



CHRIS KAPENGA

WISCONSIN STATE SENATOR

Testimony on Senate Bills 748, 749, 750 & 751

Senate Committee on Public Benefits, Licensing & State-Federal Relations

February 14, 2018

Thank you committee members for hearing testimony today on Senate Bills 748, 749, 750 & 751. I also want to thank Representative Ballweg for co-authoring this legislation on behalf of the department.

This legislation was drafted in consultation with the Department of Safety and Professional Services, who conducted extensive outreach to interested stakeholders to find consensus on each of these bills. I will keep my comments brief, as the department will be providing details on specific points in the legislation.

Senate Bill 748

Senate Bill 748 makes a number of changes to the department's regulation of buildings. First, SB 748 cleans up language from the 2013 establishment of the uniform commercial building code by applying the procedures to counties in the same manner as other units of government. The bill also updates building code standards for carbon monoxide detection in commercial residential buildings that will improve safety and reduce costs for building owners. Lastly, the bill eliminates a statutory conflict that exists for the applicants to several professions that will allow applicants to take the exam before the completion of their education requirements, thus allowing them to get into the workforce sooner after graduation.

Senate Bill 749

Senate Bill 749 primarily makes a number of remedial statutory changes identified by the department. The bill also provides greater uniformity to department operations and procedures across professions. Specifically, it outlines uniform procedures for conducting hearings, handling complaints, and disciplinary proceedings. This streamlining will ensure the agency able to operate more efficiently and that DSPS customers will be treated consistently across professions.

Senate Bill 750

Senate Bill 750 makes a number of sensible changes to the DSPS's enforcement authority that are designed to continuing upholding public safety, while allowing the department flexibility to correct disciplinary issues

without taking away someone's livelihood. The bill also removes third party logistics providers from the definition of prescription drug wholesalers, putting Wisconsin in line with recent federal law changes.

Senate Bill 751

Senate Bill 751 makes a number of changes to the membership requirements of various credentialing boards, making it easier to fill certain openings and for boards to conduct business without impacting the integrity of those boards. The bill also eliminates a number of outdated statutory requirements that will allow the agency to operate in a more efficient and effective manner. For example, the bill eliminates a provision that requires that certain Cemetery Board statements be notarized or that DSPS publish an annual list of liquefied petroleum retailers.

Thank you again committee members for hearing these bills today. I would be happy to answer any questions.



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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

Senate Bills 748, 749, 750, 751
Testimony of Representative Joan Ballweg
Senate Committee on Public Benefits, Licensing, and State-Federal Relations
February 14, 2018

Thank you, Chair Kapenga and members of the committee, for holding public hearings today on Senate Bills 748, 749, 750, and 751. These bills were introduced at the request of the Department of Safety and Professional Services (DSPS).

In my role as co-chair of the Joint Committee for Review of Administrative Rules, I've been able to work closely with DSPS and other agencies on administrative code and their relation to state statute. After 2011 Wisconsin Act 21 went into effect, our state agencies began to closely review both their rules and statute to ensure what was on the books was both up-to-date and enforceable through statute. The Assembly's Red Tape Review initiative has contributed to this effort. We want to make sure that any rules we have on book reflect law, are updated, and do not hurt the productivity of Wisconsin's citizens. The four bills before you today are the result of a collaborative review by the department and stakeholders to ensure these goals are met.

Additionally, the fiscal estimates for these bills show the department will need no additional funding to put forward the new rules and delete obsolete chapters.

Thank you again for considering this legislation.



DATE: February 14, 2018

TO: Members, Senate Committee on Public Benefits, Licensing and State-Federal Relations
The Honorable Chris Kapenga, Chair

FROM: Nate Yahn, Legislative Advisor
Wisconsin Department of Safety and Professional Services

SUBJECT: Senate Bill 749 (changes to statutes administered by DSPS and attached boards)

Chairman Kapenga and Committee Members:

The Wisconsin Department of Safety and Professional Services (DSPS) would like to provide some important background information and commentary to committee members as you consider 2017 Wisconsin Senate Bill 749 (SB 749). SB 749 makes various technical changes to existing state law that will provide for greater consistency and necessary clarification to the state statutes governing the regulation of professions and buildings and safety that are administered by DSPS. The Department supports SB 749.

DSPS is focused on its mission of promoting economic growth and stability, while protecting the safety of Wisconsin's public. This clean-up legislation contains minor substantive changes to existing state statutes that will simplify and update existing regulations, including the removal of obsolete or redundant statutory language, that will help make government operate more effectively and efficiently.

Specifically, SB 749 does the following:

- Removes statutory conflicts existing between the state's commercial building and multifamily dwelling codes.
 - Clean-up from 2013 Wisconsin Act 270, which established the uniform commercial building code.
- Requires any rules promulgated by DSPS that define uniform procedures for conducting hearings on matters regarding occupational licenses, and for handling of complaints and commencement of disciplinary proceedings against occupational license holders, to conform with rules related to professional credentials.
 - Provides for greater uniformity and consistency across DSPS-regulated occupations and professions.
- Provides uniform standards and procedures for DSPS-issued professional credentials and occupational licenses.
 - Streamlines existing licensing processes that will provide greater convenience for DSPS customers.
- Repeals an outdated requirement that DSPS inspect, by January 1, 1990, all pre-1950 constructed public schools.

- Repeals obsolete safety glazing requirements, and requires DSPS to instead promulgate rules regulating the use of safety glazing material in hazardous locations.
 - These requirements have since been replaced by more modern, up-to-date requirements that exist under the state's commercial building code.
- Eliminates a requirement that DSPS establish by rule a dispute resolution program for manufactured housing disputes.
 - This requirement is unnecessary and duplicative, as dispute resolution requests are currently handled through the U.S. Department of Housing and Urban Development (HUD) Manufactured Home Dispute Resolution Program, which was originally established back in 2008.
- Removes obsolete authority for DSPS to issue temporary revocable permits to master and journeyman plumbers pending examination, and eliminates outdated statutory references to "septic tank installers".
 - These permits and credentials are no longer issued by DSPS.
- Modifies the definition of "public swimming pool" to clarify that the definition does not include the following: inflated mobile structures, basins, chambers, or tanks; swim ponds; individual therapeutic pods, tubs, or baths; and fixed or mobile structures, basins, chambers, or tanks that serve fewer than 3 individual residences.
- Makes minor substantive changes to the licensure requirements for funeral directors to allow for more expedient reciprocity with other states.
 - Eliminates the need for applicants to supply DSPS with copies of another state's statutes as they existed at the time that they had received that state's credential, which could have been many years ago.
 - Eases the burden placed on individuals applying for funeral director licensure by reciprocity.

If you have any questions, please contact me at (608) 267-9794.