

Clearinghouse Rule 24-068

STATE OF WISCONSIN
DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF RULE-MAKING : 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 of Safety and Professional Services is petitioning the Joint Committee for Review of Administrative Rules to repeal a rule the Department has determined to be an unauthorized rule using the process under s. 227.26 (4), Stats.

PROPOSED ORDER

A proposed order of the Department of Safety and Professional Services to **repeal** chapter SPS 130, relating to Interior Designers.

Analysis prepared by the Department of Safety and Professional Services.

ANALYSIS

Statutes interpreted: Section 101.02 (1) (b), ch. 440, and ch. 443, Stats.

Statutory authority for the original rule: Sections 101.02 (1) (b), 227.11 (2), and subch. X of ch. 440, Stats.

Statutory authority: Sections 101.02 (1) (b), 227.11 (2) (a), and 227.26 (4), Stats.

Explanation of agency authority:

Section 101.02 (1) (b), Stats., states that “The department shall adopt reasonable and proper rules and regulations relative to the exercise of its powers and authorities and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings, subject to par. (c).”

Section 227.11 (2) (a), Stats., states that “[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, but a rule is not valid if the rule exceeds the bounds of correct interpretation.”

Section 227.26 (4) (b), Stats., states that “Notwithstanding ss. 227.114 to 227.117 and 227.135 to 227.19, an agency that promulgated or that otherwise administers a rule that the agency determines is an unauthorized rule shall petition the joint committee for review of administrative rules for authorization to repeal that rule by using the following process:”

Related statute or rule: Chapter 443, Stats., and Wis. Admin. Code chs. A–E 1 to 15.

Plain language analysis:

2021 Wisconsin Act 195 repealed subch. X of ch. 440, Stats., and transferred regulation of interior designers from the Department of Safety and Professional Services to the newly renamed Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, Professional Land Surveyors, and Registered Interior Designers under ch. 443, Stats. Registered Interior designers are now governed by the A-E Joint Board rules promulgated under the authority of ch. 443, Stats., in Wis. Admin. Code chs. A–E 1 to 15.

As ch. SPS 130 is no longer authorized by statute following the repeal of subch. X of ch. 440, Stats., repealing ch. SPS 130 is necessary to make the code consistent with the current statutes.

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TEXT OF RULE

Section 1. Chapter SPS 130 is repealed.

Section 2. EFFECTIVE DATE. The rules adopted 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)

This Proposed Order of the Department of Safety and Professional Services is approved for submission to the Clearinghouse and Joint Committee for Review of Administrative Rules.

Dated 9/12/2024



Secretary

Department of Safety and Professional Services