

**SENATE BILL 103 (LRB -0509)**

An Act to renumber and amend 440.03 (13); and to create 440.03 (13) (b) and 440.03 (13) (c) of the statutes; relating to: criminal background investigations by the Department of Regulation and Licensing of applicants for certain professional credentials. (FE)

**2003**

07-16. S. Introduced by Senators **Cowles, Stepp and Hansen**; cosponsored by Representatives **Krawczyk, Weber, Van Roy, McCormick, Hahn, Hines, Owens and Vrakas**.

04-09. S. Read first time and referred to committee on Labor, Small Business Development and Consumer Affairs ... 140

04-18. S. Fiscal estimate received.

07-16. S. Public hearing held.

09-10. S. Fiscal estimate received.

10-22. S. Executive action taken.

10-23. S. Report passage recommended by committee on Labor, Small Business Development and Consumer Affairs, Ayes 4, Noes 1 ..... 433

10-23. S. Available for scheduling.

11-03. S. Placed on calendar 11-5-2003 by committee on Senate Organization.

11-05. S. Read a second time ..... 466

11-05. S. Ordered to a third reading ..... 466

11-05. S. Rules suspended ..... 466

11-05. S. Read a third time and **passed** ..... 466

11-05. S. Ordered immediately messaged ..... 466

11-17. A. Received from Senate ..... 547

11-17. A. Read first time and referred to committee on Labor ..... 547

12-17. A. Public hearing held.

**2004**

02-16. A. Assembly substitute amendment 1 offered by Representative Nass (**LRB s0330**) ..... 701

02-18. A. Executive action taken.

02-19. A. Report Assembly Substitute Amendment 1 adoption recommended by committee on Labor, Ayes 9, Noes 0 ..... 709

02-19. A. Report concurrence as amended recommended by committee on Labor, Ayes 9, Noes 0 ..... 709

02-19. A. Referred to committee on Rules ..... 709

02-25. A. Placed on calendar 3-2-2004 by committee on Rules.

03-02. A. Read a second time ..... 775

03-02. A. Assembly substitute amendment 1 **adopted** ..... 775

03-02. A. Ordered to a third reading ..... 775

03-02. A. Rules suspended ..... 775

03-02. A. Read a third time and **concurred in** as amended ..... 775

03-02. A. Ordered immediately messaged ..... 775

03-03. S. Received from Assembly amended and concurred in as amended, Assembly substitute amendment 1 adopted ..... 660

03-03. S. Available for scheduling.

03-03. S. Placed on calendar 3-4-2004 by committee on Senate Organization.

03-04. S. Assembly substitute amendment 1 **concurred in** ..... 667

03-04. S. Action ordered immediately messaged ..... 670

**2003  
ENROLLED BILL**

03en S B-103

**ADOPTED DOCUMENTS:**

Orig     Engr

A SubAmtdt L

03503301

Amendments to above (if none, write "NONE"):

None

Corrections - show date (if none, write "NONE"):

None

Topic

relief m.w.s. DeRunder

3/6/04

Date

[Signature]

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2003 SENATE BILL 103**

February 16, 2004 - Offered by Representative NASS.

1 **AN ACT to renumber and amend** 440.03 (13); and **to create** 440.03 (13) (b) and  
2 440.03 (13) (c) of the statutes; **relating to:** criminal background investigations  
3 by the Department of Regulation and Licensing of applicants for certain  
4 professional credentials and granting rule-making authority.

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

5 **SECTION 1.** 440.03 (13) of the statutes is renumbered 440.03 (13) (a) and  
6 amended to read:

7 440.03 (13) (a) The department may conduct an investigation to determine  
8 whether an applicant for a credential issued under chs. 440 to 480 satisfies any of  
9 the eligibility requirements specified for the credential, including whether the  
10 applicant does not have an arrest or conviction record. In conducting an  
11 investigation under this ~~subsection~~ paragraph, the department may require an  
12 applicant to provide any information that is necessary for the investigation ~~or, for the~~

1 ~~purpose of obtaining information related to, except that, for an investigation of an~~  
2 ~~arrest or conviction record of an applicant, to complete forms provided by the~~  
3 ~~department of justice or the federal bureau of investigation, the department shall~~  
4 ~~comply with the requirements of pars. (b) and (c).~~

5 (d) The department shall charge the an applicant any fees, costs, or other  
6 expenses incurred in conducting the any investigation under this subsection or s.  
7 440.26.

8 **SECTION 2.** 440.03 (13) (b) of the statutes is created to read:

9 440.03 (13) (b) The department may investigate whether an applicant for or  
10 holder of any of the following credentials has been charged with or convicted of a  
11 crime only pursuant to rules promulgated by the department under this paragraph,  
12 except as provided in par. (c):

- 13 1. Accountant, certified public.
- 14 2. Acupuncturist.
- 15 3. Advanced practice nurse prescriber.
- 16 4. Aesthetician.
- 17 5. Aesthetics instructor.
- 18 6. Appraiser, real estate, certified general.
- 19 7. Appraiser, real estate, certified residential.
- 20 8. Appraiser, real estate, licensed.
- 21 9. Architect.
- 22 10. Athletic trainer.
- 23 11. Auctioneer.
- 24 12. Audiologist.
- 25 13. Barber or cosmetologist.

- 1 14. Barbering or cosmetology instructor.
- 2 15. Barbering or cosmetology manager.
- 3 16. Boxer.
- 4 17. Cemetery preneed seller.
- 5 18. Cemetery salesperson.
- 6 19. Chiropractor.
- 7 20. Dental hygienist.
- 8 21. Dentist.
- 9 22. Designer of engineering systems.
- 10 23. Dietitian.
- 11 24. Drug distributor.
- 12 25. Drug manufacturer.
- 13 26. Electrologist.
- 14 27. Electrology instructor.
- 15 28. Engineer, professional.
- 16 29. Fund-raising counsel.
- 17 30. Funeral director.
- 18 31. Hearing instrument specialist.
- 19 32. Home inspector.
- 20 33. Landscape architect.
- 21 34. Land surveyor.
- 22 35. Manicuring instructor.
- 23 36. Manicurist.
- 24 37. Marriage and family therapist.
- 25 38. Massage therapist or bodyworker.

- 1 39. Music, art, or dance therapist.
- 2 40. Nurse, licensed practical.
- 3 41. Nurse, registered.
- 4 42. Nurse–midwife.
- 5 43. Nursing home administrator.
- 6 44. Occupational therapist.
- 7 45. Occupational therapy assistant.
- 8 46. Optometrist.
- 9 47. Perfusionist.
- 10 48. Pharmacist.
- 11 49. Physical therapist.
- 12 50. Physical therapist assistant.
- 13 51. Physician.
- 14 52. Physician assistant.
- 15 53. Podiatrist.
- 16 54. Private detective.
- 17 55. Private practice school psychologist.
- 18 56. Private security person.
- 19 57. Professional counselor.
- 20 58. Professional fund–raiser.
- 21 59. Professional geologist.
- 22 60. Professional hydrologist.
- 23 61. Professional soil scientist.
- 24 62. Psychologist.
- 25 63. Real estate broker.

- 1           64. Real estate salesperson.
- 2           65. Registered interior designer.
- 3           66. Respiratory care practitioner.
- 4           67. Social worker.
- 5           68. Social worker, advanced practice.
- 6           69. Social worker, independent.
- 7           70. Social worker, independent clinical.
- 8           71. Speech–language pathologist.
- 9           72. Time–share salesperson.
- 10          73. Veterinarian.
- 11          74. Veterinary technician.
- 12          75. Any other profession or occupation specified by law that is regulated by the
- 13          department or a credentialing board.

14           **SECTION 3.** 440.03 (13) (c) of the statutes is created to read:

15           440.03 (13) (c) The department shall require an applicant for a private  
16           detective license or a private security permit under s. 440.26, and a person for whom  
17           the department conducts an investigation under par. (b), to be photographed and  
18           fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's  
19           fingerprints. The department of justice may submit the fingerprint cards to the  
20           federal bureau of investigation for the purpose of verifying the identity of the persons  
21           fingerprinted and obtaining records of their criminal arrests and convictions.

22           **SECTION 4. Nonstatutory provisions.**

23           (1) The department of regulation and licensing may, using the procedure under  
24           section 227.24 of the statutes, promulgate the rules under section 440.03 (13) (b) of  
25           the statutes, as created by this act, for the period before permanent rules become

1 effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2)  
2 of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes,  
3 the department is not required to provide evidence that promulgating a rule under  
4 this subsection as an emergency rule is necessary for the preservation of the public  
5 peace, health, safety, or welfare and is not required to provide a finding of emergency  
6 for a rule promulgated under this subsection.

7 **SECTION 5. Effective date.**

8 (1) This act takes effect on the first day of the 4th month beginning after  
9 publication.

10 (END)