

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULE-MAKING :
PROCEEDINGS BEFORE THE :
DEPARTMENT OF SAFETY AND : NOTICE OF PUBLIC HEARING
PROFESSIONAL SERVICES :
: :
: :
: :

NOTICE IS HEREBY GIVEN that pursuant to authority vested in the Department of Safety and Professional Services in §§ 227.11 (2) (a), and 440.03 (7m), Wis. Stats., interpreting §44.08 (2) (a) 38g, Wis. Stats., the Department will hold a public hearing at the time and place indicated below to consider an order to amend s. SPS 132.05, relating to the biennial renewal dates of home inspectors.

Hearing Date, Time and Location

Date:	June 3, 2013
Time:	10:00 AM
Location:	1400 East Washington Avenue Room 121 Madison, Wisconsin

APPEARANCES AT THE HEARING:

Interested persons are invited to present information at the hearing. Persons appearing may make an oral presentation but are urged to submit facts, opinions and argument in writing as well. Facts, opinions and argument may also be submitted in writing without a personal appearance by mail addressed to the Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8935, Madison, Wisconsin 53708. Written comments must be received at or before the public hearing to be included in the record of rule-making proceedings.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

440.08 (2) (a) 38g.

Statutory authority:

ss. 227.11 (2) (a) and 440.03 (7m), Stats.

Explanation of agency authority:

The Department is empowered to promulgate rules interpreting the provision of any statute it enforces or administers pursuant to s. 227.11 (2) (a), Stats. The Department is further authorized by s. 440.03 (7m), Stats., to establish rules regarding credential renewal. Section 440.08 (2) 38g., Stats., is administered by the Department and sets forth the renewal period and fee for home inspectors. Therefore the Department is authorized both generally and specifically to promulgate these proposed rules.

Related statute or rule:

None.

Plain language analysis:

The sole purpose of this proposed rule is to correct an inconsistency regarding the renewal date for home inspectors. Currently, Wis. Admin. Code ch. SPS 132.05 (1) states the renewal date for home inspectors is January 1, of each odd-numbered year. Section 440.08 (2) 38g, Stats., states that the renewal date is December 15 of each even-numbered year. The statute is controlling. Therefore, the proposed rule seeks to correct Wis. Admin. Code ch. SPS 132.05 (1) to reflect the correct date. There are no new policies proposed by the rule.

Summary of, and comparison with, existing or proposed federal regulation:

None.

Comparison with rules in adjacent states:

Illinois: Home inspectors in Illinois may renew their license for a period of 2 years following the expiration date of their original license. 68 Ill. Adm. Code 1410.140 (2012).

Iowa: An internet search revealed no statutes or regulations regarding home inspectors in Iowa.

Michigan: There are no specific renewal dates for home inspectors in Michigan.

Minnesota: An internet search revealed no statutes or regulations regarding home inspectors in Minnesota.

Summary of factual data and analytical methodologies:

None.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

This rule will not have any effect on small businesses as defined in s. 227.114 (1), Stats. The Department's Regulatory Review Coordinator may be contacted by email at Greg.Gasper@wisconsin.gov or by calling (608) 266-8608.

Fiscal estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis are attached.

Initial Regulatory Flexibility Analysis or Summary:

None.

Environmental Assessment/Statement:

None.

Agency contact person:

Shancethea Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, Wisconsin 53708; telephone 608-261-4438; email at Shancethea.Leatherwood@wisconsin.gov.

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to Shancethea Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8935, Madison, WI 53708-8935, or by email to Shancethea.Leatherwood@wisconsin.gov. Comments must be received (at or before the public hearing to be held on June 3, 2013 to be included in the record of rule-making proceedings.

TEXT OF RULE

SECTION 1. SPS 132.05 (1) is amended to read:

SPS 132.05 (1) Except as provided in s. SPS 132.04, to renew a home inspector registration a registrant shall by ~~January 1 of each odd-numbered year~~ December 15 of

each even-numbered year following initial registration, provide all of the following to the department:

SECTION 2. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF TEXT OF RULE)

COPIES OF RULE

Copies of this proposed rule are available upon request to Shancethea Leatherwood, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708, by email at Shancethea.Leachwood@wisconsin.gov or on our website at <http://dsps.wi.gov/Default.aspx?Page=44e541e8-abdd-49da-8fde-046713617e9e>.