

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: Chapter SPS 305

Relating to: Examinations

Rule Type: Emergency

1. Finding/nature of emergency (Emergency Rule only):

As described below, the objective of the proposed emergency rules is to prevent individuals who are required to complete the second part of a multi-part examination administered by the Department from unnecessarily coming into contact with individuals at a testing site. As limiting physical contact in this manner is in the interest of slowing the spread of COVID-19, the Department finds that emergency rules are necessary to preserve public health and safety.

2. Detailed description of the objective of the proposed rule:

The objective of the proposed emergency rules is to, in the interest of slowing the spread of COVID-19, prevent individuals who are required to complete the second part of a multi-part examination administered by the Department from unnecessarily coming into contact with individuals at a testing site. Specifically, the proposed emergency rules will revise s. SPS 305.09 to allow an individual to postpone an examination they would otherwise be required to complete under s. SPS 305.09 (6) (b) 2.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Current rules do not provide a means to postpone the second part of a multi-part examination that is required to be completed under s. SPS 305.09 (6) (b) 2. in order to obtain a credential as a soil tester, master plumber, journeyman plumber, or commercial plumbing inspector. As described above, the proposed emergency rules will provide a means for an individual to postpone the second part of a multi-part examination for these credentials in the interest of slowing the spread of COVID-19.

The alternative of not promulgating emergency rules would be less beneficial to affected entities.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 101.12 (4) (a), Stats., provides that "... any inspection performed to determine compliance with the rules promulgated by the department that relate to constructing, altering, or adding to public buildings and buildings that are places of employment may be performed only by a person who is certified under rules promulgated by the department to make such inspections."

Section 145.02 (4) (a), Stats., provides that "[t]he department shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers ..."

Section 145.045 (1), Stats., provides "[t]he department shall by rule establish an examining program for the certification of soil testers, setting such standards as the department finds necessary to accomplish the purposes of this chapter. Such standards shall include formal written examinations for all applicants."

Section 145.07 (2), Stats., provides that “[a]pplication for a master or journeyman plumber’s examination, temporary permit or license shall be made to the department with fees. Unless the applicant is entitled to a renewal of license, a license shall be issued only after the applicant passes a satisfactory examination showing fitness.”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

80 hours

6. List with description of all entities that may be affected by the proposed rule:

Individuals who are required to complete the second part of a multi-part examination in order to obtain a credential as a soil tester, master plumber, journeyman plumber, or commercial plumbing inspector.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state’s economy as a whole.

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Approved for publication:

Approved for implementation:

Authorized Signature

Authorized Signature

Date Submitted

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