

State of Wisconsin



2017 Assembly Bill 905

Date of enactment: April 16, 2018
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2017 WISCONSIN ACT 331

AN ACT *to repeal* 66.1019 (3), 101.02 (7m), 101.02 (20), 101.02 (21), 101.02 (24), 101.12 (6) (a), 101.125 (2), 101.125 (3), 101.125 (4m), 101.14 (4m) (a) 3., 101.19 (1r), 101.957, subchapter VI (title) of chapter 101 [precedes 101.971], 101.971 (intro.) and (1), 101.971 (3) and (4), 101.973, 101.974 (intro.), (1), (2) and (3), 101.974 (5), 101.975, 101.976, 101.977, 101.978, 101.985 (4), 145.035, 145.045 (2), 145.13 and 445.08 (4); *to renumber* 101.12 (6) (b) and 447.055 (1) (a); *to renumber and amend* 101.02 (1), 101.971 (2), 101.974 (4), 440.20 (4), 440.20 (5), 445.08 (1) and 447.055 (1) (c); *to amend* 20.165 (2) (j), 43.09 (1), 45.44 (1) (a) 6., 45.44 (1) (a) 16., 49.857 (1) (b), 49.857 (1) (d) 7., 73.0301 (1) (d) 5., 100.21 (1) (a), 101.02 (1m), 101.02 (7r) (a), 101.02 (7r) (b) 4., 101.025 (1), 101.125 (4) (a), 101.125 (5), 101.16 (3g) (a), 101.19 (1g) (f), 101.654 (1) (c) 1., 101.84 (1), 101.951 (7) (a), 101.951 (7) (b), 101.952 (5), 101.985 (5) (a), 108.227 (1) (e) 5., 145.02 (2) (a), 145.02 (3) (f), 145.045 (3), 145.12 (4), 145.24 (1), 145.245 (7) (a), 145.26 (1), 234.49 (1) (e), 321.60 (1) (a) 7., 321.60 (1) (a) 18., 343.305 (6) (bm), 440.03 (3m), 440.03 (7), 440.03 (7m), 440.03 (11m) (a), 440.03 (13) (a), 440.03 (13) (am), 440.19, 445.04 (3) (a), 445.04 (3) (b) (intro.), 445.045 (1) (g), 446.02 (7) (d) 1., 446.02 (7) (d) 2., 447.05, 447.055 (1) (d), 448.04 (1) (i) 3. and 457.02 (5m); *to repeal and recreate* 20.165 (2) (j); and *to create* 101.02 (1) (a), 101.02 (1) (c), 101.022, 101.125 (2m), 440.20 (4) (b), 440.20 (5) (b) and 445.04 (3) (c) of the statutes; **relating to**: various changes to statutes administered by the Department of Safety and Professional Services and attached credentialing boards and requiring the exercise of rule-making authority.

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

SECTION 1. 20.165 (2) (j) of the statutes is amended to read:

20.165 (2) (j) *Safety and building operations.* The amounts in the schedule for the purposes of chs. 101 and 145 and ss. 167.35, 236.12 (2) (ap), 236.13 (1) (d) and (2m), and 236.335 and for the purpose of transferring the amounts in the schedule under par. (ke) to the appropriation account under par. (ke). All moneys received under ch. 145; ~~and~~ ss. 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 account.~~

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

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

* Section 991.11, WISCONSIN STATUTES: 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."

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

43.09 (1) PUBLIC LIBRARIANS. The division shall issue certificates to public librarians and promulgate, under ch. 227, necessary standards for public librarians. The qualifications for public librarians shall be based on education, professional training and experience. Any relevant instruction, as defined in s. ~~401.02 (24) (a) 1.~~ 440.075 (1), that an applicant for a certificate has obtained in connection with any military service, as defined in s. 111.32 (12g), counts toward satisfying any requirement for instruction for a certificate under this subsection if the applicant demonstrates to the satisfaction of the division that the instruction obtained by the applicant is substantially equivalent to the instruction required for the certificate. Certificates already granted prior to December 17, 1971, shall remain in effect.

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

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

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

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

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

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

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

49.857 (1) (d) 7. ~~A~~ An occupational license, permit or certificate of certification or registration specified as defined in s. 101.02 (24) (1) (a) 2.

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

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

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

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

100.21 (1) (a) “Dwelling unit” means a dwelling, as defined under s. 101.61 (1), a modular home, as defined under s. 101.71 (6), a manufactured home, as defined under s. 101.91 (2), or a multifamily dwelling, as defined under s. ~~401.971 (2)~~ 101.01 (8m).

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

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

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

101.02 (1) (a) In this subsection:

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

2. “Occupational license” means a license, permit, certificate, registration, or other approval for an occupation, trade, or profession issued by the department under this chapter, under ch. 145, under rules promulgated under this chapter or ch. 145, or under s. 167.10 (6m).

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

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

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

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

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

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

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

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

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

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

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

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

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

101.022 Certain laws applicable to occupational licenses. Sections 440.03 (1), (3m), (4), (11m), and (13) (a), (am), and (b) 75., 440.05 (1) (a) and (2) (b), 440.075, 440.09 (2), 440.11, 440.12, 440.121, 440.13, 440.14, 440.15, 440.19, 440.20 (1), (3), (4) (a), and (5) (a), 440.205, 440.21, and 440.22, and the requirements imposed on the department under those statutes, apply to

occupational licenses, as defined in s. 101.02 (1) (a) 2., in the same manner as those statutes apply to credentials, as defined in s. 440.01 (2) (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

101.16 (3g) (a) No retailer may distribute liquefied petroleum gas without holding a license issued by the department. The department, subject to s. ~~101.02 (20) and (21) ss. 440.12 and 440.13~~, shall issue a license to be a retailer upon receiving the fee established under s. 101.19 (1g) (L) or (1m) and upon the retailer’s obtaining commercial general liability insurance as required under

sub. (3r) (c). ~~The department shall set the term of the license shall be set by the department~~, not to exceed 2 years.

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

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

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

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

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

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

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

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

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

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

101.951 (7) (b) No license may be suspended or revoked except after a hearing ~~thereon~~. The department of safety and professional services shall give the licensee at least 5 days’ notice of the time and place of the hearing. The order suspending or revoking ~~such a license shall is~~ not be effective until after 10 days’ written notice ~~thereof~~ to the licensee, after ~~such the~~ hearing has been had; except that the department of safety and professional services, when in its opinion the best interest of the public or the trade demands it, may suspend a license upon not less than 24 hours’ notice of hearing and with not less than 24 hours’ notice of the suspension of the license. Matters The department of administration shall hear and decide upon matters involving suspensions and revoca-

tions brought before the department of safety and professional services shall be heard and decided upon by the department of administration. The division of hearings and appeals shall conduct the hearing. This paragraph does not apply to licenses that are suspended or revoked under s. 101.02 (21) 440.13.

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

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

SECTION 40. 101.957 of the statutes is repealed.

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

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

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

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

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

SECTION 45. 101.973 of the statutes is repealed.

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

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

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

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

SECTION 49. 101.975 of the statutes is repealed.

SECTION 50. 101.976 of the statutes is repealed.

SECTION 51. 101.977 of the statutes is repealed.

SECTION 52. 101.978 of the statutes is repealed.

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

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

101.985 (5) (a) *Issuance and term.* Except as provided under s. 101.02 (20) (b) and (21) (b) ss. 440.12 and 440.13, the department shall issue a license to any applicant who satisfies the applicable requirements of subs. (1) to (3) and any rules promulgated under subs. (1) to (3) and who pays any applicable fee required by rule of the department under s. 101.19 (1g) (k). Except as provided

under sub. (2) (c) and (d), the term of each license is 2 years.

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

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

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

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

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

145.02 (3) (f) Issue special orders directing and requiring compliance with the rules and standards of the department promulgated under this chapter whenever, in the judgment of the department, the rules or standards are threatened with violation, are being violated or have been violated, except that the department shall issue orders related to occupational licenses, as defined in s. 101.02 (1) (a) 2., as provided in s. 101.022. The circuit court for any county where violation of such an order occurs has jurisdiction to enforce and shall enforce any order brought before it by injunctive and other appropriate relief. The attorney general or the district attorney of the county where the violation of the order occurs shall bring action for its enforcement. The department may issue an order under this paragraph to abate a violation of s. 254.59.

SECTION 58. 145.035 of the statutes is repealed.

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

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

145.045 (3) ~~PLUMBERS AND SEPTIC TANK INSTALLERS MAY BE SOIL TESTERS.~~ 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 on-site wastewater treatment systems.

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

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

SECTION 62. 145.13 of the statutes is repealed.

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

145.24 (1) If an existing private 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 on-site wastewater treatment system may petition the department for a variance to the siting or design standards.

SECTION 64. 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 on-site wastewater treatment system ~~which that~~ 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~~ 145.02.

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

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

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

234.49 (1) (e) “Housing” means a residential structure having not more than 4 dwelling units in which at least one unit is occupied by the owner as a principal residence and, if a housing rehabilitation loan is granted for the property to implement energy conservation improvements, the structure is not subject to rules adopted under s. 101.02, 101.63, ~~or 101.73, or 101.973~~.

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

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

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

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

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

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

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

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

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

440.03 (7) The department shall establish the style, content, and format of all credentials and of all forms for applying for any initial credential issued or renewed under chs. 440 to 480 or credential renewal. All forms shall include a place for the information required under sub. (11m) (a). Upon request of any person who holds a credential and payment of a \$10 fee, the department may issue a wall certificate signed by the governor.

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

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

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

440.03 (11m) (a) Each application form for ~~a~~ an initial credential issued or renewed under chs. 440 to 480 credential renewal shall provide a space for the depart-

ment to require an applicant for the initial credential or credential renewal, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under par. (am), to provide his or her social security number. If the applicant is not an individual, the department shall require the applicant to provide its federal employer identification number.

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

440.03 (13) (a) The department may conduct an investigation to determine whether an applicant for a credential issued under chs. 440 to 480 satisfies any of the eligibility requirements specified for the credential, including whether the applicant does not have an arrest or conviction record. In conducting an investigation under this paragraph, the department may require an applicant to provide any information that is necessary for the investigation, except that, for an investigation of an arrest or conviction record, the department shall comply with the requirements of pars. (b) and (c).

SECTION 75. 440.03 (13) (am) of the statutes is amended 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 documentation the person holding the credential shall include with the written notice.

SECTION 76. 440.19 of the statutes is amended 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 credential may voluntarily surrender that license, permit, or certificate of certification or registration credential. The department, examining board, affiliated credentialing board, or board of the department that issued the license, permit, or certificate of certification or registration credential 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 77. 440.20 (4) of the statutes is renumbered 440.20 (4) (a) and amended to read:

440.20 (4) (a) ~~In addition to any grounds for discipline specified in chs. 440 to 480, the~~ The department or appropriate examining board, affiliated credentialing board, or board in the department may reprimand the holder of a credential or deny, limit, suspend, or revoke the credential of any person who intentionally violates s. 252.14 (2) or intentionally discloses the results of a blood test in violation of s. 252.15 (3m) (b) or (f) or (5m).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

445.08 Reciprocity in issuance of licenses. Any person holding a valid license as a funeral director or embalmer in another state having requirements substantially equal to those in this state for a funeral director's license may apply for a license to practice in this state by filing with the examining board a certified statement from an authorized official of ~~the~~ that state ~~in which the applicant holds a license, showing the qualifications~~

upon which said license was granted. that verifies the person's licensure in that state. An applicant for licensure under this section shall pass the jurisprudence examination under s. 445.04 (3) (c) and shall satisfy the requirement under s. 445.045 (1) (b). Thereupon the examining board may, upon the payment of the required fee, issue a funeral director's license.

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

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

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

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

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

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

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

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

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

447.055 (1) (a) 2. ~~Biennially, beginning January 1, 2007, the department shall consult with the examining board and with the department of health services regarding the number of credit hours of continuing education required for eligibility for renewal under par. (a). After consulting with the examining board and the department of health services, and notwithstanding par. (a) Notwithstanding subd. 1., the department~~ examining board may promulgate a rule requiring not more than 20 nor less than

12 credit hours of continuing education for eligibility for renewal of a license to practice dental hygiene.

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

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

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

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

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

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

SECTION 95. Nonstatutory provisions.

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

SECTION 96. Initial applicability.

(1) EXAMINATIONS FOR FUNERAL DIRECTING. The treatment of sections 445.04 (3) (a), (b) (intro.), and (c) and 445.045 (1) (g) of the statutes, the repeal of section 445.08 (4) of the statutes, and the renumbering and amendment of section 445.08 (1) of the statutes first apply to an application for a funeral director's license

received by the funeral directors examining board on the effective date of this subsection.

SECTION 97. Effective dates. This act takes effect on

the day after publication, except as follows:

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