



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-1519/P2
MPG:wlj

DOA:.....Potts, BB0275 - License Sunset Committee

FOR 2017-2019 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; **relating to:** the budget.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill creates the Occupational License Review Council. The council is created in DSPS and consists of the following members:

1. Eight members appointed by the governor to serve at the pleasure of the governor.
2. One majority party member and one minority party member from each house of the legislature, appointed as are the members of standing committees in their respective houses.
3. The secretary of safety and professional services or his or her designee, who serves as the council's chair. The secretary or designee is a nonvoting member, except that he or she may vote in the case of a tie.

The council is required to submit a report by December 31, 2018, to the governor, the chief of the Legislative Reference Bureau, and the legislature that includes the council's recommendations for the elimination of occupational licenses in this state and the reduction or elimination of occupational license continuing education requirements. The council's recommendations for the elimination of occupational licenses must take into account a number of considerations, including any statement or analysis provided by the agency or board administering an occupational license and including an evaluation of whether the unregulated

practice of the profession, occupation, or trade can clearly harm or endanger the health, safety, or welfare of the public.

Under the bill, the Legislative Reference Bureau is required to prepare legislation based on the council's recommendations, and the proposed legislation is required to be introduced without change and placed on the legislative calendar or referred to the appropriate legislative scheduling committee. The proposed legislation may not be amended, and the legislature must take final action on the proposed legislation no later than June 30, 2019.

For purposes of the bill, the term "occupational license" means any license, permit, certification, registration, or other approval granted by DSPS or a board under DSPS and any other license, permit, certification, registration, or approval granted to a person by this state in order that the person may engage in a profession, occupation, or trade or use one or more titles in association with his or her profession, occupation, or trade.

The council and the bill's requirements sunset effective July 1, 2019.

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:

SECTION 1. 15.407 (19) of the statutes is created to read:

15.407 (19) OCCUPATIONAL LICENSE REVIEW COUNCIL. There is created in the department of safety and professional services an occupational license review council. The council shall consist of the following members:

(a) Eight members appointed by the governor to serve at the pleasure of the governor.

(b) One majority party member and one minority party member from each house of the legislature, appointed as are the members of standing committees in their respective houses.

(c) The secretary of safety and professional services or his or her designee, who shall serve as chair of the council. The secretary or the secretary's designee shall serve as a nonvoting member, except that he or she may vote in the case of a tie.

SECTION 2. 15.407 (19) of the statutes, as created by 2017 Wisconsin Act ... (this act), is repealed.

SECTION 3. 440.023 of the statutes is created to read:

440.023 Occupational license review council. (1) DEFINITIONS. In this section:

(a) "Council" means the occupational license review council.

(b) "Occupational license" means any of the following:

1. A license, permit, certification, registration, or other approval granted under s. 167.10 (6m) or under ch. 101 or 145 or under chs. 440 to 480.

2. A license, permit, certification, registration, or other approval not included under subd. 1., if granted to a person by this state in order that the person may engage in a profession, occupation, or trade in this state or in order that the person may use one or more titles in association with his or her profession, occupation, or trade.

(2) REPORT. No later than December 31, 2018, the council shall submit a report to the governor, the chief of the legislative reference bureau, and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2). In preparing the report, the council shall take into account the impact the council estimates its recommendations will have on state revenues and expenditures. The report shall include all of the following:

(a) The council's recommendations for the elimination of occupational licenses based on all of the following:

1. The council's evaluation of whether the unregulated practice of the profession, occupation, or trade can clearly harm or endanger the health, safety, or

welfare of the public, and whether the potential for the harm is recognizable and not remote or speculative.

2. The council's evaluation of whether the public reasonably benefits from the occupational license requirement.

3. The council's evaluation of whether the public can be effectively protected by any means other than requiring an occupational license.

3. The council's analysis of whether licensure requirements for the regulated profession, occupation, or trade exist in other states.

4. The council's estimate of the number of individuals or entities that are affected by the occupational license requirement.

5. The council's estimate of the total financial burden imposed on individuals or entities as a result of the occupational licensure requirement, including education or training costs, examination fees, private credential fees, occupational license fees imposed by the state, and other costs individuals or entities incur in order to obtain the required occupational license.

6. Any statement or analysis provided by the agency or board administering the occupation license.

(b) The council's recommendations for the reduction or elimination of continuing education requirements for occupational licenses not recommended for elimination under par. (a).

(3) LEGISLATIVE ACTION. (a) The legislative reference bureau shall prepare legislation that gives effect to the council's recommendations under sub. (2).

(b) A bill prepared under par. (a) shall be introduced without change in each house of the legislature by the joint committee on legislative organization and shall be put on the calendar or referred to the appropriate scheduling committee of each

house, except that the joint committee on legislative organization may submit the bill or a suitable portion of the bill to an appropriate legislative committee for advisory recommendations.

(c) A bill introduced under par. (b) may not be amended, and the legislature shall take final action on the bill no later than June 30, 2019.

(d) A bill introduced under par. (b) is not subject to s. 13.093 (1).

SECTION 4. 440.023 of the statutes, as created by 2017 Wisconsin Act ... (this act), is repealed.

SECTION 9439. Effective dates; Safety and Professional Services.

(1) OCCUPATIONAL LICENSE REVIEW. The repeal of sections 15.407 (19) and 440.023 of the statutes takes effect on July 1, 2019.

(END)