



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2011 Senate Bill 453

**Senate
Substitute Amendment 1**

Memo published: March 6, 2012

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2011 Senate Bill 453 consists of numerous, disparate provisions affecting or relating to the Department of Safety and Professional Services (DSPS). Senate Substitute Amendment 1 (the substitute amendment) modifies the bill as described below.

Senate Bill 453 is a companion to Assembly Bill 547. The substitute amendment consists of the substance of Assembly Amendments 1 to 6, 8, and 9 to Assembly Bill 547 plus two additional changes. The correspondence between the amendments is noted in the following descriptions.

Alcohol and Drug Counselors; Chemical Dependency Counselors

Chapter 457, Stats., relates to the licensure of marriage and family therapists, professional counselors, and social workers. **Current law** specifies that ch. 457, Stats., does **not** authorize any individual who is certified or licensed under that chapter to use the title “alcohol and drug counselor” or “chemical dependency counselor” **unless** the individual is certified as an alcohol and drug counselor or as a chemical dependency counselor through a process recognized by the DSPS. [s. 457.02 (5), Stats.] **The bill** repeals this statute; **the substitute amendment** deletes the repeal, thus restoring the statute.

This provision corresponds to Assembly Amendment 1 to Assembly Bill 547.

Cemetery Salespersons

Under **current law**, certain specified statutory provisions that apply to real estate salespersons, relating to trust accounts and disciplinary procedures, also apply to cemetery salespersons. [s. 440.91 (8), Stats.] **The bill** does not address this statute; **the substitute amendment** repeals the statute.

This provision corresponds to Assembly Amendment 2 to Assembly Bill 547.

Marriage and Family Therapy, Professional Counseling, and Social Worker Examining Board

Current law requires the appropriate section of the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board to send a letter to a credential holder if a complaint regarding the credential holder is received. [s. 457.25 (5), Stats.] **The bill** does not address this statute; **the substitute amendment** repeals the statute.

This provision corresponds to Assembly Amendment 3 to Assembly Bill 547.

On-Site Wastewater Treatment Systems; Fees and Records of Permits

Under **current law**, a municipality that is responsible for the regulation of private on-site wastewater treatment systems is required to forward to the DSPS a copy of every permit it issues and a portion of the permit fee. [s. 145.19 (3), Stats.] **The bill** retains this requirement (with technical changes to the wording) and requires that the municipality also submit a periodic summary of permits to the DSPS. **The substitute amendment** revises the wording such that a municipality is required to submit only the periodic summary to the DSPS, not a copy of each permit.

This provision corresponds to Assembly Amendment 4 to Assembly Bill 547.

Farm Buildings

Subchapter I of ch. 101, Stats., regulates public buildings and places of employment. **The bill** specifies that the regulations administered by the DSPS under that subchapter do not apply to farm buildings. **The substitute amendment** revises this to exempt farm buildings from only those provisions of the subchapter that relate to ventilation, energy conservations, conservation of historic buildings, safety glazing, firewalls, and the inspection of building plans.

This provision corresponds to Assembly Amendment 5 to Assembly Bill 547.

Dwelling Code Council

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

- **The bill** reduced the size of the Council from 18 to 7 members; **the substitute amendment** revises this to 11 members. In addition, **the substitute amendment** revises the number of members constituting a quorum from 11 to 5.
- **Current law** specifies that the council include two members who are “manufacturers or installers of manufactured one and 2-family housing.” **The substitute amendment** revises the description of this category to “manufacturers, **retailers**, or installers of **modular** manufactured one- and 2-family housing.” [Emphasis added.]
- **Current law** specifies that the Council include one member who is an architect, engineer, or designer. **The substitute amendment** specifies that this member must be registered under ch. 443, Stats.

- **Current law** specifies that the Secretary of the DSPS appoint a “nonvoting secretary” to the council. **The substitute amendment** clarifies that the non-voting secretary to the Council is not to be counted as one of the 11 members of the 11-member Council.
- **The substitute amendment** adds “fire prevention professional” as a category of persons that may be placed on the Council.

This provision corresponds to Assembly Amendment 6 to Assembly Bill 547.

Funeral Directors

The substitute amendment specifies that the funeral director who is in charge of a funeral establishment has full charge, control, and supervision of all funeral directing and embalming services at the funeral establishment, and that the director must ensure that the funeral establishment operates in compliance with ch. 445, Stats., and rules promulgated by the Examining Board.

This provision corresponds to Assembly Amendment 8 to Assembly Bill 547.

Certain DSPS Inspections

Current law specifies that the DSPS may rely upon certain inspections conducted by specified professional associations. [s. 145.17 (1), Stats.] **The substitute amendment** repeals this provision.

This provision corresponds to Assembly Amendment 9 to Assembly Bill 547.

Pharmacy Examining Board

Under **current law**, the Pharmacy Examining Board may grant variances to the laws it administers under emergency circumstances. [s. 450.02 (3m), Stats.] **The bill** limits this authority to provisions of law that specifically permits a variance or requires review or approval from the board prior to obtaining a variance; **the substitute amendment** deletes this provision of the bill.

This provision does not correspond to any Assembly amendment.

Wholesale Distributors of Oxygen

Under **current law**, a wholesale distributor of prescription drugs must obtain a license from the Pharmacy Examining Board for each person to which the distributor distributes prescription drugs. Oxygen is considered a prescription drug. [s. 450.071 (1), Stats.] **The bill** specifies that this requirement does not apply to a wholesale distributor of oxygen if the only prescription drug the person distributes is oxygen. **The substitute amendment** deletes this provision.

This provision does not correspond to any Assembly amendment.

Legislative History

On March 5, 2012, the Senate Committee on Judiciary, Utilities, Commerce, and Government Operations voted to recommend adoption of Senate Substitute Amendment 1 to Senate Bill 453 and passage of the bill, as amended, on votes of Ayes, 5; and Noes, 0.

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