

## Notice of Preliminary Hearing on Statement of Scope

The Department of Safety and Professional Services announces that it will hold a preliminary public hearing on Statement of Scope 061-23 for SPS 305, relating to fees. The type of proposed rule is permanent. In accordance with s. 227.136, Stats., the Department of Safety and Professional Services is seeking public comment and feedback on Statement of Scope 061-23, at the time and place shown below.

### Hearing Information

Date: January 12, 2024

Time: 9:30 AM

Location: Information concerning the location of the hearing will be available at:  
<https://dsps.wi.gov/Pages/RulesStatutes/PublicHearingComments.aspx>

### Appearances at the Hearing and Submittal of Written Comments

Persons wishing to provide oral or written comments regarding the Statement of Scope for the proposed administrative rule may appear during the hearing.

Written comments may be submitted to Jake Pelegrin, Administrative Rules Coordinator, Department of Safety and Professional Services, Division of Policy Development, P.O. Box 8366, Madison Wisconsin 53708-8366 or by email to [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov).

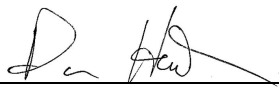
The Statement of Scope may be reviewed and comments made at  
[https://docs.legis.wisconsin.gov/code/scope\\_statements/comment](https://docs.legis.wisconsin.gov/code/scope_statements/comment).

Comments must be received at or before the public hearing.

### Agency Contact Person

Jake Pelegrin, Administrative Rules Coordinator, [DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov)

This Notice of Preliminary Hearing on Statement of Scope is approved by:

  
\_\_\_\_\_  
Secretary

1/2/2024  
\_\_\_\_\_  
Date

# STATEMENT OF SCOPE

## Department of Safety and Professional Services

Rule No.: Chapter SPS 305

Relating to: Fees

Rule Type: Permanent

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

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

The objective of the proposed rule is to evaluate and update the fees in chapter SPS 305 to ensure that the rules comply with statutory mandates relating to fees collected for various department functions with the purpose of making sure the fees mirror, as close as possible, the costs of the services provided. Other chapters may also be reviewed to check for cross-references and for clarity, consistency, and format which may result in non-substantive revisions.

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

Chapter SPS 305 establishes licensing, certification, and registration programs for a variety of building related trades, both for individuals and businesses. Cost of providing those mandatory services change over time, which means that a review of the existing fees and the mechanism by which they are set is required to ensure compliance with various statutory obligations.

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

Section 101.02 (1) (b), Stats., states "[t]he 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..."

Section 101.19 (1g), Stats., states "[t]he department, by rule promulgated under chapter 227, shall fix and collect fees which shall, as closely as possible, equal the cost of providing the following services:

(a) The examination of plans for public buildings, public structures, places of employment and the components thereof.

(am) The services specified by s. 101.12 (3) (am) and (bq) and (3m).

(b) The required inspection of boilers, pressure vessels, refrigeration plants, liquefied petroleum gas vessels, anhydrous ammonia tanks and containers, escalators, dumbwaiters, and amusement or thrill rides but not of amusement attractions.

(bm) The inspection by the department of lifts, as defined in s. 167.33 (1) (f).

(c) Determining and certifying the competency of inspectors, blasters and welders.

(d) Each inspection of a facility conducted to ensure that the construction is in accordance with the plans approved by the department.

(f) Administration of the manufactured dwelling program, the one-family and two-family dwelling programs, and the manufactured home and mobile home program.

- (g) The inspection and investigation of accidents.
- (h) Inspections of mines, tunnels, quarries, pits and explosives.
- (j) The licensing and inspection of fireworks manufacturers under s. 167.10 (6m).
- (k) Administering subch. VII, except that the department may not charge a fee for an emergency elevator mechanic's license under s. 101.985 (2) (c).
- (L) Issuing licenses to retailers, as defined in s. 101.16 (1) (d), of liquefied petroleum gas under s. 101.16 (3g), except as provided in sub. (1m)."

Section 145.08 (1), Stats., states "[t]he department shall establish fees by rule for the examinations, licenses, and registrations specified in this section. The fees established by the department shall as closely as possible equal the cost of providing the following services:

- (a) Administering a master plumber's examination.
- (b) Issuing a master plumber's license.
- (c) Administering a journeyman plumber's examination.
- (d) Issuing a journeyman plumber's license.
- (e) Issuing a temporary permit pending examination and issuance of a license for master plumber or journeyman plumber.
- (f) Administering a master plumber's (restricted) examination.
- (g) Issuing a master plumber's license (restricted).
- (h) Administering a journeyman plumber's (restricted) examination.
- (i) Issuing a journeyman plumber's license (restricted).
- (k) Administering an automatic fire sprinkler contractor's examination.
- (L) Issuing an automatic fire sprinkler contractor's license.
- (Lm) Issuing an automatic fire sprinkler — maintenance only registration.
- (m) Administering a journeyman automatic fire sprinkler fitter's examination.
- (n) Issuing a journeyman automatic fire sprinkler fitter's license.
- (nm) Issuing an automatic fire sprinkler fitter — maintenance only registration certificate.
- (o) Issuing a utility contractor's license.
- (q) Issuing a pipelayer's registration."

Section 227.11 (2) (a) 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..."

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

80 hours

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

Class 1 to 7 Blasters, Soil Testers, Weld Test Conductors, Master Electricians, Residential Master Electricians, Journeyman Electricians, Industrial Journeyman Electricians, Residential Journeyman Electricians, Automatic Fire Sprinkler Contractors, Journeyman Automatic Fire Sprinkler Fitters, Automatic Fire Sprinkler Contractors - Maintenance, Automatic Fire Sprinkler System Testers, Commercial Building Inspectors, Commercial Electrical Inspectors, Commercial Plumbing Inspectors, UDC-Construction Inspectors, UDC-Electrical Inspectors, UDC-HVAC Inspectors, UDC-Plumbing Inspectors, POWTS Inspectors, Rental Weatherization Inspectors, Tank System Inspectors, HVAC Qualifiers, Tank System Site Assessors, Aboveground Tank System Installers, Underground Tank System Installers, Tank System Liners, Tank System Remover-Cleaners, Master Plumbers, Master Plumbers-Restricted Service, Master Plumbers-Restricted Appliance, Journeyman Plumbers, Journeyman Plumbers-Restricted Service, Journeyman Plumbers-Restricted Appliance, Utility Contractors, Elevator Mechanics, Elevator Mechanics-Restricted, Lift Mechanics,

**7. 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.

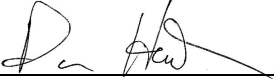
**8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):**

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

**Contact Person:** Sofia Anderson, Administrative Rules Coordinator, [DSAdminRules@wisconsin.gov](mailto:DSAdminRules@wisconsin.gov)

Approved for publication:

Approved for implementation:

  
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Authorized Signature

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Authorized Signature

4/24/2023  
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Date Submitted

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