prescribed by the
14 ~~examining board~~ landscape architect section with special reference to the applicant's
15 ability to design and supervise architectural, landscape architectural, or
16 engineering work, which shall promote the public welfare and ensure the safety of
17 life, health, and property. A candidate failing an examination may, upon application
18 and payment of the required reexamination fee, be examined again by the ~~examining~~
19 ~~board~~ landscape architect section. No restrictions may be placed on the number of
20 times an unsuccessful candidate may be reexamined, except that after failure of 3
21 reexaminations, the ~~examining board~~ landscape architect section may require a
22 one-year waiting period before further reexamination.

23 **SECTION 209.** 443.10 (1) (a) to (d) of the statutes are amended to read:

24 443.10 (1) (a) The appropriate section of the examining board may, upon
25 application and the payment of the required fee, grant a certificate of registration as

1 an architect, as a landscape architect, or as a professional engineer to any person who
2 holds an unexpired certificate of similar registration issued to the person by the
3 proper authority in any state or territory or possession of the United States or in any
4 country in which the requirements for the registration of architects, landscape
5 architects, or professional engineers are of a standard not lower than specified in this
6 chapter.

7 (b) The appropriate section of the examining board may, upon application and
8 payment of the required fee, grant a certificate of registration as an architect, as a
9 landscape architect, or as a professional engineer to any person who holds an
10 unrevoked card or certificate of national reciprocal registration, issued by any state,
11 territory, or possession of the United States or by any country, which is in conformity
12 with the regulations of the national council of state board of architectural, or
13 engineering examiners, or council of landscape architectural registration boards,
14 and who complies with the regulations of the examining board appropriate section,
15 except as to qualifications and registration fee.

16 (c) The professional engineer section of the examining board may, upon
17 application therefor, and the payment of the required fee, grant a
18 certificate-of-record as engineer-in-training to any person who holds an unexpired
19 certificate of similar certification issued to the person by the proper authority in any
20 state or territory or possession of the United States or in any country in which the
21 requirements for the certification of engineers-in-training are of a standard not
22 lower than specified in this chapter.

23 (d) The appropriate section of the examining board may, upon application and
24 payment of the required fee, grant a permit to practice or to offer to practice
25 architecture, landscape architecture, or professional engineering to a person who is

1 not a resident of and has no established place of business in this state, or who has
2 recently become a resident of this state, if the person holds an unexpired certificate
3 of similar registration issued to the person by the proper authority in any state or
4 territory or possession of the United States or in any country in which the
5 requirements for the registration of architects, landscape architects, or professional
6 engineers are of a standard not lower than specified in this chapter.

7 **SECTION 210.** 443.10 (2) (c) of the statutes is amended to read:

8 443.10 (2) (c) The appropriate section of the examining board shall grant a
9 certificate of registration upon payment of the registration fee to any applicant who,
10 in the opinion of the ~~examining board~~ appropriate section, has satisfactorily met all
11 the applicable requirements of this chapter. The certificate shall authorize the
12 practice of architecture, landscape architecture, or professional engineering, as
13 appropriate.

14 **SECTION 211.** 443.10 (2) (d) of the statutes is amended to read:

15 443.10 (2) (d) The granting of a certificate of registration by the appropriate
16 section of the examining board shall be evidence that the person named in the
17 certificate is entitled to all the rights and privileges of a registered architect, a
18 registered landscape architect, or a registered professional engineer under the
19 classification stated on the certificate, while the certificate remains unrevoked or
20 unexpired.

21 **SECTION 212.** 443.10 (2) (f) of the statutes is amended to read:

22 443.10 (2) (f) The professional engineer section of the examining board shall
23 grant a certificate of record as engineer-in-training to any applicant who, in the
24 opinion of the ~~examining board~~ professional engineer section, has satisfactorily met
25 all the requirements of this section pertaining to engineers-in-training.

1 **SECTION 213.** 443.10 (2) (h) of the statutes is amended to read:

2 443.10 (2) (h) Certificates of record as engineers-in-training shall expire on
3 July 31st of the 10th year after their issuance unless extended by the professional
4 engineer section of the examining board. An application for extension shall contain
5 evidence satisfactory to the ~~examining board~~ professional engineer section that the
6 applicant's professional experience has been delayed.

7 **SECTION 214.** 443.10 (3) of the statutes is amended to read:

8 443.10 (3) EMERGENCY RULES; LIMITATION. ~~The~~ No section of the examining board
9 may ~~not~~ adopt or change, by emergency rule, any requirement for the registration
10 of or issuance of a permit to any applicant under this chapter.

11 **SECTION 215.** 443.10 (4) (a) and (b) of the statutes are amended to read:

12 443.10 (4) (a) A list, showing the names and addresses of all
13 engineers-in-training certified by the professional engineer section of the
14 examining board during the period from July 1 to June 30, shall be prepared each
15 year by the ~~examining board~~ professional engineer section. The list shall be
16 obtainable by purchase at cost.

17 (b) ~~The~~ Each section of the examining board shall keep a record of its
18 proceedings together with a record of all other information pertaining to its
19 proceedings as may be deemed necessary by that section of the examining board. The
20 records of ~~the~~ each section of the examining board shall be prima facie evidence of
21 the proceedings of that section of the examining board set forth in the records, and
22 a transcript thereof, duly certified by the secretary of that section of the examining
23 board under seal, shall be admissible in evidence with the same effect as if the
24 original were produced.

25 **SECTION 216.** 443.11 (1) (intro.) of the statutes is amended to read:

1 443.11 (1) (intro.) The appropriate section of the examining board may
2 reprimand an architect, landscape architect, or professional engineer or limit,
3 suspend, or revoke the certificate of registration of any registrant, and the certificate
4 of record of any engineer-in-training, who is found guilty of:

5 **SECTION 217.** 443.11 (1) (e) of the statutes is amended to read:

6 443.11 (1) (e) Any violation of the rules of professional conduct adopted and
7 promulgated by that section of the examining board.

8 **SECTION 218.** 443.11 (2) of the statutes is amended to read:

9 443.11 (2) The appropriate section of the examining board may reprimand a
10 firm, partnership, or corporation holding a certificate of authorization issued under
11 this chapter or may limit, suspend, or revoke such a certificate if any of the agents,
12 employees, or officers of the firm, partnership, or corporation has committed any act
13 or has been guilty of any conduct which would authorize a reprimand or a limitation,
14 suspension, or revocation of the certificate of registration of a registrant or the
15 certificate of record of an engineer-in-training under this chapter, unless the firm,
16 partnership, or corporation submits evidence satisfactory to the appropriate section
17 of the examining board that the agent, employee, or officer is not now practicing or
18 offering to practice architecture, landscape architecture, or professional engineering
19 in its behalf.

20 **SECTION 219.** 443.11 (3) of the statutes is amended to read:

21 443.11 (3) Any person may make charges that any registrant, holder of a
22 certificate of record as engineer-in-training or corporate holder of a certificate of
23 authorization has committed an act for which a reprimand or limitation, suspension,
24 or revocation of registration is authorized under sub. (1). Such charges shall be in
25 writing, shall be sworn to by the person making them and shall be submitted to the

1 appropriate section of the examining board. The appropriate section of the
2 examining board may, on its own motion, make such charges. All charges, unless
3 dismissed by the appropriate section of the examining board as unfounded or trivial,
4 shall be heard by the appropriate section of the examining board, subject to the rules
5 promulgated under s. 440.03 (1).

6 **SECTION 220.** 443.11 (4) of the statutes is amended to read:

7 443.11 (4) If after a hearing under sub. (3), 3 members of a section of the
8 examining board vote in favor of sustaining charges specified in sub. (3), the
9 appropriate section of the examining board shall reprimand or limit, suspend, or
10 revoke the certificate of registration of the registered architect, registered landscape
11 architect, or registered professional engineer, the certificate of record of the holder
12 of a certificate as engineer-in-training, or the certificate of authorization of a firm,
13 partnership, or corporation.

14 **SECTION 221.** 443.11 (5) of the statutes is amended to read:

15 443.11 (5) The ~~action~~ actions of each section of the examining board under this
16 section shall be subject to review in the manner provided in ch. 227.

17 **SECTION 222.** 443.11 (6) of the statutes is amended to read:

18 443.11 (6) The appropriate section of the examining board, for reasons the
19 ~~appropriate section of the examining board~~ it considers sufficient, may reissue a
20 certificate of registration or a certificate of record to any person, or a certificate of
21 authorization to any firm, partnership, or corporation, whose certificate has been
22 revoked, ~~except for a certificate revoked under s. 440.12,~~ this section if 3 members
23 of the section of the examining board vote in favor of such reissuance. Subject to the
24 rules of the examining board, the appropriate section of the examining board may,
25 upon payment of the required fee, issue a new certificate of registration, certificate

1 of record or certificate of authorization, to replace any certificate that is revoked, lost,
2 destroyed or mutilated.

3 **SECTION 223.** 443.13 of the statutes is renumbered 443.13 (1) (intro.) and
4 amended to read:

5 443.13 (1) (intro.) The designers' section of the examining board may limit,
6 suspend, or revoke a permit or reprimand the permittee if the permittee is guilty of
7 fraud any of the following:

8 (a) Fraud or deceit in obtaining the permit, ~~gross.~~

9 (b) Gross negligence, incompetency, or misconduct in practice, ~~signing.~~

10 (c) Signing documents not prepared by the permittee or under the permittee's
11 control, ~~knowingly.~~

12 (d) Knowingly aiding or abetting unauthorized designing of engineering
13 systems as stated in s. 443.07 (3) by persons not granted permits under this chapter
14 ~~or conviction.~~

15 (e) Conviction of a felony, subject to ss. 111.321, 111.322, and 111.335, or
16 adjudication of mental incompetency by a court of competent jurisdiction.

17 (2) If, after a hearing conducted under the rules promulgated under s. 440.03
18 (1) before the designers' section of the examining board, two-thirds of the members
19 of the section vote in favor of sustaining the charges, the designers' section of the
20 examining board shall reprimand the permittee or limit, suspend, or revoke the
21 permit. The action of the designers' section of the examining board under this section
22 is subject to review under ch. 227.

23 **SECTION 224.** 443.14 (1) of the statutes is renumbered 443.14 (1) (a) and
24 amended to read:

1 443.14 (1) (a) An employee of a person holding a certificate of registration in
2 ~~this state in architecture under s. 443.10~~ who is engaged in the practice of
3 architecture ~~or professional engineering~~ and an employee of a person temporarily
4 exempted from registration in architecture under this section, if the practice of the
5 employee does not include responsible charge of architecture ~~or professional~~
6 engineering practice.

7 **SECTION 225.** 443.14 (1) (b) of the statutes is created to read:

8 443.14 (1) (b) An employee of a person holding a certificate of registration in
9 professional engineering under s. 443.10 who is engaged in the practice of
10 professional engineering and an employee of a person temporarily exempted from
11 registration in professional engineering under this section, if the practice of the
12 employee does not include responsible charge of professional engineering practice.

13 **SECTION 226.** 443.14 (4) of the statutes is renumbered 443.14 (4) (a) and
14 amended to read:

15 443.14 (4) (a) Any person who practices architecture ~~or professional~~
16 ~~engineering~~, exclusively as a regular employee of a private company or corporation,
17 by rendering to the company or corporation architectural ~~or professional engineering~~
18 services in connection with its operations, so long as the person is thus actually and
19 exclusively employed and no longer, if the company or corporation has at least one
20 architect ~~or professional engineer~~ who is registered under this chapter in responsible
21 charge of the company's or corporation's architectural ~~or professional engineering~~
22 work in this state.

23 **SECTION 227.** 443.14 (4) (b) of the statutes is created to read:

24 443.14 (4) (b) Any person who practices professional engineering, exclusively
25 as a regular employee of a private company or corporation, by rendering to the

1 company or corporation professional engineering services in connection with its
2 operations, so long as the person is thus actually and exclusively employed and no
3 longer, if the company or corporation has at least one professional engineer who is
4 registered under this chapter in responsible charge of the company's or corporation's
5 professional engineering work in this state.

6 **SECTION 228.** 443.18 (1) (a) of the statutes is amended to read:

7 443.18 (1) (a) Any person who practices or offers to practice architecture,
8 landscape architecture, or professional engineering in this state, or who uses the
9 term "architect," "landscape architect," or "professional engineer" as part of the
10 person's business name or title, except as provided in s. 443.08 (6), or in any way
11 represents himself or herself as an architect, landscape architect, or a professional
12 engineer unless the person is registered or exempted in accordance with this chapter,
13 or unless the person is the holder of an unexpired permit issued under s. 443.10 (1)
14 (d), or any person presenting or attempting to use as his or her own the certificate
15 of registration of another, or any person who gives any false or forged evidence of any
16 kind to the examining board or to any section of the examining board or to any
17 member of the examining board or to any member of any section of the examining
18 board in obtaining a certificate of registration, or any person who falsely
19 impersonates any other registrant of like or different name, or any person who
20 attempts to use an expired or revoked certificate of registration, or violates any of the
21 provisions of this section, may be fined not less than \$100 nor more than \$500 or
22 imprisoned for not more than 3 months or both.

23 **SECTION 229.** 443.18 (2) (a) and (b) of the statutes are amended to read:

24 443.18 (2) (a) If it appears upon complaint to the examining board or to any
25 section of the examining board by any person, or is known to the examining board

1 or to any section of the examining board that any person who is neither registered
2 nor exempt under this chapter nor the holder of an unexpired permit under s. 443.10
3 (1) (d) is practicing or offering to practice, or is about to practice or to offer to practice,
4 architecture, landscape architecture, or professional engineering in this state, the
5 appropriate section of the examining board or the attorney general or the district
6 attorney of the proper county may investigate and may, in addition to any other
7 remedies, bring action in the name and on behalf of this state against any such
8 person to enjoin the person from practicing or offering to practice architecture,
9 landscape architecture, or professional engineering.

10 (b) If it appears upon complaint or is known to the land surveyor section of the
11 examining board that any person who is not authorized is practicing or offering to
12 practice land surveying in this state, the land surveyor section, the department of
13 justice, or the district attorney of the proper county may, in addition to other
14 remedies, bring action in the name and on behalf of the state to enjoin the person
15 from practicing or offering to practice land surveying.

16 **SECTION 230.** 445.06 of the statutes is amended to read:

17 **445.06 Renewal of licenses.** The renewal date for a funeral directors'
18 director's license is specified under s. 440.08 (2) (a), and the renewal fee for such
19 license is determined by the department under s. 440.03 (9) (a). Before any renewal
20 license is delivered to any licensed funeral director, proof must be furnished by the
21 applicant, to the satisfaction of the examining board, that the applicant is doing
22 business at a recognized funeral establishment, ~~except that if such applicant is not~~
23 ~~doing business at a recognized funeral establishment at the time of application for~~
24 ~~a license, the applicant shall be given a certificate, without additional cost, to the~~
25 ~~effect that the applicant is in good standing as a funeral director, and shall be entitled~~

1 ~~to a renewal license at any time during that license period, when located at a~~
2 ~~recognized funeral establishment, without payment of any additional renewal fee.~~

3 The applicant must also furnish proof of completion of at least 15 hours of continuing
4 education during the previous 2-year licensure period, except that new licensees are
5 exempt from this requirement during the time between initial licensure and
6 commencement of a full 2-year licensure period.

7 **SECTION 231.** 445.105 (2s) of the statutes is created to read:

8 445.105 (2s) The funeral director in charge of the funeral establishment under
9 sub. (2m) shall have full charge, control, and supervision of all funeral directing and
10 embalming services at the funeral establishment, and that funeral director shall
11 ensure that the funeral establishment operates in compliance with this chapter and
12 rules promulgated by the examining board.

13 **SECTION 232.** 448.63 (1) (d) 2. of the statutes is amended to read:

14 448.63 (1) (d) 2. That the applicant has completed 2 years of postgraduate
15 training in a program approved by the affiliated credentialing board or one year of
16 postgraduate training in a program approved by the affiliated credentialing board
17 if the one-year postgraduate training was completed by June 1, 2010.

18 **SECTION 233.** 454.01 (5) (b) of the statutes is repealed and recreated to read:

19 454.01 (5) (b) Aesthetics.

20 **SECTION 234.** 454.08 (2) (a) of the statutes is amended to read:

21 454.08 (2) (a) A barber barbering or cosmetologist cosmetology establishment
22 license which authorizes the practice of barbering or cosmetology, aesthetics,
23 electrology and manicuring in the licensed establishment.

24 **SECTION 235.** 457.25 (5) of the statutes is repealed.

25 **SECTION 236.** 459.12 (1) of the statutes is amended to read:

1 459.12 (1) The examining board may make rules not inconsistent with the laws
2 of this state which are necessary to carry out the intent of this subchapter chapter.

3 **SECTION 237.** 961.23 (5) of the statutes is amended to read:

4 961.23 (5) No person may purchase more than ~~8 ounces~~ 227 grams of a product
5 containing opium or more than ~~4 ounces~~ 113 grams of a product containing any other
6 schedule V substance within a 48-hour period without the authorization of a
7 physician, dentist, or veterinarian. This subsection does not apply to a
8 pseudoephedrine product unless it contains another schedule V substance.

9 **SECTION 238.** 961.23 (7) of the statutes is amended to read:

10 961.23 (7) No person other than a physician, dentist, veterinarian, or
11 pharmacist may possess more than ~~8 ounces~~ 227 grams of a product containing
12 opium or more than ~~4 ounces~~ 113 grams of a product containing any other schedule
13 V substance at any time without the authorization of a physician, dentist, or
14 veterinarian. This subsection does not apply to a pseudoephedrine product unless
15 it contains another schedule V substance.

16 **SECTION 239. Nonstatutory provisions.**

17 (1) APPOINTMENTS OF MEMBERS OF THE DWELLING CODE COUNCIL UPON EXPIRATION
18 OF TERMS.

19 (a) In this subsection, "council" means the dwelling code council.

20 (b) Notwithstanding the number of members specified for the council under
21 section 15.407 (10) (a) of the statutes, as affected by this act, any member who is
22 serving on the council on the day before the effective date of this paragraph may
23 continue to serve as a member of the council under section 15.407 (10) (a) of the
24 statutes, as affected by this act, for the term for which the member was appointed.

1 During any period of time when the membership of the council exceeds 11 members,
2 a majority of the members of the council shall constitute a quorum.

3 **SECTION 240. Initial applicability.**

4 (1) LICENSURE AS FUNERAL DIRECTOR. The treatment of section 445.06 of the
5 statutes first applies to applications for initial licensure as a licensed funeral director
6 that are received by the funeral directors examining board on the effective date of
7 this subsection.

8 **SECTION 241. Effective dates.** This act takes effect on the 30th day after the
9 day of publication, except as follows:

10 (1) SECTION 239 of this act takes effect on the day after publication.

11 (END)