



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Assembly Bill 547**

**Assembly Amendments 1 to 9**

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Assembly Amendments 1 to 9 to 2011 Assembly Bill 547 contain technical and, in a few instances, substantive changes to the bill requested by the Department of Safety and Professional Services (DSPS).

### **ASSEMBLY AMENDMENT 1**

This amendment deletes SECTION 235 in the bill which would have repealed current s. 457.02 (5), Stats. That provision specifies that ch. 457, Stats., does not authorize any individual who is certified or licensed under that chapter to use the title “alcohol and drug counselor” or “chemical dependency counselor” unless the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by DSPS.

### **ASSEMBLY AMENDMENT 2**

This amendment repeals current s. 440.91 (8), Stats., which provides that certain specified real estate salesperson statutory provisions also apply to cemetery salespersons. According to DSPS, this provision is outdated and unnecessary.

### **ASSEMBLY AMENDMENT 3**

This amendment repeals current s. 457.25 (5), Stats., which requires the appropriate section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to send a letter to a credential holder if a complaint is received. According to DSPS, this statutory requirement is unique to this board and is duplicative of the normal investigative process used in the DSPS’s Division of Enforcement and, as such, is unnecessary.

#### **ASSEMBLY AMENDMENT 4**

This amendment is a technical correction requested by DSPS to make the bill accord with the revision DSPS intended to make. The original bill's SECTION 70 resulted in a change in s. 145.19 (3), Stats., that was contrary to the change that DSPS had requested.

#### **ASSEMBLY AMENDMENT 5**

This amendment is a technical correction requested by DSPS. The bill provision goes further than DSPS intended in its request to exclude farm buildings from the definition of "place of employment" in s. 101.05 (5), Stats., created in the bill. The amendment applies the exclusion to certain specified provisions of subch. I of ch. 101, Stats., instead of the entire subchapter.

#### **ASSEMBLY AMENDMENT 6**

This amendment revises various provisions in the bill that relate to the Uniform Dwelling Code Council. The amendment:

- Increases the council size from 7 to 11.
- Adds "fire prevention professional" as a category of persons that may be placed on the council.
- Clarifies that the "designer" referred to in the possible membership categories of the council is a designer credentialed by DSPS by the same examining board that credentials architects and engineers.
- Clarifies that the non-voting secretary to the council is not to be counted as one of the 11 members of the 11-member council.
- Increases the quorum size for the council from five to seven.
- Adds "modular housing" to the manufactured home category of representatives that may be placed on the council, and adds "retailers" to that same category. Under the amendment, a person may be eligible for membership on the council from this category if he or she is a representative of "manufacturers, retailers, or installers of manufactured or modular one- and 2-family housing."

#### **ASSEMBLY AMENDMENT 7**

This amendment changes the credential issued to dietitians from a certificate to a license. To do so, it makes changes in numerous statutory provisions that currently refer to the "certification" of dietitians or the "certificate" issued to dietitians, to instead refer to the "licensure" of dietitians or the "license" issued to dietitians. For example, s. 448.70 (1m), Stats., defines the term "certified dietitian." The amendment changes the defined term to "licensed dietitian." Also, s. 448.78, Stats., is currently titled "**Certification of dietitians.**" The amendment changes the title to "**Licensure as a dietitian.**"

The amendment does not change the definition of “dietitian” or “dietetics” and therefore, does not change the scope of practice of a dietitian, as currently set forth in Wisconsin law. In addition, the amendment does not change the current requirements for obtaining a credential to be a dietitian and practice dietetics. The amendment contains a transition clause that would treat a person who holds a dietitian certificate when the legislation takes effect as having a dietician license.

Since the scope of dietetic practice and the requirements for obtaining credentialing as a dietitian are unchanged by Assembly Amendment 7, the current effect of the amendment may be viewed as technical and not substantive.

### **ASSEMBLY AMENDMENT 8**

This amendment defines the requirements applicable to a funeral director who is in charge of a funeral establishment by specifying that the director has full charge, control, and supervision of all funeral directing and embalming services at the funeral establishment, and that the director must ensure that the funeral establishment operates in compliance with ch. 445, Stats., and rules promulgated by the examining board.

### **ASSEMBLY AMENDMENT 9**

This amendment deletes an unnecessary sentence in s. 145.17 (1), Stats., because DSPS has never used any of the organizations listed in that sentence for certification of inspection.

### **LEGISLATIVE HISTORY**

At an executive session on 2011 Assembly Bill 547 on February 22, 2011, the Assembly Committee on Homeland Security and State Affairs voted to adopt Assembly Amendments 1 to 6, 8, and 9 to the bill, all on votes of Ayes, 8; Noes, 0. The committee voted to adopt Assembly Amendment 7 on a vote of Ayes, 6; Noes, 2. The committee then voted for passage of the bill, as amended, on a vote of Ayes, 8; Noes, 0.

DLS:jb;ksm