

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2975/3dn
MPG:med:jm

December 29, 2011

Representative Severson:

Please review this draft carefully to ensure that it is consistent with your intent.

As AJ Scholz requested, this draft requires the Department of Safety and Professional Services (DSPS) to promulgate rules that establish the criteria under which DSPS will conduct an investigation of a credential applicant's or credential holder's arrest or conviction record. Please let me know whether you want to include a delayed effective date to allow DSPS to promulgate those rules. Also, do you want to exempt the rules required in the draft from the requirement to provide an economic impact analysis or any other requirements for rules promulgation?

Finally, please note that DSPS currently has rules regarding when it may conduct an investigation of a credential applicant's or credential holder's arrest or conviction record. Specifically, Wis. Adm. Code s. SPS 4.07 provides that DSPS shall (rather than "may" as s. 440.03 (13) (a) and (b) provide) conduct such an investigation for a credential applicant with respect to the credentials listed in that section of the administrative code. With respect to a credential holder, Wis. Adm. Code s. SPS 4.09 establishes that DSPS "may investigate whether a holder of any of the credentials set forth in s. SPS 4.07 has been arrested, charged with or convicted of a crime for the purposes of determining whether the circumstances of the arrest, charge or conviction substantially relate to the circumstances of the credentialed activity." You may want to take a look at those provisions in the administrative code to determine if there is something more or different that you want to require DSPS to do.

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