

DSPS Occupational License Review Council Directive

Regulation of Professions

1. CREATE OCCUPATIONAL LICENSE REVIEW COUNCIL

Governor: Create an Occupational License Review Council in DSPS. Define "occupational license" as: (a) a license, permit, certification, registration, or other approval granted under DSPS statutes related to building safety, plumbing, fire protection, fireworks, and professional occupations, including the occupations regulated by the boards attached to DSPS; and (b) a license, permit, certification, registration, or other approval not included under (a) if granted to a person by the state in order that the person may engage in a profession, occupation, or trade in Wisconsin, or in order that the person may use one or more titles in association with his or her profession, occupation, or trade.

Specify that the Council would consist of the following 13 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 in the same manner as members of standing committees in the Legislature; and (c) the Secretary of DSPS, or his or her designee, to serve as chair of the Council. The DSPS Secretary or designee would serve as a nonvoting member, except that he or she could vote in the case of a tie.

Require the Council to submit a report no later than December 31, 2018, to the Governor, Chief of the Legislative Reference Bureau, and the Chief Clerks of the Assembly and Senate for distribution to the Legislature. Require the Council, in preparing the report, to take into account the estimated impact of its recommendations on state revenues and expenditures.

Require that the Council's report include recommendations for the elimination of occupational licenses based on all of the following: (a) 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, and whether the potential for the harm is recognizable and not remote or speculative; (b) an evaluation of whether the public reasonably benefits from the occupational license requirement; (c) an evaluation of whether the public can be effectively protected by any means other than requiring an occupational license; (d) an analysis of whether licensure requirements for the regulated profession, occupation, or trade exist in other states; (e) an estimate of the number of individuals or entities that are affected by the occupational license requirement; (f) an 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; and (g) any statement or analysis provided by the agency or board administering the occupational license. In addition, require

that the report include the Council's recommendations for the reduction or elimination of continuing education requirements for occupational licenses not recommended for elimination.

Require the Legislative Reference Bureau to prepare a bill that includes all of the Council's recommendations.

Require the Legislature's Joint Committee on Legislative Organization to introduce the bill without change in each house of the Legislature. Require the Legislature to put the bill on the calendar or to refer it to the appropriate scheduling committee of each house, except authorize the Joint Committee on Legislative Organization to submit the bill or a suitable portion of the bill to an appropriate legislative committee for advisory recommendations. Prohibit the Legislature from amending the bill. Require the Legislature to take final action on the bill no later than June 30, 2019. Exempt the bill from the requirement that introduced bills that appropriate money, provide revenue or relate to taxation must be referred to the Joint Committee on Finance before passage. Maintain the current law requirement under s. 16.47(2) of the statutes that, before passing a bill prior to passage of the budget bill (in this situation, in the spring of 2019), the bill would require a statement of emergency if it would increase costs or reduce revenues by more than \$10,000 annually.

Repeal the Council, the requirement for the Council to submit a report, and the requirement for the Legislature to introduce and take final action on the bill, on July 1, 2019.

[Bill Sections: 66, 67, 1901, 1902, and 9439(2)]