



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-0470/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.

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.

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 prepare a written report on a bill or amendment that creates a new occupational credential, before the bill or amendment may be referred to a standing committee or acted upon by the Legislature. The bill applies to proposed new credentials granted to individuals by DSPS or a credentialing board in the health, business, and trades professions, and proposed new credentials granted to individuals by other agencies that require credentialing for the use of the occupational title. The bill also defines the terms “license,” “certification,” and “registration.”

The report must include all of the following:

- A description of the occupation proposed for regulation, including a list of associations, organizations, and other groups representing practitioners in this state, and an estimate of the number of practitioners that may be affected.
- A description of the problem or problems to be solved by regulation and the reasons why regulation is necessary, including any physical, emotional, or financial harm to clients that may occur from a failure to provide appropriate service, or erroneous or incompetent service, within the usual practice of the occupation.
- 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.
- The anticipated benefit to the public that would result from the proposed regulation.
- A comparison between the proposed regulation and the regulations used by Wisconsin’s neighboring states (Illinois, Iowa, Michigan, and Minnesota).
- A recommendation on whether to create the credential as proposed, create the credential with modifications, pursue a less restrictive form of regulation, or decline to regulate the occupation.

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:

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

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

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

12 (b) “License” means a credential awarded under a program to which all of the
13 following apply:

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

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

6 (c) "Occupational credential" means any of the following:

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

9 2. A license, permit, certification, registration, or other approval not included
10 under subd. 1., if it is granted to an individual by this state so that the individual may
11 engage in a profession, occupation, or trade in this state or so that the individual may
12 use one or more titles in association with his or her profession, occupation, or trade.

13 (d) "Registration" means a credential awarded under a program to which all
14 of the following apply:

15 1. It requires an individual to provide notice to the state that may include the
16 individual's name and address, the individual's agent for service of process, the
17 location of the activity to be performed, and a description of the service the individual
18 provides.

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

21 3. Upon registering, the individual may use "registered" as a designated title.

22 4. A nonregistered individual may not perform the occupation for
23 compensation or use "registered" as a designated title.

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

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

- 3 1. Two majority party senators.
- 4 2. One minority party senator.
- 5 3. Two majority party representatives to the assembly.
- 6 4. One minority party representative to the assembly.

7 (b) The secretary of safety and professional services or his or her designee as
8 a nonvoting member.

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

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

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

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

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

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

1 **(7) POWERS AND DUTIES.** (a) No bill or amendment creating a new occupational
2 credential may be acted upon by the legislature until it has been referred to the joint
3 review committee on occupational credentials and the committee has submitted a
4 written report on the bill or amendment. The report shall contain all of the following:

5 1. A description of the occupation proposed for regulation, including a list of
6 associations, organizations, and other groups that represent practitioners of the
7 occupation proposed for regulation and an estimate of the number of practitioners
8 that may be affected.

9 2. A description of the problem to be solved by regulation and the reasons why
10 regulation is necessary, including any physical, emotional, or financial harm to
11 clients that may occur from a failure to provide service at an appropriate standard,
12 or from the provision of erroneous or incompetent service, within the usual practice
13 of the occupation.

14 3. Whether requiring a license, certification, or registration is the least
15 restrictive form of regulation that is necessary to protect the public health, safety,
16 and welfare.

17 4. The anticipated benefit to the public that would result from the proposed
18 regulation.

19 5. A comparison between the proposed regulation and regulations of the
20 occupation in neighboring states.

21 6. A recommendation on whether to create the occupational credential as
22 proposed, to create the occupational credential with modifications, to pursue a less
23 restrictive form of regulation, or to decline to regulate the occupation.

24 (b) No bill or amendment creating an occupational credential may be
25 considered by either house of the legislature until the written report under par. (a)

1 has been submitted to the chief clerk of each house of the legislature. The bill or
2 amendment shall then be referred to a standing committee of the house in which it
3 is introduced. The report under par. (a) shall be printed as an appendix to the bill
4 and attached as are amendments.

5 (END)