



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 288

**Senate
Amendments 1 through 3**

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Contact: Andrea Brauer, Staff Attorney

2017 SENATE BILL 288

2017 Senate Bill 288 (the bill) has two main components. First, it requires the Department of Administration (DOA) to prepare and issue an “occupational license report” within 30 days after any bill is introduced, which requires individuals to obtain a license to engage in a profession or occupation, or to own or operate a business. The report must contain a list of findings regarding regulation of the profession, and DOA is required to consult with certain interested parties in preparing the report. The bill also requires that DOA’s report be posted to its website, and distributed before certain actions may be taken on the proposed legislation.

Second, the bill creates a nine-member Occupational License Review Council (Council) in the Department of Safety and Professional Services (DSPA). The Council is tasked with preparing reports that include recommendations for the elimination of occupational licenses and the reduction or elimination of continuing and other education requirements for occupational licenses. The first report must be submitted by December 31, 2018, and additional reports must be submitted by December 31 every 10th year thereafter. The Legislative Reference Bureau (LRB) is required to draft bills giving effect to the Council’s recommendations. These bills must be referred to the appropriate standing committee of each house, and the Legislature must take final action by at least June 30, 2019, and by June 30 every 10th year thereafter for subsequent reports.

SENATE AMENDMENT 1

Senate Amendment 1 modifies certain deadlines related to the Council. The following deadlines apply under the **bill**: (1) the Council must be appointed by January 31, 2018, and every 10 years thereafter; (2) the DSPA Secretary must convene the Council by February 5, 2018, and

by the first Monday in February every 10 years thereafter; and (3) the Council must submit its report by December 31, 2018, and every 10 years thereafter.

Under **Senate Amendment 1**, these deadlines are modified as follows: (1) the Council must be appointed within 30 days after the act's effective date, and by January 31 of every 10th year thereafter; (2) the DSPS Secretary must convene the Council within 45 days after the act's effective date, and by the first Monday in February every 10th year thereafter; and (3) the Council must submit its report by the first day of the 13th month after the act's effective date, and by December 31 of every 10th year thereafter.

SENATE AMENDMENT 2

Appointment of Council Members

Under the **bill**, the Council consists of the following nine members: four members appointed by the Governor, the DSPS Secretary, two members of the Senate appointed by the Senate Majority Leader, and two members of the Assembly appointed by the Speaker of the Assembly. The DSPS Secretary serves as the chair and may only vote in the case of a tie.

Senate Amendment 2 modifies these appointments so that the nine-member Council consists of four members appointed by the Governor, the DSPS Secretary, and one member appointed by each of the following: the Senate Majority Leader, the Senate Minority Leader, the Speaker of the Assembly, and the Assembly Minority Leader.

Public Comment Period

Senate Amendment 2 also adds a requirement that the Council must accept written public comments for at least 14 consecutive days before meeting for the purpose of making its recommendations. At the time the Council begins accepting written comments, it must make a reasonable attempt to provide notice to certain interested parties. In addition, any department, board, or other state body that collects licensees' electronic contact information must also send those licensees an electronic notice that the Council is receiving written comments.

SENATE AMENDMENT 3

Senate Amendment 3 repeals a related provision in the 2017-19 Biennial Budget, which directs DSPS to study occupational licenses and submit a report with recommendations for elimination of licenses to the Legislature and Governor by December 31, 2018. [2017 Wisconsin Act 59, s. 9139 (17w).] Among other differences between the bill and this budget provision, the budget does not create a Council, does not require LRB to draft legislation based on DSPS's report, and does not require the creation of subsequent reports on a 10-year basis.

BILL HISTORY

On September 26, 2017, Senator Kapenga offered Senate Amendments 1 and 3, and Senators Harsdorf and Kapenga offered Senate Amendment 2. On September 28, 2017, the Senate Committee on Public Benefits, Licensing, and State-Federal Relations recommended adoption of Senate Amendments 1, 2, and 3, each on a vote of Ayes 4; Noes 1. The committee then recommended passage of the bill, as amended, on a vote of Ayes 3; Noes 2.

AB:jal