



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for

2013 LRB-4549 (For: Senator Harsdorf)


has been transferred to the drafting file for

2015 LRB-3100 (For: Senator Harsdorf)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 08/31/2015 (Per: MED)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the digital drafting file.

2013 DRAFTING REQUEST

Bill

Received: **8/20/2014** Received By: **mduchek**
Wanted: **As time permits** Same as LRB:
For: **Sheila Harsdorf (608) 266-7745** By/Representing: **Brooke**
May Contact: Drafter: **mduchek**
Subject: **Occupational Reg. - prof lic** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Harsdorf@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require DSPS to prorate initial credential fees depending on how much time is left until the renewal date

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>
/?	mduchek 8/28/2014			_____			
/P1		csicilia 8/28/2014	rschluet 8/28/2014	_____	lparisi 8/28/2014		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **8/20/2014** Received By: **mduchek**
Wanted: **As time permits** Same as LRB:
For: **Sheila Harsdorf (608) 266-7745** By/Representing: **Brooke**
May Contact: Drafter: **mduchek**
Subject: **Occupational Reg. - prof lic** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Harsdorf@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require DSPS to prorate initial credential fees depending on how much time is left until the renewal date

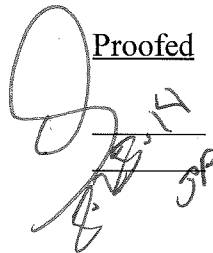
Instructions:

See attached

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? mduchek

Handwritten signature and initials, possibly 'SF' and '14', over a grid.

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **8/20/2014** Received By: **mduchek**
Wanted: **As time permits** Same as LRB:
For: **Sheila Harsdorf (608) 266-7745** By/Representing: **Brooke**
May Contact: Drafter: **mduchek**
Subject: **Occupational Reg. - prof lic** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Harsdorf@legis.wisconsin.gov**
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Require DSPS to prorate initial credential fees depending on how much time is left until the renewal date

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>
/?	mduchek			_____			

FE Sent For:

<END>

Duchek, Michael

From: Froelich, Brooke
Sent: Wednesday, August 20, 2014 12:41 PM
To: Duchek, Michael
Subject: RE: Some thoughts on your request

Hi Mike,

I talked to Matt and this was a suggestion. Would this be doable?

I would suggest maybe allowing DSPS to charge the fees by a calendar year quarter – which would create some structure for them to inform applicants of how much they need to pay based upon when they submit their application. A pure prorated would also be a bookkeeping nightmare for DSPS. So, if a license is good for two years, allow DSPS to break up the two years into 8 quarters and applicants can pay based upon which quarter they apply in – if they are only a quarter away from the regular payment date, they would only pay 1/8th of the fee.

Brooke Froelich

Office of Senator Sheila Harsdorf
18 South, State Capitol
608.266.7745
brooke.froelich@legis.wi.gov

From: Duchek, Michael
Sent: Wednesday, August 20, 2014 11:56 AM
To: Froelich, Brooke
Subject: Some thoughts on your request

Brooke,

As I was taking a look at the statutes regarding your request to have fees be prorated, I thought at first that the request was very simple. But then I realized that, when you apply for a license, part of your application is paying the fee. So DSPS would need some way of telling people up front what the prorated fee would be, which might be difficult especially since you wouldn't know when DSPS will issue your license. You also have people who might apply for a license, only to be denied for whatever reason. In that case, it appears from reading DSPS's rules that they get a refund of everything but \$10.

So, it seems to me it might instead be easier, instead of having DSPS prorate the fee, to have the applicant pay the full fee and then have DSPS issue a prorated refund if/when the license is issued. Would that make sense to you?

Mike Duchek
Legislative Attorney
Wisconsin Legislative Reference Bureau
(608) 266-0130



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-4549/P1
MED:.....

In 8/28/14

L
gjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

8A ✓

Gov Cat

J-note

1 AN ACT^D relating to: fees charged for initial credentials administered by the
2 department of safety and professional ^S services and its attached boards.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

3 SECTION 1. 440.03 (9) (a) (intro.) of the statutes is amended to read:
4 440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 440.05 (1) (a) 2., the
5 department shall, biennially, determine each fee for an initial credential for which
6 no examination is required, for a reciprocal credential, and for a credential renewal
7 by doing all of the following:

History: 1977 c. 418 ss. 24, 792; 1979 c. 34, 221, 337; 1981 c. 94; 1985 a. 29, 340; 1989 a. 31, 340; 1991 a. 39; 1993 a. 16, 102, 107, 443, 445, 490, 491; 1995 a. 27 ss. 6472g, 6472j, 9126 (19); 1995 a. 233; 1997 a. 27, 75, 79; 1997 a. 191 ss. 312, 313, 318; 1997 a. 231, 237; 1997 a. 261 ss. 1 to 4, 7, 10, 13; 1997 a. 311; 1999 a. 9, 32; 2001 a. 16, 66, 80; 2003 a. 151; 2005 a. 25; 2007 a. 20 ss. 3449 to 3462, 9121 (6) (a); 2007 a. 153, 189; 2009 a. 28, 130, 276, 282, 355; 2011 a. 32, 146, 160, 190, 255; 2013 a. 20, 36, 124, 244, 288, 358.

1 SECTION 2. 440.05 (1) (a) of the statutes is renumbered 440.05 (1) (a) 1. and
2 amended to read:

3 440.05 (1) (a) 1. Initial credential: An amount determined by the department
4 under s. 440.03 (9) (a), with any reductions applied as provided in subd. 2. Each
5 applicant for an initial credential shall pay the initial credential fee to the
6 department when the application materials for the initial credential are submitted
7 to the department, except that no fee is required under this paragraph for an
8 individual who is eligible for the veterans fee waiver program under s. 45.44.

History: 1977 c. 29, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1983 a. 27; 1985 a. 29; 1987 a. 264, 265, 329, 399, 403; 1989 a. 31, 229, 307, 316, 336, 340, 341, 359; 1991 a. 39, 269, 278, 315; 1993 a. 16; 1995 a. 27; 1997 a. 27, 96; 1999 a. 9; 2001 a. 16; 2003 a. 150, 270, 285, 327; 2005 a. 25, 297; 2007 a. 20; 2011 a. 209; 2013 a. 20.

9 SECTION 3. 440.05 (1) (a) 2. of the statutes is created to read:

10 440.05 (1) (a) 2. The department shall reduce the fee for an initial credential
11 to which this paragraph applies according to the following procedure:

12 a. Dividing the period between consecutive renewal dates for the ^Ycredential
13 into 8 periods that are as equal as possible in the number of days. _{initial}

14 b. Dividing the fee determined by the department under s. 440.03 (9) (a) for ^{the}an
15 initial credential by 8.

16 c. Reducing the ^{Subtracting from}total fee determined by the department under s. 440.03 (9) (a)
17 for ^{the}an initial credential ^{Since the most recent renewal date for the initial credential is}by an amount that is equal to ^{the}the number of periods under
18 subd. 2. a. that have completely elapsed ^{for the initial credential}as of the date the applicant submits
19 ^{the}application materials ^{to the department}multiplied by ^{the}the quotient under subd. 2.

20 b. multiplied by

21 SECTION 4. Initial applicability.

22 (1) This act first applies to fees charged for initial credentials for which
23 application materials are submitted to the department of safety and professional
24 services on the effective date of this subsection.

****NOTE: Let me know if this initial applicability provision would need to be modified, or if a delayed effective date would be necessary for DSPS to implement this proposal.



1

(END)

d-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4549/P1dn

MED:f:.....

gjs

- date -

You suggested having the licensure period broken up by calendar quarters. However, not all license renewal dates fall at the ends or beginnings of calendar quarters. In fact, while most licenses have renewal dates at the beginning of a given month, there are a few that are on the 15th of the month. So tying the proposal to calendar quarters, or even calendar months, would not often result in equal periods and would mean unequal prorating. Therefore, I instead simply provided that the licensure period, whatever that is, would be divided into 8 equal periods. Let me know if that is not OK or if you want to address this differently.

As I indicated via email, another approach would be to have DSPS refund the prorated amount after approving an application. In addition to that, here are some other approaches you could consider:

1. Requiring DSPS to offer the prorated amount as a credit that can be applied toward the next renewal fee, though this would be of no benefit to someone who does not end up renewing his or her license.
2. Requiring DSPS to simply waive the renewal fee for those who apply for an initial license within X days prior to the next renewal date. This approach has been used to exempt licensees from having to complete continuing education requirements.

These approaches, however, would be of no benefit to someone who does not end up renewing his or her license.

Otherwise, if you like the approach taken in this draft, in the next version I will have to amend numerous other cross-references in the statutes, just to account for the prorating scheme. I did not make those purely technical changes in this version because doing so will add to the length of the draft significantly and it will be easier to review initially without those changes.

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4549/P1dn
MED:cjs:rs

August 28, 2014

You suggested having the licensure period broken up by calendar quarters. However, not all license renewal dates fall at the ends or beginnings of calendar quarters. In fact, while most licenses have renewal dates at the beginning of a given month, there are a few that are on the 15th of the month. So tying the proposal to calendar quarters, or even calendar months, would not often result in equal periods and would mean unequal prorating. Therefore, I instead simply provided that the licensure period, whatever that is, would be divided into 8 equal periods. Let me know if that is not OK or if you want to address this differently.

As I indicated via e-mail, another approach would be to have DSPS refund the prorated amount after approving an application. In addition to that, here are some other approaches you could consider:

1. Requiring DSPS to offer the prorated amount as a credit that can be applied toward the next renewal fee.
2. Requiring DSPS to simply waive the renewal fee for those who apply for an initial license within X days prior to the next renewal date. This approach has been used to exempt licensees from having to complete continuing education requirements.

These approaches, however, would be of no benefit to someone who does not end up renewing his or her license.

Otherwise, if you like the approach taken in this draft, in the next version I will have to amend numerous cross-references in the statutes, just to account for the prorating scheme. I did not make those purely technical changes in this version because doing so will add to the length of the draft significantly and it will be easier to review initially without those changes.

Michael Duchek
Legislative Attorney
Phone: (608) 266-0130
E-mail: michael.duchek@legis.wisconsin.gov



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 440.05 (1) (a); and *to create* 440.05 (1) (a) 2.
2 of the statutes; **relating to:** fees charged for initial credentials administered
3 by the Department of Safety and Professional Services and its attached boards.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

4 **SECTION 1.** 440.05 (1) (a) of the statutes is renumbered 440.05 (1) (a) 1. and
5 amended to read:

6 440.05 (1) (a) 1. Initial credential: An amount determined by the department
7 under s. 440.03 (9) (a), with any reductions applied as provided in subd. 2. Each
8 applicant for an initial credential shall pay the initial credential fee to the

1 department when the application materials for the initial credential are submitted
2 to the department, except that no fee is required under this paragraph for an
3 individual who is eligible for the veterans fee waiver program under s. 45.44.

4 **SECTION 2.** 440.05 (1) (a) 2. of the statutes is created to read:

5 440.05 (1) (a) 2. The department shall reduce the fee for an initial credential
6 to which this paragraph applies according to the following procedure:

7 a. Dividing the period between consecutive renewal dates for the initial
8 credential into 8 periods that are as equal as possible in the number of days.

9 b. Dividing the fee determined by the department under s. 440.03 (9) (a) for the
10 initial credential by 8.

11 c. Subtracting from the fee determined by the department under s. 440.03 (9)
12 (a) for the initial credential an amount that is equal to the quotient under subd. 2.

13 b. multiplied by the number of periods under subd. 2. a. that have completely elapsed,
14 since the most recent renewal date for the initial credential, as of the date the
15 applicant submits the application materials for the initial credential to the
16 department.

17 **SECTION 3. Initial applicability.**

18 (1) This act first applies to fees charged for initial credentials for which
19 application materials are submitted to the department of safety and professional
20 services on the effective date of this subsection.

****NOTE: Let me know if this initial applicability provision would need to be
modified, or if a delayed effective date would be necessary, for DSPS to implement this
proposal.