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# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

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### CLEARINGHOUSE RULE 22-004

#### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 1. Statutory Authority

If the department accepts comment 2. a., below, citations to ss. 45.44 and 440.052, Stats., should be added to the list of statutes interpreted for this proposed rule.

#### 2. Form, Style and Placement in Administrative Code

a. The department should consider incorporating the reduced credentialing fees enacted as part of 2017 Wisconsin Act 319 for certain veterans and persons with lower income. Under s. 45.44 (3m), Stats., a veteran applying for an initial registration pays a reduced fee. Under s. 440.052, Stats., an individual with a family income that does not exceed 180 percent of the federal poverty line applying for an initial registration or an initial reciprocal registration pays a reduced fee. These reductions could be implemented in s. SPS 131.11 for an initial registration and in s. SPS 131.113 (as created by SECTION 5 of the proposed rule) for an initial reciprocal registration.

b. In SECTION 11 of the proposed rule, in s. SPS 131.33 (1) (d):

(1) “440.97 (2m)” should not be underscored.

(2) “; Stats” should be inserted at the end of the sentence before the period.

c. In SECTION 16 of the proposed rule, in s. SPS 131.40, consider revising the plural word “Applicants” to the singular form, “An applicant”. This would conform with current drafting conventions and be consistent with the singular form that is already used in the existing rule and elsewhere in the proposed rule. [s. 1.05 (1) (c), Manual.]

d. In SECTION 16 of the proposed rule, s. SPS 131.405 (2) requires that an applicant for registration as a home inspector complete an instruction program that includes at least 20 hours of hands-on training in two activities: the performance of home inspections and the drafting of home inspection reports. Does the department wish to specify a minimum number of hours for either of those two activities? That is, could an applicant fulfill the requirement with any combination of

training hours split between the two activities (for example, 20 hours of training in the performance of home inspections but no training in the drafting of home inspection reports)?

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

In SECTION 5 of the proposed rule, s. SPS 131.113 (1) (b) specifies the fee for an application for a reciprocal registration by cross-reference to s. 440.05 (1), Stats. Should it instead cross-reference s. 440.05 (2), Stats.? The former statute appears to set the fee for an application for an **initial** registration, while the latter statute appears to set the fee for an application for a **reciprocal** registration.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

In SECTION 5 of the proposed rule, in s. SPS 131.115 (2), a space should be inserted between “s.” and “440.09”.