

# State of Wisconsin



2011 Senate Bill 453

Date of enactment:  
Date of publication\*:

## 2011 WISCONSIN ACT

**AN ACT** to repeal 15.407 (2) (a), 101.07, 101.177, 101.563, 145.08 (1m), 145.135 (title), 145.135 (1) (title), 145.19 (1) (title), 145.19 (5), 157.12 (1), 440.91 (8) and 457.25 (5); to renumber and amend 15.407 (10), 101.01 (11), 101.01 (12), 101.985 (2) (a) (intro.), 101.985 (2) (a) 2., 101.985 (2) (a) 3., 145.135 (1), 145.135 (2) (intro.), 145.135 (2) (a) to (f), 145.19 (1), 443.015, 443.03 (1) (b) 1., 443.08 (1), 443.08 (2), 443.08 (3) (a), 443.08 (4) (a), 443.08 (4) (b), 443.08 (5), 443.13, 443.14 (1) and 443.14 (4); to amend 15.407 (1m), 15.407 (2) (b), 15.407 (2) (c), 20.165 (2) (de), 20.165 (2) (j), 20.165 (2) (L), 20.320 (3) (title), 20.320 (3) (q), 59.70 (1), 59.70 (5) (title), 59.70 (5) (a), 59.70 (5) (b), 60.70 (5), 60.72 (4), 60.726 (title), 60.726 (2), 60.77 (5) (b), 60.77 (5) (bm), 60.77 (5) (bs), 60.77 (5) (j), 101.02 (20) (a), 101.02 (21) (a), 101.145 (2), 101.745 (2), 101.952 (3), 101.985 (2) (title), 101.985 (2) (am), 101.985 (2) (b), 101.985 (2) (c), 101.985 (2) (d), 101.985 (4), 101.985 (5) (b) 1., 101.985 (7) (a) (intro.), 145.01 (4m), 145.01 (5), 145.01 (10) (a) 2., 145.01 (12), 145.045 (1), 145.045 (3), 145.07 (3) (a), 145.07 (5), 145.14 (2) (a), 145.17 (1), 145.19 (2), 145.19 (3), 145.19 (4), 145.19 (6), 145.195 (1), 145.195 (2), 145.20 (title), 145.20 (1) (a), 145.20 (1) (am), 145.20 (1) (b), 145.20 (2) (intro.), 145.20 (2) (a), 145.20 (2) (d), 145.20 (2) (e), 145.20 (2) (f), 145.20 (2) (g), 145.20 (2) (h), 145.20 (3) (a) 1., 145.20 (3) (a) 2., 145.20 (3) (b), 145.20 (3) (c), 145.20 (3) (d), 145.20 (4), 145.20 (5) (a), 145.20 (5) (am), 145.20 (5) (b), 145.20 (6) (a) 2., 145.24 (1), 145.24 (2), 145.24 (3), 145.245 (title), 145.245 (1) (a) 1., 145.245 (1) (ae), 145.245 (4) (intro.), 145.245 (4) (b), 145.245 (4) (e), 145.245 (4m) (intro.), 145.245 (4m) (a), 145.245 (4m) (b), 145.245 (4m) (c), 145.245 (5) (a) 1., 145.245 (5) (a) 2., 145.245 (5) (a) 3., 145.245 (5m) (a), 145.245 (6) (a), 145.245 (6) (b), 145.245 (7) (a), 145.245 (7) (b), 145.245 (7) (c), 145.245 (7) (d), 145.245 (7) (e), 145.245 (8) (a), 145.245 (9) (b), 145.245 (9) (c), 145.245 (9) (e), 145.245 (11) (e), 145.245 (11m) (b), 145.245 (11m) (c), 145.245 (11m) (d), 145.245 (13), 145.245 (14) (d), 160.255 (title), 160.255 (1), 160.255 (2), 160.255 (3), 160.255 (4), 160.255 (5), 168.11 (1) (b) 1., 200.21 (11), 200.29 (1) (c) 3. a., 236.13 (2m), 281.41 (3) (a), 281.41 (3) (b) 3., 281.41 (3) (b) 4., 281.48 (2) (bm), 281.48 (2) (d), 281.48 (2) (f), 281.48 (2) (g), 281.48 (2m), 281.48 (3) (e), 281.48 (4g), 281.59 (1m) (c), 281.68 (3) (a) 2. f., 440.21 (4) (a), 440.21 (4) (b), 440.26 (4), 440.91 (2) (intro.), 440.91 (2) (a), 443.01 (2), 443.015 (title), 443.03 (1) (intro.), 443.03 (1) (a), 443.03 (1) (b) 2., 443.03 (2), 443.035 (intro.), 443.035 (1), 443.04, 443.05 (1) (intro.), (a) and (b) and (2), 443.06 (1) (a), 443.06 (2) (intro.), 443.06 (3), 443.07 (1) (intro.), 443.07 (1) (a), 443.07 (3), 443.07 (5), 443.09 (4m), 443.09 (5), 443.10 (1) (a) to (d), 443.10 (2) (c), 443.10 (2) (d), 443.10 (2) (f), 443.10 (2) (h), 443.10 (3), 443.10 (4) (a) and (b), 443.11 (1) (intro.), 443.11 (1) (e), 443.11 (2), 443.11 (3), 443.11 (4), 443.11 (5), 443.11 (6), 443.18 (1) (a), 443.18 (2) (a) and (b), 445.06, 448.63 (1) (d) 2., 454.08 (2) (a), 459.12 (1), 961.23 (5) and 961.23 (7); to repeal and recreate 101.985 (2) (a) (title), 145.19 (title) and 454.01 (5) (b); and to create 15.407 (2) (d), 15.407 (10) (a) 9., 101.01 (11) (c), 101.01 (12) (c), 101.05 (5), 101.985 (2) (ab) (intro.), 101.985 (2) (ad), 440.03 (13) (am), 440.19, 440.26 (2) (c) 5., 440.26 (5m) (am), 440.26 (6) (a) 5., 443.015 (2), 443.03 (1) (b) (intro.), 443.08 (1) (b), 443.08 (2) (b), 443.08 (2) (c), 443.08 (3) (a) 2., 443.08 (3) (a) 3., 443.08 (4) (a) 2., 443.08 (4) (a) 3., 443.08 (4) (a) 4., 443.08 (4) (b) 2., 443.08 (4) (b) 3., 443.08 (4) (b) 4., 443.08 (5)

\* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(b), 443.08 (5) (c), 443.14 (1) (b), 443.14 (4) (b) and 445.105 (2s) of the statutes; **relating to:** the authority and responsibility of the Department of Safety and Professional Services, requirements for obtaining certain licenses or other credentials from the Department of Safety and Professional Services, weighing a product that contains opium or another controlled substance, and granting rule-making authority.

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

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

15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is created a respiratory care practitioners examining council in the department of safety and professional services and serving the medical examining board in an advisory capacity in the formulating of rules to be promulgated by the medical examining board for the regulation of respiratory care practitioners. The respiratory care practitioners examining council shall consist of 3 certified respiratory care practitioners, each of whom shall have engaged in the practice of respiratory care for at least 3 years preceding appointment, one physician and one public member. The respiratory care practitioner and physician members shall be appointed by the medical examining board. The members of the examining council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply to the respiratory care practitioners examining council, except that members of the examining council may serve more than 2 consecutive terms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20.165 (2) (de) Private sewage on-site wastewater treatment system replacement and rehabilitation. As a continuing appropriation, the amounts in the schedule for financial assistance under the private sewage on-site wastewater treatment system replacement and rehabilitation program under s. 145.245.

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

20.165 (2) (j) Safety and building operations. The amounts in the schedule for the purposes of chs. 101, 145, and 168 and ss. 167.35, 236.12 (2) (a), 236.13 (1) (d) and (2m), and 236.335, for the purpose of transferring the amounts in the schedule under par. (kg) to the appropriation account under par. (kg), and for the purpose of transferring the amounts in the schedule under par. (km) to the appropriation account under par. (km). All moneys received under ch. 145, ss. 101.177 (4) (a) ~~4,~~ 101.178,

101.19, 101.63 (9), 101.654 (3), 101.73 (12), 101.82 (4), 101.955 (2), 101.973 (7), 167.35 (2) (f), and 236.12 (7) and all moneys transferred under [2005 Wisconsin Act 45](#), section [76 \(6\)](#), shall be credited to this appropriation.

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

20.165 (2) (L) *Fire dues distribution.* All moneys received under ss. 101.573 (1) and 601.93, less the amounts transferred to par. (La) and s. 20.292 (1) (gm) and (gr), for distribution under s. ~~401.563~~ or 101.573, as applicable. The amount transferred to par. (La) shall be the amount in the schedule under par. (La). The amount transferred to s. 20.292 (1) (gm) shall be the amount in the schedule under s. 20.292 (1) (gm). The amount transferred to s. 20.292 (1) (gr) shall be the amount in the schedule under s. 20.292 (1) (gr).

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

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

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

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

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

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

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

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

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

59.70 (5) (a) Every governmental unit responsible for the regulation of private sewage on-site wastewater treatment systems, as defined under s. 145.01 (5), shall enact an ordinance governing private sewage on-site wastewater treatment systems, as defined in s. 145.01 (12), which conforms with the state plumbing code. The ordinance shall apply to the entire area of the governmental unit responsible for the regulation of private sewage on-site wastewater treatment systems, as defined under

s. 145.01 (5). After July 1, 1980, no municipality may enact or enforce a private sewage on-site wastewater treatment system ordinance unless it is a governmental unit responsible for the regulation of private sewage on-site wastewater treatment systems, as defined under s. 145.01 (5).

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

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

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

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

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

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

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

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

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

60.726 (2) If a property owner installed on his or her property a private sewage on-site wastewater treatment system, as defined in s. 145.01 (12), that conforms with the state plumbing code, before a town sanitary district that encompasses that property came into existence, that property shall be included in the town sanitary district. If the private sewage on-site wastewater treatment system was installed on or after 10 years before May 14, 1992, and if the property owner provides the town sanitary district with any information about the cost of the private sewage on-site wastewater treatment system required by the district, the town sanitary district, when the district issues any assessment or charges or imposes property taxes to construct a sewage service system, shall pay or credit the property owner an amount equal to 10% of the cost of the private sewage on-site wastewater treatment system, less any grants or aids received by the property owner for construction of the private sewage on-site wastewater treatment system, multiplied by the number of years of remaining life of the private sewage on-site wastewater treatment system. The number of years of

remaining life of the private sewage on-site wastewater treatment system is equal to 10 minus the number of years that the private sewage on-site wastewater treatment system has been in operation.

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

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

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

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

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

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

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

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

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

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

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

(b) Except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves

20 or fewer residents who are not related to the operator or administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101.985 (2) (ab) 2. During the 3 years preceding the date of application, he or she was continuously employed in a position requiring the individual to perform work that is at a journeyman level and that is relevant to the erec-

tion, construction, alteration, replacement, maintenance, repair, ~~removal, or dismantling~~ or servicing of conveyances, as verified by the individual's employers.

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

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

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

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

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

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

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

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

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

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

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



involved in elevator industry labor relations, or supervising elevator mechanics.

c. He or she verifies to the department that he or she, during any 5 years preceding the date of the license application, was employed for at least 1,000 hours in each of those 5 years performing work that is relevant to the erection, construction, alteration, replacement, maintenance, repair, or servicing of conveyances and that this work included work described under s. 101.984 (2) (a) or (b). If the 5 years were not the 5 years immediately preceding the date of application, the applicant shall verify that this is due to the applicant's work being disrupted by high unemployment in the elevator industry, military service, illness, disability, or another factor beyond the applicant's control in order to meet the requirement under this subd. 2. c.

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

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

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

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

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

101.985 (2) (c) *Emergency licensing.* If the governor declares that a state of emergency exists in this state under s. 323.10 and the department determines that the number of individuals in the state who hold an elevator mechanic's licenses license issued by the department under this section on the date of the declaration is insufficient to cope with the emergency, the department shall summarily issue an emergency elevator mechanic's license to any individual who is certified by an elevator contractor licensed under this subchapter as adequately qualified and able to perform the work of an elevator mechanic without direct and immediate supervision, who the department determines is so qualified and able, and who applies for an emergency elevator mechanic's license on a form prescribed by the department. An individual certified by a contractor under this paragraph may

perform work as an elevator mechanic for up to a total of 5 days preceding the date the individual is issued the license. An emergency elevator mechanic's license has a term of 30 days and may be renewed by the department in the case of a continuing emergency. The department shall specify on an emergency elevator mechanic's license the geographic area in which the licensee may provide services under the license. The requirements under ~~par. (a)~~ ~~pars. (ab) and (ad)~~ do not apply to an individual who applies for an emergency elevator mechanic's license.

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

101.985 (2) (d) *Temporary licensing.* If there are no elevator mechanics licensed under this subchapter available to provide services contracted for by an elevator contractor licensed under this subchapter, the elevator contractor may notify the department and request the issuance of a temporary elevator mechanic's license to any individual who is certified by the elevator contractor as adequately qualified and able to perform the work of an elevator mechanic without direct and immediate supervision and who applies for a temporary elevator mechanic's license on a form prescribed by the department. A temporary elevator mechanic's license has a term of 30 days and may be renewed by the department in the case of a continuing shortage of licensed elevator mechanics. The department shall specify on a temporary elevator mechanic's license the elevator contractor in whose employ the licensee must remain to provide services under the temporary elevator mechanic's license. The requirements under ~~par. (a)~~ ~~pars. (ab) and (ad)~~ do not apply to an individual who applies for a temporary elevator mechanic's license.

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

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

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

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

cate shall indicate that the education requirements were satisfactorily met by an individual who, as of the date of the application, is an agent of the applicant.

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

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

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

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

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

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

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

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

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

145.01 (12) **P**PRIVATE SEWAGE ON-SITE WASTEWATER TREATMENT SYSTEM. “Private sewage on-site wastewater treatment system” means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage on-site wastewater treatment system may be owned by the property owner or by a special purpose district.

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

145.045 (1) **P**OWERS AND DUTIES. The department shall by rule establish an examining program for the cer-

tification of soil testers, setting such standards as the department finds necessary to accomplish the purposes of this chapter. Such standards shall include formal written examinations for all applicants. The department shall charge applicants for the cost of examination and certification. After July 1, 1974, no person may construct soil bore holes or conduct soil percolation tests or other similar tests specified by the department that relate to private sewage on-site wastewater treatment systems unless the person holds a valid certificate issued under this section.

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

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

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

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

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

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

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

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

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

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

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

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

**(7) PERIOD OF VALIDITY.** A sanitary permit is valid for 2 years from the date of issue and renewable for similar

periods thereafter. ~~A governmental unit responsible for the regulation of private sewage systems may not charge more than one fee for a sanitary permit or the renewal of a sanitary permit in any 12-month period. A sanitary permit shall remain valid to the end of the established period, notwithstanding any change in the state plumbing code or in any private sewage on-site wastewater treatment system ordinance during that period.~~

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

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

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

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

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

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

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

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

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

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

~~mutual engineering corporation or other rate service organization.~~

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

**145.19 (title) Sanitary permits.**

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

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

145.19 (1m) APPLICATION PROCESS. ~~No septic tank may be purchased and no private sewage system may be installed unless the owner of the property on which the private sewage system is to be installed holds a valid sanitary permit from the governmental unit responsible for the regulation of private sewage systems in which the property is located. The department shall prescribe the information to be included in the an application for a sanitary permit and furnish sanitary permit forms to the governmental unit. The applicant shall submit the completed application for a sanitary permit to the governmental unit. The governmental unit shall approve or disapprove the sanitary permit according to the rules promulgated by the department under this chapter. No person may sell at retail, as defined under s. 100.201 (1) (d), a septic tank for installation in this state unless the purchaser holds a valid sanitary permit issued under this section.~~

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

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

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

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

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



145.19 (4) USE OF FEE. The portion of this fee retained by the governmental unit responsible for the regulation of private sewage on-site wastewater treatment systems shall be used for the administration of private sewage on-site wastewater treatment system programs.

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

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

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

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

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

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

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

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

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

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

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

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

145.20 (1) (am) The governing body of the governmental unit responsible for the regulation of private sewage on-site wastewater treatment systems may delegate

the duties of administering the private sewage on-site wastewater treatment system program to a town sanitary district or public inland lake protection and rehabilitation district with the powers of a town sanitary district within the town sanitary district or public inland lake protection and rehabilitation district if the town sanitary district or public inland lake protection and rehabilitation district agrees to assume those duties.

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

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

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

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

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

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

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

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

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

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

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

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

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

145.20 (2) (g) Perform other duties regarding private sewage on-site wastewater treatment systems as considered appropriate by the governmental unit responsible for the regulation of private sewage on-site wastewater treatment systems or as required by the rules of the department.

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

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

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

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

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

145.20 (3) (a) 2. The department may exempt a governmental unit from any category of private sewage on-site wastewater treatment systems for which departmental approval is required prior to sanitary permit issuance under subd. 1., upon a determination, in accordance with rules promulgated by the department, that past performance of the governmental unit on reviews and audits under par. (b) has been satisfactory and that the governmental unit has the capacity to give the same level of application and plan review as that provided by the department. The department may revoke an exemption upon a finding that performance of the governmental unit on a review or audit conducted subsequent to the granting of the exemption is unsatisfactory or that the governmental unit is not giving the same level of application and plan review as that provided by the department. Findings in a revocation action may be made only after a public hearing upon 30 days' advance notice to the clerk of the governmental unit. The department shall submit a report under s. 13.172 (2) to the chief clerk of each house of the legislature, at the beginning of each legislative session, describing the exemptions under this subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

145.24 (1) If an existing private sewage on-site wastewater treatment system either is not located in soil

meeting the siting standards or is not constructed in accordance with design standards promulgated under s. 145.02 or 145.13, the owner of the private sewage on-site wastewater treatment system may petition the department for a variance to the siting or design standards.

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

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

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

145.24 (3) Upon receipt of a petition for a variance, the department shall require the owner of the private sewage on-site wastewater treatment system to submit information necessary to evaluate the request for a variance. If the department determines that the existing private sewage on-site wastewater treatment system is not a failing private sewage on-site wastewater treatment system, and continued use of the existing private sewage on-site wastewater treatment system will not pose a threat of contamination of waters of the state, then the department may issue a variance to allow continued use of the existing private sewage on-site wastewater treatment system. The department shall rescind the variance if the existing private sewage on-site wastewater treatment system becomes a failing private sewage on-site wastewater treatment system or contaminates waters of the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

145.245 (5) (a) 2. A business is eligible for grant funds under this section if it owns a small commercial establishment which is served by a category 1 or 2 failing

private sewage on-site wastewater treatment system, if the private sewage on-site wastewater treatment system was installed before July 1, 1978, if the gross revenue of the business does not exceed the limitation under par. (d), if the small commercial establishment is not located in an area served by a sewer and if a determination of failure is made prior to the rehabilitation or replacement of the private sewage on-site wastewater treatment system.

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

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

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

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

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

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

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

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

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

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

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

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

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

145.245 (7) (c) Except as provided in pars. (d) and (e), the state grant share under this section is limited to \$7,000 for each principal residence or small commercial establishment to be served by the private sewage on-site wastewater treatment system or to the amount determined by the department based upon private sewage on-site wastewater treatment system grant funding tables, whichever is less. The department shall prepare and publish private sewage on-site wastewater treatment system grant funding tables which specify the maximum state share limitation for various components and costs involved in the rehabilitation or replacement of a private sewage on-site wastewater treatment system based upon minimum size and other requirements specified in the state plumbing code promulgated under s. 145.02. The maximum state share limitations shall be designed to pay approximately 60% of the average allowable cost of private sewage on-site wastewater treatment system rehabilitation or replacement based upon estimated or actual costs of that rehabilitation or replacement. The department shall revise the grant funding tables when it determines that 60% of current costs of private sewage on-site wastewater treatment system rehabilitation or replacement exceed the amounts in the grant funding tables by more than 10%, except that the department may not revise the grant funding tables more often than once every 2 years.

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

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

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

145.245 (7) (e) Costs allowable for experimental private sewage on-site wastewater treatment systems shall include the costs of installing and monitoring experimental private sewage on-site wastewater treatment systems installed under s. 145.02 (3) (b) and this section. The department shall promulgate rules that specify how the

department will select, monitor and allocate the state share for experimental private sewage on-site wastewater treatment systems that the department funds under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

145.245 (11m) (c) Except as provided in par. (d), if funds are not sufficient to fully fund all category 1 failing private sewage on-site wastewater treatment systems, the department shall fund the category 1 systems on a proportional basis and deny the grant applications for all category 2 systems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

160.255 (3) Notwithstanding s. 160.19 (3), a regulatory agency may promulgate rules that define design or management criteria for private sewage on-site wastewater treatment systems that permit the enforcement

standard for nitrate to be attained or exceeded at the point of standards application.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

281.48 (4g) **RULES ON SERVICING.** The department shall promulgate rules relating to servicing septic tanks, soil absorption fields, holding tanks, grease interceptors, privies, and other components of private sewage on-site wastewater treatment systems in order to protect the public health against unsanitary and unhealthful practices and conditions, and to protect the surface waters and groundwaters of the state from contamination by septage. The rules shall comply with ch. 160. The rules shall apply to all septage disposal, whether undertaken pursuant to a license or a license exemption under sub. (3). The rules shall require each person with a license under sub. (3) to maintain records of the location of private sewage on-site wastewater treatment systems serviced and the volume of septage disposed of and location of that disposal.

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

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

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

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

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

440.03 (13) (am) A person holding a credential under chs. 440 to 480 who is convicted of a felony or misdemeanor anywhere shall send a notice of the conviction by 1st class mail to the department within 48 hours after the entry of the judgment of conviction. The department shall by rule determine what information and documen-

tation the person holding the credential shall include with the written notice.

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

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

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

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

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

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

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

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

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

440.26 (4) **BONDS OR LIABILITY POLICIES REQUIRED.** No license may be issued under this section until a bond or liability policy, approved by the department, in the amount of \$100,000 if the applicant for the license is a private detective agency and includes all principals, partners, members or corporate officers, or in the amount of \$2,000 if the applicant is a private detective, has been executed and filed with the department. Such bonds or liability policies shall be furnished by an insurer authorized to do a surety business in this state in a form approved by the department. The person shall maintain the bond or liability policy during the period that the license is in effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) That he or she has a specific record of at least 7 years of training and experience in the practice of landscape architecture including at least 2 years of courses in landscape architecture approved by the ~~examining board~~ landscape architect section, and 4 years of practical experience in landscape architecture of a character satisfactory to the ~~examining board~~ landscape architect section.

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

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

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

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

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

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

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

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

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

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

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

443.06 (1) (a) Application for registration as a land surveyor or a permit to practice shall be made to the section under oath, on forms provided by the department, which shall require the applicant to submit such information as the land surveyor section of the examining board deems necessary. The land surveyor section may require applicants to pass written or oral examinations or both. Applicants who do not have an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335, shall be entitled to be registered or issued a permit to practice as land surveyors when satisfactory evidence is submitted that the applicant has met one or more of the requirements of sub. (2).

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

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

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

443.06 (3) PERMIT TO PRACTICE. The ~~examining board~~ land surveyor section may grant a permit to practice land surveying during the time an application is pending to a person who is not registered in this state, if the person has submitted an application for registration

as a land surveyor and paid the required fee and holds an unexpired certificate which in the opinion of the ~~examining board~~ land surveyor section meets the requirements of sub. (2). The permit shall be revocable by the land surveyor section at its pleasure.

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

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

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

443.07 (1) (a) A specific record of 8 years or more of experience in specialized engineering design work and the satisfactory completion of a written examination in the field or branch, as determined by the ~~board~~ designer section, in which certification is sought, ~~or~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

443.08 (3) (a) 1. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered ~~or granted a permit to practice architecture, professional engineering or designing~~ in this state who will be in responsible charge of architecture, ~~professional engineering or designing~~ being practiced in this state through the firm, partnership, or corporation and other relevant information required by the architect section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The ~~examining board~~ architect section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

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

443.08 (3) (a) 2. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment registered to practice professional engineering in this state who will be in responsible charge of professional engineering being practiced in this state through the firm, partnership, or corporation and other relevant information required by the professional engineer section of the examining board. A similar type of form shall also accompany the renewal fee. If there is a change in any of these persons, the change shall be reported on the same type of form, and filed with the department within 30 days after the effective date of the change. The professional engineer section shall grant a certificate of authorization to a firm, partnership, or corporation complying with this subsection upon payment of the initial credential fee determined by the department under s. 440.03 (9) (a). This subsection does not apply to firms, partnerships, or corporations exempt under s. 443.14 (3) or (5).

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

443.08 (3) (a) 3. A firm, partnership, or corporation desiring a certificate of authorization shall submit an application to the department on forms provided by the department, listing the names and addresses of all officers and directors, and all individuals in its employment granted a permit to practice designing in this state who

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

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

443.08 (4) (a) 1. No firm, partnership, or corporation may be relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this chapter, nor may any individual practicing architecture, landscape architecture, professional engineering or designing be relieved of responsibility for architectural, landscape architectural, professional engineering or designing services performed by reason of his or her employment or relationship with the firm, partnership, or corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

443.08 (5) (a) No firm, partnership, or corporation may engage in the practice of or offer to practice architecture, ~~professional engineering or designing~~ in this state, or use in connection with its name, or otherwise assume,



use or advertise any title or description tending to convey the impression that it is engaged in the practice of architecture, ~~professional engineering or designing~~, nor may it advertise or offer to furnish an architectural, ~~professional engineering or designing~~ service, unless the firm, partnership, or corporation has complied with this chapter.

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

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

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

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

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

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

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

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

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

443.10 (1) (a) The appropriate section of the examining board may, upon application and the payment of the required fee, grant a certificate of registration as an architect, as a landscape architect, or as a professional engineer to any person who holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

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

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

(d) The appropriate section of the examining board may, upon application and payment of the required fee, grant a permit to practice or to offer to practice architecture, landscape architecture, or professional engineering to a person who is not a resident of and has no established place of business in this state, or who has recently become a resident of this state, if the person holds an unexpired certificate of similar registration issued to the person by the proper authority in any state or territory or possession of the United States or in any country in which the requirements for the registration of architects, landscape architects, or professional engineers are of a standard not lower than specified in this chapter.

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

443.10 (2) (c) The appropriate section of the examining board shall grant a certificate of registration upon payment of the registration fee to any applicant who, in the opinion of the ~~examining board~~ appropriate section,

has satisfactorily met all the applicable requirements of this chapter. The certificate shall authorize the practice of architecture, landscape architecture, or professional engineering, as appropriate.

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

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

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

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

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

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

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

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

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

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

(b) The Each section of the examining board shall keep a record of its proceedings together with a record of all other information pertaining to its proceedings as may be deemed necessary by that section of the examining board. The records of the each section of the examining board shall be prima facie evidence of the proceedings of that section of the examining board set forth in the records, and a transcript thereof, duly certified by the secretary of that section of the examining board under seal,

shall be admissible in evidence with the same effect as if the original were produced.

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

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

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

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

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

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

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

443.11 (3) Any person may make charges that any registrant, holder of a certificate of record as engineer-in-training or corporate holder of a certificate of authorization has committed an act for which a reprimand or limitation, suspension, or revocation of registration is authorized under sub. (1). Such charges shall be in writing, shall be sworn to by the person making them and shall be submitted to the appropriate section of the examining board. The appropriate section of the examining board may, on its own motion, make such charges. All charges, unless dismissed by the appropriate section of the examining board as unfounded or trivial, shall be heard by the appropriate section of the examining board, subject to the rules promulgated under s. 440.03 (1).

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

443.11 (4) If after a hearing under sub. (3), 3 members of a section of the examining board vote in favor of sustaining charges specified in sub. (3), the appropriate section of the examining board shall reprimand or limit,

suspend, or revoke the certificate of registration of the registered architect, registered landscape architect, or registered professional engineer, the certificate of record of the holder of a certificate as engineer-in-training, or the certificate of authorization of a firm, partnership, or corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

443.18 (1) (a) Any person who practices or offers to practice architecture, landscape architecture, or professional engineering in this state, or who uses the term "architect," "landscape architect," or "professional engineer" as part of the person's business name or title, except as provided in s. 443.08 (6), or in any way represents himself or herself as an architect, landscape architect, or a professional engineer unless the person is registered or exempted in accordance with this chapter, or unless the person is the holder of an unexpired permit issued under s. 443.10 (1) (d), or any person presenting or attempting

to use as his or her own the certificate of registration of another, or any person who gives any false or forged evidence of any kind to the examining board or to any section of the examining board or to any member of the examining board in obtaining a certificate of registration, or any person who falsely impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked certificate of registration, or violates any of the provisions of this section, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

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

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

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

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

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

~~establishment, without payment of any additional renewal fee.~~ The applicant must also furnish proof of completion of at least 15 hours of continuing education during the previous 2-year licensure period, except that new licensees are exempt from this requirement during the time between initial licensure and commencement of a full 2-year licensure period.

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

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

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

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

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

454.01 (5) (b) Aesthetics.

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

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

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

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

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

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

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

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

961.23 (7) No person other than a physician, dentist, veterinarian, or pharmacist may possess more than ~~8 ounces~~ 227 grams of a product containing opium or more than ~~4 ounces~~ 113 grams of a product containing any other schedule V substance at any time without the autho-

rization of a physician, dentist, or veterinarian. This subsection does not apply to a pseudoephedrine product unless it contains another schedule V substance.

**SECTION 239. Nonstatutory provisions.**

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

(a) In this subsection, “council” means the dwelling code council.

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

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

**SECTION 240. Initial applicability.**

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

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

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

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