2011 DRAFTING REQUEST

Bill

Received: **03/05/2012**

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB:

For: **Van Wanggaard (608) 266-1832**

By/Representing: **Scott Kelly**

May Contact:

Drafter: **mgallagh**

Subject: **Occupational Reg. - misc**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Wanggaard@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

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Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mgallagh 03/05/2012	wjackson 03/05/2012		_____ _____			State
/1			phenry 03/05/2012	_____ _____	lparisi 03/05/2012	lparisi 03/05/2012	

FE Sent For:

at intro 3/6

<END>

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/1			phenry 03/05/2012	_____ _____	lparisi 03/05/2012		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: **03/05/2012**

Received By: **mgallagh**

Wanted: **As time permits**

Companion to LRB: 3200

For: **Van Wanggaard (608) 266-1832**

By/Representing: **Scott Kelly**

May Contact:

Drafter: **mgallagh**

Subject: **Occupational Reg. - misc**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Wanggaard@legis.wisconsin.gov**

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

Pre Topic:

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Topic:

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See attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	mgallagh	/1 WLJ 3/5	3/5 pl	X			

FE Sent For:

<END>

Gallagher, Michael

From: Kelly, Scott
Sent: Monday, March 05, 2012 8:33 AM
To: Pulda, Matt; Gallagher, Michael
Subject: RE: Senate companion to LRB-3200

Hi Mike – Please jacket right away.

From: Pulda, Matt
Sent: Monday, March 05, 2012 8:30 AM
To: Gallagher, Michael
Cc: Kelly, Scott
Subject: Senate companion to LRB-3200

Hi, Mike,

Senator Wanggaard will introduce the companion to LRB-3200, so please release the draft to his office.

Thanks!

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

State of Wisconsin
2011 – 2012 LEGISLATURE

4229/1

LRB-3200/3
MPG:kjf:jm

stays

2011 BILL

Regen

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

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 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.

Finally, under current law, the Department of Safety and Professional Services (DSPS) and most of the licensing boards under DSPS 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 DSPS or a licensing board under DSPS.

Under the bill, DSPS 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 DSPS or the licensing board.

3. Pays the required fee.

4. 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.

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
22 11, 2001, does not expire on the expiration date of the license if the service member
23 is on active duty on the expiration date of the spouse's license and the spouse does
24 not practice under the license while the service member is on active duty because the

service member is on active duty. A license extended under this subsection expires 180 days after the service member is discharged from active duty.

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

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

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

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

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

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

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

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

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

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

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

7 321.60 **(5)** The department shall assist any service member or spouse of a
8 service member who needs assistance to renew or extend a license under this section.

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

10 **440.09 Reciprocal credentials for the spouses of service members. (1)**
11 In this section, "service member" means a member of the U.S. armed forces, a reserve
12 unit of the U.S. armed forces, or the national guard of any state.

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

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

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

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

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

2 (e) The individual meets any other requirements established by the
3 department or credentialing board by rule.

4 **(3)** A reciprocal credential granted under this section expires 180 days after the
5 date the department or credentialing board issues the reciprocal credential unless,
6 upon application by the holder of the reciprocal credential, the department or
7 credentialing board extends the reciprocal credential.

8 **SECTION 11. Effective date.**

9 (1) This act takes effect on the first day of the 2nd month beginning after
10 publication.

11 **(END)**

Basford, Sarah

From: Kelly, Scott
Sent: Monday, March 05, 2012 9:19 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-4229/1 Topic: Suspend certain professional licensure requirements for active duty service members

Please Jacket LRB 11-4229/1 for the SENATE.