



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0466/P1
JPC:emw

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 13.527 of the statutes; **relating to:** the Joint Review
2 Committee on Occupational Credentials and periodic review of occupational
3 credentials.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

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

4 **SECTION 1.** 13.527 of the statutes is created to read:
5 **13.527 Joint review committee on occupational credentials. (1)**
6 DEFINITIONS. In this section:
7 (a) “Certification” means a credential awarded under a voluntary program to
8 which all of the following apply:

1 1. A private organization or the state grants a nontransferable recognition to
2 an individual who meets certain personal qualifications established by the private
3 organization or by law.

4 2. Upon approval, the individual may use “certified” as a designated title.

5 3. A noncertified individual may perform the occupation for compensation but
6 may not use the title “certified.”

7 (b) “Credentialing board” has the meaning given in s. 440.01 (2) (bm).

8 (c) “License” means a credential awarded under a program to which all of the
9 following apply:

10 1. The state grants a nontransferable authorization to an individual who meets
11 certain personal qualifications established by law in order to perform an occupation
12 for compensation.

13 2. It is unlawful for an individual who does not possess the requisite
14 authorization to perform the occupation for compensation.

15 (d) “Occupational credential” means a license, permit, certification,
16 registration, or other approval granted under s. 167.10 (6m), ch. 101 or 145, or chs.
17 440 to 480.

18 (e) “Registration” means a credential awarded under a program to which all of
19 the following apply:

20 1. It requires an individual to provide notice to the state that may include the
21 individual’s name and address, the individual’s agent for service of process, the
22 location of the activity to be performed, and a description of the service the individual
23 provides.

24 2. It does not require certain personal qualifications to be satisfied but may
25 require a bond or insurance.

1 3. Upon registering, the individual may use “registered” as a designated title.

2 4. A nonregistered individual may not perform the occupation for
3 compensation or use “registered” as a designated title.

4 **(2) CREATION.** There is created a joint review committee on occupational
5 credentials composed of the following members:

6 (a) All of the following members appointed as are the members of standing
7 committees in their respective houses:

8 1. Two majority party senators.

9 2. One minority party senator.

10 3. Two majority party representatives to the assembly.

11 4. One minority party representative to the assembly.

12 (b) The secretary of safety and professional services or his or her designee.

13 (c) The secretary of agriculture, trade and consumer protection or his or her
14 designee.

15 (d) An individual selected by the governor who does not possess an occupational
16 credential. The member appointed under this paragraph shall represent the
17 interests of the public.

18 **(3) TERMS OF COMMITTEE MEMBERS.** Each appointment under sub. (2) (a) and (d)
19 shall be for a period of 4 years and until a successor is appointed and qualified. Any
20 member ceases to be a member of the joint review committee on occupational
21 credentials upon losing the status upon which the appointment was based.

22 **(4) MEMBERSHIP COMPATIBLE WITH OTHER PUBLIC OFFICE.** Membership on the joint
23 review committee on occupational credentials is not incompatible with any other
24 public office.

1 **(5) STAFF.** The legislative council staff shall provide staff to assist the joint
2 review committee on occupational credentials in the performance of its functions.

3 **(6) COMMITTEE ACTION.** All actions of the joint review committee on occupational
4 credentials require the approval of a majority of all the members.

5 **(7) POWERS AND DUTIES.** The joint review committee on occupational credentials
6 shall have the following powers and duties:

7 (a) The joint review committee on occupational credentials shall review each
8 occupational credential that is issued to individuals every 8 years. The committee
9 may divide the occupational credentials into 8 groups and review one group each year
10 on a rotating basis. The committee may review an occupational credential upon the
11 request of a legislator that is approved by both cochairpersons of the committee.

12 (b) The joint review committee on occupational credentials shall hold a public
13 hearing when reviewing each occupational credential under par. (a). At the public
14 hearing, the department or credentialing board responsible for issuing the
15 occupational credential shall present all of the following information with respect to
16 the occupational credential:

17 1. Whether requiring a license, certification, or registration is the least
18 restrictive form of regulation that is necessary to protect the public health, safety,
19 and welfare.

20 2. Whether the practitioners of the regulated profession or occupation exercise
21 independent judgment, and whether the public needs, and can be reasonably
22 expected to benefit from, an assurance of continuing professional or occupational
23 competence.

24 3. Whether the credentialing process impedes applicants with moderate or low
25 incomes.

1 4. The impact on market competition, consumer choice, and cost of services if
2 able to be determined.

3 5. Whether the regulation duplicates the activities of other entities or the
4 private sector.

5 6. A comparison to the regulatory approaches used by neighboring states.

6 7. Whether the conditions that led to the initial regulation have changed.

7 8. Whether other conditions have arisen that would warrant more, less, or the
8 same degree of regulation.

9 9. Any other relevant factors, including whether credentialing improves access
10 to services through increased market options, whether and how often occupational
11 credential holders satisfy insurance provider requirements, and whether the
12 occupational credential is eligible for recognition or reciprocity under other state or
13 federal regulations.

14 (c) Following review under par. (a) and a public hearing under par. (b), the joint
15 review committee on occupational credentials shall vote on whether to retain,
16 modify, or terminate the occupational credential considered. If the committee
17 recommends modifying or terminating an occupational credential, the committee
18 shall introduce companion bills in both houses of the legislature to enact the
19 committee's recommendation, and the bills shall be referred to the appropriate
20 standing committees of the legislature. If the companion bills cannot be introduced
21 until on or after February 1 of an even-numbered year, the joint review committee
22 on occupational credentials shall introduce the bills in the first 30 days of the next
23 legislative session unless either house adversely disposed of either companion bill.

24 **SECTION 2. Nonstatutory provisions.**

