



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-0466/P2  
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.

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***Analysis by the Legislative Reference Bureau***

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

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council Study Committee on Occupational Licenses.

The bill creates a Joint Review Committee on Occupational Credentials, staffed by the Legislative Council. The membership includes the following:

- Two majority party senators, one minority party senator, two majority party representatives, and one minority party representative, appointed as are the members of the standing committees in the respective houses.
- The secretary of the Department of Safety and Professional Services (DSPS) or his or her designee, as a nonvoting member.
- The secretary of the Department of Agriculture, Trade and Consumer Protection or his or her designee, as a nonvoting member.

- A member of the public as a nonvoting member who is not a credential holder, selected by the Governor, who represents the interests of the public.

Each appointment is for a term of four years, provided that the person holds the position upon which the appointment is based.

The bill requires the joint committee to review each existing occupational credential that is issued to individuals on an annual rotating basis, every eight years. The joint committee may divide the occupational credentials into eight groups, to review one group each year, and may review an occupational credential outside that schedule upon request of a legislator that is approved by the co-chairs. The bill applies to each existing occupational credential issued to individuals by DSPS or a credentialing board in the health, business, and trades professions; it does not require review of credentials issued by other agencies. The bill also defines the terms “license,” “certification,” and “registration.”

The joint committee must hold a public hearing at which DSPS or the applicable credentialing board must present all of the following information:

- Whether requiring a license, certification, or registration is the least restrictive form of regulation that is necessary to protect the public health, safety, and welfare.
- Whether the practitioners of the profession exercise independent judgment, and whether the public needs, and can be reasonably expected to benefit from, an assurance of continuing professional competence.
- Whether the credentialing process impedes applicants with moderate or low incomes.
- The impact on market competition, consumer choice, and cost of services, if able to be determined.
- Whether the regulation duplicates activities of other entities or the private sector.
- A comparison with the approaches used by Wisconsin’s neighboring states (Illinois, Iowa, Michigan, and Minnesota).
- Whether the conditions that led to the initial regulation have changed.
- Whether other conditions have arisen that would warrant more, less, or the same degree of regulation.
- Any other factors, including whether credentialing improves access to services through increased market options, whether and how often credential holders satisfy insurance provider requirements, and whether the credential is eligible for recognition or reciprocity under other state or federal regulations.

The joint committee must vote on whether to retain, modify, or terminate the credential. If the joint committee recommends modifying or terminating a credential, it must introduce companion bills in both houses to enact that recommendation, which are referred to standing committees. If the bills to modify or terminate a credential are introduced on or after February 1 of an even-numbered year, the joint committee must introduce the bills in the first 30 days of the next legislative session unless either house adversely disposed of either bill. All actions require the approval of a majority of all the voting members.

1           **SECTION 1.** 13.527 of the statutes is created to read:

2           **13.527 Joint review committee on occupational credentials. (1)**

3           **DEFINITIONS.** In this section:

4           (a) “Certification” means a credential awarded under a voluntary program to  
5           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 as  
13 a nonvoting member.

14          (c) The secretary of agriculture, trade and consumer protection or his or her  
15 designee as a nonvoting member.

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

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

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

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(END)