

**STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES**

IN THE MATTER OF RULEMAKING :
PROCEEDINGS BEFORE THE : **REPORT TO THE LEGISLATURE**
: **CR 14-019**
DEPARTMENT OF SAFETY AND :
PROFESSIONAL SERVICES :

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

None

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA is attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

The rulemaking project updates the Department's administrative procedures through a number of modifications to SPS 1-9. Modifications include:

1. Clarifying procedures for summary judgment motions.
2. Eliminating references to former Division titles.
3. Modifying deadlines associated with the assessment of costs in SPS 2.18, Wis. Adm. Code.
4. Repealing outdated appendices.
5. Improving the efficiency of the procedures for the Department's filing of papers with disciplinary authorities.
6. Adding pertinent rule authority references to SPS 4, Wis. Adm. Code.
7. Amending SPS 6.11, Wis. Adm. Code, to allow an administrative law judge from the Department of Administration to preside over show cause hearings.
8. Revising the definition of "first occurrence" in SPS 8, Wis. Adm. Code, to more closely align with §440.205, Wis. Stats.

The rule project incorporates rule changes to SPS 500, Wis. Adm. Code, including a definition of minor violation, as affected by the enactment of 2011 Wisconsin Act 46.

The rule project also incorporates rule changes to SPS 4, Wis. Adm. Code, as affected by the enactment of 2011 Wisconsin Act 255.

V. SUMMARY OF PUBLIC COMMENTS AND THE BOARD’S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The Department of Safety and Professional Services held a public hearing on March 17, 2014. No testimony was received at the hearing, nor did the Department receive any written comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

Comment: In SECTION 19, for clarity, the agency should consider adding “Except as provided in sub (2),...” to the beginning of s. SPS 6.11 (1) or “Notwithstanding sub. (1),...” to the beginning of s. SPS 6.11 (2).

Response: SPS 6.11 (1) relates to instances when a board has authority. SPS 6.11 (2) relates to instances when the department has authority. Therefore, s. SPS 6.11 (2) is not an exception to s. SPS 6.11 (1).

All of the remaining recommendations suggested in the Clearinghouse Report have been accepted in whole.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

The rule will not have an effect on small business and as such was not submitted to the SBRRB as part of the rule promulgation process.