

2011 DRAFTING REQUEST

Bill

Received: 10/13/2011

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB:

For: **Richard Spanbauer (608) 267-7990**

By/Representing: **Matt Pulda**

May Contact:

Drafter: **mgallagh**

Subject: **Occupational Reg. - misc**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Spanbauer@legis.wisconsin.gov**

Carbon copy (CC:) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Suspend certain professional licensure requirements for active duty service members

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mgallagh 11/16/2011	kfollett 12/05/2011		_____			State
/1	mgallagh 01/09/2012	kfollett 01/19/2012	jfrantze 12/05/2011	_____	sbasford 12/05/2011		State
/2	mgallagh 03/01/2012	kfollett 03/02/2012	rschlue 01/19/2012	_____	mbarman 01/19/2012		State
/3			jmurphy 03/02/2012	_____	lparisi 03/02/2012	lparisi 03/02/2012	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

at intro
3/8

<END>

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/2		13/gf 3/2	rschluet 01/19/2012	_____	mbarman 01/19/2012		

FE Sent For: *gm* SELF 3/2

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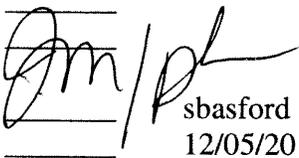
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/?	mgallagh	11/5 12/5	J	12/5			

FE Sent For:

<END>

Gallagher, Michael

From: Pulda, Matt
Sent: Tuesday, October 18, 2011 1:57 PM
To: Gallagher, Michael
Subject: RE: Drafting request

Hi, Mike,

I was just speaking with a representative of one of the veterans organizations, and something he said made me take another look at the Florida statute below. I think I misread it the first time around, and looking at it now I see that it does essentially waive the service member's dues/fees, both during the time of active duty and for six months afterward, with no requirement that the service member catch up on the payments that would otherwise have come due during that period, as I had mistakenly thought. The veterans rep I spoke to said to do it any other way would run afoul of USERRA. I hope my comments about that provision didn't confuse/mislead you. Please let me know if you have any questions.

Thanks!

Matt

Handwritten notes:
11/10
- per matt:
- include all of (3)
- include all renewal requirements -
- Post zone containing ed. etc.
- include all professional or occupational licenses, etc.

From: Gallagher, Michael
Sent: Monday, October 10, 2011 3:25 PM
To: Pulda, Matt
Subject: RE: Drafting request

Thanks Matt. I'll be handling it. I'll let you know if I have any questions.

Mike

Michael P. Gallagher
Legislative Attorney
Legislative Reference Bureau
(608) 267-7511
michael.gallagher@legis.wisconsin.gov

From: Pulda, Matt
Sent: Monday, October 10, 2011 3:16 PM
To: Gallagher, Michael; Kuczenski, Tracy
Subject: Drafting request

Representative Spanbauer would like to draft a bill that adopts for Wisconsin's purposes section 455.02 of the Florida Statutes, which deals with professional licensure requirements for service members who are on active duty, as well as their spouses: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0455/Sections/0455.02.html

An office within the US Department of Defense shared this statute with our office with regard to 455.02(3), which was added during the last legislative session. However, when I looked further, it looked to me like there is nothing in WI law along the lines of (1) and (2), either, so the Representative and I thought it would be a good idea to include them.

The Representative would like this bill be drafted in such a way that a service member's professional dues or fees would be waived entirely if they would otherwise come due while the service member is on active duty. The

service member would not be responsible for paying those dues retroactively, even after his or her deactivation, although he or she would be responsible for catching up on continuing education or other requirements that he or she would otherwise have been met during his or her active duty.

With regard to the Florida statute's (3)4., it seems that Florida's version of DSPS requires a much broader variety of license applicants to provide fingerprints, but I think it makes sense to keep that requirement limited to those professions that are currently required to provide fingerprints under WI law.

Please let me know if you have any questions. Thanks!

Matt Pulda
Research Assistant/Committee Clerk
Office of State Rep. Dick Spanbauer
Assembly Committee on Veterans and Military Affairs
(608) 267-7990

Select Year: 2011

The 2011 Florida Statutes

Title XXXII
REGULATION OF PROFESSIONS
AND OCCUPATIONS

Chapter 455
BUSINESS AND PROFESSIONAL
REGULATION: GENERAL PROVISIONS

[View Entire
Chapter](#)

455.02 Licensure of members of the Armed Forces in good standing and their spouses with administrative boards.—

(1) Any member of the Armed Forces of the United States now or hereafter on active duty who, at the time of becoming such a member, was in good standing with any administrative board of the state and was entitled to practice or engage in his or her profession or vocation in the state shall be kept in good standing by such administrative board, without registering, paying dues or fees, or performing any other act on his or her part to be performed, as long as he or she is a member of the Armed Forces of the United States on active duty and for a period of 6 months after discharge from active duty as a member of the Armed Forces of the United States, if he or she is not engaged in his or her licensed profession or vocation in the private sector for profit.

(2) The boards listed in s. 20.165 shall adopt rules that exempt the spouse of a member of the Armed Forces of the United States from licensure renewal provisions, but only in cases of his or her absence from the state because of his or her spouse's duties with the Armed Forces.

(3)(a) The department may issue a temporary professional license to the spouse of an active duty member of the Armed Forces of the United States if the spouse applies to the department in the format prescribed by the department. An application must include proof that:

1. The applicant is married to a member of the Armed Forces of the United States who is on active duty.

2. The applicant holds a valid license for the profession issued by another state, the District of Columbia, any possession or territory of the United States, or any foreign jurisdiction.

3. The applicant's spouse is assigned to a duty station in this state and that the applicant is also assigned to a duty station in this state pursuant to the member's official active duty military orders.

4.a. A complete set of the applicant's fingerprints ¹is submitted to the Department of Law Enforcement for a statewide criminal history check.

b. The Department of Law Enforcement shall forward the fingerprints ²submitted pursuant to subparagraph a. to the Federal Bureau of Investigation for a national criminal history check. The department shall, and the board may, review the results of the criminal history checks according to the level 2 screening standards in s. 435.04 and determine whether the applicant meets the licensure requirements. The costs of fingerprint processing shall be borne by the applicant. If the applicant's fingerprints are submitted through an authorized agency or vendor, the agency or vendor shall collect the required processing fees and remit the fees to the Department of Law Enforcement.

(b) An application must be accompanied by an application fee prescribed by the department that is sufficient to cover the cost of issuance of the temporary license.

(c) A temporary license expires 6 months after the date of issuance and is not renewable.

History.—s. 2, ch. 21885, 1943; s. 5, ch. 79-36; s. 95, ch. 83-329; s. 1, ch. 84-15; s. 71, ch. 85-81; s. 6, ch. 93-220; s. 186, ch. 97-103; s. 5, ch. 2010-106; s. 4, ch. 2010-182.

¹**Note.**—The word “is” was substituted by the editors for the word “are,” which was enacted by s. 5, ch. 2010-106. Section 4, ch. 2010-182, enacted the words “has been” instead of the word “are.”

²**Note.**—As enacted by s. 4, ch. 2010-182. Subsection (3) was also added by s. 5, ch. 2010-106, and that version did not use the phrase “submitted pursuant to sub-subparagraph a.”

Note.—Former s. 485.02.

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Gallagher, Michael

From: Pulda, Matt
Sent: Monday, October 10, 2011 3:16 PM
To: Gallagher, Michael; Kuczenski, Tracy
Subject: Drafting request

Representative Spanbauer would like to draft a bill that adopts for Wisconsin's purposes section 455.02 of the Florida Statutes, which deals with professional licensure requirements for service members who are on active duty, as well as their spouses: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0455/Sections/0455.02.html

An office within the US Department of Defense shared this statute with our office with regard to 455.02(3), which was added during the last legislative session. However, when I looked further, it looked to me like there is nothing in WI law along the lines of (1) and (2), either, so the Representative and I thought it would be a good idea to include them.

The Representative would like this bill be drafted in such a way that a service member's professional dues or fees would be waived entirely if they would otherwise come due while the service member is on active duty. The service member would not be responsible for paying those dues retroactively, even after his or her deactivation, although he or she would be responsible for catching up on continuing education or other requirements that he or she would otherwise have been met during his or her active duty.

With regard to the Florida statute's (3)4., it seems that Florida's version of DSPS requires a much broader variety of license applicants to provide fingerprints, but I think it makes sense to keep that requirement limited to those professions that are currently required to provide fingerprints under WI law.

Please let me know if you have any questions. Thanks!

Matt Pulda
Research Assistant/Committee Clerk
Office of State Rep. Dick Spanbauer
Assembly Committee on Veterans and Military Affairs
(608) 267-7990



In: 11/16 SOON THANKS

State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3200

MPG...

Handwritten initials and scribbles

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Gen

1 AN ACT ...; relating to: professional or occupational licensure renewal
2 requirements for active duty service members and their spouses and
3 requirements concerning temporary licensure in this state of spouses of service
4 members temporarily stationed in this state.

Analysis by the Legislative Reference Bureau

Under current law, in many cases, if a member of a reserve unit of the U.S. armed forces, a member of the state defense force, or a member of a national guard unit of any state who is a resident of this state is on active duty when a professional or occupational license the service member holds otherwise expires, the expiration date for that license is extended until 90 days after the service member is discharged from active duty. Moreover, the licensing agency or board, or, for a law license, the supreme court if the supreme court agrees, is required to renew the service member's license upon that expiration date until the next date that the license would normally expire at no cost to the service member if all of the following conditions are met:

1. The service member requests renewal of the license within 90 days after the service member is discharged from active duty.
2. The service member provides the licensing agency or supreme court with documentation that verifies when the service member was called to active duty and when the service member was discharged from active duty.
3. The service member meets all of the requirements necessary for the extension or renewal of the license except continuing education requirements under certain circumstances.

4. In the case of a license to practice law, the supreme court agrees to granting the extension or renewal.

Under the bill, the expiration date for a service member's professional or occupational license that would have otherwise expired while the service member was on active duty is extended from 90 days to 120 days after the service member's discharge from active duty. The bill also eliminates the requirement that the service member meet all of the requirements necessary for the extension or renewal of the service member's license.

Additionally, under the bill, all of the requirements regarding an extended expiration date and renewal of a service member's license at no cost to the service member apply to the spouse of a service member if the spouse does not practice under his or her license while the service member is on active duty because the service member is on active duty. The bill also extends those requirements to a service member who is a member of the U.S. armed forces whether or not that service member is in a reserve unit of the U.S. armed forces.

Finally, under current law, the Department of Safety and Professional Services (DPS) and most of the licensing boards under DPS may grant a reciprocal license to an individual if certain requirements are met. A reciprocal license is a license granted to an individual who holds a license issued by a governmental authority in a jurisdiction outside Wisconsin under which the license holder may perform acts that are substantially the same as those acts authorized under a license issued by DPS or a licensing board under DPS.

Under the bill, DPS or a licensing board is required to grant a reciprocal license to the spouse of a member of the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard of any state if the service member and the service member's spouse temporarily reside in Wisconsin as a result of that service and the spouse does all of the following:

1. Applies for a reciprocal license.
2. Holds a license that was granted by the licensing authority of a governmental authority in a jurisdiction outside Wisconsin that qualifies the individual to practice under the license granted by DPS or the licensing board.
3. Pays the required fee.
4. Submits his or her fingerprints to DPS.
5. Meets any other requirements established by rule by DPS or a licensing board.

Such a reciprocal license expires 120 days after the date it was issued.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 321.60 (1) (c) of the statutes is amended to read:

1 321.60 (1) (c) "Service member" means a member of the U.S. armed forces, a
2 member of a reserve unit of the U.S. armed forces, a member of the state defense
3 force, or a member of a national guard unit of any state who is a resident of Wisconsin.

4 [✓]
History: 2001 a. 22; 2003 a. 69; 2005 a. 25; 2007 a. 130, 196; 2007 a. 200 s. 142; Stats. 2007 s. 321.60; 2009 a. 2, 3, 344, 405.

4 **SECTION 2.** 321.60 (2) of the statutes is amended to read:

5 321.60 (2) Any license that a service member holds, the expiration date of
6 which is after September 11, 2001, except a license to practice law, does not expire
7 on the expiration date of the license if, on the expiration date, the service member
8 is on active duty. If the supreme court agrees, a license to practice law that a service
9 member holds, the expiration date of which is after September 11, 2001, does not
10 expire on the expiration date of the license if, on the expiration date, the service
11 member is on active duty. A license extended under this subsection expires ~~90~~ 120
12 days after the service member is discharged from active duty.

13 [✓]
History: 2001 a. 22; 2003 a. 69; 2005 a. 25; 2007 a. 130, 196; 2007 a. 200 s. 142; Stats. 2007 s. 321.60; 2009 a. 2, 3, 344, 405.

13 **SECTION 3.** 321.60 (2m) of the statutes is created to read:

14 321.60 (2m) Any license that the spouse of a service member holds, the
15 expiration date of which is after September 11, 2001, except a license to practice law,
16 does not expire on the expiration date of the license if the service member is on active
17 duty on the expiration date of the spouse's license and the spouse does not practice
18 under the license while the service member is on active duty because the service
19 member is on active duty. If the supreme court agrees, a license to practice law that
20 the spouse of a service member holds, the expiration date of which is after September
21 11, 2001, does not expire on the expiration date of the license if the service member
22 is on active duty on the expiration date of the spouse's license and the spouse does
23 not practice under the license while the service member is on active duty because the

1 service member is on active duty. A license extended under this subsection expires
2 120 days after the service member is discharged from active duty.

3 **SECTION 4.** 321.60 (3) (intro.) of the statutes is amended to read:

4 321.60 (3) (intro.) The licensing agency or the supreme court shall extend or
5 renew a license extended under sub. (2) or (2m) until the next date that the license
6 expires or for the period that such license is normally issued, at no cost to the service
7 member or the spouse under sub. (2m), if all of the following conditions are met:

8 **History:** 2001 a. 22; 2003 a. 69; 2005 a. 25; 2007 a. 130, 196; 2007 a. 200 s. 142; Stats. 2007 s. 321.60; 2009 a. 2, 3, 344, 405.

8 **SECTION 5.** 321.60 (3) (a) of the statutes is amended to read:

9 321.60 (3) (a) The service member or spouse, as appropriate, requests an
10 extension or renewal of the license within 90 120 days after the service member is
11 discharged from active duty.

12 **History:** 2001 a. 22; 2003 a. 69; 2005 a. 25; 2007 a. 130, 196; 2007 a. 200 s. 142; Stats. 2007 s. 321.60; 2009 a. 2, 3, 344, 405.

12 **SECTION 6.** 321.60 (3) (b) of the statutes is amended to read:

13 321.60 (3) (b) The service member or spouse, as appropriate, provides the
14 licensing agency or supreme court with a copy of a federal or state document that
15 specifies when the service member was called into active duty and when the service
16 member was discharged from active duty.

17 **History:** 2001 a. 22; 2003 a. 69; 2005 a. 25; 2007 a. 130, 196; 2007 a. 200 s. 142; Stats. 2007 s. 321.60; 2009 a. 2, 3, 344, 405.

17 **SECTION 7.** 321.60 (3) (c) of the statutes is repealed.

18 **SECTION 8.** 321.60 (4) of the statutes is amended to read:

19 321.60 (4) If a service member's license or the license of a service member's
20 spouse is renewed or extended under sub. (3) no more than 180 days before the next
21 date that the license would normally expire, the licensing agency, or supreme court
22 if it agrees, shall allow the service member or spouse, as appropriate, to renew or
23 extend the license without complying with any continuing education or training
24 requirements if complying with such requirement in the period before the license

1 expires would cause the service member or spouse, as appropriate, undue hardship.
 2 If a service member's license or the license of a service member's spouse is renewed
 3 or extended under this subsection, the licensing agency or supreme court may
 4 require the service member or spouse, as appropriate, to comply with any continuing
 5 education or training requirements within a reasonable time after receipt of the
 6 license.

7 **History:** 2001 a. 22; 2003 a. 69; 2005 a. 25; 2007 a. 130, 196; 2007 a. 200 s. 142; Stats. 2007 s. 321.60; 2009 a. 2, 3, 344, 405.

SECTION 9. 321.60 (5) of the statutes is amended to read:

8 321.60 (5) The department shall assist any service member or spouse of a
 9 service member who needs assistance to renew or extend a license under this section.

10 **History:** 2001 a. 22; 2003 a. 69; 2005 a. 25; 2007 a. 130, 196; 2007 a. 200 s. 142; Stats. 2007 s. 321.60; 2009 a. 2, 3, 344, 405.

SECTION 10. 440.09 of the statutes is created to read:

11 **440.09 Reciprocal credentials for the spouses of service members. (1)**

12 In this section, "service member" means a member of the U.S. armed forces, a reserve
 13 unit of the U.S. armed forces, or the national guard of any state.

14 (2) The department and each credentialing board shall grant a reciprocal
 15 credential to an individual who the department or credentialing board determines
 16 meets all of the following requirements:

credential

17 (a) The individual applies for a reciprocal license under this section on a form
 18 prescribed by the department or credentialing board.

19 (b) The individual is the spouse of a service member, and the spouse and service
 20 member temporarily reside in this state as a result of the service member's service
 21 in the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard
 22 of any state.

23 (c) The individual holds a license, certification, registration, or permit that was
 24 granted by a governmental authority in a jurisdiction outside this state that qualifies

1 the individual to perform the acts authorized under the appropriate credential
2 granted by the department or credentialing board.

3 (d) The individual submits to the department 2 fingerprint cards, each bearing
4 a complete set of the individual's fingerprints. The department of justice shall
5 provide for the submission of the fingerprint cards to the federal bureau of
6 investigation for the purposes of verifying the identity of the individual and
7 obtaining the applicant's criminal arrest and conviction record, if any.

8 (e) The individual pays the fee specified under s. 440.05 (2).

9 (f) The individual meets any other requirements established by the department
10 or credentialing board by rule.

11 (3) A reciprocal credential granted under this section expires 120 days after the
12 date the department or credentialing board issues the reciprocal credential.

13 (END)

Gallagher, Michael

From: Pulda, Matt
Sent: Wednesday, January 04, 2012 3:32 PM
To: Gallagher, Michael
Subject: RE: License status for active-duty service members and spouses (WI)

That might be an improvement, at least from Jim Rickel's perspective, and I like the idea that it would be up to the individual credentialing authority whether to permit the extension. Please include that language. Thanks!

Matt

From: Gallagher, Michael
Sent: Wednesday, January 04, 2012 3:28 PM
To: Pulda, Matt
Subject: RE: License status for active-duty service members and spouses (WI)

It looks like you want me to leave the 180 day period for the reciprocal / temporary credential. Let me know if, instead, you want to address that issue. For example, I could include language that gives DSPS or the appropriate board the authority to extend the length of the reciprocal / temporary credential upon the request of the service member's spouse.

Mike

Michael P. Gallagher
 Legislative Attorney
 Legislative Reference Bureau
 (608) 267-7511
 michael.gallagher@legis.wisconsin.gov

From: Pulda, Matt
Sent: Tuesday, January 03, 2012 1:26 PM
To: Gallagher, Michael
Subject: FW: License status for active-duty service members and spouses (WI)

Hi, Mike,

I have heard back from the DoD contact on LRB-3200. His comments are below. I see no problem with extending the post-deactivation grace periods and the length of the reciprocal credentials' validity to 180 days (the Florida statute I shared with you as a model said six months for each – let me know if there's something in WI law that prevents us from extending it to 180 days instead of 120).

(I'm not sure what he means in his last paragraph. It seems to me that if a military spouse is going to be in Wisconsin for an extended period, they should have to follow the same rules as WI residents once the reciprocal period permitted under this bill elapses. That's how Florida seems to do it, anyway.)

Thanks!

Matt

From: James Rickel [mailto:jdrickel@yahoo.com]
Sent: Tuesday, December 27, 2011 12:47 PM

1/4/2012

To: Pulda, Matt
Cc: Jim Rickel; Jim Rickel
Subject: Re: License status for active-duty service members and spouses (WI)

Matt,

Sorry for the delay in getting back with you on this bill. One of my bosses was off for 2 weeks, so there were some delays. My Apology!

Is there any way we can increase the 120 day to 180 day which is one of our best practices regarding this issue?

II read the proposed legislation understanding reciprocal to mean the equivalent of endorsement (applicant must have a current license that essentially allows the holder to do similar activities in another state), so why say it is only good for four months? Vice 180 Days?

Does Wisconsin have an endorsement as an approach for any licensed occupations? If so, is the proposed bill supposed to provide a bridge for expedited licensing while the applicant qualifies for an endorsement?

Thanks Matt!

James D. Rickel
Quality of Life Regional Liaison
Midwest Region (MI,OH,IN,IL,WI, WV)
DoD State Liaison Office
Office of the Deputy Under Secretary of Defense
WWW.USAA4MilitaryFamilies.org
(915) 307-3818 (Office)
(206) 799-2867 (Cell)

--- On Mon, 12/5/11, Pulda, Matt <Matt.Pulda@legis.wisconsin.gov> wrote:

From: Pulda, Matt <Matt.Pulda@legis.wisconsin.gov>
Subject: License status for active-duty service members and spouses (WI)
To: jdrickel@yahoo.com
Date: Monday, December 5, 2011, 2:15 PM

Hi, Jim,

The Legislative Reference Bureau has completed a draft of the bill that would allow service members and their spouses to remain in good standing while on active duty. Wisconsin law already covers service members to some extent, so this generally extends current law to their spouses if they follow them out-of-state and don't practice in-state. It also extends the grace period after deactivation and sets up a system within our Department of Safety and Professional Standards for recognizing licenses issued out-of-state to people whose spouses have been assigned to Wisconsin on activity (which isn't as large a number, since Wisconsin doesn't have any full-blown military installations).

Please review this draft and let me know what you think. I have not yet shared this with any of the agencies that would be affected by this, so they may have additional feedback, but I thought I'd at least check with you to see whether we're on the right track before bringing the other parties in.

Thanks!

Matt Pulda

Research Assistant/Committee Clerk

Office of State Rep. Dick Spanbauer

Assembly Committee on Veterans and Military Affairs

(608) 267-7990

Gallagher, Michael

From: Pulda, Matt
Sent: Tuesday, January 03, 2012 1:26 PM
To: Gallagher, Michael
Subject: FW: License status for active-duty service members and spouses (WI)

Hi, Mike,

I have heard back from the DoD contact on LRB-3200. His comments are below. I see no problem with extending the post-deactivation grace periods and the length of the reciprocal credentials' validity to 180 days (the Florida statute I shared with you as a model said six months for each – let me know if there's something in WI law that prevents us from extending it to 180 days instead of 120).

(I'm not sure what he means in his last paragraph. It seems to me that if a military spouse is going to be in Wisconsin for an extended period, they should have to follow the same rules as WI residents once the reciprocal period permitted under this bill elapses. That's how Florida seems to do it, anyway.)

Thanks!

Matt

From: James Rickel [mailto:jdrickel@yahoo.com]
Sent: Tuesday, December 27, 2011 12:47 PM
To: Pulda, Matt
Cc: Jim Rickel; Jim Rickel
Subject: Re: License status for active-duty service members and spouses (WI)

Matt,

Sorry for the delay in getting back with you on this bill. One of my bosses was off for 2 weeks, so there were some delays. My Apology!

Is there any way we can increase the 120 day to 180 day which is one of our best practices regarding this issue?

II read the proposed legislation understanding reciprocal to mean the equivalent of endorsement (applicant must have a current license that essentially allows the holder to do similar activities in another state), so why say it is only good for four months? Vice 180 Days?

Does Wisconsin have an endorsement as an approach for any licensed occupations? If so, is the proposed bill supposed to provide a bridge for expedited licensing while the applicant qualifies for an endorsement?

Thanks Matt!

James D. Rickel
Quality of Life Regional Liaison
Midwest Region (MI,OH,IN,IL,WI, WV)
DoD State Liaison Office
Office of the Deputy Under Secretary of Defense
WWW.USA4MilitaryFamilies.org
(915) 307-3818 (Office)

1/3/2012

(206) 799-2867 (Cell)

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Matt Pulda

Research Assistant/Committee Clerk

Office of State Rep. Dick Spanbauer

Assembly Committee on Veterans and Military Affairs

(608) 267-7990

Gallagher, Michael

From: Pulda, Matt
Sent: Wednesday, January 04, 2012 3:32 PM
To: Gallagher, Michael
Subject: RE: License status for active-duty service members and spouses (WI)

That might be an improvement, at least from Jim Rickel's perspective, and I like the idea that it would be up to the individual credentialing authority whether to permit the extension. Please include that language. Thanks!

Matt

From: Gallagher, Michael
Sent: Wednesday, January 04, 2012 3:28 PM
To: Pulda, Matt
Subject: RE: License status for active-duty service members and spouses (WI)

It looks like you want me to leave the 180 day period for the reciprocal / temporary credential. Let me know if, instead, you want to address that issue. For example, I could include language that gives DSPS or the appropriate board the authority to extend the length of the reciprocal / temporary credential upon the request of the service member's spouse.

Mike

Michael P. Gallagher
 Legislative Attorney
 Legislative Reference Bureau
 (608) 267-7511
 michael.gallagher@legis.wisconsin.gov

From: Pulda, Matt
Sent: Tuesday, January 03, 2012 1:26 PM
To: Gallagher, Michael
Subject: FW: License status for active-duty service members and spouses (WI)

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Thanks!

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From: James Rickel [mailto:jdrickel@yahoo.com]
Sent: Tuesday, December 27, 2011 12:47 PM

1/7/2012

To: Pulda, Matt
Cc: Jim Rickel; Jim Rickel
Subject: Re: License status for active-duty service members and spouses (WI)

Matt,

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Thanks Matt!

James D. Rickel
Quality of Life Regional Liaison
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1/7/2012

Please review this draft and let me know what you think. I have not yet shared this with any of the agencies that would be affected by this, so they may have additional feedback, but I thought I'd at least check with you to see whether we're on the right track before bringing the other parties in.

Thanks!

Matt Pulda

Research Assistant/Committee Clerk

Office of State Rep. Dick Spanbauer

Assembly Committee on Veterans and Military Affairs

(608) 267-7990



In 1/9/2012 ~~son~~ Thanks

State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-3200

MPG:kjf:jf

stays

2011 BILL

by Friday 1/20

Gen

1 AN ACT ...; relating to: professional or occupational licensure renewal
2 requirements for active duty service members and their spouses and
3 requirements concerning licensure in this state of spouses of service members
4 temporarily stationed in this state.

Analysis by the Legislative Reference Bureau

Under current law, in many cases, if a member of a reserve unit of the U.S. armed forces, a member of the state defense force, or a member of a national guard unit of any state who is a resident of this state is on active duty when a professional or occupational license the service member holds otherwise expires, the expiration date for that license is extended until 90 days after the service member is discharged from active duty. Moreover, the licensing agency or board, or, for a law license, the supreme court if the supreme court agrees, is required to renew the service member's license upon that expiration date until the next date that the license would normally expire at no cost to the service member if all of the following conditions are met:

1. The service member requests renewal of the license within 90 days after the service member is discharged from active duty.
2. The service member provides the licensing agency or supreme court with documentation that verifies when the service member was called to active duty and when the service member was discharged from active duty.
3. The service member meets all of the requirements necessary for the extension or renewal of the license except continuing education requirements under certain circumstances.

BILL

4. In the case of a license to practice law, the supreme court agrees to granting the extension or renewal.

Under the bill, the expiration date for a service member's professional or occupational license that would have otherwise expired while the service member was on active duty is extended from 90 days to 120 days after the service member's discharge from active duty. The bill also eliminates the requirement that the service member meet all of the requirements necessary for the extension or renewal of the service member's license.

Additionally, under the bill, all of the requirements regarding an extended expiration date and renewal of a service member's license at no cost to the service member apply to the spouse of a service member if the spouse does not practice under his or her license while the service member is on active duty. The bill also extends those requirements to a service member who is a member of the U.S. armed forces whether or not that service member is in a reserve unit of the U.S. armed forces.

Finally, under current law, the Department of Safety and Professional Services (DPS) and most of the licensing boards under DPS may grant a reciprocal license to an individual if certain requirements are met. A reciprocal license is a license granted to an individual who holds a license issued by a governmental authority in a jurisdiction outside Wisconsin under which the license holder may perform acts that are substantially the same as those acts authorized under a license issued by DPS or a licensing board under DPS.

Under the bill, DPS or a licensing board is required to grant a reciprocal license to the spouse of a member of the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard of any state if the service member and the service member's spouse temporarily reside in Wisconsin as a result of that service and the spouse does all of the following:

1. Applies for a reciprocal license.
2. Holds a license that was granted by the licensing authority of a governmental authority in a jurisdiction outside Wisconsin that qualifies the individual to practice under the license granted by DPS or the licensing board.
3. Pays the required fee.
4. Submits his or her fingerprints to DPS.
5. Meets any other requirements established by rule by DPS or a licensing board.

Such a reciprocal license expires 120 days after the date it was issued. For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 321.60 (1) (c) of the statutes is amended to read:

unless unless, upon application by the holder of the reciprocal license, ~~DPS~~ DPS or the licensing board extends the reciprocal license

BILL

1 321.60 (1) (c) "Service member" means a member of the U.S. armed forces, a
2 member of a reserve unit of the U.S. armed forces, a member of the state defense
3 force, or a member of a national guard unit of any state who is a resident of Wisconsin.

4 **SECTION 2.** 321.60 (2) of the statutes is amended to read:

5 321.60 (2) Any license that a service member holds, the expiration date of
6 which is after September 11, 2001, except a license to practice law, does not expire
7 on the expiration date of the license if, on the expiration date, the service member
8 is on active duty. If the supreme court agrees, a license to practice law that a service
9 member holds, the expiration date of which is after September 11, 2001, does not
10 expire on the expiration date of the license if, on the expiration date, the service
11 member is on active duty. A license extended under this subsection expires ~~90~~ 120
12 days after the service member is discharged from active duty.

8
-

13 **SECTION 3.** 321.60 (2m) of the statutes is created to read:

14 321.60 (2m) Any license that the spouse of a service member holds, the
15 expiration date of which is after September 11, 2001, except a license to practice law,
16 does not expire on the expiration date of the license if the service member is on active
17 duty on the expiration date of the spouse's license and the spouse does not practice
18 under the license while the service member is on active duty because the service
19 member is on active duty. If the supreme court agrees, a license to practice law that
20 the spouse of a service member holds, the expiration date of which is after September
21 11, 2001, does not expire on the expiration date of the license if the service member
22 is on active duty on the expiration date of the spouse's license and the spouse does
23 not practice under the license while the service member is on active duty because the
24 service member is on active duty. A license extended under this subsection expires
25 100 days after the service member is discharged from active duty.

8
-

BILL

1 **SECTION 4.** 321.60 (3) (intro.) of the statutes is amended to read:

2 321.60 (3) (intro.) The licensing agency or the supreme court shall extend or
3 renew a license extended under sub. (2) or (2m) until the next date that the license
4 expires or for the period that such license is normally issued, at no cost to the service
5 member or the spouse under sub. (2m), if all of the following conditions are met:

6 **SECTION 5.** 321.60 (3) (a) of the statutes is amended to read:

7 321.60 (3) (a) The service member or spouse, as appropriate, requests an
8 extension or renewal of the license within ~~90~~ 100 days after the service member is
9 discharged from active duty.

10 **SECTION 6.** 321.60 (3) (b) of the statutes is amended to read:

11 321.60 (3) (b) The service member or spouse, as appropriate, provides the
12 licensing agency or supreme court with a copy of a federal or state document that
13 specifies when the service member was called into active duty and when the service
14 member was discharged from active duty.

15 **SECTION 7.** 321.60 (3) (c) of the statutes is repealed.

16 **SECTION 8.** 321.60 (4) of the statutes is amended to read:

17 321.60 (4) If a service member's license or the license of a service member's
18 spouse is renewed or extended under sub. (3) no more than 180 days before the next
19 date that the license would normally expire, the licensing agency, or supreme court
20 if it agrees, shall allow the service member or spouse, as appropriate, to renew or
21 extend the license without complying with any continuing education or training
22 requirements if complying with such requirement in the period before the license
23 expires would cause the service member or spouse, as appropriate, undue hardship.
24 If a service member's license or the license of a service member's spouse is renewed
25 or extended under this subsection, the licensing agency or supreme court may

BILL

1 require the service member or spouse, as appropriate, to comply with any continuing
2 education or training requirements within a reasonable time after receipt of the
3 license.

4 **SECTION 9.** 321.60 (5) of the statutes is amended to read:

5 321.60 (5) The department shall assist any service member or spouse of a
6 service member who needs assistance to renew or extend a license under this section.

7 **SECTION 10.** 440.09 of the statutes is created to read:

8 **440.09 Reciprocal credentials for the spouses of service members. (1)**

9 In this section, "service member" means a member of the U.S. armed forces, a reserve
10 unit of the U.S. armed forces, or the national guard of any state.

11 (2) The department and each credentialing board shall grant a reciprocal
12 credential to an individual who the department or credentialing board determines
13 meets all of the following requirements:

14 (a) The individual applies for a reciprocal credential under this section on a
15 form prescribed by the department or credentialing board.

16 (b) The individual is the spouse of a service member, and the spouse and service
17 member temporarily reside in this state as a result of the service member's service
18 in the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard
19 of any state.

20 (c) The individual holds a license, certification, registration, or permit that was
21 granted by a governmental authority in a jurisdiction outside this state that qualifies
22 the individual to perform the acts authorized under the appropriate credential
23 granted by the department or credentialing board.

24 (d) The individual submits to the department 2 fingerprint cards, each bearing
25 a complete set of the individual's fingerprints. The department of justice shall

BILL

1 provide for the submission of the fingerprint cards to the federal bureau of
2 investigation for the purposes of verifying the identity of the individual and
3 obtaining the applicant's criminal arrest and conviction record, if any.

4 (e) The individual pays the fee specified under s. 440.05 (2).

5 (f) The individual meets any other requirements established by the department
6 or credentialing board by rule.

7 (3) A reciprocal credential granted under this section expires 100 days after the
8 date the department or credentialing board issues the reciprocal credential.

9 (END)

unless, upon application by the holder of the reciprocal credential, the department or credentialing board extends the reciprocal credential.

Gallagher, Michael

From: Pulda, Matt
Sent: Thursday, March 01, 2012 9:22 AM
To: Gallagher, Michael
Subject: FW: New Veterans bill
Importance: High
Attachments: 11-32002.pdf

Hi, Mike,

I ran this past DSPS, and their comments to me weren't very clear or consistent, so I haven't done much more with the draft, but the Governor's office got wind of the bill and had DSPS take another look at it, and the department was able to boil its suggestions down to what you see below. The Governor's office would like there to be a committee meeting on this next week, so would you please make the suggested changes (1 and 2) as soon as possible?

Thanks!

Matt

From: Hurlburt, Waylon - GOV [mailto:Waylon.Hurlburt@wisconsin.gov]
Sent: Thursday, March 01, 2012 9:15 AM
To: Pulda, Matt
Subject: FW: New Veterans bill

Here are the two changes. There looks like three, but if you get rid of fingerprinting the third no longer applies. However, if you wanted to give DSPS 60 days to comply that would be fine. See email below from DSPS.

Thanks for talking to your boss on this.

Waylon

From: Gasper, Greg - DSPS
Sent: Wednesday, February 29, 2012 9:50 AM
To: Polzin, Cindy M - GOV; Schoenfeldt, Eileen - GOV; Hurlburt, Waylon - GOV
Subject: New Veterans bill

Team –

DSPS likes the bill idea you have asked for input on. It seems like a reasonable benefit to offer to our active duty military personnel and their spouses in light of the efforts and sacrifices they make. I have attached the draft we received from Rep. Spanbauer some time ago, just to make sure we are talking about the same thing.

We do have a few suggestions on making the draft a little smoother for DSPS (in no particular order):

1 – Page 5, Line 7 requires that service members comply with continuing education credits (CE) and training requirements *“within a reasonable time after receipt of the license.”* It would be helpful if we could define *“reasonable”*. It is typical, under current practice, for DSPS to give licensees 6-9 months to complete the CE/training required for their credential in the case of someone exercising the 90-day extension. Perhaps 9 months would be good in this situation?

LM for
 Matt.
 Questions (2)

3/1/2012

2 – Section 10 (page 6, line 5) requires the fingerprinting of a spouse-reciprocal license applicant. We would prefer that the fingerprinting provision be removed. It is a substantial logistical issue for the department to tackle, and we believe that a satisfactory background check can be completed without that requirement. In addition, fingerprinting can be considered by many to be somewhat intrusive.

3 – As we read the draft, there does not appear to be an effective date of the bill. If the fingerprinting provision were to remain, we would respectfully request an effective date of 60 days so we can have time to secure a contract with a provider of this service. Without that provision, we should be able to gear up within a month or so.

There are other issues surrounding the tracking of continuing education and verification of status of active duty service member or spouse at the various stages of the application process, but we believe that we should be able to handle these specific issues without great disruption or the need for amendment.

Let me know how else we can be helpful.

Greg Gasper
Executive Assistant
Wisconsin Dept. of Safety and Professional Services

Direct: (608) 266-8608
E-Mail: Greg.Gasper@wisconsin.gov
<http://dsps.wi.gov>

~~XXXXXXXXXX~~
~~XXXXXXXXXX~~

Per Matt:
Ignore #1
30 day EID



2011 BILL

Insest

Regen

1 AN ACT *to repeal* 321.60 (3) (c); *to amend* 321.60 (1) (c), 321.60 (2), 321.60 (3)
 2 (intro.), 321.60 (3) (a), 321.60 (3) (b), 321.60 (4) and 321.60 (5); and *to create*
 3 321.60 (2m) and 440.09 of the statutes; **relating to:** professional or
 4 occupational licensure renewal requirements for active duty service members
 5 and their spouses and requirements concerning licensure in this state of
 6 spouses of service members temporarily stationed in this state.

Analysis by the Legislative Reference Bureau

Under current law, in many cases, if a member of a reserve unit of the U.S. armed forces, a member of the state defense force, or a member of a national guard unit of any state who is a resident of this state is on active duty when a professional or occupational license the service member holds otherwise expires, the expiration date for that license is extended until 90 days after the service member is discharged from active duty. Moreover, the licensing agency or board, or, for a law license, the supreme court if the supreme court agrees, is required to renew the service member's license upon that expiration date until the next date that the license would normally expire at no cost to the service member if all of the following conditions are met:

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2. The service member provides the licensing agency or supreme court with documentation that verifies when the service member was called to active duty and when the service member was discharged from active duty.

BILL

3. The service member meets all of the requirements necessary for the extension or renewal of the license except continuing education requirements under certain circumstances.

4. In the case of a license to practice law, the supreme court agrees to granting the extension or renewal.

Under the bill, the expiration date for a service member's professional or occupational license that would have otherwise expired while the service member was on active duty is extended from 90 days to 180 days after the service member's discharge from active duty. The bill also eliminates the requirement that the service member meet all of the requirements necessary for the extension or renewal of the service member's license.

Additionally, under the bill, all of the requirements regarding an extended expiration date and renewal of a service member's license at no cost to the service member apply to the spouse of a service member if the spouse does not practice under his or her license while the service member is on active duty. The bill also extends those requirements to a service member who is a member of the U.S. armed forces whether or not that service member is in a reserve unit of the U.S. armed forces.

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3. Pays the required fee.
4. Submits his or her fingerprints to DSPS.
5. Meets any other requirements established by rule by DSPS or a licensing board.

Such a reciprocal license expires 180 days after the date it was issued unless, upon application by the holder of the reciprocal license, DSPS or the licensing board extends the reciprocal license.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 321.60 (1) (c) of the statutes is amended to read:

2 321.60 (1) (c) "Service member" means a member of the U.S. armed forces, a
3 member of a reserve unit of the U.S. armed forces, a member of the state defense
4 force, or a member of a national guard unit of any state who is a resident of Wisconsin.

5 **SECTION 2.** 321.60 (2) of the statutes is amended to read:

6 321.60 (2) Any license that a service member holds, the expiration date of
7 which is after September 11, 2001, except a license to practice law, does not expire
8 on the expiration date of the license if, on the expiration date, the service member
9 is on active duty. If the supreme court agrees, a license to practice law that a service
10 member holds, the expiration date of which is after September 11, 2001, does not
11 expire on the expiration date of the license if, on the expiration date, the service
12 member is on active duty. A license extended under this subsection expires ~~90~~ 180
13 days after the service member is discharged from active duty.

14 **SECTION 3.** 321.60 (2m) of the statutes is created to read:

15 321.60 (2m) Any license that the spouse of a service member holds, the
16 expiration date of which is after September 11, 2001, except a license to practice law,
17 does not expire on the expiration date of the license if the service member is on active
18 duty on the expiration date of the spouse's license and the spouse does not practice
19 under the license while the service member is on active duty because the service
20 member is on active duty. If the supreme court agrees, a license to practice law that
21 the spouse of a service member holds, the expiration date of which is after September

BILL**SECTION 3**

1 11, 2001, does not expire on the expiration date of the license if the service member
2 is on active duty on the expiration date of the spouse's license and the spouse does
3 not practice under the license while the service member is on active duty because the
4 service member is on active duty. A license extended under this subsection expires
5 180 days after the service member is discharged from active duty.

6 **SECTION 4.** 321.60 (3) (intro.) of the statutes is amended to read:

7 321.60 (3) (intro.) The licensing agency or the supreme court shall extend or
8 renew a license extended under sub. (2) or (2m) until the next date that the license
9 expires or for the period that such license is normally issued, at no cost to the service
10 member or the spouse under sub. (2m), if all of the following conditions are met:

11 **SECTION 5.** 321.60 (3) (a) of the statutes is amended to read:

12 321.60 (3) (a) The service member or spouse, as appropriate, requests an
13 extension or renewal of the license within ~~90~~ 180 days after the service member is
14 discharged from active duty.

15 **SECTION 6.** 321.60 (3) (b) of the statutes is amended to read:

16 321.60 (3) (b) The service member or spouse, as appropriate, provides the
17 licensing agency or supreme court with a copy of a federal or state document that
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19 member was discharged from active duty.

20 **SECTION 7.** 321.60 (3) (c) of the statutes is repealed.

21 **SECTION 8.** 321.60 (4) of the statutes is amended to read:

22 321.60 (4) If a service member's license or the license of a service member's
23 spouse is renewed or extended under sub. (3) no more than 180 days before the next
24 date that the license would normally expire, the licensing agency, or supreme court
25 if it agrees, shall allow the service member or spouse, as appropriate, to renew or

BILL

1 extend the license without complying with any continuing education or training
2 requirements if complying with such requirement in the period before the license
3 expires would cause the service member or spouse, as appropriate, undue hardship.
4 If a service member's license or the license of a service member's spouse is renewed
5 or extended under this subsection, the licensing agency or supreme court may
6 require the service member or spouse, as appropriate, to comply with any continuing
7 education or training requirements within a reasonable time after receipt of the
8 license.

9 **SECTION 9.** 321.60 (5) of the statutes is amended to read:

10 321.60 (5) The department shall assist any service member or spouse of a
11 service member who needs assistance to renew or extend a license under this section.

12 **SECTION 10.** 440.09 of the statutes is created to read:

13 **440.09 Reciprocal credentials for the spouses of service members. (1)**

14 In this section, "service member" means a member of the U.S. armed forces, a reserve
15 unit of the U.S. armed forces, or the national guard of any state.

16 (2) The department and each credentialing board shall grant a reciprocal
17 credential to an individual who the department or credentialing board determines
18 meets all of the following requirements:

19 (a) The individual applies for a reciprocal credential under this section on a
20 form prescribed by the department or credentialing board.

21 (b) The individual is the spouse of a service member, and the spouse and service
22 member temporarily reside in this state as a result of the service member's service
23 in the U.S. armed forces, a reserve unit of the U.S. armed forces, or the national guard
24 of any state.

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1 (c) The individual holds a license, certification, registration, or permit that was
2 granted by a governmental authority in a jurisdiction outside this state that qualifies
3 the individual to perform the acts authorized under the appropriate credential
4 granted by the department or credentialing board.

5 (d) The individual submits to the department 2 fingerprint cards, each bearing
6 a complete set of the individual's fingerprints. The department of justice shall
7 provide for the submission of the fingerprint cards to the federal bureau of
8 investigation for the purposes of verifying the identity of the individual and
9 obtaining the applicant's criminal arrest and conviction record, if any.

10 (10) d (6) The individual pays the fee specified under s. 440.05 (2).

11 (11) e (7) The individual meets any other requirements established by the department
12 or credentialing board by rule.

13 (3) A reciprocal credential granted under this section expires 180 days after the
14 date the department or credentialing board issues the reciprocal credential unless,
15 upon application by the holder of the reciprocal credential, the department or
16 credentialing board extends the reciprocal credential.

17 (END)

Insert 6-16

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3200/3ins
MPG:kjf:rs

1 INSERT 6-16

2 SECTION 1. Effective date.

3 (1) This act takes effect on *the* first day of the *2nd* second month beginning after
4 publication.

5 END INSERT 6-16

Barman, Mike

From: Pulda, Matt
Sent: Friday, March 02, 2012 2:31 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-3200/3 Topic: Suspend certain professional licensure requirements for active duty service members

Please Jacket LRB 11-3200/3 for the ASSEMBLY.