

STATEMENT OF SCOPE

Department of Revenue

Rule No.: Chapter Tax 1

Relating to: Predetermination of conviction record prior to submitting a full application for licensure

Rule Type: Emergency and Permanent

This scope statement was approved by the Governor on December 7, 2018.

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

2017 Wisconsin Act 278 provides for emergency rule authority without providing evidence that an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare or without providing a finding of emergency.

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

The objective of the rule is to implement 2017 Wisconsin Act 278 in order to implement uniform procedures for making predeterminations of whether an individual would be disqualified from obtaining a license due to his or her conviction records prior to that individual submitting a full application for licensure.

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

The new policy proposed is the implementation of 2017 Wisconsin Act 278. The Act allows an individual to obtain a predetermination from a state licensing agency regarding whether he or she would be disqualified from obtaining a license due to a prior conviction before submitting a full license application. This proposed rule will establish uniform procedures and set fees for persons to obtain a predetermination from the department.

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

Section 227.11 (2), Stats., provides statutory rule-making authority as follows:

(a) "Each 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..."

(b) "Each agency authorized to exercise discretion in deciding individual cases may formalize the general policies evolving from its decisions by promulgating the policies as ..."

Section 125.03 (1) (a), Stats., provides statutory rule-making authority as follows:

(a) The department, in furtherance of effective control, may promulgate rules consistent with this chapter and ch. 139.

(b) Section 111.335 (4) (f) 6., Stats., provides statutory rule-making authority as follows:

A state licensing agency described in subd. 1. shall promulgate rules to implement this paragraph, except that the department of safety and professional services may promulgate rules defining uniform procedures for making such determinations to be used by the department, the real estate appraisers board, and all examining boards and affiliated credentialing boards attached to the department or an examining board.

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

The department estimates it will take approximately 100 hours to develop the rule.

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

Persons who would like to obtain a predetermination of conviction record prior to submitting a full application for licensure to the department.

6. 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.

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

No economic impact is anticipated.

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