

STATEMENT OF SCOPE

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

Rule No.: SPS 121

Relating to: Reciprocal credentials for service members, former service members, and their spouses

Rule Type: Permanent

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

N/A.

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

The objective of the rule is to implement 2019 Wisconsin Act 143 to department rules concerning auctioneers and auction companies

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:

2019 Wisconsin Act 143 entitles service members, former service members who were discharged within the prior four years under conditions other than dishonorable, and spouses of service members or former service members to obtain a credential if the person resides in Wisconsin and is in good standing in every jurisdiction where they have an equivalent credential to the one granted by the department or credentialing board. The license may be renewed indefinitely.

This proposed rule will update ch. SPS 121 to implement 2019 Wisconsin Act 143. The policy alternative is to leave SPS 121 unchanged. This would leave the rules inconsistent with statutory provisions, which could create confusion.

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

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

Section 440.09 (5), Stats., provides that “[t]he department or credentialing board, as appropriate, may promulgate rules necessary to implement this section.”

Section 480.04 (1), Stats., authorizes the Auctioneer Board to “advise the secretary on matters relating to auctioneers or auction companies.”

Section 480.04 (2) states that “the Board does not have rule-making authority.”

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

60 hours

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

Service members, former service members, and spouses of service members or former service members who wish to register as an auctioneer or auction company.

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 :

There is no existing or proposed federal regulation that addresses auctioneers or auction companies.

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 is likely to have minimal or no economic impact on small businesses and the state's economy as a whole.

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