

Wisconsin Department of Safety and Professional Services
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Scott Walker, Governor
Laura Gutiérrez, Secretary

Clearinghouse Rule 18-008

January 12, 2018

Senator Stephen Nass, Senate Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 10 South, State Capitol
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson
Joint Committee for Review of Administrative Rules
Room 210 North, State Capitol
Madison, WI 53702

RE: Petition for Authorization to Repeal Administrative Rules

Dear Senator Nass and Representative Ballweg:

I am petitioning for authorization to repeal SPS 403, relating to the educational approval chapter on procedure and authority for board functions. A copy of the proposed rule is attached.

2017 Wisconsin Act 59 eliminated the Educational Approval Board and transferred all of its functions to the Department of Safety and Professional Services. The Legislative Reference Bureau renumbered the relevant chapters and corrected the code references to effectuate this transfer. During this process, SPS 403 was noted as being without effect and needs to be repealed. SPS 403 defines the membership of the Educational Approval Board and how the meetings will be conducted.

Therefore, the Department is requesting authorization to repeal the rule by utilizing the expedited process under s. 227.26 (4), Stats.

Thank you.

Sincerely,

Laura Gutiérrez
Secretary
Department of Safety and Professional Services

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULEMAKING : PROPOSED ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF SAFETY AND
DEPARTMENT OF SAFETY AND : PROFESSIONAL SERVICES
PROFESSIONAL SERVICES : ADOPTING RULES
: (CLEARINGHOUSE RULE)

The department is petitioning the Joint Committee for Review of Administrative Rules to repeal rules
the department has determined to
be unauthorized rules using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

An order of the department to repeal ch. SPS 403.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted:

2017 Wisconsin Act 59

Statutory authority:

s. 440.52, Stats.

Explanation of agency authority:

2017 Wisconsin Act 59 eliminated the Educational Approval Board and transferred the duties to the Department of Safety and Professional Services. The statutory authority for Educational Approval was removed from s. 38.50, Stats., and inserted into s. 440.52, Stats.

Section 440.52 (3), Stats., states that, “the department shall promulgate rules and establish standards necessary to administer this section.”

Related statute or rule:

SPS 401 and SPS 404 through 411, Educational Approval program administrative code

EAB chapters 1 to 11 renumbered SPS 401, 403 to 411, *Administrative Register*, November 27, 2017 No. 743B

Plain language analysis:

Section 1 repeals SPS 403, which is a chapter that establishes the membership and procedure for the educational approval board, which no longer exists under the changes implemented by the 2017 Wisconsin Act 59.

Agency contact person:

Helen Leong, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, 1400 East Washington Avenue, Room 151, P.O. Box 8366, Madison, Wisconsin 53708; telephone 608-266-0797; email at DSPSAdminRules@wisconsin.gov.

TEXT OF RULE

SECTION 1. SPS 403 is repealed.

SECTION 2. EFFECTIVE DATE. The rules repealed 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)
